

House Bill 357

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 12 of Title 19 of the Official Code of Georgia Annotated, relating to name
2 changes, so as to provide a process for individuals to change their surname to their birth
3 certificate surname; to provide for applications; to provide for certificates of name change;
4 to provide for transmittal of such certificates to the Department of Public Health; to provide
5 that fraudulently depriving another of rights is not authorized; to amend Chapter 10 of Title
6 31 of the Official Code of Georgia Annotated, relating to vital records, so as to provide for
7 records of certificates of name change; to provide for regulations; to provide for maintenance
8 of originals of applications and certificates; to provide for related matters; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 12 of Title 19 of the Official Code of Georgia Annotated, relating to name changes,
13 is amended in Code Section 19-12-1, relating to petition for name change, request by victim
14 of family violence or human trafficking, notice of filing, and consent of minor's parents or
15 guardian, by revising subsection (b) as follows:

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16 ~~Any~~ Except as otherwise provided in Code Section 19-12-5, any individual desirous
 17 of changing his or her name or the name of his or her child may present a petition to the
 18 superior court of the county of his or her residence. Such petition shall set forth fully and
 19 particularly the reasons why the name change is being requested. Such petition shall be
 20 verified by the petitioner."

21 **SECTION 2.**

22 Said chapter is further amended by adding a new Code section to read as follows:

23 "19-12-5.

24 (a) An individual may make written application to the judge of the probate court of the
 25 county in which he or she resides to change his or her surname to his or her surname as
 26 shown on his or her birth certificate. The application shall, at a minimum, include the
 27 current full name, surname as shown on his or her birth certificate, date of birth, and social
 28 security number of the applicant and shall otherwise comply with any regulations of the
 29 Department of Public Health. The application shall be accompanied by a certified copy of
 30 the individual's birth certificate. The application shall be recorded by the judge of the
 31 probate court in a book kept by such judge for that purpose and may be used as evidence
 32 in any court of law under the rules of evidence made and provided in similar cases.

33 (b) Within 30 days of receipt of an application under subsection (a) of this Code section,
 34 the judge of the probate court shall issue to the applicant five certified copies of a
 35 certificate of name change which shall be in substantially the following form:

36 'This is to certify that the name of _____ (full name prior to
 37 application for change of name) has been changed to _____
 38 (full name after application for change of name).

39 Given under the hand and seal of said court, this the _____ day of _____,
 40 _____.

41

42 (Seal of court)

43 _____

44 Judge'

45 (c) Every probate court judge shall forward to the Department of Public Health on or
46 before the tenth day of each calendar month copies of all certificates of name change issued
47 by such probate court judge during the preceding calendar month. Such copies may be
48 transmitted in the form of paper or electronically.

49 (d) The judge of the probate court shall not charge a fee for applications for certificates of
50 name change.

51 (e) Nothing contained in this Code section shall authorize any person to change his or her
52 name with a view to deprive another fraudulently of any right under the law."

53 **SECTION 3.**

54 Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records,
55 is amended by adding a new Code section to read as follows:

56 "31-10-22.1.

57 (a) A record of each certificate of name change issued in this state pursuant to Code
58 Section 19-12-5 shall be filed with the department and shall be registered if it has been
59 completed and filed in accordance with this Code section.

60 (b) The application provided for in Code Section 19-12-5 shall be completed as prescribed
61 by regulations of the department.

62 (c) The judge of the probate court shall keep the original of the application and the
63 certificate of name change for the county records from which the judge of the probate court
64 may issue certified copies."

65 **SECTION 4.**

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