

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**

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In RE: _____ 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**

In Re: _____ §
§
§ Civil Action File No. _____
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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: ^{First} _____, ^{Middle} _____, ^{Last} _____, and

(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 Courts

Judicial Circuit

Presented by:

Petitioner *pro se*