

FILED
CLAYTON COUNTY, GA
2021 APR 30 PM 1:23
JACQUILINE D. WILLS
CLERK SUPERIOR COURT

THE SUPERIOR COURT
CLAYTON JUDICIAL CIRCUIT
STATE OF GEORGIA

DOMESTIC RELATIONS INFORMATION)
SHEET) JUDGE SHANA ROOKS MALONE
LEGITIMATION)

INFORMATION FOR LEGITIMATION CASES BEFORE JUDGE SHANA ROOKS MALONE

This Information Sheet is a general information outline and resource list for pro-se or self-represented parties to Domestic Relations Matters. Remember, the Court is not permitted to render legal advice, and this information sheet is in no way a complete guide or list of resources. If you have any questions about your case, your rights, the legal remedies available to you or any information not contained herein, you must consult an attorney. Information for third party service providers is provided solely for your convenience. The furnishing of this information is not a referral or endorsement by this Court or this Circuit.

Resources

- **GEORGIA LEGAL AID** Provides low cost representation for Low Income and No Income litigants.
 - o If you need legal help and live in Metro Atlanta (Fulton, Clayton, DeKalb, Cobb) please call Atlanta Legal Aid at 404-524-5811.
 - o If you need legal help and live anywhere else in Georgia, call Georgia Legal Services Program at 888-408-1004.
 - o Visit <https://www.georgialegalaid.org> for more information
- **SUPERIOR COURT FAMILY LAW INFORMATION CENTERS** Provides very low cost Attorney Consultations, Child Support Worksheet Preparation, Notary Public Services for Family Law Information Center Documents and Free Legal Clinics.
 - o DeKalb Office (404) 687-3990
556 North McDonough Street, Decatur, GA 30030- 1st Floor, Room 160
Monday-Friday, 8:30 a.m. - 4:30 p.m.
<https://www.dekalbsuperiorcourt.com/?s=family+law+information> (Call for pricing)

- **Fulton Office** - (404) 612-2789
185 Central Avenue, SW Atlanta, Georgia 30303-Justice Center Tower, Suite J1-7000
Monday-Friday, 8:30 a.m. - 4:30 p.m.
www.fultoncourt.org/family/family-flic.php (Call for pricing)

- **LAW LIBRARY** (MAXIMUM 2 patrons at a time due to social distancing)
 - **Harold R. Banke Justice Center**, 9151 Tara Boulevard, 3rd Floor, Suite 3CA01, Jonesboro, Georgia 30236. The library is open to the public Monday - Friday, 8:00 a.m. to 4:45 p.m. except on county holidays.
 - Copying: \$.15 per page
 - Fax: \$1.00 per page
 - Word Processing: \$.15 per page
 - Scanning: \$.50 per page
 - Many of the forms and packets are available for FREE at our website:
<http://www.claytoncourts.org/welcome-to-the-clayton-county-courts-law-library>
 - There is a fee for obtaining printed copies of these forms in the Clerk's office

- **CLAYTON COUNTY SUPERIOR COURT CLERK'S OFFICE**
 - **Harold R. Banke Justice Center**, 9151 Tara Boulevard 1st Floor, Room 1CL25, Jonesboro, GA 30236. Phone: (770) 477-3395
 - Fees: Subject to change (see the Clerk's website for payment options).
 - Filing cost \$210.00
 - Sheriff Service cost \$50.00
 - Publication fee, if applicable \$100.00 (Payable to Clayton News Daily)

- **ALTERNATIVE DISPUTE RESOLUTION (ADR) CENTER**
 - **Harold R. Banke Justice Center**, 9151 Tara Boulevard 2nd Floor, Suite 2DR01, Jonesboro, GA 30236. Phone: (770) 477-4575; Fax: (770) 603-4179
 - Mediation:
 - Hourly fee is \$100.00, not to exceed \$400.00 per mediation session.
 - The fee is split equally between both parties.
 - Parties qualifying as indigent will have their fees waived. Application for waiver of fees must be made prior to the mediation session.
 - Parenting Seminar:
 - In person: Advance registration and payment of the \$30.00 fee.
 - Online: Payment of the \$20.00 fee. Can be done on your schedule.

- Parties qualifying as indigent may have their fees waived.
Application for waiver of fees must be made prior to registration.

LEGITIMATION

Legitimations are cases filed by Fathers seeking to legitimate their relationship with their children who were born out of wedlock. Generally, the Mother of the child(ren) is the Respondent/Defendant. Please contact an Attorney for more information

Step One – Filing

- Checklist for properly filing a Legitimation action in the Clayton County Superior Court Clerk's Office:
 1. Petition for Legitimation:
 - Must provide the name, age, and gender the child, the name of the mother, and, if you want to change the last name of the child, the new name.
 2. Verification of Petition (Notarized) – Signed by the person filing the Petition
 3. Summons
 4. Proper Service Form: The court will not move forward with your case until the Mother of your child(ren) is served.
 - Sheriff Service Form: Provide the information for where the Mother can be served with Notice of your lawsuit.
 - Should be given to the Sheriff in the county where the Mother will be served. NOTE: If the Mother lives in a different county you may need to file your case there. (Please contact an Attorney for more information about where you should file)
 - Acknowledgement of Service (Notarized) - Signed by the Mother if she has received a copy of the Petition and Summons and is willing to acknowledge service. (Please contact an Attorney for more information about whether or not you should use or sign this form)
 - Must correctly state the documents that were served.
 - Affidavit of Due Diligence for Service by Publication (Notarized) - Last resort for Mother's who cannot be located, the approval process can be lengthy. VERY RARELY used in Legitimations.
 - **DO NOT** use this form if you know where your child(ren)'s Mother lives, works, or can be served. Misuse of this form is perjury, a crime punishable by incarceration. (Please contact an

Attorney for more information about whether or not you should use or sign this form)

5. Domestic Relations Financial Affidavit (Notarized)

Step Two – Answering

- Checklist for properly Answering a Legitimation action filed in the Clayton County Superior Court Clerk's Office, *if applicable*:
 1. Answer- Not all Legitimations require the filing of an Answer, please contact an Attorney for more information about whether or not you should file this form.
 2. Verification of Answer (Notarized) - Signed by the person filing the Answer
 3. Certificate of Service.
 - A copy of the Answer must be mailed to the Father along with copies of all of the documents that Defendant will file.
 4. Domestic Relations Financial Affidavit (Notarized)

Step Three – Other Required Documents

- Checklist for ALL Legitimations
 1. Domestic Relations Financial Affidavit (Notarized)
 - Both parents must provide Domestic Relations Financial Affidavits
 - Affidavits must be filled out fully and accurately based on the information listed on paystubs, or income tax documents.
 2. Child Support Worksheet
 - The Georgia child support calculator can be found here: <https://csconlinecalc.georgiacourts.gov>. No other Child Support Worksheet from any other source will be accepted.
 - The income information on the Child Support Worksheet must match the income information on the Domestic Relations Financial Affidavit.
 3. Child Support Addendum
 - The information provided on the Addendum must match the information on Child Support Worksheet.
 4. Parenting Plan
 - If both parties are able to agree on Custody and Visitation you will fill out one Parenting Plan.
 - The Parenting Plans must be signed, and *initialed* on the bottom of each page by both parties.

- If both parties are NOT able to agree on Custody and Visitation you must contact the ADR Center (see the Resources section) to schedule mediation.
5. Parenting Seminar Certificates
- You must contact the ADR Center (see the Resources section) for more information about scheduling the Parenting Seminar.
 - When you complete the seminar, you will receive a *Certificate of Completion* that must be filed with the Clayton County Superior Court Clerk.

Step Four – Final Hearing.

***Uncontested matters ONLY:** At all times while the Clayton County Superior Court is operating under the *Order Declaring Statewide Judicial Emergency Pursuant to OCGA§ 38-3-61*, issued by the Honorable Harold D. Melton, as the Chief Justice of the Supreme Court of Georgia, Uncontested matters will not require a final hearing.

Final Orders in Uncontested matters shall be issued once all required documents are filed as required above. Once the Judicial Emergency has been resolved, the provisions below regarding Uncontested matters will again be effective.

- With All Agreements (Uncontested)
 - If ALL required documents are submitted by both parties, either party may file a Notice of Stipulation to the Active List (Please contact an Attorney for more information) or make a request for a final hearing in writing.
 - Ensure that documents are legible, filled out as completely as possible, and that all signatures, notarizations and initials appear as required. Cases with incomplete or incorrect documents, or documents with inconsistent figures will not be scheduled for a final and you will be required to resubmit. This will delay your Legitimation.
- With Out Agreements (Contested)
 - After Mediation either party may file a Notice of Stipulation to the Active List (Please contact an Attorney for more information) or make a request for a final hearing in writing. The party requesting a Final Hearing must ensure that they have submitted all of their required documents. The Court may give the other party a set amount of time to comply with the document requests before scheduling the final hearing.
 - Bring copies of
 - Proof of income.

- Proof of health insurance for minor children
- Proof of school/day care enrollment if applicable
- All bills related to health care and education for minor children if applicable
- Proof of payment of Child Support if applicable.

SO ORDERED, this 26th day of April, 2021.

Shana Rooks Malone

HONORABLE SHANA ROOKS MALONE
 Judge, Superior Court of Clayton County
 Clayton Judicial Circuit

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