

LEGITIMATION AND CUSTODY/VISITATION By Publication

IMPORTANT INFORMATION ABOUT THIS PACKET

Complete this packet if you are a biological father seeking to legitimate your relationship with your child born out of wedlock. You may also ask for any of the following relief:

1. Entering your name on the child's birth certificate;
2. Changing the child's last name to your last name;
3. Establishing child support (or adopting /modifying existing child support);
4. Establishing court-ordered custody and visitation

****IMPORTANT NOTE****

In a legitimation case, the Court must determine the duty to provide child support.

“Petitioner”: The biological father's first and last name

“Respondent”: The other party's first and last name

“Case Number”: Leave this field blank if you are preparing to file a new case

OPTIONAL FORM:

If you are unable to afford the filing fees, you may ask the Court to waive the fees by completing the [Affidavit of Indigence and Eligibility to Proceed in Forma Pauperis \(Pauper's Packet\)](#) and submit along with your other completed forms to the Clerk of Superior Court.

General Civil and Domestic Relations Case Filing Information Form

☒ Superior or ☐ State Court of GWINNETT County

For Clerk Use Only

Date Filed _____
MM-DD-YYYY

Case Number _____

Plaintiff(s)

Last	First	Middle I.	Suffix	Prefix
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____

Defendant(s)

Last	First	Middle I.	Suffix	Prefix
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____

Plaintiff's Attorney _____

Bar Number _____

Self-Represented ☐

Check One Case Type in One Box

General Civil Cases

- ☐ Automobile Tort
- ☐ Civil Appeal
- ☐ Contract
- ☐ Garnishment
- ☐ General Tort
- ☐ Habeas Corpus
- ☐ Injunction/Mandamus/Other Writ
- ☐ Landlord/Tenant
- ☐ Medical Malpractice Tort
- ☐ Product Liability Tort
- ☐ Real Property
- ☐ Restraining Petition
- ☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
- ☐ Dissolution/Divorce/Separate Maintenance
- ☐ Family Violence Petition
- ☐ Paternity/Legitimation
- ☐ Support – IV-D
- ☐ Support – Private (non-IV-D)
- ☐ Other Domestic Relations

Post-Judgment – Check One Case Type

- ☐ Contempt
 - ☐ Non-payment of child support, medical support, or alimony
- ☐ Modification
- ☐ Other/Administrative

- ☐ Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number

- ☐ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

- ☐ Is an interpreter needed in this case? If so, provide the language(s) required. _____
Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

**IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

Civil Action No. _____

Plaintiff

v.

Defendant

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

You are hereby required to file with the Clerk of said Court and serve upon the plaintiff or plaintiff's attorney, whose name, address and email address are:

an answer to the complaint which is hereby served on you. You must make your answer within 30 days after service of this summons upon you. This time excludes the day of service. If you fail to answer, the court will issue a default judgment against you for the relief sought in the complaint.

If this action pertains to a Protective Order, the answer is to be filed and served on or before the scheduled hearing date attached.

This _____ day of _____, 20____.

Tiana P. Garner
Clerk of Superior Court

By _____
Deputy Clerk

[Attach addendum sheet for additional parties, if needed. You must make a notation on this sheet if used.]

**IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

Plaintiff/Petitioner

v.

Civil Action No. _____

Defendant/Respondent

STANDING ORDER: CHILD SUPPORT AND PERMANENT PARENTING PLANS

This Order applies to all domestic actions involving child support and/or custody of a minor child or minor children. These domestic actions include, but are not limited to: divorce, modification of child support, modification of custody, separate maintenance cases that involve children, legitimations and paternity cases.

CHILD SUPPORT COMPUTATION REQUIREMENTS AND PROCEDURES:

1. As of January 1, 2007, Child Support Computation **REQUIRES** the use of the internet *and/or* the use of an electronic worksheet downloaded to a computer.
2. Parties and/or their lawyers should go to <https://csc.georgiacourts.gov> to find the proper electronic worksheet. Parents should use *The Guided Electronic Worksheet*. Lawyers, Mediators, and other Professionals should use *The Practitioner's Electronic Worksheet*. Anyone can use *The Downloadable Electronic Worksheet*. Alternatively, go to <https://gwinnett.tiny.us/23cnde8z> to find your proper electronic worksheet.
3. Uniform Superior Court Rule 24 has been amended and compliance therewith is required. See <https://gwinnett.tiny.us/3erufvkx>
4. Completion of the form *CHILD SUPPORT ADDENDUM*, available from the Clerk of Court, is **REQUIRED** anytime a child support Order is requested. <https://gwinnett.tiny.us/sed/6ak>
5. All final judgments involving child support and agreements furnished to the Court for approval and/or entry must comply with the drafting mandates of O.C.G.A. §19-5-12 & 19-6-15. A completed child support worksheet shall also be filed with the Clerk of Court, or submitted to the Court in accordance with the provisions of O.C.G.A. § 19-6-15(m)(1) to be attached and/or incorporated into any final judgment or order. The following form is available from the Clerk of Court for use: **FINAL JUDGMENT AND DECREE OF DIVORCE**
<https://gwinnett.tiny.us/w7mw3mbh>
6. Pursuant to O.C.G.A. § 19-6-31, 32, & 33, the recipient of child support has the express right, without notice to the other party, at the time any child support order is entered or at any time thereafter, to submit a separate Income Deduction Order for Award of Child Support to the Court for immediate entry.

PERMANENT PARENTING PLANS

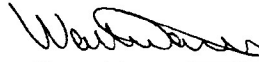
7. Pursuant to O.C.G.A. § 19-9-1, and U.S.C.R 24.10, in all cases in which the custody of any child is at issue between the parents, each parent shall prepare a parenting plan or the parties may jointly submit a parenting plan. The final decree in any legal action involving the custody of a child, including modification actions, shall incorporate a permanent parenting plan or written settlement agreement containing such permanent parenting plan. This requirement may also be satisfied by completion of the form *PERMANENT PARENTING PLAN*, available from the Clerk of Court. See, <https://qwinnett.tiny.us/p69rze>

The terms and conditions hereof may be modified or amended by subsequent order of any judge of this Court or any judge sitting by designation in this Court in any individual case.

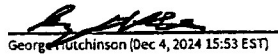
SO ORDERED this 2 day of January, 2025.



R. TIMOTHY HAMIL, Chief Judge



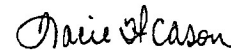
WARREN DAVIS, Judge


George F. Hutchinson (Dec 4, 2024 15:53 EST)

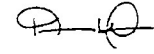
GEORGE F. HUTCHINSON, III, Judge



TRACEY D. MASON, Judge



TRACIE H. CASON, Judge



TADIA WHITNER, Judge


Angela Duncan (Dec 4, 2024 15:38 EST)

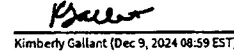
ANGELA D. DUNCAN, Judge


Deborah Fluker (Dec 4, 2024 15:37 EST)

DEBORAH R. FLUKER, Judge



TAMEA L. ADKINS, Judge


Kimberly Gallant (Dec 9, 2024 08:59 EST)

KIMBERLY A. GALLANT, Judge



TUWANDA RUSH WILLIAMS, Judge

**IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

Plaintiff/Petitioner

Civil Action No. _____

v.

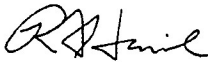
Defendant/Respondent

NAVIGATING FAMILY CHANGE PARENTING SEMINAR

This Order applies to all domestic actions involving a child or children under 18 years of age where the parties are involved in a separate maintenance, paternity action, change of custody, visitation, legitimation, divorce and any other domestic action, *excluding* domestic violence and contempt actions.

ORDERED that:

1. All parties successfully complete a parenting workshop sponsored by the circuit's Administrative Office of the Courts.
2. The program shall be successfully completed within 31 days of service of the original complaint upon the original defendant.
3. Appropriate action, including but not limited to contempt, may be taken upon a party's failure to successfully complete the workshop pursuant to this Order.
4. For good cause shown, the requirement of completion of this workshop may be waived in individual cases.



R. TIMOTHY HAMIL, Chief Judge

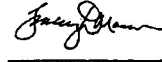


WARREN DAVIS, Judge

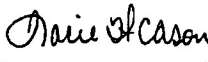


George Hutchinson (Dec 4, 2024 15:53 EST)

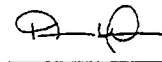
GEORGE F. HUTCHINSON, III, Judge



TRACEY D. MASON, Judge



TRACIE H. CASON, Judge



TADIA WHITNER, Judge



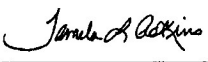
Angela Duncan (Dec 4, 2024 15:38 EST)

ANGELA D. DUNCAN, Judge



Deborah Fluker (Dec 4, 2024 15:37 EST)

DEBORAH R. FLUKER, Judge



TAMELA L. ADKINS, Judge



Kimberly Gallant (Dec 9, 2024 08:59 EST)

KIMBERLY A. GALLANT, Judge



TUWANDA RUSH WILLIAMS, Judge

**SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 10px;"></div> <div style="text-align: center; padding: 10px 0;">Petitioner,</div> <div style="text-align: center; padding: 10px 0;">v.</div> <div style="border-bottom: 1px solid black; height: 20px; margin-top: 10px;"></div> <div style="text-align: center; padding: 10px 0;">Respondent.</div>	<div style="padding: 10px 0;">Civil Action File No.: <div style="border-bottom: 1px solid black; width: 200px; display: inline-block;"></div></div>
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**PETITION FOR LEGITIMATION AND
□ CUSTODY, VISITATION, and CHILD SUPPORT**

My name is _____ and I am representing myself in this legitimation petition. In support of my case, I state the following:

1. The Respondent *[Check only one of the following, either (a), (b), or (c).]*
is

- ☐ (a) the mother of my child(ren)
- ☐ (b) the legal guardian of my child(ren)
- ☐ (c) the legal custodian of my child(ren).

2. **Jurisdiction and Venue:**

[Check only one of the following, either (a), (b), (c), (d), (e), or (f).]

- ☐ (a) The Respondent is a resident of Gwinnett County, Georgia.
- ☐ (b) The Respondent is a resident of _____
County, Georgia, and I live in Gwinnett County. The Respondent
has acknowledged service of process and consented to the
jurisdiction and venue of this Court.

☐ (c) The Respondent resides in the State of _____
but I am a resident of Gwinnett County and my child(ren) reside(s) in
Georgia.

☐ (d) The Respondent resides in the State of _____
but my child(ren) reside(s) in Gwinnett County.

☐ (e) The Respondent's whereabouts are unknown to me, but I am a
resident of Gwinnett County and my child(ren) reside in Georgia. I am
filing my *Affidavit of Due Diligence* with this *Petition*, and incorporate
it here by reference.

☐ (f) The Respondent's whereabouts are unknown to me, but my
child(ren) reside(s) in Gwinnett County. I am filing my *Affidavit of Due
Diligence* with this *Petition*, and incorporate it here by reference.

3. **Service of Process:** The Respondent shall be served as provided under OCGA §
9-11-4, in the following manner:

[Check only one of the following, either (a), (b), or (c).]

☐ (a) The Respondent may be served by the Sheriff's Department at the
Respondent's residence/work address, which is:

☐ (b) The Respondent has acknowledged service of process. I am filing
the *Acknowledgment of Service* (which has been signed by the Respondent)
with this *Petition*.

☐ (c) The Respondent's whereabouts are unknown to me. I am filing my
Affidavit of Due Diligence with this *Petition*. The Respondent shall be
served by publication as provided under OCGA § 9-11-4(e)(1) for those
who cannot be found within the State of Georgia.

To the best of my knowledge, the Respondent's last known address is:

4. **Minor Child(ren):**

I am the father of the minor child(ren), listed below:

<u>Name of child</u>	<u>Sex</u>	<u>Year of Birth</u>	<u>Lives with (mother, father, other)</u>

The minor child(ren) was/were born out of wedlock.

5. **Child(ren)'s Current Residence:**

Child(ren)'s current address: _____

City, State ZIP _____

County: _____

The child(ren) has/have lived at this address since approximately (month and year): _____

6. **Child(ren)'s Past Residences:**

During the past five years, the child(ren) has/have lived at the following addresses:

<u>Dates at Address</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____

7. **Adults With Whom Child(ren) Has/Have Lived:**

During the past five years, the child(ren) has/have lived with the following adults:

Name of Person

Current Address

8. **Other Court Cases About Child(ren):**

[Check only one of the following, either (a) or (b).]

☐ (a) I have never participated as a party or a witness or in any other capacity in any other litigation concerning the custody of or visitation with the minor child(ren) in this or any other state.

☐ (b) I have participated in other litigation concerning the custody of the minor child(ren) in Georgia or another state. The court, case number and date of any order concerning custody or visitation under the other litigation are as follows:

9. **Other Proceedings That Could Affect Custody or Visitation in This Case:**

[Check only one of the following, either (a) or (b).]

☐ (a) I do not have any information of any proceeding that could affect this case, including proceedings for enforcement and proceedings relating to family violence, protective orders, termination of parental rights, and adoptions in this or any other state.

- ☐ (b) I have information about a proceeding that could affect this case, including proceedings for enforcement and proceedings relating to family violence, protective orders, termination of parental rights, or adoptions in this or another state. The court, the case number and the nature of the proceeding are as follows:

10. **Others Claiming Custody or Visitation:**

[Check only one of these, either (a) or (b).]

- ☐ (a) I do not know of any person who is not a party to this case, who has physical custody of the child(ren) or who claims to have custody or visitation rights with respect to the child(ren).
- ☐ (b) I know of someone who is not a party to this case, who has physical custody of the child(ren) or who claims to have custody or visitation rights with respect to the child(ren). The names and present addresses of the person(s) are:

11. I want to legitimate my relationship with the child(ren).

☐ 12. I want to change the name of the child(ren) from:

_____	to	_____
_____	to	_____
_____	to	_____
_____	to	_____

☐ 13. I seek to have my name entered as the father on the birth record of each child.

14. **Child Custody and Visitation:** I am a fit and capable parent, and I believe that the following custody arrangement is in the best interests of the children:
[*Check only one of the following, either (a), (b), (c) or (d).*]

- ☐ (a) I should have legal and physical custody.
- ☐ (b) The Respondent and I should share joint legal custody but I should have primary physical custody and the Respondent should have visitation.
- ☐ (c) The Respondent and I should share joint legal custody but the Respondent should have primary physical custody and I should have visitation.
- ☐ (d) Other custody arrangement:

Permanent Parenting Plan. I understand I am required to prepare a Parenting Plan which:

- ☐ I am filing a Parenting Plan at the same time with this *Petition*.
- ☐ I will file a Parenting Plan before the first hearing in this case.

15. **Child Support:** [*Check only one of these, either (a), (b), (c) or (d).*]

- ☐ (a) The Respondent has income or is capable of earning sufficient money to support the minor child(ren).
- ☐ (b) I have income or I am capable of earning sufficient money to support the minor child(ren).
- ☐ (c) I am already paying child support. The child support order is attached to this *Petition* and marked as Exhibit "A." I am asking the Court to:
- ☐ Adopt the existing order without changes
- ☐ Modify the child support order
- ☐ (d) I am not asking the Court to address this issue in this case.
- ☐ (e) The issue of child support cannot be decided in this action because the Court does not have personal jurisdiction over the Respondent.

16. **Health Insurance for Child(ren):**

[Check only one of these, either (a), (b), (c) or (d).]

- ☐ (a) The Respondent should be ordered to maintain a policy for medical, dental and hospitalization insurance for the minor child(ren).
- ☐ (b) I already provide health insurance for the child(ren), and the Respondent should be required to reimburse me for a fair share of the cost each month.
- ☐ (c) I am not asking the Court to address this issue in this case.
- ☐ (d) The issue of health insurance cannot be decided in this action because the Court does not have personal jurisdiction over the Respondent.

17. **Other Medical Expenses for Child(ren):**

[Check only one of these: (a), (b), (c) or (d).]

- ☐ (a) The Respondent should be responsible for all expenses incurred for the child(ren)'s medical, dental and hospital care, that are not covered by insurance.
- ☐ (b) The Respondent and I should share the cost of expenses incurred for the child(ren)'s medical, dental and hospital care, that are not covered by insurance.
- ☐ (c) I am not asking the Court to address this issue in this case.
- ☐ (d) The issue of health care expenses for the child(ren) cannot be decided in this action because the Court does not have personal jurisdiction over the Respondent.

18. **Life Insurance to Support Child(ren):**

[Check only one of these, either (a), (b) or (c).]

- ☐ (a) The child(ren) depend(s) on the Respondent for support, and therefore the Respondent should maintain a policy of insurance on the Respondent's life, for the benefit of the minor child(ren). The Respondent should maintain the policy for so long as at least one of the children is a minor or is otherwise entitled to child support.
- ☐ (b) I am not asking the Court to address this issue in this case.
- ☐ (c) The issue of life insurance for the child(ren) cannot be decided in this action because the Court does not have personal jurisdiction over the Respondent.

FOR THESE REASONS, I REQUEST THE FOLLOWING RELIEF:

[Check all that apply.]

- ☐ (a) That the Court enter a Order legitimating my relationship with the child(ren) so hat the child(ren) and I will be capable of inheriting from each other in the same manner as if the child(ren) had been born in wedlock;
- ☐ (b) That the name of the child(ren) be changed according to Paragraph 12;
- ☐ (c) That the Department of Vital Statistics be ordered and directed to amend the birth records of each child and reissue a birth certificate showing me as the father and changing each child's name as requested above;
- ☐ (d) That the custody and visitation for the child(ren) be ordered according to Paragraph 14;
- ☐ (e) That child support, health insurance, medical expenses and life insurance for the support of the child(ren) be ordered according to Paragraphs 15, 16, 17 and 18;
- ☐ (f) That Respondent be served with notice of this Petition as provided by law;
- ☐ (g) That a Rule Nisi be scheduled by the Court, to decide on the relief I have requested;
- ☐ (h) That the Court order the parties to participate in mediation, to try to resolve this matter; and
- ☐ (i) That the Court order any and all other relief that the Court finds appropriate.

Dated: _____

Petitioner *Pro se* [signature]

Name: _____

Address: _____

City, State ZIP

Phone: _____

Email: _____

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

<hr/> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <hr/> <p style="text-align: center;">Respondent.</p>		<p>Civil Action File No.: <hr/></p>
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VERIFICATION

The Petitioner, duly sworn and affirmed, has read this document and states that the facts contained in the *Petition for Legitimation and Custody/Visitation* are true and correct.

Petitioner, *Pro se* (signature)

SWORN AND AFFIRMED before me this

_____ day of _____, 20____.

NOTARY PUBLIC

SELECT AND COMPLETE A PARENTING PLAN

All divorce actions involving children must include a Parenting Plan. The parenting plan includes required language and provisions as established by Georgia law.

Options:

1. **Blank parenting plan**
Select your own provisions based on your family's special circumstances.
2. **Standard parenting plan**
Includes provisions such as joint legal custody, alternating weekends, alternating holidays and two weeks of summer vacation. You may customize provisions as necessary.
3. **Long distance parenting plan**
Includes provisions for situations where the non-custodial parent lives out of state.
4. **Sole custody to petitioner**
This plan is intended for the following situations:
 - The non-custodial parent cannot be located
 - The non-custodial parent is incarcerated
 - The Defendant is not the biological father of the child(ren) born since you married.
 - If your spouse is the biological/adoptive parent of any of the other children, you will need to select a 2nd Parenting Plan from the options above.
5. **Joint legal and joint physical (50/50) custody.** Attorney consultation is recommended.

Visit the Parenting Plan page located at:

<http://gwinnettfrc.atlantalegalaid.org/child-custody/parenting-plans/>

PUBLICATION PACKET

Complete these forms if you cannot locate the other party, and you are asking the court for permission to legally notify the other party by publication of your Complaint or Petition in the local newspaper.

HELPFUL HINTS:

“Plaintiff” or “Petitioner”: The first and last name of the person who is filing this action

“Defendant/Respondent”: The other party’s first and last name

“Case Number”: Leave this field blank if you are preparing to file a new case

Your search for the other party should include, but is not limited to:

- checking the telephone book and directory assistance in the area where you live;
- checking the telephone book and directory assistance in the area where the Defendant is last known to have lived;
- asking friends and relatives who might know the location of the missing Defendant;
- checking the post office for any forwarding address of the missing Defendant;
- checking records of the tax collector and property assessor to see if the missing Defendant owns property;
- contacting past employers;
- contacting the department of motor vehicles for registrations in the name of the missing Defendant;
- It is not necessary for you to pay a private detective to try to find a missing Defendant, but you should check any possible sources, including internet websites, that might lead to a current address.

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

_____		Civil Action
Plaintiff,		File No.: _____
v.		

Defendant.		

AFFIDAVIT OF DILIGENT SEARCH

I am the Plaintiff in this case. I am filing this *Affidavit of Diligent Search* under OCGA § 9-11-4 (f)(1)(A). I hereby swear or affirm, before a notary public, that the following information is true:

1.

A diligent search has been made, and the Defendant/Respondent cannot be found within the State of Georgia. I do not know where the Defendant/Respondent lives or where the Defendant can be found.

2.

The last known address and telephone number I have for the Defendant is:

Telephone Number: _____

The Defendant/Respondent no longer lives at this address. To the best of my

knowledge, he/she last lived at this address on (date) _____

3.

I have made the following efforts to find the Defendant/Respondent:

☐ (a) Checking with the Defendant/Respondent's friends, relatives, employers, landlords or others I have listed below:

(1) Name of Person Contacted: _____

Contact's Relationship with Defendant/Respondent: _____

Contact's Address: _____

Contact's Phone Number: _____

Date I contacted this person: _____

Results of Contact / What They Told Me:

(2) Name of Person Contacted: _____

Contact's Relationship with Defendant/Respondent: _____

Contact's Address: _____

Contact's Phone Number: _____

Date I contacted this person: _____

Results of Contact / What They Told Me:

(3) Name of Person Contacted: _____

Contact's Relationship with Defendant/Respondent: _____

Contact's Address: _____

Contact's Phone Number: _____

Date I contacted this person: _____

Results of Contact / What They Told Me:

(4) Name of Person Contacted: _____

Contact's Relationship with Defendant/Respondent: _____

Contact's Address: _____

Contact's Phone Number: _____

Date I contacted this person: _____

Results of Contact / What They Told Me:

☐ (b) Checking telephone information and directories, with the following results:

☐ (c) Attempted sheriff, marshal or private process service at the Defendant's ☐ last known residence OR the Defendant's ☐ last known place of employment, which was at the following address:

☐ (d) The following Internet web searches with the following results:

Website	Results
<input type="checkbox"/> www.gwinnettcourts.com	_____
<input type="checkbox"/> www.gwinnettcountysheriff.com/Docket Book.htm	_____

- | | | |
|--------------------------|--|-------|
| <input type="checkbox"/> | http://sos.ga.gov/mvp | _____ |
| <input type="checkbox"/> | www.dcor.state.ga.us/GDC/OffenderQuery/jsp/OffQryForm.jsp | _____ |
| <input type="checkbox"/> | http://ssdi.rootsweb.ancestry.com | _____ |
| <input type="checkbox"/> | www.superpages.com | _____ |
| <input type="checkbox"/> | www.whitepages.com | _____ |
| <input type="checkbox"/> | www.zabasearch.com | _____ |
| <input type="checkbox"/> | http://mycarepack.com/index.aspx | _____ |
| <input type="checkbox"/> | http://www.facebook.com | _____ |
| <input type="checkbox"/> | http://www.instagram.com | _____ |
| <input type="checkbox"/> | http://www.twitter.com | _____ |
| <input type="checkbox"/> | Other website(s): _____ | _____ |

 Plaintiff/Petitioner, *pro se* (Sign here before notary.)

Subscribed and sworn before me on

_____, 20____.

 Notary Public

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

<hr style="border: 0; border-top: 1px solid black; margin-bottom: 10px;"/> <div style="text-align: center;">Plaintiff,</div> <div style="text-align: center;">v.</div> <div style="text-align: center;"><hr style="border: 0; border-top: 1px solid black; margin-top: 10px;"/></div> <div style="text-align: center;">Defendant.</div>		<div>Civil Action File No.:</div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>
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MOTION FOR SERVICE BY PUBLICATION

I am the Plaintiff/Petitioner and I am representing myself in this action.
Pursuant to O.C.G.A. §9-11-4(f)(1)(A), I am requesting an order directing service to be made upon the Defendant/Respondent by publication of summons on the grounds set forth in the attached *Affidavit of Diligent Search*.

Dated:

☐ Plaintiff/Petitioner *Pro se [signature]*

Name:

Address:

City, State ZIP

Phone:

Email:

**IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

CIVIL ACTION NO. _____

SERVICE BY PUBLICATION DATES:

PLAINTIFF

VS

DEFENDANT

NAME OF PARTY TO BE SERVED:

ORDER OF PUBLICATION

It appearing by Affidavit, that the above named defendant on whom service is to be made in this case resides out of the State or has departed from the State, or cannot after due diligence, be found within the State, or conceals (him) (her)self to avoid service of the Summons, and it further appearing, either by Affidavit or by verified Complaint on file, that a claim exists against the defendant in respect to whom service is to be made, and that (he) (she) is a necessary or proper party to the action.

IT IS HEREBY CONSIDERED, ORDERED AND DECREED THAT: Service be made by publication as provided by law.

SO ORDERED this ____ day of _____, 20____.

Judge, Gwinnett Superior Court
Gwinnett County, Georgia

RETURN OF SERVICE

I hereby certify that a Notice in the Manner and form prescribed in the foregoing Order was published, and that I have enclosed, directed, stamped and mailed a copy of said Notice together with a copy of the Order for Service by Publication and Complaint (if any), to the above named defendant.

This the ____ day of _____, 20____.

Tiana Garner,
Clerk of Superior Court

By: _____
Deputy Clerk – Gwinnett Superior Court

ORDER PERFECTING SERVICE

It appearing to the Court that Service upon the above named party has been perfected by publication of notice on the above stated dates in the legal organ of this County, and by enclosing, directing, stamping, and mailing a copy of the notice together with a copy of the order for Publication and the Complaint (if any) to said defendant at (his) (her) last known address.

IT IS HEREBY ORDERED that said service by publication be, and is approved.

Judge, Gwinnett Superior Court

PUBLICATION DATES OK: This ____ day of _____, 20____.

Tiana Garner,
Clerk of Superior Court

Deputy Clerk – Gwinnett Superior Court

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

CIVIL ACTION NO. _____

Plaintiff

Defendant

To: _____

NOTICE OF PUBLICATION

By order for service by publication dated _____, 20____, you are hereby notified that on the _____ day of _____, 20____, _____ filed suit against you for _____.

You are required to file with the Clerk of the Superior Court, and serve upon plaintiff's attorney,

an answer in writing within sixty (60) days of the date of the order for publication.

This the _____ day of _____, 20_____.

WITNESS, the Honorable _____, Judge of this Superior Court.

Deputy Clerk, Superior Court
For: Tiana P. Garner, Clerk
PO Box 880
Lawrenceville GA 30046

HOW TO FILE YOUR DOCUMENTS AT THE COURTHOUSE

- ☐ 1. Download all current administrative court forms at:
<http://gwinnettflc.atlantalegalaid.org/administrative-court-forms/>
- ☐ 2. Double-check that you have signed all of your documents.
- ☐ 3. Go to the Clerk of Superior Court; they have a computer and scanner available for you to use.
- ☐ 4. Scan your documents, at the kiosk, one at a time

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Plaintiff, _____	Civil Action File No.: _____
Defendant. _____	TITLE OF DOCUMENT

Example of case heading

- Each page with the case heading is a separate document.
- Label the document in a way you will remember, for example:
 - Initials, Summons
 - Initials, Complaint
 - Initials, Financial Affidavit

- ☐ 5. Follow the instructions on the computer for filing with Tyler's Odyssey eFileGA.
- ☐ 6. Ask for help if necessary.
- ☐ 7. Set up an account or enter in your email address. There is no fee to set up an account.
- ☐ 8. Choose "upload documents" and then upload all of the documents you just scanned.
- ☐ 9. After filing, wait 24 to 48 business hours to receive an "acceptance" email. If your filing was not accepted, you will receive an email that explains why (for example, no signature or no date).
- ☐ 10. The accepted documents will be stamped with a case number, date and time.
- ☐ 11. Print two copies of the stamped, accepted document(s). One copy is for your records. The second copy is for the other party.
- ☐ 12. Serve the other party. Review your options at <http://gwinnettflc.atlantalegalaid.org/filing-and-service-instructions/>

Want to file your case from home? Visit
<http://gwinnettflc.atlantalegalaid.org/how-to-efile/>

**INSTRUCTIONS FOR
SERVICE BY PUBLICATION
WHEN THE OTHER PARTY CANNOT BE LOCATED**

- ☐1. **Efile from the courthouse or from home.** For more details, visit:
<http://gwinnettfcl.atlantalegalaid.org/how-to-efile/>.
- ☐2. Complete the [publication packet](#) and efile each separate document from home or at the courthouse.
- ☐3. There is a publisher's fee for service by publication. If you have filed an affidavit of indigence (fee waiver) and the court has approved it, there is no charge for having notice of your case published in the Gwinnett Daily Post.
- ☐4. The notice will be published once a week for four weeks in the Legal Notices section of the Gwinnett Daily Post. After the notice has been published for four weeks, the publisher will send an affidavit of publication to the court.
- ☐5. After the court receives the affidavit of publication, the other party has 30 days from the date of the last published notice to file a response, but does not have to file a response, sign anything or appear in court in order for the court to grant you the relief you have requested.
- ☐6. You will receive a notice in the mail from the court informing you of the date, time and appointed courtroom for your hearing. Your case may be dismissed if you do not attend the hearing.

Courthouse Information

Gwinnett Justice and Administration Center
ATTN: Clerk of Superior Court
75 Langley Drive
Lawrenceville, GA 30046
Tel: (770) 822-8100

Efile Information

<http://www.odysseyefilega.com/>

Can't serve the other party by publication? See more service options at
<http://gwinnettfcl.atlantalegalaid.org/category/filing-instructions/>