

Instructions for Changing the Name of a Minor Child

FIRST, HERE IS WHAT A NAME CHANGE FOR MINOR CHILD DOES NOT DO:

- The legal procedure of a name change does not change the legal status of the child or the father in any way.
- If you are the father of a child born out of wedlock, and you want to become the legal father, you must use a different procedure called "Legitimation." You may change the child's name in the Legitimation action, and do not have to file a separate name change petition.
- If you are a mother or father who wants to have a court decide who is the child's father, you must file a Paternity action.
- If you are the natural parents of a child born out of wedlock in Georgia, and you have not married each other and want to change the child's birth certificate to show the father and change the child's name, you do not have to file a court action. Instead, you may file a simple form with the Georgia Bureau of Vital Records. This form is called *Application for an Amended Certificate of Birth by Legitimation* (form # 3929), and it is available from the Vital Records Office.

SECOND, IN ORDER TO FILE A NAME CHANGE FOR ANY CHILD IN GEORGIA YOU MUST HAVE THE CONSENT OF EACH OF THE PARENTS.

The only exceptions to this rule are:

- if the parent is deceased, OR
- the parent has abandoned the child(ren), OR
- the parent has not contributed to the support of the children for a continuous period of at least 5 years immediately before you file the petition.

GENERAL COMMENTS

The Judges, the Clerk of Court, the Deputy Clerks, or other Court personnel, ARE NOT allowed to answer any questions concerning the preparation of these forms. State Law O.C.G.A. §1519-51 prohibits Court Personnel from giving legal advice.

Different situations may require special procedures and courthouse personnel cannot advise you on how to proceed or what forms may be necessary in specific situations. The only person allowed to help you in the preparation of these forms is a licensed attorney hired to represent you. Please consult an attorney if you have questions about the procedure or what action is best for you to take.

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.

WHAT IS THE LAW ABOUT CHANGING NAMES IN GEORGIA?

O.C.G.A. § 19-12-1. Manner; petition; publication of notice of filing; hearing and judgment

- a) Any person desirous of changing his name or the name or names of his minor child or children may present a petition to the superior court of the county of his residence, setting forth fully and particularly the reasons why the change is asked, which petition shall be verified by the petitioner.
- b) Within seven days of the filing of the petition, the petitioner shall cause a notice of the filing, signed by him, to be published in the official legal organ of the county once a week for four weeks. The notice shall contain therein the name of the petitioner, the name of the person 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.
- c) If the petition seeks to change the name of a minor child, the written consent of his 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 dead or have abandoned the child, shall be filed with the petition, except that the written consent of a parent shall not be required if the parent has not contributed to the support of the child for a continuous period of five years or more immediately preceding the filing of the petition.
- d) In all cases, before a minor child's name may be changed, 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, except 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 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 this Code section if the address is not known.

- e) Where a child resides with persons other than his parent or 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.
- f) Upon the expiration of:
 - 1) Thirty days from the filing of the petition if the person whose name to be changed is an adult;
 - 2) Thirty days from the date of service upon the parent, parents, or guardian of a minor 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 minor whose name is to be changed if either the parent, parents, or guardian reside outside the state and the petition is served by mail, and after proof to the court of publication of the notice as required in this Code section is made, if no objection is filed, the court shall proceed at chambers at 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. For such service, the clerk shall receive the fees prescribed O.C.G.A. § 15-6-77, relating to fees of clerks of the superior courts for civil cases.

LIST OF FORMS YOU MUST COMPLETE

1. Petition to Change Name(s) of Minor Child (ren)
2. Verification of Name Change Petition
3. Consent to Change Name(s) of Minor Child(ren) & Acknowledgement of Service
4. Notice of Petition to Change Name(s) of Minor Child(ren)
5. General Civil Case Filing Information Form
6. Final Order Changing Name(s) of Minor Child(ren)
7. General Civil Case Final Disposition Information Form
8. Pro Se Contact Information Form

Follow These Steps:

1. It is important to print neatly and to use black ink on all forms.
2. If a form requires a Notary Public signature, you will be required to swear under oath that all the information on the form is truthful. Do not sign the form until you are in front of a notary public (the Clerks office cannot notarize the forms)
3. Have the Consent and Acknowledgement form completed and signed in front of a Notary Public by each of the other parent(s) and guardian (if any), unless one of the exceptions applies.
4. The forms must be efiled, you can do so at the Clerk's Office public access terminal.
5. Arrange for service on all parents and guardian (if any), unless they have signed the Consent and Acknowledgement form.
6. Arrange for publication at the *Gainesville Times* newspaper
7. Wait the required time and efile the Affidavit and Newspaper clipping mailed to you.
8. Schedule and attend the court hearing.
9. Purchase certified copies of the final order as needed.

Forms of Service

Service is the formal process of notifying the parents and guardian that the name change case has been filed. There are basically four ways for service to be completed in this type of case: (a) the parent or guardian signs an Acknowledgement of Service, (b) service by the sheriff's department, (c) publication, and (d) certified mail (only if the parent or guardian lives out of state).

A. Acknowledgment of Service

This is the easiest and least expensive method, but only if the parent or guardian is cooperative and willing to sign an acknowledgement form in front of a notary public. You cannot sign the form for them, and you cannot sign as the notary witnessing their signature. In this packet, the Acknowledgement of Service is combined with the Consent to Change Names. See Step 2 above for the instructions about this form. So long as every parent and guardian (if any) signs a Consent and Acknowledgment form, no other type of service is required in your case. However, if any parent or guardian does not sign this form, then that parent or guardian must be served by one of the methods explained below.

B. Service by the Sheriff ("Personal Service")

This is the usual way for service to be completed (if an acknowledgment is not signed). It is sometimes called "Personal Service," which means that the deputy sheriff hands the papers to the parent or guardian in person. Therefore, if a parent or guardian will not sign an acknowledgment, and you know (or can find out) an address where the person can be served, then you should plan for the Sheriff's Department to serve the papers.

If the parent or guardian can be served in Hall County, then the Hall County Sheriff's Department can serve the papers. You can pay the service fee at the Clerk's office when you file the case and leave the service copy of the papers with the clerk. The clerk will forward your payment and legal documents to the Sheriff's Department for service. If you prefer, you may take the fee and service copy directly to the Sheriff's Department yourself (after you have completed Publication.)

If the parent or guardian must be served in another county, then the Hall County Sheriff's Department cannot serve the papers. You must arrange for service directly with the Sheriff's Department of the proper county. You must find out the amount of the fee and take or send it to the proper sheriff's department, along with the service copy of the papers.

C. Certified Mail Service

If the parent or guardian lives outside the state of Georgia, you may use certified mail service. To use this method, mail a copy of the Petition and the Notice to the person. Use certified mail, with return receipt requested (the green card). Be sure to include your return address, so that the papers or the green card will be sent back to you by the post office.

D. Service by Publication

This is the method of last resort. If you can find the parent or guardian, you must use one of the other methods of service. But it is your only choice if you do not know where the person lives or works, and you cannot find out that information. You must prove to the Court that you have tried to locate the parent or guardian and cannot find him or her.

General Civil and Domestic Relations Case Filing Instructions

1. Provide the class of court and county in which the case is being filed.
2. Provide the plaintiff's and defendant's names.
3. Provide the plaintiff's attorney's name and Bar number. If you are representing yourself, provide your own name and check the self-represented box.
4. Provide the type of case by checking only *one* appropriate box. Cases can be either general civil or domestic relations and only *one* type of case within those categories. Check the case type that most accurately describes the primary case. If you are making more than one type of claim, check the case type that involves the largest amount of damages or the one you consider most important. See below for definitions of each case type.
5. Provide the type of post-judgment action, if applicable, by checking the appropriate box. Post-judgment cases are those that seek to enforce or modify an existing judgment. If the case is a post-judgment matter, an initial case type in the general civil and domestic relations boxes must be checked.
6. Provide an answer to the four questions by checking the appropriate boxes and/or filling in the appropriate lines.

Case Type Definitions

General Civil Cases

Automobile Tort: Any tort case involving personal injury, property damage, or wrongful death resulting from alleged negligent operation of a motor vehicle.

Civil Appeal: Any case disputing the finding of a limited jurisdiction trial court, department, or administrative agency.

Contract: Any case involving a dispute over an agreement between two or more parties.

Garnishment: Any case where, after a monetary judgment, a third party who has money or other property belonging to the defendant is required to turn over such money or property to the court.

General Tort: Any tort case that is not defined or is not attributable to one of the other torts.

Habeas Corpus: Any case designed to test the legality of the detention or imprisonment of an individual, not the question of guilt or innocence.

Injunction/Mandamus/Other Writ: Cases involving a written court order directed to a specific person, requiring that person to perform or refrain from performing a specific act.

Landlord/Tenant: Any case involving landlord/tenant disputes wherein the landlord removes a tenant and his/her property from the premises or places a lien on tenant property to repay debt.

Medical Malpractice Tort: Any tort case that alleges misconduct or negligence by a person in the medical profession acting in a professional capacity, such as doctors, nurses, physician's assistants, dentists, etc.

Product Liability Tort: Any tort case that alleges injury is caused to a person by the manufacturer or seller of an article due to a defect in, or the condition of, the article sold or an alleged breach of duty to provide suitable instructions to prevent injury.

Real Property: Any case involving disputes over the ownership, use, boundaries, or value of fixed land.

Restraining Petition: Any petition for a restraining order that does not result from a domestic altercation or is not between parties considered to be in a domestic relationship.

Other General Civil: Any case in which a plaintiff requests the enforcement or protection of a right or the redress or prevention of a wrong, but does not fit into one of the other defined case categories.

Domestic Relations Cases

Adoption: Cases involving a request for the establishment of a new, permanent relationship of parent and child between persons not so biologically related.

Dissolution/Divorce/Separate Maintenance: Any case involving the dissolution of a marriage or the establishment of alimony or separate maintenance.

Family Violence Petition: Any case in which a protective order from a family member or domestic partner is requested.

Paternity/Legitimation: Cases involving the establishment of the identity and/or responsibilities of the father of a minor child or the determination of biological offspring.

Support – IV-D: Cases filed by the Georgia Department of Human Services to request maintenance of a minor child by a person who is required, under Title IV-D of the Social Security Act of 1973, to provide such maintenance.

Support – Private (non-IV-D): Cases filed to request maintenance of a parent/guardian or a minor child by a person who is required by law, but who is not under the auspices of Title IV-D of the Social Security Act of 1973, to provide such maintenance.

Other Domestic Relations: Domestic relations cases, including name changes, that do not adequately fit into any of the other case types.

Post-Judgment

Contempt: Any case alleging failure to comply with a previously existing court order.

Modification: Any case seeking to change the terms of a previously existing court order.

Other/Administrative: Any case with post-judgment activity that does not fit into contempt or modification categories.

Please note: This form is for statistical purposes only. It shall have no legal effect in the case. The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or court rules. Information on this form cannot be entered into evidence.

4.

These are the names, birthdates and proposed new names of the child(ren) for whom the name change is sought:

<i>Current Name of Child</i>	<i>Date of Birth</i>	<i>Proposed New Name</i>

5.

[Explain here why you want to change the name(s).]

The reasons for this name change are as follows:

6.

The mother of the children is _____, her
address is _____,
and she:

[You must check one (and only one) of the following.]

- Has consented to this name change and has acknowledged service; the signed consent and acknowledgement of service shall be filed with this Petition.

- Is deceased.
- Has abandoned the child(ren).
- Has not contributed to the support of the child(ren) for a continuous period of at least 5 years immediately preceding the filing of this Petition.

7.

The father of the children is _____, his
 address is _____,
 and he:

[You must check one (and only one) of the following.]

- Has consented to this name change and has acknowledged service; the signed consent and acknowledgement of service shall be filed with this Petition.
- Is deceased.
- Has abandoned the child(ren).
- Has not contributed to the support of the child(ren) for a continuous period of at least 5 years immediately preceding the filing of this Petition.

8.

[You must check one (and only one) of the following.]

- There is no legal guardian for these children, other than their parent(s).
- Both parents are deceased or have abandoned the child(ren), and the guardian of the
 child(ren) is _____,
 whose address is _____,
 _____,

and she or he has consented to this name change and has acknowledged service; the signed consent and acknowledgment of service shall be filed with this *Petition*.

THEREFORE, the Petitioner asks:

- (a) That the name(s) of the minor child(ren) be changed to the names shown in Paragraph 3 of the petition.

[Check one of the following methods of service for each person who must be served. Be sure to carefully read the instructions about service before you complete this part.]

- (b) That the sheriff's department personally serve the mother father person acting as guardian of the minor children, whose address is shown above.
- (c) That the mother father person acting as guardian of the minor children be served by certified mail, because they reside outside the state of Georgia.
- (d) That the Court order service by publication for the mother father person acting as guardian of the minor children, whose address is unknown.

Dated: _____

Petitioner, *Pro se* (Signature)

Name: _____

Address: _____

Phone: _____

Email: _____

NOTARY PUBLIC

Sworn and subscribed before me

This _____ day of _____, 20_____.

Notary Public, State of Georgia

My Commission Expires _____.

Soldiers and Sailors Civil relief Act, 50 U.S.C. §521. I give my consent for the Court to hear this matter as soon as possible, after thirty days. Should further notice be required for any reason, the notice should be mailed to me at the address shown in Paragraph 1 above.

Dated: _____

_____ Mother Father Guardian *(Signature)*

NOTARY PUBLIC

Sworn and subscribed before me

This _____ day of _____, 20_____.

Notary Public, State of Georgia

My Commission Expires _____.

Phone: _____

Email: _____

NOTARY PUBLIC

Sworn and subscribed before me

This _____ day of _____, 20_____.

Notary Public, State of Georgia

My Commission Expires _____.

(d) That the name of _____, Petitioner, be changed to

_____ ; Date of Birth: _____

(e) That such name change shall not operate to authorize petitioner to fraudulently deprive others of any legal rights under the law;

(f) That _____ be appointed as guardian ad litem, if necessary.

SO ORDERED, this _____ day of _____, 20_____.

JUDGE, Hall County Superior Court
Northeastern Judicial Circuit

General Civil and Domestic Relations Case Disposition Form Instructions

1. Provide the class of court and county in which the case is being disposed.
2. Provide the plaintiff's and defendant's names.
3. Provide the reporting party who is the individual completing the form.
4. Provide the attorneys' names and Bar numbers. If parties represented themselves, provide their names and check the self-represented box.
5. Provide the manner of disposition by checking the appropriate box. See below for definitions.
6. Provide an answer to the three questions by checking the appropriate boxes.

Manner of Disposition Definitions

Jury Trial: Cases in which a jury is impaneled to determine the issues of fact in the case. A jury trial should be counted when the jury has been sworn, regardless of whether a verdict is reached.

Bench/Non-Jury Trial: Cases in which a judge or judicial officer is assigned to determine both the issues of fact and law in the case. A bench/non-jury trial should be counted when the first evidence is introduced, regardless of whether a judgment is reached.

Non-Trial Disposition: Cases in which the disposition does not involve either a jury trial or a bench trial.

Alternative Dispute Resolution: If a case was disposed of via a non-trial disposition, and the method of disposition was alternative dispute resolution. Only check if the whole case was resolved via alternative dispute resolution.

General Civil and Domestic Relations Case Disposition Information Form

Superior or State Court of _____ County

For Clerk Use Only	
Date Disposed _____ MM-DD-YYYY	Case Number _____
	Case Style _____

Plaintiff(s)

Last	First	Middle I.	Suffix	Prefix
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Defendant(s)

Last	First	Middle I.	Suffix	Prefix
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Reporting Party _____

Plaintiff's Attorney _____

Bar Number _____

Self-Represented

Defendant's Attorney _____

Bar Number _____

Self-Represented

Manner of Disposition Check Only One
<input type="checkbox"/> Jury Trial
<input type="checkbox"/> Bench/Non-Jury Trial
<input type="checkbox"/> Non-Trial Disposition
<input type="checkbox"/> Alternative Dispute Resolution

- Check if any party was self-represented at any point during the life of the case.
- Check if the court ordered an interpreter for any party, witness, or other involved individual.
- Was the case referred/ordered to a court-annexed alternative dispute resolution (ADR) process?

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

	§	
PLAINTIFF	§	
	§	
VS	§	CIVIL ACTION FILE NO.: _____
	§	
	§	
DEFENDANT	§	
	§	

PRO SE CONTACT INFORMATION

**To avoid a possible delay in distribution of courtesy copies, all handwritten information must be legible.*

<p><u>PLAINTIFF</u></p> <p>Current Address:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Phone Number(s):</p> <p>(____) _____</p> <p>Email Address:</p> <p>_____</p>
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<p><u>DEFENDANT</u></p> <p>Current Address:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Phone Number(s):</p> <p>(____) _____</p> <p>Email Address:</p> <p>_____</p>
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This the _____ day of _____, 20_____.

Signature () Plaintiff () Defendant