

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.

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. _____
)
)
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 legitimize 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____.

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