



*House of Representatives*  
*Study Committee on the Affordability and Accessibility of*  
*Georgia's Legitimation Process*

Final Report

Chairman Carter Barrett  
Representative, 24<sup>th</sup> District

Vice Chairman Teddy Reese  
Representative, 140<sup>th</sup> District

The Honorable Rob Clifton  
Representative, 131<sup>st</sup> District

The Honorable Lynn Heffner  
Representative, 130<sup>th</sup> District

The Honorable Vance Smith  
Representative, 138<sup>th</sup> District

**2025**

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## INTRODUCTION

The House Study Committee on the Affordability and Accessibility of Georgia's Legitimation Process was created by the passage of House Resolution 753 during the 2025 Session of the Georgia General Assembly.

HR 753 recognizes that a biological father not married to the mother of the child at the time of birth must file a separate legal petition in order to legitimate the child and obtain legal rights as a parent, but are discouraged from doing so due to a lack of resources or awareness of the costs associated with legitimation. As the benefit of having two parents responsible for a child is known to have a positive effect on a child's welfare, the resolution notes it is worth considering whether the legitimation process in Georgia may be improved in a way that yields it more affordable and accessible.

The committee consisted of five members of the House of Representatives. On May 14, 2025, Speaker Jon Burns appointed the following members: Representative Carter Barrett, chairman; Representative Teddy Reese, vice chairman; Representative Rob Clifton; Representative Lynn Heffner; and Representative Vance Smith.

## MEETINGS

The House Study Committee on the Affordability and Accessibility of Georgia's Legitimation Process held three meetings that were open to testimony from subject matter experts and members of the public:<sup>1</sup>

**July 16<sup>th</sup>, 2025 at the Georgia State Capitol, Atlanta, GA**

**Link to Recording of Meeting:** <https://www.youtube.com/watch?v=4QO37OsPBEs&t=984s>

- The following individuals presented and testified at the meeting: Katie Connell, Regina Quick, Carrington Buze, Alexis Putt, Kenneth Braswell, Marcus Roberts, Michelle Lockhart, Javin Foreman, and Justin Sosebee.

**August 13<sup>th</sup>, 2025 at the Columbus Council Chambers, Columbus, GA**

**Link to Recording of Meeting:** <https://www.youtube.com/watch?v=Q217pkUguxw&t=824s>

- The following individual presented and testified at the meeting: Judge Gil McBride, Mayor Kenneth Sumpter, Meg Murray, Carrington Buze, Michelle Lockhart, Steve Brown, Rodney Kellum, Kenneth Braswell, and Arreasha Z. Lawrence.

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<sup>1</sup> The committee thanks the Columbus Consolidated Government as well as Augusta University for hosting committee meetings. The committee also thanks House Media Services for livestreaming the meetings to ensure greater access to the committee's proceedings. Finally, the committee truly appreciates all who attended and contributed to the study committee's work.

September 17<sup>th</sup>, 2025 at the Georgia Cyber Innovation & Training Center, Augusta, GA  
Link to Recording of Meeting: <https://www.youtube.com/watch?v=Elpb0nkBwho&t=1189s>

- The following individuals presented and testified at the meeting: Katrell Nash, Andre Lacey, Francine Smith, Rep. Karlton Howard, Justin Almanza, Michelle Lockhart, Howard Robinson, Cody Pyatt, Sundjata Aya, Paul Harper, Tonya Winters, and Kenneth Braswell.

## COMMITTEE FINDINGS

### Legitimacy and Georgia's Legitimation Process

#### *The State of Legitimacy and Illegitimacy in Georgia*

Legitimacy and illegitimacy are concepts steeped in hundreds of years of Western common law, defined as statuses conferred to children born to parents who are either legally married to each other for legitimacy or born outside of marriage for illegitimacy. The legal relevance of these statuses for the children has subsided over the years as a result of legal decisions and evolving cultural norms. However, as the study committee learned, the relevance to the fathers of children born outside of marriage remains entrenched in Georgia law.

The stigma of children born out of wedlock has decreased over the decades, but the statistics continue to grow. Forty percent of all births in the United States are to unmarried women.<sup>2</sup> Georgia exceeds that national average, with 2023 figures showing 46.3 percent of births in the state are to unmarried women.<sup>3</sup> This statistic indicates that almost half of Georgia children, numbering in the hundreds of thousands, have families where Georgia's legitimation process is applicable.<sup>4</sup> Beyond the statistic are actual families, and the study committee heard testimony about the benefits of having families with two parents providing a positive contribution to their children's lives: economic stability, life skills, higher academic outcomes, reduced behavioral problems, and a more supportive environment.

There are legal presumptions for legitimacy in Georgia, where it is presumed that if a child is born to a married couple, the husband is presumed to be the father of the child and not considered illegitimate.<sup>5</sup> That presumption can be rebutted, the committee learned, through the introduction of evidence like blood tests or DNA testing. For example, if a woman has a child with a man who is not her husband, Georgia presumes that the husband is the father until it is rebutted with clear evidence that the other man is in fact the father.<sup>6</sup> A scenario like this is emblematic of the complexities of these issues, which through the mysteries of life are not as clear and straightforward as some laws may have originally contemplated.

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<sup>2</sup> <https://www.cdc.gov/nchs/fastats/unmarried-childbearing.htm>

<sup>3</sup> <https://www.cdc.gov/nchs/state-stats/births/unmarried-mothers.html>

<sup>4</sup> <https://www.aecf.org/resources/2021-kids-count-data-book>

<sup>5</sup> O.C.G.A. §19-7-20

<sup>6</sup> <https://www.gasupreme.us/wp-content/uploads/2025/10/s25c1128.pdf>

## ***The Legitimation Process***

Georgia recognizes a father-child relationship through two legal concepts: paternity and legitimation. Paternity establishes who the biological father of the child is, while legitimation establishes the legal relationship with the child.<sup>7</sup> This multi-prong concept creates a distinction between a biological father and a legal father when a couple is unmarried. Paternity establishes who the biological father is, but that does not necessarily make him the legal father. To be named the legal father, the biological father can marry the mother after the child is born and recognize the child as his, legally adopt the child, or legitimate the child. He must not surrender or terminate rights to the child at any time.<sup>8</sup> Public testimony before the study committee suggested that Georgia stands alone in having a bifurcated framework rather than combining biological and legal paternity into the definition of paternity.

The legitimation process in Georgia consists of the biological father filing a petition for legitimation in the superior court of the county where the child's mother resides. This also involves paying applicable filing fees and serving the child's mother with a copy of the petition. A court hearing is then scheduled, where a judge will review the evidence and determine whether the petition should be granted.<sup>9</sup>

Paternity establishes the responsibility to pay child support, while legitimation provides the father standing to request custody or visitation. As the committee learned, this creates the quandary of paternity establishing the responsibilities of fathers while the additional layer of legitimation provides fathers the benefits of fatherhood such as custody or visitation.

One important point of curiosity and concern during the study committee's fact-finding concerned the relationship between birth certificates, paternity, and legitimation. Many fathers testified that they believed signing the birth certificate made them the father of the child, even if unwed, and that they would then be entitled to see their child. As discussed, though, signing the birth certificate does not grant custody or visitation rights. Only through legitimation can a father secure enforceable rights to custody or visitation. This led to a key question posed by the committee: if a father earns nothing by signing the birth certificate, why does the state allow the father to sign the birth certificate? Testimony from the Barton Center at Emory University helped lead the discussion to federal law for the answer to that inquiry. Within the 'Social Security Act,' the federal government enacted a requirement that states have a voluntary acknowledgment of paternity and that the father's name would be included in birth records following the mother and father signing this voluntary acknowledgment.<sup>10</sup> Concerned about mothers and children not receiving child support, the federal government sought to generate greater financial responsibility. Federal law is silent about the issue of conferring rights on fathers, but since many states have a combined definition of paternity, this does not provide as much of an issue. With

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<sup>7</sup> <https://csc.georgiacourts.gov/wp-content/uploads/2020/07/Paternity-and-Legitimation-of-Child-Bench-Card-V2-0.pdf>

<sup>8</sup> <https://www.lunnlaw.com/how-does-the-legal-presumption-of-legitimacy-affect-contested-legitimation-cases/>

<sup>9</sup> <https://www.henrycountyga.gov/759/Filing-for-a-Legitimation>

<sup>10</sup> 42 U.S.C. § 666(5)(C) & (D) & 45 C.F.R. § 302.70(a)(5)(iii) & (iv)

Georgia having a multi-pronged framework, members noted how this has created a dilemma of which many Georgia families are unaware regarding birth certificates and resulting rights.

### ***Legislative History of Georgia's Legitimation Process***

Georgia legitimation law has undergone a series of changes in recent decades, and the study committee sought to understand the history of legislative developments to better appreciate how the current framework has come to be. Prior to 2005, the legitimation process in Georgia had the bifurcated structure of paternity establishment and legitimation being two distinct actions. In 2005, Senate Bill 53 was enacted and signed into law to allow a father to administratively legitimate his child when establishing paternity.<sup>11</sup> Administrative legitimation could be done through the hospital voluntary acknowledgement program or a child support office, with both the mother and father indicating voluntary acknowledgement of legitimation through express language.<sup>12</sup> Claims of custody and visitation could be decided in an action for legitimation. The law was intended to allow fathers an ability to save time and money through avoiding a protracted legal process for legitimation.<sup>13</sup> The Georgia Department of Human Services deemed the law a success, with 4,250 fathers taking advantage of the law during its first month of enactment to acknowledge both paternity and legitimation.<sup>14</sup>

Following its enactment, though, administrative legitimation started showing gaps, issues, and points of confusion for fathers and practitioners. As described to committee members, matters like custody and visitation were still often determined through court action, lessening the efficiency of the administrative legitimation process. Additionally, the process did not create a court record nor an extra-judicial means of enforcement.<sup>15</sup> Fathers were seeking to locate forms through the Georgia Office of Vital Records or amongst the plethora of materials sent home with the mother from the hospital, but then also not having a court order to require the mother to grant access to the child. Seeking a court order to grant access, again, defeats the purpose of an efficient, out-of-court mechanism for legitimation. Further confusion emanated from two Georgia Court of Appeals cases: *Ray v. Hann* and *Allifi v. Raider*.<sup>16</sup> Decided within one day of each other, the two cases showed similarly situated fathers receiving substantially different judgments in court following both signing acknowledgments of paternity.<sup>17</sup> The Court in *Allifi* noted this discrepancy, explaining that "there is obvious potential for a statutory acknowledgment of legitimation to create significant difficulties for our trial judges and practitioners, and may result in inconsistent findings due to the unnecessary filing of petitions for legitimation."<sup>18</sup> Following these rulings, the General Assembly repealed administrative legitimation through the enactment

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<sup>11</sup> <https://www.legis.ga.gov/legislation/14179>

<sup>12</sup> <https://www.gacasa.org/wp-content/uploads/2017/06/Legitimation-Information.pdf>

<sup>13</sup> Legislation enacted in 2008 additionally sought to clarify the methods of legitimation of a child. Ga. L. 2008, p. 667, §4.

<sup>14</sup> <https://web.archive.org/web/20151006175259/https://dhs.georgia.gov/new-child-legitimation-law-success>

<sup>15</sup> <https://www.linkedin.com/pulse/legitimate-confusion-end-administrative-legitimation-georgia-miller/>

<sup>16</sup> *Ray v. Hann*, 323 Ga. App. 45 (2013); *Allifi v. Raider*, 323 Ga. App. 510 (2013)

<sup>17</sup> [https://www.ksfamilylaw.com/pdf/Fall\\_2016-2.pdf](https://www.ksfamilylaw.com/pdf/Fall_2016-2.pdf)

<sup>18</sup> <https://efast.gaappeals.us/download?filingId=db691a44-3d08-4821-be0d-eab8cd791c5a>

of Senate Bill 64 in 2016.<sup>19</sup> That leaves the system, through legislation, cases, and confusion, mostly in the same position as it was prior to 2005.

## **Georgia's Legitimation Process in Practice**

### ***Challenges in Legitimation System***

Throughout the study committee's work, members heard from stakeholders, fathers, and members of the public who expressed concern and confusion about the current legitimation process and its practical implications. Many described the legitimation process as puzzling, unnecessary, burdensome, and demoralizing.

As stated previously, many Georgia fathers and mothers do not know that the legitimation process exists or is required to reassert one's rights. They testified that they thought by signing the birth certificate or by being the biological father, that affords a father a role in the child's life by means of custody or visitation. Advocates testified to Georgia being an outlier in this sphere, with the state being the only one that requires a separate legal process for unwed fathers to gain parental rights.

Another key question in evaluating the legitimation process is that very little data exists to show how large of a problem the process currently poses for fathers. Statistics on the number of filed legitimation petitions are not widely available. Moreover, it is very difficult to quantify how many fathers began the legitimation process but never finished, and very difficult to speculate how many more fathers would complete the process if it was more streamlined.

Public testimony also detailed the practical and legal barriers within the legitimation process. Advocates noted that financial barriers can severely impair a father's ability to navigate the legitimation process once they become aware of it. Specifically, indigent fathers are not entitled to a court-appointed attorney for representation in legitimation proceedings. Attorney fees can accumulate quickly, and can prove particularly burdensome for low-income individuals or individuals on fixed incomes. Even if a father represents himself, costs materialize in other ways through filing fees of hundreds of dollars, service of process fees, private investigator costs if the mother or child cannot be located for service of process, court reporter fees, and genetic testing costs when the paternity is contested. Further, in contested cases, a guardian ad litem can be appointed in legitimation cases at a cost to advocate for the child's best interest. Indigency waivers or pauper's affidavits can be filed with the clerk to waive or reduce particular filing costs, as well as local programs can help alleviate costs, but these practices and programs are not always uniform across jurisdictions.

Practitioners presented information to the committee explaining some of the practical considerations associated with legitimation both when fathers hire an attorney and when fathers represent themselves in legitimation proceedings. What a father might save financially when

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<sup>19</sup> <https://www.legis.ga.gov/legislation/43062>

representing himself, he faces hurdles in navigating a complex area of law with complex legal standards he must satisfy to be successful in court. Both uncontested and contested cases, whether with an attorney or without, can face delays in resolution due to court backlogs. These barriers create circumstances where some fathers simply give up on legitimation.

Members of the public also testified to some dynamics within the legitimation process and how it can lead to more challenging resolutions. Advocates explained that by legitimation being a legal process, issues like service of process can inadvertently heighten tensions during contested cases. When the mother's first interaction with the legitimation process is a knock on the door by a sheriff's deputy or process server, that can lead a mother to be in a more adversarial mindset towards the father. Practitioners and advocates suggested that in cases where mediation takes place, it can lead to both parties feeling a greater ability to express themselves without the combative posture of a courtroom. This allows them to iron out any complaints in the legitimation process, as well as related matters like custody and visitation.

### ***Legitimation Station: Advocacy and Action***

With a lack of uniformity in resources for fathers to navigate the legitimation process, the committee sought to learn what resources are in fact available and how effective they are at assisting fathers. At the committee's meeting in Columbus, members learned about the Columbus Legitimation Station from Superior Court Judge Gil McBride and the station's mission of assisting fathers in gaining rights to their children:

The Legitimation Station is open at the Law Library the first, second, and third Fridays of every month from 10 a.m. to noon. It is designed to help non-custodial fathers develop a legal relationship with their children, parenting plans and a sense of responsibility for the rearing of their children. Only a child's biological father can file a petition for legitimation and the document has to be filed in the county where the mother resides. Fathers who participate in the program receive free legal counsel from pro bono lawyers and intern paralegals from Columbus Technical College. However, they are required to sign a document acknowledging that the lawyers do not represent them.<sup>20</sup>

Within the confines of the state's rules concerning the practice of law and within the bounds of funding availability, the Columbus Legitimation Station has helped dozens of fathers through the legitimation process within the judicial circuit. Columbus uses different grant sources to achieve funding from this project, notably a crime prevention grant as well as funds from the American Rescue Plan Act (ARPA). Committee members expressed interest in the legitimation station's model and its potential benefits for particular communities such as low-income individuals and servicemembers.

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<sup>20</sup> <https://www.ledger-enquirer.com/news/local/crime/article29373274.html>

## Legitimation and Related Topics of Discussion

While the topic of legitimation can engender different opinions or policy prescriptions, the complexity of the topic is a view shared widely by stakeholders, practitioners, and legislators. The impact of legitimation is substantial and affects many areas of peoples' lives, be it mothers, fathers, children, grandparents, or other family members. While the study committee was charged with analyzing the legitimation process, many stakeholders discussed related or adjacent topics for the committee's consideration. Stakeholders presented laws enacted by other states as ways to address particular parentage and child support matters.

Stakeholders discussed the 'Uniform Parentage Act' (UPA) as a framework for states to establish and define parent-child relationships.<sup>21</sup> Updated over the years, the UPA permits a non-judicial acknowledgment of paternity procedure for states that would be equivalent to an adjudication in court. It removes the legal status of illegitimacy and amends the presumptions used when determining paternity or parentage. It also seeks to account for particular means of conception not always fully contemplated by state law such as surrogacy or in-vitro fertilization. Finally, it utilizes the term 'parentage' to reflect more modern family dynamics that are not always contemplated by state law such as same-sex couples or persons who function as parents to children, but are not connected to those children through a biological or marital relationship.

Other stakeholders presented on the topic of child support and visitation rights, which can ultimately flow from the legitimation process. Specifically, they pointed to recent legislation passed in 2023 in Florida named the 'Good Dad Act' that seeks to enhance the legal rights of fathers in shared custody arrangements, decision-making authority, and visitation schedules.<sup>22</sup> Advocates pointed to this legislation as bolstering the co-parenting model which encourages fathers to play a more active role in the lives of their children.<sup>23</sup>

The committee members fully appreciate the complexities of these topics, acknowledging the arduous work of many advocacy groups, legislators, and commissions in studying issues like legitimation, child support, visitation rights, and other matters. As the legislative history of legitimation shows, failure to consider ripple effects from legislative changes can lead to protracted legal fights as well as further uncertainty for Georgia families.

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<sup>21</sup> <https://www.uniformlaws.org/committees/community-home?CommunityKey=c4f37d2d-4d20-4be0-8256-22dd73af068f>

<sup>22</sup> <https://www.flsenate.gov/Session/Bill/2023/775>

<sup>23</sup> <https://www.fatherhood.org/championing-fatherhood/introducing-the-good-dad-act-promoting-equality-and-empowering-fathers>



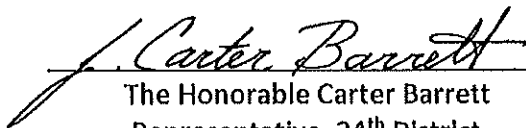
## COMMITTEE RECOMMENDATIONS

Upon the conclusion of its meetings and following discussion among committee members, the House Study Committee on the Affordability and Accessibility of Georgia's Legitimation Process makes the following recommendations:

1. Legislate greater efficiencies in the legitimation process under Article 2 of Chapter 7 of Title 19 of the O.C.G.A. for uncontested legitimation petitions filed with Georgia's courts.
2. Consider incentivizing, or possibly mandating, mediation in legitimation cases.
3. Encourage Georgia judicial circuits to establish legitimation stations to better assist fathers filing legitimation petitions.
4. Require the publishing of standardized Georgia legitimation forms on court websites as well as the availability of forms at Georgia courthouses.
5. Consider continued appropriations for senior judge duties to help relieve backlog of court cases including legitimation petitions.


Speaker Burns, these are the findings and recommendations of your Study Committee on the Affordability and Accessibility of Georgia's Legitimation Process.

Respectfully submitted,



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The Honorable Carter Barrett  
Representative, 24<sup>th</sup> District  
Chairman



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The Honorable Teddy Reese  
Representative, 140<sup>th</sup> District  
Vice Chairman