

INSTRUCTION SHEET FOR NAME RESTORATION AFTER DIVORCE

The forms presented in this packet are designed to guide you in the preparation of restoring your given birth name, **as shown on your birth certificate**, after a divorce. You must type in the required information as it applies to your situation. Your papers should remain in the same order as they appear in this packet.

You should type in every blank line and the lines provided for signatures. Make sure that everything is signed.

Neither the Clerk of the Superior Court, nor any Deputy Clerk, 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 name restoration. Make sure that you take time to read over all the forms, and understand what is being asked of you in each situation.

Georgia Law which governs name restoration relating to divorce:

O.C.G.A. § 19-5-16. Restoration of Maiden or Prior Name

(a) In all divorce actions, a party may pray in his or her pleadings for the restoration of a maiden or prior name. When a divorce is granted, the judgment or decree shall specify and restore to the party the name so prayed for in the pleadings.

(b) (1) After entry of a judgment and decree of divorce, a former spouse may petition the court by motion ex parte to restore his or her legal surname to the given surname **as shown on his or her birth certificate**.

(2) Notwithstanding any other provision of law or order of court requiring a request to be filed or made prior to the entry of judgment and decree of divorce or within the term of court of such entry of such judgment and decree, and notwithstanding that the requested restoration was not previously specified in the movant's pleadings in the original divorce action, the motion provided for in paragraph (1) of this subsection may be filed at any time after the judgment and decree of divorce was entered. No publication in any legal organ shall be required. The court with or without a hearing may issue an order restoring the given surname **shown on the movant's birth certificate** in chambers at any time after the filing of a motion.

(3) This subsection shall apply to motions filed on or after May 1, 2024.

Please follow these steps:

1. Fill out the petition for name restoration after divorce being sure to include the County and file number of your divorce.
2. File the petition for name restoration with the Clerk of Court in the County of your divorce.
3. As soon as your petition can be heard, the Court will set a date to hear the matter in chambers and to render a final ruling and order.

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

In RE: _____

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§
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§

Civil Action File No. _____

PETITION FOR NAME RESTORATION AFTER DIVORCE

Petitioner, _____, files this Petition for Name Restoration After Divorce and Shows the following:

1.

Petitioner, _____, resides at _____
_____ in _____ County, Georgia.

2.

Petitioner was divorced in _____ County, State of _____ in the year of _____;
Civil Action File Number _____.

3.

Petitioner, whose Year of Birth is _____, desires to restore his/her name from _____
_____ to _____,
Middle Last First Middle Last
and declares under penalty of perjury that this is the name **shown on his/her birth certificate**.

4.

(Circle One)

a) Petitioner has never been convicted of a criminal offense involving fraud, forgery, or violence and is not now the defendant of a criminal proceeding involving the same.

b) Petitioner has been convicted of a criminal offense involving fraud, forgery, or violence or is now the defendant of a criminal proceeding involving the same. (Explain circumstances below.)

5.

This Petitioner declares under penalty of perjury that the foregoing is true and correct, and is not submitted with the intention of defrauding another of any rights.

WHEREFORE, Petitioner respectfully prays that his/her name be restored to the name on his/her birth certificate as indicated herein.

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

Petitioner *pro se*

Petitioner's Address

Petitioner's telephone number

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

In Re: _____

§
§
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Civil Action File No. _____

VERIFICATION

Personally appeared before me the undersigned who on oath states that the facts set forth in this Complaint are true and correct to the best of his/her knowledge and belief.

Plaintiff *pro se*

Sworn and subscribed before me

This ____ day of _____, 20____.

Notary Public, State of Georgia

My Commission Expires _____.

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

§
§
§ Civil Action File No. _____
§
§
§
§

In Re: _____

FINAL ORDER

The above and foregoing Petition for Name Restoration After Divorce coming on to be heard pursuant to law, and it appearing that supporting documentation has been filed pursuant to law, 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 prayers should not be granted,

(a) That the name of _____, Petitioner,
be changed to _____
Year of Birth: _____, and _____
FirstMiddleLast

(b) 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 _____, 20_____.

JUDGE, Superior Court of Bulloch County
Ogeechee Judicial Circuit

Presented by:

Petitioner *pro se*

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 Bar number. If you are representing yourself, provide your own name and check the self-represented box.
4. Provide the type of case by checking only *one* appropriate box. Cases can be either general civil or domestic relations and only *one* type of case within those categories. Check the case type that most accurately describes the primary case. 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 the type of post-judgment action, if applicable, by checking the appropriate box. Post-judgment cases are those that seek to enforce or modify an existing judgment. If the case is a post-judgment matter, an initial case type in the general civil and domestic relations boxes must be checked.
6. 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.

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 torts.

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

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

Landlord/Tenant: Any case involving landlord/tenant disputes wherein the landlord removes a tenant and his/her property from the premises or places a lien on tenant property to repay 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 injury is caused to a person 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 fixed land.

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

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

Domestic Relations Cases

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

Dissolution/Divorce/Separate Maintenance: 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.

Paternity/Legitimation: Cases involving the establishment of the identity and/or responsibilities of the father of a minor child or the 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, 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 law, but who is not under the auspices of Title IV-D of the Social Security Act of 1973, to provide such maintenance.

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

Post-Judgment

Contempt: Any case alleging failure to comply with a previously existing court order.

Modification: Any case seeking to change the terms of a previously existing court order.

Other/Administrative: Any case with post-judgment activity that does not fit into contempt or modification categories.

Please note: This form is for statistical purposes only. It shall have no legal effect in the 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 cannot be entered into evidence.

General Civil and Domestic Relations Case Filing Information Form

☐ Superior or ☐ State Court of _____ County

For Clerk Use Only

Date Filed _____
MM-DD-YYYY

Case Number _____

Plaintiff(s)

Last	First	Middle I.	Suffix	Prefix
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____

Defendant(s)

Last	First	Middle I.	Suffix	Prefix
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____

Plaintiff's Attorney _____

Bar Number _____

Self-Represented ☐

Check One Case Type in One Box

General Civil Cases

- ☐ Automobile Tort
- ☐ Civil Appeal
- ☐ Contract
- ☐ Garnishment
- ☐ General Tort
- ☐ Habeas Corpus
- ☐ Injunction/Mandamus/Other Writ
- ☐ Landlord/Tenant
- ☐ Medical Malpractice Tort
- ☐ Product Liability Tort
- ☐ Real Property
- ☐ Restraining Petition
- ☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
- ☐ Dissolution/Divorce/Separate Maintenance
- ☐ Family Violence Petition
- ☐ Paternity/Legitimation
- ☐ Support – IV-D
- ☐ Support – Private (non-IV-D)
- ☐ Other Domestic Relations

Post-Judgment – Check One Case Type

- ☐ Contempt
 - ☐ Non-payment of child support, medical support, or alimony
- ☐ Modification
- ☐ Other/Administrative

- ☐ Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number

- ☐ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

- ☐ Is an interpreter needed in this case? If so, provide the language(s) required. _____
Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

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 who is the individual completing the form.
4. Provide the attorneys' names and 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. Only check if the whole case was resolved via alternative dispute resolution.

General Civil and Domestic Relations Case Disposition Information Form

☐ Superior or ☐ State Court of _____ County

For Clerk Use Only

Date Disposed _____
MM-DD-YYYY

Case Number _____

Case Style _____

Plaintiff(s)

Last	First	Middle I.	Suffix	Prefix
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____

Defendant(s)

Last	First	Middle I.	Suffix	Prefix
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____

Reporting Party _____

Plaintiff's Attorney _____

Bar Number _____

Self-Represented ☐

Defendant's Attorney _____

Bar Number _____

Self-Represented ☐

Manner of Disposition Check Only One

- ☐ Jury Trial
☐ Bench/Non-Jury Trial
☐ Non-Trial Disposition
☐ Alternative Dispute Resolution

- ☐ Check if any party was self-represented at any point during the life of the case.
- ☐ Check if the court ordered an interpreter for any party, witness, or other involved individual.
- ☐ Was the case referred/ordered to a court-annexed alternative dispute resolution (ADR) process?

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

	§	
	§	
PLAINTIFF	§	
	§	
VS	§	CIVIL ACTION FILE NO.: _____
	§	
	§	
DEFENDANT	§	
	§	

PRO SE CONTACT INFORMATION

*To avoid a possible delay in distribution of courtesy copies, all handwritten information must be legible.

<u>PLAINTIFF</u>	<u>DEFENDANT</u>
Current Address: _____ _____ _____	Current Address: _____ _____ _____
Phone Number(s): () _____	Phone Number(s): () _____
Email Address: _____	Email Address: _____

This the _____ day of _____, 20_____.

Signature () Plaintiff () Defendant