

Guardianship and Conservatorship of an Adult

The Probate Court may grant Guardianship of an Adult resident who is found to lack sufficient capacity to make or communicate significant responsible decisions concerning his/her health or safety and may grant Conservatorship of an Adult resident of the state who if found by the court to lack sufficient capacity to make or communicate significant responsible decisions concerning management of his/her property.

Adult Guardianship

> Guardianship of an Adult is created when a Probate Court Judge makes a determination that an adult's interests should be served by appointing someone to oversee his/her personal actions.

> This may consist of determining where the person is to live, his/her living conditions, medical treatment or making any number of personal decisions for the ward. The court may place limitations on the power of the guardian and Conservatorship's petitions are to be filed by an attorney of the guardian and reserve certain rights to the ward.

Adult Conservatorship

> Conservatorship of an adult is created when a Probate Court Judge makes a determination that an adult's interest would be served by appointing an appropriate person to oversee the ward's finances.

> The court may place limitations on the conservator's power to control the ward's finances and may allow the ward to retain certain functions, depending on the evidence presented at the guardianship hearing.

Filing Fees

\$580.00

Completed Petition with signatures notarized with all acknowledgements

Sheriff's Service on ward

Appointed Attorney forward fee's superior court.

GUARDIANSHIP/CONSERVATORSHIP

TEMPORARY GUARDIANSHIP

General information for applying to be a temporary guardian for a minor.

--- If you are a Georgia resident

Must file the petition for temporary guardianship in the county of your domicile and, you must have physical custody of the minor at the time of filing the petition.

---If you are a non-resident of this state you must file the petition in the county where the minor is found and must have physical custody of the minor at the time of filing the petition.

Petitions are available in the Terrell County Probate Court located in the Terrell County Courthouse Annex, 499 Rountree Drive SW, Dawson, GA.

Guardianship petitions are accepted Monday-Friday 8:00-4:00. All proposed guardians must be present to file the petition as the court must administer the guardian's oath.

The court fee for filing the petition is \$95.00 for each petition filed plus \$2.00 per page recording, provided both parents of the minor have consented in the petition with properly notarized signatures.

Additional fees for service upon that parent will be collected if a parent has not consented to your petition. Filing fees are paid at the time the petition is filed.

Probate Court cannot grant guardianship to non-custodial parents when a divorce custody order has been issued, you must go back to the original court which issued the custody.

Probate Court cannot grant guardianship to another party when Juvenile Court has issued a custody order. You must return to the original court which issued custody this also applies when a guardianship has been granted to an individual through another state.

If the minor is already under a current guardianship to replace the current guardianship, you must return to the original court that issued guardianship to replace the current guardian or terminate the current guardianship.

Probate Court cannot grant guardianship when another court has already issued a custody order for the minor.

The granting of temporary guardianship of a minor does not permanently terminate the parental rights of the parents.

The petition Temporary Guardianship of a minor must be completed in full and legible (if you cannot complete the petition, you will need to contact an attorney for assistance.)

- A certified copy of the minor's birth certificate.
- All signatures must be notarized PRIOR to filing.
- Both parents must sign the petition if they are both on the birth certificate.
- If you desire to become guardian for more than one child you must file a petition for each minor child.

Filing Fees:

--\$95.00 filing fee plus \$2.00/page to be paid at filing before letters are issued.

Conservatorship of Property of a Minor

NOTE: Petitions are to be filed by an attorney: No prose litigants (without attorney)

An appointment of a Conservator of a minor is required when the minor is receiving funds over \$15,000 from an inheritance, a settlement or any other source. You will need to file a petition for conservatorship of a minor.

Filing Fees:

--\$95.00 filing fee plus \$2.00/page