

Petition for Letters of Conservatorship of Minor

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for filing a Petition for Letters of Conservatorship of Minor, with Bond, in the following situations:
 - (a) A doubtful claim is being compromised by a natural guardian and the net settlement amount is more than \$15,000.00. 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.
 - (b) All other cases where a minor is receiving property which requires management by a conservator.
2. The court may require the petitioner to submit additional information concerning the petitioner's qualifications to serve as conservator, in addition to the information required on this standard form.
3. 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 6 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.

PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

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

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

1.

The Petition of _____, who is/are domiciled in _____ county, and moves this Court to appoint a conservator/conservators for the above minor, age _____, whose date of birth is _____, whose social security number is _____; and who is found at (address) _____ in _____ County, Georgia, (initial if applicable)

_____ and who 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)

shows:

2.

Said minor is entitled to personal/real property with the approximate value of \$ _____ by reason of _____.

3.

Petitioner(s) move(s) the Court to appoint _____ as conservator(s), who is/are related to the minor as follows: _____ and who is/are domiciled at _____, _____ County, Georgia;

4.

(Initial if applicable:)

_____ There is a notarized or witnessed document made by a parent of the minor that deals with the conservatorship of the minor, and the nominated conservator is _____ whose address and telephone number are _____.

5.

Excluding the petitioner(s) and nominated conservator(s), the minor's nearest relatives whose whereabouts are known are as follows: (show parents whose rights have not been terminated; if none, adult siblings of the minor; if none, the grandparents of the minor; if none, any nearest relatives of the minor so that three individuals are named)

Name	Address	Telephone No.	Relationship to Minor
a. _____	_____	_____	_____
b. _____	_____	_____	_____
c. _____	_____	_____	_____

6.

Other than the assets shown in paragraph 2, the minor currently has the following assets (or "none"):
 _____; has/will have the following income:
 _____; has/will have the following sources of funds:
 _____; and the following liabilities and expenses:
 _____. The minor has an interest in real
 property located in _____ County(ies), _____.

7.

The proposed conservator(s) has/have the following financial interest in relation to the minor's estate:
 _____; (i.e. joint
 ownership of property or any other type of financial interest in the minor's property or "n/a").

8.

The petitioner(s) request(s) that the proposed conservator(s) be granted the following powers pursuant to O.C.G.A. §29-3-22 (b) (initial those requested, and provide the reasons for the request below):

- _____ a. to invest the minor's property other than as authorized in Code Section 29-3-32 without further court approval in the following investments _____;
- _____ b. to sell, rent, lease, exchange, or otherwise dispose of any or all of the minor's real or personal property without complying with the provisions of Code Section 29-3-35, other than the provisions for additional bond set forth in subsection (e) of Code Section 29-3-35;
- _____ c. to continue the operation of any farm or business in which the minor has an interest.

These powers are sought because _____
 _____.

9.

The petitioner(s) request(s) that a guardian ad litem be appointed because the following powers pursuant to O.C.G.A. §29-3-22 (c) are sought: _____

10.

A surety bond in the amount of \$ _____ issued by (name of surety) _____ (agent's name, address, and telephone number)

_____ is being filed

as part of this Petition or will be provided to the Court prior to the issuance of Letters of Conservatorship.

11.

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

_____ a. No guardian has been appointed for the minor.

_____ b. There has been a guardian appointed for the minor, being _____ whose address is _____

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

12.

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

WHEREFORE, petitioner(s) pray(s) that

1. said bond be duly filed, accepted and recorded,
2. service be perfected as required by law; and
3. the nominated conservator(s) be vested with authority as conservator(s) of said minor.

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

**ACKNOWLEDGMENT OF SERVICE
AND ASSENT TO PETITION FOR APPOINTMENT OF CONSERVATOR**

IN RE: ESTATE OF _____ ESTATE NO. _____

We, the undersigned, being over 18 years of age, laboring under no legal disability and being interested persons named in the foregoing Petition, hereby acknowledge service of a copy of the petition, waive further service and notice, and hereby assent to the appointment of the nominated conservator(s) for the above minor without further delay.

SIGNATURE OF INTERESTED PERSON

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 Letters of Conservatorship of Minor

Pages after 6 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).

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

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

ORDER FOR SERVICE OF NOTICE AND APPOINTMENT OF GUARDIAN AD LITEM

The foregoing petition for Letters of Conservatorship having been filed, and it appearing that the following interested parties did not acknowledge service, it is ORDERED that notice be served on the individuals listed in paragraphs 4 and 5 of the Petition:

(Initial any and all of the following which apply:)

_____ a. Notice must be served personally on the following individual(s) who reside in Georgia: _____

_____ b. Notice must be served by first class mail, at least 14 days before the Petition can be granted, on the following individual(s) who reside outside this state at a known address: _____

_____ c. Notice must be served by publication once per week for two weeks in the newspaper in this county in which sheriff's advertisements are published to the following individuals, whose addresses are unknown: _____

_____ d. IT IS FURTHER ORDERED that, powers being sought pursuant to O.C.G.A. §29-3-22(c), _____ 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 hereto.

SO ORDERED this _____ day of _____, 20_____.

Probate Judge

NOTICE

PROBATE COURT OF _____ COUNTY ESTATE NO. _____

RE: PETITION FOR LETTERS OF CONSERVATORSHIP OF _____
_____, A MINOR, WITH BOND

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

(initial applicable):

_____ a. TO: (all interested persons having known addresses outside this state to be served by first class mail)

This is to notify you to file objection, if there is any, either to the establishment of the conservatorship or to the selection of the identified individual as conservator or both, in this Court on or before the fourteenth (14th) day after _____, 20____ (the date of the mailing of this Notice to you by first class mail.

_____ b. TO: (all interested persons who reside in Georgia to be served personally) _____

This is to notify you to file objection, if there is any, either to the establishment of the conservatorship or to the selection of the identified individual as conservator or both, in this Court on or before the tenth (10th) day after the date you are personally served.

_____ c. TO: (all interested persons whose addresses are unknown) _____

This is to notify you to file objection, if there is any, either to the establishment of the conservatorship or to the selection of the identified individual as conservator or both, within 10 days following the date of the second publication of this citation.

BE NOTIFIED FURTHER: 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. If an objection is filed, a hearing will 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.

PROBATE JUDGE

By: _____

PROBATE CLERK/DEPUTY CLERK

ADDRESS

TELEPHONE

PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE:)	ESTATE NO. _____
)	
_____ ,)	PETITION FOR LETTERS OF
MINOR)	CONSERVATORSHIP OF
)	MINOR
_____ ,)	
CONSERVATOR(S))	

ORDER

The petition for Letters of Conservatorship of Minor having been read and considered, and it appearing that the facts stated therein are true, and that it is in the best interest of the minor to appoint the above conservator(s),

IT IS ORDERED that _____ be vested with all the authority as Conservator(s) of said minor, to receive the minor's estate and manage it according to law and that Letters of Conservatorship issue upon the taking of the prescribed oath and upon the posting of bond in the amount of \$_____. Said Conservator(s) should be appointed because _____.

The appointed conservator(s) shall have no authority to act on behalf of the ward until Letters of Conservatorship have issued.

IT IS FURTHER ORDERED that the Conservator(s) requested and shall have the following powers pursuant to O.C.G.A. §29-3-22(b): (initial those applicable)

- _____ a. to invest the minor's property in the following investments, being investments other than those authorized in Code Section 29-3-32 without further court approval: _____
_____;
- _____ b. to sell, rent, lease, exchange, or otherwise dispose of the minor's following real or personal property without complying with the provisions of Code Section 29-3-35, other than the provisions for additional bond set forth in subsection (e) of Code Section 29-3-35: _____;
- _____ c. to continue the operation of the following farm or business in which the minor has an interest: _____.

and after notice to the appointed guardian ad litem, the following powers pursuant to O.C.G.A.

§29-3-22(c) (initial all applicable):

- _____ a. to make disbursements that exceed the annual income or, if applicable, the annual budget amount which has been approved by the court pursuant to Code Section 29-3-30 by no more than \$_____ per (month)(year) for the support, care, education, health, and welfare of the minor; subject to subsequent court order.
- _____ b. to enter into contracts for labor or services, being _____
_____,
for which the compensation payable under the contracts when combined with other disbursements from the estate exceeds the annual income or, if applicable, the annual budget amount which has been approved by the court pursuant to Code Section 29-3-30;
- _____ c. to compromise a contested or doubtful claim for or against the minor pursuant to the provisions of Code Section 29-3-3, being a claim made by/against _____
_____;
- _____ d. to release _____,
a debtor and compromise a debt when the collection of the debt is doubtful;
- _____ e. to establish or add the following property to a trust for the benefit of the minor pursuant to Code Section 29-3-22: _____;
- _____ f. to disclaim or renounce any property or interest in the following property of the minor in accordance with the provisions of Code Section 53-1-20 of the Revised Probate Code of 1998: _____;
- _____ g. to engage in estate planning for the minor pursuant to the provisions of Code Section 29-3-36.

(initial if applicable:)

_____ IT IS FURTHER ORDERED that, within 30 days of the date hereof, the clerk/deputy clerk shall file the certificate of creation of conservatorship in accordance with O.C.G.A. §29-3-10(b) with the Clerk of Superior Court of each county in this state in which the ward owns real property.

IT IS FURTHER ORDERED that the Conservator(s) shall:

1. keep the minor's funds separate from his/her/their own;
2. not sell or give away any of the minor's property without a court order;
3. not spend any of the minor's funds for any purpose except as set forth in the Court-approved budget;

4. file with this Court a management plan; an inventory of the minor's funds within two months of the date the Letters of Conservatorship issue; and an annual return within 60 days after each anniversary date of the issuance of Letters of Conservatorship, unless the Court has approved a different accounting period;
5. turn over to the minor any of the minor's property in his/her/their possession when the minor reaches 18;
6. not use the minor's funds for his/her/their own benefit;
7. keep the Court informed of any changes in his/her/their name(s), address(es), or the location of the minor;
8. not place his/her/their name(s) on the title of any funds and/or accounts belonging to the minor unless he/she/they specifically is/are designated in the title of the account as conservator(s) of the minor;
9. shall promptly disclose to the Court any conflict of interest between the conservator(s) and the minor when such conflict of interest arises or becomes known to the conservator(s);
10. keep accurate records, including adequate supporting data, as required by law.

(initial if applicable)

_____ IT IS FURTHER ORDERED that the conservator(s) is/are authorized to spend or deliver to the guardian(s) of the minor the sum of \$_____ per month for the benefit of the minor.

SO ORDERED this _____ day of _____, 20_____.

 Probate Judge

The actual printed copy of these forms has duplicate pages for 3 & 4

Probate Court Return Mailing Address:

CERTIFICATE OF CREATION OF CONSERVATORSHIP
(Pursuant to O.C.G.A. §29-3-10(b))

GEORGIA, _____ County

PROBATE ESTATE NO. _____

DATE ORDER ISSUED: _____

GRANTOR: (NAME OF MINOR)

GRANTEE: (NAME OF CONSERVATOR(S) OF ABOVE MINOR)

A Conservatorship has been created for the above-named minor.

The minor attains the age of majority on _____
at which time the conservatorship shall automatically terminate.

Original Certificate delivered or mailed to Clerk of Superior Court of _____
_____ County on _____, 20_____.

I do hereby certify that the above information is based on the
Order of the Probate Court issued on the date set out above and
that the above information is true and correct.

By: _____
PROBATE CLERK/DEPUTY CLERK

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

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

OATH

I do solemnly swear (or affirm) that I will well and truly perform the duties required of me as conservator 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____.

Conservator

JUDGE/CLERK OF PROBATE COURT

Printed Name

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

Co-Conservator, if any

JUDGE/CLERK OF PROBATE COURT

Printed Name

STATE OF GEORGIA

COUNTY OF _____

ESTATE NO. _____

LETTERS OF CONSERVATORSHIP OF MINOR

From the Judge of the Probate Court of said County.

TO: _____, Conservator(s)

RE: _____, Minor

The above-named minor has been found by this Court to be in need of a conservator, and this Court has entered an order designating you as such conservator(s). You have assented to this appointment by taking your oath and posting bond. In general, your duties as conservator(s) are to protect and maintain the property of the above-named minor. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Please consult your attorney if you have any questions.

Given 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)