

Instructions for Minor Child's Name Change

These sample forms have been assembled for your convenience in preparing a legal name change for your minor child. If you have questions regarding how to prepare these forms or if these forms are not suitable for your situation to obtain a name change, we suggest you CONTACT AN ATTORNEY or consult the NORTH CAROLINA GENERAL STATUTES, Chapter 101 for additional information. These forms are designed to cover a name change where:

- o Both biological parents are petitioning the court; or
- o One parent is petitioning and the other parent is willing to sign a consent form

A consent form by the biological father will be required if:

- o The father's name is listed on the birth certificate
- o Paternity has been established by a court order
- o The father is under a court order to pay child support

If your circumstances do not fit any of the situations above, you will need to contact an attorney to proceed.

The following steps and procedures must be completed to file for a name change.

ALL FORMS MUST BE TYPED OR PRINTED IN BLACK INK

***The Filing Fee is \$100**

- 1) The NOTICE must be posted on the courthouse bulletin board, outside the Clerk's Office at the EBCI Justice Center for at least ten (10) calendar days. If the 10th day falls on a Saturday, Sunday, or holiday on which the Clerk's office is closed, your NOTICE must remain posted until 4:30pm the following business day. Bring the NOTICE to the Clerk's office to have it file stamped before posting. To avoid having to post the NOTICE again, always keep a copy of your file stamped NOTICE in case the original is lost or removed from the bulletin board.
- 2) After your NOTICE has been posted as required by law, you may then file the following required documents:
 - a. Petition
 - b. Consent Form (if only one parent is petitioning)
 - c. Two (2) Affidavits of Character, if the minor is 16 years of age or older
 - d. Order for Legal Name Change of Minor
 - e. Original or Certified Copy of Birth Certificate

The Clerk's Office staff is legally prohibited from: providing any legal advice, providing instructions for completing forms, referring an attorney, or recommending specific ways to pursue legal action.

- 3) The PETITION and AFFIDAVITS OF CHARACTER (if required) must be signed in front of a Notary Public prior to filing with the Clerk's Office. Each AFFIDAVIT OF CHARACTER (if required) must be signed by an individual who is a resident of the Qualla Boundary, has known the minor child for at least two (2) years, who is not related by blood or marriage, and is at least 18 years of age.
- 4) ORDER AND CERTIFICATE OF NAME CHANGE will be provided by the Clerk.

When dropping off your documents at the Clerk's Office, include a phone number and your mailing address where you can be reached. The Clerk's office will retain all original documents for the court file. Your PETITION will be processed and you will be contacted if additional information is needed. Please provide a self-addressed, stamped envelope and we will return a signed copy of the ORDER to you.

Upon receipt of the signed ORDER, you may apply for a new birth certificate from the NC Register of Deeds. Instructions and a sample application are included for your convenience, but it will be your responsibility to send in the necessary documentation and pay any associated fees.

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EASTERN BAND OF CHEROKEE INDIANS
QUALLA BOUNDARY
CHEROKEE, NORTH CAROLINA

IN THE CHEROKEE COURT
BEFORE THE CLERK
File No. _____

IN RE: CHANGE OF NAME OF MINOR CHILD

FROM: _____)
(minor's current name))
TO: _____)
(minor's desired name))

NOTICE

_____ & _____ (Name of one or both
biological parents filing the petition), the petitioner(s) in this matter, hereby give NOTICE of his/her/their
intention to file in the Office of the Clerk of Court of Cherokee, North Carolina, ten (10) days after the date
of this notice, a PETITION that the Court issue an ORDER to change the name of his/her/their minor child
from: _____ (minor's current name) to
_____ (minor's desired name).

This is the _____ day of _____, _____.

Petitioning Mother's Signature

Petitioning Mother's Address

Petitioning Father's Signature

Petitioning Father's Address

EASTERN BAND OF CHEROKEE INDIANS
QUALLA BOUNDARY
CHEROKEE, NORTH CAROLINA

IN THE CHEROKEE COURT
BEFORE THE CLERK
File No. _____

IN RE: CHANGE OF NAME OF MINOR CHILD

FROM: _____)
 (minor's current name))
TO: _____)
 (minor's desired name))

**PETITION FOR LEGAL NAME
CHANGE OF A MINOR CHILD**

NOW COMES the undersigned, _____ (name of petitioning
mother), and _____ (name of petitioning father), and
respectfully petitions the Court for an Order to be issued changing the name of the above-named
Minor and to that end, do hereby state and show unto the court the following:

1. That the Petitioners are residents of the Qualla Boundary, Cherokee, North Carolina; and are
the biological parents of _____ (child's name), the
above-named minor child.
2. That the name of the said minor child as shown on his/her birth certificate is

3. That the minor child was born in _____ County, State of
_____ on the _____ day of _____ (month), _____ (year);
and the names of his/her parents as shown on his/her birth certificate are:
_____ (mother's name) and
_____ (father's name).
4. That the Petitioner(s) desire to change his/her child's name for the following reasons:

5. Attached is the original or certified copy of the minor child's birth certificate.
6. That the name of the above-named Minor has not been previously changed by law.
7. That the minor child is/is not a minor 16 years of age or older is/is not therefore required to provide a proof of good character as provided by N.C.G.S. 101-4. (affidavit must be attached if minor is 16 or older).
8. That the Petitioner(s) has/have given ten (10) days notice of the filing of this Petition by posting on the courthouse bulletin board, on the Qualla Boundary, Cherokee, North Carolina, a notice of his/her intent to file this petition.

WHEREFORE, the Petitioner respectfully prays that the Court enter an Order changing the name of the minor child from _____ to _____.

This the _____ day of _____, _____.

Petitioning Mother's Signature

Petitioning Father's Signature

VERIFICATION
(must be signed before a notary)

I, _____, Petitioning Mother, being first duly sworn, hereby state that I have read the foregoing Petition and that the facts set forth therein are true to my own knowledge and belief.

This the _____ day of _____, _____.

Petitioning Mother's Signature

Subscribed and sworn before me

this the _____ day of _____, _____.

My Commission Expires: _____

Notary Public

VERIFICATION
(must be signed before a notary)

I, _____, Petitioning Father, being first duly sworn, hereby state that I have read the foregoing Petition and that the facts set forth therein are true to my own knowledge and belief.

This the _____ day of _____, _____.

Petitioning Father's Signature

Subscribed and sworn before me.

this the _____ day of _____, _____.

My Commission Expires: _____

EASTERN BAND OF CHEROKEE INDIANS
QUALLA BOUNDARY
CHEROKEE, NORTH CAROLINA

IN THE CHEROKEE COURT
BEFORE THE CLERK
File No. _____

IN RE: CHANGE OF NAME OF MINOR CHILD

FROM: _____)
(minor's current name))
TO: _____)
(minor's desired name))

**CONSENT TO A NAME
CHANGE OF A MINOR CHILD**

I, _____ (name of consenting parent who is NOT the
petitioner), am the biological mother/father of _____ (minor
child's first, middle, last name), born on _____ (month, day, year). I have been
advised and understand that the other biological parent is petitioning the court to have the minor
child's name changed to _____ (desired first, middle, last
name of minor child.)

I hereby give my consent that the minor child's name _____ (minor
child's current first, middle, last name) be changed to _____ (desired
first, middle, last name of minor child).

This is the _____ day of _____, _____.

Signature of Consenting Parent

Printed Name of Consenting Parent

Address of Consenting Parent

VERIFICATION
(must be signed before a notary)

I, _____, Consenting Parent, being first duly sworn, hereby state that I have read the foregoing Petition and that the facts set forth therein are true to my own knowledge and belief.

This the _____ day of _____, _____.

Consenting Parent's Signature

Subscribed and sworn before me

this the _____ day of _____, _____.

My Commission Expires: _____

Notary Public

EASTERN BAND OF CHEROKEE INDIANS
QUALLA BOUNDARY
CHEROKEE, NORTH CAROLINA

IN THE CHEROKEE COURT
BEFORE THE CLERK
File No. _____

IN RE: CHANGE OF NAME OF MINOR CHILD

FROM: _____)
(minor's current name))
TO: _____)
(minor's desired name))

**AFFIDAVIT OF CHARACTER
FOR MINOR CHILD**

The undersigned, being first duly sworn, deposes and says:

1. I am a resident of the Qualla Boundary in Cherokee, North Carolina.
2. I am not related to the above-named Minor Child by blood or marriage.
3. I have known the minor child _____ (minor child's name) for _____ (number of years).

I personally know him/her to be a person of good character and know that he/she has a reputation as a person of good character and good standing in the community.

This is the _____ day of _____, _____.

Signature of Affiant

Printed Name of Affiant

Address of Affiant

VERIFICATION

Subscribed and sworn before me

this the _____ day of _____, _____.

My Commission Expires: _____

Notary Public

EASTERN BAND OF CHEROKEE INDIANS
QUALLA BOUNDARY
CHEROKEE, NORTH CAROLINA

IN THE CHEROKEE COURT
BEFORE THE CLERK
File No. _____

IN RE: CHANGE OF NAME OF MINOR CHILD

FROM: _____)
(minor's current name))
TO: _____)
(minor's desired name))

**AFFIDAVIT OF CHARACTER
FOR MINOR CHILD**

The undersigned, being first duly sworn, deposes and says:

1. I am a resident of the Qualla Boundary in Cherokee, North Carolina.
2. I am not related to the above-named Minor Child by blood or marriage.
3. I have known the minor child _____ (minor child's name) for _____ (number of years).

I personally know him/her to be a person of good character and know that he/she has a reputation as a person of good character and good standing in the community.

This is the _____ day of _____, _____.

Signature of Affiant

Printed Name of Affiant

Address of Affiant

VERIFICATION

Subscribed and sworn before me

this the _____ day of _____, _____.

My Commission Expires: _____

Notary Public

**EASTERN BAND OF CHEROKEE INDIANS
CHEROKEE, NORTH CAROLINA**

FILE NO: SP _____

IN THE CHEROKEE COURT
BEFORE THE CLERK

IN RE: Minor Name Change)
FROM: _____)
TO: _____)

**ORDER FOR LEGAL NAME
CHANGE OF A MINOR**

THIS CAUSE, coming on to be heard before the undersigned Clerk of Court of
The Cherokee Court, Cherokee, North Carolina, upon Petition of:

_____)
Mother's name
and/or

_____)
Father's name
parent(s) of

_____)
Child's name
to change his/her name from

_____)
Child's present full name
to

_____)
Desired full name

AND IT APPEARING TO THE COURT that the Petitioner(s) has/have given
notice of this Petition as required by law; that good and sufficient reason exists for
Petitioner's requested change of the minor child's true name of _____

_____ ; that he/she was born in

_____ County, State of North Carolina, on the _____ day of

_____, _____ ; that his/her birth parent(s) as shown on the birth

certificate are _____ (mother) and

_____ (father); that his/her name has not

been previously changed and that the Petitioner has shown good and sufficient reason for the change of the minor's name.

THE COURT CONCLUDES upon review of the following documents:

1. Notice of Petitioner's intention to file a Petition of Legal Name Change of a Minor was filed on the _____ day of _____, _____;
2. Petition for Legal Name Change of a Minor Child;
3. Verification of Petitioner(s);
4. Two Affidavits of Character (only if minor child is 16 or 17);
5. Consent to Minor Name Change (if applicable); and
6. Certified copy of Certificate of Live Birth of _____
_____.

That the Petitioner(s) is/are entitled to change the name of the Minor Child as requested herein;

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the name of

_____ Child's present full name
is changed to
_____ Desired full name

DONE AND ORDERED this _____ day of _____, _____.

HEATHER SNEED
Clerk of the Court

Mail: 1903 Mail Service Center
 Raleigh, NC 27699-1903

Location: 225 North McDowell St.
 Raleigh, NC 27603-1382

PLEASE PRINT

Application for a Copy of a North Carolina Birth Certificate

Certificate Information

Full Name on Certificate
 (If adopted, provide new information)

First Name Middle Name Last Name

Date of Birth

____/____/____
Month Day Year

Sex Male Female

Place of Birth

City County

Were parents married at time of birth? Yes No

Is this person deceased? Yes No

Full Maiden Name of Mother
 (Adoptive mother, if applies)

First Name Middle Name Last Name (before any marriage)

Full Name of Father
 (Adoptive father, if applies)

First Name Middle Name Last Name

Check all boxes that apply; add the fees in 1-3 and place the total amount in #4. See further instructions on Page 2.

Your Relationship to the Person Whose Certificate is Requested: (Check one)

1. Order Certificate

Processing times vary.
 Check website for current information.
 (Non-refundable fee)

- Certificate Search and First Copy (\$24) \$ _____
- # _____ additional copies x \$15 \$ _____
- Certified (Legally suitable for any purpose)
- Uncertified (Suitable for research purposes)

- Self
- Spouse (Current)
- Brother/Sister
- Child
- Parent/Step-Parent
- Grandparent
- Authorized agent, attorney or legal representative of the person listed (*Proof REQUIRED*)
- Other (*may not be entitled to a certified copy*)
Specify _____

How do you plan to use this record?

2. Record Changes (Only if applies)

Appointment required for in-person services.
 (\$15 non-refundable processing fee)

- Adoption \$ _____
- Amendment \$ _____
- Name Change \$ _____
- Legitimation Court Order \$ _____
- Legitimation (mother married father after child's birth) \$ _____
- Paternity (no fee) \$ 00.00
- Other \$ _____

(Please Print)

Requestor: _____
Print Name of Person Requesting a Certificate

Address: _____
Street Address (P.O. Box cannot be used for expedited shipping)

P.O. Box (If mailing to a P.O. Box, street address must also be listed above)

City, State, Zip Code

(Area Code) Telephone Number (During business hours)

Email Address: _____

Payment: Please pay with a cashier's check or money order made payable to N.C. Vital Records. Personal checks are not accepted. Requests that are submitted with no payment, or incomplete payment or incomplete information will be returned. Credit card payment is available for walk-in customers.

3. Faster Service (Choose only one)

Optional for mail-in requests
 (\$15 non-refundable expedite fee)

- Walk-in Service (\$15) \$ _____
- Expedited Processing (\$15) \$ _____
 (Shipped by regular mail)
- Expedited Processing and Expedited Shipping (\$35) \$ _____
 (Call for expedited shipping fees outside the continental United States)

ID OF THE PERSON REQUESTING A CERTIFICATE IS REQUIRED:

See Page 2 for a list of acceptable IDs. Requests that do not include proper identification will be returned.

4. Total Fees

(Add 1+2+3 above for total) \$ _____

I hereby certify that all the above information is true to the best of my knowledge. Note: It is a felony violation of N.C. Law (G.S. 130A-26A) to make a false statement on this application or to unlawfully obtain a copy or a certified copy of a birth certificate.

Signature of Person Requesting a Certificate _____
Date

Office Use Only: SFN _____ DCN _____ Cartridge/Frame _____

Amount received: \$ _____ Identification presented _____

Request number _____ Request date _____

Order Certificate

A certificate search costs \$24 and includes one copy if the certificate is located. The search covers a three year period. Requests are processed in the order received and can take up to five weeks plus the mail delivery time. The search fee is required to process a request and is non-refundable even if a record cannot be located.

Record Changes

Complete this section only if you are making a request to change information on the birth certificate. The \$15 processing fee to review your request is non-refundable. In-person assistance for this service is by appointment only. Please call (919) 792-5986 to schedule an appointment. If your request involves more than one birth record, the \$15 processing fee applies to each individual's birth record that requires change(s).

Faster Service

To receive expedited service you **MUST** write "Expedite" on the outside of the envelope. Expedited requests will be processed within 10 business days. This does not include the additional day(s) for shipping. This is a non-refundable fee.

Identification Requirement

Due to identity theft and other fraudulent use of vital records, **ID of the person requesting a certificate is REQUIRED.** Requests that do not include ID will be returned. You **MUST** include a legible photocopy of one of the photo IDs listed below with your request:

- Current state-issued driver's license (address must match requestor's address on application)
- Current state-issued non-driver photo ID card (address must match requestor's address on application)
- Current Passport or Visa (must include photo)
- Current U.S. military ID
- Current Department of Corrections photo ID card dated within the last year
- Current state or U.S. government agency photo ID card (for persons requesting certificates as part of that agency's business)
- Current student ID card with copy of transcript

If you do not have one of the IDs listed above, you must provide legible photocopies of **TWO** of the following (must be two **DIFFERENT** forms of ID):

- Temporary driver's license
- Current utility bill with current address
- Car registration or title with current address
- Bank statement with current address
- Pay stub with current address
- Income tax return/W-2 form showing current address
- Letter from government agency dated within the last six months and showing current address
- State-issued concealed weapon permit showing current address

If you are unable to meet our ID requirements, a family member or other person who is entitled to obtain the certificate, and who can meet the ID requirements, may request it.

A list of persons entitled to obtain certificates is located on our website at <http://vitalrecords.nc.gov/faqs.htm>.

Order Certificate

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