

HAS THE SCHOOL SYSTEM SENT YOU TO THE COURT FOR
PAPERWORK TO ENROLL A STUDENT ?

READ THIS FIRST BEFORE YOU PROCEED

In most cases, individuals are informed by school personnel to go to the Probate Court to get a letter from the court in order to enroll a student into the school system. The letter that is referred to is called a "Temporary Letter of Guardianship of a Minor".

In order to obtain such a letter, the individual seeking the letter must file a petition with this court requesting to be appointed as the temporary guardian of the minor. As part of the petition, the natural mother and father of the minor, must first sign a legal document temporarily relinquishing their parental rights of the minor. Once these documents are signed and filed with the court, the court can then proceed with the process for appointment of the petitioner to become the legal temporary guardian of the minor. Once a guardianship of the minor is established, it remains in place until the parents petition to terminate the guardianship or until the minor reaches the age of eighteen, whichever occurs first.

As you can see, this process is not for the purpose of enrolling a student in the school system, but it is a legal action to provide for the appointment of a temporary guardian when a minor's natural mother and father have relinquished their parental rights of the minor.

PROBATE COURT OF OCONEE COUNTY
MIKE HUNSINGER, JUDGE

23 North Main Street
Watkinsville, Georgia 30677
Phone: 706-769-3936
Fax: 706-769-3934

Ginny King, Chief Clerk
Julie Jackson, Senior Probate Clerk

TEMPORARY GUARDIANSHIPS OF MINOR(S)
General Information and Instructions

Please do not attempt to fill in any of the forms until you read this information sheet, attached documents and petition. The Court will not accept your petition if the paperwork itself is in bad condition (i.e. wrinkled, stained, ripped, etc.) If the petition is illegible or sloppily written with key information crossed through or completed incorrectly, your petition will not be accepted for filing.

This Court will not grant Temporary Letters of Guardianship from one custodial parent to another. A custody change or temporary agreement must be filed in the appropriate Court having jurisdiction.

The petitioner(s) (*the person filing the petition and requesting guardianship of the minor*) and anyone over eighteen years old living in the same household where the child will be living must fill out and sign a consent form allowing the Probate Court to receive any information obtained concerning their criminal records. Signatures on the consent form must be signed in front of a Probate Clerk. They will make a copy and the petitioner will take the consent form to the Oconee County Sheriffs' Department. The consent form is included in this packet.

Neatly complete pages 1 through 7 of the Petition before returning the same to the Court. Carefully read paragraph 4 to verify that the correct choice is initialed by the petitioner (**only one choice, a, b, or c should be initialed**). Make sure the blanks on page 6, the Acknowledgement and Consent to Creation of Temporary Guardianship, are filled in properly **BEFORE** the parents sign this page. Where indicated, the petition must be signed in the presence of a notary public or a Probate Court Clerk and the appropriate seal affixed. Proper identification of the person(s) signing the document must be provided.

Notice of the Petition must be given to both parents of the minor child, including the biological father, even if his name was not listed on the birth certificate. Please see paragraph 2 of the "Instructions" page for further explanation of "parents" and "natural parents". If either parent does not sign the Acknowledgement and Consent to Creation of Temporary Guardianship, page 6, they must be served by one of the following methods: (1) personal service by the Sheriff if they reside in Georgia at a known address, (2) first class mail if residing outside of Georgia at a known address, or (3) publication in the local paper for 2 weeks if current address is unknown. **Additional fees will apply for sheriff's service or publication.**

NOTE: WE WILL NEED A COPY OF THE MINOR(S) BIRTH CERTIFICATE(S)

PROBATE COURT OF OCONEE COUNTY

MIKE HUNSINGER, JUDGE

23 N. MAIN STREET

P.O. BOX 54

WATKINSVILLE, GEORGIA 30677-2064

GINNY KING

Chief Clerk

Manager

JULIE JACKSON

Senior Probate Clerk

KAYLA HOUSEMAN

Traffic Court Operations

Coordinator

CHERYL NEWELL

Traffic Clerk

SHELBY GABRIEL

Traffic Clerk

TELEPHONE: (706)769-3936

FACSIMILE: (706)769-3934

EMAIL: Probate@oconee.ga.us

NOTICE

If you are proceeding to fill out and file this paperwork, in a "Pro Se" manner, which means "advocating on one's own behalf rather than being represented by a lawyer", please understand that court personnel are prohibited in assisting you in filling out the forms. These are legal documents and it is suggested that if you need assistance, you should seek the legal advice of an attorney.

Thank You,

Mike Hunsinger, Probate Judge

IN THE PROBATE COURT OF OCONEE COUNTY

STATE OF GEORGIA

IN THE MATTER OF:

_____,) COURT FILE NO. _____
(MINOR), (DECEASED))

AFFIDAVIT OF DILIGENT SEARCH

Comes now the undersigned affiant, who personally appeared before the undersigned officer duly authorized by law to administer oaths, and after being 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.

(Check all that apply)

Telephone the person at the last known number which is _____;

Searched printed and online directories including the following: _____
_____;

Contacted the last known employer at (business name) _____
located at (address) _____;

Mailed letter to last known address of residence which is :

(Address, City, State, Zip)

Contacted the following relatives and friends:

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

Checked with the following local jails: _____

Checked with the following state prison systems: _____

The final results of my search were: _____

Sworn to and subscribed before me _____

this day of , 20 . Affiant Signature _____

Clerk of Probate Court Affiant Printed Name _____

(Address, City, State, Zip)

IN THE PROBATE COURT OF OCONEE COUNTY
STATE OF GEORGIA

IN THE MATTER OF _____,
A MINOR

IN RE: PETITION FOR TEMPORARY LETTERS OF GUARDIANSHIP OF MINOR

AFFIDAVIT

Personally appeared before me, _____, as petitioner in the above referenced matter, who hereby swears or affirms that to the best of his/her knowledge and belief, there are no other proceedings with respect to the above named minor, pending or have been completed in any other probate court in this state or any other state.

Petitioner further swears or affirms that other adult persons (18 yrs of age or older) who reside in the home are listed as follows:

Check One:

() None
() Other persons

List full names of other persons:

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

Petitioner

Clerk / Judge Probate Court

PROBATE COURT OF OCONEE COUNTY

CERTAIN RESPONSIBILITIES OF THE GUARDIAN OF A STUDENT

1.

A student must live full-time with the guardian in order to be eligible to attend school.

2.

The guardian is responsible for the enrollment and attendance of a student.

3.

The guardian is responsible for any financial obligations which might be incurred by the student at school.

4.

The guardian is responsible for establishing and maintaining all normal relationships between the school and the home, i.e., attending conferences, signing reports, excuses, etc., working with the school on academic progress and conduct.

5.

The guardian is responsible for notifying the school in the event the guardian moves within or outside the county or if a guardianship of the student is ever terminated.

GENERAL INFORMATION

1.

The Probate Court may notify the school system in the event the guardianship of the student is terminated.

2.

From time to time officials of the school system may verify the residence of the student.

State of Georgia
County of Oconee

Affidavit

For the purposes of assisting the Probate Court of Oconee County in determining whether or not I am a proper person to be appointed guardian for _____, Minor, I hereby certify that I have read and that I understand all of the information on this page, and that, if appointed guardian in this matter, I will fulfill my responsibilities as set forth above, in addition to all other duties which I will have as guardian.

Sworn to and subscribed before me,

This _____ day of _____, 20____

Proposed Guardian

Clerk of the Probate Court

IN THE PROBATE COURT OF OCONEE COUNTY
STATE OF GEORGIA

IN THE MATTER OF _____,
A MINOR

RE: PETITION FOR TEMPORARY LETTERS OF GUARDIANSHIP OF MINOR
RELINQUISHMENT OF PARENTAL RIGHTS

Black's law dictionary defines "Relinquishment" as follows:

"A forsaking, abandoning, renouncing, or giving over a right"

Black's law dictionary defines "Parental Rights" as follows:

Physical possession of a child, which includes, day to day care and companionship of child

Right to discipline child, which includes right to inculcate in child parent's moral and ethical standards

Right to control and manage minor child's earnings

Right to control and manage minor child's property

Right to be supported by adult child

Right to have child bear parent's name

Right to prevent adoption of child without parent's consent

I/We _____, the mother/father of the
above named minor, have read and acknowledge the information above.

Subscribed before me,
this ____ day of _____, 20 ____.

Mother

Notary Public / Clerk of Probate Court

Subscribed before me,
this ____ day of _____, 20 ____.

Father

Notary Public / Clerk of Probate Court

Name-Based Criminal History Record Information Consent/Inquiry Form

Please include a copy of your Driver's License

I hereby give consent for the **Oconee County Sheriff's Office** to conduct an inquiry and receive any Georgia criminal history record information pertaining to me which may be contained in the files of any state or local criminal justice agency in Georgia.

I hereby authorize **OCONEE COUNTY PROBATE COURT** (name of business entity/person) to receive any Georgia criminal history information that this criminal history record check uncovers.

Please complete the sections highlighted by **████████**

Employer (print): (in box to the right)			
Address (in box to the right)			
City: (in box below)	State: (in box below)	Employer Address: (in box below)	Employer Telephone: (in box below)

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

I, _____ give consent to the above named business entity/person to perform periodic criminal history background checks for the duration of my employment with the stated company.

Signature _____ **Print Name** _____

Date of inquiry: _____ Time of inquiry: _____ Operator's Initials: _____

Purpose Code Used: (check one) **TO BE COMPLETED BY OCSO**

Employment (E) – Provides GEORGIA Criminal History Record Information
Employment with Mentally Disabled (M) – Provides GEORGIA Criminal History Record Information
Employment with Elder Care (N) – Provides GEORGIA Criminal History Record Information
Employment with Children (W) – Provides GEORGIA Criminal History Record Information
Public Records (P) – Provides GEORGIA Felony Convictions ONLY

The inquiry resulted in the following: (Check all that apply) **TO BE COMPLETED BY OCSO**

NO Georgia CHRI results available.
Georgia CHRI attached/released.

No NCIC/GCIC Warrant Results Available.
Possible NCIC/GCIC Warrant. Contact Agency listed below.
Wanting Agency Name:
Wanting Agency Telephone:

Agency Designee Signature & Title

Date

Applicant complete sections highlighted by **████████**

Name-Based Criminal History Record Information Consent/Inquiry Form

Please include a copy of your Driver's License

I hereby give consent for the Oconee County Sheriff's Office to conduct an inquiry and receive any Georgia criminal history record information pertaining to me which may be contained in the files of any state or local criminal justice agency in Georgia.

I hereby authorize OCONEE COUNTY PROBATE COURT (name of business entity/person) to receive any Georgia criminal history information that this criminal history record check uncovers.

Please complete the sections highlighted by

NAME (print): (in box to the right)			
ADDRESS : (in box to the right)			
SSN : (in box below)	STATE : (in box below)	ZIP CODE : (in box below)	TELEPHONE NUMBER : (in box below)

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

I, _____ give consent to the above named business entity/person to perform periodic criminal history background checks for the duration of my employment with the stated company.

Date of inquiry: _____ Time of inquiry: _____ Operator's Initials: _____

Purpose Code Used: (check one) *TO BE COMPLETED BY OCSO*

<u>Employment (E) – Provides GEORGIA Criminal History Record Information</u>
<u>Employment with Mentally Disabled (M) – Provides GEORGIA Criminal History Record Information</u>
<u>Employment with Elder Care (N) – Provides GEORGIA Criminal History Record Information</u>
<u>Employment with Children (W) – Provides GEORGIA Criminal History Record Information</u>
<u>Public Records (P) – Provides GEORGIA Felony Convictions ONLY</u>

The inquiry resulted in the following: (Check all that apply) **TO BE COMPLETED BY OCSO**

NO Georgia CHRI results available.
Georgia CHRI attached/released.

No NCIC/GCIC Warrant Results Available.	
Possible NCIC/GCIC Warrant. Contact Agency listed below.	
Wanting Agency Name:	
Wanting Agency Telephone:	

Agency Designee Signature & Title

Date

Applicant complete sections highlighted by 

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, labeled GPCSF 1.

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

PETITION FOR TEMPORARY GUARDIANSHIP OF A MINOR

The Petition of _____,
[Full name(s) of Petitioner(s)] First Middle Last

who has/have actual physical custody of the Minor named above and whose mailing address(es) is/are: _____, Street _____, City _____, County _____, State _____, Zip Code _____, show(s): _____

1.

[Full name of Minor] *First* *Middle* *Last*

age _____, whose date of birth is _____, is found at:

<i>Street</i>	<i>City</i>	<i>County</i>	<i>State</i>	<i>Zip Code</i>
---------------	-------------	---------------	--------------	-----------------

2.

A copy of the Minor's birth certificate is attached as Exhibit " ____."

3.

Said Minor is in need of a temporary guardian. The Petitioner(s) has/have

3.

Said Minor is in need of a temporary guardian. The Petitioner(s) has/have the following relationship(s) with the Minor: _____

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 & Husband] First

Middle

Last

<i>Street</i>	<i>City</i>	<i>County</i>	<i>State</i>	<i>Zip Code</i>
---------------	-------------	---------------	--------------	-----------------

City

County

State

Zip Code

5.

The Minor's Father is:

[Full name of Father] First Middle Last

First

Middle

Last

<i>Street</i>	<i>City</i>	<i>County</i>	<i>State</i>	<i>Zip Code</i>
---------------	-------------	---------------	--------------	-----------------

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:

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.]*

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, _____ 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

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

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

CONSENT OF MOTHER

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

<i>Street</i>	<i>City</i>	<i>County</i>	<i>State</i>	<i>Zip Code</i>
---------------	-------------	---------------	--------------	-----------------

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 _____

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
My Commission Expires _____

Printed Name of Mother

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

CONSENT OF FATHER

I, [Full name of Father] First Middle Last,

<i>Street</i>	<i>City</i>	<i>County</i>	<i>State</i>	<i>Zip Code</i>
---------------	-------------	---------------	--------------	-----------------

Father 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 Father

NOTARY/CLERK OF PROBATE COURT

Printed Name of Father

**IN THE PROBATE COURT OF _____ 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

Printed Name of First Petitioner

My Commission Expires

Sworn to and subscribed before me this

day of , 20 .

NOTARY/CLERK OF PROBATE COURT

My Commission Expires

Printed Name of Second Petitioner, if any

My Commission Expires

Exhibit " "