

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 369

Short Title: Name Change Requirements for Minors. (Public)

Sponsors: Senator Bingham (Primary Sponsor).

Referred to: Judiciary II.

March 20, 2013

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE A PARENT TO APPLY FOR A NAME CHANGE FOR A MINOR CHILD WITHOUT CONSENT OF THE OTHER PARENT IF THE OTHER PARENT HAS BEEN CONVICTED OF CERTAIN CRIMINAL OFFENSES AGAINST THE MINOR CHILD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 101-2(d) reads as rewritten:

"(d) An application to change the name of a minor child may be filed by the child's parent or parents, guardian, or guardian ad litem, and this application may be joined in the application for a change of name filed by the parent or parents. ~~Nothing in this section shall be construed to permit one parent to make an application on behalf of a minor child without the consent of the other parent if both parents are living; except that 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.~~ A change of parentage or the addition of information relating to parentage on the birth certificate of any person is governed by G.S. 130A-118. 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 who has reached the age of 16 may file an application to 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.
- (2) A parent may file an application on behalf of the minor without the consent of the other parent if the other parent has abandoned the minor child.
- (3) A parent may file an application on behalf of the minor without the consent of the other parent if the other parent has been convicted of any of the following offenses against the minor:
 - a. Felonious or misdemeanor child abuse.
 - b. Taking indecent liberties with a minor in violation of G.S. 14-202.1.
 - c. Rape or any other sex offense in violation of Article 7A of Chapter 14 of the General Statutes.
 - d. Incest in violation of G.S. 14-178.
 - e. Assault, communicating a threat, or any other crime of violence.



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1 Abandonment may be shown by filing ~~The consent of a parent who has abandoned a minor~~
2 ~~child is not required if~~ a copy of an order of a court of competent jurisdiction adjudicating that
3 parent's abandonment of the ~~minor if filed with the clerk~~ minor. If a court of competent
4 jurisdiction has not declared the minor to be an abandoned child, the clerk, on 10 days' written
5 notice by registered or certified mail, directed to the last known address of the parent alleged to
6 have abandoned the child, may determine whether the parent has abandoned the child. If the
7 parent denies that the parent abandoned the child, this issue of fact shall be transferred and
8 determined as provided in G.S. 1-301.2. If abandonment is determined, the consent of the
9 parent is not required. Upon final determination of this issue of fact the proceeding shall be
10 transferred back to the special proceedings docket for further action by the clerk."

11 **SECTION 2.** This act becomes effective October 1, 2013, and applies to
12 applications for name changes filed on or after that date.