



Access and Visitation  
Presentation  
**November, 2012**

# Legal Disclosure Statement

- ❑ Division of Child Support Services is not acting as an attorney. The Division cannot provide legal advice.
- ❑ We can offer helpful website information and resources.
- ❑ You can make the decision to do it yourself or contact an attorney.

# Division of Child Support Services

- ❑ DCSS is under the Dept of Human Services.
- ❑ DCSS offers social services to assist non-custodial parents.
- ❑ Division of Child Support Services Does Not....
  - Help anyone get a divorce
  - Find custodial parents and child for Non-Custodial Parent
  - Establish or enforce “spousal support only” orders (alimony)
  - Enforce court-ordered payment of unpaid bills not related to child support payments

# Division of Child Support Services Is Not....

- ❑ Authorized to file legal actions for parents regarding visitation rights, custody or legitimation
- ❑ All services related to visitation and legitimation must be voluntary.
- ❑ Cannot force a parent to participate.



# Establishing Parental Rights In the State of Georgia

According to the law;

- If you were not married to the child's mother, you have no legal rights or relationship with your child.
- Paying a child support order does not grant legal rights.
- Signing the birth certificate does not grant legal rights.
- Must establish a legal rights and visitation schedule.
- Required to file for legitimation and visitation
- It is a legal process.

# Paternity

- The process of establishing the biological father of the child.
- Paternity proceeds an obligation to financially support the child.
- May be established administratively with the consent of both parents.
- Form 3940 Paternity Acknowledgement can be completed until age one. This document can be completed at the hospital at the time of birth or Georgia Office of Vital Records office after leaving the hospital.
- After age one legal petition is required.
- <http://www.georgiacourts.org/csc/paternity&legitimationofchild/benchmarkcard111510-final.pdf>

# Legitimation

- The process of establishing a legal relationship with the child.
- Only the biological father may file a petition seeking to legitimate his child.
- A single petition for paternity and legitimation may be filed any time after the birth of the child.
- The petition is filed in the county of the residence of the child's mother or legal guardian.
- The mother may contest the petition by alleging that petitioner is not the biological father.
- <http://www.georgiacourts.org/csc/paternity&legitimationofchildbenchcard111510-final.pdf>

# Visitation

- The process of establishing contact with a child.
- Establishing visitation requires involvement with the court.
- A single petition for paternity and legitimation may be filed.
- This petition includes claims for visitation, parenting time or custody.



# Visitation Guidelines

- ❑ Comply with the visitation schedule.  
Children need consistency to feel safe
- ❑ Help them develop trust in the new parent/child relationship.
- ❑ Children adjust best when they have the love and support of both parents.
  
- ❑ **Remember it's about the best interest of your child or children.**

# Pro Se Resources

- What is pro se?
- Pro se means advocating on one's own behalf before a court; rather than being represented by a lawyer.
- We, DCSS, are not an attorney. We, DCSS, cannot represent you.
- DCSS can share resources and information for you to represent yourself.

# Pro Se Resources (cont'd)

- ❑ If you were married to the mother...your child is legitimated.
- ❑ If you are divorced – there should be an order addressing visitation.
- ❑ If there is an order addressing visitation, you might consider filing a motion for contempt. You may need to contact an attorney.
- ❑ Check the legal aid website for attorney names or the Georgia Bar Association.
- ❑ Can search by zip code [www.legalaid-ga.org](http://www.legalaid-ga.org)

# Pro Se Resources

- ❑ **[www.icandocs.org](http://www.icandocs.org) is a resource for free legal documents.**
- Click on Georgia for Georgia's legitimation form, and "Click here to begin".
- This site is user friendly.
- Provides directions and asks specific questions.
- The form is completed from your responses.
- You print the form for free and file it with the Clerk of Court.

# Pro Se Resources (cont'd)

## □ [www.gsccca.org](http://www.gsccca.org)

- This site lists all Superior Court Clerks' names and addresses.
- Click on Superior Court Clerks.
- Select and highlight county, click "go".
- You file the legal action in the county where mother and child reside.
- Call the Clerk of Court for filing costs

# Pro Se Resources (cont'd)

## □ [www.legalaid-ga.org](http://www.legalaid-ga.org)

- This site has many useful resources including links to other sites.
- FAQs about legal issues of interest to you.
- Links to attorney resources.
- Various documents for use in courts.

# Pro Se Resources (cont'd)

- ❑ **[www.fultonfamilydivision.com](http://www.fultonfamilydivision.com)**
- This is the site of the Fulton County Superior Court Family Division's Family Law Information Center.
- Any state resident may visit the center.
- Address is 185 Central Avenue, Atlanta, GA 30303. Phone 404-612-2789.
- Can receive a free, brief legal consultation with an attorney by calling and making an appointment.

# Pro Se Resources

- DeKalb County:  
[www.co.dekalb.ga.us/dekalbflic](http://www.co.dekalb.ga.us/dekalbflic)
- Site of DeKalb County Superior Court's Family Law Information Center.
- Any DeKalb resident or person with a family law issue related to DeKalb County can visit the center at 120 West Trinity Place, Decatur, Ga. 30030. Phone 404-687-3990.
- Brief, legal consultations with an attorney available for \$10 by calling and making an appointment.



# Pro Se Resources (cont'd)

In the Atlanta Area contact the Atlanta Bar Association Lawyer Referral Service

(404) 521-0777

- Otherwise, contact your local Bar Ass'n
- Atlanta Legal Aid Society (404) 524-5811
- Atlanta Volunteer Lawyers Foundation  
(404) 521-0790
- State Office of Vital Records (404) 679-4701

# Access and Visitation Services

- ❑ DCSS provides 7 Access and Visitation vendors covering 33 counties throughout Georgia.
- ❑ If **you or the custodial parent** reside in one of those counties, seek help there.
- ❑ Refer to DCSS web page for location of Access and Visitation Providers.
- ❑ <http://www.dcss.dhs.georgia.gov/c>

# Access and Visitation Services...

- Services are offered at no cost to DCSS customers and include the following:
  - Coordination of visitations or parenting time
  - Mediation between the parents (non-legal, non-binding)
  - Written parenting plans
  - Group parenting education
  - Counseling on access issues
- Funding for all of these projects comes from grants from the Administration for Children and Families

# A FINAL THOUGHT

“Our children don’t need us to be superheroes. They don’t need us to be perfect. They do need us to be present. They need us to show up and give it our best shot, no matter what else is going on in our lives. They need us to show them – not just with words, but with deeds – that they, are always our first priority.

# In Conclusion....

- Bearing in mind that we are not attorneys and cannot provide legal advice, if you do have additional questions, you may contact **Charles Hicks at 404-657-8364.**
- If your questions involve an out of state situation, you may refer to <http://www.acf.hhs.gov/programs/css/resource/access-and-visitation-program-contact-list> for out of state contact information.