QUESTIONS AND ANSWERS ABOUT LEGITIMATION

WHAT IS A "LEGITIMATION"?

Legitimation is a legal action that is the only way, other than by marrying the mother of a child, that the biological father of a child born in the State of Georgia may establish legal rights to his child.

WHO MAY FILE FOR LEGITIMATION?

Only the biological father of a child may file a petition seeking to legitimate his child.

WHAT IS THE LEGAL EFFECT OF A LEGITIMATION?

An order of legitimation creates a legal father and child relationship between the petitioner and his child.

An order of legitimation establishes that the child may inherit from his legal father and vice versa. An order of legitimation allows the legal father to be listed on the child's birth certificate as such. **An order of legitimation is the only way that the father of a child born out of wedlock can be recognized as the legal father of a child and therefore potentially be awarded legal custody and/or visitation with this child.**

If you are already listed on the child's birth certificate as the father, but you and the child's mother were not married to each other, you must still file a petition with the court to legitimate your child.

WHERE SHOULD THE PETITION BE FILED?

If there is an open case concerning the child in the Juvenile Court of Muscogee County, you can file your *Petition for Legitimation* in the Juvenile Court.

HOW MUCH DOES IT COST TO FILE FOR LEGITIMATION?

There is no cost to file a *Petition for Legitimation* in Juvenile Court.

HOW LONG WILL ALL OF THIS TAKE?

The length of time depends on the facts of your case. There are several options for what can happen with your case:

If custody is not an issue, and there is no other father listed on the birth certificate, and the mother has acknowledged service, then an Order for Legitimation can be heard by a Judge on the same day that you file it, and you may get your Order for Legitimation signed on the same day. If

the mother or another father listed on the birth certificate must be served by publication, then the hearing cannot take place until after the publication is finished (at least 60 days).

WHAT IF I AM NOT SURE THE CHILD IS MINE?

If you are unsure that you are the child's biological father, you may request that the court order a DNA test before declaring the child legitimate.

DEFINITIONS

LEGITIMATION: A legal action brought by a Father to establish his legal rights concerning his child who was "born out of wedlock."

LEGAL FATHER: A Father who has legitimated his child; a Father who was married to the Mother of the child at the time of its' birth; a Father who married the Mother after the child was born and then executed an affidavit of paternity stating or acknowledging that the child is his child.

BIOLOGICAL FATHER: The birth father of a child.

PETITION: A form filed with a court that requests that a Judge do something for you.

ORDER: The Judge's written, signed decision in your case.

PETITIONER: The person who files the petition with the Court, may in some cases be listed as "Plaintiff."
RESPONDENT: The person who the petition is being filed against; the person who should respond to the petition; may in some cases be listed as the "Defendant."

SURNAME: Last name.