

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

In re:

Petitioner.

Civil Action

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]
asking for an order to correct his/her birth certificate. In support of this petition, I state as follows:

1.

My name is _____, and I live in _____ 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 _____ County, Georgia.

(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): (_____) _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

In re:

_____,
Petitioner.

Civil Action

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.

Petitioner, *pro se* [Sign in front of notary public.]

Name: _____

Address: _____

Daytime Phone: (_____) _____

Subscribed and sworn before me on

_____, 20____.

Notary Public

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]

Print Name: _____

Address: _____

Telephone: (____) _____

Subscribed and sworn to before me
on _____, 20____.

Notary Public

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

In re:

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**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]

Print Name: _____

Address: _____

Daytime Telephone: (_____) _____

Subscribed and sworn to before me
on _____, 20____.

Notary Public

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,

IN THE SUPERIOR COURT OF _____ COUNTY
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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, SUPEROR COURTS
Southern Judicial Circuit

In re:

Petitioner.

_____ COUNTY

Civil Action

Case Number _____