#### 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 public). Use Georgia Probate Court Supplement 4 for the oath. The oath is not included in this form. Georgia Probate Court Standard Form 53, Commission to Administer Oath, can be used if the oath is to be administered by a court outside the State of Georgia.

#### II. General Instructions

General instructions applicable to all Georgia Probate Court Standard Forms are available in each Probate Court or at www.gaprobate.gov, labeled GPCSF 1.

### IN THE PROBATE COURT OF COUNTY **STATE OF GEORGIA** IN RE: ESTATE OF ESTATE NO. \_\_\_\_\_ **MINOR** PETITION FOR TEMPORARY GUARDIANSHIP OF A MINOR The Petition of [Full name(s) of Petitioner(s)] First Middle who is/are domiciled in \_\_\_\_\_ County and reside(s) at the following address(es): \_\_ City County State who has/have actual physical custody of the Minor named above and whose mailing address(es) City C County Street State show(s): 1. [Full name of Minor] First Last Middle age \_\_\_\_\_, whose date of birth is \_\_\_\_\_, is found at: State City County Street 2. A copy of the Minor's birth certificate is attached as Exhibit "."

relationship(s) with the Minor: \_\_\_\_\_\_.

3.

Said Minor is in need of a temporary guardian. The Petitioner(s) has/have the following

[Full no	ume of Mother]	First	Middle	La	st	
	Street	City	County	Sto	ate	Zip Cod
a.	Is the Mother de <i>If yes, att and skip</i>	ach death certificate as	Exhibit "	[Select One]		Yes □ No
b.		signed a consent for the emporary guardianship?		[Select One]		Yes □ No
c.	Is the Mother's a	ddress known and listed	l above?	[Select One]		Yes □ No
d.	Order?	's rights been terminated ach the Order as Exhibit		[Select One]		Yes □ No
e.		ost custody via Court O ach the Order as Exhibi		[Select One]		Yes □ No
f.	via Court Order?	have joint legal custody ach the Order as Exhibi		[Select One]		Yes □ No
g.	via Court Order?	have sole legal custody ach the Order as Exhibi		[Select One]		Yes □ No
h.		married to the Father of eption of the Child?	the child during	[Select One]		Yes □ No
i.	conception, gesta	married to another during ation or birth of the Chil that man's name below	d?	[Select One]		Yes □ No

[Full name of Mother's Husband] First			Middle	Last	
	Street	City	County	State	z Zip Code
	The Minor's Fat	her is:			
[Full no	ame of Father]	First	Middle	Last	
	Street	City	County	State	e Zip Code
a.	Is the Father dec If yes, att and skip	ach death certificate as E	Exhibit "	[Select One] [ ."	□ Yes □ No
b.		gned a consent for the emporary guardianship?		[Select One] [	☐ Yes ☐ No
c.	Is the Father's ac	ldress known and listed a	bove?	[Select One] [	☐ Yes ☐ No
d.	Order?	s rights been terminated vach the Order as Exhibit		[Select One]	□ Yes □ No
e.		ost custody via Court Ord each the Order as Exhibit		[Select One] [	☐ Yes ☐ No
f.	via Court Order?	have joint legal custody ach the Order as Exhibit	" <u>"</u>	[Select One] [	□ Yes □ No
g.	via Court Order?	have sole legal custody ach the Order as Exhibit	·	[Select One] [	] Yes □ No
	Is the Minor four	6. rteen years of age or older		[Select One] [	J Vas □ No
the Pe	If you answer "Y	Teen years of age of older Tes," and the Minor made as temporary guardian(s)	a selection, att		

The temporary guardianship is needed l	7. because:
omission. Also, state here all pertinent	8. articulars are lacking, state here the reasons for any such t facts that may govern the method of giving notice to any or not a guardian ad litem should be appointed for any
WHEREFORE, Petitioner(s) pray(s) the 1. Service be perfected as p 2. Petitioner(s) be appointed	
Signature of First Petitioner	Signature of Second Petitioner, if any
Printed Name	Printed Name
Mailing Address	Mailing Address
Telephone Number	Telephone Number
Telephone Number	State Bar #

### **VERIFICATION**

GEORGIA,	COUNTY
	the undersigned Petitioner(s) who, after being duly sworn, egoing Petition for Temporary Letters of Guardianship of true and correct.
Sworn to and subscribed before me this	
day of, 20	Signature of First Petitioner
NOTARY/CLERK OF PROBATE COUMY Commission Expires	
Sworn to and subscribed before me this	
day of, 20	Signature of Second Petitioner, if any
NOTARY/CLERK OF PROBATE COUMY Commission Expires	, , , , , , , , , , , , , , , , , , ,

# IN THE PROBATE COURT OF COUNTY **STATE OF GEORGIA IN RE: ESTATE OF** ESTATE NO. **MINOR SELECTION BY MINOR IF AGE 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 \_\_\_\_\_\_, 20 \_\_\_\_\_. Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_\_\_, 20\_\_\_\_\_ Signature of Minor if age 14 or over NOTARY/CLERK OF PROBATE COURT Printed Name My Commission Expires \_\_\_\_\_

Exhibit "

IN THE PROBATE COUR	COUNTY	7		
IN RE: ESTATE OF OF GEORGIA  O			O	
	,			
CON	NSENT OF MO	THER		
I,[Full name of Mother] First		Middle	Last	,
Street Ci	ity	County	State	Zip Code
Mother of the above named Minor, do hand the appointment of [list all parties has been been been been been been been bee				
[Full name of second Temporary Guardian] F	- First	Middle	Last	,
and also acknowledge service of the Per Minor and waive any and all further service of the Per I further understand that, pursuant by a natural guardian as defined in sate Temporary Guardian(s) and dissolve the by the appointed Temporary Guardian termination, the Juvenile Court or the whether a continuation or dissolution of Minor. I understand that nothing hereing the obligation to support the Minor to affects my legal obligation to support and	rvice and notice nt to O.C.G.A. § aid statute [see e temporary guar n(s). If an obje Probate Court so of the temporary , including any of the extent that i	concerning said la 29-2-8 (b), upon instructions], the dianship unless a action is timely fushall determine, guardianship is optional Assumption other sources	Petition. a petition for e Court will: n objection is filed to such after notice a in the best int ion by the Gu	termination remove the timely filed petition for nd hearing, erest of the ardian(s) of
Sworn to and subscribed before me this day of, 20		ature of Mother		
NOTARY/CLERK OF PROBATE CO	URT Print	ed Name of Mot	her	
My Commission Expires				

IN THE PROBATE COURT (	COUNTY				
STATE OF GEORGIA					
IN RE: ESTATE OF	) ) _, ) ESTATE N	JO			
MINOR	) ESTATE N				
CONSE	ENT OF FATHER				
I, [Full name of Father] First	Middle	Last			
Street City	County	State Zip Code			
Father of the above named Minor, do hereb and the appointment of [list all parties to w	•				
[Full name of first Temporary Guardian] First	Middle	Last			
[Full name of second Temporary Guardian] First	Middle	Last			
and also acknowledge service of the Petitic Minor and waive any and all further service I further understand that, pursuant to by a natural guardian as defined in said a Temporary Guardian(s) and dissolve the tem by the appointed Temporary Guardian(s). termination, the Juvenile Court or the Prowhether a continuation or dissolution of the Minor. I understand that nothing herein, ince the obligation to support the Minor to the affects my legal obligation to support and not support to and subscribed before me this	e and notice concerning said of O.C.G.A. § 29-2-8 (b), upon statute [see instructions], the imporary guardianship unless at If an objection is timely obate Court shall determine, the temporary guardianship is cluding any optional Assumption extent that no other sources	Petition.  a petition for termination be Court will remove the an objection is timely filed filed to such petition for after notice and hearing in the best interest of the tion by the Guardian(s) of			
day of, 20	Signature of Father				
NOTARY/CLERK OF PROBATE COURT	T Printed Name of Fath	ner			
My Commission Expires					

# IN THE PROBATE COURT OF COUNTY STATE OF GEORGIA IN RE: ESTATE OF MINOR ASSUMPTION OF OBLIGATION TO SUPPORT (OPTIONAL) The undersigned, if appointed temporary guardian(s) of the above named 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 \_\_\_\_\_ day of \_\_\_\_\_\_\_, 20\_\_\_\_\_. Signature of First Petitioner Printed Name of First Petitioner NOTARY/CLERK OF PROBATE COURT My Commission Expires \_\_\_\_\_ Sworn to and subscribed before me this \_\_\_\_\_day of \_\_\_\_\_\_\_, 20\_\_\_\_\_. Signature of Second Petitioner, if any Printed Name of Second Petitioner, if any NOTARY/CLERK OF PROBATE COURT My Commission Expires \_\_\_\_\_

GPCSF 28 [9] Eff. July 2017

Exhibit "

### **NOTICE**

THE FOLLOWING PAGES ARE TO BE COMPLETED BY THE PETITIONER (MOVING PARTY) UNLESS OTHERWISE DIRECTED BY THE COURT.

SEE PROBATE COURT RULE 5.6 (A).

### IN THE PROBATE COURT OF COUNTY STATE OF GEORGIA IN RE: ESTATE OF MINOR ORDER FOR SERVICE It appearing that the Mother of the Minor named in the Petition has not acknowledged and consented to the Petition and that: [Initial all that apply] she resides at a known address in the State of Georgia and she must, therefore, be served by personal service. she resides at a known address outside the State of Georgia and she must, therefore, (b) be served by first class mail. her current address is unknown and she must, therefore, be served by publication (c) once a week for two weeks. It appearing that the Father of the Minor named in the Petition has not acknowledged and consented to the Petition and that: [Initial all that apply] he resides at a known address in the State of Georgia and he must, therefore, be (a) served by personal service. (b) he resides at a known address outside the State of Georgia and he must, therefore, be served by first class mail. (c) his current address is unknown and he must, therefore, be served by publication once a week for two weeks. THEREFORE, IT IS ORDERED that notice issue and be served as indicated above and in accordance with law. SO ORDERED this day of , 20 .

Eff. July 2017

Judge of the Probate Court

# IN THE PROBATE COURT OF COUNTY **STATE OF GEORGIA** IN RE: ESTATE OF **MINOR** NOTICE Date of mailing, if any \_\_\_\_\_ Date of second publication, if any \_\_\_\_\_ TO: You are hereby notified that has filed a Petition seeking to be appointed temporary guardian(s) of the above-named Minor. All objections to the Petition to the appointment of a temporary guardian or the appointment of the Petitioner(s) as temporary guardian(s), must be in writing, setting forth the grounds of any such objections, and be filed with this Court no later than fourteen (14) days after this notice is mailed, or ten (10) days after this notice is personally served upon you, or ten (10) days after the second publication of this notice if you are served by publication. All objections should be sworn to before a notary public or Georgia probate court clerk and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. NOTE: If a natural guardian files a timely objection to the creation of the temporary guardianship, the Petition will be dismissed. If a natural guardian files an objection to the appointment of the Petitioner(s) as guardian(s), or if a parent who is not a natural guardian files an objection to the Petition, a hearing on the matter shall be (held in the Probate Court of \_\_\_\_\_\_ County, \_\_\_\_\_, Georgia on courtroom \_\_\_\_\_\_, address \_\_\_\_\_\_, Georgia on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_.m.) (scheduled at a later date). If no objection is filed, the Petition may be granted without a hearing. Judge of the Probate Court Clerk of the Probate Court Address Telephone Number

IN	THE PROBATE CO	URT OFSTATE OF GEO		COUNTY
IN RE: EST	ATE OF	) ) )	ESTATE N	NO
	CEI	RTIFICATE OF S	SERVICE	
Order for Ser Georgia at a k	vice to each party to w	hom the Notice is	directed who re	ove Notice, Petition, and sides outside the State of ed envelope, by first class
This	day of		_, 20	
		Clerk of t	he Probate Court	
		Address		

Telephone Number

IN THE PROBATE		COUNTY
	STATE OF GEO	ORGIA
IN RE: ESTATE OF	)	ESTATE NO
MINOR		ESTATE NO.
ORDER ESTABLISH	IING TEMPORARY	GUARDIANSHIP OF MINOR
	and consented to the P	etition (and Selection) and it appearing that Petition or been properly served with notice
		, Petitioner(s), be, of the above Minor and that Temporary n taking the oath as required by law.
Report with the Court sixty (60) this Order each year thereafter.	days from the date of this paragraph is intended, the Court in its disc	rary Guardian(s) shall file a Personal Status of this Order and on the anniversary date of itialed, a personal status report is required. Cretion and in accordance with O.C.G.A. § personal status report.]
[Initial if applicable]		
guardianship for the purposes o Minor because the Guardian(s)	of the Guardian(s) obta has/have assumed in v	ianship shall be deemed to be a permanent taining medical insurance coverage for the writing the obligation to support the Minor o other sources of support are available.
SO ORDERED this	day of	, 20

GPCSF 28 [14] Eff. July 2017

Judge of the Probate Court

IN T	THE PROBATE COUI ST	RT OF ATE OF GEOR	
IN RE: ESTA	TE OF	) ) ,	ESTATE NO
	CERT	TIFICATE OF SE	RVICE
Petitioner at a		in a properly add	copy of the above Final Order to each dressed and stamped envelope, by first
This	day of	,	20 .
		Clerk of the	Probate Court
		Address	

Telephone Number

## IN THE PROBATE COURT OF COUNTY STATE OF GEORGIA IN RE: ESTATE OF MINOR DATE OF BIRTH TEMPORARY LETTERS OF GUARDIANSHIP OF MINOR TO: , Temporary Guardian(s) The above-named Minor has been found by this Court to be in need of a guardian and this Court has entered an Order appointing the above named individual(s) as such Guardian(s), who has/have assented to this appointment by taking the oath. In general, the duties of the Guardian(s) are to protect and maintain the person of the Minor. Special Instructions: 1. It is your duty to see that the Minor is adequately fed, clothed, sheltered, educated, and cared for and that the Minor receives all necessary medical attention; 2. You must keep the Court informed of any change in your name and/or address; 3. You should inform the Court of any change of address of the Minor; 4. If the Order appointing you requires, you must file an annual Personal Status Report concerning the Minor; and 5. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case. [Initial if applicable] If initialed, the guardianship shall be deemed a permanent guardianship for the purposes of the Guardian(s) obtaining medical insurance coverage for the Minor. Given under my hand and official seal, the \_\_\_\_\_ day of \_\_\_\_\_ , 20 . Judge of the Probate Court NOTE: The following must be signed if the Judge does not sign the original of this document: Issued by: [Seal] Clerk of the Probate Court