

INSTRUCTIONS FOR ESTABLISHING THE PATERNITY OF YOUR CHILD

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.

STEP 1: Complete the Domestic Relations Filing Information and Final Disposition Forms.

STEP 2: Complete the Complaint for Determination of Paternity.

STEP 3: Complete the Verification form.

STEP 4: Complete the Rule Nisi

STEP 5: Complete the Certificate of Service.

STEP 6: Complete the Financial Affidavit; produce proof of income

STEP 7: Ask for genetic tests, if necessary

STEP 8: Pay the filing fee.

STEP 9: File the forms.

STEP 10: Prepare your case for trial (if it is contested).

STEP 11: Receive the Final Judgment.

STEP 1: 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. In short, having this information helps us to run the court system more efficiently for you.

The filing information form

- a. In the top line, fill in the county where you are filing and the date filed.
- b. In the second line, fill in the names of the Plaintiff and Defendant.
- c. Where it says "Plaintiff/Petitioner's Attorney," check the box which says Pro Se. This indicates that you are representing yourself without an attorney.
- d. 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)."
- e. 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.

The final disposition form

The purpose of this form is to tell how your case ends. Since your case is far from over, you should NOT fill in the information in the three big boxes at the bottom of the page. At this point, we do not know how your case will end.

- a. In the top line, fill in only the county where you are filing. We do not yet know the date disposed, since you have not yet received a final order from the judge.
- b. Leave the second line, "Docket #," blank. The clerk will assign this number.
- c. Write your name where it says "Reporting party."
- d. Write down the full names of the Plaintiff and Defendant.
- e. Where it says Plaintiff/Petitioner's Attorney, you will check the box which says Pro Se. This shows that you are representing yourself. Since you are not a licensed attorney, you do not have a Bar #, so leave those blanks empty.

STEP 2: Complete the Complaint for Determination of Paternity.

Fill in your full name as the Plaintiff and the Defendant's full name as Defendant. **Do not fill in where it says Civil Action File No. The clerk will assign a number to your case when you file your complaint.** Then insert your name in the space provided just before paragraph one (1).

Paragraph 1: Venue.

The word venue originally meant neighborhood. Today, venue means the proper place to hold a trial based on issues such as fairness and convenience to the parties, as well as the county's connection to the events in dispute. **Choose only one letter from below.**

Choose a) if the Defendant lives in the county where you are filing your papers, and has signed an acknowledgement of service form (which is on p. 9 of the forms packet).

Choose b) if the Defendant lives in a county other than where you are filing and the Defendant will agree to having the case heard in the county where you are filing; or if the Defendant lives outside the state and the Defendant will agree to having the case heard in the county where you are filing. In order to show his or her agreement to the county where you are filing, the Defendant will sign an **Acknowledgement of Service/Affidavit of Waiver of Venue and Personal Jurisdiction** (which is on p.10 of the forms packet).

Choose c) if the Defendant lives in the county where you are filing your papers, and you intend to have him or her served by the Sheriff. Check the box to show whether you are having the Defendant served at home or at work. In the blank provided, fill in the address where you will have him or her served. You will use the Certificate of Service (which is on p. 12 of the forms packet) to have the Defendant served.

Choose d) if the Defendant is subject to Georgia's long arm statute. The long arm statute gives a Georgia court personal jurisdiction over a non-resident defendant **ONLY IF** he or she had enough contacts with the state.

In this situation, the Defendant will be served by second original. The clerk will stamp a copy of your Complaint "Second Original." These papers will be forwarded to the sheriff of the Defendant's county of residence and served by the local Sheriff. You will need to make arrangements to pay the Sheriff's department which serves the papers.

Paragraph 2: Child born or unborn.

Choose a) if the child has already been born. Fill in the name of the Defendant, the name of the child, and the child's date of birth.

Choose b) if the child is unborn. Fill in the name of the Defendant and the expected due date of the child.

Paragraph 3: Plaintiff's identity.

Check the box beside a). Fill in the child's name and date of birth.

Paragraph 4: Child's residence.

Check the box beside paragraph 4. Fill in the address of the Plaintiff Mother and the minor child.

Paragraph 5: Plaintiff's entitlement to custody.

Check the box beside paragraph 5.

Paragraph 6: Plaintiff's entitlement to child support.

Check the box beside paragraph 6.

Paragraph 7: Guardian ad litem.

Check the box beside paragraph 7.

Paragraph 8: Child as a party.

Check the box beside paragraph 8.

Paragraph 9: Fees of Attorney and Guardian ad litem.

Check the box beside paragraph 9. Check the box to indicate whether the Plaintiff is male or female.

Paragraph 10: Paternity testing.

Check the box beside paragraph 10.

