

Petition for Letters of Permanent Guardianship of Minor

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for filing a Petition for Letters of Guardianship of a minor by a person, pursuant to O.C.G.A. §29-2-14 when the minor has no natural guardian, testamentary guardian, or permanent guardian.
2. The minor's biological father (father of a minor born out of wedlock who has not legitimated the minor and whose rights regarding the minor have not been surrendered or terminated) is entitled to notice of the filing of the petition and is entitled to object to the Petition and request a continuance in order to legitimate the minor. If he objects, then legitimates the minor, the Petition will be dismissed. If he fails to legitimate the minor, the biological father will have no further rights to receive notice or object to the Petition. O.C.G.A. §29-2-15.
3. The petition should be filed in the county in which a minor is found or in which the proposed permanent guardian is domiciled. In its discretion, the probate court in which the petition is filed may transfer the case to another county in this state, if such transfer would serve the best interest of the minor.
4. The court may require the petitioner to submit additional information concerning the petitioner's qualifications to serve as guardian, in addition to the information required on this standard form.
5. As used in this form, a testamentary guardian is an individual named in a deceased parent's will. A nominated guardian is an individual nominated by a minor's parent to serve as guardian of the minor. A natural guardian, defined pursuant to O.C.G.A. §29-2-3, is each parent, unless the parents are divorced and one parent has sole custody of the minor, in which case the sole custodian is the sole natural guardian. If the parents have joint legal custody, both parents are the natural guardians of the minor.
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 7 which are labeled "Court" are to be completed by the moving party, unless otherwise directed by the court.

II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE: _____) ESTATE NO. _____
)
)
_____,)
MINOR) PETITION FOR PERMANENT LETTERS
) OF GUARDIANSHIP OF MINOR

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of _____, a resident of
_____ County, who is domiciled at _____
_____, _____ County, (state) _____, whose mailing address is
_____, shows:

1.

The minor, _____ is domiciled in
_____ County and found in _____
County, whose age is _____, date of birth is _____.
(initial if applicable)

_____ The minor is a citizen of a foreign country, _____
(if a guardianship or conservatorship is granted, pursuant to The Vienna
Convention, the Probate Court must notify the consul).

2.

Attached hereto as Exhibit "A" is a copy of the minor's birth certificate.

3.

(initial if applicable)

_____ a. The minor, being over fourteen years of age, has selected the petitioner(s) to act
as guardian(s) as shown by the attached selection.

4.

Said minor has no natural guardian, testamentary guardian, or permanent guardian.

5.

The Petitioner(s) is/are related to the minor as follows: The Petitioner(s) is/are the minor's:

_____.

6.

The mother of said minor, _____, (initial selection):

_____ a. has had her parental rights terminated by court order, a copy of which is attached as exhibit "B," and is domiciled at _____

_____ b. is deceased, and a copy of her death certificate is attached as exhibit "B."

7.

(initial and complete either a. or b.)

_____ a. The minor was born during a marriage. The father of the minor, _____, (initial selection):

_____ (i) has had his parental rights terminated by court order, a copy of which is attached as exhibit "C," and is domiciled at: _____

_____ (ii) is deceased, and a copy of his death certificate is attached as exhibit "C."

_____ b. The minor was born out of wedlock. The biological father of the minor is _____ and his address is: _____

_____ and he (initial all applicable)

_____ (i) has had his parental rights terminated by Court order, a copy of which is attached as exhibit "C."

_____ (ii) has not legitimated the minor.

_____ (iii) is deceased.

_____ (iv) is a registrant on the putative father registry who has acknowledged paternity; has indicated possible paternity of the minor's sibling born two years prior to this minor's date of birth; or has lived with the minor, contributed to the minor's support, made an attempt to legitimate the minor, or provided support or medical care for the minor's mother during her pregnancy or hospitalization during delivery.

8.

(initial if applicable)

_____ There is a notarized or witnessed document, attached as exhibit “_____,” executed by a parent of the minor which addresses guardianship of the minor. That document nominates _____, whose address is _____

_____ County, as guardian.

9.

Regarding a conservator appointed for the minor (initial all that apply):

- _____ a. No conservator has been appointed for the minor.
- _____ b. There has been a conservator appointed for the minor, being _____
_____ whose address is _____

- _____ c. There is a Petition for Conservatorship of the minor pending before the _____
_____ County Probate Court.

10.

The minor has (initial relevant paragraph):

- _____ a. the following adult siblings (list up to three)
Name Address Telephone No.

- _____ b. if no adult siblings, the following grandparents (list up to three)
Name Address Telephone No.

- _____ c. if no adult siblings or grandparents, the following three nearest adult relatives of the minor:
Name Address Telephone No.

11.

The minor is entitled to personal property with a value of _____ and real property with a value of _____ by reason of _____. The following reasonable sums of property are needed for the minor's support: \$_____ per month.

12.

The Petitioner(s) (initial a. or b.)

_____ a. is/are seeking expanded powers under O.C.G.A. §29-2-22, and therefore moves the Court to appoint a guardian ad litem for the minor and set a hearing on the matter.

_____ b. is/are not seeking expanded powers under O.C.G.A. §29-2-22.

13.

If there is: (1) a court-appointed temporary guardian or a petition to appoint one pending; (2) another individual with court-ordered custody or guardianship; or (3) another individual with physical custody of the minor, provide the individual's(s') name(s), age(s) (or over 18), telephone number(s), address(es), nature of nomination or appointment, and court: _____

14.

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

WHEREFORE, petitioner(s) pray(s) that

1. any required service be perfected and
2. petitioner(s) be appointed 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 on oath state(s) that the facts set forth in the foregoing petition are true.

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

First Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

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

Second Petitioner, if any

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE: _____) ESTATE NO. _____
)
)
MINOR _____,) PETITION FOR PERMANENT LETTERS
) OF GUARDIANSHIP OF MINOR

SELECTION BY MINOR IF AGED 14 OR OLDER

I, the undersigned minor resident of _____ County
select _____ to be appointed guardian(s) of
my person, this _____ day of _____, 20_____.

Signature of Minor

Printed Name

ACKNOWLEDGMENT OF SERVICE

IN RE: ESTATE OF _____

ESTATE NO. _____

We the undersigned being adult relatives and/or nominated designees as guardian(s) of the above minor hereby acknowledge service of a copy of the petition; waive further service and notice; and hereby consent to the appointment of the petitioner(s) as permanent guardian(s) of said minor.

SIGNATURE(S)

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

Petition for Permanent Letters of Guardianship of Minor

Pages after 7 which are labeled court are to be completed by the moving party, unless otherwise directed by the court.

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).

PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE:)	ESTATE NO. _____
_____)	
MINOR)	PETITION FOR THE APPOINTMENT OF
_____)	A GUARDIAN OF A MINOR
PETITIONER(S))	

ORDER FOR SERVICE, HEARING, AND APPOINTMENT OF GUARDIAN AD LITEM
(INITIAL ONE OR MORE OF THE FOLLOWING:)

_____ a. It appearing that the minor being born out of wedlock, the biological father of the minor is entitled to notice, therefore, IT IS ORDERED that citation issue and be served personally, if he resides in Georgia, by first class mail if he resides outside Georgia, or by publication if his address is unknown once per week for two weeks in the newspaper in this county in which sheriff's advertisements are published, together with a copy of the petition and this order, on said biological father.

_____ b. It appearing that one or more of the nearest adult relatives of the minor or one or more of the nominated guardian(s) residing *in* Georgia listed in the petition has/have not acknowledged service, IT IS ORDERED that citation issue and be served personally, together with a copy of the petition and this order, on each of the nearest adult blood relatives or nominated testamentary or permanent guardian(s) listed in the petition who has not acknowledged service.

_____ c. It appearing that one or more of the nearest adult relatives of the minor or one or more of the nominated testamentary or permanent guardian(s) residing *outside* Georgia listed in the petition has not acknowledged service, IT IS ORDERED that citation issue and be served by first class mail, together with a copy of the petition and this order, on each of the nearest adult blood relatives or nominated testamentary or permanent guardian(s) listed in the petition who has not acknowledged service.

_____ d. It appearing that the address of one or more of the adult relative(s) of the minor is unknown, IT IS ORDERED that citation issue and be published once per week for two weeks in the newspaper in this county in which sheriff's advertisements are published.

_____ e. The petitioner(s) seeking enhanced powers pursuant to O.C.G.A. §29-2-22(b), IT IS ORDERED that _____ is appointed guardian ad litem for the above minor. The clerk/deputy clerk shall serve said guardian ad litem with a copy of this Order and the above Petition. Upon said guardian ad litem's acceptance of same, said guardian ad litem shall make answer thereto.

IT IS FURTHER ORDERED that a hearing on the matter shall be held in this Probate Court in _____ County, courtroom _____, (address) _____, Georgia on _____, 20____ at _____ o'clock ____m.

SO ORDERED this _____ day of _____, 20____.

Probate Judge

CITATION TO BIOLOGICAL FATHER

GEORGIA, _____ COUNTY ESTATE NO. _____

PROBATE COURT OF _____ COUNTY

Date of Mailing, or date of second publication: _____

TO: _____, biological father of
_____, a minor:
_____, Petitioner(s)

has/have applied to be appointed permanent guardian(s) of the above minor

(initial if applicable)

_____ and is/are seeking additional powers set forth in O.C.G.A. §29-2-22(b).

If you have any objection to the granting of this petition, you must: 1) file a written objection setting forth the grounds of any such objection with this Court within 14 days of the date you are personally served; the date that notice was mailed to you; or the day following the date of the second publication of this citation, AND you must 2) file a petition to legitimate the minor within 30 days of the hearing on your objection. If you fail to file a petition for legitimation within 30 days or your petition is dismissed for failure to prosecute, or if an order issues on your petition which does not name you as the father of the minor, you will have no further rights to receive notice or object to the appointment of a permanent guardian for the minor. All pleadings must be signed before a notary public or 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. A hearing on this Petition shall be held in the Probate Court of _____ County, courtroom _____, (address) _____, Georgia on _____, 20____ at _____ o'clock ____m.

PROBATE JUDGE

By: _____
PROBATE CLERK/DEPUTY CLERK

ADDRESS

TELEPHONE

CITATION TO INTERESTED PARTIES

GEORGIA, _____ COUNTY ESTATE NO. _____

PROBATE COURT OF _____ COUNTY

TO: (WHOM IT MAY CONCERN) AND (_____)

_____, Petitioner(s) has/have applied to be appointed permanent guardian(s) of _____

_____, a minor:

Date of Second Publication, if any: _____ Date of Mailing, if any: _____

(initial if applicable)

_____ and is/are seeking additional powers set forth in O.C.G.A. §29-2-22(b).

If you have any objection to either the establishment of a permanent guardianship, or to the selection of the Petitioner(s) as permanent guardians, or both, you must file a written objection setting forth the grounds of any such objection with this Court within ten days of the date you are personally served; or within 14 days of the date that notice was mailed to you; or within 10 days following the date of the second publication of this citation. All pleadings must be signed before a notary public or 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. A hearing on this Petition shall be held in this Probate Court in _____

County, courtroom _____, (address) _____, Georgia on _____, 20__ at ___ o'clock __m.

PROBATE JUDGE

By: _____
PROBATE CLERK/DEPUTY CLERK

ADDRESS

TELEPHONE

CERTIFICATE OF MAILING OF CITATION TO BIOLOGICAL FATHER

ESTATE NO. _____

This is to certify that I have this day served the biological father of the minor who resides outside Georgia, who was ordered to be served by first-class mail, with a copy of the petition, order, and citation, by placing a copy of same in an envelope addressed to him and depositing same in the U.S. Mail, first-class, with adequate postage thereon.

DATE

PROBATE CLERK/DEPUTY CLERK

CERTIFICATE OF MAILING OF CITATION TO INTERESTED PARTIES

ESTATE NO. _____

This is to certify that I have this day served the interested party(ies) shown in paragraph 10 of the petitioner who reside(s) outside Georgia, who was/were ordered to be served by first-class mail, with a copy of the petition, order, and citation, by placing a copy of same in an envelope addressed to each and depositing same in the U.S. Mail, first-class, with adequate postage thereon.

DATE

PROBATE CLERK/DEPUTY CLERK

PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE:)	ESTATE NO. _____
_____ ,)	
MINOR)	PETITION FOR THE APPOINTMENT OF
)	A GUARDIAN OF A MINOR
_____ ,)	
PETITIONER(S))	

ORDER

Upon reading and considering the foregoing petition and it appearing that:

1.

there is no guardian of the minor, and notice was served upon the required adult relatives of the minor, and the biological father of the minor, if any, according to law, and no interested party has objected, and that:

2.

the following individual(s), being _____, should be named as permanent guardian(s), who was/were selected because she/he/they petitioned to be appointed, and no objections to the appointment have been made, and it appears to be in the best interest of the minor that said individual(s) be appointed,

3.

(initial if applicable)

_____ and the minor, being fourteen years of age or older, selecting the petitioner(s) as guardian,

THEREFORE IT IS ORDERED that _____, be, and hereby is/are, appointed permanent guardian(s) of the minor named above and that letters of guardianship issue to him/her/them upon taking the oath (and posting bond in the amount of _____), as required by law.

(initial if applicable)

- _____ a. IT IS FURTHER ORDERED that, no objection being filed by the guardian ad litem and notice being provided according to law, the guardian(s) shall have the following powers set forth in O.C.G.A. §29-2-22(b) (initial all applicable):
- _____ (i) to establish the minor's place of dwelling outside this state;
 - _____ (ii) to change the jurisdiction of the guardianship to another Georgia county which is the county of the minor's place of dwelling;
 - _____ (iii) to change the domicile of the minor to the minor's or guardian's place of dwelling based on the tax ramifications and the succession and inheritance rights of the minor and other parties;
 - _____ (iv) to consent to the marriage of the minor;
 - _____ (v) to receive reasonable compensation from the estate of the minor for services rendered to the minor;
 - _____ (vi) if there is no conservator appointed for the minor, to disclaim or renounce property or interest in property of the minor in accordance with O.C.G.A. §53-1-20;

_____ b. IT IS FURTHER ORDERED that, since the permanent guardian is not the conservator or there is not a conservator; the guardian(s) shall be permitted to utilize from the ward's property \$_____ per month to provide adequately for the minor's support, care, education, health, and welfare, unless further Ordered by this Court.

IT IS FURTHER ORDERED that the guardian(s) shall promptly disclose to the Court any conflict of interest between himself/herself/themselves and the minor when such conflict of interest arises or becomes known to the guardian(s).

IT IS FURTHER ORDERED that the guardian(s) shall file personal status reports as required by law.

SO ORDERED this _____ day of _____, 20_____.

Probate Judge

PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE:)	ESTATE NO. _____
_____ ,)	
MINOR)	PETITION FOR THE APPOINTMENT OF
)	A GUARDIAN OF A MINOR
_____ ,)	
PETITIONER(S))	

OATH

I do solemnly swear (or affirm) that I will well and truly perform the duties required of me as guardian of the minor named above and faithfully account to my ward for my ward's estate.

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

Guardian

JUDGE/CLERK OF PROBATE COURT

Printed Name

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

Co-Guardian, if any

JUDGE/CLERK OF PROBATE COURT

Printed Name

STATE OF GEORGIA

COUNTY OF _____

ESTATE NO. _____

LETTERS OF PERMANENT GUARDIANSHIP OF MINOR

From the Judge of the Probate Court of said County.

TO: _____, Guardian(s)

RE: _____, Minor

The above-named minor has been found by this Court to be in need of a guardian, and this Court has entered an order designating you as such guardian(s). 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 and your power over the minor shall be the same as that of a parent over a child, the guardian(s) standing in place of the parent(s). A guardian shall at all times act as a fiduciary in the minor's best interest and exercise reasonable care, diligence, and prudence.

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 or address.
3. You should inform the Court of any change of location of your minor.
4. You shall, within 60 days of appointment and within 60 days after each anniversary date of appointment, file with this Court and provide to the conservator of the minor, if any, a personal status report concerning the minor.
5. You shall promptly notify the court of any conflict of interest which may arise between you as guardian and the minor pursuant to O.C.G.A. §29-2-23.
6. The guardianship automatically terminates when the minor dies, reaches age 18, is adopted, or is emancipated.
7. You shall act in coordination and cooperation with the minor's conservator, if appointed, or if not, with others who have custody of the minor's property.
8. Please consult your attorney if you have any questions. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Give under my hand and official seal, this _____ day of _____, 20_____.

Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

PROBATE CLERK/DEPUTY CLERK

(Seal)