

# **LEGITIMATION PACKET**

## **FAQ**

### **Why should children be legitimated?**

The law encourages the fathers of children to legally recognize them. The legitimization process is a way for them to do this. It gives the father and the child certain rights. Legitimization means that a child may inherit from the father and the father may inherit from the child.

### **How may a child born out of wedlock be legitimated?**

There are three ways to legitimate a child. The first way is for the mother and the reputed father to marry and for the father to then recognize the child as his.

The second way is for the mother and father to sign a voluntary acknowledgement of paternity. According to O.C.G.A. § 19-7-22(g)(2), “In any voluntary acknowledgment of paternity which has been made and has not been rescinded pursuant to Code Section 19-7-46.1, when both the mother and father freely agree and consent, the child may be legitimated by the inclusion of a statement indicating a voluntary acknowledgment of legitimation..” For more information on how to sign a voluntary acknowledgement of paternity or call the Georgia Paternity Acknowledgement program at 1-866-296-8262.

The third way to legitimate a child is for the father to file a legitimization petition in Superior Court.

### **How do I get a certified copy of my child’s signed voluntary acknowledgement of paternity?**

Write to the Georgia Department of Vital Records at 2600 Skyland Dr. NE, Atlanta, GA 30319. The following items must be included with your request:

1. Full name of person shown on the birth certificate (last name at birth if female)
2. Date of Birth (month, day, year)
3. Place of Birth (city, county),
4. Current age
5. Sex
6. Race (optional)
7. Full name of mother (include mother's maiden last name)
8. Full name of father

9. Relationship to the person named on the birth certificate requested
10. The number of certified copies requested
11. A copy of the birth certificate
12. A photocopy of the requestor's driver's license
13. A money order in the amount of \$10 per certified copy requested.

### **How does a man go about filing for legitimization in the superior or state court?**

The first step is for the father to file a petition in "the county of the residence of the child's mother or other party having legal custody or guardianship of the child; provided, however, that if the mother or other party having legal custody or guardianship of the child resides outside the state or cannot, after due diligence, be found within the state, the petition may be filed in the county of the father's residence or the county of the child's residence. If a petition for the adoption of the child is pending, the father shall file the petition for legitimization in the county in which the adoption petition is filed." (OCGA 19-7-22). The mother of the child must be named as a party, served with a copy of the petition, and given an opportunity to be heard.

The father has no absolute right to legitimate a child. The Court will consider the best interest of the minor in determining whether the legitimization should be awarded. Sometimes a Court will deny a legitimization petition if the Court believes that it has been filed to harass or interfere with the life of the mother.

### **What effect does a legitimization have?**

The Court will pass an order declaring the child legitimate and capable of inheriting from the father just as if the child had been born during a marriage.

At the time of the legitimization, the Judge will determine the duty of the father to support the child. Additionally, the Court may order visitation and/or custody based on the best interests of the child. The Court may also change the child's name to that of the father but the Court has wide discretion as to whether or not it will do so.

### **When the father files for legitimization, may he also ask for custody?**

Until July 1, 2005, the father could only get custody in a legitimization action if the mother consented. The Georgia Legislature changed O.C.G.A. § 19-7-22 effective July 1, 2005 to allow a father to ask for custody in a legitimization suit.

### **What if paternity has been established—isn't that enough for legitimization?**

No, a finding in a paternity action that a person is the father of a child is not a legitimization. Paternity establishes the identity of the biological father and it establishes the father's duty to support the child. After July 1, 2005, it can also establish custody.

O.C.G.A. § 19-7-22 provides that the petition for legitimization may be brought in “the county of the residence of the child's mother or other party having legal custody or guardianship of the child; provided, however, that if the mother or other party having legal custody or guardianship of the child resides outside the state or cannot, after due diligence, be found within the state, the petition may be filed in the county of the father's residence or the county of the child's residence. If a petition for the adoption of the child is pending, the father shall file the petition for legitimization in the county in which the adoption petition is filed.”

O.C.G.A. § 19-7-40(a) gives the superior and state courts concurrent jurisdiction in all proceedings for the determination of paternity of children who are Georgia residents.

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA**

	)	
_____	)	
Plaintiff,	)	
	)	
v.	)	
	)	Civil Action File No. _____
_____	)	
Defendant	)	
	)	
	)	

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

Plaintiff files this Petition and shows the following:

1.

**Plaintiff's Residence**

☐ Plaintiff is a resident of \_\_\_\_\_ County, Georgia.

2.

**Information about child(ren)**

☐ Plaintiff is the father of the following child(ren):

Name	Date of Birth	Place of Birth
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

3.

**Jurisdiction and Venue (Choose only one: a, b, c, or d)**

☐ a) The mother of said child(ren) is \_\_\_\_\_, who now resides in \_\_\_\_\_ County, Georgia, and is subject to the jurisdiction of this Court.

☐ b) The child(ren)'s \_\_\_\_\_ (relationship), whose name is \_\_\_\_\_ has ☐ custody/

☐ guardianship of the child(ren). ☐ He/ ☐ She lives in \_\_\_\_\_  
County, Georgia.

☐ c) The mother or other party having custody or guardianship,  
\_\_\_\_\_ (state name  
and relationship to the child) resides outside the state of Georgia and cannot, after due  
diligence, be found within the state.

☐ d) A petition for adoption for the child(ren) is pending in  
\_\_\_\_\_ County, Georgia. Therefore, venue is proper in that  
county.

4.

**Service of Process (Choose a, b or c)**

☐ a) The mother or other legal custodian or guardian has signed an  
Acknowledgment of Service form.

☐ b) The mother or other legal custodian or guardian has signed the  
Defendant's Acknowledgment of Service, Affidavit of Waiver of Venue and Personal  
Jurisdiction.

☐ c) The mother or other legal custodian or guardian may be personally served  
at his/her work/residence address of \_\_\_\_\_.

☐ d) While the mother or other legal custodian or guardian resides in Georgia,  
his or whereabouts of the mother are unknown and s/he must be served by publication as  
provided by O.C.G.A. § 9-11-4(f)(1)(A).

☐ e) The mother or other legal custodian or guardian reside outside the state of  
Georgia. However, his or her whereabouts are unknown and s/he must be served by  
publication as provided by O.C.G.A. § 9-11-4(f)(1)(A).

5.

**Mother's Consent (Choose a , b, c, d, or e)**

☐ a) The mother of said child(ren) has consented in writing to the legitimation  
of said child (ren) and to the ☐ legal and/or ☐ physical custody being awarded to the  
Plaintiff. Her consent is attached hereto as Exhibit "\_\_\_\_\_."

☐ b) The mother of said child(ren) has consented in writing to the legitimation  
of said child(ren) and to visitation by the Plaintiff

☐ c) The mother of said child(ren) is deceased, having died on \_\_\_\_\_.  
A copy of her death certificate is attached hereto as Exhibit "\_\_\_\_\_."

☐ d) There is no other legal parent of the child(ren), and the child(ren) have no  
legal guardian.

☐ e) The mother of said child(ren) is opposing the legitimation of said  
child(ren).

6.

**Plaintiff's desire to legitimate child(ren) and change surname(s)**

☐ This Petition is brought pursuant to O.C.G.A. § 19-7-22 to legitimate said child(ren) and to change his/her/their surname(s) from \_\_\_\_\_ to \_\_\_\_\_.

7.

**Current Custody Arrangement (Choose a or b)**

☐ a) The Defendant, \_\_\_\_\_, presently has legal custody of the minor child(ren). They have lived with him/her since \_\_\_\_\_ (date).

☐ b) The ☐ legal custodian/ ☐ legal guardian of the minor child(ren) is \_\_\_\_\_ (name), who is related to the children as follows:

\_\_\_\_\_.  
The legal custodian, \_\_\_\_\_, has the following type of legal custody or guardianship:

\_\_\_\_\_  
(temporary guardianship, permanent guardianship, permanent custody, etc.). S/he has had this legal custody or guardianship since \_\_\_\_\_ (date).

8.

**Future Custody Arrangement**

☐ It is in the best interest(s) of the child(ren) for the custody to be as follows:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9.

**Visitation (Choose a or b)**

☐ a) It is in the best interest(s) of the child(ren) that the following visitation schedule be established:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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☐ b) It is in the best interest(s) of the child(ren) that the visitation schedule in the forms packet on page thirty (30) be adopted.

WHEREFORE, Plaintiff demands the following:

- (a) That the name of said child be changed from \_\_\_\_\_ to \_\_\_\_\_ ;
- (b) That said child be legitimized by (his) (her) new name as the legitimate (son) (daughter) of petitioner;
- (c) That the petitioner be granted visitation rights;
- (d) That the petitioner be awarded custody as follows: \_\_\_\_\_

(c) If necessary, rule nisi issue directing the said \_\_\_\_\_ to appear before the Court to show cause why the relief demanded by this petition should not be granted.

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Plaintiff *pro se*

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

\_\_\_\_\_,  
Plaintiff,  
v.  
\_\_\_\_\_,  
Defendant  
)  
)  
)  
)  
) Civil Action File No. \_\_\_\_\_  
)  
)  
)  
)

**VERIFICATION**

Personally appeared before the undersigned officer, duly authorized to administer oaths in the state of Georgia, \_\_\_\_\_, who after being duly sworn, deposes and states that s/he is the Plaintiff in the above-styled action and verifies that the facts contained in the within and foregoing Petition for Legitimization are true and correct to the best of her information, knowledge, and belief.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_,  
Plaintiff *pro se*

Sworn and subscribed before me

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Georgia

My Commission Expires \_\_\_\_\_.



**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA**

	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. _____
	)	
	)	
	)	
	)	
Defendant.	)	

**PLAINTIFF'S AFFIDAVIT REQUIRED BY O.C.G.A. § 19-7-43(d)**

State of Georgia  
County of \_\_\_\_\_

Personally before the undersigned officer authorized to administer oaths appeared \_\_\_\_\_, who, being duly sworn, does state on oath the following:

1.

That affiant is the plaintiff named in the above- styled action to legitimate the following child(ren) who were born to the affiant and to \_\_\_\_\_:

Name	Date of Birth	Place of Birth
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

2.

The present address of the Plaintiff is \_\_\_\_\_.

3.

The present address of the Defendant is \_\_\_\_\_.

4.

I attest that the defendant and I had sexual intercourse at or about the time of the child(ren)'s conception, which would have been approximately the following dates:

\_\_\_\_\_ ; \_\_\_\_\_ ; \_\_\_\_\_ ; \_\_\_\_\_ ..

5.

I attest that I was the sole sexual partner of the Defendant at the time her child(ren), \_\_\_\_\_, was/were conceived.

6.

I attest that based upon my knowledge and belief, as well as the defendant's statements to me that I was the defendant's sole sexual partner.

7.

I attest that the Defendant has admitted to me that her child(ren), \_\_\_\_\_, is /are my biological child(ren), and the product of our sexual intercourse during our relationship.

8.

I attest that our child(ren), \_\_\_\_\_, currently reside(s) at \_\_\_\_\_ (address).

9.

I attest that the minor child(ren), \_\_\_\_\_, is/are my biological child(ren).

\_\_\_\_\_  
Affiant/Plaintiff/Father

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

\_\_\_\_\_,  
Plaintiff,  
v.  
\_\_\_\_\_,  
Defendant  
)  
)  
)  
)  
) Civil Action File No. \_\_\_\_\_  
)  
)  
)  
)

**ACKNOWLEDGMENT OF SERVICE AND CONSENT TO LEGITIMATION**

1.

**Acknowledgement of Service**

\_\_\_\_\_, the natural mother of \_\_\_\_\_, hereby acknowledges that she has received a copy of the foregoing Petition to Legitimate the said \_\_\_\_\_ and to change his/her name from \_\_\_\_\_ to \_\_\_\_\_, and she hereby waives any and all further service or notice of any nature in this proceeding.

2.

**Consent to legitimation and change of name**

The mother hereby consents to the judicial legitimization of \_\_\_\_\_  
\_\_\_\_\_ and the change of his/her/their surname(s) from \_\_\_\_\_  
to \_\_\_\_\_.

**Non-interference with affection toward either parent**

3.

☐ The parties agree that the welfare of the child(ren) is of paramount importance and each agrees to foster and encourage a feeling of affection between themselves and the child(ren). Neither party shall do anything to hamper the natural development of the children's love and respect for the other party.

4.

**Custody (Check a, b, or c)**

☐ a) The ☐ Father/ ☐ Mother shall have the temporary and permanent legal and physical custody of the minor child (ren).

☐ b) The Father and Mother shall share joint legal custody of the minor child(ren). The parties shall share decision-making concerning the children; however, the ☐ Father/ ☐ Mother shall have the right to make the final decision in the event the parties cannot agree.

Primary physical custody of the minor child (ren) shall be with the ☐ Father/  
☐Mother as follows:

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Secondary physical custody shall be with the ☐ Father/ ☐ Mother as follows:

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☐ c) The Father and Mother shall share joint legal custody and joint physical custody of the minor child (ren).

Physical custody shall be shared by the parties as follows:

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The parties shall share decision making concerning the child (ren); however, in the event the parties cannot decide, the ☐ Father/ ☐ Mother shall have the final decision concerning

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5.

**Visitation (Choose a or b)**

☐ a) The ☐ Father/ ☐ Mother shall have the right of visitation with the minor children as follows:

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[OR]

- ☐ b) The visitation schedule is attached hereto and incorporated herein.

### **Child Support**

**Please go to <http://www.georgiacourts.org/csc/> and complete the Child Support Worksheet. Your papers will NOT be accepted for filing unless you complete and attach the Child Support Worksheet.**

6.

- ☐ The ☐ Father/☐ Mother shall pay to the ☐ Father/☐ Mother, as support of the minor child(ren), the sum of \$ \_\_\_\_\_\* per ☐ week/ ☐ bi-weekly/ ☐ month, starting on \_\_\_\_\_, and continuing per ☐ week/ ☐ bi-weekly/ ☐ month thereafter until each respective child reaches the age of eighteen (18), or so long as the child is enrolled in and attending secondary school (not to exceed age twenty (20)), marries, dies, or becomes otherwise emancipated. The child support obligation shall be reduced as follows as each child becomes emancipated:

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\*This amount was derived from line 13 of the Child Support Worksheet, which is attached hereto as Exhibit 1.

6.

### **Manner of Payment of Child Support (Check a or b)**

- ☐ a) All payments of child support shall be paid directly to the ☐ Father/☐ Mother at the following address:

\_\_\_\_\_.  
No Income Deduction Order will be entered into at this time. However, when ever, in violation of the terms of this Agreement, there shall have been a failure to make the support payments due hereunder so that the amount unpaid is equal to or greater than the amount payable for one (1) month, the payments required to be made may be collected by

the process of continuing garnishment for support. In the event ☐ Father/ ☐ Mother fails to pay any child support obligation in this Agreement on a timely fashion on any three (3) occasions in any twelve (12) month period, the parties agree that an income deduction order shall then be entered.

☐ b) All payments of child support shall be paid to Georgia Child Support Enforcement pursuant to an Income Deduction Order.

7.

### **Health Insurance**

☐ The ☐ Father/ ☐ Mother shall maintain a policy of medical, dental, and hospitalization insurance for the benefit of the minor child(ren) for so long as the child support obligation set forth herein exists. Costs not covered under the insurance policy shall be divided between Father and Mother as follows:

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The ☐ Father/ ☐ Mother shall provide the ☐ Husband/ ☐ Wife with an insurance identification card or such other acceptable proof of insurance coverage and shall cooperate with the ☐ Husband/ ☐ Wife in submitting claims under the policy.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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MOTHER

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Notary Public

My commission expires: \_\_\_\_\_

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FATHER

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Notary Public

My commission expires: \_\_\_\_\_

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA**

	)	
_____	)	
Plaintiff,	)	
	)	
v.	)	
	)	Civil Action File No. _____
_____	)	
Defendant	)	
	)	
	)	

**AFFIDAVIT SUPPORTING ACKNOWLEDGEMENT OF SERVICE AND  
CONSENT TO LEGITIMATION**

STATE OF GEORGIA  
COUNTY OF \_\_\_\_\_

Personally appeared before the undersigned officer authorized to administer oaths,  
\_\_\_\_\_, who states under oath that she is the natural  
mother of \_\_\_\_\_, a child born out of  
wedlock on \_\_\_\_\_, 20\_\_, in \_\_\_\_\_, \_\_\_\_\_ County,  
State of \_\_\_\_\_. The natural father of said child is \_\_\_\_\_,  
who is the petitioner named in the Petition to Legitimate the said \_\_\_\_\_.

The above Acknowledgment of Service and Consent to Legitimation was voluntarily  
and freely made by me on \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Affiant Mother

\_\_\_\_\_  
Notary Public

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_, )  
 )  
 Plaintiff, )  
 )  
 v. ) Civil Action No. \_\_\_\_\_  
 )  
 )  
 \_\_\_\_\_, )  
 )  
 Defendant. )

I hereby certify that I have this day served the foregoing **Petition for Legitimation** upon the following counsel for [party] [or party if no counsel of record] by delivering [or causing to be delivered] by hand a copy of same as follows:

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Telephone Number \_\_\_\_\_



**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY**  
**STATE OF GEORGIA**

	)	
_____	)	
Plaintiff,	)	
	)	
v.	)	
	)	Civil Action File No. _____
_____	)	
Defendant	)	
	)	
	)	

**RULE NISI**

The above Petition to Legitimate \_\_\_\_\_ having been read and considered, let the same be filed and let \_\_\_\_\_, the natural mother of said child appear before this Court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_m., to show cause, if any she have, why the relief demanded in said Petition should not be granted.

Let the said \_\_\_\_\_ be served with a copy of said Petition and this Order as provided by law.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
JUDGE, Superior Courts  
\_\_\_\_\_  
Judicial Circuit

Presented by:

\_\_\_\_\_  
Petitioner *pro se*

\_\_\_\_\_, )  
 )  
 Plaintiff, )  
 )  
 v. ) Civil Action No. \_\_\_\_\_  
 )  
 \_\_\_\_\_, )  
 )  
 Defendant. )

I, \_\_\_\_\_, the named Defendant in the above-styled case, after being duly sworn do hereby depose and say that I am a resident of \_\_\_\_\_ County, \_\_\_\_\_ (state), and that the Plaintiff in the above-styled case is a resident of \_\_\_\_\_ County, Georgia. I affirm that I have received a copy of said Petition/Complaint, and I hereby waive any and all further notice, service, and issuance of process.

After being duly informed that I have a constitutional right to a trial by Judge or jury on the above matter in the county of my residence, and with that knowledge, I hereby expressly waive my right to venue in the county of my residence, and consent to venue and personal jurisdiction in the county of this Superior Court.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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Affiant

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Notary Public

Sworn to and subscribed before me this            day of            , 20    .

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

\_\_\_\_\_,  
Plaintiff,  
v.  
\_\_\_\_\_,  
Defendant  
)  
)  
)  
)  
) Civil Action File No. \_\_\_\_\_  
)  
)  
)  
)

**MOTION FOR SERVICE BY PUBLICATION**

Comes plaintiff, pursuant to O.C.G.A. § 9-10-71, and moves the Court for an order directing that service on the defendant be made by publication upon the grounds that he/she cannot, after due diligence, be found within the state, as more fully appears from the affidavit filed herewith and attached hereto.

\_\_\_\_\_  
Plaintiff *pro se*

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_, )  
Plaintiff, )  
 )  
 )  
 )  
 )  
\_\_\_\_\_, )  
Defendant )  
 )  
 )

Civil Action File No. \_\_\_\_\_

Defendant

Personally appeared \_\_\_\_\_, who, after being duly sworn, states:  
That the Defendant resides outside the State of Georgia, and his/her last known  
address is \_\_\_\_\_

--or--

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--or--

The last known residence of the Defendant was outside the State of Georgia at \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_.

The Defendant no longer resides at the foregoing address, nor within the State of Georgia, to the best of Affiant's knowledge, and the present address or whereabouts of the Defendant is unknown to the Affiant.

--Or--

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\_\_\_\_\_  
\_\_\_\_\_  
Affiant has no knowledge as to the present residence or whereabouts of the defendant.

The affiant has made the following efforts to find the Defendant (check all that apply)

☐ Checking with the Defendant's friends and relatives

Names, addresses, and telephone numbers of everyone plaintiff contacted:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Contacting the Defendant's former landlord

Name, address, & telephone number of former landlord:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Checking telephone information and directories

List which directories you checked:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Attempting to have Defendant served at his/her last known address, which is listed above

☐ Other: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff *pro se*

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_, )  
Plaintiff, )  
 )  
 )  
 )  
 )  
\_\_\_\_\_, )  
Defendant )  
 )  
 )

Civil Action File No. \_\_\_\_\_

Defendant

Plaintiff having moved the Court for an order directing service to be made upon defendant \_\_\_\_\_ in the above-styled action by publication of summons, and it appearing to the Court from the verified Complaint and Affidavit in support of such motion that defendant is a nonresident and that the action is an action in which a defendant may be served by publication pursuant to O.C.G.A. § 9- 10-71, it is

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Presented by:

22

\_\_\_\_\_,  
Plaintiff,

\_\_\_\_\_,  
Defendant

Civil Action File No. \_\_\_\_\_

TO: \_\_\_\_\_, Defendant Named Above:

\_\_\_\_\_ [state the relief sought]  
was filed against you in said Court on \_\_\_\_\_, 20\_\_\_\_,  
and that by reason of an order for service of summons by publication entered  
by the Court on \_\_\_\_\_. 20\_\_\_\_ you are hereby commanded and  
required to file with the clerk of said Court and serve upon \_\_\_\_\_, plaintiff,  
whose address is \_\_\_\_\_,  
an answer to the complaint within sixty (60) days of the date of the order for service by  
publication. If you fail to do so, judgment by default will be taken against you for the  
relief demanded in the complaint.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

23

In the Superior Court of \_\_\_\_\_ County, Georgia

_____	)	
, Plaintiff	)	
	)	
vs.	)	Civil Action No. _____
	)	
_____	)	
, Defendant	)	
	)	

**DOMESTIC RELATIONS FINANCIAL AFFIDAVIT OF PLAINTIFF**

1. AFFIANT'S NAME: \_\_\_\_\_ Age \_\_\_\_\_  
Spouse's Name: \_\_\_\_\_ Age \_\_\_\_\_  
Date of Marriage: \_\_\_\_\_ Date of Separation \_\_\_\_\_

Names and birth dates of children for whom support is to be determined in this action:

Name	Date of Birth	Resides with
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Names and birth dates of affiant's other children:

Name	Date of Birth	<u>Resides with</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

**2. SUMMARY OF AFFIANT'S INCOME AND NEEDS**

(a) Gross monthly income (from item 3A)	\$ _____
(b) Net monthly income (from item 3C)	\$ _____
(c) Average monthly expenses (item 5A)	\$ _____
Monthly payments to creditors	+ _____



Total monthly expenses and payments  
to creditors (item 5C)

\_\_\_\_\_

(subsections (d) & (e) deleted)

3. A. AFFIANT'S GROSS MONTHLY INCOME (complete this section or attach Child Support Schedule A)

(All income must be entered based on monthly average regardless of date of receipt.)

Salary or Wages \$ \_\_\_\_\_  
ATTACH COPIES OF 2 MOST RECENT WAGE STATEMENTS

Commissions, Fees, Tips \$ \_\_\_\_\_

Income from self-employment, partnership, close corporations,  
and independent contracts (gross receipts minus ordinary  
and necessary expenses required to produce income)  
ATTACH SHEET ITEMIZING YOUR CALCULATIONS \$ \_\_\_\_\_

Rental Income (gross receipts minus ordinary and  
necessary expenses required to produce income)  
ATTACH SHEET ITEMIZING YOUR CALCULATIONS \$ \_\_\_\_\_

Bonuses \$ \_\_\_\_\_

Overtime Payments \$ \_\_\_\_\_

Severance Pay \$ \_\_\_\_\_

Recurring Income from Pensions or Retirement Plans \$ \_\_\_\_\_

Interest and Dividends \$ \_\_\_\_\_

Trust Income \$ \_\_\_\_\_

Income from Annuities \$ \_\_\_\_\_

Capital Gains \$ \_\_\_\_\_

Social Security Disability or Retirement Benefits \$ \_\_\_\_\_

Workers' Compensation Benefits \$ \_\_\_\_\_

Unemployment Benefits \$ \_\_\_\_\_

Judgments from Personal Injury or Other Civil Cases \$ \_\_\_\_\_

Gifts (cash or other gifts that can be converted to cash) \$ \_\_\_\_\_

Prizes/Lottery Winnings \$ \_\_\_\_\_

Alimony and maintenance from persons not in this case \$ \_\_\_\_\_

Assets which are used for support of family \$ \_\_\_\_\_

Fringe Benefits (if significantly reduce living expenses) \$ \_\_\_\_\_

Any other income (do NOT include means-tested Public assistance, such as TANF or food stamps) \$ \_\_\_\_\_

**GROSS MONTHLY INCOME** \$ \_\_\_\_\_  
(prior section B deleted)

B. Affiant's Net Monthly Income from employment  
(deducting only state and federal taxes and FICA) \$ \_\_\_\_\_

Affiant's pay period (i.e., weekly, monthly, etc.) \_\_\_\_\_

Number of exemptions claimed \_\_\_\_\_

#### 4. ASSETS

(If you claim or agree that all or part of an asset is non-marital, indicate the non-marital portion under the appropriate spouse's column and state the amount and the basis: pre-marital, gift, inheritance, source of funds, etc.).

Description	Value	Separate Asset of the Husband	Separate Asset of the Wife	<u>Basis of the Claim</u>
Cash	\$ _____	_____	_____	_____
Stocks, bonds	\$ _____	_____	_____	_____
CD's/Money Market Accounts	\$ _____	_____	_____	_____
Bank Accounts (list each account):				
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
<u>Retirement Pensions, 401K, IRA, or Profit Sharing</u>	\$ _____	_____	_____	_____
Money owed you:	\$ _____	_____	_____	_____
<u>Tax Refund</u>				

owed you: \$ \_\_\_\_\_

Real Estate:

home: \$ \_\_\_\_\_

debt owed: \$ \_\_\_\_\_

other: \$ \_\_\_\_\_

debt owed: \$ \_\_\_\_\_

Automobiles/Vehicles:

Vehicle 1: \$ \_\_\_\_\_

debt owed: \$ \_\_\_\_\_

Vehicle 2: \$ \_\_\_\_\_

debt owed: \$ \_\_\_\_\_

Life Insurance

(net cash value): \$ \_\_\_\_\_

Furniture/furnishings: \$ \_\_\_\_\_

Jewelry: \$ \_\_\_\_\_

Collectibles: \$ \_\_\_\_\_

Other Assets: \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

**Total Assets:** \$ \_\_\_\_\_

## 5. A. AVERAGE MONTHLY EXPENSES

### HOUSEHOLD

Mortgage or rent payments \$ \_\_\_\_\_ Cable TV \$ \_\_\_\_\_

Property taxes \$ \_\_\_\_\_ Misc. household and  
grocery items \$ \_\_\_\_\_

Homeowner/Renter Insurance \$ \_\_\_\_\_ Meals outside the home \$ \_\_\_\_\_

Electricity \$ \_\_\_\_\_ Other \$ \_\_\_\_\_

Water	\$ _____	<b>AUTOMOBILE</b>	
		Gasoline and oil	\$ _____
Garbage and Sewer	\$ _____	Repairs	\$ _____
Telephone:			
<u>residential line:</u>	\$ _____	Auto tags and license	\$ _____
<u>cellular telephone:</u>	\$ _____	Insurance	\$ _____
Gas	\$ _____	<b>OTHER VEHICLES</b>	
		<b>(boats, trailers, RVs, etc.)</b>	
		Gasoline and oil	\$ _____
Repairs and maintenance:	\$ _____	Repairs	\$ _____
Lawn Care	\$ _____	Tags and license	\$ _____
Pest Control	\$ _____	Insurance	\$ _____

#### CHILDREN'S EXPENSES

Child care <u>(total monthly cost)</u>	\$ _____
School tuition	\$ _____
<u>Tutoring</u>	\$ _____
<u>Private lessons (e.g., music, dance)</u>	\$ _____
School supplies/expenses	\$ _____
Lunch Money	\$ _____
<u>Other Educational Expenses (list)</u>	
_____	\$ _____
_____	\$ _____
Allowance	\$ _____
Clothing	\$ _____
Diapers	\$ _____
Medical, dental, prescription <u>(out of pocket/uncovered expenses)</u>	\$ _____

#### AFFIANT'S OTHER EXPENSES

Dry cleaning/laundry	\$ _____
Clothing	\$ _____
Medical, dental, <u>prescription</u> <u>(out of pocket/uncovered expenses)</u>	\$ _____
Affiant's gifts (special holidays)	\$ _____
Entertainment	\$ _____
<u>Recreational Expenses (e.g., fitness)</u>	\$ _____
Vacations	\$ _____
<u>Travel Expenses for Visitation</u>	\$ _____
Publications	\$ _____
Dues, clubs	\$ _____
Religious and charities	\$ _____
<u>Pet expenses</u>	\$ _____
Alimony paid to former spouse	\$ _____
Child support paid <u>for other</u>	

Grooming, hygiene \$ \_\_\_\_\_ children \$ \_\_\_\_\_

Gifts from children to others \$ \_\_\_\_\_ Date of initial order: \_\_\_\_\_

Entertainment \$ \_\_\_\_\_ Other (attach sheet) \$ \_\_\_\_\_

Activities (including extra-curricular, school, religious, cultural, etc.) \$ \_\_\_\_\_

Summer Camps \$ \_\_\_\_\_

**OTHER INSURANCE**

Health \$ \_\_\_\_\_  
Child(ren)'s portion: \$ \_\_\_\_\_

Dental \$ \_\_\_\_\_  
Child(ren)'s portion: \$ \_\_\_\_\_

Vision \$ \_\_\_\_\_  
Child(ren)'s portion: \$ \_\_\_\_\_

Life \$ \_\_\_\_\_  
Relationship of Beneficiary: \_\_\_\_\_

Disability \$ \_\_\_\_\_

Other(specify): \$ \_\_\_\_\_

**TOTAL ABOVE EXPENSES** \$ \_\_\_\_\_

**B. PAYMENTS TO CREDITORS**

(please check one)

To Whom:	Balance Due	Monthly Payment	Joint	Plaintiff	Defendant

TOTAL MONTHLY PAYMENTS TO CREDITORS: \$ \_\_\_\_\_

**C. TOTAL MONTHLY EXPENSES:** \$ \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Affiant

\_\_\_\_\_  
Notary Public

Exhibit “\_\_\_\_\_”

**VISITATION SCHEDULE**

The non-custodial parent is \_\_\_\_\_.

The custodial parent is \_\_\_\_\_.

The non-custodial parent shall be entitled to exercise reasonable visitation with the minor child with the following minimum provisions:

- A. On every 1<sup>st</sup>, 3<sup>rd</sup>, and 5<sup>th</sup> Friday at 6:00 p.m. until the following Sunday at 6:00 p.m.;
- B. During even numbered years (2008, 2010, etc.), the non-custodial parent shall have the right of visitation on the holidays delineated below:
  - 1. Martin Luther King’s Birthday
  - 2. Memorial Day
  - 3. Labor Day
  - 4. Thanksgiving
  - 5. Second week of Christmas Vacation from 2:00 p.m. on December 25 until New Year’s Eve.
- C. During odd numbered years (2009, 2011, etc.), the non-custodial parent shall have the right of visitation on the holidays delineated below:
  - 1. New Year’s Day
  - 2. Easter or Spring Break
  - 3. July 4<sup>th</sup>
  - 4. Halloween
  - 5. First Week of Christmas vacation, including Christmas Day until 2:00 p.m. on December 25.
- D. During even numbered years (2008, 2010, etc.), the custodial parent shall have the minor child on the holidays delineated below:
  - 1. New Year’s Day
  - 2. Easter or Spring Break
  - 3. July 4<sup>th</sup>
  - 4. Halloween
  - 5. First week of Christmas vacation, including Christmas Day until 2:00 p.m. on December 25.
- E. During odd numbered years (2009, 2011, etc.), the custodial parent shall have the right of visitation on the holidays delineated below:
  - 1. Martin Luther King’s Birthday
  - 2. Memorial Day
  - 3. Labor Day
  - 4. Thanksgiving
  - 5. Second week of Christmas vacation from 2:00 p.m. on December 25 until New Year’s Eve.
- F. The Mother shall have the minor child on Mother’s Day.
- G. The Father shall have the minor child on Father’s Day.
- H. The non-custodial parent shall have the right to visit with the minor child for two consecutive weeks in the summer between June 15 and August 15. During this period, the custodial parent shall have the minor child on the first (1<sup>st</sup>) weekend from 6:00 p.m. Friday until 6:00 p.m. Sunday. The non-custodial parent shall give the custodial parent a minimum of thirty (30) days written notice of the intent to exercise this visitation.
- I. Holiday visitation shall take precedence over week-end visitation.

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY**  
**STATE OF GEORGIA**

	)	
_____	)	
Plaintiff,	)	
	)	
v.	)	
	)	Civil Action File No. _____
_____	)	
Defendant	)	
	)	
	)	

**ORDER**

The above matter having been heard, it is therefore the judgment of this Court that \_\_\_\_\_ is hereby declared to be legitimate and to be the legitimate child of \_\_\_\_\_, and capable of inheriting from the father in the same manner as if born in lawful wedlock, and from henceforth the name by which said child shall be known shall be \_\_\_\_\_ . Vital Records is directed to change the child(ren)'s surnames on their birth certificate(s) to the last name of their father and to add the father's name on the birth certificate(s).

**FURTHER ORDERED:**

- ☐ The Court incorporates into this order the agreement of the parties regarding custody, visitation, and child support.
- ☐ The Court awards custody of the minor children as follows:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- ☐ The Court orders visitation as follows:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



□ Based on the evidence presented, including the Child Support Worksheet, Schedules “A” through “E,” incorporated by reference, and specifically the Child Support Worksheet and Schedule “E” attached hereto, and where applicable, Special Interrogatories also attached hereto, the Court finds as follows:

1. Children for whom support is being determined:

Child	Date of Birth

2. (a) For purposes of Calculating Child Support, the Court Orders that the Custodial Parent shall be \_\_\_\_\_.

(b) For purposes of Calculating Child Support the Court Orders that the Non-custodial Parent shall be \_\_\_\_\_.

(c) The Court finds that the amount of the Non-custodial Parent’s parenting time as set forth in the Order of Visitation is \_\_\_\_\_ days.

3. (a) The Court finds as set on Schedule “A,” the gross income of the father is \$\_\_\_\_\_.

(b) The Court finds as set on Schedule “A,” the gross income of the Mother is \$\_\_\_\_\_.

4. (a) The Court finds as set on the “Child Support Worksheet” and Schedule B,” the Non-custodial Parent’s Adjusted Income is \$\_\_\_\_\_.

(b) The Court finds as set on the “Child Support Worksheet” and Schedule “B,” the Custodial Parent’s Adjusted Income is \$\_\_\_\_\_.

(c) The Court finds as set on the “Child Support Worksheet” and Schedule “B,” the Parties’ Total Adjusted Income \$\_\_\_\_\_.

5. The Court finds as set by the “Child Support Obligation Schedule Table” and as listed on the “Child Support Worksheet” the Basic Child Support Obligation is \$\_\_\_\_\_.

6. (a) The Court finds as set on the “Child Support Worksheet,” the Basic Child Support Obligation for the Custodial Parent is: \$\_\_\_\_\_ %

(b) The Court finds as set on the "Child Support Worksheet," the Basic Child Support Obligation for the Non-custodial Parent is: \$ \_\_\_\_\_ %

7. The Court finds that health insurance that provides for the health care needs of the child ☐ is/ ☐ is not reasonably available at a reasonable cost. If provided, it will be provided by \_\_\_\_\_.

8. (a) The Court finds as set on the "Child Support Worksheet" and Schedule "D," the Presumptive Amount of Child Support for the Custodial Parent is \$ \_\_\_\_\_

(b) The Court finds as set on the "Child Support Worksheet" and Schedule "D," the Presumptive Amount of Child Support due to the Non-custodial Parent is \$ \_\_\_\_\_

(c) The Court finds as set on the "Child Support Worksheet" and Schedule "D," the Presumptive Amount of Child Support due to the Custodial Parent is \$ \_\_\_\_\_

9. The Court finds that the child receives benefits under Title II of the Federal Social Security Act on the obligor's account and the amount the child receives on a monthly basis is \$ \_\_\_\_\_

10. The Court has considered the existence of special circumstances and as set forth on the "Child Support Worksheet" and Schedule "E," has found the following special circumstances marked with an ["X"] to be present in this case.

*Note: Refer to Schedule "E" and, where applicable, "Special Interrogatories" attached hereto for an explanation for the reasons for the deviation, how the application of the Presumptive Amount of Child Support would have been unjust and how the best interest of the child for whom support is being determined will be served by a deviation from the Presumptive Amount of Child Support.*

_____ A. High Income	_____ G. Alimony
_____ B. Low Income	_____ H. Mortgage
_____ C. Other Health-Related Insurance	_____ I. Permanent Plan or Foster Care Plan
_____ D. Life Insurance	_____ J. Extraordinary Expenses
_____ E. Child and Dependent Care Tax Credit	_____ K. Parenting Time
_____ F. Travel Expenses	_____ L. Non-Specific Deviations (Other)

11. (a) The Court finds as set on the "Child Support Worksheet" the Final Amount of Child Support for the Custodial Parent is \$ \_\_\_\_\_

(b) The Court finds as set on the "Child Support Worksheet" the Final Amount of Child Support for the Non-custodial Parent is \$ \_\_\_\_\_

(c) The Court finds as set on the "Child Support Worksheet" the Final Amount of Child Support the Non-custodial Parent shall Pay the Custodial Parent is \$ \_\_\_\_\_

12. (a) The Court finds as set on the "Child Support Worksheet" that the Custodial Parent's allocated Uninsured Health Care Expenses based on their pro rata responsibility is \$ \_\_\_\_\_ %

(b) The Court finds as set on the "Child Support Worksheet" that the Non-custodial Parent's allocated Uninsured Health Care Expenses based on their pro rata responsibility is \$ \_\_\_\_\_ %

The Non-custodial parent, \_\_\_\_\_, shall pay Child Support for each of the \_\_\_\_\_ minor child(ren) at \$ \_\_\_\_\_ per month, for a total of \$ \_\_\_\_\_ per month to the Custodial parent, starting \_\_\_\_\_, and continuing until each minor child reaches the age of majority, dies, marries, becomes emancipated, whichever first occurs, provided however, the Court, in the exercise of its sound discretion, directs (or does not direct) the Non-custodial Parent to continue to pay child support for a Child who has not previously married or become emancipated, who is enrolled in and attending a secondary school, and who has attained the age of majority before completing his or her secondary school education, until that child graduates from high school, or until the child attains \_\_\_\_\_ years of age (not to exceed 20 years), whichever first occurs.

**SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
**JUDGE**, Superior Courts  
\_\_\_\_\_  
Judicial Circuit

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. _____
	)	
	)	
	)	
Defendant.	)	

**INCOME DEDUCTION ORDER**

The above-styled matter was heard by the Court on \_\_\_\_\_, 20\_\_\_\_. The \_\_\_\_\_ was properly served and present and represented by counsel. This Court having entered an order requiring the \_\_\_\_\_ to pay child support to the \_\_\_\_\_, this Income Deduction Order is entered pursuant to O.C.G.A. § 19-6-32(a.1)(1).

- ☐ Defendant shall pay child support of \$ \_\_\_\_\_ ☐ weekly ☐ bi-weekly ☐ semi-monthly ☐ monthly with the next payment due on \_\_\_\_\_, 20\_\_\_\_.
- ☐ Defendant shall pay \$ \_\_\_\_\_ ☐ weekly ☐ bi-weekly ☐ semi-monthly ☐ monthly with the next payment due on \_\_\_\_\_, 20\_\_\_\_.
- ☐ The total amount to be withheld is \$ \_\_\_\_\_ ☐ weekly ☐ bi-weekly ☐ semi-monthly ☐ monthly. This amount shall be made payable to \_\_\_\_\_ and forwarded within two (2) business days of each payment date. Payments shall be made by cash, cashier's check, or money order, personally or by mailing it to: \_\_\_\_\_.

The maximum amount to be deducted shall not exceed the amounts allowed under § 303(b) of the Consumer Credit Protection Act, 15 U. S. C. § 1673(b), as amended. This order applies to current and subsequent employers and periods of employment, and may only be contested on the grounds of mistake of fact regarding the amount of support owed pursuant to a support order, the arrearage, or the identity of the obligor. The obligor shall notify the \_\_\_\_\_ within seven (7) days of any change of address, employer or employer's address. A copy of this order shall be served on the obligor and the employer.

- ☐ Other: \_\_\_\_\_
- This order shall become effective immediately upon signing and shall remain in full force and effect until modified, suspended, or terminated by order of this Court.

**SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
JUDGE, Superior Courts  
\_\_\_\_\_  
Judicial Circuit

Date

Notice To: Employer or any other person, private entity, Federal or State Government, or any unit of local government providing or administering income due to Defendant

Re: Income Deduction Order

DATE: \_\_\_\_\_

Attached you will find an Income Deduction Order. Please read this order carefully and follow the instructions as written. If you have any questions you should contact your attorney.

Employers are required by law to deduct from income due and payable an employee the amount designated by the Court to meet support obligations. Income includes wages, salary, bonuses, commissions, compensation as an independent contractor, workers' compensation, disability benefits, annuities and retirement benefits, pensions, dividends, royalties, or any other payment to an employee. **FAILURE TO DEDUCT THE AMOUNT DESIGNATED BY THE COURT MAKES THE EMPLOYER LIABLE FOR THE AMOUNT THAT SHOULD HAVE BEEN DEDUCTED, PLUS COSTS, INTEREST AND REASONABLE ATTORNEYS' FEES.**

Payments must begin no later than the first pay period after fourteen (14) days following the postmark of the notice. You are required to forward to the person or entity specified in the Income Deduction Order within two (2) days after each payment date the amount deducted from the employee's income and a statement as to whether the amount forwarded totally or partially satisfies the periodic amount specified in the Income Deduction Order.

This deduction has priority over all other legal processes under Georgia law pertaining to the same income and the payment required by the Income Deduction Order. It is a complete defense against any claims of the employee or the employee's creditors as to the sum paid.

Employers must continue to deduct the child support amount and send it to the person or entity specified in the Income Deduction Order until further notice by the Court or until the income is no longer provided to the employee. In the event the income is no longer provided, the employer is required to notify the person or entity specified in the Income Deduction Order immediately of such and to give the employee's last known address and to provide a name and address of any new employer of this employee if known. **FAILURE TO DO THIS WILL RESULT IN A CIVIL PENALTY BEING IMPOSED, NOT TO EXCEED \$250.00 FOR THE FIRST VIOLATION OR \$500.00 FOR A SUBSEQUENT VIOLATION.**

Employers may not discharge an employee by reason of the entry of an Income Deduction Order. If an employee is discharged because of this reason, **A FINE OF NOT MORE THAN \$250.00 FOR THE FIRST VIOLATION AND \$500.00 FOR A SUBSEQUENT VIOLATION WILL BE IMPOSED AGAINST THE EMPLOYER.**

Employers should contact their attorney if more than one Income Deduction Order is received against the same employee.

Employers may send a single payment if multiple employees have Income Deduction Orders to pay to the same depository provided the amount attributed to each employee is identified.

An employer may collect up to \$25.00 against the employee's income to reimburse for the administrative costs of the first income deduction and up to \$3.00 for each subsequent income deduction.