

IN THE SUPERIOR COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

\_\_\_\_\_

Petitioner,

vs.

\_\_\_\_\_

Respondent.

Civil Action

Case Number \_\_\_\_\_

**PETITION FOR DECLARATION OF CUSTODY**

My name is \_\_\_\_\_ and I am filing this Petition for a Declaration of Custody pursuant to O.C.G.A. § 9-4-2 and § 19-9-61. In support of my case, I show the following:

1. I am a resident of Gwinnett County and have been a resident of Georgia for the past six months.
2. The Respondent is \_\_\_\_\_, and is the father of my child(ren). We are not married and were never married.
3. The Respondent  has  has not signed an acknowledgment of paternity at the time of the child(ren)'s birth or within one year of the child(ren)'s first birthday.
4. The Respondent and I  have  have not voluntarily consented to legitimation at the time of the child(ren)'s birth, or within the child(ren)'s first birthday.

5. The Respondent  has  has not filed a court action for legitimation.
6. The Respondent  is  is not listed on the child(ren)'s birth certificate(s) as the father.
7. **Service of Process:** The Defendant shall be served as provided under OCGA § 9-11-4, in the following manner:

*[Check only one of the following, either (a), (b), or (c).]*

- (a) The Respondent has acknowledged service of process. I am filing the *Acknowledgment of Service* (which has been signed by the Defendant) with this *Complaint*.
- (b) The Respondent may be served by the Sheriff's Department at the Defendant's residence/work address, which is:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- (b-1) *[Check only if the Defendant lives outside Gwinnett County.]* The Respondent resides outside of Gwinnett County, and shall therefore be served by second original, as provided under OCGA § 9-10-72. Service shall be made by the sheriff's department of the county where the Defendant resides.
- (c) The Respondent's whereabouts are unknown to me. I am filing my *Affidavit of Due Diligence* with this *Complaint*. The Defendant shall be served by publication as provided under OCGA § 9-11-4(e)(1) for those who cannot be found within the State of Georgia. To the best of my knowledge, the Defendant's last known address is:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. **Children.** The Respondent and I are the parents of \_\_\_\_\_ minor children, who is/are:

Name	Male/Female	Year of Birth

9. **Children’s Current Residence:**

Child(ren)’s current address: \_\_\_\_\_

City, State ZIP \_\_\_\_\_

County: \_\_\_\_\_

The child(ren) has/have lived at this address since approximately (month and year): \_\_\_\_\_

10. **Children’s Past Residences:**

During the past five years, the children have lived at the following addresses:

<u>Dates at Address</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____

**11. People With Whom Children Have Lived:**

During the past five years, the children have lived with the following people:

<u>Name of Person</u>	<u>Person's Current Address</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**12. Other Court Cases About Children:**

*[Check only one of the following, either (a) or (b).]*

(a) I have never participated as a party or a witness or in any other capacity in any other litigation concerning the custody of or visitation with the minor children in this or any other state.

(b) I have participated in other litigation concerning the custody of the minor children in Georgia or another state. The court, case number and date of any order concerning custody or visitation under the other litigation are as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**13. Other Proceedings That Could Affect Custody or Visitation in This Case:**

*[Check only one of the following, either (a) or (b).]*

(a) I do not have any information of any proceeding that could affect this case, including proceedings for enforcement and proceedings relating to family violence, protective orders, termination of parental rights, and adoptions in this or any other state.

- (b) I have information about a proceeding that could affect this case, including proceedings for enforcement and proceedings relating to family violence, protective orders, termination of parental rights, or adoptions in this or another state. The court, the case number and the nature of the proceeding are as follows:

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14. Pursuant to O.C.G.A. § 19-7-25, Only the mother of a child born out of wedlock is entitled to custody of the child, unless the father legitimates the child as provided in Code Section 19-7-21.1 or 19-7-22. Otherwise, the mother may exercise all parental power over the child.

15. O.C.G.A. § 19-7-21.1 (e) provides further, “[v]oluntary acknowledgment of legitimation shall not authorize the father to receive custody or visitation until there is a judicial determination of custody or visitation.”

16. I am a fit and capable parent and otherwise qualified to have sole legal and physical custody of the child(ren) and act in the best interest of the child(ren). Therefore, I am asking this Court to issue an order declaring my right to sole legal and physical custody of the child.

WHEREFORE, the Petitioner requests relief as follows:

- a) That this Court enter an order pursuant to O.C.G.A. § 19-7-25 declaring Plaintiff’s right to sole legal and physical custody of the minor child(ren) of the parties;

- b) That a Rule Nisi be set to grant the relief sought; and
- c) That the Court order any and all other relief that the Court finds appropriate.

Dated: \_\_\_\_\_

\_\_\_\_\_

Petitioner, Pro se (Signature)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

SUPERIOR COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

_____, Petitioner,	Civil Action
vs.	Case Number _____
_____, Respondent.	

**VERIFICATION**

PERSONALLY APPEARED BEFORE ME, the undersigned officer authorized to administer oaths, the above-named Petitioner, who after having been duly sworn, on oath depose and states that the facts contained in the foregoing *Petition for Declaration of Sole Custody* are true and correct.

Dated: \_\_\_\_\_  
\_\_\_\_\_ Petitioner *Pro se* (Signature)

Subscribed and sworn before me on  
\_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public