

PETITION FOR TEMPORARY LETTERS OF GUARDIANSHIP OF MINOR

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for filing a Petition for Temporary Letters of Guardianship of a Minor pursuant to O.C.G.A. § 29-2-5.
2. Notice of the Petition must be given to the “parents” of the Minor. If an objection to the establishment of the temporary guardianship is filed by a parent who is also a “natural guardian,” the Court will dismiss the Petition without a hearing. If a parent who is not a natural guardian objects, a hearing on the matter will be scheduled.

A “parent” is defined as the biological or adoptive father or mother whose parental rights have not been surrendered or terminated. However, in the case of a child born out of wedlock, the Father shall be considered a “parent” only if he has legitimated the Minor.

A father of a child born out of wedlock has legitimated the Minor if he married the Mother after the child’s birth or obtained an order of legitimation from a court of competent jurisdiction.

A “natural guardian” is defined as each parent, unless the parents are divorced. If one parent has sole legal custody, that parent is the sole “natural guardian.” If both parents have joint legal custody, then both parents are the “natural guardians.”

3. Although a mother or father may not be a “legal parent,” the Court may require service on such person.
4. A temporary guardianship will be deemed to be a permanent guardianship for the purposes of obtaining medical insurance coverage for the Minor if the guardian assumes in writing the obligation to support the Minor while the guardianship is in effect to the extent that no other sources of support are available.
5. Unless otherwise permitted by the Probate Court in which the Petition is filed, a separate Petition must be filed for each minor. Contact the Probate Court in which the Petition will be filed for its policy. If the filing of one Petition for more than one minor is permitted by the Probate Court, modify the Petition accordingly.
6. According to Uniform Probate Court Rule 5.6 (A), unless the Court specifically assumes the responsibility, it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it can be served according to law. All pages after the Notice regarding Uniform Probate Court Rule 5.6 (A) are to be completed by the moving party, unless otherwise directed by the Court.

7. O.C.G.A. § 53-11-2 provides that a party to a probate proceeding who is not sui juris must be represented by a guardian provided that the Court may appoint a guardian ad litem or determine that the natural guardian, guardian, conservator or testamentary guardian has no conflict and may serve. Should a guardian ad litem be necessary because a party is not sui juris, use Supplement 1.
8. Use Supplement 2 if the Court determines it is necessary to appoint a special process server.
9. Use Supplement 3 when an additional certificate of service is necessary.
10. Exhibits should be labeled at the bottom of each exhibit as Exhibit "A," Exhibit "B," etc. in consecutive order. The corresponding letter of each said exhibit should be inserted into the appropriate place in the form.
11. An oath must be administered by a Probate Judge or Clerk [the oath cannot be administered by a notary]. Use Probate Court Standard Form 35 for the oath. The oath is not included in this form.

II. General Instructions

General instructions applicable to all Georgia Probate Court Standard Forms are available in each Probate Court, labeled GPCSF 1.

4.

The Minor's Mother is:

<i>[Full name of Mother]</i>	<i>First</i>	<i>Middle</i>	<i>Last</i>
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<i>Street</i>	<i>City</i>	<i>County</i>	<i>State</i>	<i>Zip Code</i>
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- a. Is the Mother deceased? *[Circle One]* (Yes) (No)
If yes, attach death certificate as Exhibit " ____ "
and skip b-g.
- b. Has the Mother signed an acknowledgment for the creation of this temporary guardianship? *[Circle One]* (Yes) (No)
If yes, attach Acknowledgment as Exhibit " ____ ."
- c. Is the Mother's address known and listed above? *[Circle One]* (Yes) (No)
- d. Have the Mother's rights been terminated via Court Order? *[Circle One]* (Yes) (No)
If yes, attach the Order as Exhibit " ____ ."
- e. Has the Mother lost custody via Court Order? *[Circle One]* (Yes) (No)
If yes, attach the Order as Exhibit " ____ ."
- f. Does the Mother have joint legal custody via Court Order? *[Circle One]* (Yes) (No)
If yes, attach the Order as Exhibit " ____ ."
- g. Does the Mother have sole legal custody via Court Order? *[Circle One]* (Yes) (No)
If yes, attach the Order as Exhibit " ____ ."
- h. Was the Mother married to the Father of the child during or after the conception of the Child? *[Circle One]* (Yes) (No)
- i. Was the Mother married to another during the conception, gestation or birth of the Child? *[Circle One]* (Yes) (No)
If yes, list that man's name below:

[Full name of Mother's Husband] First Middle Last

Street City County State Zip Code

5.

The Minor's Father is:

[Full name of Father] First Middle Last

Street City County State Zip Code

- a. Is the Father deceased? [Circle One] (Yes) (No)
If yes, attach death certificate as Exhibit " ____ " and skip b-g.
- b. Has the Father signed an acknowledgement for the creation of this temporary guardianship? [Circle One] (Yes) (No)
If yes, attach Acknowledgment as Exhibit " ____."
- c. Is the Father's address known and listed above? [Circle One] (Yes) (No)
- d. Have the Father's rights been terminated via Court Order? [Circle One] (Yes) (No)
If yes, attach the Order as Exhibit " ____."
- e. Has the Father lost custody via Court Order? [Circle One] (Yes) (No)
If yes, attach the Order as Exhibit " ____."
- f. Does the Father have joint legal custody via Court Order? [Circle One] (Yes) (No)
If yes, attach the Order as Exhibit " ____."
- g. Does the Father have sole legal custody via Court Order? [Circle One] (Yes) (No)
If yes, attach the Order as Exhibit " ____."

6.

Is the Minor fourteen years of age or older? [Circle One] (Yes) (No)

If you answer "Yes," and the Minor made a selection, attach the Minor's Selection for the Petitioner(s) to act as temporary guardian(s) as Exhibit "_____."

7.

The temporary guardianship is needed because:

8.

Additional Data: [Where full particulars are lacking, state here the reasons for any such omission. Also, state here all pertinent facts that may govern the method of giving notice to any party and that may determine whether or not a guardian ad litem should be appointed for any party.]

WHEREFORE, Petitioner(s) pray(s) that:

1. Service be perfected as provided by law; and
2. Petitioner(s) be appointed temporary guardian(s) of the Minor named above.

Signature of First Petitioner

Signature of Second Petitioner, if any

Printed Name

Printed Name

Mailing Address

Mailing Address

Mailing Address

Mailing Address

Telephone Number

Telephone Number

Signature of Attorney

Printed Name of Attorney

Address

Telephone Number

State Bar #

VERIFICATION

GEORGIA, _____ COUNTY

Personally appeared before me the undersigned Petitioner(s) who, after being duly sworn, state(s) that the facts set forth in the foregoing Petition and the attached Exhibit(s) are true and correct.

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

Signature of First Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of First Petitioner

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

Signature of Second Petitioner, if any

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Second Petitioner, if any

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) ESTATE NO. _____
)
MINOR)

SELECTION BY MINOR IF AGED 14 OR OLDER

I, the undersigned Minor, being 14 years of age or older and a resident of _____ County, select _____
to be appointed my guardian(s).

This _____ day of _____, 20 _____.

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

Signature of Minor if age 14 or over

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

Exhibit "____"

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF

MINOR

ESTATE NO. _____

ACKNOWLEDGMENT OF MOTHER

1.

[Full name of Mother] First Middle Last

Street City County State Zip Code

Mother of the above named Minor, do hereby consent to the creation of a temporary guardianship and the appointment of [list all parties to whom you wish to grant temporary guardianship]:

[Full name of first Temporary Guardian] First Middle Last

[Full name of second Temporary Guardian] First Middle Last

and 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 further understand that, pursuant to O.C.G.A. § 29-2-8 (b), upon a petition for termination by a natural guardian as defined in said statute [see instructions], the Court will remove the Temporary Guardian(s) and dissolve the temporary guardianship unless an objection is timely filed by the appointed Temporary Guardian(s). If an objection is timely filed to such petition for termination, 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 understand that nothing herein, including any optional Assumption by the Guardian(s) 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

_____ day of _____, 20____.

Signature of Mother

NOTARY/CLERK OF PROBATE COURT

Printed Name of Mother

My Commission Expires

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
_____,) ESTATE NO. _____
MINOR)

ACKNOWLEDGMENT OF FATHER

I, _____ ,
[Full name of Father] First Middle Last

Street City County State Zip Code

Father of the above named Minor, do hereby consent to the creation of a temporary guardianship and the appointment of [list all parties to whom you wish to grant temporary guardianship]:

[Full name of first Temporary Guardian] First Middle Last

[Full name of second Temporary Guardian] First Middle Last

and 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 further understand that, pursuant to O.C.G.A. § 29-2-8 (b), upon a petition for termination by a natural guardian as defined in said statute [see instructions], the Court will remove the Temporary Guardian(s) and dissolve the temporary guardianship unless an objection is timely filed by the appointed Temporary Guardian(s). If an objection is timely filed to such petition for termination, 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 understand that nothing herein, including any optional Assumption by the Guardian(s) 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
_____ day of _____, 20____.

Signature of Father

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Father

Exhibit "____"

GUARDIANSHIP PETITION APPLICATION

A. PARENT INFORMATION

1. Mother's Full Name _____

Address _____ City _____

State _____ County _____ Zip _____

U.S. Citizen _____ If no, what country _____

Yes No

Place of Employment _____

Home Phone _____ Work Phone _____

Birth Date _____ Race _____

2. Father's Full Name _____

Address _____ City _____

State _____ County _____ Zip _____

U.S. Citizen _____ If no, what country _____

Yes No

Place of Employment _____

Home Phone _____ Work Phone _____

Birth Date _____ Race _____

GUARDIANSHIP PETITION APPLICATION

3. Names and ages of other children in the family:

B. PROPOSED GUARDIAN INFORMATION

1. Proposed Guardian's Full Name _____

Address _____ City _____

State _____ County _____ Zip _____

Home Phone _____ Work Phone _____

Social Security Number _____

Birth Date _____ Place of Birth _____

Marital Status _____ Race _____

U.S. Citizen _____ If no, what country _____

Yes No

Place of Employment _____

Supervisor's Name _____

GUARDIANSHIP PETITION APPLICATION

2. Spouse's Full Name _____
Address _____ City _____
State _____ County _____ Zip _____
Home Phone _____ Work Phone _____
Social Security Number _____
Birth Date _____ Place of Birth _____
Marital Status _____ Race _____
U.S. Citizen _____ If no, what country _____
Yes No
Place of Employment _____
Supervisor's Name _____

3. Relationship (if any) to child _____

4. Names and ages of other children in your home at the present time. _____

GUARDIANSHIP PETITION APPLICATION

5. Has proposed Guardian or Spouse ever been arrested? If so, for what and where arrested? _____

6. If Proposed Guardian has lived outside Douglas County during the last ten (10) years, list addresses. _____

7. List three personal references, addresses and phone numbers. (do not list relatives)

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

GUARDIANSHIP PETITION APPLICATION

C. INFORMATION ON CHILD

1. Child's Name _____

Birth Date _____ Sex _____ Race _____

U.S. Citizen _____ If no, what country _____
Yes No

School last attended _____

Plans to attend _____

Is this a City or County? _____
(State which)

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

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

Signature of Proposed Guardian _____

Signature of Proposed Guardian's Spouse _____

Date _____

CONFIDENTIAL

CONSENT FORM

I hereby authorize the Probate Court of Douglas County to receive any Criminal history record information pertaining to me which may be in the files of any State or local criminal justice agency in Georgia. I was born in _____.

I have lived in the following states other than Georgia:

<u>State</u>	<u>Period</u>
_____	_____
_____	_____
_____	_____

I have never been arrested or convicted of any crime in Georgia or any other state except as follows:

<u>DATE</u>	<u>CRIME</u>	<u>DISPOSITION</u>	<u>STATE</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Full Name (Printed)

Address

Height Weight Hair/Eyes

Sex Race Date of Birth Social Security Number

Signature

Sworn to and subscribed before me,
This _____ day of _____, 20____.

Notary Public/Clerk of Probate Court

CONFIDENTIAL

CONSENT FORM

I hereby authorize the Probate Court of Douglas County to receive any Criminal history record information pertaining to me which may be in the files of any State or local criminal justice agency in Georgia. I was born in _____.

I have lived in the following states other than Georgia:

<u>State</u>	<u>Period</u>
_____	_____
_____	_____
_____	_____

I have never been arrested or convicted of any crime in Georgia or any other state except as follows:

<u>DATE</u>	<u>CRIME</u>	<u>DISPOSITION</u>	<u>STATE</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Full Name (Printed)

Address

Height

Weight

Hair/Eyes

Sex

Race

Date of Birth

Social Security Number

Signature

Sworn to and subscribed before me,
This _____ day of _____, 20____.

Notary Public/Clerk of Probate Court