

LEGITIMATION PACKET

FAQ

Why should children be legitimated?

The law encourages the fathers of children to legally recognize them. The legitimation process is a way for them to do this. It gives the father and the child certain rights. Legitimation means that a child may inherit from the father and the father may inherit from the child. Additionally, a father does not have rights to visit with his children, even though he is paying child support, unless and until he legitimates them.

How may a child born out of wedlock be legitimated?

There are two 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 to legitimate a child is for the father to file a legitimation petition in Superior Court.

How does a man go about filing for legitimation 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 legitimation 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 legitimation should be awarded. Sometimes a Court will deny a legitimation petition if the Court believes that it has been filed to harass or interfere with the life of the mother.

What effect does a legitimation 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 legitimation, 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 legitimation, may he also ask for custody and/or visitation rights?

Until July 1, 2005, the father could only get custody or visitation rights in a legitimation 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 and/or visitation rights in a legitimation suit.

What if paternity has been established—isn't that enough for legitimation?

No, a finding in a paternity action that a person is the father of a child is not a legitimation unless the father, in an answer to the petition to establish paternity requests legitimation of the child. Otherwise, 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.

Neither the Clerk of the Superior Court, nor any Deputy Clerk, nor the Law Librarian, nor the Judges, or any other Court personnel, is allowed to answer any questions for you concerning the preparation of these forms. State Law O.C.G.A. §15-19-51 forbids court personnel to give legal advice. Different situations may require special procedures and courthouse personnel cannot advise you on how to proceed or what forms may be necessary in specific situations. The only person allowed to help you in the preparation of these forms is a licensed attorney hired to represent you. Please consult an attorney if you have questions about the procedure or what action is best for you to take.

Remember, you must fully complete the forms and follow all instructions. Incomplete forms, as well as forms that are improperly filled out, may delay your case. Make sure that you take time to read over all the forms, and understand what is being asked of you in each situation.

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:

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: _____

(e) 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.

Plaintiff

Address: _____

Telephone: _____

**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 legitimation 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:

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

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:

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

5.

Visitation (Choose a or b)

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

[OR]

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

Child Support

Please go to <https://csconlinecalc.georgiacourts.gov/frontend/web/index.php> 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:

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

7.

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, whenever, 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.

8.

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:

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____.

MOTHER

Notary Public

Sworn to and subscribed before me
this _____ day of _____, 20____.
My Commission Expires: _____

FATHER

Notary Public

Sworn to and subscribed before me
this _____ day of _____, 20____.
My Commission Expires: _____

**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
Ocmulgee Judicial Circuit Superior Court

Presented by:

Plaintiff

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

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

**DEFENDANT'S ACKNOWLEDGEMENT OF SERVICE
AFFIDAVIT OF WAIVER OF VENUE AND PERSONAL JURISDICTION**

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_____.

Affiant/Defendant

Notary Public

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

My Commission Expires: _____

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

CHILDREN'S EXPENSES

AFFIANT'S OTHER EXPENSES

Childcare <u>(total monthly cost)</u>	\$ _____	Dry cleaning/laundry	\$ _____
School tuition	\$ _____	Clothing	\$ _____
<u>Tutoring</u>	\$ _____	Medical, dental, <u>prescription</u>	
<u>Private lessons (e.g., music, dance)</u>	\$ _____	<u>(out of pocket/uncovered expenses)</u>	\$ _____
School supplies/expenses	\$ _____	Affiant's gifts (special holidays)	\$ _____
Lunch Money	\$ _____	Entertainment	\$ _____
<u>Other Educational Expenses (list)</u>		<u>Recreational Expenses (e.g.,</u>	
_____	\$ _____	<u>fitness)</u>	\$ _____
_____	\$ _____	Vacations	\$ _____
Allowance	\$ _____	<u>Travel Expenses for Visitation</u>	\$ _____
Clothing	\$ _____	Publications	\$ _____
Diapers	\$ _____	Dues, clubs	\$ _____
Medical, dental, prescription		Religious and charities	\$ _____
<u>(out of pocket/uncovered expenses)</u>	\$ _____	<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

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

Notary Public

My Commission Expires: _____

Exhibit “ _____ ”

CP = Custodial Parent
NC = Non-custodial Parent
(Mother or Father should be inserted)

VISITATION

The NC shall have liberal periods of custody. If the parties cannot agree, then the following schedule shall control:

Visitation: The NC shall have visitation with the child every other weekend beginning Friday at 6:00 p.m. until Sunday at 6:00 p.m.

Summer: The NC shall have the child(ren) for two non-consecutive weeks during June or July, uninterrupted by the mother’s visitation, provided that by May 1st of each year, the NC gives the CP written notice of when he/she intends to exercise the visitation.

Christmas: The CP shall have the minor child beginning the day after school recesses for Christmas holidays until December 26th at 9:00 a.m. during even numbered years. The NC shall have the same time for his/her visitation during odd number years. The CP shall have the minor child with him/her from December 26th beginning at 9:00 a.m. until January 2nd at 9:00 a.m. during odd numbered years. The NC shall have the same time during even numbered years.

Thanksgiving: In even-numbered years, the NC shall have the child(ren) from 6:00 p.m. on the day the child(ren) is/are released from school preceding Thanksgiving holiday until the Sunday following Thanksgiving Day at 6:00 p.m. The CP shall have the child during this time period during odd numbered years.

July 4th: The NC shall have the minor child during odd numbered years from July 4 at 9:00 a.m. until July 5 at 10:00 a.m. The CP shall have the minor child for this schedule during even numbered years.

Spring Break: The CP shall have the child during Spring Break from 6:00 p.m. on the day school recesses for Spring Break until 6:00 p.m. on the day before school resumes in odd numbered years. The NC shall have this time period in even numbered years.

Fall Break: The CP shall have the child during Fall Break from 6:00 p.m. on the day school recesses for Fall Break until 6:00 p.m. on the day before school resumes in even numbered years. The NC shall have this time period in odd numbered years.

Mother’s Day: The mother shall have the child on the Friday preceding Mother’s Day from 6:00 p.m. until Sunday at 6:00 p.m., regardless of the weekend visitation schedule.

Father’s Day: The father shall have the child on the Friday preceding Father’s Day from 6:00 p.m. until Sunday at 6:00 p.m., regardless of the weekend visitation schedule.

Federal Holidays: If the NC parent has the child for a weekend visitation where a federal holiday falls on a Monday, then the visitation shall include that Monday until 6:00 p.m.

General Considerations: The NC shall have the responsibility of transporting the child for each period of custody. The NC, or other responsible adult with a valid driver’s license, shall pick the child up at the CP’s residence at the beginning of the visitation and return the child to the CP’s residence at the end of the visitation. During the summer visitation, the parent who is beginning his or her custodial period shall be responsible for picking up the child from the other parent’s residence.

Revised 01/31/21

**IN THE SUPERIOR COURT FOR _____ COUNTY
STATE OF GEORGIA**

)	
Petitioner,)	
)	Civil Action Case No. _____
vs.)	
)	
)	
Respondent.)	

ORDER OF LEGITIMATION

The above Petition having come before the Court, and in consideration thereof and of the entire record in this matter, it is accordingly ADJUDGED and ORDERED as follows, checking and completing *only* those paragraphs that apply:

1. That the child(ren) named in the Petition, to wit:

<u>Name</u>	<u>Male/Female</u>	<u>Year of Birth</u>
_____	_____	_____
_____	_____	_____

be declared the legitimate child(ren) of Petitioner, _____, and capable of inheriting from him. The Court finds that the legitimation is in the best interests of the minor child/children that this Legitimation be granted.

2. That the Department of Vital Statistics forthwith amend and reissue the birth certificate of each child listed above to indicate that _____, the Petitioner herein, is the father of said child.

3. That the Department of Vital Statistics forthwith remove from the birth certificate of each child listed above _____ as the father of said child(ren) and replace it with the name of the Petitioner, _____.

4. That the surname of each child named in the Petition hereby be changed to _____. The Department of Vital Statistics is hereby directed to amend and reissue the birth certificate of each child listed above to reflect the change of

the child(ren)'s name(s) to _____.

5. That the Agreement entered into by the parties and filed with the Court on _____ is hereby attached and adopted by the Court. Each party is ORDERED to abide by the terms of that Agreement.

6. **Custody of the Minor Child(ren):**

(a) The _____ (Petitioner or Respondent) shall have sole permanent custody of the child(ren).

(b) The _____ (Petitioner or Respondent) shall have primary physical custody of the children, and both parties shall have joint legal custody of them. The parties shall consult each other and try to reach a joint decision on all major issues concerning the child(ren)'s education, health care and religious upbringing. However, if the parties are not able to reach a joint decision concerning one of these major issues, the _____ (Petitioner or Respondent) shall make the final decision on the issue.

(c) The Mother, _____, of the minor child(ren) is deceased. The Petitioner is hereby awarded legal and physical custody of the minor child(ren).

7. **Visitation with the Minor Child(ren) is awarded to Petitioner**

See Parenting Plan Order for the specific terms of visitation.

8. **Child Support:**

(a) This issue is not addressed in this order, either because the Court lacks personal jurisdiction over the Defendant, or because the parties have not asked the Court to decide the issue of child support.

(b) The _____ (Petitioner or Respondent) shall pay to the _____ (Petitioner or Respondent), for the support of the minor child(ren). *See Child Support Addendum Order for the specific terms of child support.*

9. **Health Insurance for Minor Child(ren):**

(a) This issue is not addressed herein, either because the Court lacks personal

jurisdiction over the Respondent, or because neither party has asked the Court to address the issue of health insurance in this action.

- (b) The _____ (Petitioner or Respondent) shall maintain a policy of medical, dental and hospitalization insurance for the benefit of the minor child(ren), until each child reaches the age of eighteen, dies, marries, or otherwise becomes emancipated; except that if a child becomes eighteen years old while enrolled in and attending secondary school on a full-time basis, then the insurance shall continue until that child has graduated from secondary school or reaches twenty years of age, whichever occurs first. The _____ (Petitioner or Respondent) shall provide the _____ (Petitioner or Respondent) with an insurance identification card or such other acceptable proof of insurance coverage and shall cooperate with the _____ (Petitioner or Respondent) in submitting claims under the policy. All money received by the _____ (Petitioner or Respondent) for claims processed under the insurance policy shall be paid to the _____ (Petitioner or Respondent) or to the applicable health care service provider within five (5) days of receipt of the money.

- (c) **Only** if not already reflected in the calculation of child support as evidenced by the attached Child Support Addendum and worksheets, _____ (Petitioner or Respondent) shall provide verification of the amount paid for the children's share of the cost of medical, dental and hospitalization insurance. The _____ (Petitioner or Respondent) shall reimburse the _____ (Petitioner or Respondent) for _____ % of the cost within thirty (30) days after receiving the verification.

10. Medical Expenses for Minor Child(ren):

- (a) This issue is not addressed herein, either because the Court lacks personal jurisdiction over the Respondent, or because neither party has asked the Court to address the issue of the child(ren)'s health care expenses in this action.

- (b) The _____ (Petitioner or Respondent) shall be responsible for all expenses incurred for the children's health care (including medical, dental, mental health and hospital care) that are not covered by insurance. The _____ (Petitioner or Respondent) shall provide verification to the _____ (Petitioner or Respondent) of amounts paid or incurred for the children's health care. The _____ (Petitioner or Respondent) shall reimburse the _____ (Petitioner or Respondent) or pay the health care provider directly within thirty (30) days after receiving the verification of a particular health care expense.

(c) The _____ (Petitioner or Respondent) shall pay _____ % and the _____ (Petitioner or Respondent) shall pay _____ % of all expenses incurred for the children ' s health care (including medical, dental, mental health and hospital care) that are not covered by insurance. The party who incurs a health care expense for one of the children shall provide verification of the amount to the other party. That other party shall reimburse the incurring party (or pay the health care provider directly) for the appropriate percentage of the expense, within thirty (30) days after receiving the verification of a particular health care expense.

11. Life Insurance to Support Minor Child(ren):

(a) This issue is not addressed herein, either because the Court lacks personal jurisdiction over the Respondent, or because neither party has asked the Court to address the issue of life insurance for the benefit of the child(ren) in this action.

(b) The child(ren) depend(s) on the _____ (Petitioner or Respondent) for financial support, and therefore the _____ (Petitioner or Respondent) shall maintain a policy of insurance on his/her life, with a face amount of at least \$ _____, for the benefit of the minor child(ren). The policy shall be maintained for so long as at least one of the children is a minor or is otherwise entitled to support under this Order.

(c) The children depend on both parties for financial support, and therefore each party shall maintain a policy of insurance on his/her life, with a face amount of at least \$ _____ for the benefit of the minor children. Both policies shall be maintained for so long as at least one of the children is a minor or is otherwise entitled to support under this Order.

SO ORDERED this the _____ day of _____, 20 _____.

JUDGE
Superior Court of _____ County