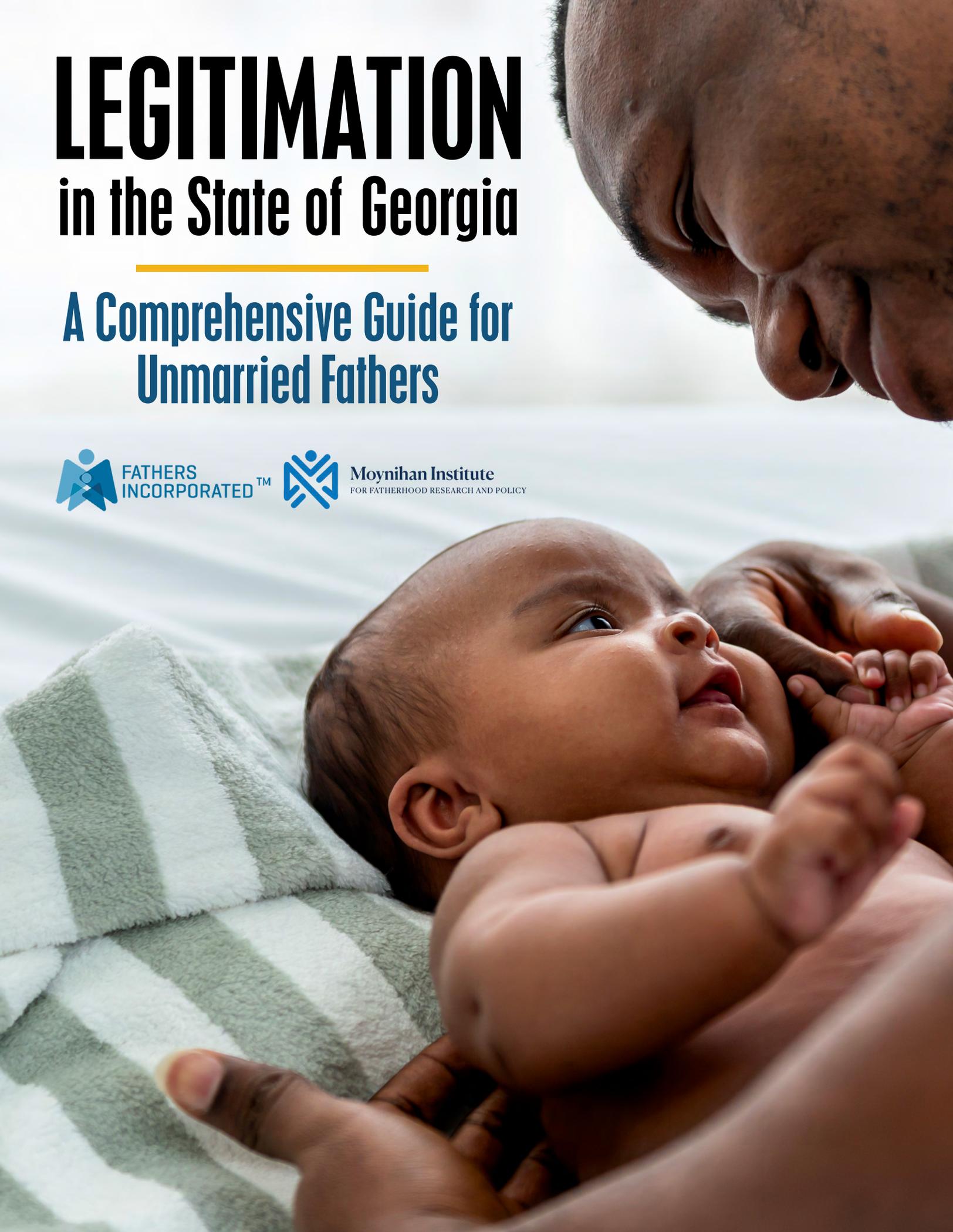


# LEGITIMATION in the State of Georgia

## A Comprehensive Guide for Unmarried Fathers



Moynihan Institute  
FOR FATHERHOOD RESEARCH AND POLICY



# Investment in Your Child's Future



Dear Dad,

Taking the first steps toward legitimating your child is an act of love, courage, and commitment. It's a journey that not only acknowledges your role as a father but also strengthens the bond between you and your child.

As you embark on this path, remember that your decision to seek legitimation speaks volumes about your dedication to your child's well-being and your willingness to be present in their life. It's an opportunity for you to embrace your responsibilities and provide the love, support, and guidance your child deserves.

The road ahead may seem daunting but know that you are not alone. There are countless other fathers who have walked this path before you and have emerged stronger, more connected, and more engaged in their children's lives. Your efforts to legitimize your child will help ensure their emotional, social, and financial well-being, paving the way for a brighter future together.

Keep in mind that the love and presence of a father can have a lasting impact on a child's life, shaping their character, confidence, and resilience. As you pursue legitimation, you're not only standing up for your rights as a father but also ensuring that your child grows up knowing they are cherished, valued, and supported by both parents.

In moments of doubt, remind yourself that this process is an investment in your child's future and a testament to the love you have for them. Hold on to the vision of the beautiful moments and memories that await you both as you embrace your role as a father and a vital figure in your child's life.

Stay strong, stay committed, and remember – you're taking this brave step for the love of your child, and that in itself makes you an incredible father. Wishing you strength and inspiration on this journey,

A handwritten signature in black ink that reads "Kenneth Braswell". The signature is written in a cursive, slightly slanted style.

Kenneth Braswell  
CEO, Fathers Incorporated

## Executive Summary

# IN THE STATE OF GEORGIA,

legitimation is the legal process through which an unmarried father can establish his legal rights and responsibilities as a parent. This guide aims to provide a detailed understanding of the legitimation process in Georgia, including the steps involved, the benefits of legitimation, and the potential consequences of not pursuing legitimation.



# 1

## INTRODUCTION

The concept of legitimation arises from the legal presumption that children born to unmarried parents do not have a legal father. **Legitimation in Georgia is a crucial process that enables unmarried fathers to establish their legal rights and responsibilities towards their children.**

# 2

## THE IMPORTANCE of Legitimation for Unmarried Fathers

Legitimation is essential for unmarried fathers in Georgia for several reasons. It enables them to establish legal paternity, which in turn allows them to:

- 1. Seek custody or visitation rights**
- 2. Make decisions about the child's upbringing, education, and healthcare**
- 3. Be included in the child's birth certificate**
- 4. Pass on inheritance rights and social security benefits to the child**

# 3

## THE LEGITIMATION Process in Georgia

### **A. Filing a Petition for Legitimation:**

The first step in the legitimation process is for the father to file a petition for legitimation with the superior court in the county where the child's mother resides. The petition must include the names and addresses of both the father and the mother, the child's name and birth date, and the relief sought (e.g., custody or visitation rights).

### **B. Service of Process and Answering the Petition:**

After filing the petition, the father must ensure that the child's mother is served with a copy of the petition and a summons. The mother then has 30 days to respond to the petition, either by agreeing to the legitimation or contesting it.

### **C. Court Proceedings and the Judge's Decision:**

If the mother contests the petition, the court may schedule a hearing, during which both parties can present evidence and testimony. The judge will then decide whether to grant the legitimation petition based on the best interests of the child. Factors considered by the court may include the father's relationship with the child, his ability to provide financial and emotional support, and his willingness to assume parental responsibilities.

# 4

## CONSEQUENCES

of Failing to Legitimate a Child

Failing to legitimate a child can result in several negative consequences for the father, such as:

1. **Inability to seek custody or visitation rights**
2. **Lack of legal authority to make decisions about the child's upbringing, education, and healthcare**
3. **Exclusion from the child's birth certificate**
4. **Inability to pass on inheritance rights and social security benefits to the child**

# 5

## THE ROLE

of Paternity Acknowledgment

While paternity acknowledgment can establish legal paternity, it does not automatically grant the father the rights and responsibilities associated with legitimation. **Unmarried fathers must still pursue the legitimation process to obtain the full range of legal rights and responsibilities.**

# 6

## CONCLUSION

In the State of Georgia, legitimation is a critical process for unmarried fathers who wish to establish their legal rights and responsibilities towards their children. Unmarried fathers should consider seeking legal counsel to help navigate the complex process of legitimation and ensure the best possible outcome for themselves and their children. **By legitimating their children, fathers can play an active role in their lives and contribute positively to their growth and development.**



# Overview of Legitimation Services



## Provided by Fathers Incorporated through its Gentle Warriors Academy

Fathers Incorporated, a non-profit organization dedicated to promoting responsible fatherhood and strengthening families, offers a range of services aimed at assisting unmarried fathers with the legitimation process in Georgia. Through its Gentle Warriors Academy, Fathers Incorporated provides comprehensive support and guidance to help fathers navigate the complexities of establishing their legal rights and responsibilities as parents. These services are as follows:

- 1 Guidance and Assistance:** The Gentle Warriors Academy offers guidance and assistance to help unmarried fathers understand their rights and responsibilities under Georgia law. This includes providing information on the legitimation process, offering advice on how to file a petition for legitimation, and helping fathers access the necessary forms and resources to pursue legitimation.
- 2 Educational Workshops and Seminars:** Fathers Incorporated conducts educational workshops and seminars aimed at increasing fathers' awareness of the importance of legitimation and the potential consequences of not pursuing legitimation. These workshops cover the benefits of establishing legal paternity, the impact of legitimation on child custody and visitation rights, and the role of paternity acknowledgment in the legitimation process.
- 3 Fatherhood Development Programs:** The Gentle Warriors Academy offers fatherhood development programs through its Next Level Curriculums designed to empower unmarried fathers to take an active role in their children's lives. These programs focus on building parenting skills, enhancing communication and conflict resolution abilities, and fostering a positive relationship between the father and the child. Participation in these programs can help demonstrate a father's commitment to responsible fatherhood during the legitimation process.
- 4 Support Groups and Peer Networking:** Fathers Incorporated provides support groups and networking opportunities for unmarried fathers to share their experiences and challenges related to the legitimation process. These peer support networks can offer valuable emotional support, encouragement, and practical advice as fathers navigate the complexities of establishing their legal rights and responsibilities.
- 5 Case Management and Referral Services:** The Gentle Warriors Academy offers case management services to help fathers access the resources and services they need throughout the legitimation process. This includes referrals to legal service providers, mediation services, and other community-based resources that can assist fathers in pursuing legitimation and becoming active, responsible parents.

Fathers Incorporated, through its Gentle Warriors Academy, provides essential legitimation services for unmarried fathers in Georgia. These services aim to educate, support, and empower fathers as they navigate the complex process of establishing their legal rights and responsibilities. By offering guidance, educational programs, support groups, and case management services, Fathers Incorporated helps fathers build a strong foundation for their relationships with their children and fosters a culture of responsible fatherhood.

# Preparing a Petition



## When preparing to file a petition for legitimation in Georgia, a father should be ready with the following:

- 1. CHILD'S BIRTH CERTIFICATE:** Obtain a certified copy of the child's birth certificate, which includes important information such as the child's full name, date of birth, and place of birth.
- 2. FATHER'S IDENTIFICATION:** Provide valid identification, such as a driver's license or passport, to verify the father's identity.
- 3. MOTHER'S CONTACT INFORMATION:** Gather the child's mother's full name, current address, and other relevant contact information required for the petition and service of process.
- 4. COMPLETED PETITION FORM:** Obtain and complete the petition for legitimation form, which may be available from the superior court in the county where the child's mother resides or on the court's website.
- 5. LEGAL DESCRIPTION OF RELIEF SOUGHT:** Clearly outline the specific relief sought in the petition, such as custody, visitation rights, or the authority to make decisions about the child's upbringing, education, and healthcare.
- 6. PATERNITY ACKNOWLEDGMENT (or acquire DNA Test):** If the father has signed a paternity acknowledgment form, include a copy of this document with the petition as evidence of established legal paternity.
- 7. PROOF OF RELATIONSHIP:** Gather any documentation or evidence that demonstrates the father's relationship with the child, such as photographs, correspondence, or records of financial support.
- 8. FILING FEE:** Be prepared to pay the appropriate filing fee for the petition, which may vary depending on the county. Contact the local superior court in the county your child resides for information on the exact fee amount.
- 9. PLANS FOR SERVING THE PETITION:** Develop a plan for serving the petition and summons to the child's mother, which may involve using a private process server, the local sheriff's office, or another legally approved method. It is important to know the current address of the co-parent.
- 10. LEGAL REPRESENTATION:** Consider retaining a family law attorney to assist with the legitimation process, particularly if the case may involve contested issues or complex legal matters. An attorney can provide valuable guidance and representation throughout the process, helping to ensure the father's rights and interests are protected.

By gathering these materials and information, a father can better prepare himself for filing a petition for legitimation in Georgia and increase the likelihood of a successful outcome.

# Legitimation and Mom



**When preparing a mother who will be served with a petition for legitimation, it's essential to keep communication open, clear, and respectful. Here are some of the best ways to prepare her:**

- 1. HAVE AN OPEN CONVERSATION:** Discuss the father's intention to file a petition for legitimation with the mother. Clearly explain the reasons for seeking legitimation and how it will benefit the child, such as by establishing legal paternity, securing the child's inheritance rights, and enabling the father to play a more active role in the child's life.
- 2. PROVIDE INFORMATION:** Share information about the legitimation process and what it entails so the mother knows what to expect. This includes an explanation of her role in the process, her rights, and the potential outcomes.
- 3. BE SUPPORTIVE:** Offer emotional support and understanding, as the mother may feel apprehensive or uncertain about the process. Encourage open dialogue and cooperation to ensure the best interests of the child are considered.
- 4. OFFER REASSURANCE:** Address any concerns or fears the mother may have about the father's involvement in the child's life. Reassure her that the father's goal is to contribute positively to the child's upbringing and well-being.
- 5. DISCUSS POTENTIAL OUTCOMES:** Talk about possible outcomes of the legitimation process, including custody and visitation arrangements. Work together to find common ground and develop a parenting plan that benefits the child and maintains a sense of stability.
- 6. ENCOURAGE LEGAL CONSULTATION:** Recommend that the mother consults with a family law attorney to ensure that her rights and interests are protected throughout the legitimation process. This can also help her better understand the legal aspects of the process.
- 7. MAINTAIN RESPECTFUL COMMUNICATION:** Throughout the process, maintain open and respectful communication with the mother. This can help create a positive atmosphere for cooperation and mutual understanding.
- 8. PREPARE FOR THE SERVICE OF PROCESS:** Inform the mother that she will be served with the petition and summons, and explain what this entails. This will help her know what to expect and how to respond appropriately.
- 9. HAVE A VALID EXPLANATION:** If you are challenged with providing an acceptable or understandable explanation; refer them to a case manager at Fathers Incorporated.

By taking these steps, a father can help prepare a mother for the legitimation process, fostering an atmosphere of cooperation and support. This can ultimately benefit both parents and the child, as it promotes a healthy co-parenting relationship and ensures the child's best interests are prioritized.

# Legitimation Myth Busters



**MYTH:** Signing the birth certificate automatically grants the father legal rights.

**TRUTH:** In Georgia, being listed as the biological father on a child's birth certificate does not automatically grant the father legal rights and responsibilities. The father must go through the legitimation process to establish legal paternity, parental rights, and responsibilities, such as decision-making authority and custody rights.



**MYTH:** Legitimation is only about securing child support payments from the father.

**TRUTH:** While legitimation does help ensure that the father provides financial support to the child, the process encompasses much more. Legitimation establishes the legal relationship between the father and the child, granting the father the right to participate in decision-making for the child's well-being, seek custody or visitation rights, and provide emotional support. Legitimation also benefits the child by granting inheritance rights and access to the father's family medical history.



**MYTH:** Legitimation is a complicated and lengthy process that isn't worth pursuing.

**TRUTH:** While the legitimation process can be complex, it is essential for establishing legal paternity and securing the rights and benefits for both the father and the child. With proper guidance and support from a family law attorney or an organization that provides legitimation assistance, the process can be manageable and well worth the effort. The benefits of legitimation far outweigh any challenges, as it helps to strengthen the bond between the father and the child and provides emotional, financial, and legal security for the family.



**MYTH:** Legitimation is a way for fathers to take children away from their mothers.

**TRUTH:** The purpose of legitimation is not to remove children from their mothers' care, but rather to establish the legal relationship between the father and the child, and ensure that both parents share rights and responsibilities. The legitimation process allows the father to participate in decision-making, seek custody or visitation rights, and provide emotional and financial support. Legitimation aims to create a stable and healthy co-parenting environment, ensuring that the child's best interests are met by involving both parents in their upbringing.

# More Information



## MICHELLE LOCKHART

Our Legitimation Specialist, Michelle Lockhart, is here to assist you with all your questions and concerns. With her knowledge and expertise, Michelle can provide you with valuable insights and resources to help protect your rights as a father and ensure the best possible outcome for you and your child.

Don't hesitate to reach out to Michelle Lockhart for more information and guidance on the legitimation process. You can contact her at 770.804.9800 or by email at [mlockhart@fathersincorporated.com](mailto:mlockhart@fathersincorporated.com). Remember, you're not alone on this journey, and we're here to support you every step of the way.

Wishing you all the best,

*Michelle Lockhart*

Michelle Lockhart

## RESOURCES

### Dads Pad Blog

<http://www.dadspadblog.com>

### Fathers Incorporated

<https://www.fathersincorporated.com/>

### Fulton County Courts, Georgia

<https://jrc.fultoncourt.org/>

### Gentle Warriors Academy

<https://gentlewarriorsacademy.com/>

770.904.9800

### Georgia Resource Center

<https://www.garesource.org/>

404.222.9202

### Georgia State Legitimation, Father Engagement and Youth Academic Outcomes

<https://fathersincorporated.com/state-legitimation-report/>

### I Am Dad Podcast

<https://www.iamdadpodcast.com/>

770.904.9800

### National Responsible Fatherhood Clearinghouse

<https://www.fatherhood.gov/>

### ParentHelp

<https://nationalparenthelp.wordpress.com/>

### The Moynihan Institute for Fatherhood Research and Policy

<https://themoynihaninstitute.com>

### Understanding the Pathway to Legal Rights for Non-Married Dads in Georgia

<https://bit.ly/FILegitimationModule>



*Check it out!*



## **DISCLAIMER: LET'S GET A FEW THINGS STRAIGHT!**

This informative presentation is not designed to debate the moral or ethical character of the courts, the child support system, the government, or mothers. We are not here to debate the validity of your parenting status, pending legitimation action, or any other government action or child support case.

This information was obtained with FI's partnership with family attorneys and agency resources.

**This is not (a) legal advice.**



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