

GWINNETT 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 Gwinnett 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 Gwinnett County.

(b) The minor child does not live with me. The minor child lives _____ in with _____ 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.

(c) I am the minor child’s legal guardian.

3.

This petition is being served upon the State Registrar of Vital Records, at 1680 Phoenix Boulevard, Suite 100, Atlanta, GA 30349, and upon the Commissioner for the Georgia Department of Public Health at 200 Piedmont Ave., SE, West Tower, 19th Floor, Suite 1902, Atlanta, GA 30334.

*[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) Parent 1, whose name is _____
at the following address: _____

(iii) Parent 2, whose name is _____
at the following address: _____

(b) The minor child's guardian / parent(s) (*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 parent who gave birth to them was admitted to the hospital under their former name of _____, rather than her married name of _____.

The hospital did not ask about their marital status or the name of the other parent. 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 other parent's surname and their 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): (_____) _____

Email: _____

GWINNETT COUNTY SUPERIOR COURT
STATE OF GEORGIA

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**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: (_____) _____

Email: _____

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

Notary Public

GWINNETT COUNTY SUPERIOR COURT
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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]

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

Print Name: _____

Address: _____

Notary Public

Daytime Telephone: (____) _____

Email: _____

GWINNETT COUNTY SUPERIOR COURT

STATE OF GEORGIA

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**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: (_____) _____

Email: _____

Subscribed and sworn before me on
_____, 20____.

Notary Public