

**INSTRUCTIONS FOR
PETITION TO CORRECT A BIRTH CERTIFICATE
FIRST, HERE IS WHAT THIS PETITION DOES NOT DO:**

The legal procedure of correcting a birth certificate **does not change the legal status of the child or the father in any way**. This petition is meant to assist individuals correct **minor errors**, such as spelling mistakes or a wrong birth date or state of birth attributed to a parent on their child's birth certificate.

If you are the father of a child born out of wedlock, and you want to become the legal father, you must use a different procedure called "**Legitimation**."

Correcting a birth certificate is not the same as asking for a birth certificate if you have never had a birth certificate issued in your name. If your birth was never registered and you were born in Georgia, you will have to file a Petition for a **Delayed Certificate of Birth**.

If you or the minor child whose certificate you are trying to correct were not born in Georgia, you will not be able to use this form.

YOU MAY BE ABLE TO CORRECT THE BIRTH RECORD WITHOUT A COURT ORDER:

If you are the **natural parents** of a child born out of wedlock in Georgia, and you have now married each other and want to change the child's birth certificate to show the father and change the child's name, you do not have to file a court action. Instead, you may file a simple form with the Georgia Department of Vital Records. The form is called *Application for an Amended Certificate of Birth by Legitimation* (Form #3929), and is available from the Vital Records office.

If you are the **natural parents** of a child born out of wedlock in Georgia, and you both want the name of the father added on the birth certificate, you may not need a court order. Instead, you may be able to add the father's name by completing a Paternity Acknowledgment at the hospital where the child is born, or later, at either the State Office of Vital Records in Atlanta or The Vital Records Office in the county where the child was born.

The Paternity Acknowledgment can be completed if **both** the mother and father agree, and if the mother was not married at the time of conception, birth, or any time in between. (The father should also register with the Putative Father Registry. You can get the registration form for that from the county Vital Records Office).

A Paternity Acknowledgment **cannot** be completed if the mother was married to another person when the child was born or conceived. In these situations, you must file a paternity action in court. You should consult an attorney if you need to file a paternity action.

You should **always** ask the Georgia Department of Vital Records to amend the birth certificate administratively **before you file a court action** to get it corrected. See below for details about how to do this.

Many minor errors on birth certificates may be amended without a court order. Therefore, you should not file a court action until the Department of Vital Records has notified you that they will not amend the certificate without a Court Order.

WHAT IS THE LAW ABOUT AMENDING A BIRTH CERTIFICATE?

Court cases that are about correcting a birth certificate are covered by Official Code of Georgia Sections 31-10-9 through 31-10-31. Additional procedures are set out in the Rules and Regulations of the State of Georgia, Sections 290-1-3-.10 through 290-1-3.40.

Georgia courts only have authority to order corrections for *Georgia* birth records. So, if you were born in another state or country, you cannot use this packet to correct your birth certificate.

Petitioning a Court to correct an *error* on a birth certificate is not the same as asking that you be allowed to legally change your name. If you follow the procedure to legally *change* your name, that can include changing the name on the birth certificate (if you were born in Georgia). Other court cases can also include name changes as part of the case. These include legitimations, paternity actions and divorces. Each of these actions has its own part of the Official Code of Georgia, and is not included in this packet of forms.

GENERAL COMMENTS

It is a good idea to talk to a lawyer before filing any court action. This petition to correct a birth certificate is no exception to that rule. There are often more issues involved than you might realize if you fail to get legal advice. If you do talk to a lawyer before filing this action, it is a good idea to review the forms and instructions in this packet before you talk to the lawyer, so that you will be able to make the best use of your time with the lawyer.

State law, **OCGA § 15-19-51** prohibits court personnel (including staff attorneys or law clerks, calendar clerks, clerk's office staff, and sheriff's department staff) from giving legal advice or answering legal questions.

LIST OF STEPS FOR CORRECTION OF BIRTH CERTIFICATE

STEP 1: Before you even start working on the forms, you must ask the Vital Records office to make the correction without a court order. To do this, get a certified copy of the birth certificate from the Georgia Vital Records office. (*Note: there is a \$10.00 fee for each certified copy you wish to receive.*)

Next, circle all the changes you wish to make, and submit a written request asking for further instructions or procedures. You may use the letter included in this packet to make this request. You will have to **enclose an additional \$10.00** money order or certified check payable to "Vital Records" to process the change.

Requests to correct the birth certificate should be mailed to **Legal Unit, Vital Records, 2600 Skyland Drive, Atlanta, Georgia 30319**. If the Vital Records office refuses to make the correction without a court order, then you should continue to Step 2.

STEP 2: Fill out the Petition, Verification, Acknowledgment (if applicable) Affidavit(optional) Case Filing Information and Case Disposition Information forms. Sign the forms in front of a Notary Public where necessary. (Save the Final Order forms for later, when you have your final hearing.)

STEP 3: Make copies of the documents you want the judge to see in support of your allegations. Attach the copies to the Petition before you file it. Make copies of all the forms.

STEP 4: File the forms at the Superior Court Clerk's Office.

STEP 5: Arrange for the Sheriff to serve the State Registrar at the Office of Vital Records and the Commissioner of the Georgia Department of Human Resources.

Additionally, if you are filing this petition on behalf of a minor child, you will need to serve the parent(s) or guardian(s) of the minor child unless they have signed an acknowledgment of service.

STEP 6: Wait the required time, and prepare the Final Order form for the final hearing.

STEP 7: Schedule and attend the court hearing.

STEP 8: File the *Final Order* and get a certified copy of it.

STEP 9: Take the certified copy of the *Final Order* to the Vital Records Office and ask them to change birth certificate(s).

DETAILED DIRECTIONS: CORRECTION OF THE BIRTH CERTIFICATE

STEP TWO: COMPLETING THE PETITION

(Step One is contacting the Vital Records Office, discussed above. If the Vital Records office refuses to make the correction without a court order, continue with Step Two.)

Note: You can only apply to amend a birth certificate if you are over eighteen and you wish to correct an error on your *own* birth certificate; or, if you are bringing the petition on behalf of a minor child, and you are one of the child's parents listed on the certificate or you are the minor child's legal guardian.

Caption (Heading) on Petition:

On the first blank line (to the left of the vertical line, after the words "In re:"), type or print the current name of the person whose birth certificate is being corrected *exactly as it appears on the birth certificate you are trying to correct*. Fill in your name on the blank for the Petitioner. *Do not fill in the Civil Action Case Number. The clerk will assign a number to your case when you file your petition in the Clerk's office.*

Introduction: Your Name and name of minor child

Check the first box if you are filing this action on behalf of yourself, and type or print your name on the blank of this paragraph.

Check the second box if you are filing this action on behalf of a minor child. Then, type or print your name on the first blank of the paragraph, and the name of the child (exactly as it appears on the birth certificate- even if you are claiming the name was misspelled) on the second blank.

Paragraph 1 of Petition: Your name and residency and residency of minor child

Type or print your name on the first blank of this paragraph.

If you are bringing the petition on behalf of a minor child, check the first box if the minor child lives with you. If not, mark the second box, and type or print who the minor child lives with in the next blank. The last blank should be filled in with the name of the County in which the child lives. [**Note:** *if you are filing the petition on behalf of a minor child and he or she does not live with you and/or lives in a different county, you should consult an attorney to make sure you file the petition in the proper county*].

Paragraph 2 of the Petition: Your relationship to the petitioner

Check the box next to the sentence that describes what your relationship is to the person whose birth certificate is being changed. Only people who have a legal relationship (that is, parents and legal guardians) can petition on behalf of a minor child. If you are a parent listed on the minor child's birth certificate, type or write in whether you are the child's father or mother in the blank provided.

Paragraph 3 of Petition: Party and Address to be Served

The State Registrar of the Department of Vital Records and the Commissioner for the Georgia Department of Human Resources are entitled to notice of your petition. Additionally, if you are filing this petition on behalf of a minor child, you will need to also serve any parent or guardian not listed on the Petition unless they have signed an acknowledgment of service. If you will be serving the parent or guardian check box (a). Additionally, you will need to then check box (i) if you are serving a guardian, box (ii) if you are serving the mother, and/or box (iii) if you are serving the father. After each name, write their respective addresses. If the parent or guardian has signed the acknowledgment form provided in this

packet check box (b) and include it with the paperwork you submit to the court. *(If more than one parent or guardian will acknowledge service you will need to submit one acknowledgment for each person.)*

Paragraph 4 of Petition: reasons for request

Check *every* box which applies to your situation.

Paragraph 5 of Petition: Documents supporting your case

You must provide documents to substantiate your claim that an error occurred on the birth certificate. For example, if you are saying that the maiden name of the child's mother was listed incorrectly on the birth certificate, you should provide a copy of the mother's birth certificate showing the correct spelling of her last name. If you claim you were married at the time of the child's birth, but the father's name was left off the certificate, you should provide a copy of your marriage certificate. Different documents may be required to amend different items on a birth certificate. Talk with a lawyer to decide which documents will best support your case. At the very least, you will need to include a certified copy of the birth certificate you wish to amend. If you have several documents which support one fact, submit the best one. You should try and keep the documents to those 3 or 4 which are most legally convincing. (If you have more, you should take those to your final hearing, and be prepared to present them to the Judge if he or she has any more questions).

Paragraph 6: Errors on the Birth Certificate

You must tell the Court what errors appear on the birth certificate and what the corrections should be. You should also let the Court know the Field Number for the error you wish to correct. For example, if you wish to amend your child's first name, look at her birth certificate. There will be a number above her first name. This will be the 'field number.' Then fill in the first sentence of Paragraph 6 as follows in this example: Field 2 which currently reads "Samantha" should read: "Samantha" and so on.

Paragraph 7: Reasons for Errors

Tell the court how the errors occurred to the best of your knowledge.

Paragraph 8: No intent to defraud

It is a crime to knowingly and willfully make any false statement or supply false information in an application for an amendment of a birth certificate

To finish filling out this Petition form,

. . . sign your name in the space provided on the last page, type or print your name underneath your signature, add the date on which you are signing it, and write your address and a daytime telephone number where the Court staff can reach you if necessary. Note that, if you are living in a shelter for victims of family violence, **DO NOT LIST THE ADDRESS OF THE SHELTER.** To do so would violate OCGA § 19-13-23. Instead, on the space for the address, list only the name of the shelter and the state where it is located.

COMPLETING THE VERIFICATION FORM

The Verification form must be filed with the *Petition to Correct the Birth Certificate.*

Fill out the caption in the same way you filled it out on the *Petition.* Then, insert your name in the space after the words "My name is."

Now, before you sign this *Verification*, remember that you will be swearing under oath that the information you have provided in the *Petition* is true. Therefore, you should reread the *Petition* one more time, from start to finish, to make sure it is all true.

Do not sign it until you are in front of a notary public. The notary must complete the rest of the *Verification* form after you sign it under oath. (If you do not speak English and the petition is being read to you, make sure it was translated by someone you trust, since you are swearing that what you are saying in the *Petition* is true)

COMPLETING THE AFFIDAVIT

If you are submitting this petition on behalf of a minor child, but there is another parent or guardian who agrees to the changes or who has knowledge of the errors on the birth certificate, it is a good idea to submit an affidavit of those parents or guardians with the petition. The affidavit from the parent or guardian can state whether they have any additional personal knowledge or documents to support your claim that there are errors on the birth certificate, and, if they do have documents, state that those will be provided with the affidavit: For example, if you are alleging that the child's father's name was misspelled on the certificate, the father's affidavit can support this by stating that he agrees that his name is misspelled, stating what his correct last name is, that he has no objection to your request to amend his name, and could including any proof (such as a copy of his own birth certificate) to show how his last name should be spelled.

Remember that all affidavits must be signed in front of a notary public.

You may also want to include an affidavit from an individual who has knowledge regarding facts you are trying to prove if you cannot provide any documents to support your request.

Caption (Heading) on Affidavit:

Fill out the caption in the same way you did it on the *Petition*.

Paragraph 1 of Affidavit: Name and Age

The person who is submitting the affidavit should type or print their name and age here.

Paragraph 2 of Affidavit: Relationship to Petitioner

They must check the box which reflects what their relationship is to the person who needs their birth certificate corrected.

Paragraph 3 of Affidavit:

If they have any information regarding the errors on the birth certificate they can state those here.

Paragraph 4 of Affidavit:

If they have any documents supporting your request they should list those here and attach copies to their affidavit.

Affidavits must be signed in front of a notary public. They should also print their name, address and phone number underneath their signature.

COMPLETING THE ACKNOWLEDGMENT OF SERVICE, CONSENT TO JURISDICTION AND VENUE, AND CONSENT TO PRESENT CASE FORM

Fill out the caption the same way you filled out the Petition. The person acknowledging service should then write their name on the first blank provided after the caption.

Additionally, they should check the box which lists their relationship to the person with the incorrect birth certificate.

Remind them to include an address where they can be reached by the court if necessary in the blanks provided.

Finally, **they will have to sign in front of a notary public**, and print their name, address and phone number underneath their signature.

Note: you may need to file more than one acknowledgment, one for each person that is acknowledging service.

COMPLETING THE NON-DOMESTIC GENERAL CIVIL CASE FILING INFORMATION FORM CASE CAPTION (LEFT SIDE OF FORM):

Do not fill in the Case Number and Division. The Clerk will do it when you file the case.

On the lines underneath the Case Number, type or print the caption of the case, just as it appears on the *Petition*.

Information on the Plaintiff (right side of form):

Type or print your name, address and telephone number on the spaces provided under the words "Attorney For Plaintiff." Cross out the words "Attorney For." On the space for the bar number, write the words "pro se."

Information on the Attorney for Defendant (right side of form): Leave this section blank.

Type of Case and Origin (boxes in center of form):

Check the box next to "other" and type or write in "petition to correct birth certificate." In the area labeled "ORIGIN," check the box for "Original Proceeding."

Related Cases (bottom section of form):

If there **have not been any other cases** in this court about the minor child, leave this section blank. Just sign your name at the bottom (above the words "Signature of Attorney), cross out the words "of Attorney," and fill in the date.

However, if **there have been any cases** about the minor child (for example, divorce, child support, custody, visitation, paternity, legitimation or TPO), then you must fill in this section.

To complete this section (if there have been other cases), fill in the name of the judge and the Case Number of the other case. Check the box next to the words "Same issue of fact or grows out of the same transaction. Then, sign your name at the bottom (above the words "Signature of Attorney), cross out the words "of Attorney," and fill in the date.

SIGNING IN FRONT OF A NOTARY PUBLIC

After you fill out all of the forms, review them to make sure they are complete and accurate. Then, take them to a notary public and sign them in front of the notary.

STEP 3: COPYING YOUR PAPERS

Check to make sure you have completed all the forms you need, and that they have all been signed by the proper people in front of a notary.

Then, make one copy of each of the forms for each parent and guardian, including yourself, one for the State Registrar of the Department of Vital Records and another for the Commissioner of the Department of Human Resources.

Sort the copies into sets for the Court and for each parent etc., with one copy of every form in each set.

The Court will need the *original* petition and other *original* documents. Clip each set with a paper clip.

STEP 4: FILING THE FORMS AT THE CLERK'S OFFICE

After you have completed, signed (in front of a notary, where applicable), copied and sorted all your paperwork, you are ready to file your case.

The court has a **filing fee** for a petition to amend a birth certificate action. In addition, you may also have to pay a fee to have the Commissioner for the Department of Human Resources served by the Fulton County Sheriff's Department office).

Note About Fees: If you have a very low income, and feel that you cannot afford to pay these fees, you can ask the Court to waive the fees. To do this, you will have to fill out a *Poverty Affidavit* and *Order* and file them with the other papers when you file your case at the Clerk's office. (Ask the staff at the law library for these forms, which are not included in this packet.) A judge must approve the *Poverty Affidavit*, before the filing of your case will be completed by the Clerk's office staff. If the judge signs the order of approval, the filing fee, and possibly the service fee will be waived. If the judge does not approve your *Poverty Affidavit*, you must pay the fees before your case will proceed.

Take all of the sets of forms (with the Court's set on top), along with your cash or money orders, to the Superior Court Clerk's office.

When it is your turn, give all the forms to the clerk. Tell the clerk if there have ever been any cases about the child in this Court (if you are filing on behalf of a minor child), so that the case can be assigned to the proper judge. If your paperwork is in order, the clerk will keep the originals for the Court's file.

After the fees have been paid, or the *Poverty Affidavit* has been approved by the judge, the clerk will write your case number on the top page of your set of copies, stamp them with the date & time stamp, and return them to you. Keep these for your records.

Your case has now been filed. Ask the clerk which judge has been assigned to the case, and get the name and phone number of the Judge's calendar clerk (which you will need at the end of your case).

STEP 5: ARRANGING FOR SERVICE ON THE GEORGIA DEPARTMENT OF HUMAN RESOURCES, THE STATE REGISTRAR OF THE DEPARTMENT OF VITAL RECORDS, AND ANY OTHER PARENT OR LEGAL GUARDIAN

Service is the formal process of notifying the Georgia Department of Human Resources and the Department of Vital Records, and any other interested party that you wish to amend a birth certificate.

Service must be made on the Commissioner of the Georgia Department of Human Resources at Suite 29-250, 2 Peachtree St. NW, Atlanta, GA 30303-3142; and on the State Registrar at the Department of Vital Records at 1600 Skyland Dr. NE, Atlanta, GA 30319.

Additionally, you will also need to have any other parent or legal guardian served, unless she or he signs an *Acknowledgment of Service*.

Service by the Sheriff (“Personal Service”)

This is the usual way for service to be completed. It is sometimes called “Personal Service,” which means that the deputy sheriff hands the papers to the State Registrar, the Commissioner for the Department of Human Resources, and any parent or guardian also entitled to notice, in person.

- (i) Ask the Superior Court Clerk’s office for as many Sheriff’s Entry of Service" forms as there are people you need to serve. (You’ll need at least 2 — one for vital records and one for DHR — and maybe more, depending on if there is another parent or guardian you have to serve.)
- (ii) **Service on a parent or guardian.** Fill in the Civil Action Number and the Date Filed (if the clerk doesn’t do it for you) at the top of the entry of service. On the right top of the form, write the name of the case as it appears on your petition and as explained in the "caption" section of these instructions. (Note: you can simply strike out "Plaintiff" and replace with "Petitioner". You can also strike out "vs." and "Defendant" since there is no Defendant to be named in your case.)

On the top left of the form, under "Attorney’s Address," strike out "attorney," replace with "Petitioner" and add your **name** and address. Under the "Name and Address of Party to be Served" write: the name and address of the parent or guardian. When you are ready to file the Petition, you will hand this Sheriff’s Entry of Service to the clerk.

- (iii) **Service on the Department of Vital Records.** Fill out another Sheriff’s entry of Service exactly as you did above. However, under the "Name and Address of Party to be Served" this time write: State Registrar, Department of Vital Records 1600 Skyland Dr. NE Atlanta, GA 30319.
- (iv) **Service on the Georgia Department of Human Resources.** The Georgia Department of Human Resources is located in Fulton County. **You must arrange for service directly with the sheriff’s department in Fulton County,** as follows: After you file your case with the Superior Court Clerk’s Office, ask the clerk to return at least two copies to you with the date and **time** stamp. One copy is for your records. The other copy is for the Department of Human Resources. Tell the clerk that you need to serve someone in Fulton County. This one should also be stamped by the clerk as "**Second Original.**" Next, fill in the Sheriff’s Entry of Service forms just as you did with the others above. However, under the "Name and Address of Party to be Served" write:

Commissioner Department of Human Resources
Suite 29-250
2 Peachtree St. NW
Atlanta, GA 30303-3142

Paper clip one complete copy of your papers to the Sheriff's Entry of Service. You will then need to take or mail this to the Fulton's Sheriff's Department and ask that they serve the Petition on the Department of Human Resources. There will probably be a fee for service, but if you cannot afford the service fee, you may call and ask whether the Fulton Sheriff's office will waive the service fee if your poverty affidavit was approved in Clayton County. After the Fulton County Sheriff's Department completes service, they will send you back one white and yellow copy showing that they served the Department of Human Resources (if you have properly filled out the form), When you receive these back, you **must** file them with the Superior Court Clerk's office, which will then give the yellow copies back to you.

' Note: If a parent or guardian also lives outside of Clayton County you will need to also serve them by "second original." Consult with an attorney if this is the case, to determine whether the case can be brought in Clayton County.

' Note: If you do not know where the other parent or guardian lives you will have to consult with an attorney before proceeding.

STEP 6: WAIT THE REQUIRED TIME & PREPARE FORMS FOR FINAL HEARING

You can ask the Judge's calendar clerk to schedule a final hearing after one of these has happened: (1) you have received a response back from the Department of Vital Records saying they will not oppose your petition, or (2) 30 days or more have passed with no response from the Department. (If, for any reason, the Department is opposing your petition, you should consult with an attorney at that time).

Complete the Final Order Correcting the Birth Certificate

Fill in the caption in the same way you did it on the *Petition*. Fill in the Case Number as the clerk wrote it down for you when you filed the case.

In the first paragraph, type or print your name and follow with the name of the minor child on the next blank.

Fill in your name or your child's name in the next blank as applies. Next, look at the birth certificate you wish to amend. It should have a local file number and state file number. List both of those numbers in the applicable blanks.

Then, fill in the current mistakes on the birth certificate, the field number on which the error occurs, and the proposed corrections for each mistake. Finish by repeating the state file number. Leave the rest of the order form blank. The Judge will fill out the rest at your hearing and will sign it if he or she approves of the final order.

Complete the General Civil Case Final Disposition Information Form:

- Check the box next to the word "Superior" in the upper left-hand corner of the form.
- Fill in "Clayton" on the space for the County.
- Fill in the Case Number on the space for the Docket Number.
- Fill in your name as the Reporting Party; your title is "Petitioner."

- Fill in your name on the line for the “Name of Plaintiff/Petition.”
- Check the box for “Pro Se.” Fill in the name of the Respondent on the space provided.
- Under “Type of Disposition,” check the box for Bench Trial (#6).
- Do not fill in the “Award” section or the “Judgment on Verdict” section. (Leave them blank.)
- Under “ADR,” check the box for No.

STEP 7: SCHEDULE AND ATTEND THE COURT HEARING

Contact the calendar clerk for the Judge assigned to your case. Make sure you have your court papers (including the Case Number) in front of you when you make the call, so you can answer any questions the calendar clerk may have about your case.

Schedule your final hearing. (Some judges require you to make an appointment; others just have certain days and hours when you can come in for this type of hearing.)

When you go the court for your hearing, take your copy of all the court papers with you, including:

- ___ *Petition to Correct Birth Certificate*
- ___ *All affidavits you filed in support of your petition*
- ___ *All documents you filed in support of your petition (including the birth certificate you wish to amend, and any documents which support your claim that there are errors on the birth certificate which need to be corrected)*
- ___ *Any documents you receive from the Office of Vital Records regarding your petition*
- ___ *Final Order*
- ___ *General Civil Case Final Disposition Information Form*

When you get to the Judge’s office, tell the staff that you are there for correction to a birth certificate (similar to a name change). The staff may ask you for your *Final Order* form.

When you go into the Judge’s office, the Judge will have you swear to the truth of what you are about to say. Then, tell the Judge the following information:

- your name
- county where you live
- how you are related to the children if filing on behalf of a minor child
- that you are asking the Judge to grant a correction in the birth certificate from [list error] to [list proposed correction]
- the reasons you want to correct the certificate

If you didn’t already give the *Final Order* form to the Judge’s staff, offer it to the Judge now. The Judge may ask you some additional questions. Then, if the Judge approves the petition, she or he will sign the *Final Order* form.

STEP 8: FILE THE FINAL ORDER AND GET A CERTIFIED COPY

Take the signed *Final Order* to the Clerk’s office on basement floor and file it with the clerk. Ask for a certified copy of the *Order*. This is your proof that the Court is allowing you to amend the birth certificate.

STEP 9: CHANGE BIRTH CERTIFICATES

You can now return to the Department of Vital Records to request a corrected birth certificate. (The new birth certificate will be marked "amended")

To change the birth certificate, take or mail the following documents to the **Georgia Bureau of Vital Records, at 2600 Skyland Drive NE, Atlanta, GA 30319-3640.**

- Certified copy of *Final Order*
- Copy of current birth certificate to be changed
- Money order for \$20.00, made out to "Vital Records Services," which is the current fee required to amend a birth certificate after you have received a court order.

Tell the Vital Records staff that you have received a Court order and want to amend the birth certificate. If you do it by mail, be sure to provide them with your name and address, so they can send you the amended birth certificate.

Your name

Your address

Date _____

Legal Unit, Vital Records
2600 Skyland Drive
Atlanta, GA 30319

To Whom It May Concern,

Enclosed please find a **certified** copy of my my child's birth certificate, State File No._____. The birth certificate contains an error(s) and must be amended.

I have circled the changes on the birth certificate that I wish to make.

I am writing to request that your office provide me with further instructions or procedures necessary to make the desired changes. The instructions and procedures can be mailed to me at the address listed at the top of this letter.

I have enclosed a certified check or money order payable to "Vital Records" in the amount of \$10.00, which is the current fee required to make the change on the birth certificate.

I can be reached at the following phone number(s) with any questions or concerns:

_____.

Sincerely,

CLAYTON COUNTY SUPERIOR COURT

STATE OF GEORGIA

In re: _____

Civil Action

Petitioner.

Case Number

PETITION TO CORRECT A BIRTH CERTIFICATE

[You must check and complete one of the following, (a) or (b), but not both.]

- (a) I am filing this petition to ask the Court for an order to correct an error on my own birth certificate. In support of this petition, I state as follows:
- (b) My name is _____, and I am the minor child's parent listed on the child's birth certificate, or his or her legal guardian. I am filing this petition on behalf of the minor child named _____,
[print child's name exactly as it appears on birth certificate]

1.

My name is _____, and I live in Clayton County, Georgia. Therefore, jurisdiction and venue are proper in this Court.

[If you are filing this petition on behalf of a minor child, you must also check one of the following, (a) or (b), but not both.]

- (a) The minor child lives with me in Clayton County.
- (b) The minor child does not live with me. The minor child lives with _____ in _____ County, Georgia.

2.

[You must check and complete one of the following, (a), (b) or (c), but not more than one.]

- (a) I am over the age of eighteen and I wish to amend an error on my own birth certificate.
- (b) I am a parent listed on the minor child's birth certificate. I am the mother father.
- (c) I am the minor child's legal guardian.

3.

This petition is being served upon the State Registrar of Vital Records, at 1600 Skyland Dr. NE Atlanta, GA 30319, and upon the Commissioner for the Georgia Department of Human Resources at Suite 29-250, 2 Peachtree St. NW, Atlanta, GA 30303-3142.

[If you are filing this petition on behalf of a minor child, you must also check & complete one or both of the following, (a) or (b), to list which people who will be served by the sheriff and which ones have signed an acknowledgment of service.]

[Note: if you do not know where the parent or guardian lives, you will need to consult with an attorney about how to proceed.]

- (a) In addition, the petition is also being served by the sheriff on the minor child's:
- (i) Legal Guardian, whose name is _____ at the following address(es): _____

 - (ii) Mother, whose name is _____ at the following address: _____

 - (iii) Father, whose name is _____ at the following address: _____

- (b) The minor child's guardian / mother / father (*circle all that apply*) has/have acknowledged service of process and consented to the jurisdiction and venue of this Court. Their acknowledgment is filed with this Complaint.

4.

I ask that this Court enter an Order to correct birth certificate because:

*[Check and complete **all that apply** in (a) through (g) of this paragraph.]*

- (a) The Department of Vital Records has informed me that I cannot change a given name after one year from the date of birth without a Court order.
- (b) The Department of Vital Records has informed me that I cannot amend an item on a birth certificate if it was previously amended without a Court order.

[Note: Paternity and legitimation affidavits are considered to be amendments to a birth certificate if they have been filed with the Vital Records Office.]

- (c) The Department of Vital Records has informed me that I cannot correct the year of birth by more than one year on a birth certificate without a court order.
- (d) The minor child was born at _____ (*name of hospital*), and the child's mother was admitted to the hospital under her maiden name of _____, rather than her married name of _____. The hospital did not ask about her marital status or the name of the father. When Petitioner contacted the Department of Vital Records to straighten out the matter, Petitioner was told they needed to have a court order to correct the child's birth certificate.

Because the parents were married before the child's birth and continue to be married, this child is automatically presumed to be a child of the marriage and, but for the error on the part of the hospital, the child would have the father's surname and his name would be listed on the birth certificate. See Affidavit of _____.

(Name of Parent signing Affidavit)

- (e) The minor child is over one year old.

- (f) I do not speak English. I provided the correct information to the staff at the hospital where the minor child was born, but the hospital staff failed to correctly write down the information I provided to them.
- (g) The Department of Vital Records has informed me that a Court order is needed for the following reasons: _____

[Note: If the Department of Vital Records has informed you that you must obtain a court order for a reason other than one listed above, you should consult a lawyer to see whether or not this form can assist you in filing your petition.]

5.

*[You must check and file copies of **at least one** of the following documents, (a) through (h), to support your Petition.]*

I have checked below to show the documents I am filing with my petition to support the facts I have stated in my request:

- (a) Certified copy of the birth certificate that needs to be corrected
- (b) Birth certificate(s) of minor child's parent(s) who are listed on the birth certificate
- (c) Copy of court document showing I am the adoptive parent or legal guardian of the minor child
- (d) Original or certified copies of church, school, census, or hospital records
- (e) Copy of marriage certificate showing that I was already married to the minor child's other parent at the time the minor child was born.
- (f) Affidavit of _____
(name of person signing Affidavit)
- (g) Other (describe): _____
- (h) Other (describe): _____

6.

*[Check and complete **all that apply** in this paragraph.]*

I am requesting that the birth certificate be corrected as follows:

- (a) Field # _____ which currently reads: _____
should read: _____
- (b) Field # _____ which currently reads: _____
should read: _____
- (c) Field # _____ which currently reads: _____
should read: _____
- (d) Field # _____ which currently reads: _____
should read: _____

(e) Field # _____ which currently reads: _____
should read:

7.

To the best of my knowledge, the error(s) on the birth certificate occurred because: _____

8.

I do not intend to defraud or cheat anyone by this request.

THEREFORE, I ask that this Court enter an order to direct that this birth certificate be corrected.

Dated: _____

Petitioner, *Pro se* (Signature)

Name: _____

Address: _____

Phone (daytime): () _____

CLAYTON COUNTY SUPERIOR COURT

STATE OF GEORGIA

In re: _____

Civil Action

Petitioner.

Case Number

**VERIFICATION OF PETITION
TO CORRECT A BIRTH CERTIFICATE**

I hereby swear or affirm, before a notary public, that I have read the *Petition to Correct a Birth Certificate*, or it was read to me in my native language, and the facts stated in it are true.

Aquí juro o prometo, en frente a un notario público, que he leído la *Petición para Corregir un Acta de Nacimiento*, o que se me leyó en mi idioma, y que los hechos en esa son la verdad.

[Sign in front of notary public.]

Subscribed and sworn before me on

Petitioner, *pro se*

Name: _____

Address: _____

Daytime Phone: () _____

Notary Public

CLAYTON COUNTY SUPERIOR COURT

STATE OF GEORGIA

In re: _____

Civil Action

_____,

Case Number

Petitioner.

**AFFIDAVIT IN SUPPORT OF
PETITION TO CORRECT BIRTH CERTIFICATE**

Having first been placed under oath or affirmation by a notary public, I hereby swear or affirm that the following information is true:

1. My name is _____ and I am _____ years old. I am competent to testify.

2. My relationship to the person with the incorrect birth certificate is as follows:

I am listed as the child's parent on the birth certificate

I am the minor child's legal guardian

I am _____

3. I have the following information regarding the errors listed in the *Petition to Correct Birth Certificate* _____

4. I am attaching the following documents which support the information I have stated in this Affidavit: _____

[Sign in front of Notary Public]

Subscribed and sworn to before me on

_____, 20____.

Notary Public

Print Name: _____

Address: _____

Telephone: (____) _____

CLAYTON COUNTY SUPERIOR COURT

STATE OF GEORGIA

In re: _____

Civil Action

Case Number

Petitioner.

**ACKNOWLEDGMENT OF SERVICE, CONSENT TO JURISDICTION
AND VENUE, AND CONSENT TO PRESENT CASE**

My name is _____. My relationship to the person with the incorrect birth certificate is as follows:

- I am listed as the child's parent on the birth certificate
- I am the minor child's legal guardian
- I am _____

I hereby acknowledge that I have received a copy of the *Petition to Correct Birth Certificate*, and I consent to both jurisdiction and venue as they are stated in the Petition.

I have consented to the changes requested in the *Petition*. So long as any Final Order in this action incorporates the changes listed in the *Petition*, then I waive formal process, further notice, my right to trial and, if I am on active duty in the armed forces, I also waive my rights under the Soldiers and Sailors Civil Relief Act, 50 USC App. §521. I give my consent for the Court to hear this matter as soon as possible.

Should further notice be required for any reason, the notice should be mailed at the following address: _____

[Sign in front of Notary Public]

Subscribed and sworn to before me on

Notary Public

Print Name: _____

Address: _____

Daytime Telephone: (____) _____

CLAYTON COUNTY SUPERIOR COURT

STATE OF GEORGIA

In re: _____

Civil Action

Case Number

Petitioner.

FINAL ORDER AMENDING BIRTH CERTIFICATE

This matter came before the Court on the *Petition to Correct a Birth Certificate*. The Court has considered the Petition and all supporting affidavits, testimony and other evidence. A copy of the Petition was also served upon the State Registrar of Vital Records of the State of Georgia. The Court having considered all of this, HEREBY ORDERS as follows:

That the State of Georgia issue a new Certificate of Live Birth for _____
_____ to replace his or her current Certificate of Live Birth, Local File
No. _____, State File No. _____, which shall be different from
the current Certificate of Live Birth for that file number in the following ways:

- Field Number _____ which currently reads: _____
shall be changed to: _____
- Field Number _____ which currently reads: _____
shall be changed to: _____
- Field Number _____ which currently reads: _____
shall be changed to: _____
- Field Number _____ which currently reads: _____
shall be changed to: _____
- Field Number _____ which currently reads: _____
shall be changed to: _____

All other fields for the Certificate of Live Birth with State File No. _____ shall remain unchanged.

This Order entered on _____, 20_____.

JUDGE _____
Clayton County Superior Court