

INSTRUCTIONS FOR NAME CHANGE OF MINOR CHILD

Instructions Summary

Step 1:	Complete the <i>General Civil Filing Information Form</i> and <i>General Civil Case Final Disposition Form</i> .
Step 2:	Complete the <i>Petition to Change Name of Minor Child</i> .
Step 3:	Complete the <i>Verification</i> form.
Step 4:	Arrange for Service. The parent(s) or guardian(s) should complete the <i>Consent to Change Name of Minor Child and Acknowledgment of Service</i> ; OR you should have the Sheriff serve them with a copy of the papers.
Step 5:	Complete the <i>Notice of Petition to Change Name of Minor Child</i> .
Step 6:	Complete the caption of the <i>Final Order Changing Name of Minor Child</i> .
Step 7:	Make a copy of all of the forms.
Step 8:	File the original at the Superior Court Clerk's Office and pay the Filing Fee. The Clerk will file-stamp your copy and return it to you for your records.
Step 9:	Within seven (7) days of filing your papers, publish the <i>Notice of Petition to Change Name</i> in the official legal newspaper of your county. Provide proof of publication as required by Georgia law (an <i>Affidavit of Publication</i> from the newspaper is sufficient).
Step 10:	Wait the required time, and prepare forms for the final hearing.
Step 11:	Schedule and attend the court hearing.
Step 12:	File the <i>Final Order</i> and get a certified copy of it. [Note: the Judge may have the <i>Final Order</i> filed for you.]
Step 13:	(Optional) Change the birth certificate and other important documents.

DETAILED INSTRUCTIONS

Please type or print neatly all forms in black ink.

Step 1: Complete the *General Civil Filing Information Form* and *General Civil Case Final Disposition Form*

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.	On the top left, under the word "Court", check the box beside the word "Superior."
c.	On the left, below "Plaintiff(s)", fill in the Petitioner's name.
d.	Where it says "Plaintiff/Petitioner's Attorney," check the box which says Pro Se if 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 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.
d.	On the top left, under the word "Court", check the box beside the word "Superior."
e.	Fill in your name where it says "Reporting Party."
f.	Fill in the Petitioner's name where it says "Name of Plaintiff/Petitioner(s)."
g.	Where it says "Plaintiff/Petitioner's Attorney," check the Pro Se box if you are representing yourself. Unless you are a licensed attorney, leave the Bar # blank empty.
h.	Leave the boxes at the bottom of the page blank.

Step 2: Complete the *Petition to Change Name of Minor Child*

Caption (Heading):	<ul style="list-style-type: none"> ● Type or print the name of the county in which you are filing. ● Type or print the current name of the minor child in the blank provided.
Above Paragraph (1):	Type or print your name in the blank following the word Petitioner.

Paragraph (1):	In the blank, type or print the name of the county in which you live.
Paragraph (2):	<ul style="list-style-type: none"> ● Type or print the name of the minor child involved in the name change. ● Type or print the name of the county where the minor child(ren) resides.
Paragraph (3):	In the blank, fill in your relationship to the minor child (i.e. mother, father, guardian).
Paragraph (4):	<ul style="list-style-type: none"> ● Fill in the current name of the child. ● Fill in the proposed new name of the child.
Paragraph (5):	Type or print neatly the reason(s) for the name change.
Paragraph (6):	<ul style="list-style-type: none"> ● Type or print neatly the name and address of the child's mother. ● Type or print neatly the name and address of the child's father.
Paragraph (7):	<ul style="list-style-type: none"> ● Check box A. if the parents have given written consent to the name change. If so, attach each consent to your petition. It is likely to be in the form of a <i>Consent to Change Name of Minor Child and Acknowledgment of Service</i> form. ● Check box B. if the parents (specify which parent or both parents) have not provided support for a continuous period of at least five years immediately preceding the filing of the petition. If that is the case, written consent is not necessary. Type or print your best guess of the last date on which the parent paid child support.

Final Section:	<p>Prayer for Relief (See Explanation of Methods of Service in STEP 4 below)</p> <ul style="list-style-type: none"> ● Fill in the blank by part (a) if you are asking for a guardian ad litem. ● Check the box by part (b) to request that the Sheriff will personally serve the mother, father, or other person acting as guardian of the minor child. ● Check the box by part (c) if parents live outside of the state and service by certified mail is required. ● Parts (d) and (e) are the request that the name of the minor child be changed. Fill in the child's current name and the proposed new name. ● Date the <i>Petition</i> by filling in the day, month and year. ● Sign your name in the blank provided at the bottom left of the page, and print your name neatly below the signature. ● Write down your address and telephone number(s) in the blanks provided on the bottom right of the page.
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Step 3: Complete the *Verification* form

Caption (Heading):	<ul style="list-style-type: none"> ● Type or print the name of the county in which you are filing. ● Type or print the current name of the minor child in the blank provided.
Body:	<ul style="list-style-type: none"> ● Sign your name while a Notary Public watches you. The Notary will ask to see a photo ID before you sign, and the Notary will sign and stamp the <i>Verification</i> after you sign. ● Print your name neatly underneath your signature.

Step 4: Arrange for Service

The parent(s) or guardian(s) should complete the *Consent to Change Name of Minor Child and Acknowledgment 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 *Acknowledgment 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 *Acknowledgment of Service*

is combined with the *Consent to Change Name*. The instructions for how to fill out that document are on page 6 of these instructions.

As long as every parent and/or guardian signs the *Consent and Acknowledgment* form, you do not need any other method of service. However, if any parent or guardian does not sign the *Consent and Acknowledgment* 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 *Acknowledgment* 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 acknowledgment, and if you are able to find out an address where the person can be served, then you can 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 parent or guardian. 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: *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. 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 of Minor Child and Acknowledgment of Service*** [Note: each Parent will need to fill out the Consent form]

Caption (Heading):	<ul style="list-style-type: none">● Type or print the name of the county in which you are filing.● Type or print the current name of the minor child in the blanks provided.
Paragraph (1):	<ul style="list-style-type: none">● Type or print the name of the person giving their consent.● Type or print the mailing address of the person giving consent.● Indicate the relationship of the person to the minor child (either Mother, Father or Guardian).
Paragraph (2):	<ul style="list-style-type: none">● Fill in the name of the Petitioner.● Fill in the name of the minor child and the proposed new name of the minor child.

Signature:	<ul style="list-style-type: none"> ● Date the <i>Consent</i> form – fill in day, month and year. ● Sign this document in the presence of a notary public (i.e., the notary must watch the signing). If the person signing is unknown to the notary, the notary will ask for identification.
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Step 5: Complete the *Notice of Petition to Change Name of Minor Child*

Caption (Heading):	<ul style="list-style-type: none"> ● Type or print the name of the county in which you are filing. ● Type or print the current name of the minor child in the blank provided.
Document Body:	<ul style="list-style-type: none"> ● Fill in the name of the Petitioner. ● Fill in the County where the petition is being filed. ● Fill in the date on which the petition was filed (example: The <u>2nd</u> day of <u>April</u>, 2017). ● Fill in the current name and the proposed new name of the minor child. ● Fill in the date. ● Sign your name in the blank above "Petitioner pro se." ● Type or print your name on the line provided below the signature line. ● Fill in your mailing address and telephone number.

Step 6: Complete the *Final Order Changing Name of Minor Child*

Caption:	<ul style="list-style-type: none"> ● Type or print the name of the county in which you are filing. ● Type or print the current name of the minor child in the blanks provided.
Paragraph (1):	Fill in the current name of the minor child and the proposed new name.
End of Order:	Fill in the name, mailing address and telephone number(s) of the Petitioner.

Step 7: Make copies of all the forms

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

Step 8: File the Forms

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 9: Publish the *Notice of Petition to Change Name of Minor Child*

Publish the *Notice of Petition to Change Name of Minor Child* in the official legal newspaper

of your county. Call your county's legal newspaper and ask how to publish the *Notice of Petition to Change Name*. The newspaper will charge a fee for this service.

As the newspaper notice is published, it is recommended that you retain the full page, showing the date, on which your notice appears. In addition, get an *Affidavit of Publication* from the newspaper. **You will file the *Affidavit of Publication* with the Clerk of Court in order to prove that you published the notice as required by Georgia law.**

Step 10: Wait the required time

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 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 newspaper notices with you to the final hearing.

Step 11: 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 of Minor Child*
- *Consent to Change Name of Minor Child & Acknowledgment of Service*
- *Notice of Petition to Change Name of Minor Child*
- *Publisher's Affidavit* (sent to you by the newspaper)
- *Final Order Changing Name of Minor Child*
- *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
- That you are asking the Judge to grant a name change for the child from _____ (give current name) to _____ (give proposed new name)
- The reasons you want to change the name

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 12: File the *Final Order*

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 has been officially changed. [Note: not all Judges will allow *pro se* Petitioners to file their *Final Order*. In that case, the Judge will file it and send you a copy.]

Step 13: (Optional) Change the birth certificate and other important documents

If the child was born in the state of Georgia, you may have the birth certificate(s) changed to show the 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, 1680 Phoenix Boulevard, Atlanta, GA 30349; telephone (404) 679-4702:

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

Tell the Vital Records staff that you have done a legal 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.

Your Name Change of Minor Child is complete!