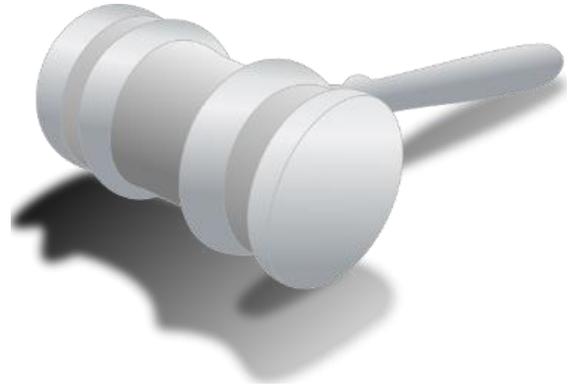


## **Guardianship of Minors**

### **MINOR CONSERVATORSHIPS**

Probate courts have jurisdiction over the appointment and supervision of Conservators for minors. A Conservator may be required if a minor inherits money or personal property not in a trust or under the management of a testamentary conservator, when a minor has received an award of damages in a personal injury lawsuit, or when a minor is the named beneficiary of life insurance or retirement benefits. Conservators must be bonded for the value of all income and personal property of the Minor. Conservators must file an inventory of assets, an asset management plan and annual financial accountings, all of which are subject to review or audit by the staff of the probate court. The appointment, supervision, removal and discharge of conservators for minors and their sureties are within the exclusive, original jurisdiction of the probate courts.



### **MINOR GUARDIANSHIPS**

Under certain circumstances, probate courts have jurisdiction over the appointment and supervision of temporary and permanent guardians for minors. A permanent guardian may be appointed for a minor who has no living parents or, after notice to the parents without objection, when the parents fail to properly care for the minor. Permanent guardianship of a minor, though similar, is not the same as legal custody of a minor, which may be granted only by superior or juvenile courts in Georgia.

Temporary guardianship may be granted to a person having physical custody of a minor in need of a guardian. The consent of the natural guardian(s) must be given in writing or the natural guardian(s) must be given legal notice of the proceeding. The probate court may not grant temporary guardianship of a minor over the objection of a natural guardian. The natural guardian(s) of a minor is/are the parents, if living, or the parent(s) having legal custody of the minor if the parents are divorced or were never married. The granting of temporary guardianship of a minor does not permanently terminate the parental rights of the parents. Temporary guardians hold, during the term of the temporary guardianship, all of the powers of a natural guardian, which will include the authority to consent to medical treatment and to enroll the child in school. Temporary guardians may be required to file reports on the personal status and conditions of the minor.

#### ***Can I get guardianship for my nephew/niece/grandchild in order for him/her to go to a different school?***

NO. The status of guardian is more than a mere permission order, but is a transfer of parental authority and responsibility to the person appointed. It is a grave thing and the court must find a need for another person to care for the child, not just a desire for changing schools.

#### ***Is a guardianship for a minor permanent?***

No, it will terminate when the child reaches the age of majority (currently 18 years of age). The temporary guardianship shall terminate upon either parent petitioning the probate court.

#### ***Why do I need a conservatorship of my own child's assets?***

The law requires that all estates of children and incompetent adults be overseen by the probate court in order to protect the value of the estate. Because the child does not have the capacity to make financial decisions (according to the law), there must be a conservator answerable to the court when the child receives assets.

**For Probate Court related forms, documents and further assistance, please visit the <https://gaprobate.org> website.**