

PETITION FOR LETTERS OF CONSERVATORSHIP OF MINOR

INSTRUCTIONS

I. Specific Instructions

1. When to use this form: When a child is entitled to proceeds or any other property from whatever source.
2. Who should file this form:
 - a. A natural guardian when the net settlement amount is more than \$15,000.00. However, a natural guardian may file a conservatorship petition when the proceeds are \$15,000.00 or less, if deemed necessary by the parties and/or Court. The term “gross settlement” is defined by O.C.G.A. § 29-3-3.
 - b. Anyone else when the natural guardian is unable or unwilling to be appointed as conservator.
3. This form may be used in conjunction with a Petition to Compromise Doubtful Claim of Minor/Adult Ward when petitioning the Probate Court for authorization to compromise a doubtful personal injury claim of a minor pursuant to O.C.G.A. § 29-3-3.
4. The full particulars as to the facts that give rise to the Minor’s entitlement to the assets should be listed specifically in the Petition.
5. 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.
6. An oath must be administered by a Probate Judge or Clerk [the oath cannot be administered by a notary]. Use Georgia Probate Court Standard Form 35 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.
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. A guardian ad litem must be appointed if additional powers are being sought pursuant to O.C.G.A. § 29-3-22 (b) and/or (c).
8. Use Supplement 2 if the Court determines it is appropriate to appoint a special process server.
9. Use Supplement 3 when an additional certificate of service is necessary.

10. The Court may require the Petitioner(s) to submit additional information.
11. 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.
12. The Petition must list all the assets of the Minor regardless of the source of such assets.
13. When a structured settlement is to be purchased for the Minor, the terms of who is responsible for funding the annuity and terms of time limits for the purchase and/or funding should be included in the Final Order. The Petitioner(s) may file for discharge as conservator(s) when the conservatorship is completed.

II. General Instructions

General instructions applicable to all Georgia Probate Court Standard Forms are available in each Probate Court, labeled GPCSF 1.

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

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
MINOR)

PETITION FOR LETTERS OF CONSERVATORSHIP OF MINOR

1.

The Petition of _____,
[Full name(s) of Petitioner(s)] First Middle Last
who is/are domiciled in _____ County and resides at the following address,

Street City County State Zip Code

moves this Court to appoint a conservator(s) for the Minor:

[Full name of Minor] First Middle Last
age _____, whose date of birth is _____, whose social security
number is _____ and who is found at: _____
[Full Address]

Street City County State Zip Code

2.

Is the Minor a citizen of a foreign country?
[Circle One] (Yes) (No)

If you answer "Yes," list name of country: _____
[If a guardianship or conservatorship is granted, pursuant to The Vienna Convention, the Probate Court must notify the Consul.]

3.

Said Minor is entitled to receive personal or real property, by reason of:

7.

Is there a notarized witnessed document made by the parent of the Minor that deals with conservatorships of the Minor?

[Circle One] (Yes) (No)

If you answer "Yes," list the Nominated Conservator [provide full name and address] and attach the document that nominates or expresses a preference for the conservator as Exhibit "_____."

[Full name] First Middle Last

[Full address] Street City County State Zip Code

Telephone number(s) _____

8.

In addition to the Petitioner(s) and the Nominated Conservator(s), the names and addresses of the following relatives of the Minor whose whereabouts are known: any parent of the Minor whose rights have not been terminated; if none, the adult siblings of the Minor, provided, however, that not more than three siblings be listed; if there are no adult siblings of the Minor, the grandparents of the Minor, provided, however, that not more than three grandparents need be listed; or if there are no grandparents of the Minor, any three of the nearest adult relatives of the Minor determined according to O.C.G.A. § 53-2-1.

[Full name] First Middle Last

[Full address] Street City County State Zip Code

Telephone number: _____ Relation: _____

[Full name] First Middle Last

[Full address] Street City County State Zip Code

Telephone number: _____ Relation: _____

[Full name] First Middle Last

[Full address] Street City County State Zip Code

Telephone number: _____ Relation: _____

WHEREFORE, Petitioner(s) pray(s) that:

1. service be perfected as required by law; and
2. the Nominated Conservator(s) be vested with authority as conservator(s) of said Minor.

Signature of First Petitioner

Signature of Second Petitioner, if any

Printed Name

Printed Name

Address

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 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
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____)
MINOR)

SELECTION OF THE MINOR

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

This _____ day of _____, 20 ____.

Signature of Minor, if age 14 or over

Printed Name

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

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
MINOR.)

**ACKNOWLEDGMENT OF SERVICE AND
CONSENT TO APPOINTMENT OF NOMINATED CONSERVATOR(S)**

The undersigned, being over 18 years of age, laboring under no legal disability and being interested persons named in the foregoing Petition, hereby acknowledge service of a copy of the Petition for Letters of Conservatorship of Minor, waive further service and notice, and hereby assent to the appointment of the Nominated Conservator(s) for the above Minor without further delay.

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

NOTARY/ CLERK OF PROBATE COURT Printed Name
My Commission Expires _____

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

NOTARY/ CLERK OF PROBATE COURT Printed Name
My Commission Expires _____

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

NOTARY/ CLERK OF PROBATE COURT Printed Name
My Commission Expires _____

**NOTICE REGARDING UNIFORM PROBATE
COURT RULE 5.6 (A):**

**THE FOLLOWING PAGES ARE TO BE
COMPLETED BY THE PETITIONER (MOVING
PARTY) UNLESS OTHERWISE DIRECTED BY
THE COURT.**

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

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
MINOR)

ORDER FOR SERVICE OF NOTICE

The foregoing Petition for Letters of Conservatorship of Minor having been filed and it appearing that the following interested parties did not acknowledge service, it is ORDERED that notice be served on the individuals listed in Paragraph 8 of the Petition:

[Strike through the paragraphs that are not applicable]

- a. Notice must be served personally on the following individual(s) who reside(s) in Georgia:

- b. Notice must be served by first class mail, at least 14 days before the Petition can be granted, on the following individual(s) who reside(s) outside this state at a known address:

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court

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

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
)
_____)
MINOR)

NOTICE

_____ **HAS/HAVE FILED A PETITION
FOR LETTERS OF CONSERVATORSHIP FOR _____
TO BE APPOINTED CONSERVATOR(S) OF _____,
A MINOR.**

[Strike through the paragraphs that are not applicable]

TO: _____,
[List all interested persons who reside in Georgia to be served personally]

This is to notify you to file your objection, if there is any, either to the establishment of the conservatorship or to the selection of the identified individual as conservator, or both, in this Court on or before the tenth (10th) day after the date you are personally served.

TO: _____,
[List all interested persons having known addresses outside this state to be served by first class mail]

This is to notify you to file your objection, if there is any, either to the establishment of the conservatorship or to the selection of the identified individual as conservator, or both, in this Court on or before the fourteenth (14th) day after _____, 20____ (the date of the mailing of this Notice to you by first class mail).

BE NOTIFIED FURTHER: All objections must be writing and should be signed before a notary public or Probate Court clerk and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. If an objection is filed, a hearing will be (held in the Probate Court of _____ County, courtroom _____, address _____, Georgia on _____ at _____ o'clock ____m.) (scheduled at a later date). If no objection is filed, the Petition may be granted without a hearing.

Address _____

Judge of the Probate Court

Telephone Number

By: _____
Clerk/Deputy Clerk of the Probate Court

Date of Mailing, if any: _____

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

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____)
MINOR)

ORDER

The Petition for Letters of Conservatorship of Minor having been read and considered, and it appearing that the facts stated therein are true, and that it is in the best interest of the Minor to appoint the Conservator(s) listed below,

[Strike through any portion of the order that is not applicable]

IT IS ORDERED that _____ be vested with all the authority as conservator(s) of said Minor, to receive the Minor's estate and manage it according to law and that Letters of Conservatorship issue upon the taking of the prescribed oath and upon the posting of bond in the amount of \$ _____. The bond (has) (has not) been posted as of the date of this Order. Said Conservator(s) should be appointed because

The appointed Conservator(s) shall have no authority to act on behalf of the Minor until Letters of Conservatorship have issued.

IT IS FURTHER ORDERED that the Conservator(s) requested and shall have the following powers pursuant to O.C.G.A. § 29-3-22 (b):

[Initial all applicable]

_____ (a) To invest the Minor's property in the following investments, being investments other than those authorized in O.C.G.A. § 29-3-32 without further Court approval:

_____;

_____ (b) To sell, rent, lease, exchange, or otherwise dispose of the Minor's following real or personal property without complying with the provisions of O.C.G.A. § 29-3-35, other than the provisions for additional bond set forth in subsection (e) of O.C.G.A. § 29-3-35:

and/or

_____ (c) To continue the operation of the following farm or business in which the Minor has an interest: _____.

And, after notice to the appointed guardian ad litem, the following powers pursuant to O.C.G.A. § 29-3-22 (c):

[Initial all applicable]

_____ (a) To make disbursements that exceed the annual income or, if applicable, the annual budget amount which has been approved by the Court pursuant to O.C.G.A. § 29-3-30 by no more than \$ _____ per (month) (year) for the support, care, education, health, and welfare of the Minor; subject to subsequent court order.

_____ (b) To enter into contracts for labor or services, being _____, for which the compensation payable under the contracts when combined with other disbursements from the estate exceeds the annual income or, if applicable, the annual budget amount which has been approved by the Court pursuant to O.C.G.A. § 29-3-30;

_____ (c) To make specific investments of the Minor's property that do not comply with the provisions of O.C.G.A. § 29-3-32, pursuant to the provisions of O.C.G.A. § 29-3-34, being: _____;

_____ (d) To sell, rent, lease, exchange, or otherwise dispose of specific items of the Minor's real or personal property without complying with the provisions of O.C.G.A. § 29-3-35, other than those provisions for additional bond set forth in O.C.G.A. § 29-3-35 (e), being: _____;

_____ (e) To compromise a contested or doubtful claim for or against the Minor pursuant to the provisions of O.C.G.A. § 29-3-3, being a claim made by/against _____;

_____ (f) To release _____, a debtor, and compromise a debt when the collection of the debt is doubtful;

_____ (g) To establish or add the following property to a trust for the benefit of the Minor.: _____;

_____ (h) To disclaim or renounce any property or interest in the following property of the Minor. _____; and/or

_____ (i) To engage in estate planning for the Minor pursuant to the provisions of O.C.G.A. § 29-3-36: _____.

[Initial if applicable]

_____ IT IS FURTHER ORDERED that, within 30 days of the date hereof, the clerk/deputy clerk shall file the Certificate of Creation of Conservatorship in accordance with O.C.G.A. § 29-3-10 (b) with the Clerk of Superior Court of each county in this State in which the Minor owns real property.

IT IS FURTHER ORDERED that the Conservator(s) shall:

1. Keep the Minor's funds separate from his/her/their own;
2. Not sell or give away any of the Minor's property without a court order;
3. Not spend any of the Minor's funds for any purpose except as set forth in the Court-approved budget. A minor has no obligation to support himself or herself or any member of his or her household;
4. File with this Court a management plan; an inventory of the Minor's funds within two months of the date the Letters of Conservatorship issue; and an annual return within sixty (60) days after each anniversary date of the issuance of Letters of Conservatorship, unless the Court has approved a different accounting period;
5. Turn over to the Minor any of the Minor's property in his/her/their possession when the Minor reaches 18;
6. Not use the Minor's funds for his/her/their own benefit;
7. Always keep the Court informed of his/her/their name(s), address(es), or the location(s);
8. Always keep the Court informed of the name(s), address(es), or the location of the Minor;
9. Not place his/her/their name(s) on the title of any funds and/or accounts belonging to the Minor unless he/she/they specifically is/are designated in the title of the account as conservator(s) of the Minor;
10. Promptly disclose to the Court any conflict of interest between the Conservator(s) and the Minor when such conflict of interest arises or becomes known to the Conservator(s); and
11. Keep accurate records, including adequate supporting data, as required by law.

[Initial if applicable]

_____ IT IS FURTHER ORDERED that the Conservator(s) is/are authorized to spend or deliver to the Guardian(s) of the Minor the sum of \$ _____ per month for the benefit of the Minor.

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court

[Above space to be used for filing in Superior Court Clerk's Office of Deeds and Records]
Probate Court Return Mailing Address:

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

IN RE: ESTATE OF _____)
)
_____,) **ESTATE NO.** _____
MINOR)

**CERTIFICATE OF CREATION OF CONSERVATORSHIP
(Pursuant to O.C.G.A. § 29-3-10 (b))**

GRANTOR [NAME OF MINOR]: _____

GRANTEE(S) [NAME(S) OF CONSERVATOR(S) OF ABOVE MINOR]: _____

A Conservatorship has been created for the above-named Minor. The Minor attains the age of majority on _____ at which time the conservatorship shall automatically terminate.

Original Certificate delivered or mailed to Clerk of Superior Court of _____ County on _____, 20____.

I do hereby certify that the above information is based on the Order of the Probate Court issued on _____ and that the above information is true and correct.

By: _____
PROBATE CLERK/DEPUTY CLERK

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

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____)
) **MINOR**)
)
)
) **DATE OF BIRTH** _____)

LETTERS OF CONSERVATORSHIP OF MINOR

TO: _____, Conservator(s)
The above-named Minor has been found by this Court to be in need of a conservator, and this Court has entered an Order designating you as such Conservator(s). You have assented to this appointment by taking your oath and posting bond. In general, your duties as Conservator(s) are to protect and maintain the property of the above-named Minor. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Special Instructions:

1. You must keep the Minor's funds separate from your own. You should put the Minor's funds in a separate checking or savings account, as appropriate, and make all payments by check. A minor has no obligation to support him/herself or any member of his or her household.
2. You may not sell, mortgage, give away, or otherwise dispose of any of the Minor's property without a court order.
3. You may not spend any of the Minor's funds for any purpose except as set forth in the Court approved budget without a court order.
4. You must file within two months of your appointment an inventory showing the Minor's property and a plan for managing, expending, and distributing the property. Further, you must file, within sixty (60) days of each anniversary date of these Letters an annual return, showing all receipts and disbursements, accompanied by an affidavit certifying that the original vouchers (checks) have been compared with the items listed on the return, and that the return is correct, together with an updated inventory and plan for managing the property. A copy of said return shall be sent by first class mail to the Surety, the Minor, and the Guardian, if any.
5. The regular commissions allowed a conservator are 2.5% on all sums of money received and 2.5% on all sums paid out, as shown by the annual or final return. There are special rules concerning commissions for property delivered in kind, interest earned, extraordinary services, and market value of property held as of the last day of your reporting period.
6. You must keep the Court informed of any change in your name or address and promptly notify the Court of any conflict of interest arising between you and the Minor.
7. You must inform the Court of any change as to the address of the Minor.
8. Please consult your attorney if you have any questions.
9. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Given under my hand and official seal, this _____ day of _____, 20_____.

NOTE: The following must be signed if the Judge does not sign the original of this document.
Issued By:

Judge of the Probate Court

PROBATE CLERK/DEPUTY CLERK

[Seal]