

DECLARATION OF SOLE CUSTODY PACKET

IMPORTANT NOTE ABOUT THIS PACKET

This packet is intended for mothers attempting to obtain a passport for a minor child born out of wedlock. These forms cannot be used if there is already a child custody order in place.

HELPFUL HINTS:

- Petitioner:** The first and last name of the person who is filing this action
- Respondent:** The other party's first and last name
- Case Number:** Leave this field blank if you are preparing to file a new case

**IN THE SUPERIOR COURT OF ROCKDALE COUNTY
STATE OF GEORGIA**

Petitioner

Vs

**CIVIL ACTION
FILE NO:** _____

Respondent

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 Rockdale 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 (choose one) signed an acknowledgement 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 (choose one) 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 (choose one) filed a court action for legitimation.
6. The Respondent is is not (choose one) listed on the child(ren)'s birth certificate(s) as the father.

7. **Service of Process:** The Respondent 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 Respondent) with this *Complaint*.
- (b) The Respondent may be served by the Sheriff's Department at the Respondent's resident/work address which is:

(b-1) (*Check only if the Respondent lives outside Rockdale County.*) The Respondent resides outside of Rockdale 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 Respondent resides.

- (c) The Respondent's whereabouts are unknown to me. I am filing my *Affidavit of Due Diligence* with this *Complaint*. The Respondent shall be served by publication as provided under § 9-11-4(e)(1) for those who cannot be found within the State of Georgia. To the best of my knowledge, the Respondent's last known address is:

8. **Child(ren):** The Respondent and I are the parents of _____ minor children, who is/are:

| NAME OF CHILD | MALE / FEMALE | YEAR OF BIRTH |
|---------------|---------------|---------------|
| | | |
| | | |
| | | |
| | | |

9. **Child(ren)'s Current Address:**

The child(ren) has/have lived at this address since:

_____ (Enter Approximate Month and Year).

10. **Child(ren)'s Past Residences:**

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

DATES AT ADDRESS

ADDRESS

11. People With Whom Child(ren) Have Lived:

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

NAME OF PERSON

ADDRESS

12. Other Court Cases About Child(ren):

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 child(ren) 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:

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 19-7-22. Otherwise, the mother may exercise all parental power over the child.
15. I am a fit and capable parent and otherwise qualified to have sole legal and physical 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(ren).

WHEREFORE, the Petitioner requests relief as follows:

- a) That this Court enter an order pursuant to O.C.G.A. § 19-7-25 declaring Petitioner'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

Street Address

City, State, Zip

Email Address

Phone Number

**IN THE SUPERIOR COURT OF ROCKDALE COUNTY
STATE OF GEORGIA**

Petitioner

Vs

**CIVIL ACTION
FILE NO:** _____

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