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publication design by  
emmett rose wiginton  
emmettrose.com

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A Trans Lawyer's Guide to

# **Changing Your Name & Gender in North Carolina**

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by Harriet Wiginton, Attorney

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## Notes

## **Changing your name in North Carolina is tedious and expensive. This zine is designed to be a checklist of what you need to do to make it happen anyway.**

If you are transgender, it's safe to say that you are used to change, but that it can take great effort - more than you thought necessary or possible, with hurdles that you couldn't have anticipated.

I hope I can comfort you somewhat by telling you that changing your name is *just* tedious. It will be far from the most difficult thing you do as you transition, and I have 100% confidence that if you follow the steps here, you will be well on your way to shouting your true name into the face of the world, and hearing that true name repeated back to you.

Changing your gender marker in North Carolina is, as of the time of this writing, relatively straightforward. The only major requirement is that you have a health care professional willing to fill out a form on your behalf. Unfortunately, this is likely to change very soon thanks to a new law passed earlier in 2025. If you would like for your gender to be memorialized in state documents, you should move fast. Read on for more specifics.

If you have trouble with this process, you aren't alone. The writer of this zine, Harriet Wiginton, is a licensed North Carolina attorney, and perhaps more importantly, a licensed transgender woman. She will be happy to talk to you about the name and gender change process- drop her a line at [hwiginton42@gmail.com](mailto:hwiginton42@gmail.com) if you have any questions.



## List of Links

Linktree (contains all the links below!): <https://linktr.ee/ncnamechangezine>

- Wake County Name Change Instruction Booklet: <https://archive.org/details/wake-county-name-change/mode/1up>
- Wake County Fingerprinting Services: <https://www.wake.gov/departments-government/wake-county-bureau-forensic-services>
- Durham County Fingerprinting Services: <https://www.durhamsheriff.com/services/records/public-fingerprinting>
- Guilford County Fingerprinting Services: <https://www.guilfordcountync.gov/our-county/sheriff-s-office/divisions/legal-process/finger-printing>
- Mecklenburg County Fingerprinting Services: <https://www.mecksheriff.com/index.php/fingerprints/>
- Forsyth County Fingerprinting Services: <https://forsyth.cc/sheriff/fingerprinting.aspx>
- State Background Check Request Form: [https://www.ncsbi.gov/Services/SBI-Forms/SBIRight-to-Review\\_FILLABLE-2021.aspx](https://www.ncsbi.gov/Services/SBI-Forms/SBIRight-to-Review_FILLABLE-2021.aspx)
- Federal Background Check Request Form: <https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/identity-history-summary-checks>
- Affidavit of Character Form: <https://www.nccourts.gov/assets/documents/forms/sp607.pdf?VersionId=yX3uPm253usQheBICEyrmKcvdWVNJNA>
- Notice of Intent to Change Name Form: [https://www.nccourts.gov/assets/documents/forms/sp606\\_0.pdf?VersionId=BCIgkiyymFsUI4wRO0fygcNv5qLNZ5S](https://www.nccourts.gov/assets/documents/forms/sp606_0.pdf?VersionId=BCIgkiyymFsUI4wRO0fygcNv5qLNZ5S)
- Application for Adult Name Change Form: [https://www.nccourts.gov/assets/documents/forms/sp604.pdf?VersionId=GILgyh\\_WFWxdYqbAUf4v.RPaIcB24RT](https://www.nccourts.gov/assets/documents/forms/sp604.pdf?VersionId=GILgyh_WFWxdYqbAUf4v.RPaIcB24RT)
- eCourts Guide and File: <https://northcarolina.tylertech.cloud/SRL/SRL>
- eCourts Portal (case status): <https://portal-nc.tylertech.cloud/Portal/>
- DMV Name Change Form - DL-101: <https://www.ncdot.gov/dmv/downloads/Documents/DL-101.pdf>
- DMV Gender Change Form - DL-300: <https://www.ncdot.gov/dmv/downloads/Documents/DL-300.pdf>
- NC Birth Certificate Modification Request Form: <https://vitalrecords.nc.gov/documents/NCOVR-BirthModificationsApplicationFinal-07072022v6.pdf>

## Step 1: Fingerprint Cards

You will need to provide the results of both a state and federal background check to change your name, and to get those background checks, your first step will be getting fingerprint cards made. These are typically going to be made by the police in your county- **the easiest way to identify where to go in any county will be to call the local non-emergency police line and ask where you can have fingerprint cards made.**

- The cards you will be having made are also known as FD-258 Fingerprint Cards.
- Get two of these cards made: one each for the state and federal background checks.
- The cost of this will vary by county. In Wake County, it will cost \$35 total: \$30 for the initial fingerprint card, and \$5 per additional fingerprint card.

*Here are a few offices in some of the larger NC counties where you can get fingerprint cards.*



## Step 2: State and Federal Background Checks

### A. State Background Check (this must be done by mail)



This QR Code links to a document with information about state background checks. Page 5 of the document has mail-in instructions.

To obtain the State Background Check, you will mail a packet including:

- A completed fingerprint card
- The \$14 money order as described below in this section\*
- A filled out version of page 5 of the PDF linked at the QR code above. Mail this to:

NC State Bureau of Investigation  
Criminal Information and Identification Section  
Attention: Applicant Unit — Right to Review  
3320 Garner Road  
Raleigh, NC 27610

This will take approximately 20 days to get back to you.

\* Money orders can be purchased at most grocery stores and probably your bank. It will need to be in the amount of \$14 per background check, and must be made out to NC State Bureau of Investigation. This is exact!

## Notes and Next Steps:

- **IMPORTANT:** Please note that the NC GOP, with Democratic votes, has passed a law (HB805) that attempts to redefine sex as referring exclusively to assigned gender at birth under NC law. This law is very vague about what this means practically for us. On December 1, 2025, it will change birth certificate amendments to require that the original version be attached to the updated version. On January 1, 2026, the sex redefinition takes effect, and it may also change DMV or birth certificate policies. I won't fearmonger about it, but it may impact the steps in this guide and it may be tougher to get your name and gender changed soon. If you can, try to beat the deadline. If you can't, then keep an eye out for updated resources- the name change elements of this guide shouldn't change, but keep an eye out and check the news.
- **If applicable, book an appointment with the Social Security office to have the name on your Social Security Card changed.**
- **You can also apply for a passport**, for use in international travel or as another form of ID. Thanks to the nakedness of transphobic fascism, you can, as of October 2025, still apply for a gender marker change pursuant to an injunction without documentation. Check the State Department's website for more information.
- **Once these have all been done**, then you should be able to change your name with any company or authority out there with some combo of the above docs!

*Good luck and don't forget- we love you!*

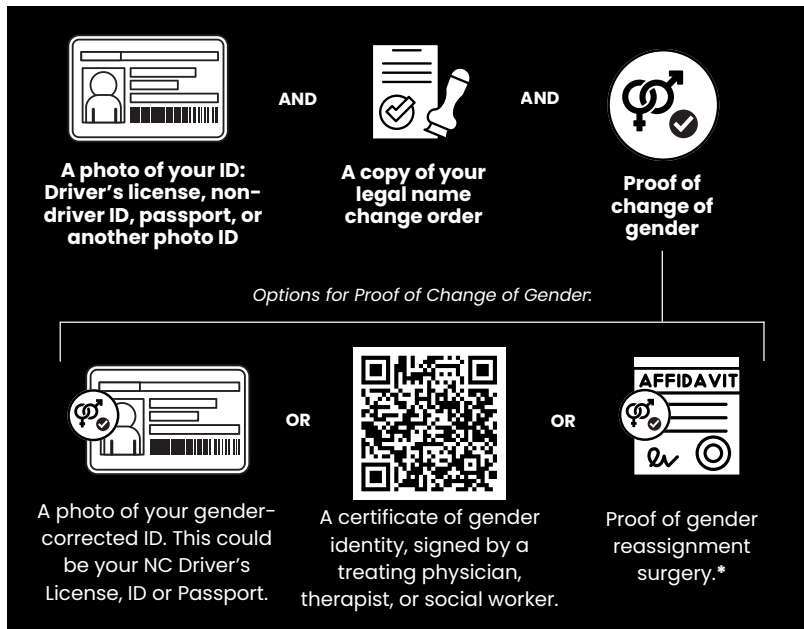
# Updating your Name and Gender on your NC Birth Certificate

Note that this only applies if you have a North Carolina birth certificate. If you were born in another state/country, check with local LGBTQ resources for help!



Complete the modification form linked at this QR code. Put down the name as one incorrect piece of info, and the gender as another.

You'll need to mail the above form in a packet to Vital Records. Here's what else needs to go in the packet:



\* **NOTE:** you don't need to specify what surgery! You would need a notarized affidavit from a doctor that you have had your sex surgically changed.

## B. Federal Background Check



Fill out the online form and follow the instructions here.

This will cost \$18, includes mailing in your second fingerprint card to complete the background check to:

FBI CJIS Division – Summary Request  
1000 Custer Hollow Road  
Clarksburg, WV 26306

This will take approximately 15 days to get back to you.

## An Important Note on Timing

Your name change *application* must be filed within 90 days of the date printed on your background check responses. This means that your name change *notice* needs to be posted within preferably 75 days of the oldest date between the two background checks. Plan your timeline accordingly, or you may need to re-order the background checks!

## Step 3: Affidavits of Character

You will need two Affidavits of Character made.



The forms linked at this QR Code must be filled out by people you know according to the specifications below.

The people who fill out your Affidavits of Character must be:

- Residents of your county
- Not related to you by blood or marriage
- Have known you for at least 6 months

The people who do this for you must have these documents notarized themselves. This can be done at their bank, or at a UPS Store for a small fee.

For the section on page 2 labeled “The basis for my knowing the applicant and for my knowing the character of the applicant to be good is as follows,” here is suggested template that your chosen folks can use:

“I have known \_\_\_\_\_ for \_\_\_ years. \_\_\_\_\_ is a close personal friend in my community. I personally know \_\_\_\_\_ to be a person of good character and that \_\_\_\_\_ has a reputation as a person with good character and good standing in the community.”

## Updating Your Name and Gender on your NC ID

Considering the godawful wait times at NC DMVs, I suggest planning to get all of your updates done in one trip. Appointments are difficult to get, and you should plan to arrive an hour or two before they open and to spend all day there.

Documents to bring for changing the **name** on your ID :



A Notarized  
DL-101 Form

AND



A certified copy of  
your legal name  
change order

Documents to bring for changing the **gender marker** on your ID :



A DL-300 form, filled out and signed by a physician, psychiatrist, therapist, or social worker who has treated you.

OR



A copy of your  
current ID

AND



An updated birth  
certificate with your new  
gender marker on it

Either of these individually, or both together, should cost \$16.75.

## Tips and Tricks

1. **You probably noticed this, but there are pretty substantial waiting periods involved with many of these steps.** These steps can be done concurrently- for instance, you could mail in your state and federal background check requests on the same day you post your Notice of Intent to Change Name, and that way all 3 of those periods will pass simultaneously! There is no necessity to do this, but it will save you time.
2. **The county that you are based in may have different or more stringent requirements than the ones that this guide is based on.** The process in this guide should follow all North Carolina statutory requirements that exist as of October 2025, but ultimately, the fate of your name change is in the hands of the Special Proceedings clerk at your local courthouse. There are a few things to think about in light of this:
  - a. **The more organized you are, the better you are going to come off in the eyes of this clerk.** They deal with people who have to follow complex procedures all day long, and the easier you make their job, the easier of a time you will have.
  - b. **You may encounter prejudice at the courthouse.** If this happens to you, do not panic. Ask exactly why they are rejecting your application, and reach out to an attorney in your county for help.
  - c. **If you have the opportunity to, and have residency in multiple counties, generally you will encounter fewer problems filing for your name change in more urbanized counties.**

## Step 4: Notice of Intent to Change Name

*Post your Notice of Intent to Change Name at your county's courthouse.*



**Print out the Notice linked to the right and fill it out at home. Don't worry, it isn't a complicated form!**

*Once you've filled out the form:*

1. **Bring it to the Clerk of Superior Court (Special Proceedings).** Depending on the courthouse, this may not be obvious- don't be afraid to ask for directions to Special Proceedings!
2. **Tell the Special Proceedings clerk that you would like to have your Notice of Intent to Change Name form file-stamped with the current date.** They will stamp the original Notice of Intent for you to post, and will also give you a copy of the original (that will be clearly stamped as a copy).
3. **Once it is stamped, bring it to the public notice board.** Be sure to ask the Special Proceedings clerk where this is if they don't tell you.
4. **Go to the board and attach your Notice of Intent to Change Name as directed.**
5. **Take a photo of the Notice as it sits attached to the board,** just in case something happens to it.
6. **Make a note of the current date.**

## **Step 5: Wait.**

*Wait 10 full days from when you posted the Notice of Intent to Change Name. Start counting from the next full day– that will be day 1. No need to go get it ASAP; you'll pick it up when you go to the courthouse to file for your name change!*

## **Congratulations!**

*You already changed your name a long time ago.*

*The steps you've taken here will help you carry that truth even further, every day.*

After they have scanned in everything at the courthouse, they will:

1. **Tell you the current waiting period.** It may be a few weeks.
2. **Ask you to pay the fee for the name change.** This fee may vary by county- in Wake County it is \$120. You may want to confirm the payment methods they accept ahead of time. Make sure to keep the receipt, and take a photo of it.

*That's it for the courthouse. The final step in this process:*

Wait for the Name Change Orders and your documents to be returned to you. They will mail you 5 copies. That seems like a lot, but they are the only record you will have of your name change without returning to the courthouse. **Treat at least 1 copy like your birth certificate or social security card, and keep it safe.**

## Step 6: Application for Adult Name Change



Fill out the Application for Adult Name Change linked at this QR Code and have it notarized at your bank, or at a UPS Store for a small fee.

Alternatively, you can fill the form using the eCourts Guide and File software, linked at this QR Code. You will still need to notarize it.



Most of the parts of the form or website can be filled out using information taken from your birth certificate, if you have that available.

On page 2 of the form, there is a section labeled “9. I am applying for a change of name for the following reasons: (provide facts and considerations in support of name change).” Here is what I wrote. Please feel free to adapt for yourself! This example is longer, but it isn’t necessary to write this much if you don’t want to- a brief note that you use your chosen name already should also be enough!

**“I am a transgender woman who has been living as a woman for 2 years. My intent is to live under my chosen name, Harriet Wiginton, in every respect of my life. I selected this name after due consideration, and have chosen to take the last name of my husband, Emmett Wiginton, as well. As of right now, I use the name Harriet with my family, friends, and at work. I am also a North Carolina attorney, and this name change will enable me to practice as myself. This name change will allow me to live under my chosen name and in accordance with my appearance and identity. My birth name is \_\_\_\_\_, and is currently unused except when necessary to legally identify myself.”**

## Step 7: Assemble your name change documents

Put together a folder containing the following.  
(Use this page as a checklist!)

- 1. **The results of your State Background Check**
- 2. **The results of your Federal Background Check**
- 3. **Two signed and notarized Affidavits of Character**
- 4. **A signed and notarized Application for Adult Name Change**
- 5. **Your photo ID with an in-county address on it**
  - a. (if your current ID does not have an in-county address on it, that is okay- just bring a bill from within the last month that shows your current in-county address)
- 6. **Your original birth certificate** (or a certified copy).
  - a. If this was not generated in the United States or is otherwise not in English, you will need at least one of the following (if you have more than one method, bring it too)
    - i. An original or certified copy of your translated birth certificate which has been translated into English by a certified translator.
    - ii. An original or certified copy of your Immigration Certificate
    - iii. An original or certified copy of a Certificate of Foreign Birth (for US citizens born abroad)
    - iv. Your US passport or a passport from another country

## Step 8: Change your name!

*Go to your county courthouse and get your name changed!*

1. **Head to the courthouse.** On your way into the building, go by the public notice board and retrieve your Notice of Intent to Change Name. Add it to your folder. This is everything you need to get your name changed.
2. **Bring your folder to the Special Proceedings office.** Tell the clerk you are here to change your name and that you have completed the waiting period for this.
3. **When they are ready, present them with the packet.** They will go through it, and probably won't have a problem with it if you have everything.
4. **They will ask you for contact information, including email and phone number.** They will keep (and mail back) your birth certificate.
5. **The clerk should give you a file number.** It will look like this: 25SP001234-000. If they do not, request it before you leave Special Proceedings.
6. **Photograph your file number and keep it safe.** This is the only way to search your name change documents after the fact. You will also need it in the future, in case you need to order more certified name changes.



You can track the process of your name change via the NC eCourts Portal. Go to the link at this QR Code and search your case number in "Smart Search."