

HOW TO CHANGE THE NAME OF MINOR CHILDREN IN CLAYTON COUNTY

Name changes are governed by O.C.G.A. §19-12-1. There are two sets of forms available for name changes. One set is for adults (18 years old or older) who want to change their own name (NAME CHANGE OF AN ADULT). The other set is for people who want to change the name of a minor child or children (NAME CHANGE OF A MINOR CHILD OR CHILDREN). Decide which set of forms you need to use and follow the instructions accordingly. THIS SET OF FORMS IS FOR A NAME CHANGE OF A MINOR CHILD OR CHILDREN.

- _ **STEP 1:** Fill out the Petition to Change Name of Minor Child(ren)
- _ **STEP 2:** Fill out the Verification form
- _ **STEP 3:** Have the Consent form, signed and notarized
- _ **STEP 4:** Fill out the Notice of Petition to Change Name form
- _ **STEP 5:** Make copies of all of the forms
- _ **STEP 6:** File the forms with the Clerk of the Superior Court
- _ **STEP 7:** Publish Notice
- _ **STEP 8:** Obtain your Final Decree
- _ **STEP 9:** File the Final Decree with the Clerk of the Superior Court, and obtain a certified copy of it.
- _ **STEP 10:** Change Birth Certificates

The following are detailed instructions:

1. **Fill out the Petition to Change Name of Minor Child(ren):**

- A. Print or type the current name(s) of the minor children whose names you want to change after the word, "Children." Then fill in your name above the word "Petitioner". Fill in the name of the other parent or guardian above the word "Respondent". You should not fill in the blank next to "Civil Action File No:" because the clerk will assign your case a number when you file the Petition, and the clerk will fill that number in for you. This top part of the form is called the "style" of the case.
- B. Paragraph 1: Print or type your name.
- C. Paragraph 2: Print or type the name or names of the child(ren) whose name or names that you want to change.
- D. Paragraph 3: Check the box next to the word that describes your relationship to the child(ren). For example, if you are the child(ren)'s mother, check the box next to "mother." Only people who have a legal relationship (such as a parent or guardian) can change the name of a minor.
- E. Paragraph 4: Print or type the current name or names of the child(ren) in the left column and the new name or names of the child(ren) in the right column. For example, if your child(ren)'s names were Mary and John Smith, and you wanted to change them to Mary and John Jones, it would look like this:

<u>Current Name of Child</u>	<u>Year of Birth</u>	<u>Proposed New Name</u>
Mary Smith	2000	Mary Jones
John Smith	2002	Mary Jones

- F. Paragraph 5: Print or type the reasons why you want to change the child(ren)'s name(s) here. Be as concise as possible.
- G. Paragraph 6-7: Print or type the names of the parents (even if you are the mother or father) and their address(es) in sections (a) and (b). Under **each section**, you will need to check option (1) OR selection one from the list under option (2). Review Paragraph 7 and check the boxes that apply for a legal guardian. If there is no legal guardian, check ONLY the first box.
- H. Final Paragraph: Check the boxes that apply.
 - (b) **Personal Service on a Parent or Guardian:** In order to have a minor child(ren)'s name changed, both parents of the child(ren) has to be "served" with a copy of the petition. That means that you have to provide them with a copy of the petition. If the child(ren) resides with people other than his or her parent or parents, then the person acting as guardian of the child(ren) has to be served with a copy of the petition as if he or she were that child(ren)'s parent. If the parent(s) or guardian(s) live in Georgia, a person, who is over the age of 18, other than yourself, has to give them the paperwork in person. If the parent(s) or guardian(s) live outside Georgia, service of the petition has to be made by certified mail. If you do not know the address of the parent(s) or guardian(s), then service has to be made by publication as discussed in paragraphs IV and VI of these instructions. If you need to have either of the parent(s) or guardian(s) served personally or by certified mail, then check those boxes where indicated. If you are not sure, seek the advice of an attorney.
- I. Then print or type the date when you filled out the form, and sign your name, print your name, and fill in your address and telephone number where indicated.

2. Fill out the Verification form to file with the Petition:

- A. Fill out the style of the case like you filled out the Petition (print or type the current name(s) of the child(ren) next to the word "Children:", your name next to the word "Petitioner", and the other parent or guardian's name next to the word "Respondent").
- B. Next to the number [1], print or type your name.
- C. Next to the number [2], sign your name. Then print or type your name on the following line, and fill in your address and telephone number.
- D. Sign the documents ***in front of a notary*** who will date and notarize the verification form for you.

3. Have the Consent form signed and notarized. Both parents have to sign the Consent form in order to change the name of a minor **unless:**

- _ the parent or parents are deceased OR
- _ the parent or parents have abandoned the child(ren) OR
- _ the parent has not contributed to the support of the child(ren) for a continuous period of five years or more immediately before you file the petition.

If both parents are deceased or have abandoned the child or children, then the guardian has to sign the form. If only one parent is deceased, abandoned the child or children, or has not contributed to the support of the child in the past five years, then the remaining parent has to sign the form. Once this form is signed, have it notarized and staple it to the Petition. (If one of the parents does not want the child(ren)'s name changed and refuses to sign the consent form, that parent can file objections to the petition once it is filed. If this happens, you may not be able to change the child(ren)'s name, but you should seek the advice of an attorney.)

- A. Fill out the style of the case like you filled out the Petition (print or type the current name(s) of the children next to the word "Children:", your name next to the word "Petitioner", and the other parent or guardian's name next to the word "Respondent").
- B. Next to the number [1], print or type the name of either the mother, the father, or one of the guardians.
- C. Next to the number [2], print or type the name of the other parent or guardian (if there is one).
- D. Next to the number [3], check the box that applies. If the parents are signing the form, check the box next to "parents". If the guardian or guardians are signing, then check the box next to "guardians".
- E. Next to the number [4], print or type the names of the child(ren).
- F. Next to the number [5], print or type your name.
- G. In the columns that follow number [6], print or type the child(ren)'s current and new names, like you filled out the petition.
- H. The parents or guardians will also have to sign their names in front of a notary on the following page. They should also check the box that describes their relationship to the children under their signature.

4. Fill out the Notice of Petition to Change Name form as follows:

- A. Fill out the style of the case like you filled out the Petition (print or type the current name(s) of the child(ren) next to the word "Children:", your name next to the word "Petitioner", and the other parent or guardian's name next to the word "Respondent").
- B. Next to the number [1], print or type your current name.
- C. Next to the number [2], print or type the date that you filed the Petition.
- D. In the column marked [3], print or type the current name(s) of the minor child(ren).
- F. In the column marked [4], print or type the new name(s) that you want the court to change the child(ren)'s name(s) to.

- G. Next to the number [5], print or type the date that you are signing this document (it may be the same date that you file it).
- H. Then sign your name and print or type your name, address, and telephone number.

- 5. Make copies of all of the forms.** Make one copy of each of the forms for each parent and/or guardian, including yourself.
- 6. File the forms** you just filled out. There is a filing fee. Check with the Clerk of Superior Court for the amount. To begin the process you must give the original of the following documents to the clerk's office in the County where you reside. Take the following documents along with the fees:
- _ the Petition with the Consent form attached
 - _ the Verification,
 - _ the Notice of Petition to Change Name
 - _ the filing fee (or an Affidavit of Poverty if you are unable to afford the filing fee. The Affidavit of Poverty and Order forms are available from the court's website.)
 - _ the publishing fee (or an Affidavit of Poverty)
- 7. Publishing Notice:** The Notice of Petition to Change Name form must be published once a week for four weeks in the Clayton News Daily. You will have to arrange to have this notice published within 7 days after you file your petition. You can arrange to have this done at the clerk's office when you file your petition (see paragraph VII below) or by going to the Clayton News Daily's office directly. There is a fee for publication. Check with the Clerk of Superior Court for the amount. Be sure to include your name and address on the Notice form so that the Clayton News Daily can mail you proof that the notice was published. They will mail you a Publisher's Affidavit listing the publication dates. You will need this form to finalize your case.
- 8. Obtaining your Final Decree.** Thirty (30) days after the petition is filed, and after the notice has been published once a week for four weeks, you can go to court to ask the court to schedule a hearing to enter a decree of name change. You will need to complete a Stipulation to the Active List form, which is available from the court's website. Fill out the form and file it with the clerk. Make sure the clerk has your correct contact information. They will mail a hearing notice to the address in your file. Make sure to show for your court date or your case could be dismissed. Take the following items to your court date:
- _ A copy of your Petition with the Parent Consent form attached
 - _ A copy of the Verification, and
 - _ A copy of the Notice of Petition to Change Name
 - _ Proof that the notice was published (the piece of paper sent to you by the Clayton News Daily)
 - _ The **Final Decree Changing the Name(s) of Minor Child(ren)** form for the judge to sign. You should first fill in the style of the case like the other forms. Check the box that describes how the Respondent was served. Then fill in the

dates of publication where indicated. There should be four dates. They are on the Publisher's Affidavit that you received from the Clayton News Daily. Then fill in the children's current names and the new names as you request in your Petition. DO NOT FILL OUT THE REST. THE JUDGE WILL DO IT FOR YOU.

- 9. Complete and file the Civil Case Disposition form.** This form is available from the court's website, or from the clerk's office. Ask the judge if you need to file it yourself. Some judges may have their staff complete this step for you.
- 10. Changing Birth Certificates.** If you wish to have the child(ren)'s birth certificate(s) changed, you must provide a certified copy of the Decree to the Department of Vital Records. If you are the natural parents of a minor who was born prior to your marriage to each other, fill out the Paternity Affidavit, and bring or send it to the Department of Vital Records with a copy of your Marriage Certificate.