

Petition filing fee: \$100.50, plus \$2.00 per page for recording.  
Service fees will vary depending on type of service required.

## PETITION FOR TEMPORARY GUARDIANSHIP OF MINOR

You are not required to hire an attorney to file a Petition for Temporary Guardianship of Minor. However, please understand that it is legal in nature and may at times be complicated. As a service to the citizens of Henry County, Judge Powell created the following version of the petition to simplify the process. Before beginning, make sure you have, or are prepared to get, the following:

- ☐ The petition must be typed or written in black or blue ink.
- ☐ You must have proof the party applying to be the child's temporary guardian lives in Henry County (he or she may provide a copy of his or her driver's license, a state issued I.D., or a current power, gas, or water bill showing the applicant's name and address).
- ☐ You must have an official State-issued copy of the child's birth certificate (handwritten and hospital birth certificates will not be accepted).
- ☐ You must complete the "Additional Information Worksheet" and list each person living in the temporary guardian(s)'s home.
- ☐ You must submit consent forms signed by every person age 18 or older living in the temporary guardian(s)'s home authorizing a Georgia Bureau of Investigation background check.
- ☐ You must submit filing fees in the amount of \$100.50 plus \$2 per page of the petition payable to the Henry County Probate Court.
- ☐ You must prove the child's parent(s) have knowledge of this proceeding (called "notice"). This can be done three ways:
  - ☐ If the parent(s) consent(s): The child's parent(s) may sign, and have notarized, an acknowledgement and consent to the petition which must be filed at the same time as the petition in the Court. Clerks of this Court can notarize documents if needed;
  - ☐ If you know the parent(s)'s address(es): A sheriff's deputy can deliver a copy of the petition to the child's parent(s) at a cost of \$50.00 in addition to the \$100.50 filing fee **or** the mailman can attempt to deliver a copy of the petition to the child's parent(s) at a cost of \$15.00 in addition to the \$100.50 filing fee.
  - ☐ If you do not know where the child's parent(s) are: You must submit an Affidavit of Diligent Search. Based on the Affidavit, you will be allowed to publish notice of the petition on the child's parent(s) in the Henry Daily Herald at a cost of \$60.00 payable to the Henry Daily Herald (payment to the Henry Daily Herald must be submitted to the Henry County Probate Court).

**If you do not understand how to complete the Petition for Temporary Guardianship of Minor, you may want to seek the professional legal advice of an attorney. Please be advised the clerks of this Court are legally prohibited from explaining to you how to complete this petition. Asking a clerk to tell you how to fill out the petition is asking her to commit a misdemeanor legal offense punishable by up to a year a jail and up to a \$1,000.00 fine.**

**Henry County Probate Court  
Minor Guardianship Information Sheet**

Case No. 2014-GM-\_\_\_\_\_

**Must be completed before meeting with Intake Clerk**

**Complete Name of Minor:** \_\_\_\_\_

Minor's Date of Birth: \_\_\_\_\_ Minor's Current Age: \_\_\_\_\_

Current school minor attends and current grade: \_\_\_\_\_

<b>Name of 1<sup>st</sup> Petitioner/Guardian:</b> _____ Relationship to child: _____ Home Phone: _____ Work/Cell Phone: _____ Email address: _____ Place _____ of Employment: _____	<b>Name of 2<sup>nd</sup> Petitioner/Guardian:</b> _____ Relationship to child: _____ Home Phone: _____ Work/Cell Phone: _____ Email address: _____ Place _____ of Employment: _____
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<b>Mother of Child:</b> _____ Mother's Current Address: _____ _____ Mother's Current Phone Number: _____ <input type="checkbox"/> Mother has signed consent to guardianship <b>Court use only</b> --Type of service for: Mother: _____ Father: _____	<b>Father of Child:</b> _____ Father's Current Address: _____ _____ Father's Current Phone Number: _____ <input type="checkbox"/> Father has signed consent to guardianship Is father named on Birth Certificate? <input type="checkbox"/> Yes <input type="checkbox"/> No Was father ever married to mother? <input type="checkbox"/> Yes <input type="checkbox"/> No Has father legitimated child? <input type="checkbox"/> Yes <input type="checkbox"/> No Is father ordered to pay child support? <input type="checkbox"/> Yes <input type="checkbox"/> No
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**Reason for the creation of this guardianship:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**Is DFCS involved with the mother or father of this child?** ☐ Yes ☐ No

If yes, please provide all information available including the County that is investigating, the caseworker's name and contact information, etc. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

<b>Additional Information:</b>			
List all other children in the home:			
Name _____	Age _____	Gender: M/F	School Attending: _____
Name _____	Age _____	Gender: M/F	School Attending: _____
Name _____	Age _____	Gender: M/F	School Attending: _____
Name _____	Age _____	Gender: M/F	School Attending: _____
List all adults living in the home:			

Name _____	Age _____	Gender: M/F	Relationship to Guardian _____
Name _____	Age _____	Gender: M/F	Relationship to Guardian _____
Name _____	Age _____	Gender: M/F	Relationship to Guardian _____
Name _____	Age _____	Gender: M/F	Relationship to Guardian _____

**IN THE PROBATE COURT OF HENRY COUNTY  
STATE OF GEORGIA**

**IN RE:** \_\_\_\_\_ ) **ESTATE NO.: 2014-GM-**  
\_\_\_\_\_ (child), )  
**Minor.** )

**PETITION FOR TEMPORARY LETTERS OF GUARDIANSHIP OF MINOR**

The petition of \_\_\_\_\_  
[name of person asking to be temporary guardian – called “petitioner(s)” in this document]  
who is/are domiciled at \_\_\_\_\_  
[address of petitioner(s)]  
in \_\_\_\_\_ County, State of \_\_\_\_\_ shows:

**1.**

The child, \_\_\_\_\_ is currently located in \_\_\_\_\_  
[name of child]  
County, State of \_\_\_\_\_, and current address is: \_\_\_\_\_  
\_\_\_\_\_.

The child is \_\_\_\_\_ years old with a date of birth of: \_\_\_\_\_.

**A copy of the child’s birth certificate is attached hereto as exhibit “A.”**

**2.**

The petitioner(s) has/have the following relationship with the child: \_\_\_\_\_  
\_\_\_\_\_  
[how is/are the petitioner(s) related to the child or how do/does the petitioner(s) know the child]

**3.**

(initial one below)

- \_\_\_\_\_ ➤ The petitioner(s) live in Henry County, Georgia **and** the child currently ***lives*** with the petitioner(s); OR
- \_\_\_\_\_ ➤ The petitioner(s) live outside the State of Georgia but the child is currently found living in Henry County, Georgia; OR
- \_\_\_\_\_ ➤ Neither of the above statements is true in this case.

**4.**

The child's mother, \_\_\_\_\_:  
[mother's name]

(initial one below)

- \_\_\_\_\_ ➤ Has selected petitioner(s) to serve as temporary guardian(s) by signing an acknowledgement and consent (see attached notarized acknowledgment and consent);
- \_\_\_\_\_ ➤ Has not consented to the creation of the temporary guardianship and her current physical address and county of residence is: \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_ County;
- \_\_\_\_\_ ➤ Has not consented to the creation of the temporary guardianship and her current address is unknown (see attached notarized affidavit of diligent search); OR
- \_\_\_\_\_ ➤ Is deceased, and a copy of her death certificate is attached as exhibit "B."

**5.**

**The child's mother:**

(circle appropriate phrase below)

- (has) (has not) lost custody of the child when a Superior Court granted her former husband, the child's father, sole custody upon their divorce; OR
- (has) (has not) had her parental rights to the child terminated by a Superior Court, Juvenile Court, or court other than a Probate Court;

**6.**

The child's father, \_\_\_\_\_,  
[father's name]

(initial one below)

- \_\_\_\_\_ ➤ Has selected petitioner(s) to serve as temporary guardian(s) by signing an acknowledgement and consent (see attached notarized acknowledgment and consent);
- \_\_\_\_\_ ➤ Has not consented to the creation of the temporary guardianship and his current physical address and county of residence is: \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_ County;
- \_\_\_\_\_ ➤ Has not consented to the creation of the temporary guardianship and his current address is unknown (see attached notarized affidavit of diligent search); OR
- \_\_\_\_\_ ➤ Is deceased, and a copy of his death certificate is attached as exhibit "B."

7.

**The minor's father:**

(circle appropriate phrase below)

- (is)        (is not)    listed on the child's birth certificate;
- (was)      (was not)    married to the child's mother at any time before or after the child was born;
- (has)      (has not)    lost custody of the child when a Superior Court granted his former wife, the child's mother, sole custody upon their divorce;
- (has)      (has not)    formally legitimated the child before a Superior Court;
- (is)        (is not)    currently in the process of legitimating the child before a Superior Court;
- (did)      (did not)    formally legitimate the child by signing with the child's mother a voluntary acknowledgement of paternity **before the child turned one year old** and filed it with the State Office of Vital Records; OR
- (has)      (has not)    had his parental rights to the child terminated by a Superior Court, Juvenile Court, or court other than a Probate Court;

8.

The temporary guardianship is needed because \_\_\_\_\_  
\_\_\_\_\_.

9.

Additional Data: Include any important information this document failed to address. For example, if this petition is being filed at the instruction of the Division of Family and Children Services ("DFCS"), please indicate below.

\_\_\_\_\_  
\_\_\_\_\_.

WHEREFORE, Petitioner(s) pray(s):

1. Service be perfected as provided by law, if necessary; and
2. Petitioner(s) be appointed temporary guardians(s) of the minor named above.

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Signature of First Petitioner

\_\_\_\_\_ (Printed Name)

\_\_\_\_\_ (Address)

\_\_\_\_\_ (Address)

\_\_\_\_\_ (Telephone Number)

\_\_\_\_\_ (Email Address)

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Signature of Second Petitioner, if any

\_\_\_\_\_ (Printed Name)

\_\_\_\_\_ (Address)

\_\_\_\_\_ (Address)

\_\_\_\_\_ (Telephone Number)

\_\_\_\_\_ (Email Address)

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Signature of Attorney

\_\_\_\_\_ (Printed  
Name)

\_\_\_\_\_ (State Bar #)

\_\_\_\_\_ (Address)

\_\_\_\_\_ (Address)

\_\_\_\_\_ (Address)

\_\_\_\_\_ (Telephone  
Number)

\_\_\_\_\_ (Email  
Address)

**VERIFICATION**  
**STATE OF GEORGIA, HENRY COUNTY**

Personally appeared before me the undersigned Petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition (and the attached exhibits) are true.

Sworn to and subscribed before me,  
this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of First Petitioner

\_\_\_\_\_  
Notary / Clerk of the Probate Court  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Printed Name of First Petitioner

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Sworn to and subscribed before me,  
this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Second Petitioner

\_\_\_\_\_  
Notary / Clerk of the Probate Court  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Printed Name of Second Petitioner



**ACKNOWLEDGEMENT AND CONSENT TO TEMPORARY GUARDIANSHIP  
AND APPOINTMENT OF INDIVIDUAL(S) AS TEMPORARY GUARDIAN(S)**

**IN RE:** \_\_\_\_\_, **ESTATE NO.: 2014-GM-**  
[insert child's name]

I/We, \_\_\_\_\_, the mother and/or father of the above-named, a minor, do hereby consent to the creation of a temporary guardianship and appointment \_\_\_\_\_ as temporary guardians(s). I/We also acknowledge service of the petition for appointment of a temporary guardian for said minor and waive any and all further service and notice concerning said petition.

I/We further understand that pursuant to O.C.G.A. §29-2-8(b), upon application by a natural guardian (as defined in said statute; see Instructions), the Court will remove the temporary guardian and dissolve the temporary guardianship unless an objection is timely filed by the temporary guardian. If an objection is timely filed to such an application, the juvenile court or the probate court shall determine, after notice and hearing, whether a continuation or dissolution of the temporary guardianship is in the best interest of the minor. I/We understand that nothing herein, including any optional assumption by the guardian of the obligation to support the minor to the extent that no other sources of support are available, affects my legal obligation to support and maintain said minor.

Sworn to and subscribed before me,  
this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary / Clerk of the Probate Court  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Signature of Mother

\_\_\_\_\_  
Printed Name of Mother

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

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Sworn to and subscribed before me,  
this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary / Clerk of the Probate Court  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Signature of Father

\_\_\_\_\_  
Printed Name of Father

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

**IN THE PROBATE COURT OF HENRY COUNTY  
STATE OF GEORGIA**

**IN RE:** \_\_\_\_\_ ) **ESTATE NO.: 2014-GM-**  
 )  
\_\_\_\_\_ (child), )  
                    **Minor.** )

**ASSUMPTION OF OBLIGATION TO SUPPORT (OPTIONAL)**

The undersigned, if appointed temporary guardian(s) of the above-named, a minor, assume(s) the obligation to support the minor while the guardianship is in effect to the extent that no other sources of support are available.

Sworn to and subscribed before me,  
this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of First Petitioner

\_\_\_\_\_  
Notary / Clerk of the Probate Court  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Printed Name of First Petitioner

-----  
Sworn to and subscribed before me,  
this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Second Petitioner

\_\_\_\_\_  
Notary / Clerk of the Probate Court  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Printed Name of Second Petitioner

**GEORGIA BUREAU OF INVESTIGATION  
GEORGIA CRIME INFORMATION CENTER**

**CONSENT FORM**

I hereby authorize **HENRY COUNTY SHERIFF'S DEPARTMENT** to receive any criminal history information pertaining to me which may be in the files of any state criminal justice agency in the state of Georgia.

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Full Name (PRINT OR TYPE)	Maiden name, if applicable
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Address	City	State
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Sex	Race
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Date of birth

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Social Security Number

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Signature

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Date

Sworn to and subscribed before me this  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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NOTARY PUBLIC/CLERK OF COURT

☐ **This authorization is valid for 90/180 (circle one) days from the date of signature.**

IN RE: ) ESTATE NO.: 2014-GM-  
 )  
 )  
 \_\_\_\_\_ (child), )  
 Minor. )

Comes now \_\_\_\_\_  
[name of person filing this document – called “Affiant” in this document]  
“Affiant,” after being duly sworn, on oath, deposes and states:

Affiant made certain efforts to locate, find, and determine the address of \_\_\_\_\_  
[name of person searched for]

Said methods to locate, find, and determine the address being as follows:

- Telephoning the person at his or her last known number, being: \_\_\_\_\_;
- Searching printed and online directories, including: \_\_\_\_\_;
- Searching online social media websites, including: \_\_\_\_\_;
- Contacting the person's last known employer, whose name and location being: \_\_\_\_\_;
- Mailing a letter to the person's last known addresses, being: \_\_\_\_\_;
- Checking the local jails, being: \_\_\_\_\_;
- Checking state prison systems, being: \_\_\_\_\_;

- \_\_\_\_\_ ➤ Contacting the known friends and relatives of the person, being:
- Name: \_\_\_\_\_ Relation to person: \_\_\_\_\_
- Name: \_\_\_\_\_ Relation to person: \_\_\_\_\_
- Name: \_\_\_\_\_ Relation to person: \_\_\_\_\_
- Name: \_\_\_\_\_ Relation to person: \_\_\_\_\_;
- \_\_\_\_\_ ➤ Hiring professionals to conduct or assist in a search for the person, said professionals being: \_\_\_\_\_.

**3.**

Despite the above-describe efforts, Affiant was unable to locate the person named in paragraph 2 of this affidavit.

Personally appeared before me the undersigned Affiant who on oath states that the facts set forth in the foregoing petition (and any attachments) are true.

Sworn to and subscribed before me,  
this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary / Clerk of the Probate Court  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Printed Name of Affiant

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number