

INSTRUCTIONS FOR FILING A PETITION TO CHANGE THE NAME OF CHILD(REN)

This is the form packet for people who want to file their own name change without an attorney. Parties to a case who are unrepresented by an attorney are also known as “**pro se**.”

Please read these instructions and each form very carefully. Missing or misreading a word could cause you to make serious errors in your case, placing your rights and the direction of your name change case in jeopardy.

A “**minor**” is a child who is younger than eighteen years of age, **as of the date of filing your case.**

INTRODUCTION

In the State of Georgia, if you want to change your child(ren)’s name(s), you must file a Petition to Change the Name of Child(ren), or a Petition for Name Change in the Superior Court where you and your child(ren) **reside**. After a court grants your petition to change the child(ren)’s name change, you will be able to change the child(ren)’s name with the DDS (Department of Driver Services), Vital Records (birth certificate), and Social Security.

It is advisable to speak with a lawyer before filing any action with the court. There are often more issues involved in a name change than you might realize if you fail to hire an attorney. If you cannot afford an attorney to file your case, for a reduced fee, you may be able to consult with an attorney on your filings to assure you have properly addressed all the issues involved.

Name change can be a very complicated process. If documents are not completed, signed, notarized and filed, the divorce pleadings are not in compliance with the law. This means a judge cannot grant your request for name change and may dismiss your case.

If you want a court to grant the name change, **you must follow the law and you must complete every paragraph of every form that applies to your case (but not paragraphs that do not apply to your case)**. Please carefully read and complete all steps listed below.

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

If you still have questions after reading ALL the instructions below and the required forms, please see the FAQ page at augustafamilybar.com

STEP 1: Determine the proper county in which to file your case documents. If you do not file in the proper county, the court MUST dismiss your case.

- File in the county of your child/children's residence.

STEP 2: Complete and sign ALL of the required documents. You must completely fill out the Petition to Change the Name of Child(ren). The petition may be found at www.augustafamilybar.com Your petition MUST be verified, meaning it must be sworn to under oath and notarized.

- The child(ren)'s other parent/legal guardian MUST be served and filed a consent form.

STEP 3: File your completed documents with the Clerk of Court in the proper county (see Step 1) and pay all required fees. Forms can be filed electronically at PeachCourt.com. You will be required to create a free account.

- **What if I cannot afford to pay the filings and service fees?** You must complete, notarize, and file a Poverty Affidavit. Form found at augustafamilybar.com.

If you lie about your income, the case can be overturned later, and you will be prosecuted for perjury

STEP 4: Within seven (7) days of the filing of your petition, you must take the Notice of Petition to Change Name of Child to the official legal organ (newspaper) in the county in which the petition was filed. The Notice of Petition to Change Name of Child(ren) shall contain the name of the Petitioner, the name of the person whose name is to be changed (if different than 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 party to appear and file an objection.

You MUST pay the newspaper to publish the Notice of Petition to Change Name of Adult as an advertisement.

STEP 5: The newspaper will run the advertisement once a week for four (4) weeks. After the advertisement has run for four (4) weeks, obtain an Affidavit of Publication from the newspaper and file it with the Clerk of Court.

STEP 6: If the petition seeks to change the name of a minor child(ren), the written consent of the parents, if they are living and have not abandoned the child(ren), or the written consent of the child(ren)'s guardian shall be filed with the Clerk of Court.

STEP 7: In all cases, the parent or parents of the minor child(ren) shall be served with a copy of the petition. Service may be perfected via personal service, acknowledgment of service, or publication. (Publication MUST be approved by the Court).

STEP 8: Attend your hearing, if required. Most judges require pro se parties to attend a final hearing to finalize their name change. The judge's office will send notice of your hearing date to you via U.S. Mail or email. Please note there may be a fee associated with a court reporter at your hearing.

IT IS YOUR RESPONSIBILITY TO PROVIDE YOUR ADDRESS TO THE CLERK OF COURT. IF YOU MOVE, YOU MUST NOTIFY THE CLERK OF COURT OF THE CHANGE IN YOUR ADDRESS.

Name Change Checklist

- 1) _____ Domestic Relations Case Filing Information Form
- 2) _____ Petition to Change Name of Child(ren)
- 3) _____ Notarized Verification signed by the Petitioner (this must be signed in front of a notary)
- 4) _____ File Written Consent of Both Parents or Legal Guardian(s)
- 5) _____ Service on the Parent(s) or Legal Guardian(s)
- 6) _____ Within seven (7) days of the filing of the Petition, you must take the Notice of Petition to Change Name of Child(ren) to the newspaper.
- 7) _____ Pay the newspaper to run Notice of Petition to Change Name of Child(ren) as a legal advertisement once a week for four (4) weeks
- 8) _____ Wait four (4) weeks for the publication to run
- 9) _____ Obtain an Affidavit of Publication from the newspaper.
- 10) _____ File the Affidavit of Publication with the Clerk of Court
- 11) _____ Check the mail for a hearing notice or a final order
- 12) _____ You must obtain a certified copy of the final order from the Clerk of Court to give to DDS (Department of Driver Services) for a new driver's license, Vital Records for a new birth certificate, and Social Security. These agencies require **Certified Copies** which only can be obtained from the Clerk of Court.