

Petition for the Receipt and Acceptance of a Foreign Guardianship/Conservatorship

NOTICE: UNLESS OTHERWISE DIRECTED BY THE COURT, THE FOLLOWING FORMS ARE
FOR PROBATE COURT STAFF TO COMPLETE

PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE: _____) ESTATE NO. _____
)
)
WARD _____,)
) PETITION FOR THE RECEIPT AND
) ACCEPTANCE OF A FOREIGN
) GUARDIANSHIP/CONSERVATORSHIP

NOTICE OF PROCEEDINGS CONCERNING THE ACCEPTANCE OF TRANSFER OF
GUARDIANSHIP AND/OR CONSERVATORSHIP FROM FOREIGN JURISDICTION TO THIS
COUNTY AND REQUEST TO THE FOREIGN COURT

Date of Mailing of Notice: _____

TO THE MINOR/WARD: This is to notify you of a proceeding initiated in this court by
_____ seeking to transfer
to this County from the Court located in _____ County, State of
_____ the guardianship/conservatorship created by Order dated
_____ and to inform you of your right to independent counsel. If you wish to retain your
own attorney, you must notify this court within two days; otherwise, an attorney will be appointed for you
by the court. (If you wish a hearing scheduled in this matter, you must make a written request for hearing
on or before the 30th day following the date you receive this notice) (A hearing on the matter will be
scheduled by separate Order). **YOU AND YOUR ATTORNEY HAVE THE RIGHT TO ATTEND ANY
HEARING HELD ON THIS MATTER.**

TO THE FOREIGN COURT: The undersigned hereby requests that you certify 1) whether you have any
record that the guardian/conservator as shown above has engaged in malfeasance, misfeasance, or
nonfeasance during his/her appointment; 2) whether periodic reports have been filed in a satisfactory manner;
and 3) whether all bonds or other security requirements imposed under the guardianship/conservatorship have
been performed. For your convenience, you may use the enclosed form if you wish.

Further, please forward to this Court a copy of all documents in your file, including but not limited
to the initial petition for guardianship/conservatorship and other filings relevant to the appointment of a
guardian / conservator; reports and recommendations of guardians ad litem, court visitors, or other individuals
appointed by the foreign court to evaluate the appropriateness of the guardianship/conservatorship; if
concerning an adult, reports of physical and mental health practitioners describing the capacity of the ward
to care for himself or herself or to manage his or her affairs; periodic status reports on the condition of the

minor/ward; and any order to transfer the guardianship/conservatorship. (A hearing on the matter will be held (in the Probate Court of _____ County, courtroom _____, (address) _____, Georgia) (at the following location: _____).

TO THE INTERESTED PERSONS AS SHOWN IN THE PETITION: You have the right to object to the petition for receipt and acceptance of guardianship/conservatorship by this Court. (If you wish a hearing scheduled in this matter, you must make a written request for hearing on or before the 30th day following the date that this notice was mailed to you.) (A hearing on the matter will be held (in the Probate Court of _____ County, courtroom _____, (address) _____, Georgia) (at the following location: _____).

Witness my hand and seal this _____ day of _____, 20 _____.

PROBATE CLERK/DEPUTY CLERK

CERTIFICATE OF MAILING OF ORDER AND NOTICE OF HEARING

ESTATE NO. _____

This is to certify that I have this day served a copy of the Petition and this Order on the foreign Court, the minor/ward's attorney, and the interested persons identified in paragraphs 5, 6, 7, and 8 of the petition; and a copy of this Order on the petitioner(s) and his/her/their attorney by placing copies of same in an envelope addressed to each and depositing same in the U.S. Mail, first-class, with adequate postage thereon.

This _____ day of _____, 20 _____.

PROBATE CLERK/DEPUTY CLERK

PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE:)	ESTATE NO. _____
)	
_____ ,)	PETITION FOR THE RECEIPT AND
WARD)	ACCEPTANCE OF A FOREIGN
)	GUARDIANSHIP/CONSERVATORSHIP

ORDER AND NOTICE OF HEARING

The above Petition being filed with, and reviewed by, the Court, it is ORDERED that a hearing shall be set for _____ o'clock __.M. on _____, 20____, which is not less than 10 days from the date that this notice is mailed, to hear evidence on the proposed transfer of the guardianship/conservatorship to this Court, to be held (in the Probate Court of _____ County, courtroom _____, (address) _____, Georgia) (at the following location: _____).

IT IS FURTHER ORDERED that attorney _____ is hereby appointed to represent the minor/ward at such hearing; said appointment will be rescinded if counsel retained by the ward files an entry of appearance.

IT IS FURTHER ORDERED that a copy of the Petition and this Order shall be personally served on the minor/ward as soon as practicable after the signing of this order.

IT IS FURTHER ORDERED that a copy of the Petition and this Order shall be sent to the foreign Court, to the minor/ward's attorney, and to the interested persons identified in paragraphs 5, 6, 7, and 8 of the petition by first class mail as soon as practicable after the signing of this order.

IT IS FURTHER ORDERED that a copy of this Order shall be sent to the petitioner(s) and his/her/their attorney by first-class mail, as soon as practicable after the signing of this order.

SO ORDERED this _____ day of _____, 20_____.

Probate Judge

**CERTIFICATION BY FOREIGN COURT TO BE FILED IN THE PROBATE COURT OF
_____ COUNTY, STATE OF GEORGIA**

IN RE: _____) **ESTATE NO.** _____
)
)
WARD _____,) **PETITION FOR THE RECEIPT AND**
) **ACCEPTANCE OF A FOREIGN**
) **GUARDIANSHIP/CONSERVATORSHIP**
)
) **FOREIGN COURT'S FILE NUMBER:**
) _____

COMES NOW _____,
(JUDGE) (DEPUTY CLERK) (CLERK) (other: _____)
OF THE _____ **Court,**

and pursuant to the request made by the Probate Court of _____ **County,**
Georgia, hereby certifies that (initial one):

- _____ a. There is no record that the guardian/conservator as shown above has engaged in malfeasance, misfeasance, or nonfeasance during his/her appointment; 2) periodic reports have been filed in a satisfactory manner; and 3) all bonds or other security requirements imposed under the guardianship/conservatorship have been performed.

- _____ b. There has been some record of malfeasance, misfeasance, or nonfeasance regarding the above estate and fiduciary, being _____
_____ as indicated in the attached records.

- _____ c. This Court declines to transfer the above matter to the above Georgia Probate Court.

Further, attached are copies of all documents relevant to the guardianship/conservatorship of the above ward.

JUDGE/COURT PERSONNEL

Title

Typed/printed name of Judge or Court Personnel:

Address: _____

Telephone number: _____

PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE: _____) ESTATE NO. _____
)
)
WARD _____,)
) PETITION FOR THE RECEIPT AND
) ACCEPTANCE OF A FOREIGN
) GUARDIANSHIP/CONSERVATORSHIP

RETURN OF SHERIFF

I have this day served _____ personally with a copy of
the within petition, order and notice.

This _____ day of _____, 20_____.

Deputy Sheriff _____ County, Georgia

WAIVER BY MINOR/WARD'S ATTORNEY

GEORGIA, _____ COUNTY ESTATE NO. _____

TO THE PROBATE COURT OF SAID STATE AND COUNTY

IN RE: PETITION FOR THE RECEIPT AND ACCEPTANCE OF A FOREIGN
GUARDIANSHIP/CONSERVATORSHIP

The undersigned, as the attorney representing the above-named minor/ward in these proceedings,
waives the appearance of my client at said hearing.

This _____ day of _____, 20____.

Attorney

Typed/printed name of Attorney: _____

Address: _____

Telephone: _____

State Bar # _____

PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE: _____) ESTATE NO. _____
)
)
WARD _____) PETITION FOR THE RECEIPT AND
) ACCEPTANCE OF A FOREIGN
) GUARDIANSHIP/CONSERVATORSHIP

FINAL ORDER

A Petition for the Receipt and Acceptance of a Foreign Guardianship/Conservatorship being filed
_____, 20____, and (initial one):

_____ a. a hearing being held _____, 20____,

_____ b. no hearing being requested, and based on the documentation submitted to the Court,
it appearing that no hearing is necessary,

and it appearing that the fiduciary appointed in the foreign court has complied with the laws of the
foreign state; and it appearing that the minor/ward has been relocated to this jurisdiction; and it appearing that
it is in the best interest for the guardianship and/or conservatorship of the above minor/ward to be transferred
to this jurisdiction, it is

ORDERED that the Petition for the Receipt and Acceptance of a Foreign
Guardianship/Conservatorship is hereby GRANTED.

(initial all applicable):

_____ a. IT IS FURTHER ORDERED that if the fiduciary(ies) was/were appointed as guardian(s) of
person, letters of guardianship shall issue to such guardian(s) upon taking the required oath.
The appointed guardian(s) shall have no authority to act on behalf of the ward until
Letters of Guardianship have issued.

_____ b. IT IS FURTHER ORDERED that if the fiduciary(ies) was/were appointed as guardian(s) of
the property or conservator(s), letters of conservatorship shall issue to such conservator(s)
upon taking the required oath and upon posting bond in the amount of \$_____.
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, if only a guardian is appointed for the minor/ward, or if different
individuals are appointed guardian and conservator, the following reasonable sums of property shall be
provided to the guardian to provide adequately for the minor/ward's support, care, education, health, and

welfare, until further Order of the Court: \$ _____ per _____.

IT IS FURTHER ORDERED that the guardian shall file, in addition to the personal status report, the following supplemental reports: _____
(monthly)(annually).

IT IS FURTHER ORDERED that a copy of this Order shall be served by first class mail on the foreign court, the minor/ward, the minor/ward's attorney; the guardian(s) and/or conservator(s); the petitioner(s); his/her/their attorney(s); and the individuals listed in paragraphs 5, 6, 7, and 8 of the Petition.

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. §29-5-13(d) with the Clerk of Superior Court of each county in this state in which the minor/ward owns real property.

SO ORDERED this _____ day of _____, 20 _____.

Probate Judge/Hearing Officer exercising the
jurisdiction of the Probate Court pursuant
to O.C.G.A. §29-4-12(d)(7) and/or 29-5-12(d)(7)

CERTIFICATE OF MAILING OF FINAL ORDER

ESTATE NO. _____

I have this date mailed (or handed) a copy of the above Order to the foreign court, the minor/ward, his/her attorney, (his/her guardian ad litem), (his/her representatives,) the guardian(s), the conservator(s), the interested persons shown in paragraphs 5, 6, 7, and 8 of the petition, the petitioner(s), and (petitioner's attorney).

DATE

PROBATE CLERK/DEPUTY CLERK

CERTIFICATE OF FILING CERTIFICATE OF CREATION OF CONSERVATORSHIP

ESTATE NO. _____

I have this date hand-delivered and/or mailed for filing a Certificate of Creation of Conservatorship to the Clerk of the Superior Court of each of the following counties, together with payment of any recording costs: _____

PROBATE CLERK/DEPUTY CLERK

ADDRESS

TELEPHONE

Probate Court Return Mailing Address:

CERTIFICATE OF CREATION OF CONSERVATORSHIP

(Pursuant to O.C.G.A. §29-5-13(d))

GEORGIA, _____ County

PROBATE ESTATE NO. _____

DATE ORDER ISSUED: _____

GRANTOR: (NAME OF MINOR/WARD) _____
(If Minor, Date of Birth of Minor: _____)

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

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

_____ a. The Conservatorship is permanent.

_____ b. The expiration date set by court order, is _____, 20_____.

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

STATE OF GEORGIA

COUNTY OF _____

ESTATE NO. _____

LETTERS OF GUARDIANSHIP OF ADULT WARD

From the Judge of the Probate Court of said County.

Date of Birth: _____

TO: _____, Guardian(s)

RE: _____, Adult Ward

The above-named adult ward has been found by this Court to be in need of a guardian, and this Court has entered an order designating you as such guardian(s). You have assented to this appointment by taking your oath. In general, your duties as guardian are to protect and maintain the person of the ward.

Special Instructions:

1. It is your duty to see that the ward is adequately fed, clothed, sheltered and cared for, and that the ward receives all necessary medical attention.
2. You must keep the Court informed of any change in your name or address and promptly notify the Court of any conflict of interest arising between you and your ward.
3. Within 60 days after appointment and within 60 days after each anniversary date of appointment, you must file with the probate court a personal status report concerning your ward which shall include:
 - (a) A description of the ward's general condition, changes since the last report, and needs;
 - (b) Your recommendations for any alteration in the guardianship order;
 - (c) All addresses of the ward during the reporting period and the living arrangements of the ward for all addresses;
 - (d) A description of the amount of any funds received and expended by the guardian for the support of the ward.
4. Please consult your attorney if you have any questions.
5. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Given under my hand and official seal, the _____ 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)

STATE OF GEORGIA
COUNTY OF _____

ESTATE NO. _____

LETTERS OF CONSERVATORSHIP OF ADULT WARD

From the Judge of the Probate Court of said County.

Date of Birth: _____

TO: _____, Conservator(s)

RE: _____, Adult Ward

The above-named adult ward 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 a bond. In general, your duties as conservator are to protect and maintain the property of the ward.

Special Instructions:

1. You must keep your ward's funds separate from your own. You should put your ward's funds in a separate checking or savings account, as appropriate, and make all payments by check.
2. You may not sell, mortgage, give away, or otherwise dispose of any of your ward's property without a court order.
3. You may not spend any of your ward's funds for any purpose except as set forth in the court approved budget without a court order.
4. You must file within two months of your appointment an inventory showing the ward's property and a plan for managing, expending, and distributing the property. Further, you must file, within 60 days of each anniversary date of these Letters an annual return, showing all receipts and disbursements, accompanied by an affidavit certifying that the original vouchers (checks) have been compared with the items listed on the return, and that the return is correct, together with an updated inventory and plan for managing the property. A copy of said return shall be sent by first class mail to the surety, the ward, and the guardian, if any.
5. The regular commissions allowed a conservator are 2.5% on all sums of money received, and 2.5% on all sums paid out, as shown by the annual or final return. There are special rules concerning commissions for property delivered in kind, interest earned, extraordinary services, and market value of property held as of the last day of your reporting period.
6. You must keep the Court informed of any change in your name or address and promptly notify the Court of any conflict of interest arising between you and your ward.
7. You should inform the Court of any change of location of your ward.
8. Please consult your attorney if you have any questions.
9. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Given under my hand and official seal, the _____ 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)

STATE OF GEORGIA
COUNTY OF _____

ESTATE NO. _____

LETTERS OF GUARDIANSHIP AND CONSERVATORSHIP OF ADULT WARD

From the Judge of the Probate Court of said County. Date of Birth: _____
TO: _____, Guardian(s) and Conservator(s)
RE: _____, Adult Ward

The above-named adult ward has been found by this Court to be in need of a guardian and conservator, and this Court has entered an order designating you as such guardian(s) and conservator(s). You have assented to this appointment by taking your oath and posting a bond. In general, your powers and duties are to protect and maintain the person and property of the ward.

Special Instructions:

1. It is your duty to see that your ward is adequately fed, clothed, sheltered and cared for, and that your ward receives all necessary medical attention.
2. You must keep your ward's funds separate from your own. You should put your ward's funds in a separate checking or savings account, as appropriate, and make all payments by check.
3. You may not sell, mortgage, give away, or otherwise dispose of any of your ward's property without a court order.
4. You may not spend any of your ward's funds for any purpose, except as set forth in the court approved budget, without a court order.
5. You must file within two months of your appointment an inventory showing the ward's property and a plan for managing, expending, and distributing the property. Further, you must file, within 60 days of each anniversary date of these Letters an annual return, showing all receipts and disbursements, accompanied by an affidavit certifying that the original vouchers (checks) have been compared with the items listed on the return, and that the return is correct, together with an updated inventory and plan for managing the property. A copy of said return shall be sent by first class mail to the surety, the ward, and the guardian, if any.
6. The regular commissions allowed a conservator are 2.5% on all sums of money received, and 2.5% on all sums paid out, as shown by the annual or final return. There are special rules concerning commissions for property delivered in kind, interest earned, extraordinary services, and market value of property held as of the last day of your reporting period.
7. You must keep the Court informed of any change in your name or address and promptly notify the Court of any conflict of interest arising between you and your ward.
8. Within 60 days after appointment and within 60 days after each anniversary date of appointment, you must file with the probate court a personal status report concerning your ward which shall include:
 - (a) A description of your ward's general condition, changes since the last report, and needs;
 - (b) Your recommendations for any alteration in the guardianship/conservatorship order;
 - (c) All addresses of the ward during the reporting period and the living arrangements of the ward for all addresses.
9. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Given under my hand and official seal, the _____ day of _____, 20_____.

NOTE: The following must be signed if the _____
judge does not sign the original of this document Probate Judge
Issued by:

(Seal)
PROBATE CLERK/DEPUTY CLERK

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)

STATE OF GEORGIA

COUNTY OF _____

ESTATE NO. _____

LETTERS OF PERMANENT GUARDIANSHIP OF MINOR

From the Judge of the Probate Court of said County.

TO: _____, Guardian(s)

RE: _____, Minor

The above-named minor has been found by this Court to be in need of a guardian, and this Court has entered an order designating you as such guardian(s). You have assented to this appointment by taking your oath. In general, your duties as guardian are to protect and maintain the person of the minor and your power over the minor shall be the same as that of a parent over a child, the guardian(s) standing in place of the parent(s). A guardian shall at all times act as a fiduciary in the minor's best interest and exercise reasonable care, diligence, and prudence.

Special Instructions:

1. It is your duty to see that the minor is adequately fed, clothed, sheltered, educated, and cared for, and that the minor receives all necessary medical attention.
2. You must keep the Court informed of any change in your name or address.
3. You should inform the Court of any change of location of your minor.
4. You shall, within 60 days of appointment and within 60 days after each anniversary date of appointment, file with this Court and provide to the conservator of the minor, if any, a personal status report concerning the minor.
5. You shall promptly notify the court of any conflict of interest which may arise between you as guardian and the minor pursuant to O.C.G.A. §29-2-23.
6. The guardianship automatically terminates when the minor dies, reaches age 18, is adopted, or is emancipated.
7. You shall act in coordination and cooperation with the minor's conservator, if appointed, or if not, with others who have custody of the minor's property.
8. Please consult your attorney if you have any questions. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Give 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)