

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, except that 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. 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.
4. Unless otherwise permitted by the Probate Court in which 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.

II. General Instructions

General instructions applicable to all Georgia probate court standard forms appear in Volume 255 of the Georgia Reports and are available in each probate court.

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

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

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of _____, who is/are domiciled at (physical address) _____, _____ County, who has/have actual physical custody of the minor named above, and whose mailing address(es) is/are _____ shows:

1.

The minor, _____, currently is located in the county in which this petition is being filed, is _____ years old with a date of birth of _____. The minor's current address is _____.

A copy of the minor's birth certificate is attached as exhibit "A."

2.

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

3.

The minor's mother, _____, (initial all that apply)

- _____ a. is not a natural guardian of the minor because her parental rights have been terminated or she has surrendered them;
- _____ b. has sole legal custody of the minor;
- _____ c. has joint legal custody of the minor;
- _____ d. has selected petitioner(s) to serve as temporary guardian(s) (see attached notarized acknowledgment and consent);
- _____ e. is deceased, and a copy of her death certificate is attached as exhibit "B;"
- _____ f. has not consented to the creation of the temporary guardianship and her (current physical address county of residence is

_____, located in
_____ County) (current address is unknown).

4.

(initial either a., b or c:)

- _____ a. The minor was born during a marriage. The father of the minor,
_____, (initial all that apply)
- _____ (i) is not a natural guardian of the minor because his parental rights have been terminated or he has surrendered them;
- _____ (ii) has sole legal custody of the minor;
- _____ (iii) has joint legal custody of the minor;
- _____ (iv) has selected petitioner to serve as temporary guardian (see attached notarized acknowledgment and consent);
- _____ (v) is deceased, and a copy of his death certificate is attached as exhibit "C;"
- _____ (vi) has not consented to the creation of the temporary guardianship and his (current physical address is _____
_____, located in _____
_____ County) (current address is unknown).

_____ b. The minor was born out of wedlock. The biological father of the minor, _____, has not legitimized the minor.

_____ c. The minor was born out of wedlock AND the father of the minor legitimized the minor. The father of the minor, _____, (initial all that apply)

- _____ (i) is not a natural guardian of the minor because his parental rights have been terminated or he has surrendered them;
- _____ (ii) has sole legal custody of the minor;
- _____ (iii) has joint legal custody of the minor;
- _____ (iv) has selected petitioner to serve as temporary guardian (see attached notarized acknowledgment and consent);
- _____ (v) is deceased, and a copy of his death certificate is attached as exhibit "C;"
- _____ (vi) has not consented to the creation of the temporary guardianship and his (current physical address is _____, located in _____ County) (current address is unknown).

5.

(initial if applicable)

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

6.

NOTE: complete the following unless both parents have signed the attached notarized acknowledgment and consent:

The temporary guardianship is needed because _____

_____.

7.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission. Also, state here 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. 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 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

Printed Name

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

Second Petitioner, if any

NOTARY/CLERK OF PROBATE COURT

Printed Name

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

IN RE: ESTATE OF _____ ESTATE NO. _____

I/We, _____, the mother/father of _____, 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) _____, 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 application by a natural guardian (as defined in said statute; see Instructions) , the court will remove the temporary guardian and dissolve the temporary guardianship unless an objection is timely filed by the temporary guardian. If an objection is timely filed to such an application, 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 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 Public/Clerk, Probate Court

Mother

Printed Name

Address

Telephone Number

-

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

Notary Public/Clerk, Probate Court

Father

Printed Name

Address

Telephone Number

ASSUMPTION OF OBLIGATION TO SUPPORT (OPTIONAL)

IN RE: ESTATE OF _____ ESTATE NO. _____

The undersigned, if appointed temporary guardian(s) of _____, 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 ____.

Petitioner

Clerk, Probate Court/Notary Public

Printed Name

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

Co-Petitioner

Clerk, Probate Court/Notary Public

Printed Name