

House Bill 1099

By: Representatives Benfield of the 56th, Post 1, Oliver of the 56th, Post 2, Orrock of the 51st,
and Ashe of the 42nd, Post 2

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 19-12-1 of the Official Code of Georgia Annotated, relating to
2 petition to change name, notice of filing, consent and service of minor's parents or guardian,
3 hearings, judgment, and filing fees, so as to provide for confidentiality under certain
4 circumstances; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 19-12-1 of the Official Code of Georgia Annotated, relating to petition to
9 change name, notice of filing, consent and service of minor's parents or guardian, hearings,
10 judgment, and filing fees, is amended by striking the Code section and inserting in lieu
11 thereof the following:

12 "19-12-1.

13 (a) Any person desirous of changing his or her name or the name or names of his or her
14 minor child or children may present a petition to the superior court of the county of his the
15 petitioner's residence, setting forth fully and particularly the reasons why the change is
16 asked, which petition shall be verified by the petitioner.

17 (b) ~~Within~~ Except as set forth in subsection (g) of this Code section, within seven days of
18 the filing of the petition, the petitioner shall cause a notice of the filing, signed by ~~him~~ the
19 petitioner, to be published in the official legal organ of the county once a week for four
20 weeks. The notice shall contain therein the name of the petitioner, the name of the person
21 whose name is to be changed if different from that of the petitioner, the new name desired,
22 the court in which the petition is pending, the date on which the petition was filed, and the
23 right of any interested or affected party to appear and file objections.

24 (c) If the petition seeks to change the name of a minor child, the written consent of his or
25 her parent or parents if they are living and have not abandoned the child, or the written
26 consent of the child's guardian if both parents are dead or have abandoned the child, shall

1 be filed with the petition, except that the written consent of a parent shall not be required
2 if the parent has not contributed to the support of the child for a continuous period of five
3 years or more immediately preceding the filing of the petition.

4 (d) In all cases, before a minor child's name may be changed, the parent or parents of the
5 child shall be served with a copy of the petition. If the parent or parents reside within this
6 state, service of the petition shall be made in person, except that if the location or address
7 of the parent is unknown, service of the petition on the parent shall be made by publication
8 as provided in this Code section. If the parent or parents reside outside this state, service
9 of the petition on the parent or parents residing outside this state shall be made by certified
10 mail or statutory overnight delivery if the address is known or by publication as provided
11 in this Code section if the address is not known.

12 (e) Where a child resides with persons other than his or her parent or parents, a copy of the
13 petition shall be served upon the person acting as guardian of the child in the same manner
14 as service would be made on a parent.

15 (f) Upon the expiration of:

16 (1) Thirty days from the filing of the petition if the person whose name to be changed is
17 an adult;

18 (2) Thirty days from the date of service upon the parent, parents, or guardian of a minor
19 whose name is to be changed if the parent, parents, or guardian reside within this state;
20 or

21 (3) Sixty days from the date of service upon the parent, parents, or guardian of a minor
22 whose name is to be changed if either the parent, parents, or guardian reside outside the
23 state and the petition is served by mail,

24 and after proof to the court of publication of the notice as required in this Code section is
25 made, if no objection is filed, the court shall proceed at chambers at such date as the court
26 shall fix to hear and determine all matters raised by the petition and to render final
27 judgment or decree thereon. For such service, the clerk shall receive the fees prescribed in
28 Code Section 15-6-77, relating to fees of clerks of the superior courts for civil cases.

29 (g) Upon motion by the petitioner, accompanied by a supporting affidavit, and after a
30 hearing, the court may order that the new name desired by the petitioner for himself,
31 herself, or his or her child shall not be revealed in the petition for name change nor be made
32 a part of any publication as required by this Code section if the court finds that the potential
33 harm resulting to the petitioner or his or her child outweighs the public interest. If a motion
34 is filed pursuant to this subsection, the final order of change of name shall be the only
35 location where the new name of the petitioner or his or her child shall be revealed."

1 **SECTION 2.**

2 All laws and parts of laws in conflict with this Act are repealed.