

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.
5. According to Probate Court Rule 22 (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.

IN THE PROBATE COURT OF CLAYTON COUNTY

STATE OF GEORGIA

IN RE: _____) ESTATE NO. _____
 _____)
 _____) PETITION FOR TEMPORARY LETTERS
 _____) OF GUARDIANSHIP OF MINOR
 MINOR _____)

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 is _____, located in _____ County (current address is unknown).

4.

(initial only one, either a, b, or c:)

- _____ a. The minor was born during a marriage. The father of the minor, _____, **(initial all that apply to section)**
- _____ (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;
 - _____ (vii) his current physical address is _____ which is located in _____ County
 - _____ (viii) his current address is unknown.
- _____ b. The minor was born out of wedlock. The biological father of the minor, **(initial all that apply to section)** _____, has not legitimated the minor;
- _____ (i) his current physical address is _____ which is located in _____ County
 - _____ (ii) his current address is unknown.
- _____ 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 to section)**
- _____ (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;
 - _____ (vii) his current physical address is _____ which is located in _____ County
 - _____ (viii) his 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, CLAYTON 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__.

NOTARY/CLERK OF PROBATE COURT
My Commission Expires

First Petitioner

Printed Name

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

Second Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires

Printed Name

IN THE PROBATE COURT OF CLAYTON 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____,

Notary Public/Clerk, Probate Court
My Commission Expires _____

Mother

Printed Name

Address

Telephone Number

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

Notary Public/Clerk, Probate Court
My Commission Expires _____

Father

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____.

NOTARY/CLERK OF PROBATE COURT
My Commission Expires

First Petitioner

Printed Name

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires

Co-Petitioner

Printed Name

Father's full name _____

Address _____
Street Apt # City State Zip

Telephone (home) (_____) work (_____) _____

Date of Birth _____ Race/National Origin _____

Place of employment _____

Sisters and brothers of the child(ren) (the information below can be listed for all children)

Name Age Address (include street #, apt, city, state and zip code)

3. INFORMATION RELATING TO PAST HISTORY THIS MUST BE COMPLETED

Has child(ren) been in a foster home or removed from parental custody? _____

If so, by what authority: (D.F.A.C.S.? _____) What county? _____

Juvenile Court Order? _____ What county? _____ Other? _____

YOU MUST TELL THE WHOLE TRUTH. EXPLAIN THE CIRCUMSTANCES.

(Use additional sheet if necessary). _____

4. IS THERE NOW OR HAS THERE EVER BEEN A TEMPORARY GUARDIAN APPOINTED FOR THE CHILD(REN)?

IF SO, NAME OF COUNTY WHERE TEMPORARY GUARDIANSHIP WAS GRANTED.

PROBATE COURT OF _____ COUNTY.

5. INFORMATION ON PERSON(S) APPLYING TO BE GUARDIAN

Guardian's full name _____

Date of birth _____ State of Birth _____ Race/National Origin _____

Address _____
Street Apt # City State Zip

County _____ Telephone (home) _____ (work) _____

Place of employment _____ Supervisor's name _____

Marital status _____ Full name of your spouse _____

How are you related to this child? _____

For checking criminal history background purposes only: **Your Social Security #** _____

Have you ever been convicted of a felony? _____ If so, for what, when, and where convicted?

2nd Guardian's full name _____

Date of birth _____ State of Birth _____ Race/National Origin _____

Address _____

Street Apt # City State Zip

County _____ Telephone (home) _____ (work) _____

Place of employment _____ Supervisor's name _____

Marital status _____ Full name of your spouse _____

How are you related to this child? _____

For checking criminal history background purposes only: **Your Social Security #** _____

If you are not related, how are you acquainted with this child? _____

Have you ever been convicted of a felony? _____ If so, for what, when, and where convicted?

List the **name, age and relationship to you** of all other minor children in your home

Have you resided somewhere other than Clayton County during the last ten (10) years? _____

If so, list prior address(es) _____

List two personal references, **who live in this area, with addresses and telephone numbers.**
(Your references must be someone other than close relatives and **not related to you** by blood or marriage.)

First Reference: _____

Name Street Apt #

()
City State Zip Telephone Number

Second Reference: _____

Name Street Apt #

()
City State Zip Telephone Number

LIST ALL OTHER ADULTS LIVING IN YOUR HOME:

Name	Age	Relationship to you
_____	_____	_____
_____	_____	_____

STATE THE REASON THIS GUARDIANSHIP IS NECESSARY (explain in detail).
 (Note: “The child wants to live with me” or “His parents decided they wanted the child to live with me,” or “The child just wants to go to school here” is not sufficient reason for guardianship. You must explain the circumstances.)

I understand that furnishing false (untrue) information to the Court may result in criminal action being taken against me.

Sworn to and subscribed before me this _____ day of _____ 20____.	_____ Guardian
_____ Clerk of Probate Court/Notary Public	_____ 2nd Guardian

The undersigned does consent to being investigated and appointed as temporary guardian(s) of the above-named minor and does/do further hereby acknowledge service of the foregoing Petition.

Sworn to and subscribed before me this _____ day of _____ 20____.	_____ First Petitioner
_____ NOTARY/CLERK OF PROBATE COURT	_____ Printed Name

Sworn to and subscribed before me this _____ day of _____ 20____.	_____ Second Petitioner
_____ NOTARY/CLERK OF PROBATE COURT	_____ Printed Name

ANSWER THE FOLLOWING QUESTIONS:

1. Is the mother of this child a resident of Clayton County, Georgia? Yes _____ No _____
Is the father of this child a resident of Clayton County, Georgia? Yes _____ No _____
2. Do the parents of this child realize that they are giving up their parental rights insofar as custody and control, but probably have continuing responsibility for support, maintenance, and the duty to provide necessaries for this child? Yes _____ No _____
3. Do you and the natural parents realize that all parental rights can only be severed by the Juvenile Court of proper jurisdiction upon a due process hearing for that purpose, or by the Superior Court of proper jurisdiction as an adjunct to an adoptive proceeding? Yes _____ No _____
4. Is the home where the child has been living so deprived that the best interest of the child demands removal? Yes _____ No _____
5. Is your home, environment and circumstance a better nurturing condition for this child?
Yes _____ No _____
6. Do you contend that your guardianship is required:
Indefinitely _____ or Temporarily, only _____
7. Which school will the child(ren) attend?

Child	School	Complete address for school
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

Provide any additional information deemed important for this Court in considering the best interest of the child(ren):

Clayton County Probate Court
121 S. McDonough Street Annex Bldg. 3
Jonesboro, GA 30236
770/477-3299

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