

INSTRUCTIONS FOR NAME CHANGE OF ADULT

Note: HB 279 as passed in 2017 provides for a separate process when a name change is requested by an Individual alleging to be the victim of Family Violence. OCGA § 19-12-1 (c) (1) & (2). You will need to contact an attorney should you have any questions regarding this law.

WHAT IS THE LAW ABOUT CHANGING NAMES IN GEORGIA?

Court cases that are only about changing names are covered by Official Code of Georgia Sections 19-12-1 through 19-12-4 and 31-10-23(d). Other court cases can also include name changes as part of the case. These include legitimations, paternity actions, and divorces. Each of these actions has its own part of the Official Code of Georgia 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 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, OCGA § 15-19-51, prohibits court personnel (including staff attorneys or law clerks, calendar clerks, clerk's office staff, and sheriff's department staff) from giving legal advice or answering legal questions.

LIST OF FORMS YOU SHOULD HAVE IN THIS PACKET:

1. Petition to Change Name of Adult
2. Verification of Name Change Petition
3. Notice of Petition to Change Name of Adult
4. General Civil Case Filing Information Form
5. Final Order Changing Name of Adult
6. General Civil Case Final Disposition Information Form
7. Pro Se Affidavit
8. Affidavit of Plaintiff

LIST OF STEPS FOR NAME CHANGE OF ADULT:

1. Fill out the *Petition, Verification, Notice, Pro Se Affidavit, Affidavit of Plaintiff and Case Filing Information* forms. 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.)
2. Make copies of all the forms.
3. File the forms at the Superior Court Clerk's office.
4. Arrange for publication in your local newspaper.
5. Wait the required time, and prepare the forms for the final hearing.
6. Schedule and attend the court hearing.
7. File the *Final Order* and get a certified copy of it.
8. (Optional) Change birth certificate.

DETAILED, STEP-BY-STEP INSTRUCTIONS

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 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.

STEP 1(a): Completing the Petition to Change Name of Adult

Caption (Heading on Petition):

Type or print your current name on the blank provided (to the left of the vertical line). *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 of Petition: Your Name and Residency

Type or print your name on the blank in this paragraph. Note: You must file this *Petition* in the county where you live.

Paragraph 2 of Petition: Your Birth date and Place of Birth

Fill in the 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 fill in the place you were born in the space provided.

Paragraph 3 of Petition: Old and New Names

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

Paragraph 4 of Petition: Reasons for Name Change

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

To finish filling out this Petition form, sign your name in the space provided on the last page, add the date on which you are signing it, write your address and a daytime telephone number where the 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**. To do so would violate O.C.G.A. § 19-13-23. Instead, on the space for the address, list only the name of the shelter and the state where it is located. Also, if the Respondent does not know your address and it should be kept confidential because of family violence, do not write that address here. Instead, you should 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): Completing the Verification Form

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

Now, before you sign this Verification, remember that you will be swearing under oath that the information you have provided in the *Petition* is true. Therefore, you should reread the *Petition* one more time, from start to finish, to make sure that it is all true. **Do not sign it until you are in front of a notary public**. The notary must complete the rest of the Verification form after you sign it under oath.

Step 1(c): Completing the Notice of Petition to Change Name of Adult

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 that 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 that the newspaper can send you the proof of publication.

Step 1(d): Completing the Non-Domestic General Civil Case Filing Information Form

Check the box next to the word “Superior” in the upper left-hand corner of the form. Fill in the name of the county in which you are filing the *Petition*. Do not fill in the Docket Number or the Date Filed. The clerk will do it for you when you file the case.

Fill in your name in the first line under “Plaintiff(s).” Fill in the number of Plaintiffs, probably “1”, in the space for “Number of Plaintiff(s).”

Check the box for “Pro Se.”

Leave the lines under “Defendant(s)” blank.

In the “Check Primary Type” box, check “Other General Civil Specify” and write “Name Change.”

Leave the “If Tort is Case Type” box blank.

Step 1(e): Signing in Front of a 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.

Step 2: Copying Your Papers

Check to make sure you have completed all the forms you need, and that they have all been signed (in front of a notary, when necessary). Then, make one copy of each of the forms for your records. Sort the copies into sets for the Court and for you with one copy of every form in each set. Clip each set with a paper clip.

Step 3: Filing the Forms at the Clerk’s Office

After you have completed, signed (in front of a notary, where applicable), copied and sorted all your paperwork, you are ready to file your case.

Step 4: Arrange for Publication of the Notice

Publication is required in all name change cases. However, it is simple to do. While you are filing your case, give the clerk the Notice and the payment for the publication. The clerk will forward the Notice and payment to the newspaper.

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

Step 5: Wait the Required Time and Prepare Forms for Final Hearing

The required waiting period for an adult name change in Georgia is **30 days from the date of filing** in court.

In addition, publication of the Notice in the local newspaper 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.

Complete the Final Order Changing Name of Adult:

Fill in the caption in the same way you did it on the *Petition*. Fill in the Case Number, as the clerk wrote it down for you when you filed the case.

Then, fill in the current (old) name, date of birth and (proposed) new name on the blanks provided. Be sure to spell your current name exactly as it appears on your official records, and your new name exactly as you want it to appear on your official records in the future. Leave the rest of the form blank. The Judge will fill out the rest at your hearing.

Complete the 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 the county name. Fill in the Case Number on the space for the Docket Number. Fill in your name as the Reporting Party; your title is "Petitioner."

Fill in your name on the line for the "Name of Plaintiff/Petition." Check the box for "Pro Se." Do not fill in spaces provided for the Respondent.

Under “Type of Disposition,” check the box for Bench Trial.

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

Under “ADR,” check the box for “No.”

Step 6: Schedule and Attend the Court 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.

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

1. Petition to Change Name of Adult
2. Notice of Petition to Change Names of Adult
3. Publisher’s Affidavit
4. Final Order Changing Name of Adult
5. General Civil Case Final Disposition Information Form

When you get to the courtroom, tell the staff that you are there for a name change. The staff may ask you for your *Final Order* form. When the Judge calls your case, the he or she will have you swear to the truth of what you are about to say. Then, tell the Judge the following information:

1. Your name
2. The county where you live
3. That you are at least 18 years of age
4. That you are asking the Judge to grant you a name change from your current name to _____ [the proposed new name] _____,
5. The reasons that you want to change the name, and
6. That you are not doing this name change for the purpose of defrauding anyone

If you didn’t already give the *Final Order* form to the Judge’s staff, offer it to the Judge now. The Judge may ask you some additional questions. Then, if the Judge approves the name change, he or she will sign the *Final Order* form.

Step 7: File the Final Order and Get a Certified Copy

In the Alcovy Circuit, the Clerk will usually file the Final Order while you are in Court. However, he or she may not allow you to take the file itself and the order up to the Clerk's office. Usually you will need to return later in the day or later in the week to get a certified copy of your Final Order.

Step 8 (optional): Change Birth Certificate and Other Important Records

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 "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 for \$20.00, made out to "Vital Records Services"

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

Other Important Records

Take some time to think about all the agencies and companies you may need to notify about your name change. For example, 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 them 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*.

**Your Name Change is All Done!
Congratulations!**