

INSTRUCTIONS FOR NAME CHANGE OF ADULT

WHAT IS THE LAW ABOUT CHANGING NAMES IN GEORGIA?

Court cases that are only about changing names are covered by O.C.G.A. § 19-12-1 through § 19-12-4 and § 31-10-23(d). Some other court cases can also include name changes as part of the case, such as legitimations, paternity actions, and divorces. Each of the aforementioned actions has its own corresponding law and is not included in this packet of forms.

GENERAL COMMENTS

It is a good idea to talk to a lawyer before filing any court action. This name change is no exception to that rule. There are often more issues involved than you might realize if you fail to get legal advice. If you do not talk to a lawyer before filing this action, it is a good idea to review the forms and instructions in this packet before you talk to the lawyer so that you will be able to make the best use of your time with the lawyer.

State law, **O.C.G.A. § 15-19-51**, prohibits court personnel (including staff attorneys, law clerks, calendar clerks, Clerk's Office staff, ADR Office and Sheriff's Department staff) from giving legal advice or answering legal questions.

IMPORTANT

IF THERE IS ANY QUESTION in your mind concerning these forms, the use of these forms, or your legal rights, it is strongly recommended that the services of an attorney be obtained. If you do not know an attorney you should contact your local Bar Association.

If you are unable to afford the services of an attorney, you should contact the following organizations to see if you are eligible for their services:

- **Georgia Legal Services Program, Piedmont Regional Office (404)894-7707**

DUE TO THE CHANGING NATURE OF THE LAW, the forms and information contained in these packets may become outdated. Therefore, you should review and research statutes and rules of procedure referenced in the instructions to ensure that the forms are accurate and current.

IN NO EVENT will the Clerk of Court or ADR Office or anyone contributing to the production of these forms, commentary, instructions, and appendices be liable for any indirect or consequential damages resulting from the use of the booklet.

BE AWARE that answering questions about legal procedure (such as what the law requires you to do, how to prove your case, how to respond to requests by the opposing party or how to get that party to respond to your requests, how to comply with a law or a court order, etc.) constitutes "giving legal advice." Georgia law strictly forbids anyone employed by the Clerk's office,

Sheriff's office, judge's chambers, or ADR office from answering such questions. *When you choose to represent yourself, it is your responsibility to research the law yourself and figure out what the law requires you to do and how you should proceed. The fact that you are not an attorney is not an excuse or an exception to this requirement.*

USE THESE FORMS AT YOUR OWN RISK. THESE FORMS MAY OR MAY NOT BE APPROPRIATE IN YOUR PARTICULAR CASE. ANY DESIRED OUTCOME FROM THE USE OF THESE FORMS CANNOT BE PREDICTED OR GUARANTEED. IT IS STRONGLY RECOMMENDED THAT YOU SEEK LEGAL ADVICE.

FORMS INCLUDED IN THIS PACKET:

- (1) *Petition to Change Name of Adult* (2 pages)
- (2) *Verification of Name Change Petition* (1 page)
- (3) *Notice of Petition of Change Name of Adult* (1 page)
- (4) *Motion for Judgment on the Pleadings* (1 page)
- (5) *General Civil Case Filing Information Form* (available at Clerk's Office)
- (6) *Final Order Changing Name of Adult* (1 page)
- (7) *General Civil Case Final Disposition Information Form* (available at Clerk's Office)

BASIC STEPS FOR NAME CHANGE OF ADULT:

- STEP 1:** Fill out the *Petition, Verification, Notice, and Case Filing Information Forms*. These can be picked up at the Clerk's Office. Sign the forms in front of a notary public. (Save the *Final Order* and *Case Disposition Information* forms for later, when you have your final hearing).
- STEP 2:** Make copies of all the forms.
- STEP 3:** File the forms at the Superior Court Clerk's Office.
- STEP 4:** Arrange for publication of the in the newspaper *The Daily Herald*
- STEP 5:** Wait the required time, and prepare the forms for the final hearing.
- STEP 6:** Schedule and attend the final court hearing, if necessary.
- STEP 7:** File the final order and get a certified copy of it.
- STEP 8:** (Optional) Change birth certificate.

DETAILED INSTRUCTIONS FOR NAME CHANGE OF ADULT:

The rest of these instructions tell you how to fill out each form and complete each step of the process to complete your name change. **Please read these instructions and each form very carefully.** Missing or misreading a word could cause you to make serious errors in your case, causing confusion and delays, and even causing the Court to

deny the name changes you are requesting.

You must type or print in **black ink** on any forms you will file in with the Superior Court Clerk's Office.

Write neatly and legibly, and write out the name in full so that anyone reading your writing can easily determine how all names are spelled and what you are trying to say.

Do not use initials, nicknames, or the short version of a legal name (do not write "Ricky" if your real name is "Richard" or "Becky" if your real name is "Rebecca"). Do not use abbreviations other than "Jr.," or "Sr.," or "St." (St. John, for example).

STEP 1(A): PETITION TO CHANGE NAME OF ADULT

- **Caption (Heading):**

Type or print your current name on the blank provided (to the left of the vertical line where it says Petitioner). Do not fill in the Civil Action Case Number. The clerk will assign a number to your case when you file your petition in the Clerk's Office.

- **Paragraph 1: Name and Residency**

Type or print your current name on the blank in this paragraph.

Note: You must file this *Petition* in the county where you live. If you do not live in Henry County, you cannot file your name change case here.

- **Paragraph 2: Birth Date and Place of Birth**

Fill in your date of birth on the first blank. If you were born in the United States, check the first box and then fill in the county and state where you were born. If you were born outside the United States, check the second box and then fill in the place where you were born on the space provided.

- **Paragraph 3: Old and New Names**

On the first blank, fill in your current full name. Spell it exactly as it appears on your birth record or other official records you want to change (including any middle name). On the second blank, fill in the new full name you want. Spell the name exactly as you want it to appear on the birth certificate or other official records in the future.

- **Paragraph 4: Reasons for Name Change**

Explain your reasons for wanting the name change in this section. Be clear and reasonably complete, but keep it short.

- **Finishing this Petition**

Sign your name in the space provided on the last page, and add the date on which you are signing the *Petition*. Write your address and daytime telephone number where Court staff can reach you, if necessary. However, if you are living in a shelter for victims of family violence, do not list the address of the shelter. Instead, on the space for the address, list only the name of the shelter and the state where it is located. Do not even fill in the name of the county. Alternately, you may write another address here where you can be sure that you will receive any information that is mailed to you by the court.

STEP 1(B): VERIFICATION

The Verification form must be filled out along with the *Petition to Change Name of Adult*. Fill out the caption in the same way that you filled it out on the *Petition*. Then, insert your name in the space after the words, “My name is.”

Before you sign this Verification, remember that you will be swearing under oath that the information you have provided in the *Petition* is all true. **Do not sign it until you are in front of a notary public. Be certain to bring one form of state-approved identification, such as a driver’s license or passport, to prove your identity to the notary.** The notary must complete the remainder of the Verification form after you sign it under oath.

STEP 1(C): NOTICE

On the first blank in the main part of the form, fill in your current name. Spell it exactly as it appears on your birth certificate or other official records. On the appropriate blanks, fill in the date you are filing the *Petition*. On the next space, fill in the new name you want. Spell it exactly as you want it to appear on any official records in the future. At the bottom, fill in the date you are signing the form, and sign your name on the blank provided. Print or type your name and address on the lines below your signature. Make sure your address is complete, so the local newspaper can send you the proof of publication.

STEP 1(D): NON-DOMESTIC GENERAL CIVIL CASE FILING INFORMATION FORM

- **Case Caption:**

This is located on the top left portion of the form. Do not fill in the Case number. The clerk will do that when you file the case. On the lines just underneath the Case Number, type or print the caption of the case, just as it appears on the *Petition*.

- **Petitioner’s Information:**

This is located on the top right portion of the form. Type or print your current name, address, and telephone number on the spaces provided.

- **Respondent’s Information:**

Leave this section blank.

- **Type of Case and Origin:**

This is located in the boxes in the center of the form. Check the box next to “Name Change.” In the area labeled “ORIGIN,” check the box “Original Proceeding.”

- **Related Cases**

This is located at the bottom section on the form. If there have not been any other cases in this court about you, leave this section blank. Just sign your name at the bottom and fill in the date.

However, if there have been other cases about you in the Henry County Superior Court (for example, divorce, child support, criminal cases, TPO), then you must fill in this section. To complete this section, fill in the name of the judge and the Case Number of the other case. Check the box next to the words “Same issue of fact or grows out of the same transaction.” Then, sign your name at the bottom and fill in the date.

STEP 1(E): NOTARY PUBLIC

After you fill out all of the forms, review them to make sure they are complete and accurate. Then, take them to a notary public and sign them in front of the notary. You must bring at least one form of identification with you, such as a driver's license or passport, to prove your identity to the notary.

STEP 2: COPYING

Check to make sure you have completed all of the forms needed and that they have all been signed (in front of a notary, where necessary). (Check page one of these instructions for a list of all of the needed forms). Then, make one copy of each of the forms for your records. Separate the copies into sets – one for the court and one for you. Each set should have one copy of each form. Clip each set with a paperclip.

STEP 3: FILING

Take both sets of forms along with your case to the Henry County Superior Court Clerk's Office. There is a court filing fee for a name change action (the exact amount can be obtained from the Clerk's Office). You will also have to pay a separate fee for the local newspaper to publish the notice of name change. These fees can be paid by cash, check, or money order. Be sure to bring a form of payment with you to the Clerk's Office, and remember that the two fees will have to be paid separately.

Note: If you have a low income and feel that you cannot afford to pay these fees, you can ask the Court to waive the court filing fee (but not the publication fee). To do this, you should file *Poverty Affidavit* and *Order on Poverty Affidavit* forms along with your other forms that you have taken to the Clerk's Office. You should submit pay stubs for the last three months or unemployment check statements for the last three months. If the judge approves of the fee waiver, the judge must sign the *Order* approving the *Poverty Affidavit* before the filing of your case can be completed by the Clerk's Office staff. If the judge does not approve your *Poverty Affidavit*, you must pay all fees before your case will proceed.

Tell the clerk if there have ever been cases about you in this court so that the case can be assigned to the proper judge. If your paperwork is complete, the clerk will keep the originals for the Court's file. Once your fees have been paid or a *Poverty Affidavit* has been approved by the judge, the clerk will write the case number on the top of the set of your copies, stamp them, and return them to you. Keep these copies for your records.

STEP 4: PUBLICATION OF NOTICE

Publication is required in *all* name change cases. While filing your case at the Clerk's Office, give the clerk the *Notice* and payment for the publication fee (**check or money order**) made out to *Daily Herald*. The Clerk will forward the *Notice* and payment to ***Daily Herald***.

You should receive a *Publisher's Affidavit* from the local newspaper after the *Notice* has been published for four weeks. Keep it with your other court papers related to this name change case. You will need this document at your final hearing in order to show the judge that the notice was published.

STEP 5: WAIT AND PREPARE FOR FINAL HEARING

The required waiting period for an adult name change in Georgia is **30 days from the date of filing**. Publication of *Notice* in ***Daily Herald*** must have been completed. The publication normally runs for 4 weeks, so it will usually be completed at approximately the same time as the waiting period.

- **Final Order for Changing Name of Adult:**

Fill in the caption the same way you did on the *Petition*. Fill in the Case Number with the same number the Clerk wrote down when you filed the case.

Fill in your current full name and your new full name on the blanks provided. Be sure you spell the new, full name exactly as you want it to appear on your official records in the future. Make sure you write

legibly. Leave the rest of the form blank. The judge will fill in the remainder of the form at your final hearing.

• **General Civil Case Final Disposition Information Form:**

Check the box next to the word “Superior” in the upper left-hand corner of the form.

Fill in Henry County in the space provided for county. Fill in the Case Number on the space for the Docket Number. Fill in your name as the Reporting Party; fill in your title, which is “Petitioner.”

Fill in your name on the line for the “Name of Petitioner/Petitioner.” Check the box for “Pro Se.” Do not fill in the spaces provided for the respondent.

Under “Type of Disposition,” check the box for Bench Trial (#6).

Do not fill in the “Award” section or the “Judgment on Verdict” section. Leave them blank.

Under “ADR,” check the box for “No.”

STEP 6-A: FINAL HEARING

Contact the calendar clerk for the judge assigned to your case. Make sure you have your court papers (including the Case Number) in front of you when you make the call, so you can answer any questions the calendar clerk may have about your case. Schedule your final hearing. (Some judges require you to make an appointment; others just have certain days and hours when you come in for this type of hearing).

When you go to court for the hearing, take your copy of all the court papers with you, including:

- Petition to Change Name of Adult*
- Notice of Petition to Change Name of Adult*
- Publisher’s Affidavit* (the paperwork sent to you by **Daily Herald**)
- Final Order Changing Name of Adult*
- General Civil Case Final Disposition Information Form*

When you get to the judge’s office or the courtroom, tell the staff that you are there for a name change. The staff may ask you for your *Final Order* form. When you go into the judge’s office or courtroom, the judge will have you swear to the truth of what you are about to say. Then, tell the judge the following information:

- Your name
- The county where you live
- That you are at least 18 years old
- That you are asking the judge to grant a name change for you from your current name of _____ to the proposed name of _____.
- The reasons you want to change your name, and
- That you are not doing the same change for the purpose of defrauding anyone.

If you have not already given the staff your *Final Order* form, offer it to the judge now. The judge may ask you some additional questions. Then, if the judge approves the name change, s/he will sign the *Final Order* form.

STEP 6-B: JUDGMENT ON THE PLEADINGS WITHOUT THE NEED FOR A HEARING

If a Name Change of an Adult or a Name Change of Child(ren) is uncontested, then it may be possible for you to obtain judgment in your case without having to come to court for a hearing. Judgment obtained in this way is done by filing a document called a Motion for Judgment on the Pleadings. However, if a name change is contested, any information is wrong or incomplete, you have not filed originals of all the required forms, or the judge needs more information before s/he can decide whether to grant the name change, then the case must be set for a hearing. Therefore, include the Motion for Judgment on the Pleadings when you file just in case the judge can grant judgment without requiring a hearing the case.

STEP 7: FILE FINAL ORDER

Take the signed *Final Order* to the Henry County Superior Court Clerk’s Office and have it filed. Ask for a certified copy of the order. There will be a fee for the certified copy. The certified copy is your proof that your name has officially been changed.

STEP 8: CHANGE BIRTH CERTIFICATE AND RECORDS (Optional)

- **Birth Certificate**

If you were born in the State of Georgia, you may have your birth certificate changed to show your new name. (The new birth certificate will be marked as “amended”).

To change the birth certificate, take or mail the following documents to the **Georgia Bureau of Vital Records** at 2600 Skyland Drive NE, Atlanta, GA 30319-3640; telephone: 404-679-4702:

- Certified copy of *Final Order*
- Copy of your current birth certificate
- Money order made payable to “Vital Records Services”

Tell the Vital Records staff that you have had your name legally changed and you want to amend your birth certificate. If you do it by mail, be sure to provide them with your name and address so that they can send you the amended birth certificate.

- **Important Records**

Take some time to think of all the agencies and companies you may need to notify about your name change. These may include:

- Department of Public Safety (driver’s license)
- Your bank
- Social Security Administration, Department of Family and Children’s Services
- Your creditors (such as your landlord or mortgage company, credit card companies)
- Child Support Enforcement/ Family Support Registry

Contact these places to find out the steps you must take to give them proper notice of your new name. Some may charge a fee; most will want a copy of your final order.

Congratulations! Your Name Change is complete!

**IN THE SUPERIOR COURT OF HENRY COUNTY
STATE OF GEORGIA**

In re the Name Change of:

_____,
Petitioner.

Civil Action File No.:

PETITION TO CHANGE NAME OF ADULT

The Petitioner files this Petition to Change Name of Adult, and states the following in support of the petition:

1

The Petitioner's name is _____, and s/he resides in Henry County, Georgia. Therefore, jurisdiction and venue are proper in this Court.

2

The Petitioner was born on _____

[Check and complete only one of the following.]

in _____ County, State of _____, United States of America.

outside the United States, in _____

_____.

3

The Petitioner seeks to change his or her name from

_____ to

_____.

4

[Explain here why you want to change your name.]

The reasons for this name change are as follows:

**IN THE SUPERIOR COURT OF HENRY COUNTY
STATE OF GEORGIA**

In re the Name Change of:

_____ ,
Petitioner.

Civil Action File No.: _____

VERIFICATION OF PETITION TO CHANGE NAME OF ADULT

I, _____, personally appeared before the undersigned Notary Public, and declare under oath that I am the Petitioner in the above-styled action and that the facts stated in the foregoing Petition to Change Name of Adult true and correct.

Signed this _____ day of _____ .
 [day] [month] [year]

_____ (Sign your name here before Notary) _____ *Petitioner, Pro se*

Petitioner's name (print or type): _____

Petitioner's Address: _____

Petitioner's Telephone Number: _____

Petitioner's Email Address: _____

Sworn to and affirmed before me, this _____ day of _____.

NOTARY PUBLIC

My commission expires: _____

(Notary Seal)

**IN THE SUPERIOR COURT OF HENRY COUNTY
STATE OF GEORGIA**

In re the Name Change of:

Petitioner.

Civil Action File No.: _____

NOTICE OF PETITION TO CHANGE NAME OF ADULT

I, _____ filed a petition in the Superior Court of Henry County on _____, 20____ to change my name from _____ to _____ . Any interested party has the right to appear in this case and file objections within 30 days after the *Petition* was filed.

Signed this _____ day of _____ .
[day] [month] [year]

(Sign your name here before Notary)

Petitioner, *Pro se*

Petitioner's name (print or type): _____

Petitioner's Address: _____

Petitioner's Telephone Number: _____

Petitioner's Email Address: _____

Sworn to and affirmed before me, this _____ day of _____ .

NOTARY PUBLIC

My commission expires: _____
(Notary Seal)

**IN THE SUPERIOR COURT OF HENRY COUNTY
STATE OF GEORGIA**

In re the Name Change of:

Petitioner.

Civil Action File No.: _____

FINAL ORDER CHANGING NAME OF ADULT

This matter has come before the Court on the Petitioner's verified *Petition to Change Name of Adult*. It appears to the Court that the required notice has been published, and sufficient grounds exist for the requested relief.

THEREFORE, IT IS HEREBY ORDERED that the Petitioner's name shall be changed from _____
_____ to _____.

Such name change shall not operate to fraudulently deprive another of any legal rights.

This Order entered on the _____ day of _____, 20____.

JUDGE, Henry Superior Court
Flint Judicial Circuit