

# Important Information for Fathers Regarding Your Parental Rights

## 1. Determine your legal status.

If your child was born in Georgia and you were not married to the child's mother within ten months prior to birth or when the child was born, you have NO PARENTAL RIGHTS to that child under Georgia law. It doesn't matter that you signed the birth certificate. It doesn't matter that you have lived with the child or have a relationship with your child. It doesn't matter if you pay child support. If you are not or have not been married to the mother, your child is born "out of wedlock" and is not legitimate. You have legal obligations to your child, but NO LEGAL RIGHTS. If the mother is still legally married to another man and has a child with you, the HUSBAND is the legal father if the child is born while they are married. This lack of legal status usually becomes a problem when people split up and daddy wants to have custody of or regular visitation with his child. Also, if you do not have legal rights, your child cannot inherit from you and you cannot inherit from your child.

## 2. Change your legal status

If you at some point marry the child's mother AND acknowledge the child as yours, this will establish that you are the child's legal father. Georgia does not acknowledge common law marriages, so you will have to officially get married. If marriage is not a good solution for you, you must file a petition to legitimate your child in the Superior Court of the County in which you or the child resides (you may also file in Juvenile Court if and while there is a dependency case pending with regard to your child). This will allow

the court to enter an order decreeing that you are the legal father of your child, giving the child your last name, and giving your child the ability to inherit from you as if he or she was born in wedlock.

### **3. Protect your legal status**

In Georgia, there is a "Putative Father Registry" where you can register your name and that of the mother and the child so that you will receive notice in the event anyone ever attempts to adopt your child. This is a very important step for you to take, and it seems that very few fathers know about it.

### **4. Enforce and enjoy your legal status**

When you file a petition for legitimation of your child, you may include a request for visitation (parenting time), and if the court grants your petition to legitimate, you can at the same time get an order for parenting time. You may enforce that order if the mother refuses to comply with your court-ordered visitation or parenting time. You may have standing to seek custody if you believe you can prove to the court that it is in the best interest of your child to live with you. Your child needs BOTH parents. Spend quality time with your child, keep your contact regular, support him or her financially. Protect your rights to your child! Once they are gone, they are gone forever.

Additional resources provided by the author:

- [Georgia Putative Father Registry](#)
- [Legitimation Forms Provided by Cobb County Superior Court \(which may be used as an example for filing in other courts\)](#)