

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 O.C.G.A. § 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, such as legitimations, paternity actions, and divorces. Each of the aforementioned actions has its own corresponding law 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, **O.C.G.A. § 15-19-51**, prohibits court personnel (including staff attorneys, 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 Cherokee County Law Library.

FORMS INCLUDED IN THIS PACKET:

- (1) *Petition to Change Name of Adult* - (2 pages)
- (2) *Verification of Name Change Petition* - (1 page)
- (3) *Notice of Petition of Change Name of Adult* - (1 page)
- (4) *General Civil Case Filing Information Form* - (also available in Clerk's Office)
- (5) *Final Order Changing Name of Adult* - (1 page)
- (6) *General Civil Case Final Disposition Information Form* - (also available in Clerk's Office)

BASIC 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 *The Cherokee Tribune*.
- STEP 5:** Wait the required time, and prepare the forms for the final hearing.

- STEP 6:** Schedule and attend the final court hearing.
- STEP 7:** File the final order and get a certified copy of it.
- STEP 8:** (Optional) Change birth certificate.

DETAILED INSTRUCTIONS FOR NAME CHANGE OF ADULT:

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.

You must type or print in **black ink** on any forms you will file in Cherokee County Courts.

STEP 1(A): PETITION TO CHANGE NAME OF ADULT

- **Caption (Heading):**

Type or print your current name on the blank provided (to the left of the vertical line where it says Petitioner). 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: Name and Residency**

Type or print your current 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 Cherokee County, you cannot file your name change case here.

- **Paragraph 2: 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 then fill in the place where you were born on the space provided.

- **Paragraph 3: Old and New Names**

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

- **Paragraph 4: Reasons for Name Change**

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

- **Finishing this Petition**

Sign your name in the space provided on the last page, and add the date on which you are signing the *Petition*. Write your address and daytime telephone number where 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. Instead, on the space for the address, list only the name of the shelter and the state where it is located. Do not even fill in the name of the county. 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): VERIFICATION

The Verification form must be filled out along with the *Petition to Change Name of Adult*. Fill out the caption in the same way that you filled it out on the *Petition*. Then, insert your name in the space after the words, “My name is.”

Before you sign this *Verification*, remember that you will be swearing under oath that the information you have provided in the *Petition* is all true. **Do not sign it until you are in front of a notary public.** The notary must complete the remainder of the *Verification* form after you sign it under oath.

STEP 1(C): NOTICE

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 Cherokee Tribune* can send you the proof of publication.

STEP 1(D): NON-DOMESTIC GENERAL CIVIL CASE FILING INFORMATION FORM

- **Case Caption:**

This is located on the top left portion of the form. Do not fill in the Case number and Division. The clerk will do that when you file the case. On the lines just underneath the Case Number, type or print the caption of the case, just as it appears on the *Petition*.

- **Petitioner’s Information:**

This is located on the top right portion of the form. Type or print your current name, address, and telephone number on the spaces provided.

- **Respondent’s Information:**

Leave this section blank.

- **Type of Case and Origin:**

This is located in the boxes in the center of the form. Check the box next to “Name Change.” In the area labeled “ORIGIN,” check the box or “Original Proceeding.”

- **Related Cases**

This is located at the bottom section on the form. If there have not been any other cases in this court about you, leave this section blank. Just sign your name at the bottom and fill in the date.

However, if there have been other cases about you in the Superior Court of Cherokee County (for example, divorce, child support, criminal cases, TPO), then you must fill in this section. To complete this section, fill in the name of the judge and the Case Number of the other case. Check the box next to the words

“Same issue of fact or grows out of the same transaction.” Then, sign your name at the bottom and fill in the date.

STEP 1(E): 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.

STEP 2: COPYING

Check to make sure you have completed all of the forms needed and that they have all been signed (in front of a notary, where necessary). (Check page one of these instructions for a list of all of the needed forms). Then, make one copy of each of the forms for your records. Separate the copies into sets – one for the court and one for you. Each set should have one copy of each form. Clip each set with a paperclip.

STEP 3: FILING

Take both sets of forms along with your case to the Cherokee County Superior Court Clerk’s Office to be filed. There is a court filing fee for a name change action (the exact amount can be obtained from the Clerk’s Office). You will also have to pay a separate fee for the *The Cherokee Tribune* to publish the notice of name change. These fees can be paid by cash, check, or money order. Be sure to bring a form of payment with you to the Clerk’s Office, and remember that the two fees will have to be paid separately.

Note: If you have a low income and feel that you cannot afford to pay these fees, you can ask the Court to waive the court filing fee (but not the publication fee). To do this, you should file a *Poverty Affidavit* and *Order on Poverty Affidavit* forms along with your other forms that you have taken to the Clerk’s Office. A judge must sign the *Order* approving the *Poverty Affidavit*, before the filing of your case can be completed by the Clerk’s Office staff. If the judge signs the order of approval, your filing fee is waived and the case will proceed. If the judge does not approve your *Poverty Affidavit*, you must pay all fees before your case will proceed.

Tell the clerk if there have ever been cases about you in this court so that the case can be assigned to the proper judge. If your paperwork is complete, the clerk will keep the originals for the Court’s file. Once your fees have been paid or a *Poverty Affidavit* has been approved by the judge, the clerk will write the

case number on the top of the set of your copies, stamp them, and return them to you. Keep these copies for your records. Ask the clerk which judge has been assigned to the case, and get the name and phone number of that judge's calendar clerk.

STEP 4: PUBLICATION OF NOTICE

Publication is required in *all* name change cases. While filing your case at the Clerk's Office, give the clerk the *Notice* and payment for the publication fee (**check or money order**) made out to *The Cherokee Tribune*. The Clerk will forward the *Notice* and payment to *The Cherokee Tribune*. The *Publisher's Affidavit* will automatically be placed in your file for Court. You will need this document at your final hearing in order to show the judge that the notice was published.

STEP 5: WAIT AND PREPARE FOR FINAL HEARING

The required waiting period for an adult name change in Georgia is **30 days from the date of filing**. Publication of *Notice* in *The Cherokee Tribune* must have been completed. The publication normally runs for 4 weeks, so it will usually be completed at approximately the same time as the waiting period.

- **Final Order for Changing Name of Adult:**

Fill in the caption the same way you did on the *Petition*. Fill in the Case Number with the same number the Clerk wrote down when you filed the case.

Fill in your current new name and your new name on the blanks provided. Be sure you spell the current 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 in the remainder of the form at your final hearing.

- **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 "Cherokee" in the space provided for 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 Petitioner/Plaintiff." Check the box for "Self-Represented." 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:

FINAL 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 come in for this type of hearing).

When you go to court for the 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 (Automatically put in your file after publication is complete)*
- 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
- The 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 of _____ to the proposed name of _____.
- The reasons you want to change your name, and
- That you are not doing the name change for the purpose of defrauding anyone.

If you have not already given the staff your *Final Order* form, offer it to the judge now. The judge may ask you some additional questions. Then, if the judge approves the name change, s/he will sign the *Final Order* form.

STEP 7: FILE FINAL ORDER

Take the signed *Final Order* to the Clerk's Office and have it filed. Ask for a certified copy of the order. There will be a fee for the certified copy. The certified copy is your proof that your name has officially been changed.

STEP 8: CHANGE BIRTH CERTIFICATE AND RECORDS (Optional)

- **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 as "amended").

To change the birth certificate, take or mail the following document 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 made payable to “Vital Records Services”

Tell the Vital Records staff that you have had your name legally changed and you want to amend your birth certificate. If you do it by mail, be sure to provide them with your name and address so that they can send you the amended birth certificate.

- **Important Records**

Take some time to think of all the agencies and companies you may need to notify about your name change. These may include:

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

Contact these places 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.

Congratulations! Your Name Change is complete!

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

In re the Name Change of:

Petitioner.

Civil Action File No.: _____

PETITION TO CHANGE NAME OF ADULT

The Petitioner files this Petition to Change Name of Adult, and states the following in support of the petition:

1

The Petitioner's name is _____, and s/he resides in Cherokee County, Georgia. Therefore, jurisdiction and venue are proper in this Court.

2

The Petitioner was born on _____

[Check and complete only one of the following.]

in _____ County, State of _____, United States of America.

outside the United States, in _____.

3

The Petitioner seeks to change his or her name from _____
to _____.

4

[Explain here why you want to change your name.]

The reasons for this name change are as follows:

The Petitioner does not intend to use the name change to fraudulently deprive anyone of any right under the law.

WHEREFORE, the Petitioner asks that the Petitioner’s name be changed as provided in Paragraph 3 above.

Signed this _____ day of _____.
[day] [month] [year]

(Sign your name here before Notary) Petitioner, *Self-Represented*

Petitioner’s name (print or type): _____

Petitioner’s Address: _____

Petitioner’s Telephone Number: _____

Sworn to and affirmed before me, this _____ day of _____.

NOTARY PUBLIC
My commission expires: _____
(Notary Seal)

General Civil and Domestic Relations Case Filing Instructions

1. Provide the class of court and county in which the case is being filed.
2. Provide the plaintiff's and defendant's names.
3. Provide the plaintiff's attorney's name and State Bar number. If you are representing yourself, provide your own name and check the self-represented box.
4. Provide the primary type of case by checking only *one* appropriate box. Cases can be either general civil or domestic relations and only *one* type of primary case within those categories. Check the case type that most accurately describes the primary case. If applicable, check one sub-type under the primary case type. If you are making more than one type of claim, check the case type that involves the largest amount of damages or the one you consider most important. See below for definitions of each case type.
5. Provide an answer to the four questions by checking the appropriate boxes and/or filling in the appropriate lines.

Case Type Definitions

General Civil Cases

Automobile Tort: Any tort case involving personal injury, property damage, or wrongful death resulting from alleged negligent operation of a motor vehicle.

Civil Appeal: Any case disputing the finding of a limited jurisdiction trial court, department, or administrative agency.

Contempt/Modification/Other Post-Judgment: Any case alleging failure to comply with a previously existing court order, seeking to change the terms of a previously existing court order, or any other post-judgment activity in a general civil case.

Contract: Any case involving a dispute over an agreement between two or more parties.

Garnishment: Any case where, after a monetary judgment, a third party who has money or other property belonging to the defendant is required to turn over such money or property to the court.

General Tort: Any tort case that is not defined or is not attributable to one of the other types of torts listed.

Habeas Corpus: Any case designed to review the legality of the detention or imprisonment of an individual, but not the question of his or her guilt or innocence.

Injunction/Mandamus/Other Writ: Cases involving a written court order directing a specific person to perform or refrain from performing a specific act.

Landlord/Tenant: Any case involving a landlord/tenant dispute if the landlord removed a tenant and his or her property from the premises or placed a lien on the tenant's property to repay a debt.

Medical Malpractice Tort: Any tort case that alleges misconduct or negligence by a person in the medical profession acting in a professional capacity, such as doctors, nurses, physician's assistants, dentists, etc.

Product Liability Tort: Any tort case that alleges an injury to a person was caused by the manufacturer or seller of an article due to a defect in, or the condition of, the article sold or an alleged breach of duty to provide suitable instructions to prevent injury.

Real Property: Any case involving disputes over the ownership, use, boundaries, or value of land.

Restraining Petition: Any petition for a restraining order that does not result from a domestic altercation or is not between parties in a domestic relationship.

Other General Civil: Any case that does not fit into one of the other defined case categories in which a plaintiff is requesting the enforcement or protection of a right or the redress or prevention of a wrong.

Domestic Relations Cases

Adoption: Cases involving a request for the establishment of a new and permanent parent-child relationship between persons not biologically parent and child.

Contempt: Any case alleging failure to comply with a previously existing court order. If the contempt action deals with the non-payment of child support, medical support, or alimony, also check the corresponding sub-type box.

Dissolution/Divorce/Separate Maintenance/Alimony: Any case involving the dissolution of a marriage or the establishment of alimony or separate maintenance.

Family Violence Petition: Any case in which a protective order from a family member or domestic partner is requested.

Modification: Any case seeking to change the terms of a previously existing court order. If the modification deals with custody, parenting time, or visitation, also check the corresponding sub-type box.

Paternity/Legitimation: Cases involving establishment of the identity and/or responsibilities of the father of a minor child or a determination of biological offspring.

Support – IV-D: Cases filed by the Georgia Department of Human Services to request maintenance of a minor child by a person who is required under Title IV-D of the Social Security Act of 1973 (42 USC §§ 651-669b) to provide such maintenance.

Support – Private (non-IV-D): Cases filed to request maintenance of a parent/guardian or a minor child by a person who is required by a law other than Title IV-D of the Social Security Act of 1973 (42 USC §§ 651-669b) to provide such maintenance.

Other Domestic Relations: Domestic relations cases that do not adequately fit into any of the other case types, including name changes.

Please note: This form is for statistical purposes only. It shall have no legal effect in a case. The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or court rules. Information on this form will not be entered into evidence.

General Civil and Domestic Relations Case Disposition Form Instructions

1. Provide the class of court and county in which the case is being disposed.
2. Provide the plaintiff's and defendant's names.
3. Provide the reporting party (the individual completing the form).
4. Provide the attorneys' names and State Bar numbers. If parties represented themselves, provide their names and check the self-represented box.
5. Provide the manner of disposition by checking the appropriate box. See below for definitions.
6. Provide an answer to the three questions by checking the appropriate boxes.

Manner of Disposition Definitions

Jury Trial: Cases in which a jury is impaneled to determine the issues of fact in the case. A jury trial should be counted when the jury has been sworn, regardless of whether a verdict is reached.

Bench/Non-Jury Trial: Cases in which a judge or judicial officer is assigned to determine both the issues of fact and law in the case. A bench/non-jury trial should be counted when the first evidence is introduced, regardless of whether a judgment is reached.

Non-Trial Disposition: Cases in which the disposition does not involve either a jury trial or a bench trial.

Alternative Dispute Resolution: If a case was disposed of via a non-trial disposition and the method of disposition was alternative dispute resolution. If this box is checked, then the Non-Trial Disposition box must also be checked. Only check if the whole case was resolved via alternative dispute resolution.

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

In re the Name Change of:

Petitioner.

Civil Action File No.: _____

FINAL ORDER CHANGING NAME OF ADULT

This matter has come before the Court on the Petitioner's verified *Petition to Change Name of Adult*. It appears to the Court that the required notice has been published, and sufficient grounds exist for the requested relief.

THEREFORE, IT IS HEREBY ORDERED that the Petitioner's name shall be changed from

_____ to _____.

This Order entered on _____ day of _____, 20_____.

JUDGE, Superior Court
Blue Ridge Judicial Circuit