

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 took some legal action to be recognized as the legal or lawful father.

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 “natural guardians.”

3. Although a mother or father may not be a “legal parent,” the court may require service to such person unless the parties provide supporting documentation to show the person is not a “legal parent” via termination of parental rights, etc.
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 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. Pages after 8 are to be completed by the moving party, unless otherwise directed by the court.
7. 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. 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, labeled GPCSF 1.

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

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

PETITION FOR TEMPORARY GUARDIANSHIP OF A MINOR

The Petition of:

_____,
 (Full name of Petitioner(s)) First Middle Last
 who is/are domiciled in _____ County and reside(s) at the following address(es):

_____,
 Street City County State Zip Code
 who has/have actual physical custody of the minor named above, and whose mailing address(es)
 is/are _____,
 Street City County State Zip Code
 show(s):

1.

_____,
 (Full name of Minor) First Middle Last
 age _____, whose date of birth is _____, whose and who is found at: _____
 _____,
 Street City County State Zip Code

2.

A copy of the minor’s birth certificate is attached as “Exhibit A.”

3.

Said minor is in need of a temporary guardian. The petitioner(s) has/have the following relationship(s) with the minor: _____.

4.

- a. Do(es) the Petitioner(s) live(s) in the above named county? (Circle One) (Yes) (No)
- b. Do(es) the Petitioner(s) live outside the state of Georgia? (Circle One) (Yes) (No)
- c. Is the minor is found in the above named county? (Circle One) (Yes) (No)

If you answer “No” to a., b., and/or c., provide the county and state of domicile of the Petitioner(s) and minor below along with the reason jurisdiction is proper in the above named county.

 _____.

5.

The minor's mother:

 (Full name of mother) First Middle Last

 Street City County State Zip Code

- a. Is the mother's address known and listed above? (Circle One) (Yes) (No)
- b. Have the mother's rights been terminated? (Circle One) (Yes) (No)
- c. Has the mother lost custody via Court Order? (Circle One) (Yes) (No)
- d. Does the mother have joint legal custody via Court Order? (Circle One) (Yes) (No)
- e. Has the mother signed an acknowledgement for the creation of this temporary guardianship? (Circle One) (Yes) (No)
- f. Has the mother passed away? (Circle One) (Yes) (No)

(NOTE: If you answer "No" to a., then publication is required to properly serve the mother. If you answer "Yes" to b. – f., the documentation and/or the order is required to be attached hereto and marked as "Exhibit B." If there are multiple answers of "No," then exhibits should be marked "B1," "B2," etc.)

6.

Was the mother married to someone other than the biological father during the conception, gestation, or birth of the child? (Circle One) (Yes) (No)

If you answer "Yes," list the name of the legal father of the child below:

 (Full name of mother's husband) First Middle Last

 Street City County State Zip Code

7.

The minor's biological father:

 (Full name of father) First Middle Last

 Street City County State Zip Code

- a. Is the father's address known and listed above? (Circle One) (Yes) (No)
- b. Have the father's rights been terminated? (Circle One) (Yes) (No)

- c. Has the father lost custody via Court Order? (Circle One) (Yes) (No)
- d. Does the father have joint legal custody via Court Order? (Circle One) (Yes) (No)
- e. Has the father signed an acknowledgement for the creation of this temporary guardianship? (Circle One) (Yes) (No)
- f. Has the father passed away? (Circle One) (Yes) (No)

(NOTE: If you answer “No” to a., then publication is required to properly serve the father. If you answer “Yes” to b. – f., the documentation and/or the order is required to be attached hereto and marked as “Exhibit C.” If multiple answers of “No,” then exhibits should be marked “C1,” “C2,” etc.)

8.

Is the minor fourteen years of age or older? (Circle One) (Yes) (No)

If you answer “Yes,” attach the minor’s selection for the Petitioner(s) to act as temporary guardian(s) as “Exhibit D.”

9.

The temporary guardianship is needed because:

10.

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

Address

Address

Telephone number

Telephone number

Signature of Attorney: _____

Typed/printed name of Attorney: _____

Address: _____

Telephone: _____

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 exhibits 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

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

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

**ACKNOWLEDGMENT AND CONSENT
TO CREATION OF TEMPORARY GUARDIANSHIP AND
APPOINTMENT OF INDIVIDUAL(S) AS TEMPORARY GUARDIAN(S)**

I/We, _____
 (Full name of mother) First Middle Last

 Street City County State Zip Code

And/or _____
 (Full name of father) First Middle Last

 Street City County State Zip Code

mother and/or 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/We 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/We 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/our legal obligation to support and maintain said minor.

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

 NOTARY/CLERK OF PROBATE COURT
 My Commission Expires _____

 Signature of Mother

 Printed Name of Mother

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

 NOTARY/CLERK OF PROBATE COURT
 My Commission Expires _____

 Signature of Father

 Printed Name of Father

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

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

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

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
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
) **ESTATE NO.** _____
)
_____,)
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 applicable)

- _____ (a) she resides at a known address in the State of Georgia and she must, therefore, be served by personal service.
- _____ (b) she resides at a known address outside the State of Georgia and she must, therefore, be served by first class mail.
- _____ (c) her current address is unknown and she must, therefore, be served by publication 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 applicable)

- _____ (a) he resides at a known address in the State of Georgia and he must, therefore, be 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 citation issue and be served as indicated above and in accordance with law.

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

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

**CITATION FOR TEMPORARY LETTERS OF GUARDIANSHIP:
NOTICE OF PETITION FOR TEMPORARY LETTERS OF GUARDIANSHIP OF
MINOR**

Date of mailing, if any _____ Date of second publication, if any _____

TO: _____

You are hereby notified that _____
has filed to be appointed temporary guardian(s) of the above-named minor. All objections to the Petition described above either to the appointment of a temporary guardian or the appointment of the Petitioner(s) as temporary guardian(s) must be in writing, set 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 pleadings must be signed before a notary public or Georgia probate court clerk and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact Probate Court personnel at the below address/telephone number for the required amount of filing fees.

NOTE: If a natural guardian files an 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, 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.

Address

Judge of the Probate Court

Telephone Number

By: _____
Clerk/Deputy Clerk of the Probate Court

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

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

CERTIFICATE OF SERVICE

I do hereby certify that I have this day mailed a copy of the above Citation, Petition, and Order for Service to each party to whom the Citation is directed who resides outside the State of Georgia at a known current address, in a properly addressed and stamped envelope, by first class mail, unless otherwise noted below.

This _____ day of _____, 20____.

Clerk/Deputy Clerk of the Probate Court

Printed Name

Address

Telephone Number

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

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

TEMPORARY GUARDIANSHIP OF MINOR ORDER

Upon reading and considering the foregoing Petition (and selection) and it appearing that each parent has acknowledged and consented to the Petition or been properly served with notice of this proceeding, and no objection having been filed,

IT IS ORDERED that the Petitioner(s) be, and hereby is/are, appointed temporary guardian(s) of the above minor and that temporary letters of guardianship issue to said Petitioner(s) upon taking the oath as required by law.

IT IS FURTHER ORDERED that the temporary guardian(s) shall file a personal status report with the Court sixty (60) days from the date of this Order and on the anniversary date of this Order each year thereafter.

IT IS FURTHER ORDERED that this guardianship shall be deemed to be a permanent guardianship for the purposes of the guardian(s) obtaining medical insurance coverage for the minor because the guardian(s) has/have assumed 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.

SO ORDERED this ____ day of _____, 20____.

Judge of the Probate Court

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

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

CERTIFICATE OF SERVICE

I do hereby certify that I have this day mailed a copy of the above Final Order to each Petitioner at a known current address, in a properly addressed and stamped envelope, by first class mail, unless otherwise noted below.

This _____ day of _____, 20_____.

Clerk/Deputy Clerk of the Probate Court

Printed Name

Address

Telephone Number

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

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

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 you as such guardian. You have assented to this appointment by taking your oath. In general, your duties as guardian 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 location 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/Deputy Clerk of the Probate Court