

**INSTRUCTIONS FOR FILING A PETITION FOR CUSTODY  
BY A RELATIVE CAREGIVER PURSUANT TO O.C.G.A. § 19-7-1(b.1)**

**\* Only to be used by grandparents, great-grandparents, aunts, uncles,  
great aunts, great uncles, or siblings. \***

**JURISDICTION**

In an action involving the custody of a child between the parents or either parent and a third party (such as a grandparent), the petition must be filed in the Superior Court in the county where the legal custodian lives.

**VENUE**

If the legal custodian lives in a different county from the relative caregiver, but will agree to the relative caregiver filing in the county where the caregiver lives, the legal custodian will need to sign a Waiver of Venue form and an Acknowledgment of Service form. These can be obtained from the Family Law Information Centers at the Fulton, DeKalb, and Gwinnett Superior Courts.

**SERVICE**

Personal Service: The sheriff or a private process server serves the other party with a copy of your petition. When you file your petition, fill out the forms for sheriff service and pay the required fee.

Acknowledgment of Service: The other side agrees to sign a form saying that he/she has received a copy of the petition from you. This form is called an Acknowledgment of Service. If the other side lives in another county in Georgia, he/she will also need to sign a Waiver of Venue form. These forms must then be filed with the Clerk of Court showing that the other side has been served with a copy of your petition.

Personal Service by Second Original: This applies if the other side lives in another state but has abandoned the child(ren) and the child(ren) has/have lived in Georgia for at least six (6) months before you filed this petition. The other side will need to be served with a copy of your petition by the sheriff where he/she lives.

Service by Publication: This applies if the other side has abandoned the child(ren)/ren with you and the child(ren)/ren has/have lived in Georgia for at least six months before you filed this petition *and you do not know where the other side lives now.*

**FILLING IN THE PETITION**

The person seeking a change in custody is the "Petitioner." The other side is the "Respondent."

**VERIFICATION**

These forms must be signed in front of a notary. By signing these forms, you are swearing under oath that what you wrote in the petition is true and correct.

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY**  
**STATE OF GEORGIA**

_____	*	
	*	
Petitioner,	*	
	*	
v.	*	Civil Action File No. _____
	*	
_____	*	
	*	
Respondent(s).	*	
	*	

**PETITION FOR CUSTODY**

NOW COMES, Petitioner, \_\_\_\_\_, representing myself, and files this Petition for Custody against \_\_\_\_\_, the Respondent(s), pursuant to O.C.G.A. § 19-7-1 (b.1), and respectfully shows the Court the following:

1.

Petitioner is a resident of \_\_\_\_\_ County, Georgia, and is the \_\_\_\_\_ of the child(ren) at issue:

Full Name	Male/Female	Date of Birth
_____	_____	_____
_____	_____	_____
_____	_____	_____

Petitioner requests that this Court grant Petitioner temporary and permanent custody of the child(ren).

2.

Respondent, \_\_\_\_\_, the mother of the above minor child(ren), is a resident of \_\_\_\_\_ County, Georgia and is subject to the jurisdiction of this Court and may be served via personal service with a copy of this Petition and summons at the following address:

\_\_\_\_\_.

3.

The minor child(ren) currently resides at \_\_\_\_\_ with \_\_\_\_\_. During the past five (5) years, the minor child(ren) resided at \_\_\_\_\_ with \_\_\_\_\_.

4.

Respondent, \_\_\_\_\_, the father of the above minor child(ren), is a resident of \_\_\_\_\_ County, Georgia and is subject to the jurisdiction of this Court and may be served via personal service with a copy of this Petition and summons at the following address: \_\_\_\_\_.

The child(ren)'s biological father is/is not listed on the child(ren)'s birth certificate and has/has not legitimated the minor child(ren), has/has not had a relationship with the minor child(ren), and has/has not ever provided financial support to the minor child(ren). Furthermore, the whereabouts of the biological father are unknown.

Petitioner will provide a courtesy of this Petition for Custody to the biological father of the child(ren) at the following address: \_\_\_\_\_

\_\_\_\_\_.

5.

Petitioner has not participated as a party, or witness, or in any capacity in any other litigation concerning the custody of the minor child(ren) in this or any other state.

Petitioner does not know of any custody proceeding concerning the minor child(ren) which may be pending in a court in this or any other state.

The minor child(ren) have been/are involved in the following custody actions.

County: \_\_\_\_\_

County: \_\_\_\_\_

State: \_\_\_\_\_

State: \_\_\_\_\_

Court: \_\_\_\_\_

Court: \_\_\_\_\_

Type of Action: \_\_\_\_\_

Type of Action: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Status: \_\_\_\_\_

Status: \_\_\_\_\_

6.

Petitioner knows of no individuals other than the parties to this action who have any claim of custody or visitation rights concerning the above child(ren). The minor child(ren) is/are in the custody and control of the Petitioner who is entitled to retain permanent custody.

The following persons who are not a party to this proceeding have custody or visitation rights with the minor child(ren):

Full Name

Claim

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7.

The minor child(ren) lived with and was/were supported by Petitioner from \_\_\_\_\_ until \_\_\_\_\_. Custody of the minor child(ren) with Respondent(s) would be harmful to the minor child(ren), resulting in either physical harm or significant, long-term emotional harm. Respondent(s) is/are unable to care for the minor child(ren) because \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8.

Petitioner requests that the issue of child support be considered and decided by this Court.

9.

Due to Petitioner's day-to-day relationship with the minor child(ren) since \_\_\_\_\_, the minor child(ren) has/have developed a strong emotional bond with Petitioner. The award of temporary and permanent physical and legal custody of the minor child(ren) to Petitioner is for the best interest of the child(ren) and will best promote her/his/their welfare and happiness. Petitioner is a fit and capable person and is otherwise qualified to have custody of the minor child(ren).

10.

Petitioner requests an emergency hearing because: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**WHEREFORE**, Petitioner prays for relief as follows:

- (1) That process issue and that service and notice of said custody petition be had according to law unless the same is waived in writing;
- (2) That an Rule Nisi be issued requiring the Respondent(s) to show cause why the prayers demanded by the Petitioner should not be granted;
- (3) That the Petitioner be awarded temporary and permanent custody of the minor child(ren);
- (4) That any agreement between the parties be approved and incorporated into any judgment of custody and child support;
- (5) That the Court grant such other and further relief as it deems equitable and appropriate under the circumstances;

This \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_.

Respectfully submitted,

\_\_\_\_\_  
Signature

Pro Se

Name: (print or type) \_\_\_\_\_

Address: \_\_\_\_\_

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

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

\_\_\_\_\_

Petitioner,

v.

\_\_\_\_\_

Respondent.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Civil Action File No. \_\_\_\_\_

**VERIFICATION**

Personally appeared before the undersigned officer duly authorized to administer oaths, \_\_\_\_\_, Petitioner, who, being first duly sworn, deposes and states that the facts contained in the foregoing Petition for Custody are true and correct, and that the facts alleged on information and belief are true and correct to the best of her knowledge, information, and belief.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Pro Se

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and notarized by me on said day.

\_\_\_\_\_  
NOTARY PUBLIC

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY**  
**STATE OF GEORGIA**

_____	*	
	*	
Petitioner,	*	
	*	
v.	*	Civil Action File No. _____
	*	
_____	*	
	*	
Respondent.	*	
	*	

**RULE NISI**

The Petitioner's Petition for Custody has been filed, read and considered.

Therefore, let the parties appear before the Honorable Judge \_\_\_\_\_ of the  
\_\_\_\_\_ County Superior Court, Courtroom \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, Georgia \_\_\_\_\_ on \_\_\_\_\_ day, \_\_\_\_\_, 20\_\_ at \_\_\_\_\_  
\_\_m. to show cause why the relief sought by the Petitioner should not be granted.

This \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ COUNTY SUPERIOR COURT JUDGE