

DECLARATION OF SOLE CUSTODY 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

General Civil and Domestic Relations Case Filing Instructions

1. Provide the class of court and county in which the case is being filed.
2. Provide the plaintiff's and defendant's names.
3. Provide the plaintiff's attorney's name and State Bar number. If you are representing yourself, provide your own name and check the self-represented box.
4. Provide the primary type of case by checking only *one* appropriate box. Cases can be either general civil or domestic relations and only *one* type of primary case within those categories. Check the case type that most accurately describes the primary case. If applicable, check one sub-type under the primary case type. If you are making more than one type of claim, check the case type that involves the largest amount of damages or the one you consider most important. See below for definitions of each case type.
5. Provide an answer to the four questions by checking the appropriate boxes and/or filling in the appropriate lines.

Case Type Definitions

General Civil Cases

Automobile Tort: Any tort case involving personal injury, property damage, or wrongful death resulting from alleged negligent operation of a motor vehicle.

Civil Appeal: Any case disputing the finding of a limited jurisdiction trial court, department, or administrative agency.

Contempt/Modification/Other Post-Judgment: Any case alleging failure to comply with a previously existing court order, seeking to change the terms of a previously existing court order, or any other post-judgment activity in a general civil case.

Contract: Any case involving a dispute over an agreement between two or more parties.

Garnishment: Any case where, after a monetary judgment, a third party who has money or other property belonging to the defendant is required to turn over such money or property to the court.

General Tort: Any tort case that is not defined or is not attributable to one of the other types of torts listed.

Habeas Corpus: Any case designed to review the legality of the detention or imprisonment of an individual, but not the question of his or her guilt or innocence.

Injunction/Mandamus/Other Writ: Cases involving a written court order directing a specific person to perform or refrain from performing a specific act.

Landlord/Tenant: Any case involving a landlord/tenant dispute if the landlord removed a tenant and his or her property from the premises or placed a lien on the tenant's property to repay a debt.

Medical Malpractice Tort: Any tort case that alleges misconduct or negligence by a person in the medical profession acting in a professional capacity, such as doctors, nurses, physician's assistants, dentists, etc.

Product Liability Tort: Any tort case that alleges an injury to a person was caused by the manufacturer or seller of an article due to a defect in, or the condition of, the article sold or an alleged breach of duty to provide suitable instructions to prevent injury.

Real Property: Any case involving disputes over the ownership, use, boundaries, or value of land.

Restraining Petition: Any petition for a restraining order that does not result from a domestic altercation or is not between parties in a domestic relationship.

Other General Civil: Any case that does not fit into one of the other defined case categories in which a plaintiff is requesting the enforcement or protection of a right or the redress or prevention of a wrong.

Domestic Relations Cases

Adoption: Cases involving a request for the establishment of a new and permanent parent-child relationship between persons not biologically parent and child.

Contempt: Any case alleging failure to comply with a previously existing court order. If the contempt action deals with the non-payment of child support, medical support, or alimony, also check the corresponding sub-type box.

Dissolution/Divorce/Separate Maintenance/Alimony: Any case involving the dissolution of a marriage or the establishment of alimony or separate maintenance.

Family Violence Petition: Any case in which a protective order from a family member or domestic partner is requested.

Modification: Any case seeking to change the terms of a previously existing court order. If the modification deals with custody, parenting time, or visitation, also check the corresponding sub-type box.

Paternity/Legitimation: Cases involving establishment of the identity and/or responsibilities of the father of a minor child or a determination of biological offspring.

Support – IV-D: Cases filed by the Georgia Department of Human Services to request maintenance of a minor child by a person who is required under Title IV-D of the Social Security Act of 1973 (42 USC §§ 651-669b) to provide such maintenance.

Support – Private (non-IV-D): Cases filed to request maintenance of a parent/guardian or a minor child by a person who is required by a law other than Title IV-D of the Social Security Act of 1973 (42 USC §§ 651-669b) to provide such maintenance.

Other Domestic Relations: Domestic relations cases that do not adequately fit into any of the other case types, including name changes.

Please note: This form is for statistical purposes only. It shall have no legal effect in a case. The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or court rules. Information on this form will not be entered into evidence.

General Civil and Domestic Relations Case Filing Information Form

☐ Superior or ☐ State Court of _____ County

For Clerk Use Only

Date Filed _____
MM-DD-YYYY

Case Number _____

Plaintiff(s)

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Defendant(s)

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Plaintiff's Attorney _____ State Bar Number _____ Self-Represented ☐

Check one case type and one sub-type in the same box (if a sub-type applies):

General Civil Cases

- ☐ Automobile Tort
- ☐ Civil Appeal
- ☐ Contempt/Modification/Other Post-Judgment
- ☐ Contract
- ☐ Garnishment
- ☐ General Tort
- ☐ Habeas Corpus
- ☐ Injunction/Mandamus/Other Writ
- ☐ Landlord/Tenant
- ☐ Medical Malpractice Tort
- ☐ Product Liability Tort
- ☐ Real Property
- ☐ Restraining Petition
- ☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
- ☐ Contempt
 - ☐ Non-payment of child support, medical support, or alimony
- ☐ Dissolution/Divorce/Separate Maintenance/Alimony
- ☐ Family Violence Petition
- ☐ Modification
 - ☐ Custody/Parenting Time/Visitation
- ☐ Paternity/Legitimation
- ☐ Support – IV-D
- ☐ Support – Private (non-IV-D)
- ☐ Other Domestic Relations

- ☐ Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

_____ Case Number

_____ Case Number

- ☐ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

_____ Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

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

Petitioner: _____

and

Respondent: _____

Civil Action File No.: _____

SUMMONS

TO THE ABOVE NAMED RESPONDENT:

You are hereby summoned and required to file with the Clerk of said Court and serve upon the Petitioner,
whose name and address is:

an Answer to the Complaint which is herewith served upon you, within 30 days after service of this Summons upon you,
exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in
the Complaint.

If a hearing has already been scheduled in this case, you must appear at that scheduled hearing, regardless of
whether the 30 days for filing an answer has elapsed.

This _____ day of _____, 20_____.

CONNIE TAYLOR,
Clerk of Superior Court

By _____
Clerk

To Respondent:

This Complaint and Summons was served upon you, _____, 20_____.

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

Petitioner: _____

and

Respondent: _____

Civil Action File No.: _____

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 Cobb 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 Respondent shall be served as provided under O.C.G.A. § 9- 11-4, in the following manner: *[Check and complete one section, (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 Petition.
 - ☐ (b) The Respondent may be served by Sheriff's Office at Respondent's residence/work address, which is:

- ☐ (b-1) *[Check only if the Respondent lives outside Cobb County.]* The Respondent resides outside of Cobb County, and shall therefore be served by second original, as provided under O.C.G.A. § 9-10-72. Service shall be made by the sheriff's office of the county where the Respondent resides.
- ☐ (c) The Respondent's whereabouts are unknown to me. I am filing an Affidavit of Diligent Search with this Complaint. The Respondent shall be served by publication as provided under O.C.G.A. § 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. **Children.** The Respondent and I are the parents of _____ minor children, who is/are:

Name	Year of Birth	Gender

9. **Children's current residence.** The children currently reside at this address:

_____ County of _____

The children 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 these addresses:

Address	Dates

11. **People with whom children have lived.** In the past five years, the children have lived with these people:

Name of Person	Person's Current Address

12. **Other court cases about children.** *[Check and complete one section, (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.]

- ☐ (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 19-7-21.1 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.

Signed this _____ day of _____.

[month] [year]

Petitioner, *Self-Represented*

Petitioner’s Name (print or type): _____

Petitioner’s Address: _____

Petitioner’s Telephone Number: _____

Petitioner’s E-mail Address: _____

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

Petitioner: _____

and

Respondent: _____

Civil Action File No.: _____

VERIFICATION

I, _____, personally appeared before the undersigned attesting officer authorized by law to administer oaths, and after being duly sworn, declare under oath that I am the Petitioner in the above-styled action and that the facts stated in the foregoing *Petition* for _____ are true and correct to the best of my knowledge.

Signed this _____ day of _____
[month] [year].

(Sign in front of Notary) Petitioner, *Self-Represented*

Name (print or type): _____

Address: _____

Telephone Number: _____

E-mail Address: _____

Sworn to and affirmed before me, this
_____ day of _____.

NOTARY PUBLIC

My commission expires: _____

(Notary Seal)

General Civil and Domestic Relations Case Disposition Form Instructions

1. Provide the class of court and county in which the case is being disposed.
2. Provide the plaintiff's and defendant's names.
3. Provide the reporting party (the individual completing the form).
4. Provide the attorneys' names and State Bar numbers. If parties represented themselves, provide their names and check the self-represented box.
5. Provide the manner of disposition by checking the appropriate box. See below for definitions.
6. Provide an answer to the three questions by checking the appropriate boxes.

Manner of Disposition Definitions

Jury Trial: Cases in which a jury is impaneled to determine the issues of fact in the case. A jury trial should be counted when the jury has been sworn, regardless of whether a verdict is reached.

Bench/Non-Jury Trial: Cases in which a judge or judicial officer is assigned to determine both the issues of fact and law in the case. A bench/non-jury trial should be counted when the first evidence is introduced, regardless of whether a judgment is reached.

Non-Trial Disposition: Cases in which the disposition does not involve either a jury trial or a bench trial.

Alternative Dispute Resolution: If a case was disposed of via a non-trial disposition and the method of disposition was alternative dispute resolution. If this box is checked, then the Non-Trial Disposition box must also be checked. Only check if the whole case was resolved via alternative dispute resolution.

General Civil and Domestic Relations Case Disposition Information Form

☐ Superior or ☐ State Court of _____ County

For Clerk Use Only

Date Disposed _____
MM-DD-YYYY

Case Number _____

Case Style _____

Plaintiff(s)

Last	First	Middle I.	Suffix	Prefix
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____

Defendant(s)

Last	First	Middle I.	Suffix	Prefix
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____

Reporting Party _____

Plaintiff's Attorney _____ State Bar Number _____ Self-Represented ☐

Defendant's Attorney _____ State Bar Number _____ Self-Represented ☐

Manner of Disposition Check Only One

- ☐ Jury Trial
- ☐ Bench/Non-Jury Trial
- ☐ Non-Trial Disposition, such as:
 - ☐ Alternative Dispute Resolution

- ☐ Check if any party was self-represented at any point during the life of the case.
- ☐ Check if the court ordered an interpreter for any party, witness, or other involved individual.
- ☐ Check if the case was referred/ordered to a court-annexed alternative dispute resolution process.