

# GUARDIANSHIP PETITION APPLICATION

The following information will be forwarded to the Cobb County Police Department for a routine investigation. You will be contacted by a detective of the Crimes Against Children Unit of the Police Department if there are any questions or if officers need additional information. **You will need to sign the Consent Form found at the back of this application.**

## A. PARENT INFORMATION

1. Mother's Full Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

U. S. Citizen \_\_\_\_\_ If no, what country \_\_\_\_\_  
yes no

Birth Date \_\_\_\_\_ Race \_\_\_\_\_

Place of Employment \_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

2. Father's Full Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

U. S. Citizen \_\_\_\_\_ If no, what country \_\_\_\_\_  
yes no

Birth Date \_\_\_\_\_ Race \_\_\_\_\_

Place of Employment \_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

3. Names and ages of other children in family: \_\_\_\_\_

FOR POLICE USE ONLY		
File	No Record	Found Record
GCIC Ck.	_____	_____
NCIC Ck.	_____	_____
MNI Ck.	_____	_____
CAC Ck.	_____	_____
Objection to Application	_____	
No Objection	_____	

**B. GUARDIAN INFORMATION**

1. Guardian's Full Name \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_  
State \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_  
U. S. Citizen \_\_\_\_\_ If no, what country \_\_\_\_\_  
                  yes       no  
Birth Date \_\_\_\_\_  
Place of Birth \_\_\_\_\_  
                  (City           State, Province or District           Country)  
Race \_\_\_\_\_  
Marital Status \_\_\_\_\_  
Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_  
Place of Employment \_\_\_\_\_  
Supervisor's Name \_\_\_\_\_

2. Spouse's Full Name \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_  
State \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_  
U. S. Citizen \_\_\_\_\_ If no, what country \_\_\_\_\_  
                  yes       no  
Birth Date \_\_\_\_\_  
Place of Birth \_\_\_\_\_  
                  (City           State, Province or District           Country)  
Race \_\_\_\_\_  
Marital Status \_\_\_\_\_  
Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_  
Place of Employment \_\_\_\_\_  
Supervisor's Name \_\_\_\_\_

3. Relationship (if any) to child \_\_\_\_\_

If not related, how do you know this child? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Names and ages of other children in your home at the present \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Has guardian ever been arrested? If so, for what and where arrested? \_\_\_\_\_

\_\_\_\_\_

6. If guardian has lived outside Cobb County during the last ten (10) years, list addresses: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. List three personal references, addresses and phone numbers, (other than relatives): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. **REASON FOR GUARDIANSHIP, EXPLAIN FULLY:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**C. UNKNOWN WHEREABOUTS OF PARENT(S)**

If you listed either parent's address as "unknown", please **specifically** list below all efforts made in an attempt to locate said parent(s)(i.e. Internet search, telephoning, emailing, contacting family or mutual friends, or contacting court officials if parent is subject to a court order of support):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**D. INFORMATION ON CHILD**

1. Child's Name \_\_\_\_\_

Birth Date \_\_\_\_\_ Sex \_\_\_\_\_ Race \_\_\_\_\_

U. S. Citizen \_\_\_\_\_ If no, what country \_\_\_\_\_  
yes no

School last attended \_\_\_\_\_ Grade \_\_\_\_\_

Plans to attend \_\_\_\_\_ School

Is this a City or County School? \_\_\_\_\_  
(state which)

3. Has child ever been in foster home or removed from parental custody? If yes, give details: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

4. Has child ever been arrested or charged with a delinquent act? If so, when, where, and for what offense?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IN THE PROBATE COURT OF COBB COUNTY**

**STATE OF GEORGIA**

**IN RE:** \_\_\_\_\_ )  
\_\_\_\_\_ ) **ESTATE NO.** \_\_\_\_\_  
\_\_\_\_\_ )  
**MINOR(S)** \_\_\_\_\_ )

**CONSENT FORM**

I hereby authorize the Probate Court of Cobb County to receive any criminal history record information related to me, which may be in the files of any state or local criminal justice agency in Georgia.

I understand that this information will be used by the court only in connection with the proceeding for which this consent is granted, that it will be kept confidential, but that it may be disclosed to the attorneys, Cobb County Department of Family and Children Services, and/or guardians ad litem appointed in connection with this matter.

\_\_\_\_\_  
Signature of Proposed Guardian

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Notary Public or Clerk, Probate Court

\_\_\_\_\_  
Full Name (Print First, Middle, Maiden, Last)

\_\_\_\_\_  
Sex

\_\_\_\_\_  
Race

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date of Birth

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

**IN THE PROBATE COURT OF COBB COUNTY**

**STATE OF GEORGIA**

**IN RE:** \_\_\_\_\_ )  
\_\_\_\_\_ ) **ESTATE NO.** \_\_\_\_\_  
\_\_\_\_\_ )  
**MINOR(S)** \_\_\_\_\_ )

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\_\_\_\_\_  
Signature of Proposed Guardian

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Notary Public or Clerk, Probate Court

\_\_\_\_\_  
Full Name (Print First, Middle, Maiden, Last)

\_\_\_\_\_  
Sex

\_\_\_\_\_  
Race

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date of Birth

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

## **INFORMATION FOR PROSPECTIVE GUARDIANS**

1. Persons applying for guardianship of minors should be aware that the natural parents, if living, are the legal guardians of their minor children. A natural parent, if he or she can be found, must relinquish (give up) all parental rights to his or her child before the Probate Court can appoint another person legal guardian.
2. Further, if the parents are divorced, the parent who was awarded custody of the child is the legal guardian. A non-custodial parent may not be granted legal guardianship by the Probate Court in an effort to change the effect of the divorce decree. The proper procedure is to petition the court which granted the divorce for a change of custody.

Georgia law gives the Probate Court of the county in which the minor is domiciled the power to appoint a guardian (O.C.G.A. § 29-4-4). Georgia law further provides that the domicile (legal residence or home) of a minor child is in the same county where both parents are domiciled; or if the parents are divorced, separated, or widowed, or if one parent is not domiciled in the same county as the other parent, the child's domicile shall be that of the custodial parent; or if the child is born out of wedlock the domicile shall be that of the child's mother (O.C.G.A. § 19-2-4).

3. Petitioners for guardianship should also be aware of the policy of the Cobb County Board of Education which requires that a student and the custodial parent be an actual resident of Cobb County and that the School Board has the right to contest any petition for guardianship which it considers an attempt to avoid its residency requirement. Legal residency of a minor child is the same as the custodial parent and the School Board will not recognize a guardianship on behalf of a child whose parent(s) reside out of state or county unless the guardianship is necessary for the safety, health or protection of the child.

O.C.G.A. § 39-1-1 Age of legal majority; residence of persons in state for purpose of attending school.

- (a) The age of legal majority in this state is 18 years; until that age all persons are minors.
- (b) Nothing in this Code section shall be construed automatically to render an individual a resident of this state when that individual is in the state for the purpose of attending school. In the case of such individual, his residence will be considered to be the state in which his parents reside, if under the laws of that state, the individual would still be considered a minor and he is incapable of proving his emancipation.