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# 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**." Rockdale Superior Court Clerk's office has the forms for that procedure as well. You may change the child's name in the Legitimation action, and you can also have your name added as the child's father on the birth certificate in the same case.
  
- " If you are a mother or father who wants to have a court decide who is the child's father, or if you want to remove the name of the father listed on the birth certificate you must file a **Paternity** action.
  
- " 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.

## ALSO, 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.

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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 Step One 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.

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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. This rule also applies to the Rockdale County Clerk's office and Judge's staff.

**LIST OF FORMS YOU SHOULD HAVE IN THIS PACKET:**

- (1) Petition to Correct a Birth Certificate
- (2) Verification of Petition
- (3) Summons
- (3) Affidavit in Support of Petition to Correct a Birth Certificate (*optional*)
- (4) Acknowledgment of Service, Consent to Jurisdiction and Venue, and Consent to Present Case
- (5) General Civil Case Filing Information Form
- (6) Final Order to Correct Birth Certificate
- (7) General Civil Case Final Disposition Information Form

**You will also need to get the following from the Superior Court Clerk's Office:**

- (8) Sheriff's Return of Service form (at least two copies)

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## 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.
- **STEP 4:** Make copies of all the forms.
- **STEP 5:** File the forms at the Superior Court Clerk's Office.
- **STEP 6:** 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 7:** Wait the required time, and prepare the Final Order form for the final hearing.
- **STEP 8:** Schedule and attend the court hearing.
- **STEP 9:** File the *Final Order* and get a certified copy of it.
- **STEP 10:** Take the certified copy of the *Final Order* to the Vital Records Office & ask them to change birth certificate(s).

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## DETAILED, STEP-BY-STEP INSTRUCTIONS

The rest of these instructions tell you how to fill out each form and complete each step of the process to complete your petition to correct the birth certificate. **Please read these instructions and each form very carefully.** Missing or misreading a word could cause you to make serious errors in your case, causing confusion and delays, and even causing the Court to deny the corrections you are requesting.

### **Step 1: Completing the Petition to Correct an Error on a Birth Certificate**

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. You will have to pay \$10.00 for each certified copy you get.

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.

Write your name and address at the top of your letter. Check the box which states whether you are trying to fix your own or your child's certificate. Look at the top right corner of the birth certificate to find the State File No. If it is legible, write that File number on the blank provided. Finally, give them a number and address where they can contact you back and sign the letter.

Remember to keep a copy for your records after you mail it. Also, you should keep any documentation you receive back from them and take that to court with you or to your appointment with the Family Law Information Center attorney.

You will have to enclose an additional \$10.00 money order or certified check payable to "Vital Records" before they will make the changes. 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.

### **A Step 2 (a): Completing the Petition to Correct an Error on a Birth Certificate**

**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.*

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**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 it is legally correct for you to file this action in DeKalb].*

**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)*

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**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 "Samanhta" 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.

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## **A Step 2 (b): 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 re-read 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)

## **A Step 2 (c): 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.

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**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.

**A Step 2 (d): 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.

**A Step 2 (e): 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.

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**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 in the Rockdale County Superior Court (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.

**A Step 2 (f): 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. The staff at the Family Law Information Center can notarize the documents for free, but you must have proper identification.

**A 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. (See Page 2 of these instructions for a list of all the forms.) 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.

**A 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.

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The court **filing fee** for a petition to amend a birth certificate action is currently (3/09) **\$84.50\*** (\*note that fees are subject to change). 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 Family Law Information Center 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 Rockdale Superior Court Clerk's office. It is located on the 2<sup>nd</sup> Floor of the Rockdale County Courthouse.

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. If you are paying the fees, you will probably be sent to a different clerk to pay the money, and then bring the receipt back to the filing clerk to show that you paid. If you are not paying the fees, but are filing a *Poverty Affidavit* instead, the clerk will instruct you about how the *Poverty Affidavit* and the *Order on Poverty Affidavit* are to be presented to the appropriate judge for review and signing.

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).

#### **A Step 6: Arranging for Service on the Georgia Department of Public Health, the State Registrar of the Department of Vital Records:**

Service is the formal process of notifying the Georgia Department of Public Health 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 Public Health at 2 Peachtree St. NW, 15th Floor, Atlanta, GA 30303-3186 and on the State Registrar at the Department of Vital Records at 2600 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*.

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**(a) 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 on page 5 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  
2600 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 . Therefore, the Rockdale County Sheriff’s Department cannot serve the papers. **You must arrange for service directly with the sheriff’s department in Fulton County,** as follows:

After you file your case with the Rockdale County 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.**"

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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 Public Health  
2 Peachtree St. NW  
15th Floor  
Atlanta, GA 30303-3186

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 County 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 Rockdale.

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

### **A Step 7: Wait the Required Time and 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.

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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 "Rockdale" 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.

**A *Step 8: 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:

- G *Petition to Correct Birth Certificate*
- G *All affidavits you filed in support of your petition*
- G *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)*
- G *Any documents you receive from the Office of Vital Records regarding your petition*

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You also need to take along the following forms you completed in **Step 7**:

G *Final Order*

G *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:

..φ your name,

..φ county where you live,

..φ how you are related to the children if filing on behalf of a minor child

..φ that you are asking the Judge to grant a correction in the birth certificate from \_\_\_\_\_ [list error] \_\_\_\_\_ to \_\_\_\_\_ [list proposed correction] \_\_\_\_\_, and

..φ 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.

### **A Step 9: File the Final Order and Get a Certified Copy**

Take the signed *Final Order* to the Clerk's office on the 2<sup>nd</sup> floor and file it with the clerk. Ask for a certified copy of the *Order*. There is a charge of \$3.00 for the certified copy (\$2.50 for the first page and 50¢ for each additional page). This is your proof that the Court is allowing you to amend the birth certificate

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## A **Step 10: (Optional) 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; telephone 404-679-4702:**

- G Certified copy of *Final Order*
- G Copy of current birth certificate to be changed
- G 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 Petition to Correct Birth Certificate is all done.**

**Congratulations!**

*BC-Instructions*