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.
   -Include Copy of Birth Certificate-
   -Include Certified Copy of Divorce Decree if issued prior to 2005
2. File your petition as a new civil action through our e-file portal:
   Odyssey Efile Georgia
   Post Judgment filing fees will apply. Once the case is accepted, the clerk will assign a case number
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.