

INSTRUCTIONS FOR FILING NAME CHANGE OF AN ADULT

This is the form packet for people who want to file for changing the name of an adult in the Lookout Mountain Judicial Circuit.

In Georgia, name changes are governed by O.C.G.A. section 19-12-1 through 19-12-14. You must file a Petition for Name Change in the Superior Court of the county in which you are a resident. You can either hire an attorney who will prepare your case and represent you in Court, or you can use the sample forms included in this packet and represent yourself in Court.

Neither the Clerk of Superior Court, nor any Deputy Clerk, nor the judges or any other Court personnel, are allowed to answer any questions for you concerning the preparation of these forms. In fact under Georgia law, specifically O.C.G.A section 15-19-51 forbids court personnel (including staff attorneys or law clerks, clerk's office staff or sheriff's department staff) to give legal advice or answer legal questions. 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.

Please keep in mind that these forms are presented as a guide to assist you in the preparation of your name change papers. It is advisable to speak with a lawyer before filing any action with the Court. A name change is no exception to s rule. It is always good to talk to a lawyer if possible. You may need an attorney if:

1. The case becomes contested.
2. You find the court papers hard to understand.
3. You have questions.

Please read these instructions and each form carefully. Missing or misreading a word could cause you to make serious errors in your case, placing your rights and the direction of your name change case in jeopardy. You must fully complete the forms before the Judge will be able to grant your request. Incomplete forms, as well as forms that are improperly filled out, may delay the granting of your name change. Make sure that you take time to read over all the forms, and understand what is being asked of you in each situation.

Please read and complete the steps listed below in order to complete, file and serve your Petition For Name Change.

- STEP 1: Fill out the Petition to Change Name of An Adult.
- STEP 2: Fill out the Verification form.
- STEP 3: Fill out the Domestic Relations Initiation Form.
- STEP 4: Fill out the Notice of Petition to Change Name form.
- STEP 5: Arrange for Service.
- STEP 6: Fees.
- STEP 7: Make copies of all of the forms and file with the Clerk of the Superior Court.

STEP 8: Appear on scheduled court date to obtain final ruling.

STEP 9: Final Decree will be filed with the Clerk of the Superior Court, and a certified copy can be obtained at that time (for a nominal fee).

The following are detailed instructions:

1. Fill out the Petition to Change Name of An Adult:

Fill in your name above the work "Petitioner". 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.

Paragraph 1: Insert the your name and the county in which you reside.

Paragraph 2: Fill in your date of birth on the first blank. If you were born in the United States, check the first box, with the county and state of birth. If born outside the United States, check the second box an list where you were born.

Paragraph 3: Print or type your current name in the left column and the new name in the right column. DO NOT ABBREVIATE NAMES OR USE INITIALS.

Paragraph 4: Print or type the reasons why you want to change the name here. Make sure your reasons are clearly explained.

Sign and date the Petition:

Then print or type the date when you filled out the form, print and sign your name, fill in your address, telephone number and email address.

2. Complete the Verification form

The Verification form must be filed with the Petition for Name Change. Note that by signing the Verification, you are swearing under oath that the information you have provided in the Petition for Name Changer are true. You will need to sign this Verification in the presence of a Notary Public.

3. Complete the Domestic Relations Filing Information and Final Disposition form.

This form is required. It is used to help the Clerk of Court keep statistical information about the number and types of cases decided in our local court.

The filing information form:

- a. In the top line fill in the court where you are filing and date filed.
- b. In the second line fill in the names of the Petitioner.
- c. Check the box which says Pro Se which will indicate that you are representing yourself without an attorney.
- d. In the left hand box check the box which indicates the type of action being filed.

The final disposition form.

The purpose of this part of the form is to show how the case ended. Do not fill this part out until matter has been concluded.

- a. In the top line fill in only the County where the case was disposed of.
- b. Write your name as the Reporting Party.
- c. Write down the Petitioner and Respondent's full names.
- d. Check box which states Pro Se since you are representing yourself.

4. Publishing Notice: The Notice of Petition to Change Name form must be published once a week for four weeks in the county newspaper. You can arrange to have this done at the clerk's office when you file your Petition. There is a fee for publication. Check with the Clerk of Superior Court for the amount. Be sure to include your name, address and email on the Notice form so that the county newspaper can mail you proof that the notice was published.

5. Fees.

If you are unable to afford the fees you will need to submit an Affidavit of Poverty and Order on Affidavit of Poverty. This form is used only if you are indigent and cannot afford to pay the filing and service fees.

Unless you are able to have your filing fee waived, there is a filing fee in the Lookout Mountain Judicial Circuit. You must pay this fee when you file your Petition for Name Change. And for publishing an ad in the newspaper, you are responsible for paying the cost of the newspaper ads.

6. Make Copies and File Forms with the Clerk of Superior Court.

After you have completed, signed, copied and sorted all your paperwork you are ready to file your case. You should make two (2) copies of all of your documents. Give the clerk your original and the two (2) copies. The clerk will assign a number to your case and will write in the number on you documents. The original will remain with the Clerk and one (1) copy will be given to the Respondent and the other one used for your records.

7. Go to Court on the appointed date.

A court date will be assigned at the time of filing. The notice must have been published once a week for four (4) weeks prior to the assigned court date. If for any reason this does not happen, then the court date may be reset to a later date. Be sure to appear at ALL scheduled court date(s). Bring with you the Final Decree for the Court to sign.

To determine the appropriate court date go to the official website for the Lookout Mountain Judicial Circuit at www.lmjc.net and check the calendar to determine the next circuit date in the appropriate county after said period.

On the appropriate date go to the Clerk's Office and inform them that you are there for a final hearing on a name change. The Clerk will then pull your file and give to the Court.

8. Obtaining your Final Order:

The Final Decree will be filed in the Superior Court Clerk's Office. A certified copy can be obtained at that time for a fee.

IN THE SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

In Re the Name Change of: _____) Civil Action File

_____) No. _____

Petitioner.)

PETITION TO CHANGE NAME OF ADULT

Now comes the Petitioner, _____ and files this Petition to Change Name and in support of my cause of action I state as follows:

1. The Petitioner is a citizen and resident of _____ County, Georgia, and has been a resident for six (6) months prior to the date of filing of this Petition to Change Name, and currently reside at _____. Therefore, jurisdiction and venue are proper in this Court.

2 The Petitioner was born on _____:

(Check and complete only one of the following)

_____ (a) in _____ County, State of _____.

_____ (b) outside of the United States, in _____.

3. The Petitioner desires to change his/her name from _____ to _____.

4. (Explain here why you want to change your name)

The reason(s) for such a change of name is follows:

5. I do not intend to use this name change to fraudulently deprive anyone of any right under the law.

WHEREFORE, the Petitioner prays:

1. That the Petition be filed and published in the _____
Newspaper.

2. That my name be changed as provided from _____ to
_____.

3. That notice of this Petition be served as provided by law.

4. That other specific relief claimed be granted and that Petitioner have such
of this relief as the court may consider equitable and appropriate.

Respectfully submitted,

Petitioner (Signature)

Name: _____

Address: _____

Email: _____

Phone Number: _____

VERIFICATION

STATE OF GEORGIA)

)

COUNTY OF _____)

_____ having been first duly sworn says that he/she is the
Petitioner in this cause and the facts contained in this Petition to Change Name are true
and correct to the best of his/her knowledge, information and belief.

Sworn to and subscribed before me

this _____ day of _____.

Notary Public

My commission expires: _____

IN THE SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

In Re the Name Change of: _____) Civil Action File

_____) No. _____

Petitioner.)

NOTICE OF PETITION TO CHANGE NAME

STATE OF GEORGIA)

)

COUNTY OF _____)

Notice is hereby given that _____, the undersigned, filed his Petition to the Superior Court of _____, Georgia, on the _____ day of _____, praying for a change in his name of _____ to _____. Notice is hereby given pursuant to law to any interested or affected party to appear in said Court and to file an objection or objections to such name changes. Objections must be filed with said Court within thirty (30) days of the filing of said Petition.

Any interested party has the right to appear in this case and file objections within the time prescribed in O.C.G.A. § 19-12-1 (F) (2) and (3).

This the _____ day of _____.

Petitioner (Signature)

Name: _____

Address: _____

Email: _____

Phone Number: _____

Sworn to and subscribed before me

this _____ day of _____.

Notary Public

My commission expires: _____

IN THE SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

In Re the Name Change of: _____) Civil Action File

_____) No. _____

Petitioner.)

FINAL JUDGMENT AND DECREE

The above and foregoing Petition to Change Name came on for trial before the Court without the intervention of a jury, pursuant to law, and it appearing that notice has been published pursuant to law in the _____ County News and that no objections have been timely filed, and it further appearing that sufficient grounds exist for the granting of the relief prayed for in said Petition and that no reason appears showing why said prayer should not be granted .

UPON CONSIDERATION of this cause, upon evidence submitted as provided by law, **IT IS THE JUDGMENT OF THE COURT**, that the Petitioner's Petition to Change Name of Minor Child, _____ shall be granted.

IT IS ORDERED AND DECREED by the Court that _____'s name of _____ shall be changed to _____.

IT IS FURTHER ORDERED AND DECREED by the Court that such name change shall not operate to authorize Petitioner to fraudulently deprive others of any legal rights under the law.

So ordered this _____ day of _____, _____.

Judge

Lookout Mountain Judicial Circuit

Superior Court

Domestic Relations Case Filing Information Form

Superior Court County _____ Date Filed _____

MM-DD-YYYY

Docket # _____

Plaintiff(s)

Defendant(s)

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Plaintiff/Petitioner's Attorney ___ Pro Se

Last First Middle I. Suffix

Check Case Type (one or more)

- ___ Divorce (includes annulment)
- ___ Separate Maintenance
- ___ Adoption
- ___ Paternity (includes legitimation)
- ___ Interstate Support Enforcement Action
- ___ Domestication of Foreign Custody Decree
- ___ Family Violence Act Petition

MODIFICATION

___ Modification - Custody and/or Visitation

FAMILY VIOLENCE

Additional Information -

Ex Parte Relief

Did the initial pleading include a request for relief

1. From alleged family violence
2. Was ex parte relief requested
3. Was ex parte relief granted

- ____ Modification - Child Support and Alimony
- ____ Modification - Child Support
- ____ Modification - Alimony

CONTEMPT

- ____ Contempt
- ____ Contempt
- ____ Contempt
- ____ Contempt
- ____ Other Domestic Contempt

____ Other Domestic Relations Specify _____

IN THE SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

In Re the Name Change of: _____) Civil Action File

_____) No. _____

Petitioner.)

AFFIDAVIT OF POVERTY

I am the Petitioner in this case. I am filing this Affidavit of Poverty under O.C.G.A. section 9-5-2, to ask that I be relieved from paying the Court costs.

I hereby swear or affirm, before a notary public, that the following information is true:

1. Because I am indigent, I am unable to pay the filing fee, service fee, and other costs which are normally required in the court.
2. My income comes from the following sources: (Check all that apply)
 Earnings from my job Social Security Unemployment benefits Alimony
 VA Benefits Workers' Compensation VA Benefits
 Other _____ (Name)
3. My average gross income (before taxes) is \$ _____ per month; my net income (After taxes) is \$ _____ per month.
4. In addition to my own income, my other family members living with me have total income of \$ _____ per month.
5. I have \$ _____ in my savings account(s) and \$ _____ in my checking account(s).
6. The amount of my rent or mortgage payment is \$ _____ per month.
7. I pay \$ _____ in child support, alimony or other support to other family member who do not live with me.
8. I support the following dependents who live with me:
_____.

I have the following special financial circumstances:

9 Other:

Bankruptcy: _____

Behind on Debts: _____

Petitioner

Sworn to and subscribed before me
this ____ day of _____, 20__.

Notary Public

My Commission Expires: _____

