

House Bill 896

By: Representatives New of the 64th, Lott of the 131st, Gullett of the 19th, Huddleston of the 72nd, Ballard of the 147th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 19 of the Official Code of Georgia Annotated, relating to
2 divorce, so as to provide for a process by which individuals may change their married
3 surname to a prior surname or the given surname on their birth certificate following a
4 divorce; to provide for applicability; to provide for related matters; to provide for an effective
5 date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 5 of Title 19 of the Official Code of Georgia Annotated, relating to divorce, is
9 amended by revising Code Section 19-5-16, relating to restoration of maiden or prior name,
10 as follows:

11 "19-5-16.

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

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

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

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

29 **SECTION 2.**

30 This Act shall become effective upon its approval by the Governor or upon its becoming law
31 without such approval.

32 **SECTION 3.**

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