

House Bill 279 (AS PASSED HOUSE AND SENATE)

By: Representatives Ballinger of the 23rd, Houston of the 170th, Smith of the 134th, Dempsey of the 13th, and Frye of the 118th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 12 of Title 19 of the Official Code of Georgia Annotated, relating to
2 change of name, so as to provide for a separate process when a name change is requested by
3 an individual alleging to be the victim of family violence; to provide for definitions; to
4 provide for procedure; to correct a cross-reference; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 Chapter 12 of Title 19 of the Official Code of Georgia Annotated, relating to change of
9 name, is amended by revising Code Section 19-12-1, relating to petition for name change,
10 notice of filing, consent of minor's parents or guardian, service on parents or guardian, time
11 of hearing, judgment, and clerk's fees, as follows:

12 "19-12-1.

13 (a) As used in this Code section, the term:

14 (1) 'Abandoned' shall have the same meaning as set forth in Code Section 15-11-2.

15 (2) 'Child' means an unemancipated individual who is under 18 years of age.

16 (3) 'Family violence' shall have the same meaning as set forth in Code Section 19-13-1.

17 ~~(a)~~(b) Any person individual desirous of changing his or her name or the name ~~or names~~
18 of his or her ~~minor~~ child ~~or children~~ may present a petition to the superior court of the
19 county of his or her residence, ~~setting~~. Such petition shall set forth fully and particularly
20 the reasons why the name change is asked, which being requested. Such petition shall be
21 verified by the petitioner.

22 (c)(1) When a name change is requested by a petitioner who alleges to be a victim of
23 family violence, such petitioner may petition the court to file his or her petition to change
24 his or her name under seal.

25 (2) If the court determines that the petitioner is a victim of family violence, the court may
26 issue an order waiving the requirements of publication as set forth in subsection (d) of

27 this Code section. If the court determines that such filing shall be allowed to proceed
 28 under seal and otherwise waives the other requirements of this Code section, it may hear
 29 and determine all of the matters raised in such petition and render a final judgment
 30 thereon.

31 (3) After issuing an order under paragraph (2) of this subsection, the court may later
 32 unseal a petition for name change or order the petitioner to file a redacted version of such
 33 petition for the public record.

34 (4) If the court determines that the petitioner is not a victim of family violence, the
 35 underlying petition for name change shall not be heard until this Code section has been
 36 complied with in full.

37 (5) The court shall retain all filings made under seal as part of the record.

38 ~~(b)~~(d) Except when an order has been issued as provided in paragraph (2) of subsection
 39 (c) of this Code section, within ~~Within~~ seven days of the filing of the petition, the petitioner
 40 shall cause a notice of the filing, signed by him, to be published once a week for four
 41 consecutive weeks in the official legal organ of the county ~~once a week for four weeks in~~ in
 42 which such petition is pending. The notice shall contain ~~therein~~ the name of the petitioner,
 43 the name of the ~~person~~ individual whose name is to be changed if different from that of the
 44 petitioner, the new name desired, the court in which the petition is pending, the date on
 45 which the petition was filed, and the right of any interested or affected party to appear and
 46 file objections.

47 ~~(c)~~(e) If the petition petitioner seeks to change the name of a minor his or her child, the
 48 written consent of his or her parent or parents if they are living and have not abandoned the
 49 child, or the written consent of the child's guardian if both parents are dead ~~deceased~~ or
 50 have abandoned the child, shall be filed with the petition, except that the written consent
 51 of a parent shall not be required if the parent has not contributed to the support of the child
 52 for a continuous period of five years or more immediately preceding the filing of the
 53 petition.

54 ~~(d)~~(f) When a petition is seeking to change the name of a child ~~In all cases, before a minor~~
 55 ~~child's name may be changed,~~ the parent or parents of the child shall be served with a copy
 56 of the petition. If the parent or parents reside within this state, service of the petition shall
 57 be made in person, except provided that if the location or address of the parent is unknown,
 58 service of the petition on the parent shall be made by publication as provided in subsection
 59 (d) of this Code section. If the parent or parents reside outside this state, service of the
 60 petition on the parent or parents residing outside this state shall be made by certified mail
 61 or statutory overnight delivery if the address is known or by publication as provided in
 62 subsection (d) of this Code section if the address is not known.

63 ~~(e)~~(g) ~~When~~ ~~Where~~ a child resides with ~~persons~~ individuals other than his or her parent or
 64 parents, a copy of the petition shall be served ~~upon the person acting as guardian of the~~
 65 ~~child~~ upon such individuals in the same manner as service would be made on a parent.

66 ~~(f)~~(h) So long as a petition has not been heard and granted under paragraph (2) of
 67 subsection (c) of this Code section, after proof to the court of publication of the notice as
 68 required by subsection (d) of this Code section is made, if no objection was filed, the court
 69 shall proceed at chambers on such date as the court shall fix to hear and determine all
 70 matters raised by the petition and to render final judgment or decree thereon. Such hearing
 71 shall occur upon ~~Upon~~ the expiration of:

72 (1) Thirty days from the filing of the petition if the ~~person~~ individual whose name to be
 73 changed is an adult;

74 (2) Thirty days from the date of service upon the parent, parents, or guardian of a ~~minor~~
 75 child whose name is to be changed if the parent, parents, or guardian reside within this
 76 state; or

77 (3) Sixty days from the date of service upon the parent, parents, or guardian of a ~~minor~~
 78 child whose name is to be changed if either the parent, parents, or guardian reside outside
 79 the state and the petition is served by mail;

80 ~~and after proof to the court of publication of the notice as required in this Code section is~~
 81 ~~made, if no objection is filed, the court shall proceed at chambers at such date as the court~~
 82 ~~shall fix to hear and determine all matters raised by the petition and to render final~~
 83 ~~judgment or decree thereon.~~

84 (i) For such service required by this Code section, the clerk shall receive the fees
 85 prescribed in Code Section 15-6-77, relating to fees of clerks of the superior courts for civil
 86 cases."

87 **SECTION 2.**

88 Said chapter is further amended by revising Code Section 19-12-2, relating to hearing on
 89 objections to petition, as follows:

90 "19-12-2.

91 If written objections are filed by any interested or affected party within the time limits
 92 specified in subsection ~~(f)~~ (h) of Code Section 19-12-1, the court shall ~~thereupon~~ proceed
 93 to hear the matter at chambers."

94 **SECTION 3.**

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