

IN THE SUPERIOR COURT OF LOWNDES COUNTY
STATE OF GEORGIA

TELVIN SMITH,

Plaintiff,

v.

DACCHEI SIMMS,

Defendant.

Civil Action File No:

**PETITION FOR LEGITIMATION OF TELVIN TRISHAUN SMITH, II, AND
PETITION FOR ESTABLISHMENT OF CUSTODY, PARENTING TIME, AND
CHILD SUPPORT FOR TELVIN TRISHAUN SMITH, II
AND NAILAH ELYSE SMITH**

COMES NOW TELVIN SMITH, Plaintiff, and files this *Petition for Legitimation of Telvin Trishaun Smith, II, and Petition for Establishment of Custody, Parenting Time, and Child Support for Telvin Trishaun Smith, II and Nailah Elyse Smith* (hereinafter, "Petition"), and shows the Court as follows:

1.

Plaintiff is a resident of the State of Florida.

2.

Defendant is a resident of Lowndes County, Georgia, and is subject to the jurisdiction of this Court. She resides at 4708 McCallister Street, Valdosta, Georgia, 31605. It is anticipated that Defendant will acknowledge service, but should she not, she may be personally served with a copy of Plaintiff's *Petition*, as provided by law.

3.

Plaintiff and Defendant are the biological and legal parents of one child, to wit, NAILAH ELYSE SMITH (hereinafter, "Nailah"), a female born in 2014 who was legitimated by Plaintiff

through an Order of this Court entered on January 6, 2016. No custody or support order has been entered by this Court for Nailah.

COUNT I: LEGITIMATION OF TELVIN TRISHAUN SMITH, II

4.

Plaintiff fully incorporates and re-alleges Paragraphs 1–3 of his *Complaint* as if fully stated herein.

5.

Plaintiff hereby seeks to establish his legal paternity of the minor child, TELVIN TRISHAUN SMITH, II, (hereinafter, “Rocky”) a male child born in 2016.

6.

Plaintiff shows that it is his belief that the parties are the parents of Rocky, but requests that the parties and the child be required to submit to and complete genetic testing as soon as possible, for determination and verification of paternity pursuant to O.C.G.A. § 19-7-43(d) and in strict compliance with O.C.G.A. § 19-7-45, and that the genetic test results be furnished to each party.

7.

Pursuant to the results of appropriate genetic testing, Plaintiff desires that Rocky be declared the legitimate child of Plaintiff, capable of inheriting from Plaintiff in the same manner as if he were born in lawful wedlock.

COUNT II: ESTABLISHMENT OF CUSTODY, PARENTING TIME, AND CHILD SUPPORT FOR TELVIN TRISHAUN SMITH, II AND NAILAH ELYSE SMITH

8.

Plaintiff fully incorporates and re-alleges Paragraphs 1-7 of his *Complaint* as if fully stated herein.

9.

Plaintiff requests that he be awarded physical custody and joint legal custody, with final decision making authority, of Rocky and Nailah (hereinafter, the "Minor Children").

10.

Plaintiff shows that reasonable child support should be established for the Minor Children on a temporary and permanent basis, pursuant to O.C.G.A. § 19-6-15.

11.

Plaintiff shows the Court that an administrative proceeding for the purposes of establishing an Administrative Support Order has been initiated by the Florida Department of Revenue upon the request of Defendant in the case styled *State of Florida Department of Revenue Child Support Program and Dacchei E Simms v. Telvin Trishaun Smith, Sr.* Depository Number: 16180001567FM and Child Support Case Number: 2001173716.

12.

Pursuant to O.C.G.A. § 19-9-69, Plaintiff shows the following for both counts of this *Complaint*:

- (a) To the best of Plaintiff's knowledge, since the birth of the Minor Children, they have lived at the following addresses: (1) through most of 2016 with Plaintiff and Defendant in both Jacksonville, Florida and Georgia; and (2) over the past

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approximately one year, with Defendant at 4708 McCallister Street, Valdosta, Georgia, 31605;

- (b) Plaintiff has not participated as a party, witness, or in any other capacity in any other litigation concerning the custody of said Minor Children in this or any other state;
- (c) Plaintiff has no information of any custody proceeding concerning the Minor Children in this State or any other court of any other state;
- (d) Plaintiff knows of no other party to the instant proceedings who has physical custody of the Minor Children or claims to have custody or visitation rights with respect to the Minor Children other than Defendant herein; and
- (e) This Court has jurisdiction over the issues of child custody and visitation rights.

13.

Plaintiff requests that he be awarded reasonable attorney's fees for the prosecution of this action, pursuant to O.C.G.A. § 19-7-50.

WHEREFORE, Plaintiff prays:

- (a) That Defendant be personally served with process and summons in the manner provided by law;
- (b) That this Court order genetic testing to be performed in the instant action, for determination and verification of paternity pursuant to O.C.G.A. § 19-7-43(d) and in strict compliance with O.C.G.A. § 19-7-45;

- (c) That, pending the results of genetic testing, the minor child known as TELVIN TRISHAUN SMITH, II be declared the legitimate son of Plaintiff, capable of inheriting from Plaintiff in the same manner as if born in lawful wedlock
- (d) That Plaintiff be awarded physical custody and joint legal custody, with final decision making authority, of the Minor Children;
- (e) That the Court enter an *Order* establishing the reasonable duties of each party to support the Minor Children, on both a temporary and permanent basis, pursuant to O.C.G.A. § 19-6-15;
- (f) That Plaintiff be awarded reasonable attorney's fees for the prosecution of this action pursuant to O.C.G.A. § 19-7-50;
- (g) That *Rule Nisi* issue requiring Defendant to appear and show cause before this Court on a day certain why the relief sought in Plaintiff's *Petition* should not be granted; and
- (h) That Plaintiff have such other and further relief as this Court deems just and proper under the circumstances.

This 14th day of May, 2018.

DAVIS, MATTHEWS & QUIGLEY, P.C.



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