

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.

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. §15-19-51 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.

The Georgia Law which governs changes of name:

§ 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 in O.C.G.A. § 15-6-77, relating to fees of clerks of the superior courts for civil cases.

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 not contributed to the support of the child for a continuous period of five years or more immediately preceding the filing of the petition.”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. 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.
 - c. 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).