

## Georgia Bureau of Investigation Record Information Consent/Inquiry Form

Childs Name \_\_\_\_\_

I hereby give consent for the Troup County Probate Court to conduct an inquiry and receive any Georgia or Federal criminal history record information pertaining to me which may be contained in the files of any state or local criminal justice agency in Georgia:

|                   |      |               |                        |
|-------------------|------|---------------|------------------------|
| Full Name (print) |      |               |                        |
| Address           |      |               |                        |
| Sex               | Race | Date of Birth | Social Security Number |
|                   |      |               |                        |

This authorization is valid for 90 days from the date of signature.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



Purpose code used \_\_\_\_\_

The inquiry resulted in the following: (check all that apply)

|                          |                                   |
|--------------------------|-----------------------------------|
| <input type="checkbox"/> | No Georgia CHRI results available |
| <input type="checkbox"/> | Georgia CHRI attached/released    |

|                          |   |
|--------------------------|---|
| <input type="checkbox"/> | No NCIC/GCIC Warrant results available                  |
| <input type="checkbox"/> | Possible NCIC/GCIC Warrant. Contact Agency listed below |

|                      |  |
|----------------------|--|
| Wanting Agency Name: |  |
| Agency Telephone:    |  |

\_\_\_\_\_  
Agency Signature and Title

\_\_\_\_\_  
Date

## INSTRUCTIONS AND REQUIREMENTS FOR TEMPORARY GUARDIANSHIP PETITIONS

The following instructions apply to all Temporary Guardianship Petitions filed in Troup County:

### Documentation

All Petitions for Temporary Guardianship **MUST** be accompanied by a certified copy of the minor child's birth certificate. Any birth certificate which is issued in a language other than English must be accompanied by a certified translation.

The "Petitioner" is the party seeking to be appointed Temporary Guardian. The "Ward" is the minor child over whom a Temporary Guardianship is sought. The judge of the probate court of the county in which the petitioner is domiciled has the power to appoint a temporary guardian of a minor; however, if the petitioner is not a domiciliary of this state, the petition may be filed in the probate court of the county where the minor is found. The petition for appointment is to be filed by the individual having actual physical custody of such minor.

### Additional Forms

The Petitioner and the surrendering parent must complete both the standard form and all additional forms required by this Court. These additional forms are attached to the Petition. Failure to complete all forms may result in the Petition being rejected.

The "Consent to Criminal Background Check" **must** be completed by every adult member of the Petitioner's household.

### Notice to Parents

It is the policy of this Court to provide notice of any Petition for Temporary Guardianship to the non-consenting parent, biological or otherwise. Therefore, the Petitioner **MUST** provide this Court with the non-consenting parent's name and address. If it is alleged that the name of this parent is unknown or their address is unknown, the Petitioner **MUST** show the Court that they have made a diligent effort to locate this parent. Failure to provide this information may result in the Petition being rejected.

### Legal Assistance

A Petitioner for Temporary Guardianship is not required to retain an attorney to assist them with this process. However, the staff of the Troup County Probate Court may not provide the Petitioner with legal advice or assist the Petitioner with completing the Temporary Guardianship forms. In the event that the Petitioner needs assistance, they should contact an attorney.

### Fees

Each Petition for Temporary Guardianship presented must be accompanied by the appropriate filing fees, service fees (if applicable) and publication costs (if applicable). The Clerk reviewing your Petition will provide you with the amount of fees due at the time the Petition is filed.

### Appointments for Filing

In order to better serve the public, it is requested that the Petitioner, after completing all paperwork, contact the Probate Court to schedule an appointment for filing their petition. If the petition is brought in without an appointment, there may be a delay in filing it. The phone number for the Probate Court is (706) 883-1690.



CALL 706-883-1690 TO SCHEDULE AN APPOINTMENT

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. However, 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 married the Mother after the child’s birth or obtained an order of legitimation from a court of competent jurisdiction.

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 the “natural guardians.”

3. Although a mother or father may not be a “legal parent,” the Court may require service on such person.
4. 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.
5. Unless otherwise permitted by the Probate Court in which the Petition is 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.
6. According to Uniform 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. All pages after the Notice regarding Uniform Probate Court Rule 5.6 (A) are to be completed by the moving party, unless otherwise directed by the Court.

7. O.C.G.A. § 53-11-2 provides that a party to a probate proceeding who is not sui juris must be represented by a guardian provided that the Court may appoint a guardian ad litem or determine that the natural guardian, guardian, conservator or testamentary guardian has no conflict and may serve. Should a guardian ad litem be necessary because a party is not sui juris, use Supplement 1.
8. Use Supplement 2 if the Court determines it is necessary to appoint a special process server.
9. Use Supplement 3 when an additional certificate of service is necessary.
10. Exhibits should be labeled at the bottom of each exhibit as Exhibit "A," Exhibit "B," etc. in consecutive order. The corresponding letter of each said exhibit should be inserted into the appropriate place in the form.
11. An oath must be administered by a Probate Judge or Clerk (the oath cannot be administered by a notary public). Use Georgia Probate Court Supplement 4 for the oath. The oath is not included in this form. Georgia Probate Court Standard Form 53, Commission to Administer Oath, can be used if the oath is to be administered by a court outside the State of Georgia.

## II. General Instructions

General instructions applicable to all Georgia Probate Court Standard Forms are available in each Probate Court or at [www.gaprobate.gov](http://www.gaprobate.gov), labeled GPCSF 1.





4.

The Minor's Mother is:

| [Full name of Mother] | First | Middle | Last  |          |
|-----------------------|-------|--------|-------|----------|
| Street                | City  | County | State | Zip Code |

- a. Is the Mother deceased? [Select One]  Yes  No  
*If yes, attach death certificate as Exhibit " \_\_\_\_\_ " and skip b-g*
- b. Has the Mother signed a consent for the creation of this temporary guardianship? [Select One]  Yes  No
- c. Is the Mother's address known and listed above? [Select One]  Yes  No
- d. Have the Mother's rights been terminated via Court Order? [Select One]  Yes  No  
*If yes, attach the Order as Exhibit " \_\_\_\_\_ ."*
- e. Has the Mother lost custody via Court Order? [Select One]  Yes  No  
*If yes, attach the Order as Exhibit " \_\_\_\_\_ ."*
- f. Does the Mother have joint legal custody via Court Order? [Select One]  Yes  No  
*If yes, attach the Order as Exhibit " \_\_\_\_\_ ."*
- g. Does the Mother have sole legal custody via Court Order? [Select One]  Yes  No  
*If yes, attach the Order as Exhibit " \_\_\_\_\_ ."*
- h. Was the Mother married to the Father of the child during or after the conception of the Child? [Select One]  Yes  No
- i. Was the Mother married to another during the conception, gestation or birth of the Child? [Select One]  Yes  No  
*If yes, list that man's name below:*

\_\_\_\_\_  
*[Full name of Mother's Husband] First Middle Last*

\_\_\_\_\_  
*Street City County State Zip Code*

5.

The Minor's Father is:

\_\_\_\_\_  
*[Full name of Father] First Middle Last*

\_\_\_\_\_  
*Street City County State Zip Code*

- a. Is the Father deceased? *[Select One]*  Yes  No  
*If yes, attach death certificate as Exhibit " \_\_\_\_\_ "*  
*and skip b-g.*
  
- b. Has the Father signed a consent for the creation of this temporary guardianship? *[Select One]*  Yes  No
  
- c. Is the Father's address known and listed above? *[Select One]*  Yes  No
  
- d. Have the Father's rights been terminated via Court Order? *[Select One]*  Yes  No  
*If yes, attach the Order as Exhibit " \_\_\_\_\_ ."*
  
- e. Has the Father lost custody via Court Order? *[Select One]*  Yes  No  
*If yes, attach the Order as Exhibit " \_\_\_\_\_ ."*
  
- f. Does the Father have joint legal custody via Court Order? *[Select One]*  Yes  No  
*If yes, attach the Order as Exhibit " \_\_\_\_\_ ."*
  
- g. Does the Father have sole legal custody via Court Order? *[Select One]*  Yes  No  
*If yes, attach the Order as Exhibit " \_\_\_\_\_ ."*

6.

Is the Minor fourteen years of age or older? *[Select One]*  Yes  No

*If you answer "Yes," and the Minor made a selection, attach the Minor's Selection for the Petitioner(s) to act as temporary guardian(s) as Exhibit " \_\_\_\_\_ ."*

7.

The temporary guardianship is needed because:

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8.

Additional Data: *[Where full particulars are lacking, state here the reasons for any such omission. Also, state here all pertinent facts that may govern the method of giving notice to any party and that may determine whether or not a guardian ad litem should be appointed for any party.]*

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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

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Mailing Address

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

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

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_ State Bar # \_\_\_\_\_



VERIFICATION

GEORGIA, TROUP COUNTY

Personally appeared before me the undersigned Petitioner(s) who, after being duly sworn, state(s) that the facts set forth in the foregoing Petition for Temporary Letters of Guardianship of Minor (and the attached Exhibit(s)) are true and correct.

Sworn to and subscribed before me this

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

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

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

\_\_\_\_\_  
Printed Name of First Petitioner

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

Sworn to and subscribed before me this

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

\_\_\_\_\_  
Signature of Second Petitioner, if any

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

\_\_\_\_\_  
Printed Name of Second Petitioner, if any

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

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IN THE PROBATE COURT OF TROUP COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF

\_\_\_\_\_  
MINOR

)  
)  
)  
)

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

**SELECTION BY MINOR IF AGE 14 OR OLDER**

I, the undersigned Minor, being 14 years of age or older and a resident of \_\_\_\_\_  
\_\_\_\_\_ County, select \_\_\_\_\_  
to be appointed my guardian(s).

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

Sworn to and subscribed before me this

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

\_\_\_\_\_  
Signature of Minor if age 14 or over

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

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

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

Exhibit " \_\_\_\_\_ "

IN THE PROBATE COURT OF TROUP COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF

MINOR

)  
)  
)  
)

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

CONSENT OF MOTHER

I, \_\_\_\_\_  
*[Full name of Mother] First Middle Last*

\_\_\_\_\_  
*Street City County State Zip Code*

Mother of the above named 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]*:

\_\_\_\_\_  
*[Full name of first Temporary Guardian] First Middle Last*

\_\_\_\_\_  
*[Full name of second Temporary Guardian] First Middle Last*

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 further understand that, pursuant to O.C.G.A. § 29-2-8 (b), upon a petition for termination by a natural guardian as defined in said statute *[see instructions]*, the Court will remove the Temporary Guardian(s) and dissolve the temporary guardianship unless an objection is timely filed by the appointed Temporary Guardian(s). If an objection is timely filed to such petition for termination, 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 understand that nothing herein, including any optional Assumption by the Guardian(s) of the obligation to support the Minor to the extent that no other sources of support are available, affects my legal obligation to support and maintain said Minor.

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

\_\_\_\_\_  
Signature of Mother

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

\_\_\_\_\_  
Printed Name of Mother

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





## TEMPORARY GUARDIANSHIP OF A MINOR

The basic relationship between an appointed temporary guardian and minor is that of a Parent/Child. The Natural Parent(s) of the minor **give(s) up parental control** to the temporary guardian for the length of the guardianship.

The temporary guardian has the right to establish the minors place of residence, consent to medical care, participate in legal proceedings on behalf of the minor and exercise powers which are reasonably necessary to provide for the minors support, care, education, health and welfare. It is the temporary guardian's duty to make all of these decisions using reasonable care, diligence and prudence always acting in the child's best interest and respecting the rights and dignity of the minor.

The temporary guardianship will continue until:

- A petition is filed and a court order terminating the temporary guardianship is entered.
- The minor reaches the age of 18.
- The minor is adopted.
- The minor is emancipated.
- The minor dies.
- The temporary guardian dies.

### AFFIDAVIT

**I HEREBY AFFIRM THAT I HAVE READ AND UNDERSTAND ALL OF THE INFORMATION ON THE PAGE REGARDING THE ESTABLISHMENT OF A TEMPORARY GUARDIANSHIP FOR MY CHILD/CHILDREN.**

Sworn to and subscribed before me

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

\_\_\_\_\_  
Mother

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

Sworn to and subscribed before me

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

\_\_\_\_\_  
Father

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

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

IN RE: ESTATE OF

\_\_\_\_\_  
MINOR

)  
)  
)  
)

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

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

The undersigned, if appointed temporary guardian(s) of the above named 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\_\_\_\_\_.

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

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

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

\_\_\_\_\_  
Printed Name of First Petitioner

-----  
Sworn to and subscribed before me this

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

\_\_\_\_\_  
Signature of Second Petitioner, if any

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

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

\_\_\_\_\_  
Printed Name of Second Petitioner, if any

Exhibit " \_\_\_\_\_ "