

**Re: Petition for the Appointment of an Emergency and Permanent Guardian for an Alleged Gravely Incapacitated Adult**

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used when an emergency guardianship is necessary and a guardianship of limited or permanent duration (sometimes referred to as a "permanent" guardianship) will be required following the usual 45-day limitation on emergency guardianships.
2. This form does not request that an emergency guardian be appointed at the time the petition is filed, to serve until the emergency hearing (which would be held no sooner than 3 nor later than 5 days after the petition is filed). It also does not request that the proposed ward's bank or savings accounts be frozen immediately. If the petitioner desires to request any of the foregoing relief, then the prayers on page 4 of the attached petition, and the affidavit on page 6, must be modified as necessary to comply with the statutory provisions quoted immediately below.
3. O.C.G.A. §29-5-8(d)(4) and (5) provide as follows:

"(4) If the threatened risk is so immediate and irreparable that any delay is unreasonable and the existence of such a threatened risk is certified by the affidavit of a physician licensed to practice medicine under Chapter 34 of Title 43 or of a psychologist licensed to practice under Chapter 39 of Title 43, [the court] shall appoint an emergency guardian to serve until the emergency hearing;

"(5) In its discretion, [the court] may order that, pending the emergency hearing, no withdrawals may be made from any account on the authority of the proposed ward's signature without prior approval from the court, if there is a substantial risk of dissipation of any bank or savings and loan account in which the proposed ward has an interest and if the risk is so immediate and the potential harm so irreparable that any further delay would be unreasonable; ..."
4. If any of the relief described above is granted, the court order on page 9 of the form must be modified by adding the appropriate material. Further, if an emergency guardian is appointed to serve until the emergency hearing, then such guardian would have to take an oath, post any required bond, and have appropriate letters of emergency guardianship pending emergency hearing issued.
5. Note that the burden of proof at all hearings is upon the petitioner, and the standard is clear and convincing evidence.
6. In any case involving the creation of a guardianship over property where the ward owns real property, the attached certificate(s) of creation of guardianship will be completed by the clerk of the probate court and filed with the clerk of the superior court of each county of this state in which the ward owns real property within 30 days of the date of such order. There are separate certificates for emergency and permanent guardianships.
7. If, in addition to an order establishing an emergency guardianship, an order establishing a guardianship of limited or permanent duration is entered, any person required to be notified of such determination shall have the right to file with the court written demand for a hearing regarding the proposed guardianship of limited or permanent duration if such demand is filed within 30 days from the date such person is served.

8. If no demand for hearing on that issue is filed, the guardianship of limited or permanent duration shall become effective upon the expiration of the time for demanding a hearing and no appeal of such order may be taken.
9. If a hearing is demanded concerning the guardianship of limited or permanent duration, no further evaluation need be done unless requested by the person demanding the hearing or otherwise ordered by the court. If such evaluation is requested, the expenses shall be cast pursuant to Code Section 29-5-13 or as determined by the court.
10. This form consists of 23 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 THE APPOINTMENT OF AN  
EMERGENCY AND PERMANENT GUARDIAN FOR  
AN ALLEGED GRAVELY INCAPACITATED ADULT**

GEORGIA, \_\_\_\_\_ COUNTY  
TO THE HONORABLE JUDGE OF THE PROBATE COURT:  
IN RE:

\_\_\_\_\_,  
ALLEGED GRAVELY INCAPACITATED ADULT, PROPOSED WARD

**[NOTE: Unless there are two or more petitioners, the affidavit on page 6 must be completed by a physician or psychologist, based upon an examination within 10 days prior to the filing of this petition.]**

1.

\_\_\_\_\_, whose residence address and telephone  
Name of first petitioner  
number are \_\_\_\_\_, and who is the  
\_\_\_\_\_ (relationship) of the proposed ward, is a resident of  
\_\_\_\_\_ County, \_\_\_\_\_, and

**(Complete either a. or b. below):**

\_\_\_ a. \_\_\_\_\_, whose residence address and  
Name of second petitioner, if any  
telephone number are \_\_\_\_\_, and  
who is the \_\_\_\_\_ (relationship) of the proposed ward, is a resident of  
\_\_\_\_\_ County, \_\_\_\_\_.

**or**

\_\_\_ b. attached hereto as page 6 and made a part of this petition is the completed affidavit of  
\_\_\_\_\_, a physician or psychologist licensed to practice  
in Georgia, who has examined the proposed ward within ten days prior to the filing of this  
petition.

2.

The proposed ward, age \_\_\_\_\_ (date of birth \_\_\_\_\_), social  
security no. \_\_\_\_\_, a resident of \_\_\_\_\_ County,  
\_\_\_\_\_, has a residence address of \_\_\_\_\_  
\_\_\_\_\_, and is presently located at \_\_\_\_\_  
\_\_\_\_\_.

3.

The proposed ward is incapacitated by reason of:

- |                                       |    |                                |    |                                 |
|---------------------------------------|----|--------------------------------|----|---------------------------------|
| <b>Circle the specific incapacity</b> | 1. | Mental illness                 | 5. | Chronic use of drugs or alcohol |
|                                       | 2. | Mental retardation             | 6. | Detention by foreign power      |
|                                       | 3. | Mental disability              | 7. | Disappearance                   |
|                                       | 4. | Physical illness or disability | 8. | Other cause: _____              |

to the extent that the proposed ward:

- Circle A or B or both**
- A. (re guardianship of person:) lacks sufficient understanding or capacity to make significant responsible decisions concerning his/her person or is incapable of communicating such decisions, and there is an immediate, clear, and substantial risk of death or serious physical injury, illness, or disease unless an emergency guardian is appointed, and the incapacity will continue beyond the limits of the emergency guardianship,
  - B. (re guardianship of property:) is incapable of managing his/her estate, and there is an immediate, substantial risk of irreparable waste or dissipation of the estate unless an emergency guardian is appointed, and the incapacity will continue beyond the limits of the emergency guardianship to the extent that the property of the proposed ward will be wasted or dissipated unless proper management is provided or the property of the proposed ward is needed for his/her support or the support of persons entitled to be supported by the proposed ward,

as evidenced by the following facts which support the above claim of incapacity and immediate risk:

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The duration of the incapacity will be:

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4.

The law requires notice to be given to the spouse, if any, and to all living adult children, if any, whose addresses are known. If there is no spouse and no living adult child or children whose addresses are known, then two living adult next of kin whose addresses are known must be notified, or if there is only one living adult next of kin whose address is known, that person must be given notice. If there are no adult living next of kin whose addresses are known, then two adult friends must be notified. (In determining the persons to whom notice is required to be given according to the foregoing rules, the petitioner(s) should not be counted as persons receiving notice.) Therefore, the names, addresses, telephone numbers and relationships of the persons to be notified are as follows:

NAME	ADDRESS	TELEPHONE	RELATIONSHIP
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

5.

The names and addresses of the proposed ward's representatives appointed under a prior proceeding pursuant to Official Code of Georgia Annotated Chapters 37-7, 37-3 or 37-4 are:

_____ (name)	_____ (address)
_____	_____
_____ (name)	_____ (address)
_____	_____

6.

All known income and assets of the proposed ward are shown on page 9 attached hereto.

**[NOTE: If nominations of a person or persons to act as guardian have been made by more than one of the following methods, indicate all nominees and methods. Attach a separate sheet if necessary.]**

\_\_\_\_\_ whose address(es) is/are

\_\_\_\_\_ is/are nominated as guardian(s) of the (person)(and)(property) (respectively) by virtue of:

- \_\_\_\_\_ a. nomination by the petitioner(s);
- \_\_\_\_\_ b. selection by the proposed ward in writing, attested by at least two witnesses, prior to the filing of the petition;
- \_\_\_\_\_ c. selection by will or other writing signed by a deceased parent and attested by at least two witnesses.

The nominated guardian(s) will consent to serve, or has/have consented to serve as shown by the consent on page 5 attached hereto.

WHEREFORE, the petitioner(s) pray(s):

- (a) that service be perfected as required by law;
- (b) that the court appoint an emergency guardianship evaluation physician or psychologist as provided in Section 29-5-8 of the Official Code of Georgia Annotated;
- (c) that the court order an emergency hearing to be conducted not sooner than 3 days nor later than 5 days after the filing of this petition;
- (d) that an emergency guardian of the (person) (and) (property) be appointed for the alleged gravely incapacitated adult; and
- (e) that a permanent guardian of the (person) (and) (property) be appointed for the alleged gravely incapacitated adult.

\_\_\_\_\_  
Signature of second petitioner (if any and if pro se)

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

Typed/printed name of Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**VERIFICATION**

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

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

\_\_\_\_\_  
Signature of second petitioner, if any

\_\_\_\_\_  
Signature of first petitioner

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

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

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

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

**CONSENT TO SERVE AS GUARDIAN**

RE: Petition for the appointment of an emergency and permanent guardian for \_\_\_\_\_  
\_\_\_\_\_, an alleged gravely incapacitated adult.

I, \_\_\_\_\_, having been nominated as guardian of the  
(person)(and)(property) of the above-named alleged gravely incapacitated adult, do hereby consent to serve as  
such.

\_\_\_\_\_  
Proposed Guardian

**AFFIDAVIT OF PHYSICIAN OR PSYCHOLOGIST**

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

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

RE: Petition for appointment of an emergency and permanent guardian for \_\_\_\_\_  
\_\_\_\_\_, an alleged gravely incapacitated adult.

I, being first duly sworn, depose and say that I am a physician licensed to practice under Chapter 34 of Title 43 of the Official Code of Georgia Annotated or a psychologist licensed to practice under Chapter 39 of Title 43 of the Official Code of Georgia Annotated, that my office address is \_\_\_\_\_, Georgia, that I have examined the above-named alleged gravely incapacitated adult on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and that I have found him/her to be gravely incapacitated by reason of:

- |                                       |                       |                                    |
|---------------------------------------|-----------------------|------------------------------------|
| <b>Circle the specific incapacity</b> | 1. Mental illness     | 4. Physical illness or disability  |
|                                       | 2. Mental retardation | 5. Chronic use of drugs or alcohol |
|                                       | 3. Mental disability  | 6. Other cause: _____              |

to the extent that said alleged gravely incapacitated adult:

- Circle A or B or both**
- A. (re guardianship of person:) lacks sufficient understanding or capacity to make significant responsible decisions concerning his/her person or is incapable of communicating such decisions, and there is an immediate, clear, and substantial risk of death or serious physical injury, illness, or disease unless an emergency guardian is appointed. The incapacity will continue beyond the limits of the emergency guardianship.
  - B. (re guardianship of property:) is incapable of managing his/her estate, and there is an immediate, substantial risk of irreparable waste or dissipation of the estate of the proposed ward unless an emergency guardian is appointed. The incapacity will continue beyond the limits of the emergency guardianship to the extent that the property of the proposed ward will be wasted or dissipated unless proper management is provided or the property of the proposed ward is needed for his/her support or the support of persons entitled to be supported by the proposed ward.

The following facts support said diagnosis:

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

The foreseeable limits on the duration of such incapacity are:

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

WITNESS MY HAND AND SEAL this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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

\_\_\_\_\_  
Signature of (Physician) (Psychologist)

\_\_\_\_\_  
Notary Public  
My commission expires on the \_\_\_\_ day  
of \_\_\_\_\_, \_\_\_\_\_.  
(NOTARIAL SEAL AFFIXED)

Typed Name: \_\_\_\_\_

**NOTE: The examination on which this affidavit is based must occur WITHIN TEN DAYS prior to the filing of the petition.**



**ORDER FOR DISMISSAL BEFORE EVALUATION**

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

PROBATE COURT OF \_\_\_\_\_ COUNTY      ESTATE NUMBER: \_\_\_\_\_

Re:      Petition for the appointment of an emergency and permanent guardian for \_\_\_\_\_  
\_\_\_\_\_, an alleged gravely incapacitated adult.

The above and foregoing petition having been read and considered pursuant to Section 29-5-8 of the Official Code of Georgia Annotated, and it appearing that there is not probable cause to believe that the proposed ward is gravely incapacitated and in need of an emergency guardian, it is hereby ordered that the petition be, and hereby is, dismissed.

Ordered further that a copy of the petition and this order be served on the proposed ward by first-class mail, and a copy of this order be served in the same manner upon the petitioner(s).

So ordered this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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

**CERTIFICATE OF MAILING**

This is to certify that I have this day served the proposed ward with a copy of this petition and order for dismissal by placing a copy of same in an envelope addressed to the proposed ward and depositing same in the U.S. Mail, first-class, with adequate postage thereon. I have also served a copy of the above order upon the petitioner(s) in the same manner.

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

\_\_\_\_\_  
CLERK OF THE PROBATE COURT



**CERTIFICATE OF MAILING**

This is to certify that I have this day served the above-named persons, who were ordered to be served by first-class mail with a copy of the foregoing petition and order, by placing a copy 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 \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CLERK, PROBATE COURT

**APPOINTMENT OF SPECIAL AGENT**

\_\_\_\_\_ is hereby appointed special agent to serve \_\_\_\_\_, proposed ward, with a copy of the foregoing petition and order.

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

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

**RETURN OF SHERIFF/SPECIAL AGENT**

I have this day served \_\_\_\_\_ personally with a copy of the foregoing petition and order.

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

\_\_\_\_\_  
DEPUTY SHERIFF \_\_\_\_\_ COUNTY,  
GEORGIA/SPECIAL AGENT

(If return is by special agent:  
Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public or Clerk of Probate Court  
My commission expires: \_\_\_\_\_





**STIPULATION AND WAIVER BY PROPOSED WARD'S ATTORNEY**

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

TO THE PROBATE COURT OF SAID STATE AND COUNTY  
IN RE: PETITION FOR THE APPOINTMENT OF AN EMERGENCY AND PERMANENT GUARDIAN  
FOR \_\_\_\_\_, ALLEGED GRAVELY  
INCAPACITATED ADULT

The undersigned, as the attorney representing the above-named alleged gravely incapacitated adult in these proceedings, does hereby stipulate into evidence the affidavit(s) of \_\_\_\_\_

Name of Affiant

\_\_\_\_\_, which is the evaluation report ordered by the Court in this matter (,  
and \_\_\_\_\_, which is the affidavit referred

Name of Affiant

to in Paragraph 1(b) of the petition). I hereby waive the appearance of such affiant(s) at the emergency hearing concerning the said petition.

I further waive the appearance of my client (the proposed ward) at said hearing for the following reason(s):

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

\_\_\_\_\_ Date

\_\_\_\_\_  
Attorney

**[NOTE: If a guardian ad litem is appointed by the Court to represent the proposed ward, then the above or a similar Stipulation and Waiver should be signed by the guardian ad litem if such guardian ad litem agrees with the substance of such document.]**

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

IN THE MATTER OF \_\_\_\_\_ ) ESTATE NUMBER \_\_\_\_\_  
 )  
 )  
\_\_\_\_\_, ) RE: PETITION FOR APPOINTMENT OF  
ALLEGED GRAVELY ) AN EMERGENCY AND PERMANENT  
INCAPACITATED ADULT ) GUARDIAN FOR AN ALLEGED \_GRAVELY\_  
 ) INCAPACITATED ADULT

**ORDER APPOINTING EMERGENCY GUARDIAN  
(AND APPOINTING PERMANENT GUARDIAN UNLESS OBJECTION IS FILED)**

A hearing was held on the above-referenced petition on \_\_\_\_\_, \_\_\_\_\_,  
and after considering the pleadings, the evaluation report and the evidence taken at the emergency hearing, the  
Court makes the following:

**FINDINGS OF FACT**

1.

All procedural requirements of §29-5-6 and §29-5-8 of the Official Code of Georgia Annotated have been  
met.

2.

\_\_\_\_\_ a. The above-named alleged gravely incapacitated adult (hereinafter referred to as "the  
ward") is incapacitated by reason of \_\_\_\_\_  
\_\_\_\_\_ to the extent that the ward lacks  
sufficient understanding or capacity to make significant responsible decisions  
concerning his/her person or is incapable of communicating them and there is an  
immediate, clear and substantial risk of death or serious physical injury, illness, or  
disease, and is incapable of managing his/her estate and there is an immediate,  
substantial risk of irreparable waste or dissipation of the estate, unless an  
emergency guardian of the person and property is appointed.

\_\_\_\_\_ b. It appears at present that, after the expiration of the emergency guardianship, the ward  
will continue to lack sufficient understanding or capacity to make significant responsible  
decisions concerning his/her person or will continue to be incapable of communicating  
such decisions and will continue to be incapable of managing his/her estate and the  
property of the ward will be wasted or dissipated unless proper management is provided  
or the property of the ward is needed for his/her support or the support of persons  
entitled to be supported by the ward. Such incapacity appears to be (permanent)  
(limited to \_\_\_\_\_).

3.

The current value of the personal property of the ward is approximately \$\_\_\_\_\_. The  
ward has an interest in real property in \_\_\_\_\_  
Count(y)(ies), \_\_\_\_\_.

4.

\_\_\_\_\_ should be appointed emergency and permanent guardian of the person and \_\_\_\_\_ should be appointed emergency and permanent guardian of the property because \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

5.

If a permanent guardianship is ordered above, then the ward, the petitioner or petitioners, and those persons named in paragraphs 4 and 5 of the petition, either individually or by his/her/their attorney, may file a written demand for a hearing on the issue of whether a permanent guardianship is needed, within 30 days of personal service of this order with respect to the ward or within 30 days of the date of oral communication of this order or the date a copy is placed in first class mail with respect to the other persons entitled to notice of the order.

**CONCLUSIONS OF LAW**

The emergency guardianship shall terminate upon whichever of the following occurs first: (1) the date any permanent guardianship conditionally established for this ward becomes fully effective due to lack of any objections, (i.e., 30 days after service or notification upon the last person of all the persons required to be served or otherwise notified of this order); (2) 45 days after the filing of the petition unless another hearing is requested as to the permanent portion, if any, of the guardianship, in which event the emergency guardianship shall terminate 55 days after the filing of the petition; (3) the conclusion of the full hearing, if one is demanded, on the issue of permanent guardianship; or (4) the following date, if any, specified by the court:

\_\_\_\_\_.

\_\_\_\_\_ should be, and hereby is, appointed as emergency and permanent guardian of the person of the ward and \_\_\_\_\_ should be, and hereby is, appointed as emergency and permanent guardian of the property of the ward. Letters of emergency guardianship of the person and of the property shall issue to such guardian(s) upon taking the required oath and upon the guardian of the property's posting bond in the amount of \$\_\_\_\_\_. The powers and duties of such emergency guardian(s) are limited to those specified in the letters of emergency guardianship which will be issued in connection with this matter.

If no other hearing is required in this matter, permanent letters of guardianship shall issue to such guardian(s) following the last date upon which a written demand for hearing could be filed.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge/Hearing Officer

**CERTIFICATE OF MAILING**

I have this date mailed (or handed) a copy of the above order to the ward, his/her attorney, (his/her guardian ad litem), (his/her representatives), the petitioner(s) or the petitioner('s)(s') attorney, those persons listed in Paragraphs 4 and 5 of the petition or the attorney for any such person, and the guardian(s).

\_\_\_\_\_  
Date

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

**CERTIFICATE OF ORAL NOTIFICATION**

The undersigned hereby certifies that the following persons were orally notified on the date indicated of the contents of the order entered on the foregoing petition:

Name	Date
_____	_____
_____	_____
_____	_____

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

**CERTIFICATE OF CREATION OF EMERGENCY GUARDIANSHIP**

(Pursuant to O.C.G.A. §29-5-6(f)(4))

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

DATE ORDER ISSUED: \_\_\_\_\_

GRANTOR: (NAME OF GRAVELY INCAPACITATED ADULT) \_\_\_\_\_

GRANTEE: (NAME OF EMERGENCY GUARDIAN OF PROPERTY OF ABOVE GRAVELY INCAPACITATED ADULT) \_\_\_\_\_

Emergency guardianship of the property has been created for the above-named gravely incapacitated adult. Said emergency guardianship expires upon whichever of the following events occurs first: (1) the date any permanent guardianship conditionally established for this ward becomes fully effective due to lack of objections (i.e., 30 days after service or notification upon the last person of all the persons required to be served or otherwise notified); (2) 45 days after the filing of the petition unless another hearing is requested as to the permanent portion, if any, of the guardianship, in which event the emergency guardianship shall terminate 55 days after the filing of the petition; (3) the conclusion of the full hearing, if one is demanded, on the issue of permanent guardianship; or (4) the following date, if any, specified by the court: \_\_\_\_\_.

Original Certificate delivered or mailed to Clerk of Superior Court of \_\_\_\_\_  
 \_\_\_\_\_ Count(y)(ies) on \_\_\_\_\_, \_\_\_\_\_.

I do hereby certify that the above information is true and correct.

JUDGE OF THE PROBATE COURT

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

Probate Court of \_\_\_\_\_ County  
State of Georgia

In the Matter of \_\_\_\_\_ ) Estate Number \_\_\_\_\_  
 )  
\_\_\_\_\_, ) Re: Petition for Appointment of an  
Alleged Incapacitated Adult ) Emergency & Permanent Guardian

**DEMAND FOR HEARING**

The undersigned, an interested party who was personally served, orally notified or notified by first class mail, hereby demands a hearing on the guardianship of limited or permanent duration previously ordered by the Court in the above-referenced matter.

\_\_\_\_\_  
Date Signature  
\_\_\_\_\_  
Printed Name

**NOTICE OF HEARING**

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

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

WARD: \_\_\_\_\_ ESTATE NUMBER \_\_\_\_\_

Re: Hearing Demanded by Interested Party

An interested party has demanded a hearing concerning the guardianship of limited or permanent duration ordered for the above-named ward to follow a period of emergency guardianship.

Said hearing shall be held at \_\_\_\_\_ o'clock \_\_\_\_\_m. on \_\_\_\_\_, at the Probate Court of \_\_\_\_\_ County, \_\_\_\_\_, Georgia.

A copy of this notice of hearing and a copy of the emergency examination report shall be sent to the ward, the ward's attorney, the ward's guardian ad litem, if any, and to the petitioner(s) and to those persons required by law to receive a copy of the order entered after the emergency hearing, or his/her/their attorney, if any.

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

[Note: Any interested party may file a written response to the evaluation report at any time up to the conclusion of the hearing scheduled above. The response may include, but is not limited to, independent evaluations, affidavits of individuals with personal knowledge of the proposed ward, and a statement of applicable law.]

**CERTIFICATE OF MAILING**

This is to certify that I have this day served the persons shown above with a copy of the emergency examination report and a copy of the Notice of Hearing by placing copies of same in an envelope addressed to each and depositing the same in the U.S. Mail, first-class, with adequate postage thereon.

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

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

Probate Court of \_\_\_\_\_ County  
State of Georgia

In the Matter of \_\_\_\_\_ ) Estate Number \_\_\_\_\_  
 )  
\_\_\_\_\_, ) Re: Petition for Appointment of an  
Alleged Incapacitated Adult ) Emergency & Permanent Guardian

**REQUEST FOR SECOND EVALUATION**

The undersigned, having demanded a hearing on the issue of the guardianship of limited or permanent duration previously ordered by the Court in the above-referenced matter, hereby requests a second evaluation of the ward.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

**ORDER FOR SECOND EVALUATION**

GEORGIA - PROBATE COURT OF \_\_\_\_\_ COUNTY

WARD: \_\_\_\_\_ ESTATE NUMBER \_\_\_\_\_

An interested party in the above-referenced matter having filed a written demand for hearing and a request for an additional evaluation, it is hereby ordered that \_\_\_\_\_, (physician) (psychologist), is appointed to evaluate the above-named ward at \_\_\_\_\_ o'clock \_\_\_\_\_.m., on \_\_\_\_\_ at \_\_\_\_\_.

Ordered further that the above-named ward shall submit to evaluation at the time and place stated above.

So ordered this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge of the Probate Court

**STIPULATION AND WAIVER BY PROPOSED WARD'S ATTORNEY**

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

TO THE PROBATE COURT OF SAID STATE AND COUNTY  
IN RE: PETITION FOR THE APPOINTMENT OF AN EMERGENCY AND PERMANENT  
GUARDIAN FOR \_\_\_\_\_,  
ALLEGED GRAVELY INCAPACITATED ADULT

The undersigned, as the attorney representing the above-named alleged gravely incapacitated adult in these proceedings, does hereby stipulate into evidence the affidavit of \_\_\_\_\_

Name of Affiant

\_\_\_\_\_, which is the emergency evaluation report ordered by the Court in this matter (, and \_\_\_\_\_, which is the affidavit referred to in Paragraph 1(b) of the petition) (and \_\_\_\_\_,

Name of Affiant

\_\_\_\_\_ which is the second evaluation report ordered by the Court in this matter). I hereby waive the appearance of such affiant(s) at the hearing demanded by an interested party concerning the said petition.

I further waive the appearance of my client (the proposed ward) at said hearing for the following reason(s):

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney

**[NOTE: If a guardian ad litem is appointed by the Court to represent the proposed ward, then the above or a similar Stipulation and Waiver should be signed by the guardian ad litem if such guardian ad litem agrees with the substance of such document.]**

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

IN THE MATTER OF \_\_\_\_\_ ) ESTATE NUMBER \_\_\_\_\_  
)  
\_\_\_\_\_, ) RE: PETITION FOR APPOINTMENT  
ALLEGED INCAPACITATED ADULT ) OF AN EMERGENCY AND  
) PERMANENT GUARDIAN FOR AN  
) ALLEGED GRAVELY  
) INCAPACITATED ADULT

**FINAL ORDER**

A hearing was held upon the demand of an interested party on the issue of permanent guardianship on \_\_\_\_\_, \_\_\_\_\_, and after considering the pleadings, the evaluation report(s) and the evidence taken at the hearing, the Court makes the following:

FINDINGS OF FACT

1.

All procedural requirements of §29-5-6 and §29-5-8 of the Official Code of Georgia Annotated have been met.

2.

The above-named gravely incapacitated adult (hereinafter referred to as the ward) is incapacitated by reason of \_\_\_\_\_ to the extent that the ward lacks sufficient understanding or capacity to make significant responsible decisions concerning his/her person or is incapable of communicating such decisions and is incapable of managing his/her estate and the property of the ward will be wasted or dissipated unless proper management is provided or the property of the ward is needed for his/her support or the support of persons entitled to be supported by the ward. Such incapacity appears to be (permanent) (limited to: \_\_\_\_\_).

3.

The approximate current value of the personal property of the ward is \$\_\_\_\_\_. The ward has an interest in real property in \_\_\_\_\_ Count(y)(ies), \_\_\_\_\_.

4.

\_\_\_\_\_ should be appointed as guardian of the person and \_\_\_\_\_ should be appointed guardian of the property because \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**CONCLUSIONS OF LAW**

The duration of the guardianship is (permanent) (\_\_\_\_\_).  
\_\_\_\_\_ should be, and hereby is,  
appointed guardian of the person and \_\_\_\_\_ should  
be, and hereby is, appointed guardian of the property of the ward. Letters of guardianship of the person and of  
the property shall issue to such guardian(s) upon taking the required oath and upon the guardian of the property's  
posting bond in the amount of \$\_\_\_\_\_. The ward shall retain the following powers which  
would otherwise be removed from the ward pursuant to O.C.G.A. §29-5-7(d) or (e):

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge/Hearing Officer

**CERTIFICATE OF MAILING**

I have this date mailed (or handed) a copy of the above Order to the ward, his/her attorney, (his/her  
guardian ad litem), (his/her representatives,) the guardian(s), and the (petitioner(s)) (petitioner's attorney).

\_\_\_\_\_  
Date

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

**CERTIFICATE OF CREATION OF GUARDIANSHIP**

(Pursuant to O.C.G.A. §29-5-6(f)(4))

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

DATE ORDER ISSUED: \_\_\_\_\_

GRANTOR: (NAME OF INCAPACITATED ADULT) \_\_\_\_\_  
\_\_\_\_\_

GRANTEE: (NAME OF GUARDIAN OF PROPERTY OF ABOVE INCAPACITATED  
ADULT) \_\_\_\_\_  
\_\_\_\_\_

Guardianship of the property has been created for the above-named incapacitated adult.

The expiration date set by court order , if any, is \_\_\_\_\_.

Original Certificate delivered or mailed to Clerk of Superior Court of \_\_\_\_\_  
\_\_\_\_\_ Count(y)(ies) on \_\_\_\_\_, \_\_\_\_\_.

I do hereby certify that the above information is true and correct.

JUDGE OF THE PROBATE COURT

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

[NOTE: This certificate is to be filed if the guardianship becomes permanent.]

**CERTIFICATE IN ACCORDANCE WITH  
UNIFORM PROBATE COURT RULE 21(F)**

I certify that the content of the foregoing is identical in all material respects with Georgia probate court standard form entitled **Petition for the Appointment of an Emergency and Permanent Guardian for an Alleged Gravely Incapacitated Adult**, except for additions or deletions indicated as required by the Uniform Probate Court Rules.

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Date

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Signature of Attorney  
Address:

Telephone Number:  
State Bar#: