

**IN THE SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA**

In re (Child(ren)):

_____)	
_____)	
_____)	
_____,)	CIVIL ACTION FILE
Petitioner,)	NO. _____
)	
v.)	
)	
_____)	
Respondent.)	

**PETITION FOR LEGITIMATION
AND/OR CUSTODY/VISITATION**

The Petitioner, _____, files this action and respectfully shows the Court the following information in support of his *Petition*:

1.

Minor Child(ren): My paternity of the following minor child(ren) has been established by a court or by operation of law based on the child(ren)'s birth certificate(s) or by signing a voluntary Paternity Acknowledgment (PA) form which has not been rescinded to the best of my knowledge, information and belief, or, if paternity has not been legally established, I state I am the natural father of the following child(ren) involved in this action:

Current Name of Child	Male / Female	Birth Year
_____	_____	_____
_____	_____	_____
_____	_____	_____

Copies of any existing birth certificates, PA forms or court orders establishing paternity are attached as Exhibit(s) "_____".

2.

Mother: The mother of the child(ren) is [*full name*]: _____.

3.

Personal Jurisdiction and Venue: [*Check and complete only one of the following options, (a) through (e).*]

- (a) The Respondent mother of the child(ren) resides in Hall County, Georgia, making venue proper, and she is subject to the personal jurisdiction of this Court.
- (b) The Respondent mother is a resident of Georgia in _____ County, and the child(ren) and/or I live in Hall County. I expect the Respondent will consent to venue in Hall County by executing a *Consent to Personal Jurisdiction and Venue*. If such consent is obtained, I will be filing the signed form with this *Petition*. The Respondent is subject to the personal jurisdiction of this Court.

- (c) The Respondent mother is not a resident of the State of Georgia, but the child(ren) and/or I reside in Hall County, Georgia, making venue in Hall County proper, and:

[To complete this Section (c), check and complete one of the options below, (i), (ii), or (iii).]

- (i) The Respondent was formerly a resident of the State of Georgia and currently resides in the State of _____ . The Respondent is subject to the personal jurisdiction of the Court under Georgia's Long Arm Statute, O.C.G.A. § 9-10-91(5).
- (ii) The Respondent has never resided in the State of Georgia and currently resides in the State of _____ .
- (iii) I expect the Respondent will consent to the jurisdiction of this Court by executing a *Consent to Personal Jurisdiction and Venue*. If such consent is obtained, I will be filing the signed form with this *Petition*.
- (d) The whereabouts of the Respondent mother are unknown and the child(ren) and/or I reside in Hall County, Georgia. I am filing my *Affidavit of Diligent Search* with this *Petition*.
- (e) The mother of the child is deceased and the child(ren) and I reside in Hall County, Georgia.

4.

Service of Process: [Check and complete only one of the following options, (a) or (b).]

- (a) The Respondent is the mother of the minor child(ren) and: [Check and complete only one of the following options, (i), (ii) or (iii).]
- (i) I expect she will acknowledge service and waive process by signing an *Acknowledgment of Service*. If she acknowledges service, I will be filing the signed form with this *Petition*.
- (ii) She shall be served as provided by law at the following work residential address in _____ County:
_____.
- (iii) Her whereabouts are unknown to me. I am filing my *Affidavit of Diligent Search* with this *Petition*. She shall be served by publication as provided under O.C.G.A. § 9-11-4(f)(1). To the best of my knowledge, her last known address is:
_____.
- (b) The mother of the minor child(ren) is deceased.

I. LEGITIMATION

5.

No Other Putative or Legal Fathers: [Review and check the box if you agree with all of the statements(a) through (d) that follow it. If one or more statements is untrue, do not check the box and do not use this form. You will need to speak with an attorney.]

- To the best of my knowledge, information and belief, for each child named in this *Petition*:
- (a) The child's mother was not married to another man at the time of the child's conception or birth;
- (b) The child's mother has not signed a voluntary acknowledgment of legitimation with another man;
- (c) No other man is shown as the father on the child's birth certificate; and
- (d) No other man is or claims to be the child's legal and/or biological father.

6.

Legitimation: [If only one child is the subject of this action, choose only one of the following options, (a), (b) or (c). If more than one child is involved, and more than one option applies, you may choose and complete all options that apply. Review each option carefully to determine whether it applies.]

- (a) I have legitimated the following child(ren) by voluntary acknowledgment of legitimation between the dates of July 1, 2005 and July 1, 2008 pursuant to O.C.G.A. § 19-7-22(g)(2):

Current Name of Child	Male / Female	Birth Year
_____	_____	_____
_____	_____	_____

For each child listed in this subsection (a), I state the following: [Read paragraphs 1, 2 and 3 below carefully.]

- (1) The mother and I freely and voluntarily consented and agreed in writing, by completing the legitimation section in a voluntary acknowledgment of paternity (PA form), that my relationship with the child shall be considered legitimate for all purposes under the law pursuant to O.C.G.A. § 19-7-22(g)(2), and copies of any applicable PA form(s) are attached to this *Petition* as Exhibit(s) “_____”; and
- (2) To the best of my knowledge, information and belief, neither party has rescinded any said acknowledgment pursuant to O.C.G.A. § 19-7-46.1 and no other order adjudicating paternity to the contrary has been entered; and
- (3) If the Court finds that the legitimacy of the child has not been legally established, I believe legitimation is in the child’s bests interests and ask the Court enter an order legitimating my relationship with the child, so that the child will have full rights as my child, and I will have full rights as the father/parent of the child.

AND/OR

- (b) I have legitimated the following child(ren) by voluntary acknowledgment of legitimation between the dates of July 1, 2008 and June 30, 2016 pursuant to O.C.G.A. § 19-7-22(g)(2) and/or § 19-7-21.1 and each child was less than one year of age at the time of said acknowledgment:

Current Name of Child	Male / Female	Birth Year
_____	_____	_____
_____	_____	_____

For each child listed in this subsection (b), I state the following: [Read paragraphs 1, 2 and 3 below carefully.]

- (1) The mother and I freely and voluntarily consented and agreed in writing, by completing the “Acknowledgment of Legitimation” section in a voluntary acknowledgment of paternity (PA form), that my relationship with the child shall be considered legitimate for all purposes under the law pursuant to O.C.G.A. § 19-7-21.1, and copies of any applicable PA form(s) are attached to this *Petition* as Exhibit(s) “_____”; and
- (2) To the best of my knowledge, information and belief, neither party has rescinded any said acknowledgment pursuant to O.C.G.A. § 19-7-46.1 and no other order adjudicating paternity to the contrary has been entered; and
- (3) If the Court finds that the legitimacy of the child has not been legally established, I believe legitimation is in the child’s bests interests and ask the Court enter an order legitimating my relationship with the child, so the child will have full rights as my child, and I will have full rights as the father/parent of the child.

AND/OR [CONTINUED ON NEXT PAGE]

- (c) I am the natural father of the following minor child(ren) and wish to legitimate my relationship with the child(ren) as provided in O.C.G.A. §19-7-22:

Current Name of Child	Male / Female	Birth Year
_____	_____	_____
_____	_____	_____

For each child listed in this subsection (c): I believe legitimation is in the child’s best interests and ask the Court enter an order legitimating my relationship with the child, so the child will have full rights as my child, and I will have full rights as the father/parent of the child.

7.

Changes to Birth Records: *[Check and complete all options that apply below.]*

- (a) I am asking that the Georgia State Office of Vital Records be ordered and directed to amend and reissue the birth certificate of each child listed below to indicate that Petitioner, *[full name]*

_____, is the father of the child(ren):

Current Name of Child	Male / Female	Birth Year
_____	_____	_____
_____	_____	_____

- (b) I am asking that the Georgia State Office of Vital Records be ordered and directed to amend and reissue the birth certificate of each child listed below to reflect a change in his/her last name to my/Petitioner’s last name:

Current FULL Name of Child	New FULL Name of Child
_____	_____
_____	_____

- (c) No changes are necessary on the birth record(s) of the child(ren) named in this *Petition*.

II. CHILD CUSTODY, VISITATION AND/OR PARENTING TIME

8.

- (a) I am not asking the Court to address custody, visitation and/or parenting time at this time and, therefore, paragraphs 9 through 16 below do not apply in this case. *[You may strike through paragraphs 9 through 16 below.]*
- (b) I am asking the Court to address custody, visitation and/or parenting time at this time and, therefore, paragraphs 9 through 16 below apply in this case. *[Make sure to complete paragraphs 9 through 16 below.]*

9.

Jurisdiction for Determining Child Custody: *[You must choose and complete one of the options below, (a) or (b). If neither option applies, do not use this form. Note: There are other circumstances which make Georgia the proper State for determining custody. This petition only addresses two options. You will need to speak to an attorney if neither option applies or you have questions about whether an option applies.]*

- (a) The child(ren) has/have lived in Georgia with a parent for at least six consecutive months immediately before the start of this action.
- (b) The child(ren) is/are absent from the State of Georgia, but the following facts support a determination that Georgia was the “Home state” (as defined by O.C.G.A. § 19-9-41) of the child(ren) within six months before the start of this proceeding **and** a parent continues to live in this state:

10.

Child(ren)'s Current Residence:

The minor child(ren) currently live(s) at: [address] _____
in _____ County, with the following person(s) who take(s) care of the child(ren): [Father / Mother / Both Parties] _____
[If someone other than the mother is the legal guardian of the child(ren) or has physical custody of the child(ren), do not use this form. You will need to speak with an attorney.]

11.

Child(ren)'s Previous Residences and People with Whom the Child(ren) Has/Have Lived:

During the past five years, the child(ren) has/have lived at the following address(es) with the following people:
[Start with the most recent address and go back five (5) years. Attach additional paper if necessary and check the box below.]

Child(ren)'s most recent previous address (other than the address listed above in Paragraph 10):

The child(ren) lived here from _____ to _____ with the following people:
Name(s): _____ Person's current address: _____

Next most recent address (if applicable):

The child(ren) lived here from _____ to _____ with the following people:
Name(s): _____ Person's current address: _____

Additional paper is attached regarding the child(ren)'s residences in the past five years.

12.

Other Court Cases about the Child(ren): [Check only one of the following options, (a) or (b).]

- (a) I have never participated as a party or a witness or in any other capacity in any other litigation concerning the custody of or visitation with our minor child(ren) in this state or any other state.
- (b) I have participated in other litigation concerning the custody of our minor child(ren) in Georgia or another state. The court, case number and date of any order concerning custody or visitation under the other litigation are as follows: _____

13.

Other Proceedings that Could Affect Custody or Visitation in this Case:

[Check and complete only one of the following options, (a) or (b).]

- (a) I do not have any information of any proceeding that could affect this case, including proceedings for enforcement and proceedings relating to family violence, protective orders, termination of parental rights, and adoptions in Georgia or any other state.
- (b) I have information about a proceeding that could affect this case, including proceedings for enforcement and proceedings relating to family violence, protective orders, termination of parental rights, or adoptions in

Georgia or another state. The court, the case number and the nature of the proceeding are as follows:

14.

Others Claiming Custody or Visitation: [Check and complete only one of the following options, (a) or (b). **If someone other than the mother is the legal guardian of the child(ren) or has physical custody of the child(ren), do not use this form. You will need to speak with an attorney.**]

- (a) I do not know of any person who is not a party to this case, who has physical custody of the child(ren) or who claims to have custody or visitation rights with respect to the child(ren).
- (b) I know of someone who is not a party to this case, who has physical custody of the child(ren), temporary legal guardianship of the child(ren), or who claims to have custody or visitation rights with respect to the child(ren). The names and current addresses of the person(s) are:

15.

Settlement Agreement:

[Check this option only if you expect to file a complete written agreement executed by you and the opposing party in this action.]

- I expect the Respondent and I will enter into a *Settlement Agreement* that resolves all issues involved in this action. If it is signed by each of us in front of a notary public, it will be filed with this *Petition* and I ask that it be incorporated into the Court's final order.

16.

Child Custody, Visitation and/or Parenting Time: [Check and complete only one of the following options, (a), (b), (c) or (d).]

- (a) As the parties (Mother and Father) live together with the minor child(ren), I request and believe it is the best interests of the child(ren) that the Court enter an order granting Father joint physical custody of the child(ren) with the Mother, as if the child(ren) was/were born to the Parties in lawful wedlock, and that legal custody (decision-making authority) be granted as follows: [Check and complete only one of the following options.]
 - (i) Mother and Father to have joint legal custody of the child(ren) with equal rights regarding decision-making, as if the child(ren) was/were born to the parties in lawful wedlock.
 - (ii) Mother and Father to have joint legal custody of the child(ren) with [Mother / Father] _____ to make the final decision in the event the parties cannot agree on a particular issue.
- (b) Petitioner and Respondent should have the custody, visitation and/or parenting time arrangement set forth in the *Parenting Plan* attached to this *Petition* as Exhibit "____". It is hereby incorporated by reference. I believe this custody, visitation and/or parenting time arrangement is in the best interests of the child(ren). **[MAKE SURE TO COMPLETE THE PARENTING PLAN.]**
- (c) The child(ren) should be in the full (sole) custody of Father/Petitioner and Respondent should have no visitation with the child(ren) for the following reasons:

- (d) The child(ren) should be in the full (sole) custody of Father/Petitioner as the mother of the child(ren) is deceased.

III. CHILD SUPPORT, INSURANCE AND UNINSURED EXPENSES

17.

Child Support: [Check and complete only one of the options below, (a), (b) or (c).]

- (a) There is a child support order currently in effect concerning the minor child(ren) in this case. A copy of the order is attached to this *Petition* as Exhibit “___”.

[Check and complete only one of the following options, (i) or (ii).]

- (i) I do not believe a change in the existing child support order is necessary or appropriate.
- (ii) I believe a change in the existing child support order is necessary or appropriate as follows:

[Check and complete only one of the following options, (1) or (2).]

- (1) I am asking the Court to enter an order providing I am no longer obligated to pay support to Respondent for the minor child(ren), including, if applicable, any accrued arrearages and interest. I am asking the Court to determine child support based on the *Child Support Worksheet* and applicable schedules attached to this *Petition* as Exhibit “___”. [Make sure to complete these forms. They are **NOT INCLUDED** in this packet. You can find them at: <https://georgiacourts.gov/csc/>.]
- (2) I request a modification of the existing child support order consistent with the *Child Support Worksheet* and applicable schedules attached to this *Petition* as Exhibit “___” for the following reason(s): [Check either or both options, if applicable, and make sure to complete these forms. They are **NOT INCLUDED** in this packet. You can find them at: <https://georgiacourts.gov/csc/>.]
- (A) There has been a substantial change in my income and financial status; and/or
- (B) There has been a substantial change in Respondent mother’s income and financial status.
- (b) There are no child support orders currently in effect concerning the minor child(ren) in this case. I am asking the Court to determine child support based on the *Child Support Worksheet* and applicable schedules attached to this *Petition* as Exhibit “___”. [Make sure to complete these forms. They are **NOT INCLUDED** in this packet. You can find them at: <https://georgiacourts.gov/csc/>.]
- (c) There are no child support orders currently in effect concerning the minor child(ren) in this case and I am not asking for a determination of support for the following reason: [Check only one of the following options.]
- (i) This case involves service by publication.
- (ii) The mother of the child(ren) is deceased.
- (iii) The parties (Mother and Father) live together with the minor child(ren) and I have asked for a court order granting me joint physical and legal custody of the child(ren) with Mother.

18.

Health, Dental and Vision Insurance for the Child(ren):

[Check and complete only one of the options, (a) through (d) below.]

- (a) The following insurance for the child(ren) is available at a reasonable cost to the Respondent through [examples: employer, PeachCare] _____, and she should be ordered to obtain such insurance coverage for the minor child(ren): Health (medical, mental health and hospitalization); Dental; and/or Vision. So long as it remains available to the Respondent, she should maintain it for the benefit of the minor child(ren) until each child reaches the age of 18, dies, marries, or otherwise becomes emancipated; except that if a child becomes 18 years old while enrolled in and attending secondary school on a full-time basis, then the insurance shall be continues until the child has graduated from secondary school or reaches the age of 20, whichever occurs first.
- (b) I already provide or will provide Health (medical, mental health and hospitalization) Dental and/or Vision insurance for the child(ren) involved in this action through [examples: employer, PeachCare] _____.

- (c) Insurance is not available (other than Medicaid) to either party at a reasonable cost. [The following sentence is optional; you may complete it or strike through it]. If the following insurance coverage later becomes available to either party: Health (medical, mental health and hospitalization); Dental; and/or Vision, then he/she shall obtain that coverage and the cost of maintaining the insurance (the child(ren)'s share) shall be split equally (50/50) between the parties.
- (d) I am not asking the Court to address the issue of health, dental and vision insurance for the following reason: *[Check only one of the following options.]*
 - (i) This case involves service by publication.
 - (ii) The mother of the child(ren) is deceased.
 - (iii) The parties (Mother and Father) live together with the minor child(ren) and I have asked for a Court order granting me joint physical and legal custody of the child(ren) with Mother.

19.

Uninsured Health Care Expenses for the Child(ren): *[Check only one of the options below, (a) or (b).]*

- (a) The cost of uninsured medical expenses (including, but not limited to, co-payments, deductibles, and other costs reasonably necessary for orthodontia, dental treatment, asthma treatment, physical therapy, vision care, and any acute or chronic medical or health problem or mental health illness, including counseling or other medical or mental health expenses not covered by insurance) incurred for the child(ren) should be allocated between the parties as follows:
_____.
- (b) I am not asking the Court to address the issue of health, dental and vision insurance for the following reason: *[Check only one of the following options.]*
 - (i) This case involves service by publication.
 - (ii) The mother of the child(ren) is deceased.
 - (iii) The parties (Mother and Father) live together with the minor child(ren) and I have asked for a Court order granting me joint physical and legal custody of the child(ren) with Mother.

20.

Income Deduction Order: *[You must check and complete only one of the following paragraphs: (a) or (b).]*

- (a) I am asking the Court to enter an Income Deduction Order, under O.C.G.A. § 19-6-32, for payment of the child support. I am asking that the Income Deduction Order take effect: *[Check only one of the following options, (i) or (ii).]*
 - (i) Immediately upon entry by the Court.
 - (ii) Upon accrual of a delinquency equal to one month's support, in which case the Income Deduction Order may be enforced by serving a "Notice of Delinquency," as provided in O.C.G.A. § 19-6-32(f).
- (b) I am not asking the Court to enter an Income Deduction Order because: *[Check only one of the following options, (i), (ii), (iii) or (iv).]*
 - (i) The parent obligated to pay support is self-employed or it is not feasible for income to be deducted through an employer.
 - (ii) It is not immediately necessary.
 - (iii) This case involves service by publication.
 - (iv) Support payments are already being deducted for the minor child(ren) pursuant to an existing support order.

THEREFORE, the Petitioner asks:

- (a) That process issue and Respondent mother be served with a copy of this *Petition* as provided by law;
- (b) That the Court enter an Order legitimating or declaring legitimate my relationship(s) with the child(ren) named in this *Petition*, so the child(ren) shall be recognized as my legitimate child(ren), and so we shall be capable of inheriting from each other in the same manner as if the child(ren) was/were born in lawful wedlock;
- (c) That any *Settlement Agreement* executed by the parties and filed with this *Petition* be incorporated into the Final Order of the Court;
- (d) That a hearing be scheduled on this matter;
- (e) That the Court enter an Order granting the relief I have requested in this *Petition*;
- (f) That the Court order any and all other relief the Court finds appropriate.

Petitioner, Pro se [*signature above*]

Name [*printed*]: _____

Address: _____

Phone: () _____