

**Re: Petition for Temporary Letters of Guardianship of the Person of Minor**

**INSTRUCTIONS**

**I. Specific Instructions**

1. This form is to be used for filing a Petition for Temporary Letters of Guardianship of the person of a minor pursuant to O.C.G.A. §29-4-4.1.

2. This form may also be used when petitioning for temporary letters of guardianship of the property, or person and property, pursuant to O.C.G.A. §29-4-4.1. However, in that case, each petition should only cover one minor, appropriate changes would have to be made each place "guardian of the person" appears, the petition must allege the value of the property, the order must state the amount of bond required, and the oath must also contain "and I will faithfully account to my ward for my ward's estate."

3. If the minor is a child born out of wedlock, and the putative father does not sign the attached relinquishment form, he should be served in the same manner as the father is served when the child is not born out of wedlock. If the father is unknown, or if he has no last known address, then he should be served by publication as provided in this form.

4. A parent may state a preference as to who should serve as temporary guardian in a notarized relinquishment of parental rights, a will, or other writing signed by a parent and attested by at least two witnesses, whichever instrument is most recent. The judge of the probate court must honor such preference if it is stated in a notarized relinquishment of parental rights. Otherwise, the judge must consider such a preference in selecting a temporary guardian; but for good cause shown in writing, the court may pass over a person having a preference and appoint a person having a lower preference or no preference.

5. 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.

6. This form does not cover the type of temporary guardianship provided for in O.C.G.A. §29-4-10(b), which provides: "If the judge deems it necessary, a temporary guardian may be appointed under the same rules that apply to the appointment of a temporary administrator." That Code section may have been partially superseded by O.C.G.A. §29-4-4.1, and may now refer to a temporary guardianship analogous to a temporary administration, which may involve a temporary guardian who only protects, but does not disburse, property.

7. The attached form consists of 5 pages.

**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.

**PETITION FOR TEMPORARY LETTERS OF GUARDIANSHIP OF PERSON OF MINOR**

STATE OF GEORGIA, \_\_\_\_\_ COUNTY

Re: \_\_\_\_\_, Minor(s)

To the Honorable Judge of the Probate Court:

The petition of \_\_\_\_\_, a resident of \_\_\_\_\_ County, who has actual physical custody of the minor(s) named above, and whose mailing address is \_\_\_\_\_ shows:

1. \_\_\_\_\_ (is a) (are) minor(s) now found in the county in which this petition is being filed, whose age(s) and date(s) of birth (is) (are) \_\_\_\_\_, respectively.
2. Said minor(s) (is) (are) in need of a guardian of the person.
3. \_\_\_\_\_, the mother of said minor(s):
  - \_\_\_\_\_ has relinquished her parental rights and selected petitioner to serve as temporary guardian (see attached notarized relinquishment)
  - \_\_\_\_\_ is deceased
  - \_\_\_\_\_ has not relinquished her parental rights and her (current address is) (last known address was) (\_\_\_\_\_) (current address is unknown and petitioner knows of no last known address).
4. \_\_\_\_\_, the father of said minor(s):
  - \_\_\_\_\_ has relinquished his parental rights and selected petitioner to serve as temporary guardian (see attached notarized relinquishment)
  - \_\_\_\_\_ is deceased.
  - \_\_\_\_\_ has not relinquished his parental rights and his (current address is) (last known address was) (\_\_\_\_\_) (current address is unknown and petitioner knows of no last known address).
5. Petitioner understands that pursuant to O.C.G.A. §29-4-4.1(c), upon application by a parent, unless an objection is timely filed, the court will remove petitioner as temporary guardian and dissolve the temporary guardianship. If an objection is timely filed to such an application, the records relating to the temporary guardianship will be transferred to the juvenile court, which shall determine, after notice and hearing, whether a continuation or dissolution of the temporary guardianship is in the best interest of the minor.

WHEREFORE, petitioner prays that service be perfected as provided by law and that petitioner be appointed temporary guardian of the person of the minor(s) named above.

Attorney's \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
State Bar # \_\_\_\_\_

\_\_\_\_\_  
Signature of Attorney (or petitioner if pro se)

**VERIFICATION**

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Residence \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

\_\_\_\_\_  
Signature of Petitioner

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

\_\_\_\_\_  
Clerk, Probate Court/Notary Public

**RELINQUISHMENT OF RIGHTS AS PARENT AND NATURAL GUARDIAN  
(Temporary Guardianship)**

STATE OF GEORGIA, \_\_\_\_\_ COUNTY

(I) (We), \_\_\_\_\_, the (mother) (and) (father) of \_\_\_\_\_, minor(s), do hereby temporarily relinquish all parental rights regarding the minor(s) named above to \_\_\_\_\_, and further request that said person be appointed as temporary guardian of the person of said minor(s), and also acknowledge service of the petition for appointment of a temporary guardian for said minor(s), and waive any and all further service and notice concerning the petition for appointment of a temporary guardian for said minor(s).

(I) (We) further understand that pursuant to O.C.G.A. §29-4-4.1(c), upon application by a parent, unless an objection is timely filed, the court will remove the temporary guardian and dissolve the temporary guardianship. If an objection is timely filed to such an application, the records relating to the temporary guardianship will be transferred to the juvenile court, which 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(s) if no other sources of support are available, affects (my) (our) legal obligation to support and maintain said minor(s).

\_\_\_\_\_  
Mother

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

\_\_\_\_\_  
Notary Public/Clerk, Probate Court

\_\_\_\_\_  
Father

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

\_\_\_\_\_  
Notary Public/Clerk, Probate Court

**SELECTION**

(NOTE: This section is to be completed by each minor age 14 or older.)

(I) (We) hereby select the petitioner named above to be appointed as the temporary guardian of (my) (our) person(s), this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

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

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

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

**ASSUMPTION OF OBLIGATION TO SUPPORT (OPTIONAL)**

The undersigned, if appointed temporary guardian, assumes 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

**ORDER FOR SERVICE**

\_\_\_\_\_ It appearing that the mother of the minor(s) named in the petition has not relinquished her parental rights and that:

- \_\_\_\_\_ she resides at a known address in the State of Georgia, she must therefore be served by sheriff.
- \_\_\_\_\_ she resides at a known address outside the State of Georgia, she must therefore be served by first class mail.
- \_\_\_\_\_ her current address is unknown, but since the petitioner has shown a last known address, she must therefore be served by first class mail.
- \_\_\_\_\_ her current address is unknown, and the petitioner has shown no last known address, she must therefore be served by publication.

\_\_\_\_\_ It appearing that the father of the minor(s) named in the petition has not relinquished his parental rights and that:

- \_\_\_\_\_ he resides at a known address in the State of Georgia, he must therefore be served by sheriff.
- \_\_\_\_\_ he resides at a known address outside the State of Georgia, he must therefore be served by first class mail.
- \_\_\_\_\_ his current address is unknown, but since the petitioner has shown a last known address, he must therefore be served by first class mail.
- \_\_\_\_\_ his current address is unknown, and the petitioner has shown no last known address, he must therefore be served by publication.

WHEREFORE IT IS ORDERED that the citation set forth below be served as indicated above and in accordance with law.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE OF THE PROBATE COURT

**CITATION**

PROBATE COURT OF \_\_\_\_\_ COUNTY

\_\_\_\_\_  
\_\_\_\_\_

IN THE MATTER OF

RE: PETITION OF \_\_\_\_\_  
FOR APPOINTMENT AS TEMPORARY  
GUARDIAN OF THE PERSON

\_\_\_\_\_,  
MINOR(S)

DATE OF MAILING, IF ANY \_\_\_\_\_

DATE OF FIRST PUBLICATION, IF ANY  
\_\_\_\_\_

TO: \_\_\_\_\_

All objections to the Petition described above must be in writing, setting forth the grounds of any such objections, and must be filed with this Court no later than the close of business 14 days after this notice is mailed or 10 days after this notice is first published or served by the sheriff upon the recipient, whichever is later.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

WITNESS the Honorable \_\_\_\_\_

By: \_\_\_\_\_  
Clerk, Probate Court

**CERTIFICATE OF MAILING**

I do hereby certify that I have this day mailed a copy of the above citation, petition and order for service to each parent to whom the citation is directed whose current address is unknown but who has a last known address, or who has a known current address but resides outside the State of Georgia, in a properly addressed and stamped envelope, by first class mail.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Clerk, Probate Court

**RETURN OF SHERIFF**

GEORGIA, \_\_\_\_\_ COUNTY

I have this day served \_\_\_\_\_ personally with a copy of the within and foregoing Petition, Order for Service and Citation.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DEPUTY SHERIFF, \_\_\_\_\_  
COUNTY, GEORGIA

**ORDER**

PROBATE COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

IN RE: \_\_\_\_\_, Minor

Upon reading and considering the foregoing petition (and selection) and it appearing that each living parent has relinquished parental rights or been properly served with notice of this proceeding, and no objection having been filed,

IT IS ORDERED that the petitioner be, and hereby is, appointed temporary guardian of the person of the minor(s) named in the petition and that temporary letters of guardianship issue to said petitioner upon taking the oath as required by law.

(Initial if applicable:)

\_\_\_\_\_ FURTHER ORDERED that this guardianship shall be deemed to be a permanent guardianship for the purposes of the guardian's obtaining medical insurance coverage for the minor because the guardian has assumed 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.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE OF THE PROBATE COURT

**OATH**

I do solemnly swear (or affirm) that I will well and truly perform the duties required of me as temporary guardian of the person of the minor(s) named above. So help me God.

\_\_\_\_\_  
Temporary Guardian

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

\_\_\_\_\_  
Clerk, Probate Court