

INSTRUCTIONS FOR NAME CHANGE OF ADULT

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). Some 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 of Adult - [2 pages]
- (2) Verification of Name Change Petition - [1 page]
- (3) Notice of Petition to Change Name of Adult - [1 page]
- (5) General Civil Case Filing Information Form - [1 page]
- (6) Final Order Changing Name of Adult - [1 page]
- (7) General Civil Case Final Disposition Information Form - [1 page]

LIST OF STEPS FOR NAME CHANGE OF ADULT:

- **STEP 1:** Fill out the *Petition, Verification, 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:** Make copies of all the forms.
- **STEP 3:** File the forms at the Superior Court Clerk's Office.
- **STEP 4:** Arrange for publication of the *Notice* in the *Clayton News Daily* newspaper.
- **STEP 5:** Wait the required time, and prepare the forms for the final hearing.
- **STEP 6:** Schedule and attend the court hearing.
- **STEP 7:** File the *Final Order* and get a certified copy of it.
- **STEP 8:** (Optional) Change birth certificate.

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 Name of Adult**

Caption (Heading) on Petition:

Type or print your current name on the blank provided (to the left of the vertical line). *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. **Note:** You must file this *Petition* in the county where you live. If you do not live in Clayton County, you cannot file your name change case here.

Paragraph 2 of Petition: Your Birth date and Place of Birth

Fill in your date of birth on the first blank. If you were born in the United States, check the first box, and then fill in the county and state where you were born. If you were born outside the United States, check the second box, and fill in the place where you were born on the space provided.

Paragraph 3 of Petition: Old and New Names

On the first blank, fill in your current name. **Spell it exactly** as it appears on your birth record or the other official records you want to change (including any middle name). On the second blank, fill in the new name you want. **Spell the new name exactly** as you want it to appear on the birth certificate or other official records in the future.

Paragraph 4 of Petition: Reasons for Name Change

Explain your reasons for the name change in this section. Be clear and reasonably complete, but keep it short.

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 your address 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.

▲ Step 1 (b): Completing the Verification Form

The Verification form must be filed with the *Petition to Change Name of Adult*. Fill out the caption, the top part, 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 Notice of Petition to Change Name of Adult

On the first blank in the main part of the form, fill in your current name. Spell it exactly as it appears on your birth certificate or other official records. On the appropriate blanks, fill in the date you are filing the *Petition*. On the next space, fill in the new name you want. Spell it exactly as you want it to

appear on any official records in the future. 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 (d): 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 (e): 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: Copying Your Papers

Check to make sure you have completed all the forms you need, and that they have all been signed (in front of a notary, where necessary). (See Page 1 of these instructions for a list of all the forms.) Then, make one copy of each of the forms for your records. Separate the copies into sets for the Court and for you, with one copy of every form in each set. Clip each set with a paper clip.

▲ Step 3: 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, 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. The filing fee to the Clayton Superior Court Clerk should be separate from the fee for the *News Daily*.

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, the \$80.00 filing fee is waived (but not the \$40.00 publication fee). If the judge does not approve your *Poverty Affidavit*, you must pay the fees before your case will proceed.

Take both sets of forms (with the Court's set on top), along with your cash, checks or money orders, to the Clayton Superior Court Clerk's office, which is located on the 1st floor of the Harold R. Banke Justice Center, at 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 you in this Court, so that this 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. You need to arrange for publication of the *Notice*.

▲ Step 4: Arrange for Publication of the Notice

Publication is required in all name change cases. 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 5: Wait the Required Time and Prepare Forms for Final Hearing

The required waiting period for an adult name change in Georgia is **30 days from the date of filing** in court.

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 Name of Adult*:

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 your current (old) name and (proposed) new name on the blanks provided. Be sure you spell the current name exactly as it appears on your official records, and the new name exactly as you want it to appear on your official records in the future. Leave the rest of the 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; fill in your title, which is “Petitioner.”

Fill in your name on the line for the “Name of Plaintiff/Petitioner.” Check the box for “Pro Se.” Do not fill in the spaces provided for the Respondent.

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 6: 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 Name of Adult*
- Notice of Petition to Change Name of Adult*
- 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 5**:

- Final Order Changing Name of Adult*
- 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,
- √ that you are at least 18 years old,
- √ that you are asking the Judge to grant a name change for you from your current name to _____ [the proposed new name] _____,
- √ the reasons you want to change the name, and
- √ that you are not doing this name change for the purpose of defrauding anyone.

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 7: File the Final Order and Get a Certified Copy

Take the signed *Final Order* to the Clerk's office on the 1st floor and file it with the clerk. Ask for a certified copy of the *Order*. There is a charge for the certified copy (\$2.50). This certified copy is your proof that the name has officially changed.

▲ Step 8: (Optional) Change Birth Certificate & Other Important Records

Birth Certificate

If you were born in the state of Georgia, you may have your birth certificate changed to show your new name. (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 your current birth certificate
- 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.

Other Important Records

Take some time to think about all the agencies and companies you may need to notify about your name change. For example, these may include:

- Department of Public Safety (driver’s license)
- Your bank
- Social Security Administration, Department of Family & Children’s Services
- Your creditors (such as your landlord or mortgage company, credit card companies)
- Child Support Enforcement / Family Support Registry

Contact them to find out the steps you must take to give them proper notice of your new name. Some may charge a fee; most will want a copy of your *Final Order*.

**Your Name Change is All Done!
Congratulations!**