

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

Status of Child's Father

- For the Probate Court to process a legitimation there must 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
- **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 fillable PDF or a typewriter
- 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

Fee

- Filing fee of \$36. If paying by check, please make payable to Judge of Probate
- Check or money order payable to State Board of Health to obtain a certified copy of the new birth certificate. The fee is \$25.00, which includes one copy of the certificate. Additional copies of the same record ordered at the same time are \$6.00 each.
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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

- Once a Decree Confirming Legitimation and Change of Name has been signed by the Judge the clerk of court will mail certified copies of the Declaration, Consent, and Decree as well as the Alabama Center for Health Statistics Probate Legitimation Information Sheet & Request for Certified Copy of Birth Certificate, and the required fees. These documents will be mailed to the Center for Health Statistics. The new birth certificate will be mailed to the address indicated on the form.

Questions or Additional Information

Please call the Probate Office at 256-532-3330

STATE OF ALABAMA
COUNTY OF MADISON

IN THE PROBATE COURT
CASE NO: _____

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 _____ and changing
(father's last name)

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, hereby
(notary's printed name)
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)*

(notary's signature)

Commission Expires: ____ / ____ / ____
(00/00/0000)

Mail to: _____

STATE OF ALABAMA
COUNTY OF MADISON

IN THE PROBATE COURT
CASE NO: _____

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)*
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)

(notary's signature)
Commission Expires: ____/____/_____
(00/00/0000)

**STATE OF ALABAMA
COUNTY OF MADISON**

**IN THE PROBATE COURT
CASE NO: _____**

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: _____

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