

Instructions to File Petition to Establish Paternity and Child Support

The following information is being provided to you to help guide you through the process of properly initiating and filing all the documents that are required by the Superior Courts to be filed to commence your Petition to Establish Paternity and Child Support case.

PLEASE NOTE THAT YOU MAY NEED AN ATTORNEY IF:

- The case becomes contested, and the other party has a lawyer.
- You cannot find the Defendant to serve him or her with your papers.
- You think you will have difficulty getting information and documents from the other party.

Even if the other party is cooperating with you, you should talk to a lawyer before you sign any settlement papers or file anything in Court.

The information contained in these instructions are broken-down in the following subject areas:

SECTION I: Complete the Domestic Relations Filing Information and Final Disposition Forms.

SECTION II: Complete Summons Form.

SECTION III: Complete the Petition To Establish Paternity and Child Support and the Verification form.

SECTION IV: Complete the Rule Nisi

SECTION V: Complete the Financial Affidavit

SECTION VI: Pay the filing fee.

SECTION VII: File the forms.

Please follow ALL instructions and DO NOT skip any steps in the process as this may delay the initiation and/or disposition of your case by the Court.

I. Complete the Domestic Relations Filing Information and Final Disposition forms

These forms are required by Georgia Law, at O.C.G.A. § 9-11-133. They help the Clerk of Court keep statistical information about the number and types of cases decided in our local courts. The clerks use this information to prepare case management reports for the Chief Judge of each circuit and for the Chief Justice of the Georgia Supreme Court. This information helps the State run the court system more efficiently.

STEP 1: Complete the Domestic Relations Intake Form – To complete this form, please follow the below information:

1. COUNTY - In the top line, fill in the county where you are filing, and the date filed. The case will be filed in the county in which the alleged father resides, except that, if the

alleged father is not a resident of this state, the action shall be brought in the county in which the child resides.

2. PLAINTIFF and DEFENDANT - In the second line, fill in the names of the Plaintiff and Defendant. For the name of the Petitioner/Plaintiff, this will be the name of the mother filing the Petition to Establish Paternity and Child Support. For the name of the Respondent/Defendant, this will be the name of the alleged father.
3. PLAINTIFF/PETITIONER'S ATTORNEY - Where it says "Plaintiff/Petitioner's Attorney," check the box which says Pro Se. This indicates to the Court that you are representing yourself without an attorney.
4. TYPE OF CASE - In the large left-hand box, check off what kind of case this is. Since this is a paternity action, you will check " Paternity (includes legitimation)."
5. FAMILY VIOLENCE QUESTION - In the right-hand box, indicate whether or not you are asking for relief from family violence by checking yes or no in the appropriate boxes.

STEP 2: Complete the Final Disposition Form – The purpose of this form is to tell how your case ends. Since your case is not over, you should NOT fill in the information in the three big boxes at the bottom of the page. At this point, you do not know how your case will end. To complete this form, please follow the below information:

1. COUNTY - In the top line, ONLY fill in the county where you are filing. You do not yet know the date disposed, since you have not yet received a final order from the Judge.
2. DOCKET #/CIVIL ACTION NO. - Leave the second line, "Docket #," blank. The clerk will assign this number.
3. REPORTING PARTY - Write your name where it says, "Reporting party."
4. PLAINTIFF and DEFENDANT - Fill in the names of the Plaintiff and Defendant. For the name of the Petitioner/Plaintiff, this will be the name of the mother filing the Petition to Establish Paternity and Child Support. For the name of the Respondent/Defendant, this will be the name of the alleged father.
5. PLAINTIFF/PETITIONER'S ATTORNEY - Where it says Plaintiff/Petitioner's Attorney, you will fill in your name. This shows the Court that you are representing yourself. Since you are not a licensed attorney, you do not have a Bar #, so you can leave those blanks empty.

- II. **Complete the Summons Form** - A summons is a form prepared by the plaintiff and issued by a court that informs the defendant that they are being sued or are required to appear in court. The summons tells the defendant that they have 30 days from the date of receiving the summons to respond to the claims made in the plaintiff's complaint. In Georgia, a summons is usually hand-delivered to the defendant at his or her home. The server is usually the county sheriff or some other officer of the court. To complete this form, please follow the below information:

STEP 1: COUNTY: Fill in the County where the case will be filed by you. The case will be filed in the county in which the alleged father resides, except that, if the alleged father is not a resident of this state, the action shall be brought in the county in which the child resides.

STEP 2: PETITIONER/PLAINTIFF - Fill in the name of the Petitioner/Plaintiff. This is the name of the mother filing the Petition to Establish Paternity and Child Support.

STEP 3: RESPONDENT/DEFENDANT - Fill in the name of the Respondent/Defendant. This is the name of the alleged father.

STEP 4: CIVIL ACTION NO. - The "Civil Action No." is the case number that will be assigned by the Clerk of the Superior Court in the county in which the case is filed. You **DO NOT** need to write anything in this space prior to filing your case.

STEP 5: YOUR CONTACT INFORMATION – In the middle of the Summons Form you will see a paragraph that reads "You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:" Under this paragraph, please add the following information about you:

- a. Your name.
- b. Your full Street Address, City, State and Zip Code.
- c. Your phone number.
- d. Your email address.

III. **Complete the Petition to Establish Paternity and Child Support and Verification Form**

STEP 1: CASE CAPTION - Fill out the case caption at the top of the Petition to Establish Paternity and Child Support as follows -

1. **COUNTY:** (If necessary) Fill in the County where the case will be filed by you. The case will be filed in the county in which the alleged father resides, except that, if the alleged father is not a resident of this state, the action shall be brought in the county in which the child resides.
2. **PETITIONER:** Fill in the name of the Petitioner. This is the name of the mother filing the Petition to Establish Paternity and Child Support.
3. **RESPONDENT:** Fill in the name of the Respondent. This is the name of the alleged father.
4. **CIVIL ACTION NO.:** The "Civil Action No." is the case number that will be assigned by the Clerk of the Superior Court in the county in which the case is filed. You **DO NOT** need to write anything in this space prior to filing your case.

STEP 2: INTRODUCTION PARAGRAPH - Fill out the introduction paragraph by inserting the name of the Petitioner in the blank space.

STEP 3: PARAGRAPH 1 - Fill out paragraph 1 by inserting the County of residence of the Petitioner in the blank space.

STEP 4: PARAGRAPH 2 - Fill out paragraph 2 by first inserting the County of residence of the Respondent and the Respondent's full street address, city, county, and zip code in the blank spaces.

STEP 5: PARAGRAPH 3 - Fill out paragraph 3 by first inserting the expected birth date of your unborn child in the blank spaces.

After you have completed Step 5, skip down to the end of the Petition to Establish Paternity and Child Support to the signature page and follow the instructions in STEP 6 below.

STEP 6: SIGNATURE - To complete the Petition to Establish Paternity and Child Support, please fill out the rest of this form as follows:

- a. Fill out the day and month that you are signing the signature page in the blank spaces.
- b. Sign your name on the bold signature line.
- c. Neatly print your name under the signature line in the blank space.
- d. Under your name, please neatly write your full Street Address, City, State and Zip Code in the blank space provided.
- e. Under your address enter your phone number in the blank space.
- f. Under the phone number enter your email address in the blank space.

*****Please complete all the information under your signature on the signature page. The Court will use your address to send a notices and documents from your case.**

STEP 7: VERIFICATION - You must execute and attach the Verification form to complete your Petition to Establish Paternity and Child Support. By completing the Verification form (p. 8 of the forms packet), you are swearing that everything you said in your complaint is true. Please fill out the verification as follows:

1. CASE CAPTION: Fill out the case caption at the top of the Petition to Establish Paternity and Child Support as follows -
 - a. COUNTY: Fill in the County where the case will be filed by you. The case will be filed in the county in which the alleged father resides, except that, if the alleged father is not a resident of this state, the action shall be brought in the county in which the child resides.
 - b. PETITIONER: Fill in the name of the Petitioner. This is the name of the mother filing the Petition to Establish Paternity and Child Support.

- c. RESPONDENT: Fill in the name of the Respondent. This is the name of the alleged father.
 - d. CIVIL ACTION NO.: The “Civil Action No.” is the case number that will be assigned by the Clerk of the Superior Court in the county in which the case is filed. You **DO NOT** need to write anything in this space prior to filing your case.
2. VERIFICATION PARAGRAPH: Please print your name on the first line of this paragraph in the blank space.
3. DATE AND YOUR SIGNATURE: Your execution of the Verification must be done in front of a Georgia certified Notary Public. DO NOT execute your Verification unless it is done in the presence of a Notary Public.

Once you are in the presence of a Notary Public, please follow complete the Verification as follows:

- a. Fill out the day and month that you are signing the signature page.
 - b. Sign your name on the bold signature line
 - c. Neatly print your name under the signature line
 - d. Under your name, please neatly write your full Street Address, City, State and Zip Code.
 - e. Under your address enter your phone number
 - f. Under the phone number enter your email address
4. NOTARY STATEMENT: Once you have completed STEP 7.1 through STEP 7.3, the Notary Public will execute the Verification and swear that you executed the form in their presence the Verification will be complete.

STEP 8: ATTACH VERIFICATION TO PETITION – Once you have executed the Verification form, attached the Verification, and include as the last page of your Petition to Establish Paternity and Child Support. The Court will not accept your Petition to Establish Paternity and Child Support without the Verification included as the last page.

- IV. **Complete the Rule Nisi Form** - The term “Rule Nisi” means “to show cause.” Its purpose is to notify an opposing party that a hearing is going to occur. Giving the other party notice allows them to prepare for the hearing so that they can adequately respond or defend themselves, as needed. Please fill out the verification as follows:

Check the box to show whether you are bringing your case in Superior Court. Fill in the names of the Plaintiff and Defendant. Sign at the bottom where it says “Presented by _____ Plaintiff *pro se*.”

- V. Complete the Domestic Relations Financial Affidavit** - At the time of filing any action for temporary or permanent child support, alimony, equitable division of property, modification of child support or alimony or attorney's fees, the filing party shall file with the Clerk of Court the affidavit specifying his or her financial circumstances in the form set forth herein and, in cases involving child support, the schedules required by O.C.G.A. § 19-6-15 (effective January 1, 2007, as thereafter amended or revised), and shall serve the same upon the opposing party.

Notice of the date of any temporary hearing shall be served upon the adverse party at least 15 days before the date of the hearing, unless otherwise ordered by the court.

The opposing party shall serve the affidavit specifying his or her financial circumstances in the form set forth herein and the schedules, where applicable, and shall file with the Clerk of Court and exchange this information with the opposing party:

- a. at least five days prior to any temporary hearing;
- b. at least five days prior to any court ordered mediation; or
- c. with his or her answer or thirty days after service of the complaint, whichever first occurs, if no application for a temporary award is made and the parties do not participate in mediation prior to trial.

Any amendments to the affidavits or schedules shall be exchanged at least 10 days prior to hearing or trial.

Each party shall submit the proposed worksheet required by O.C.G.A. § 19-6-15 (effective January 1, 2007 and as amended or revised thereafter) at the time of hearing or trial.

On the request of either party, and upon good cause shown to the court, the affidavits, worksheets, schedules, and any other financial information may be sealed, upon order of the court.

No social security numbers or account numbers shall be included in any document filed with the Court.

Failure of any party to furnish the above financial information, in the discretion of the court, may subject the offending party to the penalties of contempt and may result in continuance of the hearing until such time as the required financial information is furnished or such other sanctions or remedies deemed appropriate in the court's discretion.²

The affidavit shall be under oath.

Provide an answer to the three questions by checking the appropriate boxes.

The affidavit asks you to give information about monthly income and expenses.

If your income is not the same every month, divide last year's income by 12 to get an estimate. For expenses such as car insurance which may not come due every month, divide the yearly amount by 12 to get the monthly amount. Fill in all the financial information which is requested on the form.

\The income information which you enter on this form must be supported by proof. The Court will not accept your papers for filing without proof of income such as W-2, 1099, most recent tax returns.

- VI. **Paying the Filing Fee** - Unless the filing fee is waived by the Superior Court, there is a filing fee payable in the Clerk of the Superior Court for the County in which you intend to file. You must pay this fee when you file your Petition unless you also file a Poverty Affidavit. In addition, you must pay a fee to have the Sheriff's department serve the papers on the Respondent/Defendant.

- VII. **Filing the Forms** - Prior to filing your Petition to Establish Paternity and Child Support and all other documents, it is suggested that you make two (2) copies of all the ORIGINAL documents and bring the two (2) copies of each document with you when you file your ORIGINAL COPIES. Give the Clerk of the Superior Court your ORIGINAL and the two (2) copies. The Clerk will assign a number (i.e. the "civil action number") to your case and will write in the number on your documents. The clerk will then stamp the documents to show that your complaint has been filed and will give you your copy for your records. The original will remain with the Court. The other copy will be given to the alleged father.