

## **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

<b>IN RE:</b>	)	<b>ESTATE NO.</b> _____
	)	
_____ ,	)	<b>PETITION FOR TEMPORARY LETTERS</b>
	)	<b>OF GUARDIANSHIP OF MINOR</b>
_____ ,	)	
<b>MINOR</b>	)	

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 legitimated the minor.

\_\_\_\_\_ c. The minor was born out of wedlock AND the father of the minor legitimated 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  
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 TEMPORARY LETTERS  
 ) OF GUARDIANSHIP OF MINOR

SELECTION BY MINOR IF AGED 14 OR OLDER

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

\_\_\_\_\_  
Signature of Minor

\_\_\_\_\_  
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\_\_\_\_.

\_\_\_\_\_  
Mother

\_\_\_\_\_  
Notary Public/Clerk, Probate Court  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

-----

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

\_\_\_\_\_  
Father

\_\_\_\_\_  
Notary Public/Clerk, Probate Court  
My Commission Expires \_\_\_\_\_

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

\_\_\_\_\_  
Printed Name

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

\_\_\_\_\_  
Co-Petitioner

\_\_\_\_\_  
Clerk, Probate Court/Notary Public  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name