

The presentation will
begin at 5:00PM



NAME AND GENDER MARKER CHANGE IN NORTH CAROLINA

THE PROCESS, THE PLACES AND THE COSTS





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ABOUT THIS WORKSHOP

Legal Aid is not your attorney!

This clinic is designed to help you do this yourself, but no attorney participating today will represent you in court.

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OVERVIEW



The order matters! Each step builds on the next.

Make
Sure You
are
Eligible

Name
Change
Process

Update
Vital
Records

Gender
Marker
Change

Update
Vital
Records
(Again)



THIS IS A PROCESS

It will take:

- Time (could be up to one year)
- Money
- Planning (some stuff is time limited)
- A lot of office visits to different places

NAME CHANGE BASICS AND PROCESS



TWO TYPES OF NAME CHANGE



Public Record

- This is the default
- You are eligible if:
 - You are 18 or older
 - You have not had a name change before as an adult
- NOTE – Minors can also change their names, but it involves parents instituting the legal process!

Anonymous

- This is for special cases
- You are eligible to do the name change outside the public record if:
 - You have been the victim of domestic violence
 - You have been the victim of sexual assault
 - You have been the victim of stalking
- AND you have legal documents (police report, DVPO, etc.) to prove it

STEPS TO NAME CHANGE



Must be completed in order!

Preparation
and
Background
Checks

Court
"Notice"

Wait 10
days

Clerk
Changes
Name

Update
Vital
Records

PREPARATION

You will need all of these to get the process going:

Driver's License or Government Issued ID Card

<https://www.ncdot.gov/dmv/license-id/renewal-replacement/Pages/replacement-duplicate-license.aspx>

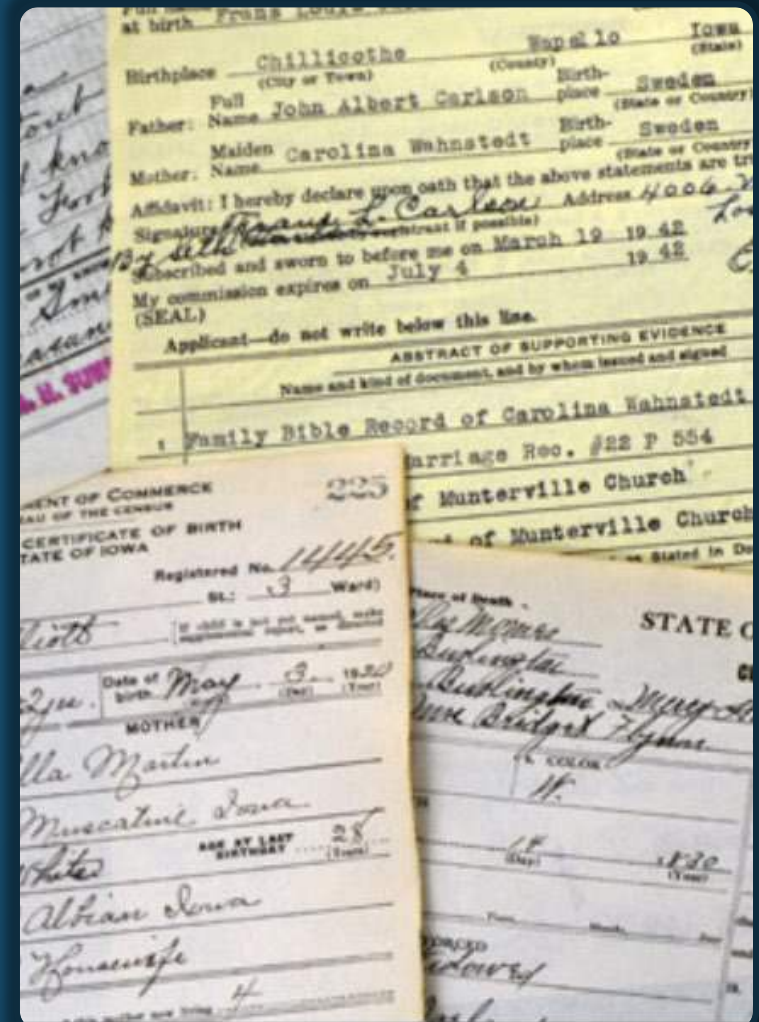
Social Security Card

<https://www.ssa.gov/ssnumber/>

Birth Certificate

Register of Deeds in the County where you were born

Two people who live in your county willing to give you an affidavit of good characters



STEP 1 – BACKGROUND CHECKS

STATE AND FEDERAL BACKGROUND CHECKS



Why??

- Before a Court enters an order to change your name, they want to know:
 - ✓ You are you say you are
 - ✓ You aren't trying to change your name to hide from the law
 - ✓ You aren't trying to change your name to hide from your creditors

What if my record isn't clean?

- Courts are unlikely to change the name of a person if:
 - X They have outstanding criminal warrants
 - X They have outstanding child support issues
 - X They have outstanding tax issues
 - X They have outstanding money judgments
 - X They are convicted sex offenders

Each case is different!

KEEP DATED COPIES OF EVERYTHING YOU
SUBMIT!

FEDERAL BACKGROUND CHECK



Federal - online

- ✓ <https://www.edo.cjis.gov>
- ✓ Enter your information in the box
- ✓ Receive instructions by email
- ✓ Obtain fingerprints from law enforcement on Form FD 1164 (available from link) (\$15)
- ✓ Submit application, prints and payment online as per instructions (\$18)

Federal – by mail

- ✓ <https://www.fbi.gov/services/cjis/identity-history-summary-checks>
- ✓ Print and complete the application
- ✓ Obtain fingerprints from law enforcement on Form FD 1164 (available from link) (\$15)
- ✓ Submit application, prints and payment by mail (\$18)
- ✓ Processing time by mail is 2-4 weeks

KEEP DATED COPIES OF EVERYTHING YOU
SUBMIT!

STATE BACKGROUND CHECK



Only by mail – NOT UPS/FedEx

<https://www.ncsbi.gov/Services/Background-Checks>

- ✓ Print and complete the form.
- ✓ Obtain fingerprints from law enforcement on Form FD 258 (\$15)
 - ✓ **NOTE:** This is a different form than what is used for the FBI
- ✓ Mail in the form with payment (\$14)
- ✓ Processing time is 3-5 weeks

North Carolina State Bureau of Investigation

Services > Background Checks

Background Checks

WE ARE CURRENTLY PROCESSING REQUESTS RECEIVED ON August 10, 2022

*We apologize for any inconveniences. We are diligently working to process all requests received in a timely manner.
For status check, email CIISHelp@ncsbi.gov.*

Obtaining Criminal History Information

The North Carolina State Bureau of Investigation is the central repository for criminal information for the state of North Carolina. The SBI offers the public and authorized agencies (qualified organizations) criminal background checks. Each has its own scope, rules, and process, so please review the information for your specific type of request carefully.

STEP 2 – GIVING COURT NOTICE

QUESTIONS ABOUT THE COURTHOUSE

REMINGTON
LOCKER LAW, PLLC

- Attorney Casey Locker
- Family Law Attorney
- Child Welfare Specialist



NOTICE OF PETITION FOR NAME CHANGE

- Take TWO Copies to the Clerk of Court where you live.
- They will stamp both – you will post one where the clerk tells you and keep one for yourself
- It must stay posted for TEN days

STATE OF NORTH CAROLINA
COUNTY OF FRANKLIN

IN THE GENERAL COURT OF JUSTICE
Superior Court Division
Before the Clerk

File No. _____

IN THE MATTER OF CHANGE OF NAME
OF OLD NAME

**NOTICE OF PETITION
FOR NAME CHANGE**

TO NEW NAME

NOTICE IS HEREBY GIVEN that on or after **Month Day, Year** that the Petitioner, **CURRENT NAME** will petition to this Court for a change of name to **NEW NAME**.

This is the **Day** of **Month** **Year**.

CURRENT NAME

ADDRESS

Posted: _____

The screenshot shows the eCourts Guide&File website. At the top, there is a navigation bar with a hamburger menu icon, 'Start a New Filing Interview', 'Home', and 'Start a Filing'. Below this is a secondary navigation bar with 'Select Interview' and 'Complete Interview' buttons. The main content area has the heading 'Please select the type of filing you would like to complete.' followed by a list of options: 'Absolute Divorce', 'Adult Guardianship', 'Adult Name Change' (highlighted in yellow), 'Appeal To District Court From Small Claims Court Judgment In Summary Ejectment', and 'Complaint In Summary Ejectment'.

A NOTE ABOUT FORMS

You can generate all the forms you need using the eCourts Guide and File system:

<https://northcarolina.tylertech.cloud/SRL/SRL>

1. Complete the interview
2. It will fill in all the forms for you to print and instructions on what to do with them

STEP 3 – WAIT 10 DAYS

IF YOUR TENTH DAY IS A FRIDAY, HOLIDAY, WEEKEND, ETC., THEN YOU NEED TO WAIT ONE EXTRA BUSINESS DAY.



STEP 4 – CLERK OF COURT NAME CHANGE

FORMS AND FEES



A FEW WORDS ABOUT CLERKS OF COURT

Clerks are kind of like the motor of the courthouse – they keep it running.

If you are prepared and polite, they will be happy to help you.

Make sure you have all your documents (we'll talk about that on the next slide)

The clerk will review your documents, see that you have your payment ready, and issue you a court order to change your name.

DOCUMENT CHECK LIST FOR THE CLERK OF COURT

- Petition to change name (notarized)
- Two (2) affidavits of good character completed by two residents of your county (notarized)
- Your copy of the notice of intent to change name
- The results of your FBI and your SBI background check
- Photo identification
- Social security card
- Certified copy of birth certificate
- Filing fee (\$120 or so – check with your county clerk)

STEP 5 – UPDATING YOUR IDS

UPDATING YOUR SOCIAL SECURITY CARD

- <https://www.ssa.gov/forms/ss-5.pdf>
- You can file online, by mail, or in person
- You will need
 - Completed form ss-5
 - Valid id with old name
 - Proof of address (utility bill)
 - Court order for name change
- Go to your local social security office

SOCIAL SECURITY OFFICES

<p>Raleigh Office 4701 Old Wake Forest Rd Raleigh, NC 27609 1-877-803-6311</p>	<p>Sanford Office 401 Tiffany Drive Sanford, NC 27330 1-877-319-5774</p>	<p>Durham Office 3511 Shannon Rd Durham, NC 27707 1-888-759-3908</p>
<p>Fayetteville Office 145 Rowan Street Fayetteville, NC 28301 1-866-964-6485</p>	<p>Rockingham Office 220 E Greene Street Rockingham, NC 28379 1-877-405-7673</p>	<p>Lumberton Office 4430 Kahn Drive Lumberton, NC 28358 1-866-931-7099</p>



UPDATING YOUR DRIVER'S LICENSE

- You will need to wait at least 36 hours after filing for your social security card before trying to get a license.
- You will also need:
 - Completed and notarized form dl-101
 - This form requires the last 10 years of addresses and employment.
 - There is also a time limit, you must get your new license within 60 days of getting your name changed
 - Court order for name change
- You will have to pay a fee for the issuance of the new license

CHANGING YOUR GENDER MARKERS

- THIS IS GOING TO FEEL VERY REPETITIVE.
- You will be taking some of the same steps (and, yes, paying the same fees) as you did to get your name change.



STEPS TO GENDER MARKER CHANGE

Letter from
your
Healthcare
Provider

Change to
your Birth
Certificate

Updating
your Driver's
License

Social
Security Card

Updating
your
Passport

BIRTH CERTIFICATE CHANGE

- A handwritten request detailing what changes are to be made to the birth certificate
- The Application for a Copy of a Birth Certificate with section 2. Record Changes completed (Other = Gender Change)
- A notarized original letter from the doctor stating what your medical gender identity is
- Payment of any applicable fees (name change = \$15, gender change = \$15, certificate search and first copy = \$24)
- Mail your application to:

North Carolina Department of Health and Human Services
Division of Public Health - Vital Records
1903 Mail Service Center
Raleigh, NC 27699-1900



QUESTIONS?





GET HELP


If you need services beyond this clinic, you can call 1-866-219-5262 or you can apply online at:


<http://legalaidnc.org>




GET HELP

GET LEGAL HELP




 **APPLY ONLINE**


 **APPLY BY PHONE**

Find an office

- Any -

Select your county to find which offices serve it.

 Search

 *Self-Help Library* >

Get help

- Our Services
- Apply Online
- Apply by Phone
- Find an Office
- Self-help clinics
- Self-help library
- Other Help
- Client Complaints

Self-help clinics

- Child Custody and Visitation Clinic
- Criminal Record Expunction Clinic
- Employee Rights Clinic
- Health Care POA & Living Wills Clinic
- Medicaid Managed Care
- Simple Divorce Clinic
- Social Security Disability Clinic
- Tenant Rights Clinic

Self-Help Library

- A Guide to Small Claims Court
- Benefits
- Consumer rights
- Coronavirus (COVID-19)
- Criminal record expunction
- Disaster relief
- Domestic violence and sexual assault
- Education
- Employment
- Housing
- Self-help videos