

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

1

HOUSE BILL 805

Short Title: Additional Name Change Requirements. (Public)

Sponsors: Representatives Stam, Spear, and Randleman (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary Subcommittee A.

April 7, 2011

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE NAME CHANGE STATUTE TO INCLUDE A CRIMINAL
3 RECORD CHECK AND OTHER REQUIREMENTS BEFORE THE CLERK OF
4 SUPERIOR COURT MAY GRANT OR DENY A NAME CHANGE APPLICATION.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 101-5 reads as rewritten:

7 "**§ 101-5. Clerk-Name change application requirements; grounds for clerk to order or**
8 **deny name change; certificate and record.**

9 (a) A person who desires to change his or her true name may apply to the clerk of
10 superior court of the county where the person resides and must submit all of the following
11 information to the clerk in support of the application for a name change:

12 (1) The applicant's true name, county of birth, date of birth, the full name of
13 parents as shown on birth certificate, and the name sought to be adopted.

14 (2) The certified results of an official state and national criminal history record
15 check.

16 (3) A sworn statement as to the following:

17 a. That the applicant is a bona fide resident of, and domiciled in, the
18 county where the change of name is sought.

19 b. Whether or not the applicant has been adjudicated a bankrupt or is
20 subject to a current judgment and, if so, where and when.

21 c. Whether or not the applicant has outstanding tax or child support
22 obligations.

23 (b) The clerk shall instruct the petitioner on the process for having fingerprints taken
24 and submitted for the criminal history record check, including providing information on law
25 enforcement agencies or acceptable service providers. The clerk may require the applicant to
26 provide any other information that the clerk determines is reasonably necessary for the fair and
27 complete review of the name change application.

28 (c) The clerk shall review all the information contained in the application and
29 otherwise available to the clerk to determine whether there is good and sufficient reason to
30 grant or to deny the name change.

31 (d) If the clerk ~~thinks-finds~~ that good and sufficient ~~reason-exists-reasons~~ exist for the
32 change of name, and the applicant has met the requirements of subsection (a) of this section, it
33 shall be his-is the clerk's duty to issue an order changing the name of the applicant from his-that
34 person's true name to the name sought to be adopted. ~~Such-The~~ order shall contain ~~the~~ all of the
35 following:



- 1 (1) The true name, the county of birth, the date of birth, the full name of parents
2 as shown on birth certificate, and the name sought to be adopted.
- 3 (2) The clerk's summary of the information reviewed in connection with the
4 application.

5 ~~He~~The clerk shall issue to the applicant a certificate under ~~his~~the clerk's hand and seal of
6 office, stating the change made in the applicant's name, and shall also record ~~said~~the
7 application and order on the docket of special proceedings in his court. ~~He~~

8 (e) The clerk shall forward the order granting the name change to to:

9 (1) The State Registrar of Vital Statistics on a form provided by ~~him~~the
10 Registrar. If the applicant was born in North Carolina, the State Registrar
11 shall note the change of name of the individual or individuals specified in
12 the order on the birth certificate of that individual or those individuals and
13 shall notify the register of deeds in the county of birth. If the applicant was
14 born in another state of the United States, the State Registrar shall forward
15 the notice of change of name to the registration office of the state of birth.

16 (2) The Division of Criminal Information at the State Bureau of Investigation,
17 which shall update its records to show the name change.

18 (f) If the clerk finds that good and sufficient reasons exist to deny the applicant's
19 request for a name change, it is the clerk's duty not to issue an order changing the name of the
20 applicant from that person's true name to the name sought to be adopted. The order denying the
21 name change shall state the reasons for the denial. If the applicant desires to appeal the clerk's
22 decision, the applicant must petition the chief resident superior court judge within 30 days of
23 the date of the order denying the name change to request a reconsideration of the application.
24 The reconsideration decision of the chief resident superior court judge is final and not subject
25 to appeal. An unsuccessful applicant on reconsideration is subject to a waiting period of 12
26 months from the date the adverse decision of the chief resident superior court judge before the
27 applicant may submit another name change application. A successful applicant on
28 reconsideration shall be granted the name change by the clerk in like manner as prescribed by
29 subsection (d) of this section."

30 **SECTION 2.** This act is effective when it becomes law and applies to applications
31 under G.S. 101-5 made on or after that date.