

**Please use Black or Blue Ink Only**

**Filing Fee: \$119.00**

**Plus Publication Fee, if required: \$60.00 made payable to The Daily Herald**

**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 5.6 (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.

HENRY COUNTY PROBATE COURT  
99 SIMS STREET  
MCDONOUGH, GEORGIA 30253  
PHONE: (770) 288-7600  
FACSIMILE: (770) 288-7616

**“Do I Need An Attorney?”**

You do not need an attorney to file completed documents in a court if you are able to understand and prepare the documents yourself.

This applies in any court. You are allowed to represent yourself in any civil case in any court in the United States of America. Therefore, you may represent yourself in this court also.

If you feel uncomfortable representing yourself, the clerks of this or any other court cannot represent you by giving you legal advice.

The clerks of this court cannot tell you which document you should file.

The clerks of this court cannot complete any document for you or tell you what to write in any document.

That would be giving you legal advice, and the clerk would be violating the law.

When you file a petition in this court, you are beginning a case in this court, and you will be representing yourself in that case unless you engage an attorney to represent you.

Please note, before representing yourself in a hearing before this Court you must view a video on how to represent yourself in court. The video is 30 minutes in length and may be viewed at <http://www.co.henry.ga.us/Probate/> by selecting the video prompt on the right of the screen labeled “Proceeding Pro Se: I Present my Case”.

© Judge Lynwood D. Jordan, Jr. – Forsyth County Probate Court

## Use Black or Blue Ink Only

### **\*\*Petitioner(s) – The person(s) who is/are filing for guardianship of a minor.**

#### Filing Requirements:

1. Please Print
2. Certified copy of child's birth certificate (translated to English, if foreign)
3. Proof that the petitioner(s) is/are a resident of Henry County (Drivers' License or State Issued I.D. are acceptable)
4. Notarized consent of the parents, if applicable. If notarized consent cannot be obtained due to the unknown whereabouts of the parent(s), then the Affidavit of Diligent Search must be filed along with the petition.
5. Petitioner(s) and any adults 18 or over living in the petitioner's household must consent to a criminal background check. **Please complete the enclosed GBI consent form.**
6. Filing Fees:
  - a. \$119.00 if both parents have consented in writing to the creation of the temporary guardianship (cash or money order)
  - b. If legal notice to a non-consenting parent is required, there is an additional fee of \$60.00 that is required and will need to be made payable to The Daily Herald for publication in the newspaper. (check or money order)

CLERK: \_\_\_\_\_

ESTATE NO: \_\_\_\_\_

**Georgia Bureau of Investigation  
Georgia Crime Information Center**

**Consent Form**

I hereby authorize **HENRY COUNTY SHERIFF'S DEPARTMENT** to receive any criminal history information pertaining to me which may be in the files of any state criminal justice agency in the state of Georgia.

\_\_\_\_\_  
Full Name (PRINT OR TYPE)                                      Maiden name, if applicable

\_\_\_\_\_  
Address    City    State

\_\_\_\_\_  
Sex    Race

\_\_\_\_\_  
Date of birth

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
NOTARY PUBLIC/CLERK OF COURT

- This authorization is valid for 90/180 (circle one) days from the date of signature.**

CLERK: \_\_\_\_\_

ESTATE NO: \_\_\_\_\_

**Georgia Bureau of Investigation  
Georgia Crime Information Center**

**Consent Form**

I hereby authorize **HENRY COUNTY SHERIFF'S DEPARTMENT** to receive any criminal history information pertaining to me which may be in the files of any state criminal justice agency in the state of Georgia.

\_\_\_\_\_  
Full Name (PRINT OR TYPE)

\_\_\_\_\_  
Maiden name, if applicable

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Sex

\_\_\_\_\_  
Race

\_\_\_\_\_  
Date of birth

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Sworn to and subscribed before me this

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

\_\_\_\_\_  
NOTARY PUBLIC/CLERK OF COURT

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CLERK: \_\_\_\_\_

ESTATE NO: \_\_\_\_\_

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\_\_\_\_\_  
Full Name (PRINT OR TYPE)

\_\_\_\_\_  
Maiden name, if applicable

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Sex

\_\_\_\_\_  
Race

\_\_\_\_\_  
Date of birth

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Sworn to and subscribed before me this

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

\_\_\_\_\_  
NOTARY PUBLIC/CLERK OF COURT

**This authorization is valid for 90/180 (circle one) days from the date of signature.**

**Henry County Probate Court  
Temporary Guardianship of Minor  
Court Information Sheet**

Case No. \_\_\_\_\_

**Minor Child's Name:** \_\_\_\_\_

DOB: \_\_\_\_\_ AGE: \_\_\_\_\_

Current Grade: \_\_\_\_\_  
Current School: \_\_\_\_\_  
Previous School: \_\_\_\_\_

<b>Name of 1<sup>st</sup> Petitioner/Guardian:</b> _____	<b>Name of 2<sup>nd</sup> Petitioner/Co-Guardian:</b> _____
Relationship to Child: _____	Relationship to Child: _____
DOB: _____ Telephone # _____	DOB: _____ Telephone # _____
Place of Employment: _____	Place of Employment: _____
Email Address: _____	Email Address: _____

<b>Mother of Child:</b> _____	<b>Father of Child:</b> _____
<input type="checkbox"/> Mother has signed consent to guardianship	<input type="checkbox"/> Father has signed consent to guardianship
<input type="checkbox"/> Mother currently lives at: _____	<input type="checkbox"/> Father currently lives at: _____
<div style="border: 1px solid black; padding: 2px; margin-top: 5px;">           Court use only:            Mother: Personal Certified Publication: ___/___/___ ___/___/___            Father: Personal Certified Publication: ___/___/___ ___/___/___            Obligation of support signed Yes <input type="checkbox"/> No <input type="checkbox"/> </div>	Is father named on birth certificate: Yes <input type="checkbox"/> No <input type="checkbox"/> Was father married to mother? Yes <input type="checkbox"/> No <input type="checkbox"/> Has father legitimated child? Yes <input type="checkbox"/> No <input type="checkbox"/> Is father ordered to pay support? Yes <input type="checkbox"/> No <input type="checkbox"/>

<b>Reason for Guardianship:</b> _____	
_____	
_____	
Is DFCS involved with the mother or father of this child?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, state county: _____
Is this guardianship for school attendance purposes only?	Yes <input type="checkbox"/> No <input type="checkbox"/>

<b>Additional Information:</b>			
List other children in the home:			
Name _____	Age _____	Gender: M/F	School attending: _____
Name _____	Age _____	Gender: M/F	School attending: _____
Name _____	Age _____	Gender: M/F	School attending: _____
Name _____	Age _____	Gender: M/F	School attending: _____
List all adults in the household:			
Name _____	Age _____	Gender: M/F	Relationship to Guardian: _____
Name _____	Age _____	Gender: M/F	Relationship to Guardian: _____
Name _____	Age _____	Gender: M/F	Relationship to Guardian: _____
Name _____	Age _____	Gender: M/F	Relationship to Guardian: _____
*Guardians and each adult in the household must complete the enclosed consent for background check. Providing social security numbers is optional and should only be given after reading and signing the Privacy Act Notice.			

IN THE PROBATE COURT OF       HENRY       COUNTY

STATE OF GEORGIA

<b>IN RE:</b>  _____, _____, <b>MINOR</b>	) ) ) ) ) )	<b>ESTATE NO.</b> _____  <b>PETITION FOR TEMPORARY LETTERS OF GUARDIANSHIP OF MINOR</b>
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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 county of residence is \_\_\_\_\_

located in \_\_\_\_\_ County) (current address is unknown).



4.

(initial either a, b or c)

\_\_\_\_\_ a. The minor was born during a marriage. The father of the minor,

\_\_\_\_\_, (initial all that apply)

- \_\_\_\_(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 and his current physical address is \_\_\_\_\_, \_\_\_\_\_, located in \_\_\_\_\_ County) (current address is unknown).

\_\_\_\_\_ b. The minor was born out of wedlock. The biological father of the minor,

\_\_\_\_\_ has not legitimated the minor.

\_\_\_\_\_ 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)

- \_\_\_\_(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 and his (current physical address is \_\_\_\_\_, \_\_\_\_\_, located in \_\_\_\_\_ County) (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, \_\_\_\_\_ 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 \_\_\_\_\_ **HENRY** \_\_\_\_\_ COUNTY

STATE OF GEORGIA

**IN RE:** ) **ESTATE NO.** \_\_\_\_\_  
 )  
\_\_\_\_\_, ) **PETITION FOR TEMPORARY LETTERS**  
**MINOR** ) **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\_\_\_\_\_.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Clerk, Probate Court/Notary Public  
My Commission Expires \_\_\_\_\_

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

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

\_\_\_\_\_  
Co-Petitioner

\_\_\_\_\_  
Clerk, Probate Court/Notary Public  
My Commission Expires \_\_\_\_\_

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

IN THE PROBATE COURT OF           HENRY           COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF

)  
)  
)  
)  
)  
)  
)  
)

\_\_\_\_\_,  
MINOR

ESTATE NO. \_\_\_\_\_  
  
PETITION FOR TEMPORARY LETTERS  
OF GUARDIANSHIP OF MINOR

\_\_\_\_\_  
TEMPORARY GUARDIAN(S)

OATH

I/We do solemnly swear (or affirm) that I/we will well and truly perform the duties required of me/us as temporary guardian(s) of the minor named above.

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

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

\_\_\_\_\_  
JUDGE / CLERK OF PROBATE COURT

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

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

\_\_\_\_\_  
Co-Temporary Guardian, if any

\_\_\_\_\_  
JUDGE / CLERK OF PROBATE COURT

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

# ATTENTION

You must complete the attached Affidavit of Diligent Search if a parent has not consented to the guardianship and you claim in your petition that the parent(s) address or whereabouts are unknown.

**IN THE PROBATE COURT OF HENRY COUNTY  
STATE OF GEORGIA**

**IN THE MATTER OF:**

- \_\_\_\_\_
- Estate
- Temporary Guardianship

}  
 }  
 } **Case No.** \_\_\_\_\_  
 }  
 }

**Affidavit of Diligent Search**

Comes now, \_\_\_\_\_, who personally appeared before the undersigned officer duly authorized by law to administer oaths, and after being first duly sworn, deposes and states that he/she has made certain efforts described below to locate, find and determine the address of \_\_\_\_\_ by the following methods. The person is required to be notified of the proceeding because

\_\_\_\_\_

[Check all that apply and supply requested information]

- Telephoning the person at the last known number which is \_\_\_\_\_;
- Searching printed and online directories including the following: \_\_\_\_\_  
\_\_\_\_\_;
- Contacting the last known employer. The business name and location is \_\_\_\_\_;
- Mailing a letter to the last known residence address:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 [Address, City, State, Zip Code]

- Contacting the following relatives and friends:

Name of Person	Relationship
_____	_____
_____	_____
_____	_____
_____	_____



- Checking with the following local jails: \_\_\_\_\_;
- Checking with the following state prison systems: \_\_\_\_\_;
- I used the following professionals in my search: \_\_\_\_\_;

The final results of my search were: \_\_\_\_\_

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Respectfully submitted this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

\_\_\_\_\_  
Notary/Clerk of Probate Court  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Affiant Signature

\_\_\_\_\_  
Notary/Clerk Printed Name

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

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

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