

PACKET FOR CHANGING THE NAME OF MINOR CHILD(REN)
Free to download; \$3.25 for paper copy

This packet CANNOT create or change the legal relationship between father and child:

- If the father of a child born out-of-wedlock wants to become the legal father in order to gain visitation rights and/or custody, he must file a case called “Legitimation.” The Dougherty County Law Library has forms and instructions for Legitimation.
- If the mother of a child born out-of-wedlock wants a court order that names the biological father of her child, she must bring a “Paternity” action. The Dougherty County Law Library has forms and instructions for Paternity actions.
- If you are the natural parents of a child born out-of-wedlock in Georgia, and you have now married each other, you may change the child’s birth certificate to list the father and change the child’s name. You may change the birth certificate by filing an *Application for an Amended Certificate of Birth by Legitimation* (Form #3929—available from your local Georgia vital records office).

What does Georgia law say about name changes?

The Official Code of Georgia contains the laws that govern name changes. O.C.G.A. §§ 19-12-1 through 19-12-4 and 31-10-23(d) are the laws that govern name changes. You may read these laws online at <http://www.lexis-nexis.com/hottopics/gacode/default.asp>, or you may read them in print at the Law Library.

Neither the Clerk of the Superior Court, nor any Deputy Clerk, nor the Law Librarian, nor the Judges, or any other Court personnel, is allowed to answer any questions for you concerning the preparation of these forms. State Law O.C.G.A. §15-19-51 forbids court personnel to give 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.

Important Note: This packet does not allow you to get a new birth certificate. O.C.G.A. § 31-10-14 only allows a new birth certificate to be issued after an order of adoption, legitimation, paternity determination; or after the parents marry and sign an acknowledgement of paternity. However, you can amend a birth certificate as allowed by O.C.G.A. § 31-10-23.

O.C.G.A. § 31-10-23. Amendment and corrections of vital records

(d) Upon receipt of a certified copy of an order from a superior court, probate court, or other court of competent jurisdiction changing the name of a person born in this state and upon request of such person or such person's parents, guardian, temporary guardian, or legal representative, the state registrar shall amend the certificate of birth to show the new name. When the names of the parent or parents and the child are changed, the state registrar may register a new certificate if requested by the parents, guardian, temporary guardian, or legal representative. Such new certificate shall be marked "amended."

**IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA**

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In re the Name Change of the Child(ren))
_____) Civil Action File No. _____
_____)
_____)
Minor child(ren))
)
)

PETITION TO CHANGE NAME(S) OF MINOR CHILD(REN)

The Petitioner files this Petition to Change Name(s) of Minor Child(ren) and shows the following in support of this petition:

1.

The petitioner's name is _____, and s/he resides in _____ County, Georgia.

2.

The Petitioner's relationship to the child(ren) is [Check only one box]:

- Mother Father Legal Guardian

3.

Check only one (1) box

- a. The minor child(ren) live with the Petitioner in _____ County, Georgia.
- b. The minor children do not live with the Petitioner. They live with _____, (who is their Mother Father Legal Guardian) in _____ County, Georgia.

4.

Petitioner desires to change the name(s) of said minor child(ren) as follows:

| Current Name of Child | Date of Birth | Proposed New Name |
|-----------------------|---------------|-------------------|
| | | |
| | | |
| | | |

5.

The reasons for such change in name(s) are as follows:

6.

The mother of the child(ren) is named _____.

Her address is _____,

and she [Check one]:

- a. Has consented to this name change and has acknowledged service; the signed consent and acknowledgement of service shall be filed with this Petition.
- b. Is deceased.

- c. Abandoned the child(ren) on or about the ____ day of _____, 20____.
- d. Has not contributed to the support of the child(ren) for a continuous period of at least five (5) years immediately preceding the filing of this Petition. The last date on which the mother paid child support was on the ____ day of _____, 20____.

7.

The father of the child(ren) is named _____. His address is _____, and he [Check one]:

- Has consented to this name change and has acknowledged service; the signed consent and acknowledgement of service shall be filed with this Petition.
- Is deceased.
- Abandoned the child(ren) on or about the ____ day of _____, 20____.
- Has not contributed to the support of the child(ren) for a continuous period of at least five (5) years immediately preceding the filing of this Petition. The last date on which the father paid child support was the ____ day of _____, 20____.

8.

Check One

- a. There is no legal guardian for the child(ren), other than the parent(s).
- b. Both parents are deceased or have abandoned the child(ren), and the guardian of the children is _____, whose address is _____.

and s/he has consented to this name change and has acknowledged services; the signed consent and acknowledgement of service shall be filed with this petition.

WHEREFORE, Petitioner respectfully prays for the following:

- (a) That the name(s) of the minor child(ren) be changed to the name(s) listed in Paragraph four (4) of the Petition.
[Check only one (1) of the following methods of service for each person who must be served. Read the instructions for service first.]
- (b) That the Sheriff's department personally serve the mother/ father/ person acting as guardian of the minor children.
- (c) That the mother/ father/ person acting as guardian of the minor children be served by certified mail, because they reside outside the State of Georgia.
- (d) That the court order service by publication for the mother/ father/ person acting as guardian of the minor children, because the address(es) is/are unknown.
- (e) That the mother/ father/ person acting as guardian of the minor children has signed a Consent and Acknowledgement of Service.
- (f) And such other relief as the Court deems necessary and proper.

Respectfully submitted, this _____ day of _____, 20____.

/S/ _____,
Petitioner *pro se*

Address and Telephone Number

Print Petitioner's name here

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

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)
)
In re the Name Change of the Child(ren))
_____) Civil Action File No. _____
_____)
_____)
Minor child(ren))
)
)

VERIFICATION OF PETITION TO CHANGE NAME OF MINOR CHILD(REN)

I, _____ personally
appeared before the undersigned Notary Public, and declare under oath that I am the
Petitioner in the above-styled action and that the facts set forth in this Petition are true
and correct to the best of my knowledge and belief.

Petitioner *pro se* [Sign in front of Notary]

Print your name

Address: _____

Phone #: _____

Sworn and subscribed before me
This _____ day of _____, 20____.

Notary Public, State of Georgia

My Commission Expires _____.

Should further notice be required for any reason, the notice should be mailed to me at the address shown in Paragraph One (1), above.

IN WITNESS WHEREOF, I have voluntarily signed my name, this _____ day of _____, 20____.

/S/ _____

[Sign in front of a Notary Public]

[Check one]: Mother Father Guardian

Print your name here

Address and Telephone Number

Sworn to and subscribed before me
this ____ day of _____, 200__.

Notary Public, State of _____
My Commission Expires: _____

