

NAME CHANGES FOR MINORS IN North Carolina



What are the legal requirements?

The parent(s) or legal guardian of a minor may file an application for a change of name. This petition must include the minor's current name, county of birth, date of birth, full name of the parents as shown on their birth certificate, the name the minor would like to adopt, the minor's reasons for desiring a change, and if the name of the minor has ever been changed before. N.C. General Stat. Chapter 101 sets forth the requirements and procedures for changing the name of a minor. *N.C. General Stat. Chapter 101 § 101-3*

Where should I file the petition?

File the petition in the Superior Court for the county in which the minor lives. *N.C. General Stat. Chapter 101 § 101-2*

What is the process and what forms should I use?

The process for applying to change the name of a minor in North Carolina is as follows:

1. Post Notice of the name change petition, generally on the bulletin board at the applicable court house or county clerk's office, depending on the county, for at least 10 consecutive days prior to filing the Petition.
2. File a Petition, including the true name, county of birth, date of birth, the full name of the parents as shown on birth certificate, the name the minor desires to adopt, the minor's reasons for desiring such change, and whether the minor's name has ever before been changed by law, and, if so, then with respect to what facts. *N.C. General Stat. Chapter 101 § 101-3.*
3. In addition to the Petition and Notice, most counties require the application to include the following:
 - a. an order to be signed by the court for approving the name change;
 - b. two affidavits of character if the minor is 16 years of age or older;
 - c. consent forms from one or both parents; and
 - d. a copy of the minor's birth certificate.

Sample forms for Forsyth County can be found here: <https://ncfcc.us/wp-content/uploads/2017/07/20171G-Instructions-for-Minor-Child-Name-Change-w-sample-forms.pdf>

You may want to request more than one certified copy of the name change order, since certified copies may be required to update the minor's legal name with other agencies.

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Does the process require parental consent?

An application to change the name of a minor child may not be filed without the consent of both parents, if both parents are living, unless one of the following applies:

1. A minor age 16-17 may file a name change application with the consent of the parent who has custody of the minor and has supported the minor, without the need to get consent from the other parent, if the clerk of the court is satisfied that the other parent has abandoned the minor.
2. A parent may file a name change application without the consent of the other parent if the other parent has abandoned the minor.
3. A parent may file a name change application without the consent of the other parent, if the other parent has been convicted of the following offenses against the minor or a sibling of the minor: (a) felonious or misdemeanor child abuse; (b) taking indecent liberties with a minor; (c) rape or other sex offense; (d) incest; or (e) assault or other crime of violence.

Does the process require publication?

This process does require publication. The petitioner must post notice of the filing of the petition, generally on the bulletin board at the applicable court house or county clerk's office, depending on the county, for at least 10 consecutive days prior to filing the Petition.

What will the judge consider?

The clerk of the court will review all information contained in the application to determine whether there is good and sufficient reasons reason to grant or to deny the name change. *N.C. General Stat. Chapter 101 § 101-5*

Judges have a lot of discretion in granting name changes. Some may have lots of questions and want to see lots of evidence regarding the name change of the child, others may grant a name change as long as there are no objections. Judges may consider whether to grant a name change for a minor according to what is in the 'best interests of the child'. They typically evaluate the best interest of the child by looking at a variety of factors, which may include the child's preference (taking into consideration their age and experience), the length of time a child has used that name, the difficulties, harassment, or embarrassment a child may experience from the present or proposed name, and the motives or interests of the parent.

To demonstrate that the name change is in the best interests of the child, along with the name change petition you may want to submit evidence showing the judge why this is in the child's best interest. Examples of such evidence would be letters from teachers, family, or

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friends confirming their use of preferred name, letters from providers confirming the child's gender identity, etc.

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