

STATE OF NORTH CAROLINA

NAME CHANGE

FAMILY PACKET

Control Number - NC -NAME-3

This packet contains the following:

1. Instructions;
2. Forms List; and
3. Access to North Carolina Law Summary.

INTRODUCTION

A Family Name Change in North Carolina is made up of separate forms for each individual member of the family. A combined or joint petition is not accepted.

Generally, if the petitions for the various members of the family are filed at the same time, the clerk will only charge one filing fee. Some Clerks will require a filing fee for each member of the family but they are the exception.

This package consists of two packages of name change forms: one adult and one minor. The following pages consist of information for an adult name change and a minor name change.

As a first step it is suggested that you save a set of the forms for each adult and then save a set for each minor.

The adult set consist of forms: NC-NC-100, NC-NC-101, NC-NC-102, NC-NC-103, NC-NC-104. Create a directory for each adult and then save a set of the forms in each directory. Repeat the process for each adult.

The minor package can be handled in the same manner. The minor package will consist of the following forms: NC-NC-102, NC-NC-103, NC-NC-106, NC-NC-107, NC-NC-200, NC-NC-202 and NC-NC-203.

Note that forms NC-NC-102 and NC-NC-103 are used in the minor and adult packages. You will need to save this form in each individual directory for adults and minors. Form NC-NC-102 is an affidavit of character and is not needed for minors under 16 years of age.

ADULT NAME CHANGE

I. EXPLANATION OF PETITION FOR CHANGE OF NAME

- A. In North Carolina, an action for a court ordered Change of Name begins with the posting of the Notice of Intent to Change Name in the courthouse for ten (10) consecutive calendar days. The forms in this packet include the necessary information for an Adult Name Change in the State of North Carolina.
- B. You can use this packet if:
- ▶ You are at least 18 years of age and a resident of the county in which you will file.
 - ▶ You have good and sufficient cause for the requested change of name.
 - ▶ You are not changing your name to avoid debts or defraud creditors.

II. WHAT FORMS ARE INCLUDED

- A. Special Proceedings Cover Sheet - (NC-NC-103) This document provides the court with certain information about the parties.
- B. Notice of Intent to Change - (NC-NC-100) Notice that you intend to bring your Petition for Change of Name for hearing. This must be posted in the manner described below.
- C. Petition for Name Change - (NC-NC-101) This document states the reasons and other required details for your name change.
- D. Affidavit of Character - (NC-NC-102) Provides proof of the good character of the petitioner as required by statute. Two required.
- E. Order and Certificate of Name Change - (NC-NC-104) This document finalizes the requested name change and provides proof that the adult's name has been changed.

If you did not order a completion package and need access to the download page again for any of the above forms, please check your email for a link to that will redisplay the page for you.

IMPORTANT: See Note re Form Fields on the last page of this forms packet.

III. PROCEDURE FOR CHANGE OF NAME (ADULT) FOR THE STATE OF NORTH CAROLINA

A. Preliminary Note:

1. The attached forms may be completed by:
 - a. Printing the forms and completing by hand. Use black ink and print neatly.
 - b. Printing the forms and completing using a typewriter.
 - c. By completing the forms on your computer using a word processing program and then printing the forms.
2. Use complete names and not initials. Check your spelling carefully, a misspelled word can delay your name change.
3. Print three (3) complete sets of forms.
4. All forms with a heading - the name of the court, the Petitioner's name, the case number, and the name of the document - require that the heading be completed. You will need to add the name of the court and the full name of the Petitioner. The "Action/Cause No." will be assigned by the court clerk at the time of filing.
5. Forms that require your signature and include a notary block **MUST** be signed in the presence of the notary or court clerk who will complete the acknowledgement. Use your complete name - first name, middle name, last name.
6. When a form is filed with the court, request the clerk "file-stamp" one copy of the form for your file.
7. A Law Summary has been included at the end of this form packet. Review the Law Summary before beginning the process of completing the forms.

B. General Procedure - (Use if County specific Addendum is not available)

- Step 1: Complete all the forms using complete names - middle names instead of middle initials.
- Step 2: Go to the clerk' office in the Superior Court in the county in which you reside and file the Notice of Intent to Change Name. The clerk will assign a case number and "clock" in Notice. In effect, the clerk will date and time stamp the Notice and one copy for your records. Post the Notice on the courthouse bulletin board as directed by the clerk.

The Notice of Intent to Change Name must be posted on the courthouse bulletin board for ten (10) consecutive calendar days. If the 10th day falls on the weekend or a

holiday, you must allow the Notice to remain posted until the following business day at 5:00 pm.

Step 3: After your Notice has been posted for ten days you will file your Petition, Order and Certificate of Name Change, and your two Affidavits of Good Character in the Clerk's office. You must submit a copy of your birth certificate and a picture ID for the court file. You will also have to pay a filing fee.

The Petition and Affidavits of Good Character must be signed in front of a Notary Public or they will not be accepted for filing. The Affidavits of Good Character must be signed by non-related individuals who reside in the same county as the Petitioner.

Step 4: Once your documents have been reviewed by the Clerk's office, the Order and Certificate of Name Change will be signed in triplicate. Form AOC-SP-601/DHHS 1053 - "Order And Certificate Of Name Change" - is a Bureau of Vital Records "chemical carbon form" and unavailable in electronic format.

The original of the "Order And Certificate Of Name Change" form will be filed by the Clerk's office with North Carolina Vital Records. A true copy will be mailed to you and a copy will remain in the court file.

We have also included form "Order and Certificate of Name Change" - (NC-NC-104) - as a Word document. Generally, the court will also execute this document. Certified copies of this Word document can then be used as proof of the name change.

LAW SUMMARY

The law summary for the North Carolina Adult Name Change is located and may be printed from the following address: <http://www.uslegalforms.com/nc/NC-NAME-1.htm>

MINOR NAME CHANGE

I. EXPLANATION OF PETITION FOR CHANGE OF NAME

- A. In North Carolina an action for a Minor Name Change is brought by the Parent(s), Guardian, or next friend of a minor on behalf of the minor. The action for a court ordered Minor Change of Name begins with the posting of the Notice of Intent to Change Name in the courthouse for ten (10) consecutive calendar days. The forms in this packet include the necessary information for a Minor Name Change in the State of North Carolina.
- B. You can use this packet if:
- ▶ You have good and sufficient cause for the requested change of name.
 - ▶ You are not changing the minor's name to avoid debts or defraud creditors.
- C. If a non-party parent is living the consent of that parent must be obtained unless:
1. The Petitioner files with the Clerk of the Court a copy of an order of a court finding that the non-party parent has abandoned the minor. If possible, this should be a certified copy of the court order.
 2. If a court of competent jurisdiction has not declared the minor to be an abandoned child, the clerk, on 10 days' written notice by registered or certified mail, directed to the last known address of the parent alleged to have abandoned the child, may determine whether the parent has abandoned the child. If the non-party parent denies that he or she abandoned the child, this issue of fact shall be transferred to a judge and determined as provided in G.S. 1-301.2. If abandonment is determined, the consent of the parent is not required. Upon final determination of this issue of fact, the proceeding shall be transferred back to the special proceedings docket for further action by the clerk.

If it is determined that the minor has not been abandoned by the non-party parent, the name change will not be ordered by the Clerk.
 3. But, a minor who has reached the age of 16 years, upon proper application to the clerk, may change his or her name with the consent of the parent who has custody of the minor and has supported the minor, without the necessity of obtaining the

consent of the other parent, **when the clerk of court is satisfied that the other parent has abandoned the minor.**

4. If a non-party parent is involved, as discussed in 2, complete the Affidavit in Support of Minor Name Change and submit to the clerk at the time the initial papers are filed.
5. If both parents are listed on the birth certificate, one parent may not change the name of the child without the consent of the other parent. **If only one parent is listed on the birth certificate it is not necessary to obtain the consent of the alleged father but you must submit an affidavit form from the Department of Human Resources that no acknowledgement of paternity has been received.**

II. WHAT FORMS ARE INCLUDED

- A. Special Proceedings Cover Sheet - (NC-NC-103) This document provides the court with certain information about the parties.
- B. Notice of Intent to Change Name - (NC-NC-200) Notice that you intend to bring your Petition for Change of Name for hearing. This must be posted in the manner described below.
- C. Petition for Name Change - (NC-NC-107) This document states the reasons and other required details for your name change.
- D. Consent for Name Change - (NC-NC-202) This document provides the consent of an individual who is not a party to the cause of action.
- E. Affidavit of Good Character - (NC-NC-202) This document provides proof of the good character of the petitioner. The form is only used for minors 16 and over. It must be signed before a notary by an unrelated adult who resides in the same county as the minor. Two forms required.
- F. Affidavit in Support of Petition for Minor Name Change - (NC-NC-203) This document provides the consent of a non-participating parent or guardian to the name change of a minor.
- G. Order And Certificate Of Name Change - (NC-NC-106) This document finalizes the requested name change and provides proof that the adult's name has been changed.

If you did not order a completion package and need access to the download page again for any of the above forms, please check your email for a link to that will redisplay the page for you.

Note: This package contains forms for use throughout your State. However, some Counties, or Judges may require a different form, or modification to these forms. If this happens, please consult with your local Court Clerk. If you are

required to use additional forms, please advise us by sending an e-mail to orders@uslegalforms.com.

III. PROCEDURE FOR CHANGE OF NAME (MINOR) FOR THE STATE OF NORTH CAROLINA

A. Preliminary Note:

2. The attached forms may be completed by:
 - d. Printing the forms and completing by hand. Use black ink and print neatly.
 - e. Printing the forms and completing using a typewriter.
 - f. By completing the forms on your computer using a word processing program and then printing the forms.
2. Use complete names and not initials. Check your spelling carefully, a misspelled word can delay your name change.
3. Print three (3) complete sets of forms.
5. All forms with a heading - the name of the court, the Petitioner's name, the case number, and the name of the document - require that the heading be completed. You will need to add the name of the court and the full name of the Petitioner. The "Action/Cause No." will be assigned by the court clerk at the time of filing.
5. Forms that require your signature and include a notary block MUST be signed in the presence of the notary or court clerk who will complete the acknowledgement. Use your complete name - first name, middle name, and last name.
6. When a form is filed with the court, request the clerk "file-stamp" one copy of the form for your file.
7. A Law Summary is available and can be printed for your State. To do so, go to where you located this package and select the Law Summary link under the form title and print. Review the Law Summary before beginning the process of completing the forms.

B. Procedure

- Step 1: Complete all the forms using complete names - middle names instead of middle initials.

A **Petition** for the name change of a minor child may be filed by the child's parent or parents, guardian, or "guardian ad litem". This application may be joined in the

application for a change of name filed by the parent or parents.

If a non-party parent is involved, the party parent should complete an **Affidavit in Support of Minor Name Change** and submit to the clerk at the time the initial papers are filed.

If the minor is 16 years of age or older, the applicant must also file with the Petition two Affidavits of Good Character, which proof must be made by at least two citizens of the county who know his standing. **Proof of good character is not required when the application is for the change of name of a child under 16 years of age.**

Step 2: Once your documents have been reviewed by the Clerk's office, the Order and Certificate of Name Change will be signed in triplicate. Form AOC-SP-601/DHHS 1053 - "Order And Certificate Of Name Change" - is a Bureau of Vital Records "chemical carbon form" and unavailable in electronic format.

The original of the "Order And Certificate Of Name Change" form will be filed by the Clerk's office with North Carolina Vital Records. A true copy will be mailed to you and a copy will remain in the court file.

We have also included form "Order and Certificate of Name Change" - (NC-NC-104) - as a Word document. Generally, the court will also execute this document. Certified copies of this Word document can then be used as proof of the name change.

Additional information regarding the Affidavit in Support of Minor Name Change:

1. Review Step One on page 4 and 5.
2. From a reading of the statute it would appear that, if the non-party parent does not join in or consent to the name change, and there is no court order holding the parent to have abandoned the minor, then the issue of notice must be dealt with through the Clerk of the Court.
3. If the minor is 16 years or older, notice will not be required if the Clerk is satisfied that the non-party parent has abandoned the child.
4. If the minor is under age 16, then the Clerk is required by the statute to provide the non-party parent 10 days notice of the Hearing and inquire if the non-party parent admits or denies abandoning the child. If the non-party parent denies abandoning the child then a hearing will be held to determine the issue. If the non-party parent admits the abandonment or fails to respond, the issue will be settled by the clerk.
6. If the non-party parent denies abandonment, the Clerk will transfer the case to a Judge and a hearing will be held. The Judge can choose to address only the issue of abandonment which prompted the transfer from the Clerk or the court can deal with all the issues arising in the “special proceeding” for the name change of the minor. In effect, the name change process can be done in one hearing which includes the issue of notice to a non-party parent.
6. The key factor in determining whether the non-party parent is entitled to notice of the name change action is whether the minor has been abandoned by the non-party parent. Abandonment has been defined as “wil[l]ful neglect and refusal to perform the natural and legal obligations of parental care and support”. It has been held that if a parent withholds his presence, his love, his care, the opportunity to display filial affection, and wil[l]fully neglects to lend support and maintenance, such parent relinquishes all parental claims and abandons the child. *Pratt v. Bishop*, 257 N.C. at 501, 126 S.E.2d at 608.
7. Complete the Affidavit in Support of the Name Change Action with the above issue in mind.
8. If the party parent feels the minor is sufficiently mature, the minor may also execute an affidavit regarding the abandonment issue and the desire for a name change.

NOTE RE FORM FIELDS

The forms in this packet contain “form fields” created using Microsoft Word. “Form fields” facilitate completion of the forms using your computer. They do not limit your ability to print the form “in blank” and complete with a typewriter or by hand.

If you do not see the gray shaded form fields, go to the View menu, click on Toolbars, and then select Forms. This will open the forms toolbar. Look for the button on the forms toolbar that resembles a shaded letter “a”. Click in this button and the form fields will be visible.

The forms are locked which means that the content of the forms cannot be changed. You can only fill in the information in the fields.

If you need to make any changes in the body of the form, it is necessary for you “unlock” or “unprotect” the form. **IF YOU INTEND TO MAKE CHANGES TO THE CONTENT, DO SO BEFORE YOU BEGIN TO FILL IN THE FIELDS. IF YOU UNLOCK THE DOCUMENT AFTER YOU HAVE BEGUN TO COMPLETE THE FIELDS, WHEN YOU RELOCK, ALL INFORMATION YOU ENTERED WILL BE LOST.** To unlock click on “Tools” in the Menu bar and then selecting “unprotect document”. You may then be prompted to enter a password. If so, the password is “uslf”. That is uslf **in lower case letters without the quotation marks**. After you make the changes relock the document before you begin to complete the fields.

After any required changes and re-protecting the document, click on the first form field and enter the required information. You will be able to navigate through the document from form field to form field using your tab key. Tab to a form field and insert your data. If problems, please let us know.

LAW SUMMARY

The law summary for a minor name change in North Carolina is located and may be printed from the following address:

<http://www.uslegalforms.com/nc/NC-NAME-2.htm>

DISCLAIMER

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