

Legitimation Packet

GENERAL COMMENTS

In the State of Georgia, if a child is born out of wedlock, the biological father must file a Petition for Legitimation to gain legal recognition as the father. You can hire a lawyer to assist, or you can represent yourself in court. Legitimation is complicated. It is strongly recommended that you speak with a lawyer before filing any case with the Court or signing any agreements.

Please note laws can change, and the forms in this packet are provided as samples only. They may not be appropriate for every situation. Use of these forms is AT YOUR OWN RISK.

LEGAL RESOURCES

State law O.C.G.A. § 15-19-51 prohibits court personnel (including staff attorneys, law clerks, calendar clerks, and staff of the Clerk's Office, Sheriff's Office, or Law Library) from answering legal questions or giving legal advice.

If you need an attorney, here are some options:

* **Cobb Bar Association Lawyer Referral Line**, 770-424-2947 (\$35 for referral and ½ hour consultation with an attorney)

* **Cobb Legal Aid**, 770-528-2565 (assistance for low-income individuals)

Before filing the case, you should attend the **Family Law Workshop**, a FREE presentation by an attorney that explains the court process for family law cases. The Workshop is offered monthly through the Cobb Superior Court's Alternative Dispute Resolution (ADR) Office. For Workshop schedules and to register, call the ADR Office at 770-528-1812 or visit www.cobbcounty.org/adr.

ADDITIONAL COURT REQUIREMENTS

The Court requires contested cases be referred to the Alternative Dispute Resolution Office for **mediation**. Fees apply. For more information on mediation, call the ADR Office at 770-528-1812 or go to www.cobbcounty.org/adr.

The **Co-Parenting Seminar** is a four-hour required seminar. Each parent must take this class, which costs \$50 per person. For Co-Parenting Seminar class schedules and to register, call the ADR Office at 770-528-1812 or visit www.cobbcounty.org/adr.

FREQUENTLY ASKED QUESTIONS

1. Which forms do I need for legitimation?

This packet contains commonly required forms for a legitimation case. The forms required will vary depending on your situation. You are the “Petitioner”, and the mother (or legal guardian) is the “Respondent”.

Forms Needed to Start the Case

- ☐ Petition for Legitimation, with Verification
- ☐ Summons
- ☐ Case Filing Information Form
- ☐ Standing Order (Issued by the Court)
- ☐ Poverty Affidavit (Only for those who cannot afford to pay the filing fees)

Options for Service (Choose One)

- ☐ Entry of Service by the Sheriff's Office (Filed by Sheriff's Office)
- ☐ Entry of Service by a Private Process Server (Filed by the Process Server)
- ☐ Acknowledgment of Service (signed/notarized by Respondent)
- ☐ Service by Publication (only if Respondent's location is unknown)

Forms Needed before Court Hearing

- ☐ Domestic Relations Financial Affidavit (if applicable)
- ☐ Mother's Consent to Legitimation (if applicable)
- ☐ Child Support Worksheet (See FAQ #2 below)
- ☐ Parenting Plan
- ☐ Certificate of Attendance for Family Law Workshop
- ☐ Certificate of Attendance for Co-Parenting Seminar

2. Where do I find other forms I may need?

If you need a form that is not contained in this packet, you may be able to find it for free at <http://www.cobbcounty.org/superiorcourtforms> or for purchase at the Cobb Law Library, which is located on the 4th floor of the Cobb Superior Court building. The Cobb Law Library may be reached at (770) 528-1884.

To complete a **Child Support Worksheet**, you must use the online calculator at <https://csconlinecalc.georgiacourts.gov>. For resources on how to use the calculator, visit <https://csc.georgiacourts.gov/training/child-support-calculator-training-for-parents/>.

3. What if I cannot afford to pay the filing fees or the fees for mediation and the Co-Parenting Seminar?

If you are indigent and cannot afford the fee to file the divorce case, you may use the "Poverty Affidavit" packet to request that the Court waive the fee.

If you are indigent and cannot afford the fees for mediation or the Co-Parenting Seminar, you may ask the ADR Office to apply for a fee waiver.

4. How do I file documents?

Type your forms or write legibly in black ink. Many forms must be signed in front of a Notary Public, who verifies the signer's identification. Do not sign until you are with the Notary.

The Superior Court Clerk of Cobb County handles documents that are filed into Superior Court cases. You may file documents directly with the clerk's office. Also, you may file some documents online at <https://peachcourt.com/>.

5. How do I contact the Superior Court Clerk's Office?

The Superior Court Clerk of Cobb County is located on the first floor at 70 Haynes Street, Marietta, GA 30090. The phone number is 770-528-1300, and the website is www.cobbsuperiorcourtclerk.com/.

6. What is a Standing Order?

A Standing Order is essentially a recurring order that outlines procedures or requirements that must be followed by all involved parties. It can both require and prohibit certain actions by all parties. **It is very important to read the Standing Order carefully.**

7. How do I get a hearing scheduled?

Some Legitimation cases need a temporary hearing so that a Judge can issue an order addressing temporary issues. A final hearing is where the Judge issues a permanent order addressing all issues in the case.

To get a hearing scheduled, contact the clerk's office or the office of the Judge assigned to your case. Every Judge handles scheduling differently.

Bring copies of all legal documents as well as proof of current income to all hearings. Be on time and dress appropriately. Allow time for parking, getting through security, and finding the correct courtroom.

8. How do I serve the Respondent?

Before a Legitimation case can proceed, the Petitioner must serve the Respondent as required by law. If the Respondent agrees to the Legitimation, they can sign the "Acknowledgment of Service", and "Respondent's Consent to Legitimation" in front of a notary public and return those forms to the Clerk. Alternatively, the Sheriff's Office or a private process server can personally serve the Respondent. Finally, there are some situations that allow you to serve the Respondent by publishing a notice in the newspaper. For that process, see the "Service by Publication" Packet.

9. What happens if the mother objects to the legitimation?

If the Respondent contests the legitimation, the Court will evaluate the child's best interests. The judge may consider factors such as the father's relationship with the child, efforts to support the child, and the overall family situation.

10. Does legitimation also establish child support?

Not automatically. However, child support is typically addressed in the same proceeding or may be ordered as part of the legitimation case. The **Child Support Worksheet** is required if support will be determined.

11. How long will the Legitimation case take?

It is impossible to specify how long your case will take. All situations are different. The location and cooperativeness of the parties are factors, as are complete and proper preparation of documents and court caseloads.