

## Legitimation Process without Name Change – Probate Court – Madison County, Alabama

### Status of Child's Father

- For the Probate Court to process a legitimation there can be NO father's name listed on the birth certificate
- If the birth certificate lists a father's name, then an order from a higher court (district or circuit) must be presented stating that the father listed on the birth certificate is NOT the father of the child

### Required Forms

- **Declaration of Legitimation** (Noted as "Form A" on the attached) – must be completed by the father of the child and signed/notarized prior to filing in the Probate Office
- **Consent to Legitimation** (Noted as "Form B" on the attached) – must be completed by the mother of the child and signed/notarized prior to filing in the Probate Office
- **Decree Confirming Legitimation** (Noted as "Form C" on the attached) must be completed and be ready for the Judge's signature
- There is a blank space for a "CASE NO." at the top of each form – please leave this space blank
- The completed forms must be legible or the court will refuse to accept them

### Required Documents

- Clear/legible copy of child's birth certificate
- Clear/legible copy of valid state issued photo identification for both parents

### Filing Fee

- Filing fee of \$36
- If paying by check please make payable to Judge of Probate

### After the Forms, Required Documents and Filing Fee are Submitted

- It generally takes 10-15 business days to review and process a legitimation
- Once the review is complete, the Decree Confirming Legitimation can be picked up from the Probate Office or mailed to your attention

### Updating the Birth Certificate is Your Responsibility

- Once you receive the Decree Confirming Legitimation you will complete and submit, along with the required fees, the Alabama Center for Health Statistics Probate Legitimation Information Sheet & Request for Certified Copy of Birth Certificate
- This form is the last sheet of this packet – the state will not accept handwritten forms – you must fill in this form using a typewriter

### Questions or Additional Information

Please call the Probate Office at 256-532-3330

DECLARATION OF LEGITIMATION

To the Honorable Frank Barger, Judge of Probate for Madison County, Alabama:

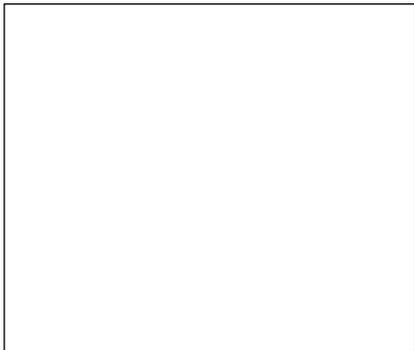
I, \_\_\_\_\_, a resident of \_\_\_\_\_ County, State of  
*(father's name - first, middle and last)* *(county of residence)*  
\_\_\_\_\_, do hereby declare that I am the father of \_\_\_\_\_,  
*(state of residence)* *(child's name - first, middle and last)*  
who is a \_\_\_\_\_ child, whose date of birth is \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_, whose mother is  
*(male or female)* *(00/00/0000)*  
\_\_\_\_\_, that said child was born out of wedlock in \_\_\_\_\_  
*(mother's name - first, middle and last)* *(county of birth)*  
County, Alabama, and I hereby file this Declaration of Legitimation for the purpose of recognizing  
said child as my own, capable of inheriting my estate, real and personal, as if born in wedlock. I  
further declare that the said child already bears and is known by the last name of \_\_\_\_\_  
*(father's last name)*  
and changing the name of the child is not necessary.

In testimony whereof, I hereunto subscribe my name this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
*(day)* *(month)* *(year)*

\_\_\_\_\_  
*(father's signature)*

I, \_\_\_\_\_, notary in and for said county in said state,  
*(notary's printed name)*  
hereby certify that \_\_\_\_\_ whose name is signed to the  
*(father's name - first, middle and last)*  
foregoing declaration of legitimation, and who is known to me, acknowledged before me on this day and  
executed the same voluntarily on the day that bears the same date.

Given under my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
*(day)* *(month)* *(year)*



Affix Notary  
Seal Here

\_\_\_\_\_  
*(notary's signature)*

Commission Expires: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
*(00/00/0000)*

CONSENT TO LEGITIMATION

To the Honorable Frank Barger, Judge of Probate for Madison County, Alabama:

I, \_\_\_\_\_, a resident of \_\_\_\_\_ County, State of  
*(mother's name – first, middle and last)* *(county of residence)*  
\_\_\_\_\_, show unto the court that I am the mother of \_\_\_\_\_,  
*(state of residence)* *(child's name – first, middle and last)*  
who is a \_\_\_\_\_ child, whose date of birth is \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_, that was born out of  
*(male or female)* *(00/00/0000)*  
of wedlock in \_\_\_\_\_ County, Alabama.  
*(county of birth)*

I hereby consent to the Legitimation of my child \_\_\_\_\_ by  
*(child's name – first, middle and last)*  
\_\_\_\_\_ and recognize that the child shall continue to bear and be  
*(father's name – first, middle and last)*  
known by the last name of \_\_\_\_\_, the same last name given at birth.  
*(father's last name)*

I hereunto subscribe my name on this consent to legitimation this \_\_\_\_ day of \_\_\_\_\_,  
*(day)* *(month)*  
\_\_\_\_\_.  
*(year)*

\_\_\_\_\_  
*(mother's signature)*

I, \_\_\_\_\_, notary in and for said county in said state,  
*(notary's printed name)*  
hereby certify that \_\_\_\_\_ whose name is signed to the  
*(mother's name – first, middle and last)*  
foregoing consent to legitimation, and who is known to me, executed the same voluntarily on the day that  
bears the same date.

Given under my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
*(day)* *(month)* *(year)*



Affix Notary  
Seal Here

\_\_\_\_\_  
*(notary's signature)*

Commission Expires: \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_.  
*(00/00/0000)*

**DECREE CONFIRMING LEGITIMATION**

This cause coming to be heard on the sworn declaration of \_\_\_\_\_  
*(father's name – first, middle and last)*  
to legitimate \_\_\_\_\_ whose date of birth is \_\_\_\_ / \_\_\_\_ / \_\_\_\_.  
*(child's name – first, middle and last)* *(00/00/0000)*

It appearing to the court that \_\_\_\_\_, the mother of said child has  
*(mother's name – first, middle and last)*  
consented to the legitimation;

The Court is of the opinion that the Court has jurisdiction of this proceeding and that the  
legitimation is GRANTED.

It is therefore ORDERED, ADJUDGED and DECREED: that \_\_\_\_\_  
*(father's name – first, middle and last)*  
is the father of \_\_\_\_\_ and henceforth the child continues to bear the  
*(child's name – first, middle and last)*  
last name of \_\_\_\_\_; the same last name given at birth.  
*(father's last name)*

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
*(day)* *(month)* *(year)*

\_\_\_\_\_  
Frank Barger, Judge of Probate

**ALABAMA CENTER FOR HEALTH STATISTICS  
PROBATE LEGITIMATION INFORMATION SHEET & REQUEST FOR  
CERTIFIED COPY OF BIRTH CERTIFICATE**

***Send this form with court order to:***

**Center for Health Statistics, P.O. Box 5625, Montgomery, AL 36103-5625**

01. Full name of child *at birth*: \_\_\_\_\_  
(Capitalize last name)
02. Full name of child *after legitimation*: \_\_\_\_\_  
(Capitalize last name)
03. Child's date of birth: \_\_\_\_\_
04. Child's county of birth: \_\_\_\_\_
05. Mother's full maiden name: \_\_\_\_\_
06. Mother's date of birth: \_\_\_\_\_
07. Mother's address: \_\_\_\_\_  
\_\_\_\_\_
08. Mother's telephone number: \_\_\_\_\_
09. Father's full name: \_\_\_\_\_
10. Father's date of birth: \_\_\_\_\_
11. Father's state of birth: \_\_\_\_\_
12. Father's address: \_\_\_\_\_  
\_\_\_\_\_
13. Father's telephone number: \_\_\_\_\_

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Complete this portion to obtain a certified copy of the new birth certificate. The fee is \$25.00, which includes one copy of the certificate. This fee must be paid before the new birth certificate will be issued. Additional copies of the same record ordered at the same time are \$6.00 each. Payment must be made by check or money order payable to the **State Board of Health**.

# Copies: \_\_\_\_\_ Amt. Paid: \$ \_\_\_\_\_

Signature: \_\_\_\_\_

Send birth certificate to: Mother \_\_\_\_\_ Father \_\_\_\_\_ at address above