

INSTRUCTIONS FOR RESTORING SURNAME AFTER ENTRY OF FINAL JUDGMENT AND DECREE OF DIVORCE

Pursuant to, O.C.G.A. § 19-5-16(b)(1), “[A] former spouse may petition the court by motion ex parte to restore his or her legal name to the given surname as shown on his or her birth certificate,” after entry of a judgment and decree of divorce.

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 STEPS FOR RESTORING SURNAME AFTER ENTRY OF FINAL JUDGMENT AND DECREE OF DIVORCE:

1. Fill out the Motion to Restore Name After Entry of Final Judgment and Decree of Divorce. The case information should reflect the same information from your Final Decree of Divorce.
2. File the Motion and proposed Order Restoring Name at the Superior Court Clerk’s office in the county in which your divorce was finalized.

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

_____,
Plaintiff,
vs. Civil Action
File No.: _____
_____,
Defendant.

**MOTION TO RESTORE NAME AFTER ENTRY OF FINAL JUDGMENT AND
DECREE OF DIVORCE**

1. My name is _____ [full name], and I am the (Plaintiff)(Defendant) in the above-styled case.

2. The (Plaintiff)(Defendant), _____ [full name] is my former spouse.

3. The (Plaintiff)(Defendant) and I were divorced by entry of a Final Judgment and Decree of Divorce filed on the _____ day of _____, _____, in Civil Action File Number: _____.

4. Prior to the entry of the Final Judgment and Decree of Divorce, I did not request that my surname be restored to the given surname shown on my birth certificate.

5. My birth certificate lists my full name as: _____
_____.

6. Pursuant to, O.C.G.A. §19-5-16, I am requesting that the Court please restore my given surname shown on my birth certificate.

THEREFORE, I request the following:

- a. That my last name be restored to: _____.
- b. That the Court grant my Motion without a hearing as permitted by law.

This _____ day of _____, 20_____.

Signature

Printed Name

Address

Email

Telephone

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

_____ ,

Plaintiff,

Civil Action

vs.

File No.: _____

_____ ,

Defendant.

**ORDER RESTORING NAME AFTER ENTRY OF FINAL JUDGMENT AND DECREE
OF DIVORCE**

The above-styled case is before the Court on the [Plaintiff's][Defendant's] Motion to Restore Name after Entry of Final Judgment and Decree of Divorce. The Court has reviewed and considered the Motion, evidence in the record, and applicable law, specifically, O.C.G.A. §19-5-16. It appears to the Court that sufficient grounds exist for granting the requested relief. Accordingly, the Court hereby finds and Orders as follows:

That this name change shall not operate to authorize the Movant to fraudulently deprive others of any legal rights under the law.

That the parties were divorced and the Final Judgment and Decree of Divorce did not restore the [Plaintiff's][Defendant's] surname.
[CIRCLE ONE]

That this Order does not create any inheritance rights and does not allow any new inheritance rights to accrue.

It is hereby ORDERED that the [Plaintiff's][Defendant's] name shall be restored to:
[CIRCLE ONE]

_____.

SO ORDERED, this _____ day of _____, _____.

Judge, Superior Courts
Alcovy Judicial Circuit