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**Changing Your Legal Name**

**Georgia edition**

Changing your legal name can seem like a daunting process, especially given how opaque and complex the legal system and the courts are designed to appear (and in many ways are). However, when it comes to certain actions, such as changing your name, the process is straightforward once you know the procedural steps Georgia makes you take.

For many of us legally altering the name assigned to us or chosen at another time is an important element of social and legal transition, and a way we can affirm to ourselves and others a self more reflective of our true identity. **Legally changing your name is by no means something you have to do. You should only change your legal name if you want to and/or you decide it is worth it for you.**

There are of course certain “advantages” to doing this—many businesses will only let you use your legal name for accounts and services (like banks, credit cards, utilities and internet service); schools and universities also require your legal name to register; acquiring housing will often require your legal name for a lease, or contract, or credit check. It seems like every year there are fewer and fewer services you can acquire without providing some form of government-issued identification—unfortunately, for the time-being this trend is unlikely to do anything but continue.

So if you want to change your legal name, it need not be so fraught as many gatekeepers want to make you think—people change their name all the time for all kinds of reasons, both first names and last. The process is no different for them or us. If you are an immigrant you will also need the documentation proving legal residence and likely any ID from your home country to verify your identity; unfortunately if you do not have such documentation it is basically impossible for you to interact with Georgia state government agencies or the court system.

Here’s how you do it:

**Filling Out the Forms**

First look at the papers included inside this packet. You should have forms labeled **PETITION TO CHANGE NAME**, a form labeled **VERIFICATION**, a form labeled **NOTICE OF PUBLICATION**, a form labeled **ORDER FOR PUBLICATION**, and a form labeled **FINAL ORDER.**

The section of the law you are dealing with is the Official Code of Georgia Annotated, or **O.C.G.A. 19-12-1**. Google it, it’s pretty short, and only has a few subsequent pieces to it. But knowing the text inside-and-out isn’t necessary to the process.

You’ll be taking these forms, once filled out, to the Clerk of Court for the Superior Court at your county’s courthouse. Georgia law requires you undertake this process in the county of your residence—some counties make you verify your address, some do not.

This process, per a law passed by the Georgia legislature, costs $209, plus a further $30-100 to publish notice. The $209 may be avoidable if you can demonstrate “indigence” (paying the fee would be a burden). We will get to that after the process for filling out the forms.

Once you’ve made sure you have all the necessary forms (and you can find other versions online too, if you’re missing one) fill out the form labeled **PETITION TO CHANGE NAME**. The open lines are the lines you need to fill out, save the “CIVIL ACTION FILE” section, which you will get once you take these forms to the clerk at your county’s superior court.

You need to fill out:

* The county where you currently live, where this paperwork will be filed.
* Your current legal name.
* Then your legal name followed by the new name you wish to have.
* The “reason” you are changing your name.

**Do not put in the date, or sign the form until you are at the clerk’s desk about to hand it in.**

As for the “reason” you are changing your name, basically you can say whatever you like—just avoid being glib or sarcastic. You don’t have to go into detail about why you are doing it. You don’t have to tell them it’s because you are trans either—there is very little chance, and almost no legal justification for denying anyone a legal change of name for any reason, including for being trans.

Some sample suggestions if you are having trouble—you are by no means limited to these:

* But rather so that “my legal documents can match the name I use socially.”
* But rather so that “my business and employment records can match my social name.”
* But rather so that “my legal documents/name match my personal preferences.”

I know this blank space might seem scary but you only have to say as much as you want to say, and in the way you want to say it.

Next fill out the **VERIFICATION** form.

Again, fill in your current legal name at the top left, do not fill out the Civil Action File section. Print your name in the blank in the paragraph. Date and sign only once you are in front of the clerk and/or notary public, once you are submitting the forms.

Following this fill out the **NOTICE OF PUBLICATION** form, do not fill out of the Civil Action File section; the blanks here are mostly spaces for the date, your current name and the name you will change it to. Do not fill out the portion left for the judge. Save the exact date areas to be filled in when you are filing the paperwork with the court.

This form will be the one that will be published in the “legal organ” of the county—the paper of record. This is a required aspect of a name change. It will be a small, usually 2” x 2” box in the classifieds/announcement section of a county newspaper. The clerk will tell you which newspaper this needs to be—in many counties the clerk will be able to take payment for the publication of notice when you file this paper, but others will require you to go to the newspaper office to complete this part of the process.

The cost for this usually runs between 30 and 100 dollars, depending on where you live. It must run once a week for four weeks and will be the text of the NOTICE OF PUBLICATION form, so make sure to double check your spelling. Whether the clerk sets this up for you upon payment, or you have to go to the newspaper, it really isn’t a big deal, just an extra cost. The newspaper does this all the time so they will know what you are talking about if you ask them about publishing a name-change notice.

**Make at least two copies of these documents.**

**What to do if you can’t pay the fee**

In Georgia almost all court filings come with a fee of a couple hundred dollars, but not everyone can afford that. Luckily Georgia does have a system for having those fees waived. If you cannot comfortably afford the 200+ dollar fee to change your name, ask the clerk for the **Poverty Affidavit** or an **Affidavit of Indecency** and the **Order on Poverty Affidavit** forms when you go to file the initial paperwork. This will not alleviate the cost of publishing notice.

The word “indigency” here does not mean that you completely destitute. The form asks you to list income, debts, expenses, and usually does not count the value of a home or car you may own. It has to do with whether paying a one-time fee is burdensome on your current finances and income. You can have employment and housing and still qualify. This process is mostly at the judge’s discretion when reviewing the form.

These will have to be completed and approved by a judge BEFORE your name change file can proceed, unfortunately the Georgia court system is hard-up for cash and may not be amenable if it *looks* like you can pay them. This will delay the overall disposition of your case (getting the Final Order and the process completed) by two or three weeks.

**If you are under 18**

The process for changing your legal name when you are still a minor is mostly the same, but with a few important caveats. First, there is an additional form not included in this packet but available on our website. The form is called **Consent to Change Name of Minor Child** **& Acknowledgement of Service**.

If your parents are willing to consent to you changing your name, have them fill out the consent forms noted here and then have them sign the forms in front of a notary public and/or the court clerk. They can file the petition themselves as well, so if they are supportive and willing it remains an option open to you.

However, if your parents and/or guardian(s) are unwilling to sign the consent form, you **can still file the petition anyway**. It will just take additional steps.

If your parents/guardians refuse to sign the consent form you must “serve” living parents who retain their legal rights (have not abandoned) and any legal guardian you may be living with. This means giving them certified copies of the Petition, which you have filed after knowing (or assuming) they would not sign consent forms ahead of time.

Service is usually delivered by a county sheriff for a fee (typically $25). The clerk can help you fill out the paperwork for sheriff’s service. The parents and/or guardian will have to sign the Consent & Acknowledgement from, as well as an Acknowledgement of Service form and a second form verifying their Consent. These last two forms can only be signed in front of a notary public, and so should probably be done when turning in the files to a clerk.

If your parents/guardians sign the Consent & Acknowledgement form no service of process (sheriff’s service) will be necessary. If they live outside the state service will have to be by certified mail.

If either parent and/or guardian refuse to sign the Consent & Acknowledgment form, complete the service of process/certified mail service on them and proceed with the filing. You will get a hearing. They do have a right to file a **written** objection, but **do not have the right** to prevent you from filing this paperwork or proceeding with the case. **You do not have to tell them they can file an objection. You do not have to tell them how to object.**

If they do file a written objection the judge will hold a hearing on the matter and decide whether or not to grant your name change. If this is happening in your case please contact us or another lawyer quickly to help you navigate this additional barrier.

**After Filing and after Publication**

Finally you will have two forms labeled **ORDER OF PUBLICATION** and **FINAL ORDER**. Don’t fill these out yet. They only come into play after you file the first paperwork and after the four weeks’ worth of notice has been published. The clerk will help you put the final touches on these two documents and file them appropriately. Be sure the newspaper, once the four weeks are up, gives you a signed document called a **Publisher’s Affidavit**. This document will confirm the four weeks publication necessary for these last two forms.

After the four weeks have been published they may call you, or, more likely, you will have to go to them with the FINAL ORDER and ORDER OF PUBLICATION documents. There is a required 30-day waiting period, but this period runs from when you first file, and therefore includes the four-weeks of publication, and thus has likely passed in full by this point.

On the FINAL ORDER form fill in all the blanks with the information you have used previously: your current legal name at the top, your current legal name after the word “Petitioner,” followed by your new legal name, and the date. Don’t sign the bottom line, that’s for the judge. In the Civil Action File No. section fill out the number the clerk assigned to your case when you first filed the forms at the courthouse.

Now, the thing about the FINAL ORDER is that in some counties the judge will require your physical presence at a hearing to rule on the order. As it stands, the judge will have no cause to deny this order absent some indication you are trying to commit tax fraud or are fleeing law enforcement or creditors. Basically, there’s no reason they can deny it. However, it is possible to be unlucky and draw a bigoted judge. If this happens and they deny the order, contact us immediately via the contact information on the back of this zine.

Fortunately this is unlikely to happen. If you live in a county that does not require a court appearance, the judge will sign your order when they get around to it (usually within a two or three weeks); the court will either mail you a certified name change order, or call you when you can come pick it up from the clerk of court's office. If it takes longer than two weeks call the clerk’s office and ask about your case.

If you live in a county where you must schedule and attend a hearing here’s what you need to do.

* Call the court, ask for the calendar clerk of the judge assigned to your case, and set up the date/appointment.
* At that date and time bring with you the **Petition to Change Name, Notice of Petition,** the **Order of Publication,** the **Publisher’s Affidavit,** and the **Final Order** documents.

When you’re there you’ll be sworn to the truth of stating your current legal name, your county of residence, that you are at least 18 years old, that you are asking for the name change to [your new legal name], the “reason” and that you aren’t trying to defraud anyone by doing this (defraud-as-in steal money).

Being in front of the judge should only take a couple minutes. You hand the judge the FINAL ORDER form, they approve it, sign it. It’s done.

Once it’s signed, take it to the clerk to file it. Then get three or four certified copies, which will be stamped by a notary. These copies will be required in getting banks, credit unions, employers, schools, the Social Security Administration (this one is vital!), the Georgia Bureau of Vital Records (to change your birth certificate if you want), landlords, etc. to change your name in their records. It will also be necessary to show this to the Department of Driver’s Services to get a new drivers license, which we’ll cover next.

**Congratulations, you have just changed your legal name!**

No employer or private service provider or government agency can object to this, it is your name now, and once you have the court order in your hand the law is on your side on this one, and most places require only a copy of the order to change your name in their records. In fact it is advisable you start registering the change of name with as many of your standing commitments as possible for you to do so to avoid hassle and additional headaches from transphobes.

**Changing Your Name Gender Marker**

**Georgia and Federal agencies edition**

In Georgia, you do not need to get a court order to change your gender marker on any official document. Instead there’s a patchwork of red tape, with each government agency having its own rules and requirements. The possible upside of this is that you may be able to use this to your advantage—choose the documents that are most easily changed, if you need/want something with your correct gender but don’t qualify for others. You do not have to change your gender markers if you choose not to, regardless of whether you’ve transitioned socially, changed your name, or had any surgeries that might qualify you for an update.

There are some potential consequences depending on whether or not it is changed, however, particularly and most importantly in the context of arrest, incarceration, or civil commitment to mental health facilities—these are apportioned by gender/sex and the state of Georgia is notorious for forcibly placing trans people in gender-segregated facilities that do not match their actual gender.

If you want to and are able to change some markers but not others, that works. You are under no legal obligation to have all matching documents. For instance, some states do not allow you to change your birth certificate, but you could get a passport and driver’s license with your correct gender. If you have mismatched documents there is a risk of database records giving conflicting information about you. If you apply for a job with a correct passport but un-updated social security records it is possible the employer will use that against you, or that it effectively will out you.

If you are worried about your health insurance (like for keeping coverage for pap smears or maintaining hormone regimens), talk to your doctor or contact your insurance company. Our advice here is that many insurance companies have only vague (or no) policies about trans people and leaning on their phones and emails frequently will grease the wheels for you if they are reluctant or refusing.

**Driver’s License and State ID**

If you change your legal name, you are required to change your driver’s license or state ID to match within 60 days.

While there you can ask to change your voter registration as well. **You’ll need to bring a certified copy of your name change court order**, along with the documents you normally need to renew your driver’s license, to a Department of Driver Services office. (Think ‘The DMV’, though Georgia calls it DDS instead)

You can change the gender marker on your Georgia driver’s license with either a court order or a letter from your doctor certifying that you’ve had a “gender reassignment operation.” This letter can be from either the surgeon themselves, or from another doctor stating you’ve had surgery. It must also include your legal name, date of birth, and date of surgery. **Note that while the state requires surgery, it does not specify anything about the surgery.** A letter simply using those words is sufficient, and many trans people in Georgia have successfully changed their drivers licenses after chest surgery, orchiectomy, hysterectomy, etc.

Georgia requires you to bring this letter or court order, along with the documents you’d need to renew your license to a DDS office in person. The documents include any name change orders you have; one of several types of ID; one of the accepted documents proving your social security number; and two documents proving your place of residence. (See Resources page for a link; it’s a lot of items). You will need to pay the normal renewal fee for your new license ($20), and to turn in your old license. This process is separate from changing your name, though you can do them at the same time. While a court order has an official seal and a doctor’s letter does not, it seems that DDS employees rarely, if ever, verify the letter by contacting the doctor named in the letter.

If the clerk refuses to change your ID, ask to see their manager, restate to the manager that you have the documents they require and make it clear you expect them to take care of things. If they refuse, try again at a different time or location (You can go to any Department of Driver Services location to change your name and gender, not just the one in the county where you live). If you’re refused twice, contact Trans Georgia Legal Aid.

**Birth Certificate**

You change your birth certificate in the state where you were born, not the state where you currently live. If you were born in Georgia you can change both your name and gender marker if you match their requirements. Other states have different requirements and their information is available online. Your new birth certificate will be marked ‘amended’ but will not contain your old information. You mail them your documents, they mail you back a shiny new birth certificate.

To change your name, send them an official copy of your old birth certificate, an official copy of your name change order, and a money order for the fee. (They don’t tell you to, but you should probably also include a nice note explaining what you want them to do with all this). Call to double check the fee before you send it off.

To change your gender marker, you will need a court order or letter from a doctor stating you’ve had ‘irreversible surgery’ (like the driver’s license, the details are not specified in law). Send that off, along with an official copy of your old birth certificate, a $10 money order, and note explaining what you want them to do.

Mail your package to this address: Georgia Bureau of Vital Records, 2600 Skyland Drive NE, Atlanta, GA 30319-3640; telephone 404-679-4702.

**Passport**

If you’ve never had a passport, you can apply for one, and if the ID you use to apply hasn’t been updated, include an official certified copy of your name change order and/or the gender confirmation letter described later in this section. For your first passport, you have to apply in person. You must be a US citizen to apply for a US passport. If you are a citizen of another country, you may be able to update your passport from your country’s embassy or consulate in the US.

If you already have a passport in your old name, you need a certified copy of your name change order, along with the forms and ID listed below.

You can get a passport with a correct gender marker if you can get a letter from a doctor saying your gender transition is either “in progress” (for a passport valid for 2 years) or “complete.” (for a passport valid for 10 years). They also require that the photo you submit for your passport, and the photos on the ID you use, “reflect your current appearance.”

The State department has clearly stated that “complete” gender transition is to be defined by you and your doctor for you, personally. **They do not require you to have had any surgery, hormone treatment, or any particular medical treatment.** If you are intersex and wish to have the gender marker on your passport changed, you go through the same procedure, but have your doctor’s letter state that you are intersex, that they have treated you or reviewed your medical history, and that your gender marker should be male or female. Again, no particular medical procedures are required and unfortunately the only options they only offer male and female.

State Department regulations tell passport workers they are not allowed to ask questions about your body or medical history, or that you must have that info in your letter. They are told to refer to you with the pronouns appropriate to your “new gender” (their words) and to “ask only appropriate questions regarding information necessary to determine citizenship and identity of the applicant.” If you do have a doctor willing to write a letter, it is probably to your advantage to have them write one stating that “transition” is “complete.”

They want a lot of info from your doctor so they provide a form letter for your doctor to fill in on your doctor’s letterhead, to make sure they get everything (there is a link to the form letter on resources page).

**Example Certification from Attending Physician:**

[Attending Physician’s Official Letterhead]

I, [physician’s full name], [physician’s medical license or certificate number], [issuing State of medical license/certificate], [DEA Registration number], am the attending physician of [name of patient], with whom I have a doctor/patient relationship.

[Name of patient] has had appropriate clinical treatment for gender transition to the new gender [specify new gender male or female].

Or

]Name of patient] is in the process of gender transition to the new gender [specify new gender male or female].

I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct.

Signature of Physician

Typed Name of Physician

Date

Now get everything together to go to the main post office for your town, which is where you apply for passports.

**If you’ve never had a passport before, you’ll need:**

* Your name change order and/or doctor’s letter.
* A completed passport form. If you’ve never had a passport, fill out the form for a new passport. If you have, fill out the name change form instead.
* Proof of citizenship—one of these: Your current passport, your birth certificate, your naturalization or citizenship certificate.
* Current ID: You need one of these: your current passport, driver’s license, state, local or federal ID, or naturalization certificate.
  + Your ID or passport must be unexpired to count, but it’s ok if these documents contain your old name or incorrect gender
* Photocopies of the front and back of each piece of ID, on 8.5x11 paper.
* A recent photo of yourself (they have particular rules about the photo size, angle etc. You can get a passport photo taken for a fee at the post office that accepts applications.
* A check or money order for the fee. $100 when this was written.

**To correct/update your passport, you’ll need:**

* An official copy of your name change order, and/or the gender change letter from your doctor.
* The passport correction form
* Your current passport
* A check or money order for the $100 fee.

If you’re changing your gender marker, you have to go in person. To change only your name, you can go in person or mail the documents to the address on the passport change form. If you mail the documents, the fee is only $75.

Once you’ve sent off your passport application, you should get a new passport in the mail in 4-6 weeks. You can have your application expedited for another $60, and receive your passport in 2-3 weeks.

**Immigration**

If you are undocumented and trying to get documented status, or if you are trying to immigrate to the US, the organization Immigration Equality recommends attempting to get your name and gender correct, if possible, on your initial filing, or as early in the process as you are able to. US Citizenship and Immigration Services (US CIS) does not have a clear system or requirements for changing your gender marker once you’ve begun filing. They do have a means to change your name, but IE points out that any changes to your applications can make immigration officials confused or suspicious (it is very easy to make immigration officials confused and suspicious), possibly leading to delays in your case.

If you are documented, you should be able to change your US-issued ID (driver's license, social security records, etc) via the same avenues as citizens, except that you may have to show different or additional records during the process. When possible, we’ve discussed those in the sections dealing with each ID. If you are a naturalized citizen, it may be easier to obtain a correct US passport than to correct your immigration documents.

To change your name or gender marker on your green card, you have to make an appointment at the nearest application support center. Bring a copy of your name change court order, form I-90, and any other documents requested to your appointment.

To change your gender marker, do the same, except with a letter from your doctor such as one found in the Passports section of this zine, a court order changing your gender, or whatever documentation you have. The government does not provide guidelines on what they want, and it seems to vary based on who gets your application. Form I-90 does not specifically say it can be used to change your gender marker, but it is the one used to change your ‘biographical data’ in general, and it is the closest available form.

**Social Security Records**

You can change your name on your Social Security records, you’ll need an official, certified copy of your name change order to submit to them. These copies can be obtained from the clerk of the superior court where your name change took place.

To change your gender within Social Security records you can show a passport or birth certificate that you’ve already changed, a court order, or “a medical certification of appropriate clinical treatment for gender transition in the form of an original letter from a licensed physician.” The document must have enough biographical data (e.g., name and date of birth) to clearly identify you. You are not required to have surgery, you just need a letter from a doctor saying you’ve received ‘treatment’ related to your transition, and that they recommend changing your records. Your social security card does not have a gender marker on it, but your records do.

To make any changes, you’ll also need proof of identity and of either citizenship or immigration status. Fill out an application for a social security card—you can get one from the local office or a link in the Resources section. You can either mail it or take it to your local social security office. The mailing address is on the form. They will eventually return any documents you send them.

For the required ID they prefer a passport or driver’s license/state ID. They will also take a school or work ID, certificate of naturalization or citizenship, a certified copy of a medical record, a tribal ID card, or a few other things. If you’re not a citizen, they want one of these three: Form I-551 or I-94 + your unexpired passport, or I-776 DHS work permit.

**Resources**

**Our Website:** transgeorgialegal.org

**Additional Name Change Petition Forms**

http://transgeorgialegal.org/forms-and-publications/namechangeformblanks/

**Birth Certificate**

Mail forms and payment to: Georgia Bureau of Vital Records, 2600 Skyland Drive NE, Atlanta, GA 30319-3640; telephone 404-679-4702.

Request a copy of your birth certificate: http://health.state.ga.us/programs/vitalrecords/birth.asp

**Driver’s License and State ID**

Information on rules: http://www.dds.ga.gov/drivers/dldata.aspx?con=1748208403&ty=dl

Rules on changing name/gender marker: http://www.dds.ga.gov/rules/rules.aspx?chap=375-3-1&rule=375-3-1-.17&head=375-3

Other documents you’ll need: http://www.dds.ga.gov/drivers/dldata.aspx?con=1748208403&ty=dl

**Immigration**

Source on the process dealing with USCIS: http://immigrationequality.org/issues/law-library/trans-manual/introduction-to-identity-documents/

Form I-90: http://www.uscis.gov/files/form/i-90.pdf

**Passports**

State Department rules for changing your gender on your passport http://www.state.gov/documents/organization/143160.pdf

New passport form: http://travel.state.gov/passport/forms/ds11/ds11\_842.html

Name and/or gender marker change on existing passport: http://travel.state.gov/passport/forms/ds5504/ds5504\_2663.html

Requirements for gender marker change: http://travel.state.gov/passport/get/first/first\_5100.html

Passport photo requirements: http://travel.state.gov/passport/pptphotoreq/pptphotoreq\_5333.html

Sources: http://travel.state.gov/passport/correcting/ChangeName/ChangeName\_851.html

**Social Security**

Application for Social Security Card: http://www.ssa.gov/online/ss-5.pdf

More information: <http://ssa-custhelp.ssa.gov/app/answers/detail/a_id/1667/~/changing-gender-on-social-security's-records>

