

**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.

**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.

IN THE PROBATE COURT OF \_\_\_\_\_ 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 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 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

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

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

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

\_\_\_\_\_  
Second Petitioner, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

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

IN THE PROBATE COURT OF \_\_\_\_\_ 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

\_\_\_\_\_  
Mother

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

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

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

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

\_\_\_\_\_  
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

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

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

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

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

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



# CHEROKEE COUNTY PROBATE COURT

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

## **DO YOU NEED AN ATTORNEY?**

The two pages are to assist the applicant in determining if he or she needs legal counsel in order to file the application for temporary guardianship.

The forms in the application are based on the law and are for the purpose of insuring that the rights, safety and welfare of the minor children are safeguarded. These forms are not intended to make application difficult. Persons truly interested in the rights, safety and welfare of minor children will appreciate the seriousness of this proceeding.

While an attorney is not normally required for the filing of this Petition, if you do not understand the legal requirements in order to comply with them, you are required to have your attorney file for you.

Note that, in addition to the Probate Court Standard Form for this Petition, the Judge of this Court requires additional information which must also be signed under oath. The purpose of this information is to insure that (1) the case is properly in the Probate Court and is not a matter which belongs in Juvenile Court; (2) the person applying for guardianship and his/her spouse do not have a criminal history or other past history which suggests the child's interests would be harmed; and (3) all parties can be located now and in the future.

The petition must be filed in the residence of the proposed temporary guardian.

## **QUESTIONS TO ASK YOURSELF**

1. *Do you have a copy of the child's birth certificate?*

**YOU MUST BRING A CERTIFIED COPY OF THE CHILD'S BIRTH CERTIFICATE AT THE TIME OF FILING.**

2. *Do you disagree with the Deputy Clerk who is handling your case?*

First, read the law. Go to the Cherokee County Law Library on the second floor of the Justice Center and ask to see O.C.G.A. §§29-2-5 and 29-2-6. If the law and its requirements are still not understood, you are in need of legal counsel. **Please be advised that the Judge and clerks in the Probate Court may not act as attorneys and give you legal advice.**

3. *Do you know who has to sign or be given notice?*

The most common misunderstanding relates to parental rights as to notice. Under Georgia law, one or both parents must consent to the establishment of a temporary guardianship of their child. In the event only one parent consents to the temporary guardianship, then the other parent is entitled to notice as provided by law.

Failure to provide notice to a proper party will result in the temporary guardianship being dismissed or, if already granted, said temporary guardianship will be declared void.

Divorce decrees and custody orders are not proof of the relinquishment of guardianship rights. The non-custodial parent still has the right to notice even though they may not have legal custody. Adequate information is to be provided to this Court to allow proper notice to be given.

If a party's parental rights have been terminated by a court order, a certified copy of such termination must be provided to this Court upon application for temporary guardianship.

If the applicant can not give a current address for notice, a "due diligence" form must be completed.

4. *Do you have legal, as opposed to procedural, questions?*  
You will need to consult an attorney.

This Court thanks you in advance for your cooperation.

Cherokee County Probate Court  
Pro Se Applicants Information Form: CONFIDENTIAL

*If you are filing without an attorney, this information is required. This is for office use to be able to reach you concerning the case. It will not be maintained in the file viewed by the public.  
Thank you for your cooperation.*

Petitioner name: \_\_\_\_\_

Petitioner address: \_\_\_\_\_

Petitioner phone number: \_\_\_\_\_

Petitioner work number: \_\_\_\_\_

Petitioner fax number: \_\_\_\_\_

Petitioner e-mail address: \_\_\_\_\_

Petitioner pager/cell phone number: \_\_\_\_\_

**Please list second petitioner if any:**

Petitioner name: \_\_\_\_\_

Petitioner address: \_\_\_\_\_

Petitioner phone number: \_\_\_\_\_

Petitioner work number: \_\_\_\_\_

Petitioner fax number: \_\_\_\_\_

Petitioner e-mail address: \_\_\_\_\_

Petitioner pager/cell phone number: \_\_\_\_\_

**Please list below a friend, neighbor, or relative that can be contacted if you can not be located.**

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

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

Phone number: \_\_\_\_\_

Fax number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Pager/cell phone number: \_\_\_\_\_

NOTICE TO AND ACKNOWLEDGMENT BY NATURAL PARENT  
CONCERNING  
SURRENDER OF RIGHTS FOR TEMPORARY GUARDIANSHIP

The purpose of this document is provide the natural parent with information which may be relevant in their decision to place their child with another person through the use of a Petition for Temporary Guardianship.

Prior to signing the Relinquishment of Rights as Parent and Natural Guardian, it is very important that you read the document carefully. The purpose of this document is to terminate, temporarily, **all** of your parental rights. This means that, once the natural parent signs, **all** decisions as to the rearing and care of the minor child will be made by the temporary guardian and by no other person.

Once the Court grants the temporary guardianship, the guardianship may be terminated **only** under the following circumstances:

1. The minor reaches age 18;
2. The minor is emancipated;
3. The minor dies;
4. The Temporary Guardian dies;
5. Letters of Guardianship are issued to a permanent or testamentary guardian; or
6. A court order terminating the temporary guardianship is entered.

The Court order is obtained by the natural parent filing a Petition to Terminate a Temporary Guardianship.

Be advised that, if a Petition to Terminate a Temporary Guardianship is filed, the temporary guardian has the right under the law to object to that termination. In those situations, a hearing will be held, generally in Juvenile Court, to determine what is in the best interest of the child. **If the Petition to Terminate a Temporary Guardianship is denied, the natural parent's parental rights remain terminated.**

Given that the natural parent's fundamental rights as to the rearing of their own child could be adversely affected by their signing of the Relinquishment of Rights as Parent and Natural Guardian, the Court strongly encourages the natural parent(s) to seek counsel if they have **any** questions at all **prior to signing this document.**

This is to certify that I have read and understand the foregoing and have had an opportunity to seek legal counsel, if desired, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

\_\_\_\_\_  
Natural Parent

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

\_\_\_\_\_  
Natural Parent

**AFFIDAVIT BY NATURAL PARENT**

Estate Number \_\_\_\_\_

GEORGIA, CHEROKEE COUNTY

**Note: The affiant must give detailed answers to each question.**

I, \_\_\_\_\_ hereby certify that the following affidavit made in regard to the Temporary Guardianship of \_\_\_\_\_, a minor, age \_\_\_\_\_, is true and correct.

1. Why is this guardianship necessary?

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

2. Do you understand that, when you relinquish your parental rights, you give up all claims and custody of the child while the Temporary Guardianship order is in place?

Yes \_\_\_\_\_ No \_\_\_\_\_

3. Do you realize that the Temporary Guardian, and not you, will be responsible for giving consent for any treatment or surgery that your child may need?

Yes \_\_\_\_\_ No \_\_\_\_\_

4. Do you understand that, when you want guardianship of your child returned to you, you will need to petition the Court to terminate the temporary guardianship?

Yes \_\_\_\_\_ No \_\_\_\_\_

5. Do you understand that the Temporary Guardian will be responsible for entering your child in school? Yes \_\_\_\_\_ No \_\_\_\_\_

6. Do you realize that there could be a question on claiming your child as a dependent for tax purposes if you do not provide support for them?

Yes \_\_\_\_\_ No \_\_\_\_\_

7. Given the above, do you feel that it is in your child's best interest that they be put in custody of the proposed temporary guardian?

Yes \_\_\_\_\_ No \_\_\_\_\_

8. Do you understand that the Probate Court does not have the ability to monitor your child the same way as a Juvenile Court can with a custody order?

Yes \_\_\_\_\_ No \_\_\_\_\_

(Continued on next page)

9. Do you understand that the Probate Court requires certain information of you, including information so that you can be tracked in case you are needed?  
Yes\_\_\_\_\_ No\_\_\_\_\_
10. Have you read the Federal Privacy Rights Act notice and understand it?  
Yes\_\_\_\_\_ No\_\_\_\_\_
11. Do you understand that you are not required to give your SS# but, if you do not, some other type information must be provided so that this Court is able to find you if you are needed? Yes\_\_\_\_\_ No\_\_\_\_\_
12. Do you understand that a SS# is not entered onto any data base of the Court and may not be accessed except by the Court for the reasons given?  
Yes\_\_\_\_\_ No\_\_\_\_\_
13. After reading the FPRA notice, do you wish to give your SS#? Yes\_\_\_\_\_ No\_\_\_\_\_
14. If so, please insert it here. \_\_\_\_\_

\_\_\_\_\_  
Natural Parent

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

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

**AFFIDAVIT BY NATURAL PARENT**

Estate Number \_\_\_\_\_

GEORGIA, CHEROKEE COUNTY

**Note: The affiant must give detailed answers to each question.**

I, \_\_\_\_\_ hereby certify that the following affidavit made in regard to the Temporary Guardianship of \_\_\_\_\_, a minor, age \_\_\_\_\_, is true and correct.

1. Why is this guardianship necessary?

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Do you understand that, when you relinquish your parental rights, you give up all claims and custody of the child while the Temporary Guardianship order is in place?

Yes \_\_\_\_\_ No \_\_\_\_\_

Do you realize that the Temporary Guardian, and not you, will be responsible for giving consent for any treatment or surgery that your child may need?

Yes \_\_\_\_\_ No \_\_\_\_\_

Do you understand that, when you want guardianship of your child returned to you, you will need to petition the Court to terminate the temporary guardianship?

Yes \_\_\_\_\_ No \_\_\_\_\_

Do you understand that the Temporary Guardian will be responsible for entering your child in school? Yes \_\_\_\_\_ No \_\_\_\_\_

Do you realize that there could be a question on claiming your child as a dependent for tax purposes if you do not provide support for them?

Yes \_\_\_\_\_ No \_\_\_\_\_

Given the above, do you feel that it is in your child's best interest that they be put in custody of the proposed temporary guardian?

Yes \_\_\_\_\_ No \_\_\_\_\_

Do you understand that the Probate Court does not have the ability to monitor your child the same way as a Juvenile Court can with a custody order?

Yes \_\_\_\_\_ No \_\_\_\_\_

(Continued on next page)

9. Do you understand that the Probate Court requires certain information of you, including information so that you can be tracked in case you are needed?  
Yes \_\_\_\_\_ No \_\_\_\_\_
10. Have you read the Federal Privacy Rights Act notice and understand it?  
Yes \_\_\_\_\_ No \_\_\_\_\_
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12. Do you understand that a SS# is not entered onto any data base of the Court and may not be accessed except by the Court for the reasons given?  
Yes \_\_\_\_\_ No \_\_\_\_\_
13. After reading the FPRA notice, do you wish to give your SS#? Yes \_\_\_\_\_ No \_\_\_\_\_
14. If so, please insert it here. \_\_\_\_\_

\_\_\_\_\_  
Natural Parent

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

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



## CONSENT TO CRIMINAL BACKGROUND CHECK

In conjunction with the legal action filed in that Court, I hereby authorize the Probate Court of Cherokee County to ask for and receive any criminal history record information pertaining to me which may be in the files of any state or local criminal justice agency in Georgia, in any state or local criminal justice agency in any state in the United States or its territories, and in the Federal Bureau of Investigation. I further authorize this Court to provide a copy of the record, where deemed appropriate, to the Cherokee Juvenile Court.

Since reaching age eighteen, I have resided in the following states, or territories:

Name of State or Territory

Years Resided There

|  |  |
|--|--|
|  |  |
|  |  |
|  |  |
|  |  |

Full Name Printed

Address Printed

### Criminal History Identifiers and Eliminators

This information is in addition to that given in other parts of the application and is for the purpose of distinguishing the guardianship applicant from other persons whose criminal records may appear based on similar names, birth dates, and Social Security numbers.

Height \_\_\_\_\_

Weight \_\_\_\_\_

Hair Color \_\_\_\_\_

City, State or Province, Country where born: \_\_\_\_\_

Signed and sworn to or affirmed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature

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

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

My Commission Expires: \_\_\_\_\_

(SEAL)

## CONSENT TO CRIMINAL BACKGROUND CHECK

In conjunction with the legal action filed in that Court, I hereby authorize the Probate Court of Cherokee County to ask for and receive any criminal history record information pertaining to me which may be in the files of any state or local criminal justice agency in Georgia, in any state or local criminal justice agency in any state in the United States or its territories, and in the Federal Bureau of Investigation. I further authorize this Court to provide a copy of the record, where deemed appropriate, to the Cherokee Juvenile Court.

Since reaching age eighteen, I have resided in the following states, or territories:

Name of State or Territory

Years Resided There

|  |  |
|--|--|
|  |  |
|  |  |
|  |  |
|  |  |

Full Name Printed

Address Printed

### Criminal History Identifiers and Eliminators

This information is in addition to that given in other parts of the application and is for the purpose of distinguishing the guardianship applicant from other persons whose criminal records may appear based on similar names, birth dates, and Social Security numbers.

Height \_\_\_\_\_

Weight \_\_\_\_\_

Hair Color \_\_\_\_\_

City, State or Province, Country where born: \_\_\_\_\_

Signed and sworn to or affirmed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Signature

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

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

My Commission Expires: \_\_\_\_\_

(SEAL)

## GUARDIANSHIP PETITION APPLICATION: PARENTS INFORMATION

### NOTICE:

The Ward is at all times subject to the jurisdiction of this Court.

The natural parents continue in this Court's jurisdiction because their duties as natural parents are reinstituted based on the death, inability or removal of the guardian.

The guardian continues in this court's jurisdiction and must comply with State law, including as to filing status reports and advising of change of location.

In the best interests of the Ward, the location of the natural parents, ward and guardian(s) must be known to the Court.

For that reason, the purpose of this information requested in this section is not only to verify identify and appropriateness that guardianship be granted, but also to enable the Court to have the natural parent, the guardian, and/or the ward tracked through State agencies, including Law Enforcement.

Please refer to the separate advisory notice concerning the Federal Privacy Act.

An application will not be denied for failure to provide Social Security numbers.

However, since those numbers are absolutely integral to the ability of Law Enforcement, State agencies, and credit bureaus in locating people, alternate information providing the Court with tracking ability is required where there is no Social Security information.

### Parents Information

1. Mother's Full Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

U.S. Citizen Yes No If no, what country \_\_\_\_\_

Place of employment \_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

Birth Date \_\_\_\_\_ Race \_\_\_\_\_

Social Security number (Parents: DO NOT FILL THIS IN UNTIL THE FEDERAL PRIVACY RIGHTS NOTICE HAS BEEN READ AND CONSENT IS GIVEN. If this is given by someone other than the Parent, consent from the Parent is required.)

\_\_\_\_\_

2. Father's Full Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

U.S. Citizen Yes No If no, what country \_\_\_\_\_

Place of employment \_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

Birth Date \_\_\_\_\_ Race \_\_\_\_\_

Social Security number (Parents: DO NOT FILL THIS IN UNTIL THE FEDERAL  
PRIVACY RIGHTS NOTICE HAS BEEN READ AND CONSENT IS GIVEN. If this  
is given by someone other than the Parent, consent from the Parent is required.)

\_\_\_\_\_

3. Names and ages of other children in family:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## GUARDIANSHIP PETITION APPLICATION: GUARDIAN(S) INFORMATION

### NOTICE:

The Ward is at all times subject to the jurisdiction of this Court.

The natural parents continue in this Court's jurisdiction because their duties as natural parents are reinstituted based on the death, inability or removal of the guardian.

The guardian continues in this court's jurisdiction and must comply with State law, including as to filing status reports and advising of change of location.

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For that reason, the purpose of this information requested in this section is not only to verify identify and appropriateness that guardianship be granted, but also to enable the Court to have the natural parent, the guardian, and/or the ward tracked through State agencies, including Law Enforcement.

Please refer to the separate advisory notice concerning the Federal Privacy Act.

An application will not be denied for failure to provide Social Security numbers.

However, since those numbers are absolutely integral to the ability of Law Enforcement, State agencies, and credit bureaus in locating people, alternate information providing the Court with tracking ability is required where there is no Social Security information.

### Guardian Information

1. Guardian's Full Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

Social Security number (DO NOT FILL THIS IN UNTIL THE FEDERAL PRIVACY RIGHTS NOTICE HAS BEEN READ AND CONSENT IS GIVEN. IF YOU HAVE QUESTIONS OR OBJECTIONS, DO NOT FILL IN THE SOCIAL SECURITY NUMBER BUT DISCUSS THEM WITH THE CHIEF CLERK OR JUDGE OF THE COURT): \_\_\_\_\_

Birth Date \_\_\_\_\_ Place of Birth \_\_\_\_\_

Marital Status \_\_\_\_\_ Race \_\_\_\_\_

U.S. Citizen Yes No\* If no, what country? \_\_\_\_\_

Place of Employment \_\_\_\_\_ Number of years: \_\_\_\_\_

Supervisor's Name \_\_\_\_\_

\* If you are not a U.S. citizen, you must produce a copy of your Permanent Residency Card and other information as separately requested by the Court. If you are not a legal permanent resident, you can not be monitored properly by the Court and therefore you can not be approved as a guardian.

2. Spouse's Full Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

Social Security number (DO NOT FILL THIS IN UNTIL THE FEDERAL PRIVACY RIGHTS NOTICE HAS BEEN READ AND CONSENT IS GIVEN. IF YOU HAVE QUESTIONS OR OBJECTIONS, DO NOT FILL IN THE SOCIAL SECURITY NUMBER BUT DISCUSS THEM WITH THE CHIEF CLERK OR JUDGE OF THE COURT): \_\_\_\_\_

Birth Date \_\_\_\_\_ Place of Birth \_\_\_\_\_

Marital Status \_\_\_\_\_ Race \_\_\_\_\_

U.S. Citizen Yes No\* If no, what country? \_\_\_\_\_

Place of Employment \_\_\_\_\_ Number of years: \_\_\_\_\_

Supervisor's Name \_\_\_\_\_

\* If you are not a U.S. citizen, you must produce a copy of your Permanent Residency Card and other information as separately requested by the Court. If you are not a legal permanent resident, you can not be monitored properly by the Court and therefore you can not be approved as a guardian.

3. Relationship (if any) to ward \_\_\_\_\_

If not related, how do you know the ward? \_\_\_\_\_

\_\_\_\_\_

4. Has guardian ever been arrested? If so, for what and where arrested? \_\_\_\_\_

\_\_\_\_\_

5. If guardian has lived outside Cherokee County during last ten (10) years, list addresses: \_\_\_\_\_

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

6. List three (3) personal references, addresses and phone numbers, (other than relatives):

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

7. REASON FOR GUARDIANSHIP; EXPLAIN FULLY:

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

8. Who referred you to the Probate Court for Guardianship? If a member of the staff of a Department of Family and Children Services, give the County that Department is in and the name of the staff member(s): \_\_\_\_\_

## Information on Ward

1. Ward's Name \_\_\_\_\_

Birth Date \_\_\_\_\_ Sex \_\_\_\_\_ Race \_\_\_\_\_

Social Security Number: This is required in order to track the Ward in event the Guardian does not report a change of location and for Law Enforcement purposes. If this is given by someone other than the Ward, consent from the Natural Parent is required.

\_\_\_\_\_

U.S. Citizen Yes No If no, what country? \_\_\_\_\_

2. Complete remaining questions only if applicable to a guardianship for a minor child.

School last attended \_\_\_\_\_ Grade \_\_\_\_\_

Plans to attend \_\_\_\_\_ School \_\_\_\_\_

Is this a City or a County School? \_\_\_\_\_

3. Names and ages of children in your home at the present time \_\_\_\_\_

\_\_\_\_\_

4. Has the child ever been in foster home, removed from parental custody, or investigated by the Department of Family and Children Services? If yes, give details:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Has the child ever been arrested or charged with a delinquent act? If so, when, where, and for what offense?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## OATH

I hereby swear to or affirm that the facts stated above in the preceeding Guardians Information, Parents Information and Wards Information sheets are true and correct to the best of my knowledge and belief.

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

\_\_\_\_\_  
**Signature**

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

\_\_\_\_\_  
**Signature**

**PRIVACY ACT STATEMENT  
and  
SOCIAL SECURITY NUMBER USAGE**

Section 7 of the Privacy Act (found at 5 U.S.C. § 552a note (Disclosure of Social Security Number)) provides that:

"It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number." Sec. 7(a)(1).

"Any Federal, State or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it." Sec. 7(b).

**Disclosure by the Cherokee County Probate Court**

No legal proceeding or service shall be denied by this office for failure to provide a Social Security number.

The providing of a Social Security number is voluntary.

In all cases where requested, the need for the number relates to the requirement that a natural parent, ward, guardian, and conservator continue in this Court's jurisdiction and are subject to this Court's orders, including advising the Court as to their whereabouts and the whereabouts of the ward. Such information is required for tracking through State agencies, including Law Enforcement. However, if there is objection to providing the Social Security number, the Court will accept other information which may reasonably allow it to track the natural parent, ward, guardian, and/or conservator.

**Citation to Authority:**

Guardians and Conservators: O.C.G.A. §§ 29-2-6 (f); 29-2-18; 29-2-41; 29-3-62; 29-4-12 (d)(6); 29-4-53; 29-5-62; 29-5-92; 29-5-93; Federal law (cite pending).

**Petition for Temporary Letters of Guardianship of Minor**

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

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

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

ORDER FOR SERVICE

- \_\_\_\_\_ a. It appearing that the mother of the minor named in the petition has not acknowledged and consented to the Petition and that (initial):
- \_\_\_\_\_ (i) she resides at a known address in the State of Georgia, she must therefore be served by personal service.
  - \_\_\_\_\_ (ii) she resides at a known address outside the State of Georgia, she must therefore be served by first class mail.
  - \_\_\_\_\_ (iii) her current address is unknown, she must therefore be served by publication once a week for two weeks.
- \_\_\_\_\_ b. It appearing that the father of the minor named in the petition has not acknowledged and consented to the Petition and that (initial):
- \_\_\_\_\_ (i) he resides at a known address in the State of Georgia, he must therefore be served by personal service.
  - \_\_\_\_\_ (ii) he resides at a known address outside the State of Georgia, he must therefore be served by first class mail.
  - \_\_\_\_\_ (iii) his current address is unknown, he must therefore be served by publication once a week for two weeks.

THEREFORE, IT IS ORDERED that citation issue and be served as indicated above and in accordance with law.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

**CITATION**

**GEORGIA,** \_\_\_\_\_ **COUNTY**                      **ESTATE NO.** \_\_\_\_\_

**IN RE:**                      **PETITION OF** \_\_\_\_\_  
                                 **FOR TEMPORARY LETTERS OF GUARDIANSHIP**

**ESTATE OF** \_\_\_\_\_, **MINOR**

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

**DATE OF SECOND PUBLICATION, IF ANY** \_\_\_\_\_

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

You are hereby notified that a petition for the appointment of a temporary guardian has been filed regarding the above-named minor. All objections to the Petition described above either to the appointment of a temporary guardian or the appointment of the petitioner(s) as temporary guardian(s), must be in writing, setting forth the grounds of any such objections, and must be filed with this Court no later than 14 days after this notice is mailed, or 10 days after this notice is personally served upon you, or ten days after the second publication of this notice if you are served by publication. All pleadings must be signed before a notary public or Georgia probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/telephone number for the required amount of filing fees.

\*\*\*\*\* NOTE: If a natural guardian files an objection to the creation of the temporary guardianship, the Petition will be dismissed. If a natural guardian files an objection to the appointment of the petitioner(s) as guardian(s), or if a parent who is not a natural guardian files an objection to the petition, a hearing on the matter (shall be held on \_\_\_\_\_ at \_\_\_\_\_m. in the Probate Court of \_\_\_\_\_ County, courtroom \_\_\_\_\_, (address) \_\_\_\_\_, Georgia) (shall be scheduled at a later date).

\_\_\_\_\_  
**PROBATE JUDGE**

By: \_\_\_\_\_  
**PROBATE CLERK/DEPUTY CLERK**

\_\_\_\_\_  
**ADDRESS**

\_\_\_\_\_  
**TELEPHONE**

### **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 party to whom the citation is directed who resides outside the State of Georgia at a known current address, in a properly addressed and stamped envelope, by first class mail.

---

DATE

---

PROBATE CLERK/DEPUTY CLERK

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF

) ESTATE NO. \_\_\_\_\_  
)  
)

) PETITION FOR TEMPORARY LETTERS  
) OF GUARDIANSHIP OF MINOR  
)  
)

\_\_\_\_\_  
) MINOR  
)  
)

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

ORDER

Upon reading and considering the foregoing petition (and selection) and it appearing that each parent has acknowledged and consented to the Petition or been properly served with notice of this proceeding, and no objection having been filed,

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

(Initial if applicable:)

\_\_\_\_\_ IT IS FURTHER ORDERED that the temporary guardian(s) shall file a personal status report with the Court within sixty (60) days of appointment and annually thereafter.

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

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

**STATE OF GEORGIA**

**IN RE: ESTATE OF**

**ESTATE NO.** \_\_\_\_\_

**MINOR**

# 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



STATE OF GEORGIA

COUNTY OF \_\_\_\_\_

ESTATE NO. \_\_\_\_\_

**TEMPORARY LETTERS OF 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 appointing you as such guardian. 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.

**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 the minor.
4. If the Order appointing you requires, you must file a Personal Status Report concerning the minor within sixty (60) days of appointment and annually thereafter.
5. 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.

(initial if applicable)

\_\_\_\_\_ If initialed, the guardianship shall be deemed a permanent guardianship for the purposes of the guardian's(s') obtaining medical insurance coverage for the minor.

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)