

## **INSTRUCTION SHEET FOR CHANGING THE NAME OF A MINOR CHILD**

The forms presented in this packet are designed to guide you in the preparation of change of name of a minor child. You must type in the required information as it applies to your situation. Your papers should remain in the same order as they appear in this packet.

You should type in every blank line EXCEPT for the civil action file number blanks and the lines provided for signatures. Make sure that everything is signed.

Georgia Law, O.C.G.A. § 15-19-51, prohibits court personnel of the Southern Judicial Circuit from providing legal advice or assisting in the selection or completion of legal forms for filing with the Court. If there are any questions concerning these forms or the use of these forms, it is strongly recommended that the services of an attorney be obtained.

Remember, you must fully complete the forms and follow all instructions before the Judge will be able to grant your change of name. Incomplete forms, as well as forms that are improperly filled out, may delay the grant of your change of name. Make sure that you take time to read over all the forms, and understand what is being asked of you in each situation. Please consult an attorney if you have questions about the procedure or what action is best for you to take.

Georgia Law which governs changes of name: O.C.G.A. § 19-12-1

### **Petition for name change; request by victim of family violence; notice of filing; consent of minor's parents or guardian.**

(a) As used in this Code section, the term:

(1) "Abandoned" shall have the same meaning as set forth in O.C.G.A § 15-11-2.

(2) "Child" means an unemancipated individual who is under 18 years of age.

(3) "Family violence" shall have the same meaning as set forth in O.C.G.A § 19-13-1.

(b) Any individual desirous of changing his or her name or the name of his or her child may present a petition to the superior court of the county of his or her residence. Such petition shall set forth fully and particularly the reasons why the name change is being requested. Such petition shall be verified by the petitioner.

(c) (1) When a name change is requested by a petitioner who alleges to be a victim of family violence, such petitioner may petition the Court to file his or her petition to change his or her name under seal.

(2) If the Court determines that the petitioner is a victim of family violence, the Court may issue an order waiving the requirements of publication as set forth in subsection (d) of this Code section. If the Court determines that such filing shall be allowed to proceed under seal and otherwise waives the other requirements of this Code section, it may hear and determine all of the matters raised in such petition and render a final judgment

thereon.

(3) After issuing an order under paragraph (2) of this subsection, the Court may later unseal a petition for name change or order the petitioner to file a redacted version of such petition for the public record.

(4) If the Court determines that the petitioner is not a victim of family violence, the underlying petition for name change shall not be heard until this Code section has been complied with in full.

(5) The Court shall retain all filings made under seal as part of the record.

(d) Except when an order has been issued as provided in paragraph (2) of subsection (c) of this Code section, within seven days of the filing of the petition, the petitioner shall cause a notice to be published once a week for four consecutive weeks in the legal organ of the county in which such petition is pending. The notice shall contain the name of the petitioner, the name of the individual whose name is to be changed if different from that of the petitioner, the new name desired, the Court in which the petition is pending, the date on which the petition was filed, and the right of any interested or affected party to appear and file objections.

(e) If the petitioner seeks to change the name of his or her child, the written consent of his or her parent or parents if they are living and have not abandoned the child, or the written consent of the child's guardian if both parents are deceased or have abandoned the child, shall be filed with the petition.

(f) When a petition is seeking to change the name of a child, the parent or parents of the child shall be served with a copy of the petition. If the parent or parents reside within this state, service of the petition shall be made in person, provided that if the location or address of the parent is unknown, service of the petition on the parent shall be made by publication as provided in subsection (d) of this Code section. If the parent or parents reside outside this state, service of the petition on the parent or parents residing outside this state shall be made by certified mail or statutory overnight delivery if the address is known or by publication as provided in subsection (d) of this Code section if the address is not known.

(g) When a child resides with individuals other than his or her parent or parents, a copy of the petition shall be served upon such individuals in the same manner as service would be made on a parent.

(h) So long as a petition has not been heard and granted under paragraph (2) of subsection (c) of this Code section, after proof to the Court of publication of the notice as required by subsection (d) of this Code section is made, if no objection was filed, the Court shall proceed at chambers on such date as the Court shall fix to hear and determine all matters raised by the petition and to render final judgment or decree thereon. Such hearing shall occur upon the expiration of:

(1) Thirty days from the filing of the petition if the individual whose name to be changed is an adult;

(2) Thirty days from the date of service upon the parent, parents, or guardian of a child whose name is to be changed if the parent, parents, or guardian reside within this state; or

(3) Sixty days from the date of service upon the parent, parents, or guardian of a child whose name is to be changed if either the parent, parents, or guardian reside outside the state and the petition is served by mail.

(l) For service required by this Code section, the clerk shall receive the fees prescribed in O.C.G.A. § 15-6-77.

**Follow these steps:**

1. Fill out the petition for name change, printing neatly and using black ink, being sure to include the reasons for the change.
2. Obtain written consent of the parent(s) of the minor child(ren). O.C.G.A. § 19-12-1(c) requires that written consent be obtained and filed with the petition UNLESS the parent “has abandoned the child.” O.C.G.A § 19-12-1
3. File the petition for name change AND the parents’ written consent with the clerk of the Superior Court in the county of the child’s residence. O.C.G.A. § 19-12-1(c)
4. Serve the parents a copy of the petition. O.C.G.A. § 19-12-1(d)
  - a. If the parent(s) reside in Georgia, the copy must be served in person unless the location or address of the parents is unknown. If the parents’ address is unknown, they may be notified by publication in the newspaper once a week for four weeks.
  - b. Or acknowledge service.
  - c. If the parent(s) reside outside of Georgia, service must be made by certified mail or statutory overnight delivery if the address is known or by publication in the newspaper if the address is not known.
  - d. If the child(ren) live(s) with someone other than the parents, “a copy of the petition shall be served upon the person acting as guardian of the child in the same manner as service would be made on a parent.” O.C.G.A. § 19-12-1(e).
5. Within seven (7) days of filing the petition, you must publish the enclosed Notice of Petition to Change Name with the official legal organ (newspaper) of \_\_\_\_\_ County. This notice must run once a week for four weeks. O.C.G.A. § 19-12-1(b).
6. Submit to the Court proof that you have published the notice as required. Proof consists of an affidavit of publication by the newspaper AND photocopies of the published notices as they appeared. O.C.G.A. § 19-12-1(f).

7. Thirty days or more after your petition was filed, and after you submitted proof to the Court of publication of the proper notice, the Court will set a date to hear the matter in chambers and to render a final judgment or decree. O.C.G.A. § 19-12-1(f).

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA**

) **CIVIL ACTION FILE**  
) **NO. \_\_\_\_\_**  
)  
IN RE: \_\_\_\_\_ )  
)  
And \_\_\_\_\_ )  
)  
(Name of Minor Child(ren)) )

**PETITION TO CHANGE NAMES OF MINOR CHILD(REN)**

Petitioner, \_\_\_\_\_ (name of parent or guardian of minor) files this Petition and shows the following:

1.

Petitioner is a resident of \_\_\_\_\_ County, Georgia.

2.

The names of the minor child or minor children are \_\_\_\_\_

\_\_\_\_\_ and said minor child(ren) live(s) in \_\_\_\_\_ County, Georgia.

3.

Petitioner is the child(ren)'s \_\_\_\_\_ (identify relationship with child(ren)).

4.

Petitioner desires to change the name(s) of said minor child(ren) from \_\_\_\_\_ (*former name*), Year of Birth \_\_\_\_\_, to \_\_\_\_\_ (*new name*) and from (*if there is a second child*) \_\_\_\_\_ (*former name*), Year of Birth \_\_\_\_\_, to \_\_\_\_\_ (*new name*)

5.

The reasons for such change in name(s) are as follows:

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6.

The natural parents of said child(ren) are:

Mother's Name

Address

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Father's Name

Address

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7.

(Mark the appropriate choice and only mark either A, B, or C)

- (A) I have served the other parent by personal service as required by OCGA § 19-12-1 (f), and the other parent has acknowledged service of the Petition and has waived further service of process.

OR

- (B) I have served the other parent by personal service as required by OCGA § 19-12-1 (f) at the following address \_\_\_\_\_ by having the sheriff serve him or her at this address.

OR

- (C) I do not know the whereabouts of the minor child's \_\_\_\_\_ (father or mother or guardian) and within seven (7) days of filing this petition will serve them by publication in the newspaper for once a week for four weeks and I will file the publisher's affidavit at the end of the four weeks.

8.

(Mark the appropriate choice and only mark either A, B or C)

- (A) The written consent of the other parent to change the name of the minor child(ren) is attached hereto as Exhibit A.

OR

- (B) The other parent is deceased and I have attached the death certificate to the petition as Exhibit A.

OR

- (C) The consent is not needed because I allege that the other parent has abandoned the child as defined in O.C.G.A. § 15-11-12 by showing an intent to forgo parental duties or relinquish parental claims by doing the following: (mark all that apply)

- Failure, for a period of at least six months, to communicate meaningfully with a child;
- Failure, for a period of at least six months, to maintain regular visitation with a child;
- Leaving a child with another person without provision for his or her support for a period of at least six months;
- Failure, for a period of at least six months, to participate in any court ordered plan or program designed to reunite a child's parent, guardian, or legal custodian with his or her child;
- Leaving a child without affording means of identifying such child or his or her parent, guardian, or legal custodian and:
- The identity of such child's parent, guardian, or legal custodian cannot be ascertained despite diligent searching; and a parent, guardian, or legal custodian has not come forward to claim such child within three months following the finding of such child;
- Being absent from the home of his or her child for a period of time that creates a substantial risk of serious harm to a child left in the home;
- Failure to respond, for a period of at least six months, to notice of child protective proceedings; or
- Any other conduct indicating an intent to forgo parental duties or relinquish parental claims by doing the following

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**WHEREFORE,** Petitioner respectfully prays for the following:

That the name of \_\_\_\_\_ be changed to

\_\_\_\_\_.

And that the name of \_\_\_\_\_ be changed to

\_\_\_\_\_.

And any other such relief as the Court does deem proper and necessary.

Respectfully submitted, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Petitioner *pro se* (sign above)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Address and Telephone Number



IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

In Re: \_\_\_\_\_  
and \_\_\_\_\_,  
Minor Child(ren)

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Civil Action File No. \_\_\_\_\_

**VERIFICATION**

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 set forth in this Petition are true and correct to the best of my knowledge and belief.

\_\_\_\_\_,  
Plaintiff, *pro se*

Sworn and subscribed before me

This \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Georgia

My Commission Expires \_\_\_\_\_.

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY**  
**STATE OF GEORGIA**

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In Re: \_\_\_\_\_  
and \_\_\_\_\_,  
Minor Child(ren)

Civil Action File No. \_\_\_\_\_

**CONSENT TO CHANGE NAME(S) OF MINOR CHILD(REN)**  
and **ACKNOWLEDGMENT OF SERVICE**

The undersigned \_\_\_\_\_ and \_\_\_\_\_  
\_\_\_\_\_ are the natural parents of \_\_\_\_\_,  
\_\_\_\_\_  
minor child(ren). The undersigned hereby acknowledges that we have received a  
copy of the Petition that was filed by \_\_\_\_\_, in the Superior  
Court of \_\_\_\_\_ County, Georgia, seeking to change the name(s) of  
\_\_\_\_\_ to \_\_\_\_\_  
and of \_\_\_\_\_ to \_\_\_\_\_.

The undersigned hereby state that they have not abandoned said child(ren),  
nor have they failed to support the children. The undersigned have been advised of  
the reasons for said name change(s) and the undersigned hereby consent to the  
filing of said Petition and the aforesaid change of names.

**IN WITNESS WHEREOF**, the parent(s) has/have voluntarily signed their  
name(s), this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
**MOTHER**

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
**FATHER**

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY**  
**STATE OF GEORGIA**

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In Re: \_\_\_\_\_  
and \_\_\_\_\_,  
Minor Child(ren)

Civil Action File No. \_\_\_\_\_

**NOTICE OF PETITION TO CHANGE NAME**

GEORGIA, \_\_\_\_\_, COUNTY

**NOTICE** is hereby given that \_\_\_\_\_,  
the undersigned, filed this Petition to the Superior Court of \_\_\_\_\_ County,  
Georgia on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, praying  
for a change in the name of minor child(ren) from \_\_\_\_\_  
to \_\_\_\_\_, and  
from \_\_\_\_\_ to \_\_\_\_\_.

**NOTICE** is hereby given pursuant to law to any interested or affect party to  
appear in said Court and to file objections to such name change. Objections must be  
filed with said Court within thirty days of the filing of said Petition.

This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Petitioner, *pro se*

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY**  
**STATE OF GEORGIA**

In Re: \_\_\_\_\_  
and \_\_\_\_\_,  
Minor Child(ren)

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Civil Action File No. \_\_\_\_\_

**FINAL ORDER**

The above and foregoing Petition to Change Name coming on to be heard pursuant to law, and it appearing that Notice has been published pursuant to law and that no objections have been timely filed, and it further appearing that sufficient grounds exist for the granting of the relief prayed for in said Petition and that no reason appears showing why said prayers should not be granted,

**IT IS HEREBY ORDERED**

- (a) That the name of \_\_\_\_\_, Petitioner, be changed to \_\_\_\_\_; Year of Birth: \_\_\_\_\_.
- (b) That the name of \_\_\_\_\_, Petitioner, be changed to \_\_\_\_\_; Year of Birth: \_\_\_\_\_.
- (c) That the name of \_\_\_\_\_, Petitioner, be changed to \_\_\_\_\_; Year of Birth: \_\_\_\_\_.
- (d) That such name change shall not operate to authorize petitioner to fraudulently deprive others of any legal rights under the law;
- (e) That \_\_\_\_\_ be appointed as guardian ad litem, if necessary.

**SO ORDERED**, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
**JUDGE**, Superior Courts  
Southern Judicial Circuit

Presented by:

\_\_\_\_\_  
Petitioner, *pro se*