

DEKALB COUNTY SUPERIOR COURT

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 DeKalb 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 DeKalb 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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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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): ( \_\_\_\_\_ ) \_\_\_\_\_