

NAME CHANGES FOR MINORS IN GEORGIA



What are the legal requirements?

Any person desiring to change the name of a minor may present a petition to the superior court of the county of the minor's residence, stating the reasons why the change is requested. If this person is not the parent of the minor, the minor's parents must receive a copy of the petition personally, by publication, if the location or address of the parent is unknown, or by certified mail, if the parent resides outside of Georgia. Where the minor resides with persons other than the minor's parent or parents, a copy of the petition must be served on the person acting as the minor's guardian in the same manner as service would be made on a parent. *Ga. Code Ann. § 19-12-1.*

After proof to the court of publication of the name change is made, assuming that no objections are filed, the court will set a hearing date. The hearing must be at least 30 days after the date which the parent/s or guardian were made aware of the name change petition, if the parent/s or guardian of the minor child whose name is to be changed reside in Georgia; or at least 60 days after the date which the parent/s or guardian were made aware of the name change petition, if the parent/s or guardian reside outside the state, and the petition is served by mail. When written objections are filed within the specified time limitations, the court will consider those objections during the hearing. *Ga. Code Ann. § 19-12-1*

Where should I file and what forms should I use?

File the name change petition in the county court for the county of the minor's residence. You can find a list of these courts at: <http://www.georgiacourts.gov/find-your-court> under "Superior Court."

Instructions and forms for changing the name of a minor in Fulton County are here: <https://www.fultoncourt.org/family/forms/P10-NameChangeMinor-Instructions.pdf>
<https://fultoncourt.org/family/forms/P10-NameChangeMinor-Petition.pdf>

You may want to request more than one certified copy of the name change order, since certified copies may be required to update the minor's legal name with other agencies.

Does the process require parental consent?

A person wishing to change the name of a minor must obtain the written consent of the minor's parents or the written consent of the minor's guardian if both parents are dead or have abandoned the minor. This consent must be filed with the petition. Written consent is not required from a parent who has not contributed to the minor's support for a continuous

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period of five years or more immediately preceding the petition's filing. If written objections are filed by anyone within the time limits specified under the statute, the court must hold a hearing. *Ga. Code Ann. § 19-12-1*

Does the process require publication?

Within seven days of the filing of the petition, the petitioner must publish a signed notice of the name change in the official legal publication of the county once a week for four (4) weeks. The notice must contain the name of the petitioner, the name of the minor whose name is to be changed, the new name desired, the court in which the petition is pending, the date on which the petition was filed, and the right of any interested or affected party to appear and file objections. *Ga. Code Ann. § 19-12-1*

What will the judge consider?

Judges have a lot of discretion in granting name changes. Some may have lots of questions and want to see lots of evidence regarding the name change of the child, others may grant a name change as long as there are no objections. Judges may consider whether to grant a name change for a minor according to what is in the 'best interests of the child'. They typically evaluate the best interest of the child by looking at a variety of factors, which may include the child's preference (taking into consideration their age and experience), the length of time a child has used that name, the difficulties, harassment, or embarrassment a child may experience from the present or proposed name, and the motives or interests of the parent.

To demonstrate that the name change is in the best interests of the child, along with the name change petition you may want to submit evidence showing the judge why this is in the child's best interest. Examples of such evidence would be letters from teachers, family, or friends confirming their use of preferred name, letters from providers confirming the child's gender identity, etc.