

Filed _____

Clerk of Court
Paulding County Juvenile Court

IN THE JUVENILE COURT OF PAULDING COUNTY
STATE OF GEORGIA

IN THE INTEREST(S) OF,

NAME	SEX	D.O.B.	CASE #

Minor child(ren).

PETITION FOR APPOINTMENT OF A PERMANENT GUARDIAN
PURSUANT TO O.C.G.A. §15-11-30.1(2)

_____, Petitioner, by and through counsel of record files this Motion for Appointment of a Permanent Guardian, asks this Court to appoint _____ as permanent guardians of the minor child(ren), and shows the Court the following.

1.

This Court has jurisdiction to hear this Motion. Custody of the child(ren) is a subject of controversy before this Court as a result of an adjudication by this Court that the child(ren) is deprived in accordance with O.C.G.A. §15-11-54, et. seq., said adjudication being made on _____, 20_____.

2.

The name(s) and date(s) of birth of the minor child(ren) are as follows:

NAME	DATE OF BIRTH

3.

The full name, address and county of the domicile of the Petitioner(s):

The relationship between the Petitioner and the child(ren): _____

[If the nominated Guardian is different from Petitioner]

The full name, address and county of the domicile of the nominated Guardian(s):

The relationship between the nominated Guardian(s) and the child(ren):

4.

Petitioner(s) further state(s) the following:

a) [*Note: check applicable statement*]

- Reasonable efforts to reunify the child(ren) with his or her parent(s) would be detrimental to the child(ren) in accordance with O.C.G.A. §15-11-58(h).
- the living parents or parent of the child have consented to the permanent guardianship; said consent is attached to this Petition as Exhibit A.

b) Termination of parental rights and adoption is not in the best interest(s) of the child(ren).

c) The proposed Guardian can provide a safe and permanent home for the child(ren);

d) The appointment of a permanent Guardian for the child(ren) is in the best interest of the child(ren) and that the individual(s) chosen as the Guardian is/are the individual(s) most appropriate to be the child(ren)'s permanent Guardian taking into consideration the best interest of the child(ren).

e) [*check if applicable*]

- [*If one or more child is 14 years of age or older*] The appointment of a permanent Guardian for the child is in the best interest of the child and that the individual chosen by such child as the child's permanent guardian is the individual most appropriate to be the child's permanent guardian taking into consideration the best interest of the child;
- [*If the proposed Guardian is not a relative of the child*] Placement with a fit and willing relative is not in the best interest(s) of the child(ren).

5.

The child(ren) were/were not born out of wedlock. [*If born out of wedlock*] The name(s) and address(es) of the biological father(s), if known:

The name and address of the mother of the child(ren):

[*If the parents have NOT consented*]

The name and address of up to three adult siblings of the child(ren):

Then names and addresses of up to three grandparents of the child(ren):

[*If there is no grandparent of the child(ren)*] The names and addresses of any three of the nearest adult relatives of the child(ren) as determined by O.C.G.A. §53-2-1 of the “Revised Probate Code of 1998.”

6.

Upon information known to the Petitioners, there exists/does not exist, a notarized or witnessed document made by a parent of the child(ren) that deals with the guardianship of the child. If so, the name and address of any designee named in the document is:

7.

Upon information known to the Petitioner(s), [*check applicable statements*]

A temporary Guardian has/has not been appointed for the child(ren)

○ Name and address of temporary Guardian:

■ _____

A petition for temporary guardianship has been filed.

○ Case No. _____

A petition for temporary guardianship is being filed.

8.

This Petition is complete as required by Statute, or to the best ability of the Petitioners. Any omissions from the full particulars as required are due to the following:

9.

[If further explanation is necessary] The Petitioner(s) further show this Court:

WHEREFORE, the Petitioner(s) respectfully requests this Court:

- a) Issue a Rule Nisi, setting this matter down for a hearing, when notified parties of interest may appear and show cause as to why the requested relief should not be granted;
- b) grant the Petition to Appoint a Permanent Guardian and appoint:
_____, as
Permanent Guardians over the minor child(ren); and,
- c) grant such other and further relief as deemed necessary and just by this Court, including visitation and child support if necessary.

Submitted this _____ day of _____, 20_____.

Petitioner

Address:

Telephone:

IN THE JUVENILE COURT OF PAULDING COUNTY

STATE OF GEORGIA

IN THE INTEREST(S) OF,

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VERIFICATION

PERSONALLY APPEARED before me, the undersigned officer duly authorized by law to administer oaths,

who, after being duly sworn, deposes and states, on oath, that the facts and allegations alleged and contained in the within and foregoing PETITION FOR APPOINTMENT OF A PERMANENT GUARDIAN are true and correct to the best of his/her knowledge and belief.

Petitioner

Petitioner

Sworn to and subscribed before me

this _____ day of _____, 20_____.

Notary Public

IN THE JUVENILE COURT OF PAULDING COUNTY

STATE OF GEORGIA

IN THE INTEREST(S) OF,

NAME	SEX	D.O.B.	CASE #

Minor child(ren).

LEGAL NOTICE

A Petition for Appointment of a Permanent Guardian of the above child(ren) has been filed in the Juvenile Court of Paulding County.

The name and address of the Petitioners or Petitioners Attorney is:

This notice has been served upon, sent to you, or published in accordance with the notice requirements of O.C.G.A. §15-11-30.1(2)(E). Pursuant to this Statute, you are entitled to object either to the establishment of a permanent guardianship or to the selection of the petitioner as permanent guardian, or both.

Accordingly, it is required of you that any objection be filed in writing with the Paulding County Juvenile Court within ten days of the personal service of this notice (if this notice was personally served upon you), within 14 days of the mailing of the notice (if the notice was mailed to you), or within ten days of the date of the second publication of the notice (if notice was given by publication). It is also required by the Paulding County

Juvenile Court that you serve a copy of your written objection on the Petitioner(s) or the Petitioner(s) Attorney at the address listed in this notice within 3 days of filing your objection with the Court.

Written objections must be filed at the Paulding County Juvenile Court, 1387 Industrial Boulevard North, Dallas, GA 30132. If you have any questions regarding filing objections or to inquire whether a hearing on this matter has been set, you may call the Clerk's office at 770-443-7532. **NOTE: The Clerk's office cannot give legal advice to you or any other person.** If you have questions of a legal nature, you are encouraged to consult an attorney.

This _____ day of _____, 20_____.

Petitioner/Petitioners Attorney

IN THE JUVENILE COURT OF PAULDING COUNTY

STATE OF GEORGIA

IN THE INTEREST(S) OF,

NAME	SEX	D.O.B.	CASE #

Minor child(ren).

FINAL ORDER ON PETITION TO APPOINT A PERMANENT GUARDIAN

This matter, having come before the Court on the Petition to Appoint a Permanent Guardian, and with the following parties present :

- _____ : DFCS Representative
- _____ : Attorney for the Father
- _____ : Father
- _____ : Attorney for the Mother
- _____ : Mother
- _____ : Guardian ad Litem
- _____ : Court Appointed Special Advocate
- _____ : Petitioner(s)
- _____ : Attorney for Petitioners

And after hearing testimony and considering the evidence presented, the Court makes the following findings of fact and conclusions of law:

1. The Court has jurisdiction to hear the Motion to Appoint a Permanent Guardian pursuant to O.C.G.A. §15-11-30.1(2)(A). The child(ren) have been found to be deprived pursuant to an Order of this Court dated _____. That Order has not been appealed. Statutory service and/or notice requirements have been satisfied.
2. [*use only one finding*] The living parents of the or parent of the child have consented to the permanent guardianship. [OR] Reasonable efforts to reunify this child with the parent(s) would be detrimental to the child in accordance with O.C.G.A. §15-11-58(h) for the following reasons:
 - a. (*specific finding*)
 - b. (*specific finding*)
 - c. (*specific finding*)
3. Termination of parental rights is not in the best interests of the child. [*and if the proposed Guardian is not a relative of the child*] Placement with a fit and willing relative is not in the best interest of the child.
 - a. (*specific finding*)
 - b. (*specific finding*)
 - c. (*specific finding*)
 - d. (*specific finding*)
4. The appointment of a permanent guardian for the child is in the best interest of the child(ren).
5. _____ is the most appropriate individual to be the child(ren)'s permanent guardians taking into consideration the best interest of the child.

- a. *(specific finding)*
- b. *(specific finding)*
- c. *(specific finding)*
- d. *(specific finding)*

6. The proposed permanent guardians, _____ and _____ *[relation if any]* can provide a safe and permanent home for the child.

- a. *(specific finding)*
- b. *(specific finding)*
- c. *(specific finding)*
- d. *(specific finding)*

7. *[If the child is 14 years of age or older and has indicated a preference as to the appointment, if not then delete.]* The child is _____ years old and has indicated a preference as to the appointment of a permanent guardian. The appointment of a permanent guardian for the child is in the best interests of the child and the individual(s) chosen by the child to be the permanent guardian(s) is/are the individual(s) most appropriate to be the child(ren)'s permanent guardian(s), taking into consideration the best interests of the child(ren).

8. The Court also specifically finds: *[Additional findings as deemed necessary.]*

THEREFORE, based upon these findings of fact and conclusions of law, the Court hereby **GRANTS/DENIES** the petition to appoint a permanent guardian for the minor child.

_____ who reside at _____
_____, are hereby appointed as **Permanent Legal Guardian(s)** for the minor child(ren):

_____ d.o.b. _____.

The Permanent Guardians shall have all the rights and duties of a permanent guardian as are provided in O.C.G.A. §§ 29-2-21, 29-2-22, and 29-2-23. A bond will not be required of the Guardians.

The Court also ORDERS the following:

- A. The Parent(s) of the child(ren) shall [shall not] have visitation with the minor children.
- B. [*If visitation is granted.*] A visitation schedule shall be established that shall allow the child(ren) to maintain meaningful contact with the child(ren)'s Parent(s) through personal visits, telephone calls, letters, or other forms of appropriate communication.
 - a. Visitation shall be as follows:
 - i.
 - ii.
 - iii.
 - b. The following restrictions shall apply to the visitations:
 - i.
 - ii.
 - iii.

C. *[If child support is found to be necessary.]* Pursuant to O.C.G.A. §15-11-28(c)(2), child support shall be paid by the Parent(s) to the permanent guardian(s) in the following manner:

a.

D. **This Order shall remain in effect until the child [or as each child] reaches the age of 18 or becomes emancipated.**

E. This Order shall not be subject to review by this Court except as to the following:

a. This Court shall retain jurisdiction over this action for the sole purpose of entering an order following the filing, in this Court, of a petition to modify, vacate, or revoke the guardianship and to appoint a new guardian.

F. The permanent guardians are reminded of their obligations under O.C.G.A. §§ 29-2-21, 29-2-22, and 29-2-23.

SO ORDERED this _____ day of _____, 20_____.

SANDRA W. MILLER
Paulding County Juvenile Court
Paulding Judicial Circuit

IN THE JUVENILE COURT OF PAULDING COUNTY

STATE OF GEORGIA

IN THE INTEREST(S) OF,

NAME	SEX	D.O.B.	CASE #

Minor child(ren).

CERTIFICATE OF SERVICE

I hereby certify I have this _____ day of _____, 20____, served the following with a copy of the FINAL ORDER ON PETITION TO APPOINT A PERMANENT, via Electronic mail and regular United States Mail, properly formatted to insure delivery to:

Clerk/Deputy Clerk
Paulding County Juvenile Court
Paulding Judicial Circuit

STATE OF GEORGIA

COUNTY OF PAULDING

IN THE INTEREST OF:)
)
_____)
D.O.B. _____)

PAULDING JUVENILE COURT
CASE NUMBER : _____

GUARDIAN'S OATH

We do solemnly swear (or affirm) that we will well and truly perform the duties required of us as permanent guardians of the ward named above, and faithfully account to our ward for our ward's estate. SO HELP US GOD.

Guardian

Guardian

Sworn to and subscribed before me,
this _____ day of _____, 2008.

Clerk of the Paulding County Juvenile Court
Paulding Judicial Circuit

PAULDING COUNTY JUVENILE COURT
PAULDING JUDICIAL CIRCUIT

The following are the powers and duties a permanent guardian has in the State of Georgia. It is your responsibility to understand and follow these requirements. If you have any legal questions, this office cannot give you legal advice. You are encouraged to seek the advice of an attorney regarding your rights and duties as a permanent guardian.

OFFICIAL CODE OF GEORGIA ANNOTATED
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*** Current Through the 2008 Regular Session ***

TITLE 29. GUARDIAN AND WARD
CHAPTER 2. GUARDIANS OF MINORS
ARTICLE 2. PROTECTION OF MINOR

O.C.G.A. § 29-2-21 (2008)

§ 29-2-21. Power of guardian over minor; obligations of guardians; liability of guardian

(a) The power of a guardian over the minor shall be the same as that of a parent over a child; the guardian standing in place of the parent. A guardian shall at all times act as a fiduciary in the minor's best interest and exercise reasonable care, diligence, and prudence.

(b) A guardian shall:

(1) Respect the rights and dignity of the minor;

(2) Arrange for the support, care, education, health, and welfare of the minor considering the minor's available resources;

(3) Take reasonable care of the minor's personal effects;

(4) Expend money of the minor that has been received by the guardian for the minor's current needs for support, care, education, health, and welfare;

(5) Conserve for the minor's future needs any excess money of the minor received by the guardian; provided, however, that if a conservator has been appointed for the minor, the guardian shall pay to the conservator, at least quarterly, money to be conserved for the minor's future needs;

(6) If necessary, petition to have a conservator appointed;

(7) Endeavor to cooperate with the conservator, if any;

(8) Within 60 days after appointment and within 60 days after each anniversary date of appointment, file with the court and provide to the conservator, if any, a personal status report concerning the minor, which shall include:

(A) A description of the minor's general condition, changes since the last report, and the minor's needs;

(B) All addresses of the minor during the reporting period and the living arrangements of the minor for all addresses; and

(C) Recommendations for any alteration in the guardianship order;

(9) Promptly notify the court of any conflict of interest between the minor and the guardian when the conflict arises or becomes known to the guardian and take such action as is required by Code Section 29-2-23;

(10) Keep the court informed of the guardian's current address; and

(11) Act promptly to terminate the guardianship when the minor dies, reaches age 18, is adopted, or is emancipated.

(c) A guardian, solely by reason of the guardian-minor relationship, is not personally liable for:

(1) The minor's expenses;

(2) Contracts entered into in the guardian's fiduciary capacity;

(3) The acts or omissions of the minor;

(4) Obligations arising from ownership or control of property of the minor; or

(5) Other acts or omissions occurring in the course of the guardianship.

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*** Current Through the 2008 Regular Session ***

TITLE 29. GUARDIAN AND WARD
CHAPTER 2. GUARDIANS OF MINORS
ARTICLE 2. PROTECTION OF MINOR

O.C.G.A. § 29-2-22 (2008)

§ 29-2-22. Authority of guardian; appointment of guardian ad litem

(a) The appointment of a guardian shall vest in the guardian the exclusive power, without court order, to:

(1) Take custody of the person of the minor and establish the minor's place of dwelling within this state;

(2) Subject to Chapters 9, 20, and 36 of Title 31 and any other pertinent law, give any consent or approval that may be necessary for medical or other professional care, counsel, treatment, or services for the minor;

(3) Bring, defend, or participate in legal, equitable, or administrative proceedings, including alternative dispute resolution, as are appropriate for the support, care, education, health, or welfare of the minor in the name of or on behalf of the minor;

(4) Execute a surrender of rights to enable the adoption of the minor pursuant to the provisions of Chapter 8 of Title 19 or the adoption laws of any other state; and

(5) Exercise those other powers reasonably necessary to provide adequately for the support, care, education, health, and welfare of the minor.

(b) At the time of the appointment of the guardian or at any time thereafter, any of the following powers may be specifically granted by the court to the guardian upon such notice, if any, as the court shall determine, provided that no disposition of the minor's property shall be made without the involvement of a conservator, if any:

(1) To establish the minor's place of dwelling outside this state;

(2) To change the jurisdiction of the guardianship to another county in this state that is the county of the minor's place of dwelling, pursuant to Code Section 29-2-60;

(3) To change the domicile of the minor to the minor's or the guardian's place of dwelling, in the determination of which the court shall consider the tax ramifications and the succession and inheritance rights of the minor and other parties;

(4) To consent to the marriage of the minor;

(5) To receive reasonable compensation from the estate of the minor for services rendered to the minor; and

(6) If there is no conservator, to disclaim or renounce any property or interest in property of the minor in accordance with the provisions of Code Section 53-1-20 of the Revised Probate Code of 1998.

(c) Before granting any of the powers described in subsection (b) of this Code section, the court shall appoint a guardian ad litem for the minor and shall give notice to any natural guardian of the minor.

(d) In granting any of the powers described in subsection (b) of this Code section, the court shall consider the property rights of the minor and the views of the conservator, if available, or, if there is no conservator, of others who have custody of the minor's property.

(e) In performing any of the acts described in this Code section, the guardian shall act in coordination and cooperation with the conservator or, if there is no conservator, with others who have custody of the minor's property.

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*** Current Through the 2008 Regular Session ***

TITLE 29. GUARDIAN AND WARD
CHAPTER 2. GUARDIANS OF MINORS
ARTICLE 2. PROTECTION OF MINOR

O.C.G.A. § 29-2-23 (2008)

§ 29-2-23. Conflicts of interest

The guardian must disclose promptly any conflict of interest between the guardian and the minor when it arises or becomes known to the guardian and seek the court's determination as to whether the conflict is insubstantial or if it is in the best interest of the minor for the guardian to continue to serve.