

## INSTRUCTIONS FOR NAME CHANGE OF MINOR CHILDREN

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

- The legal procedure of 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.**" The Clayton Family Law Information Program has the forms for that procedure as well. 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 now 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. The form is called *Application for an Amended Certificate of Birth by Legitimation* (Form #3929), and 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.

### WHAT IS THE LAW ABOUT CHANGING NAMES IN GEORGIA?

Court cases that are only about changing names are covered by Official Code of Georgia Sections 19-12-1 through 19-12-4 and 31-10-23(d). Other court cases can also include name changes as part of the case. These include legitimations, paternity actions and divorces. Each of these actions has its own part of the Official Code of Georgia, and is not included in this packet of forms.

## GENERAL COMMENTS

It is a good idea to talk to a lawyer before filing any court action. This name change is no exception to that rule. There are often more issues involved than you might realize if you fail to get legal advice. If you do talk to a lawyer before filing this action, it is a good idea to review the forms and instructions in this packet before you talk to the lawyer, so that you will be able to make the best use of your time with the lawyer.

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. This rule also applies to the Clayton Family Law Information Center, except for the Legal Aid lawyers who provide advice at the Center by appointment only, during consultations provided free of charge to Clayton County residents.

## LIST OF FORMS YOU SHOULD HAVE IN THIS PACKET:

- (1) Petition to Change Name(s) of Minor Child(ren) - [4 pages]
- (2) Verification of Name Change Petition - [1 page]
- (3) Consent to Change Name(s) of Minor Child(ren) & Acknowledgement of Service - [2 copies of 2 pages each]
- (4) Notice of Petition to Change Name(s) of Minor Child(ren) - [1 page]
- (5) General Civil Case Filing Information Form - [1 page]
- (6) Final Order Changing Name(s) of Minor Child(ren) - [2 pages]
- (7) General Civil Case Final Disposition Information Form - [1 page]

**You may also need to get one other form from the Clerk's Office (not available at the Family Law Information Center):**

- (8) Sheriff's Return of Service forms (one for each person to be served by the sheriff)

## LIST OF STEPS FOR NAME CHANGE OF MINOR CHILDREN:

- **STEP 1:** Fill out the *Petition, Verification, Consent & Acknowledgement, Notice and Case Filing Information* forms. Sign the forms in front of a Notary Public. (Save the *Final Order* and *Case Disposition Information* forms for later, when you have your final hearing.)
- **STEP 2:** Have one of the *Consent & Acknowledgement* forms 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.
- **STEP 3:** Make copies of all the forms.

- **STEP 4:** File the forms at the Superior Court Clerk's Office.
- **STEP 5:** Arrange for publication of the *Notice* in the *News Daily* newspaper.
- **STEP 6:** Arrange for service on all parents and guardian (if any), unless they have signed the *Consent & Acknowledgement* form.
- **STEP 7:** Wait the required time, and prepare the forms for the final hearing.
- **STEP 8:** Schedule and attend the court hearing.
- **STEP 9:** File the *Final Order* and get a certified copy of it.
- **STEP 10:** (Optional) Change birth certificate(s).

## DETAILED, STEP-BY-STEP INSTRUCTIONS

The rest of these instructions tell you how to fill out each form and complete each step of the process to complete your name change. **Please read these instructions and each form very carefully.** Missing or misreading a word could cause you to make serious errors in your case, causing confusion and delays, and even causing the Court to deny the name changes you are requesting.

Always type or print in **BLACK INK** on any forms you will file in Clayton County Courts.

### ▲ **Step 1 (a): Completing the Petition to Change Names of Minor Children**

#### **Caption (Heading) on Petition:**

Type or print the current names of the minor children on the blanks provided (to the left of the vertical line). Fill in your name on the blank for the Petitioner. If you are one of the parents, list the other parent as the Respondent. If you are not one of the parents, but are a guardian, fill in the name(s) of the children's living parent(s) as the Respondents. If the children do not have any living parents, then leave the Respondent's line blank. *Do not fill in the Civil Action Case Number. The clerk will assign a number to your case when you file your petition in the Clerk's office.*

#### **Paragraph 1 of Petition: Your Name and Residency**

Type or print your name on the blank in this paragraph.

#### **Paragraph 2 of Petition: Your Relationship to the Children**

Check the box next to the word that describes your relationship to the children. Only people who have a legal relationship (that is, parents and guardians) can change the name of a minor child.

**Paragraph 3 of Petition: Names & Birthdates of the Children**

Fill in the current name, date of birth, and proposed new name for each child on the chart in this paragraph. **Spell the current name exactly** as it appears on the child's birth record (including any middle names). **Spell the new name exactly** as you want it to appear on the birth certificate. For example, if your children's names are Mary Smith and John Henry Smith, and you want to change them to Mary Jones and John Henry Jones, it would look like this:

<i>Current Name of Child</i>	<i>Date of Birth</i>	<i>Proposed New Name</i>
Mary Smith	1-20-86	Mary Jones
John Henry Smith	12-13-90	John Henry Jones

**Paragraph 4 of Petition: Where the Children Live**

If the children live with you in Clayton County, check the first box.

If the children do not live with you, check the second box. Then, fill in the blanks with the names of the parent or guardian living with the children, and the county where they live.

**Paragraph 5 of Petition: Reasons for Name Change**

Explain your reasons for the name change in this section. The Court needs to know why the name change would be in the best interests of the children. Be clear and reasonably complete, but keep it short.

**Paragraph 6 of Petition: Mother's Name and Address**

Fill in the name of the children's mother, and her address. However, if the mother is living in a shelter for victims of family violence, do not list the address of the shelter. To do so would violate OCGA § 19-13-23. Instead, on the space for the address, list only the name of the shelter and the state where it is located.

Then, check one of the boxes. If you *are* the mother, check the first box (because you will consent to the name change). Otherwise, check the box that best applies to the children's mother. **If none of the statements next to the boxes applies to the mother in this case, then you cannot do the name change.** This is because the law requires that both parents consent to the name change, unless they are deceased, have abandoned the children, or have not contributed to the children's support for at least the past 5 years in a row.

**Paragraph 7 of Petition: Father's Name and Address**

Fill in the name of the children's father, and his address. However, if the father is living in a shelter for victims of family violence, do not list the address of the shelter. To do so would violate OCGA § 19-13-23. Instead, on the space for the address, list only the name of the

shelter and the state where it is located.

Then, check one of the boxes. If you *are* the father, check the first box (because you will consent to the name change). Otherwise, check the box that best applies to the children's father. **If none of the statements next to the boxes applies to the father in this case, then you cannot do the name change.** This is because the law requires that both parents consent to the name change, unless they are deceased, have abandoned the children, or have not contributed to the children's support for at least the past 5 years in a row.

**Paragraph 8 of Petition: Guardian's Name and Address (If Any)**

If the children do not have a legal guardian (other than their parents), check the first box.

If both of the parents are deceased or have abandoned the children, and so the children have a guardian, check the second box. Then, fill in the name and address of the children's guardian. However, if the guardian is living in a shelter for victims of family violence, do not list the address of the shelter. To do so would violate OCGA § 19-13-23. Instead, on the space for the address, list only the name of the shelter and the state where it is located.

**Final Paragraph of Petition: Request for Relief and for Service on Parents & Guardian**

- (a) **Request for name change.** This part applies in all cases, so there is no box to check on this one.

**Important Note About Service:** In all name change cases, if the parents are alive, they must be properly served with the *Petition*. If the children live with someone acting as guardian who is not their parent, then the person acting as guardian must also be served. According to the statute, service can be done in four possible ways, which are explained in more detail in **Step 6** below. The easiest way to serve them is for them to sign the form called *Consent to Change Name(s) of Minor Child(ren) & Acknowledgement of Service*.

If they are not going to sign the *Consent & Acknowledgement* form, you must check the boxes in (b), (c) and (d) of this final section of the *Petition*, showing how you plan to have each parent and guardian served.

**When You Do Not Have to Check Any of the Service Boxes** - If both parents have signed the *Consent & Acknowledgement* form, then you do not need to check any of boxes about the mother or father in (b), (c) or (d). If the children do not have a person acting as guardian (other than their parents), or if that person has signed a *Consent & Acknowledgement* form, then you do not need to check any of the boxes about the guardian in (b), (c) or (d).

- (b) **Service by sheriff.** Check box "b" if you need to have the sheriff serve either parent or a person acting as guardian. This is the type of service required in most cases.
- (c) **Out-of-State Service.** Check box "c" if you will serve a parent or guardian by certified mail. You can only use this method of service for people who live outside the state of Georgia.

- (d) **Service by Publication.** Check box “d” if you want to serve a parent or guardian by publication. You can only use this method of service for people you cannot find, after making a diligent search. Service by publication requires additional paperwork, including an *Affidavit of Diligent Search* and other forms.

**To finish filling out this Petition form,** sign your name in the space provided on the last page, add the date on which you are signing it, write your address and a daytime telephone number where the Court staff can reach you if necessary. However, if you are living in a shelter for victims of family violence, **DO NOT LIST THE ADDRESS OF THE SHELTER.** To do so would violate OCGA § 19-13-23. Instead, on the space for the address, list only the name of the shelter and the state where it is located. Also, if the Respondent does not know your address and it should be kept confidential because of family violence, do not write that address here. Instead, you should write another address here, where you can be sure that you will receive any information that is mailed to you by the Court or the Respondent.

#### ▲ **Step 1 (b): Completing the Verification Form**

The Verification form must be filed with the *Petition to Change Name(s) of Minor Child(ren)*. Fill out the caption in the same way you filled it out on the *Petition*. Then, insert your name in the space after the words “My name is.”

Now, before you sign this *Verification*, remember that you will be swearing under oath that the information you have provided in the *Petition* is true. Therefore, you should re-read the *Petition* one more time, from start to finish, to make sure it is all true. **Do not sign it until you are in front of a notary public.** The notary must complete the rest of the *Verification* form after you sign it under oath.

#### ▲ **Step 1 (c): Completing the Consent & Acknowledgement Form for Yourself**

There are two copies of this form in your packet. One is for the mother, one for the father. You will need to make a third blank copy, if both parents are consenting and there is also a guardian who is consenting (who is not a parent).

On the *Consent to Change Name(s) of Minor Children & Acknowledgement of Service* form that you will sign, complete it as follows:

**Caption (Heading) on Consent:** Fill out the caption in the same way you did it on the *Petition*.

**Paragraph 1 of Consent:** *Your Name, Address and Your Relationship to the Children*

Type or print your name and address on the blanks in this paragraph. (If you are staying in a family violence shelter, do not list your address. See notes on Pages 4-5 above.) Check the box next to the word that describes your relationship to the children.

**Paragraph 2 of Consent: Petitioner's Name, Names & Birthdates of the Children**

Type or print your name on the first blank in this paragraph (near the bottom of Page 1 of the form). Then, fill in the current name, date of birth, and proposed new name for each child on the chart in this paragraph, just as you did in Paragraph 3 of the *Petition*.

**Signature on Consent:** Do not sign it until you are in front of a notary public. When you sign, check the box under your signature that describes your relationship to the children.

**▲ Step 1 (d): Completing the Notice of Petition to Change Name(s) of Minor Children**

On the first blank in the main part of the form, fill in your name. On the appropriate blanks, fill in the date you are filing the *Petition*. On the lines on the left side, fill in the current names of the minor children. On the lines on the right side, fill in the proposed new names of the minor children. At the bottom, fill in the date you are signing the form, and sign your name on the blank provided. Print or type your name and address on the lines below your signature. Make sure your address is complete, so the *News Daily* can send you the proof of publication.

**▲ Step 1 (e): Completing the Non-Domestic General Civil Case Filing Information Form**

Check the box next to the word "Superior" in the upper left-hand corner of the form.

Fill in "Clayton" on the space for the County. Do not fill in the Docket Number or the Date Filed. The Clerk will do it for you when you file the case.

Fill in your name in the first line under "Plaintiff(s)." Put the number of Plaintiffs, probably "1", in the space for "No. of Plaintiffs."

Check the box for "Pro Se."

Leave the lines under "Defendant(s)" blank.

In the "Check Primary Type" box, check "Other General Civil Specify" and write "Name Change."

Leave the "If Tort is Case Type" box blank.

**▲ Step 1 (f): Signing in Front of a Notary Public**

After you fill out all of the forms, review them to make sure they are complete and accurate. Then, take them to a notary public and sign them in front of the notary. The staff at the Family Law Information Center can notarize the documents for free, but you must have proper identification.

**▲ Step 2: Getting Consent & Acknowledgement forms Signed by Other Interested Parties (Parents, Guardian)**

**Each** of the parents has to sign one of the *Consent & Acknowledgement* forms, **unless** one of these reasons for an exception applies to them:

- the parent is deceased, OR
- the parent has abandoned the children, 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.

If both parents are deceased, or have abandoned or failed to support the children, then the person acting as guardian must sign the *Consent* form. If only one of the parents fits one of the exceptions, then that parent does not have to sign a *Consent* form, but the other parent must sign one.

On each of the *Consent to Change Name(s) of Minor Children & Acknowledgment of Service* form(s) that will be signed by others, complete them as follows:

**Caption (Heading):** Fill out the caption in the same way you filled it out on the *Petition*.

**Paragraph 1 of Others' Consent: Name, Address and Relationship to the Children**

The parent or guardian signing the form should fill in *their* name & address on the appropriate blanks, and then check the box showing their relationship to the children.

**Paragraph 2 of Others' Consent: Petitioner's Name, Names & Birth dates of the Children**

Type or print *your* name on the first blank in this paragraph (near the bottom of Page 1). Then, fill in the current name, date of birth, and proposed new name for each child on the chart in this paragraph, just as you did in Paragraph 3 of the *Petition*. (Be sure to spell the old names **exactly** as they appear on the current birth certificates, and the new names **exactly** as you want them to be on the new, amended birth record.)

**Signature:** You cannot sign this form. **The parent or guardian must sign it, but not until they are in front of a notary public.** They should check also the box that describes their relationship to the children.

**▲ Step 3: Copying Your Papers**

Check to make sure you have completed all the forms you need, and that they have all been signed by the proper people in front of a notary. (See Page 2 of these instructions for a list of all the forms.) Then, make one copy of each of the forms for each parent and guardian, including yourself. Sort the copies into sets for the Court and for each parent and guardian, with one copy of every form in each set. Clip each set with a paper clip.

#### ▲ Step 4: Filing the Forms at the Clerk's Office

After you have completed, signed (in front of a notary, where applicable), copied and sorted all your paperwork, you are ready to file your case.

The court **filing fee** for a name change action is **\$80.00**. In addition, if the Clayton County Sheriff's Department is going to serve this action, there is a **service fee** of **\$25.00** for each person the sheriff must serve. Finally, there is a fee of **\$40.00** for the *News Daily* newspaper **to publish** the notice of name change. You may pay these fees by cash, checks or money orders. You may combine the service fee(s) and the filing fee into one payment to the Clayton Superior Court Clerk, but the fee for the *News Daily* should be separate.

Note About Fees: If you have a very low income, and feel that you cannot afford to pay these fees, you can ask the Court to waive the fees. To do this, you should file the *Poverty Affidavit* and *Order on Poverty Affidavit* forms with the other papers when you file your case at the Clerk's office. (Ask the staff at the Family Law Information Center for these forms, which are not included in this packet.) A judge must sign the *Order* approving your *Poverty Affidavit*, before the filing of your case will be completed by the Clerk's office staff. If the judge signs the order of approval, both the \$80.00 filing fee and the \$25.00 service fee are waived. If the judge does not approve your *Poverty Affidavit*, you must pay the fees before your case will proceed.

Take all of the sets of forms (with the Court's set on top), along with your cash or money orders, to the Clayton Superior Court Clerk's office. It is located on the 1<sup>st</sup> floor of the Harold R. Banke Justice Center (9151 Tara Boulevard, Jonesboro, GA 30236).

When it is your turn, give all the forms to the clerk. Tell the clerk if there have ever been any cases about the children in this Court, so that the case can be assigned to the proper judge. If your paperwork is in order, the clerk will keep the originals for the Court's file. If you are paying the fees, you will probably be sent to a different clerk to pay the money, and then bring the receipt back to the filing clerk to show that you paid. If you are not paying the fees, but are filing a *Poverty Affidavit* instead, the clerk will instruct you about how the *Poverty Affidavit* and the *Order on Poverty Affidavit* are to be presented to the appropriate judge for review and signing.

After the fees have been paid, or the *Poverty Affidavit* has been approved by the judge, the clerk will write your case number on the top page of your set of copies, stamp them with the date & time stamp, and return them to you. Keep these for your records. Your case has now been filed. Ask the clerk which judge has been assigned to the case, and get the name and phone number of the Judge's calendar clerk (which you will need at the end of your case).

But, do not rush out of the Clerk's office yet. Unless you filed a *Consent & Acknowledgement* for each parent and guardian, you must also arrange for service. The other copies of your papers will be used for service. In addition, you need to arrange for publication of the *Notice*.

### ▲ Step 5: Arrange for Publication of the Notice

Publication is required, even if all parents and guardians have consented and acknowledged service. However, it is simple to do. While you are filing your case, give the clerk the *Notice* and your check or money order for \$40.00, made out to *The News Daily* newspaper. The clerk will forward the *Notice* and the payment to *The News Daily*. (Note: If the *Notice* has more than 100 words, the charge is \$80.00.)

You should receive a *Publisher's Affidavit* from *The News Daily* after the *Notice* has been published for four weeks. Keep it with your other court papers for this name change case. You will need it at your final hearing, to show the judge that the *Notice* was published.

### ▲ Step 6: Arranging for 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 make arrangements for the Sheriff's Department to serve the papers.

**If the parent or guardian can be served in Clayton County**, then the Clayton 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

**Step 5** above). The Civil Process Division of the Sheriff's Department is not at the jail. It is located at in the Harold Banke Justice Complex (9151 Tara Boulevard, Jonesboro, GA 30236). Visitors for the Sheriff's Office need to enter the Sheriff's Office on the RIGHT side of the building through the 24 hour Visitors Entrance.

- Make sure the service copy includes the *Sheriff's Entry of Service* form. After the Clayton 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 another county**, then the Clayton 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.

- Make sure the service copy includes the *Sheriff's Entry of Service* form. After the sheriff's department completes service, they will 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 Clayton Superior Court Clerk's office, which will then give the yellow copy back to you.

#### **(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.

When the green card comes back, complete a *Certificate of Service* form (available from the Family Law Information Center) 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 Court Clerk's office in the same way you filed the *Petition* and other papers to start this case.

#### **(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.

To serve by publication, you must prepare and file two forms (both available from the Family Law Information Center):

- i. *Affidavit of Diligent Search, and*
- ii. *Order of Publication, Return of Service, Order Perfecting Service*

In the *Affidavit of Diligent Search*, you will explain to the Court about the steps you took to try to find

the parent or guardian. You must make reasonable efforts to find the person before you fill out the *Affidavit* form.

After you file the forms, if the Court grants permission, the Judge will sign the *Order of Publication*. In Step 5, you already arranged for the *Notice of Petition to Change Names* to be published in the county's official legal newspaper (*The News Daily*).

Meanwhile, the Court Clerk is required to mail the *Notice* to the parent or guardian's last known address (which you have provided in the *Affidavit of Diligent Search*), and then to complete the *Return of Service* part of the 3-section form listed as (ii) above.

However, to be on the safe side, you should also mail a set of all the papers (the "service copy") to the person's last known address. Make sure you put enough postage on it, and make sure you list a return address, so the post office can return it to you if they are not able to deliver it.

After it has been published as required, you should receive a *Publisher's Affidavit* from the newspaper, stating that publication is complete. You must bring this *Publisher's Affidavit* with you to your hearing, to prove that service by publication has been completed. Usually, the Judge will then sign the *Order Perfecting Service* (part of the 3-part form listed above) at the hearing, showing that the Court has reviewed the service and finds it was done properly.

**You may later find out where the parent or guardian lives or works (before the case is over).** If this happens, then you should arrange for the Sheriff's Department to serve the person, or for the person to acknowledge service.

### **▲ Step 7: Wait the Required Time and Prepare Forms for Final Hearing**

If all the parents and guardian (if any) live in the state of Georgia, the required waiting period is **30 days from the date of service** on the last one served. If any of the parents or guardian lives outside the state of Georgia, the required waiting period is **60 days from the date of service**.

In addition, publication of the *Notice* in the *News Daily* must have been completed. The publication normally runs for 4 weeks, so it will usually be completed at the approximately the same time as the waiting period.

#### **Complete the *Final Order Changing Names of Minor Children*:**

Fill in the caption in the same way you did it on the *Petition*. Fill in the Case Number, as the clerk wrote it down for you when you filed the case.

Then, fill in the current (old) name, date of birth and (proposed) new name for each child on the chart in the body of the *Order*. Leave the rest of the order form blank. The Judge will fill out the rest at your hearing.

**Complete the *General Civil Case Final Disposition Information Form*:**

Check the box next to the word “Superior” in the upper left-hand corner of the form.

Fill in “Clayton” on the space for the County. Fill in the Case Number on the space for the Docket Number. Fill in your name as the Reporting Party; your title is “Petitioner.”

Fill in your name on the line for the “Name of Plaintiff/Petition.” Check the box for “Pro Se.” Fill in the name of the Respondent on the space provided.

Under “Type of Disposition,” check the box for Bench Trial (#6).

Do not fill in the “Award” section or the “Judgment on Verdict” section. (Leave them blank.)

Under “ADR,” check the box for No.

**▲ Step 8: Schedule and Attend the Court Hearing**

Contact the calendar clerk 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 calendar clerk may have about your case. Schedule your final hearing. (Some judges require you to make an appointment; others just have certain days and hours when you can come in for this type of hearing.)

When you go to the court for your hearing, take your copy of all the court papers with you, including:

- Petition to Change Names of Minor Children*
- Consent to Change Names of Minor Children & Acknowledgement of Service*
- Notice of Petition to Change Names of Minor Children*
- Publisher’s Affidavit* (the paperwork sent to you by the *News Daily* newspaper)

You also need to take along the following forms you completed in **Step 7**:

- Final Order Changing Names of Minor Children*
- 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 into 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,
- √ county where you live,
- √ how you are related to the children,

- √ that you are asking the Judge to grant a name change for the children from \_\_\_\_\_ [list current names] \_\_\_\_\_ to \_\_\_\_\_ [list proposed new names] \_\_\_\_\_, and
- √ 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, she or he will sign the *Final Order* form.

### ▲ Step 9: File the Final Order and Get a Certified Copy

Take the signed *Final Order* to the Clerk's office on the 1<sup>st</sup> floor and file it with the clerk. Ask for a certified copy of the *Order*. There is a charge of \$3.00 for the certified copy (\$2.50 for the first page and 50¢ for each additional page). This is your proof that the names have officially changed.

### ▲ Step 10: (Optional) Change Birth Certificates

If the children were born in the state of Georgia, you may have their birth certificates changed to show their new names. (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, at 2600 Skyland Drive NE, Atlanta, GA 30319-3640; telephone 404-679-4702:**

- Certified copy of *Final Order*
- Copy of current birth certificates (for the children)
- Money order for \$20.00, made out to "Vital Records Services"

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

If you are the natural parents of a child born out of wedlock, and you have now married each other, you can also add the father's name to the child's birth certificate. Ask the Vital Records staff for the form called *Application for an Amended Certificate of Birth by Legitimation* (Form #3929). You must both sign the form after you complete it. Return that form to the Bureau of Vital Records, along with a copy of your marriage certificate (any the required fee, if any).

**Your Name Change of Minor Children is All Done!**

**Congratulations!**