

INSTRUCTIONS FOR NAME CHANGE OF MINOR CHILD(REN)

Free to Download; \$2.00 for paper copy.

Instructions Summary

- STEP 1: Complete the *General Civil Case Filing Information* and *General Civil Case Final Disposition* Forms.
- STEP 2: Complete the *Petition to Change Name(s) of Minor Child(ren)*.
- STEP 3: Complete the Verification form.
- STEP 4: Arrange for Service. The parent(s) or guardian(s) should complete the *Consent to Change Name(s) of Minor Child(ren) and Acknowledgement of Service*; OR you should have the Sheriff serve them with a copy of the papers.
- STEP 5: Complete the *Notice of Petition to Change Name*.
- STEP 6: Complete the caption of the Final Order.
- STEP 7: Make copies of all the forms.
- STEP 8: File the forms at the Superior Court Clerk's Office and pay the Filing Fee.
- STEP 9: Publish the *Notice of Petition to Change Name(s)* in the official legal newspaper of your county.
- STEP 10: Wait the required time, and prepare the forms for the final hearing.
- STEP 11: Schedule and attend the court hearing.
- STEP 12: File the *Final Order* and get a certified copy of it.
- STEP 13: (Optional) Change the birth certificate(s).

Instructions Detail

Please type or print neatly all forms in black ink.

STEP 1: Complete the *General Civil Case Filing Information* and *General Civil Case Final Disposition* Forms.

These forms are required by Georgia Law, at O.C.G.A. § 9-11-133. They help the Clerk of Court keep statistical information about the number and types of cases decided in our local courts. The clerks use this information to prepare case management reports for the Chief Judge of each circuit and for the Chief Justice of the Georgia Supreme Court. In short, having this information helps us to run the court system more efficiently for you.

The General Civil Case Filing Information form

- a. In the top line, fill in the county where you are filing and the date filed.
- b. Check the box beside the word Superior and under the word Court.
- c. In the second line, write the Petitioner's name where it says "Plaintiff(s)."
- d. Where it says "Plaintiff/Petitioner's Attorney," check the box which says
 Pro Se. This indicates that you are representing yourself without an attorney.
- e. In the left-hand box at the bottom of the page, check where it says " Other General Civil Specify." In the blank provided, write "name change for minor child."

The General Civil Case Final Disposition form

The purpose of this form is to tell how your case ends. Since your case is far from over, you should NOT fill in the information in the three big boxes at the bottom of the page. At this point, we do not know how the case will end.

- a. In the top line, fill in only the county where you are filing.
- b. Leave the blank beside "Date Disposed" blank.
- c. Leave the blank beside "Docket #," blank. The clerk will assign this number.
- d. Write your name where it says "Reporting party."
- e. Write the Petitioner's name where it says "Name of Plaintiff/Petitioner(s)."
- f. Where it says Plaintiff/Petitioner's Attorney, check the box which says Pro Se. This shows that you are representing yourself. Since you are not a licensed attorney, you do not have a Bar #, so leave those blanks empty.
- g. Leave the four boxes at the bottom of the page blank.

STEP 2: Complete the *Petition to Change Name(s) of Minor Child(ren)*.

Caption (Heading)

1. Type or print the name of the county in which you are filing.
2. Type or print the current name(s) of the minor child(ren) in the blanks provided.

Paragraph 1

1. Type or print your name in the first blank.
2. In the second blank, type or print the name of the county in which you live.

Paragraph 2

1. Check one box to show how you are related to the child(ren) in this case.

Paragraph 3

1. Check only one box
 - a. Check box a) if the minor child(ren) live with you. Type or print the name of the county in which you live.
 - b. Check box b) if the minor child(ren) do not live with you. Fill in the name of the person(s) with whom the child(ren) live(s). Check the box to show how that person is related to the children. Type or print the name of the county in which this person(s) and the child(ren) live.

Paragraph 4

1. Fill in the current name(s) of the child(ren).
2. Fill in the date(s) of birth of the child(ren).
3. Fill in the proposed new name(s) of the child(ren).

Paragraph 5

Type or print neatly the reason(s) for the name change(s).

Paragraph 6

1. Type or print neatly the name of the child(ren)'s mother.
2. Type or print neatly the mother's name.
3. Check one box to show whether the mother is willing and able to consent to the name change.
 - a. Check box a) if the mother has signed the *Consent to Change Name(s) of Minor Child(ren) and Acknowledgement of Service*.
 - b. Check box b) if the mother is deceased (dead).
 - c. Check box c) if the mother has abandoned the child(ren). Write down your best guess of the actual date on which the mother left.
 - d. Check box d) if the mother has not paid any child support for five years before you filed this petition. Write down your best guess of the last date on which the mother paid child support.

Paragraph 7

4. Type or print neatly the name of the child(ren)'s father.
5. Type or print neatly the father's name.
6. Check one box to show whether the father is willing and able to consent to the name change.
 - a. Check box a) if the father has signed the *Consent to Change Name(s) of Minor Child(ren) and Acknowledgement of Service*.
 - b. Check box b) if the father is deceased (dead).
 - c. Check box c) if the father has abandoned the child(ren). Write down your best guess of the actual date on which the mother left.
 - d. Check box d) if the father has not paid any child support for five years before you filed this petition. Write down your best guess of the last date on which the father paid child support.

Paragraph 8

1. Check only one box.
 - a. Check box a) if the parent(s) is/are the only legal guardian(s).
 - b. Check box b) if the child(ren) live with a guardian other than the natural parents.Write down the name of the guardian, as well as the address of the guardian.

Prayer for Relief (See Explanation of Methods of Service in STEP 4, below)

1. Check box b) if the Sheriff will personally serve the mother, father, or other person acting as guardian of the minor children.

Or
Check box c) if the mother, father, or other person acting as guardian of the minor Child(ren) will be served by certified mail because s/he lives out of state.

Or
Check box d) if you could not find the mother, father, or other person acting as guardian, so that they can only be served by publishing a notice in the newspaper.

Or
Check box e) if the mother, father, or other person acting as guardian of the minor Child(ren) will sign a Consent and Acknowledgement of Service.
2. Sign your name in the blank provided, and print your name neatly below the signature.
3. Write down your address and telephone number(s).

STEP 3: Complete the Verification form.

Caption (Heading)

1. Type or print the name of the county in which you are filing.
2. Type or print the current name(s) of the minor child(ren) in the blanks provided.
3. Type or print your name in the first blank, that follows “I,”
4. Sign your name while a Notary Public watches you. The Notary will ask to see a photo I.D. before you sign, and the Notary will sign and stamp the Verification after you sign.
5. Print your name neatly in the blank under your signature.
6. Type or print your address and phone number(s).

STEP 4: Arrange for Service. The parent(s) or guardian(s) should complete the *Consent to Change Name(s) of Minor Child(ren) and Acknowledgement of Service*; OR you should have the Sheriff serve them with a copy of the papers.

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:

1. Acknowledgment of Service

This is the easiest and least expensive method, **but only if** the parents and/or guardians are willing to sign an *Acknowledgement of Service* form in front of a Notary Public. You cannot sign the form for them, and you cannot sign as the Notary. In this packet, the Acknowledgement of Service is combined with the Consent to Change Names. The instructions for how to fill out that document is on page five (5) of these instructions.

As long as every parent and guardian signs the Consent and Acknowledgement form, you do not need any other method of service. However, if any parent or guardian does not sign the Consent and Acknowledgement form, you will need to serve them by one of the methods explained below.

2. Service by the Sheriff (Personal Service)

This is the most common way to serve a party who does not sign an Acknowledgement form. This is also called Personal Service, because the deputy sheriff hands the papers to the parent or guardian in person. Therefore, if the parent or guardian will not sign an acknowledgement, and if you are able to find out an address where the person can be served, then you should arrange for the Sheriff’s Department to serve your papers.

If the parent or guardian can be served in the county where you are filing the case, then that county’s 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.

- Note: Make sure that the service copy includes the *Sheriff’s Entry of Service* form. After the Sheriff’s Department completes service, they will send two copies to the Clerk’s office, which will then send the yellow copy to you (if you have properly filled out the form).

If the parent or guardian must be served in a county other than the one where you filed the case, then you must go to the Sheriff's Department at the county where that person lives. You must arrange for service 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.

- Note: Make sure that the service copy includes the *Sheriff's Entry of Service* form. After the Sheriff's Department completes service, they will send two copies to the Clerk's office, which will then send the white and yellow copies to you (if you have properly filled out the form). When you get them, you must file them with the Superior Court Clerk's Office in the county where you filed the case. They will give you back the yellow copy.

3. 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 Post Office can send the papers or the green card back to you.

When the green card comes back, complete a *Certificate of Service* form and staple the green card to it, with the signature side of the card visible. Make a copy of the *Certificate of Service* with the green card on it. Then, file the *Certificate of Service* with the Clerk of Court.

4. Service by Publication

This is a last-resort method of service because it is likely that the party will not read the newspaper notice. If you can find the parent or guardian, you MUST use one of the other methods of service. But, service by publication is your only choice if you are unable to find out where the person lives or works. You must prove to the Court that you diligently tried to find the party.

To serve by publication, you must prepare and file three forms (available from the Law Library): *Affidavit of Diligent Search*, *Notice of Publication*, and *Order of Publication*. In the *Affidavit of Diligent Search*, you will explain to the Court which methods you used to try and find the party. You must prove to the Court that you made reasonable efforts to find the party. After you file the forms, if the Court grants permission, the Judge will sign the *Order of Publication*.

You will publish the notice in the official legal newspaper of your county. You can find a list of Georgia's official legal newspapers at http://sos.georgia.gov/elections/legal_organs.pdf. Call your county's legal newspaper and ask how to publish the Notice. The newspaper will charge a fee for this service.

As the newspaper ads appear, please photocopy the ads. In addition, get a *Publisher's Affidavit* from the newspaper. You will file the photocopies and the *Publisher's Affidavit* with the Clerk of Court in order to show that you published the notice as required by Georgia law.

The Clerk's Office will mail the *Notice* to the parent or guardian's last known address. The Clerk's Office will also complete the *Return of Service*. To be on the safe side, you should also mail a copy of the Notice to the last known address. Be sure to use enough postage, and be

sure to include your return address so that the Post Office can return it to you if they are not able to deliver it.

If you find out where the parent or guardian lives or works before the case is over, you MUST arrange for the Sheriff's Department to serve the papers in person.

How to Complete the Consent to Change Name(s) of Minor Child(ren) and Acknowledgement of Service

Caption (Heading)

1. Type or print the name of the county in which you are filing.
2. Type or print the current name(s) of the minor child(ren) in the blanks provided.

Paragraph 1

1. Fill in the name of the person who is consenting to the name change(s) and acknowledging service.
2. Check a box to show how you are related to the child(ren).

Paragraph 2

1. Fill in the name of the Petitioner.
2. Fill in the current name(s) of the child(ren).
3. Fill in the date(s) of birth of the child(ren).
4. Fill in the proposed new name(s) of the child(ren).

Signature

1. Write down the date on which you sign the document
2. Sign your name while a Notary Public watches. You will need to provide identification.
3. Print your name neatly below your signature.
4. Neatly print your address and telephone number(s).

STEP 5: Complete the *Notice of Petition to Change Name.*

Caption (Heading)

1. Type or print the name of the county in which you are filing.
2. Type or print the current name(s) of the minor child(ren) in the blanks provided.

Body of the Document

1. Write down the name of the Petitioner.
2. Write down the date on which you filed the petition (Example--The 2nd day of April, 2008).
3. Fill in the current name(s) of the child(ren).
4. Fill in the date(s) of birth of the child(ren).
5. Fill in the proposed new name(s) of the child(ren).

6. Write down the date on which you filed the petition (Example--The 2nd day of April, 2008).
7. Sign your name.
8. Print your name.
9. Neatly print your address and telephone number(s).

STEP 6: Complete Final Order.

Caption

1. Type or print the name of the county in which you are filing.
2. Type or print the current name(s) of the minor child(ren) in the blanks provided.

Order

1. Type or print each child's current name, date of birth, and proposed new name.
2. Type or print your name, address and telephone number.

STEP 7: Make copies of all the forms.

Make one copy for yourself and a copy for each of the other parties.

STEP 7: File the forms at the Superior Court Clerk's Office and pay the Filing Fee.

The Clerk's Office will file stamp all copies of your papers. The Clerk will keep the original, and will give you back your personal copy. The other parties will be served with their copies using the appropriate method of service.

STEP 8: Publish the *Notice of Petition to Change Name(s)* in the official legal newspaper of your county.

You can find a list of Georgia's official legal newspapers at http://sos.georgia.gov/elections/legal_organ.pdf. Call your county's legal newspaper and ask how to publish the Notice of Petition to Change Name(s). The newspaper will charge a fee for this service.

As the newspaper ads appear, please photocopy the ads. In addition, get an Affidavit of Publication from the newspaper. You will file the photocopies and the Affidavit of Publication with the Clerk of Court in order to show that you published the notice as required by Georgia law.

STEP 9: Wait the required time, and prepare the forms for the final hearing.

O.C.G.A. § 19-12-1 says that the Court can set a hearing in the Judge's office thirty days after the parent, parents or guardian(s) of the child(ren) are served, and after you show proof that the Notice was published in the legal newspaper as required. Be sure to bring the Affidavit of Publication and the photocopies of the newspaper ads with you to the final hearing.

STEP 10: Schedule and attend the court hearing.

Contact the assistant 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 clerk may have about your case. Schedule your final hearing.

When you come to the court for your hearing, bring with you all of your court papers, including:

- Petition to Change Name(s) of Minor Child(ren)
- Consent to Change Name(s) of Minor Child(ren) & Acknowledgement of Service
- Notice of Petition to Change Name(s) of Minor Child(ren)
- Publisher's Affidavit (sent to you by the newspaper)
- Final Order Changing Name(s) of Minor Child(ren)
- General Civil Case Final Disposition Information Form

When you get to the Judge's office, tell the staff that you are there for a name change. The staff may ask you for your Final Order form. When you go to the Judge's office, 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
- How you are related to the child(ren)
- That you are asking the Judge to grant a name change for the children from _____ [list current name(s)] to _____ [list proposed new name(s)]
- The reasons you want to change the names.

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 11: File the *Final Order* and get a certified copy of it.

Take the signed Final Order to the Clerk's Office and file it with the Clerk. Ask for a certified copy of the Order. There is a charge for the certified copy. This is your proof that the name(s) has/have officially changed.

STEP 10: (Optional) Change the birth certificate(s).

If the child(ren) was/were born in the state of Georgia, you may have the birth certificate(s) changed to show the new name(s). 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, 2600 Skyland Drive N.E., Atlanta, GA 30319-3640; telephone (404) 679-4702:

- Certified copy of Final Order
- Copy of the child(ren)'s current birth certificate(s)
- Money order made out to "Vital Records Services."

Tell the Vital Records staff that you have done a name change and want to amend the birth certificates. 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.

Your Name Change of Minor Child(ren) is complete!

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Thanks to the Atlanta Legal Aid Society