

# **\*\*SAMPLE PETITION\*\***

**\*ALL SIGNATURES MUST BE NOTORIZED BEFORE SCHEDULING AN APPOINTMENT\***

## **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](http://www.gaprobate.gov), labeled GPCSF 1.

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ )  
NAME OF CHILD \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_ )  
MINOR \_\_\_\_\_ )

**PETITION FOR TEMPORARY GUARDIANSHIP OF A MINOR**

The Petition of PERSON TO BE GUARDIAN  
*[Full name(s) of Petitioner(s)] First Middle Last*,  
who is/are domiciled in \_\_\_\_\_ County and reside(s) at the following  
address(es): ADDRESS  
*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.

NAME OF CHILD  
*[Full name of Minor] First Middle Last*,  
age AGE, whose date of birth is DATE OF BIRTH, is found at:  
ADDRESS  
*Street City County State Zip Code*

2.

A copy of the Minor's birth certificate is attached as Exhibit "\_\_\_\_\_."

3.

Said Minor is in need of a temporary guardian. The Petitioner(s) has/have the following  
relationship(s) with the Minor: RELATION TO CHILD.

4.

The Minor's Mother is:

**MOTHER'S NAME**

\_\_\_\_\_  
*[Full name of Mother]                      First                      Middle                      Last*

**ADDRESS**

\_\_\_\_\_  
*Street                      City                      County                      State                      Zip Code*

- a. Is the Mother deceased? *[Select One]*  Yes  No  
*If yes, attach death certificate as Exhibit " \_\_\_\_\_ " and skip b-g*
- b. Has the Mother signed a consent for the creation of this temporary guardianship? *[Select One]*  Yes  No
- c. Is the Mother's address known and listed above? *[Select One]*  Yes  No
- d. Have the Mother's rights been terminated via Court Order? *[Select One]*  Yes  No  
*If yes, attach the Order as Exhibit " \_\_\_\_\_ ."*
- e. Has the Mother lost custody via Court Order? *[Select One]*  Yes  No  
*If yes, attach the Order as Exhibit " \_\_\_\_\_ ."*
- f. Does the Mother have joint legal custody via Court Order? *[Select One]*  Yes  No  
*If yes, attach the Order as Exhibit " \_\_\_\_\_ ."*
- g. Does the Mother have sole legal custody via Court Order? *[Select 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? *[Select One]*  Yes  No
- i. Was the Mother married to another during the conception, gestation or birth of the Child? *[Select One]*  Yes  No  
*If yes, list that man's name below:*

**ANSWER  
ALL**

**MOTHER'S HUSBAND IF MARRIED**

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

**ADDRESS**

*Street City County State Zip Code*

5.

The Minor's Father is:

**CHILD'S FATHER**

*[Full name of Father] First Middle Last*

**ADDRESS**

*Street City County State Zip Code*

a. Is the Father deceased? *[Select One]*  Yes  No

*If yes, attach death certificate as Exhibit " \_\_\_\_\_ " and skip b-g.*

b. Has the Father signed a consent for the creation of this temporary guardianship? *[Select One]*  Yes  No

c. Is the Father's address known and listed above? *[Select One]*  Yes  No

d. Have the Father's rights been terminated via Court Order? *[Select One]*  Yes  No  
*If yes, attach the Order as Exhibit " \_\_\_\_\_ ."*

e. Has the Father lost custody via Court Order? *[Select One]*  Yes  No  
*If yes, attach the Order as Exhibit " \_\_\_\_\_ ."*

f. Does the Father have joint legal custody via Court Order? *[Select One]*  Yes  No  
*If yes, attach the Order as Exhibit " \_\_\_\_\_ ."*

g. Does the Father have sole legal custody via Court Order? *[Select One]*  Yes  No  
*If yes, attach the Order as Exhibit " \_\_\_\_\_ ."*

6.

Is the Minor fourteen years of age or older? *[Select 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 " \_\_\_\_\_ ."*

**ANSWER ALL**

7.

The temporary guardianship is needed because:

EXPLAIN WHY GUARDIANSHIP IS NEEDED

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.

FIRST GUARDIAN INFORMATION

Signature of First Petitioner

Printed Name

Mailing Address

Telephone Number

SECOND GUARDIAN INFORMATION

Signature of Second Petitioner, if any

Printed Name

Mailing Address

Telephone Number

Signature of Attorney

Printed Name of Attorney

Address

Telephone Number

INFORMATION OF ATTORNEY IF USED

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 for Temporary Letters of Guardianship of Minor (and the attached Exhibit(s)) are true and correct.

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

**FIRST GUARDIAN**  
\_\_\_\_\_  
Signature of First Petitioner

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name of First Petitioner

**MUST BE NOTORIZED**

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

**SECOND GUARDIAN**  
\_\_\_\_\_  
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 OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ )  
**NAME OF CHILD** \_\_\_\_\_ )  
MINOR \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_ )

**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 \_\_\_\_\_ 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

HAVE CHILD SIGN AND  
HAVE IT NOTORIZED IF  
OVER 14

Exhibit “ \_\_\_\_\_ ”



IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF )  
**NAME OF CHILD** )  
\_\_\_\_\_, ) ESTATE NO. \_\_\_\_\_  
MINOR )

CONSENT OF FATHER

I, **FATHER'S NAME**  
\_\_\_\_\_  
*[Full name of Father] First Middle Last*

**ADDRESS**

\_\_\_\_\_  
*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]*:

**FIRST GUARDIAN NAME**

\_\_\_\_\_  
*[Full name of first Temporary Guardian] First Middle Last*

**SECOND GUARDIAN NAME**

\_\_\_\_\_  
*[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\_\_\_\_\_.

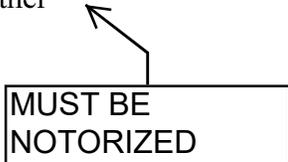
**FATHER SIGNS HERE**

\_\_\_\_\_  
Signature of Father

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name of Father

  
MUST BE  
NOTORIZED

**\*\*SIGN IF INSURANCE IS NEEDED\*\***

**IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA**

**IN RE: ESTATE OF** \_\_\_\_\_ )  
**NAME OF CHILD** \_\_\_\_\_ )  
\_\_\_\_\_, ) **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\_\_\_\_\_.

**FIRST GUARDIAN**  
\_\_\_\_\_  
Signature of First Petitioner

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name of First Petitioner

**MUST HAVE  
SIGNATURES  
NOTORIZED**

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**SECOND GUARDIAN**  
\_\_\_\_\_  
Signature of Second Petitioner, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name of Second Petitioner, if any

Exhibit " \_\_\_\_\_ "