

House Bill 896 (AS PASSED HOUSE AND SENATE)

By: Representatives New of the 64<sup>th</sup>, Lott of the 131<sup>st</sup>, Gullett of the 19<sup>th</sup>, Huddleston of the 72<sup>nd</sup>, Ballard of the 147<sup>th</sup>, 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 postjudgment filing process by which a former spouse may  
3 change their married surname to the given surname on their birth certificate following a  
4 judgment and decree of divorce; to provide for applicability; to provide for related matters;  
5 to provide for an effective 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 the given surname as  
17 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. No publication  
24 in any legal organ shall be required. The court with or without a hearing may issue an  
25 order restoring the given surname shown on the movant's birth certificate in chambers at  
26 any time after the filing of a motion.

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

28 **SECTION 2.**

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

31 **SECTION 3.**

32 All laws and parts of laws in conflict with this Act are repealed.