

FILING INSTRUCTIONS

PETITION FOR LEGITIMATION AND CUSTODY

GENERAL COMMENTS

This is the form packet for a biological father of a child born out of wedlock to file on his own a petition for legitimation and to seek custody or visitation in the same petition if he wishes.

This form packet cannot be used by the mother or any other person other than the father. Please read these instructions and each form very carefully. Missing or misreading a word could cause you to make serious errors in your case, placing your rights and the direction of your legitimation case in jeopardy.

INTRODUCTION

In the State of Georgia, one way that a father may establish legal rights to a child born out of wedlock is to file a petition for legitimation in the Superior Court. There are two options available to you for filing a legitimation case: (1) you can hire an attorney who will prepare your paperwork and represent you in court, or (2) you can use self-help forms such as the forms included in this packet and represent yourself in court. If the court grants your legitimation and issues a Final Order for Legitimation, you will have legal rights to your child.

It is advisable to speak with an attorney before filing any action with the court. There are often more issues involved in a legitimation than you might realize if you fail to get legal advice. Legitimation can be a very complicated process. If documents are not completed, signed, notarized and filed as required by law, the legitimation pleadings are not in compliance with the law; a judge cannot grant your request for legitimation, and may dismiss your case.

If you want a court to grant your legitimation, you must follow the law and you must complete each and every paragraph that applies to your case (but not any paragraphs that do not apply to your case). Please read and complete the checklist order to complete, file and serve your petition for legitimation.

State law, OCGA § 15-19-51 prohibits court personnel (including staff attorneys or law clerks, calendar clerks, clerk's office staff, and sheriff's department staff) from giving legal advice or answering legal questions.

YOU MAY ESPECIALLY NEED AN ATTORNEY IF:

- The case is contested OR an attorney represents the Respondent.
- There has been family violence between you, your children, or the Respondent.
- You want an arrangement for custody or visitation that does not exactly fit these forms.
- You are unable to locate the Respondent to have him/her served with this action.
- Your child's mother was married to someone else at the time your child was conceived or born.
- Another man's name is listed as the father on the child's birth certificate.

Whether your case is contested or uncontested, you should speak with an attorney before signing a settlement agreement or filing any other documents with the court.

CHECKLIST OF FORMS YOU WILL NEED TO START YOUR LEGITIMATION:

If this legitimation action may be contested (that is, you do not have a signed Settlement Agreement), you should file the following documents with the Petition.

- ☐ Domestic Relations Case Filing Information Form
- ☐ Petition for Legitimation
- ☐ Verification
- ☐ Summons
- ☐ Domestic Relations Financial Affidavit
- ☐ Parenting Plan
- ☐ Child Support Addendum
- ☐ Georgia Child Support Worksheet [Georgia Online Child Support Calculator](https://georgiacourts.gov/child-support-calculator)

[\(georgiacourts.gov\)](https://georgiacourts.gov/)

- ☐ Service Forms: Sheriff's Entry of Service (3-part carbon form) OR Acknowledgment of Service OR Publication paperwork, as follows:

- ☐ Affidavit of Diligent Search
- ☐ Motion for Service by Publication
- ☐ Notice of Publication (3) Order of Publication, Return of Service, Order Perfecting Service (h)
- ☐ Rule Nisi

If this action is uncontested (that is, you have a signed Settlement Agreement), you should file the following documents with the Petition. All of these forms are included in this packet.

- ☐ Domestic Relations Case Filing Information Form
- ☐ Petition for Legitimation
- ☐ Verification
- ☐ Summons
- ☐ Domestic Relations Financial Affidavit
- ☐ Settlement Agreement
- ☐ Parenting Plan
- ☐ Child Support Addendum
- ☐ Georgia Child Support Worksheet [Georgia Online Child Support Calculator](https://georgiacourts.gov/GeorgiaOnlineChildSupportCalculator) (georgiacourts.gov)
- ☐ Acknowledgment of Service OR Acknowledgment of Service, Consent to Jurisdiction and Venue, and Consent to Present Case / Consent to Trial
- ☐ Signed Consent to Legitimation

FORMS YOU WILL NEED AT THE FINAL HEARING

- ☐ Final Order of Legitimation
- ☐ Domestic Relations Case Final Disposition Information Form