PETITION FOR TERMINATION OF GUARDIANSHIP/CONSERVATORSHIP AND RESTORATION OF RIGHTS

INSTRUCTIONS

I. Specific Instructions

- 1. This form is to be used for filing a petition for termination of guardianship/conservatorship pursuant to O.C.G.A. §§ 29-4-42; 29-5-72.
- 2. The burden of proof is on the petitioner to show by a preponderance of the evidence that there is no longer a need for a guardianship/conservatorship.
- 3. According to Uniform Probate Court Rule 5.6 (A), unless the Court specifically assumes the responsibility, it is the responsibility of the petitioner to prepare the proper citation and deliver it properly so it may 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.
- 4. [Note to Court Staff:] In any case in which the ward's rights are restored, when the former ward owns real property, a certificate of restoration of rights will be completed by the clerk of the probate court and filed with the clerk of the superior court of each county of this state in which the former ward owns real property within 30 days of the date of such order.
- 5. [Note to Court Staff:] The certificate to the Georgia Bureau of Investigation (GBI) page shall be used in all cases where a guardianship and/or conservatorship is/are established. Individuals so listed in this database will be prohibited from obtaining a Georgia weapons carry license. In the event the ward's rights are restored, such restoration of rights **shall** be sent to the GBI, so the database can be updated. Only the certificate needs to be sent to the GBI and not the guardianship order.

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 PROBA	TE COURT OF _ STATE OI			COUN	NTY
IN RE: ESTATE OF))	ESTATE N	NO	
WARD)			
PETITION FOR TER	MINATION OF (RESTORATION			NSERVAT	OR AND
Note: Unless there are tw completed by a physician, examination within 15 days	psychologist, or l	licensed	clinical social		_
		1.			
The petition of [Full na			Mi		
wno is the ward), (whose rei	ationship to the ab	ove-name	ed ward is	ddle	,)
whose domicile is					
Street	City		County State		Zip Code
and mailing address is	Street	City	County	State	Zip Code ,
AND [Initial either (a) or (b)) below]				
(who is the ward), (whose rel	of	st ove-name	Mi ed ward is	ddle	Last ,)
whose domicile is					
Street	City		County State		Zip Code
and mailing address is					
	Street	City	County	State	Zip Code
	(OR			
a physician, p Georgia, who	ges 5-6 and made a sychologist, or lice has examined the shows to the Court	ensed clin Ward w	ical social wor vithin 15 days	ker license	d to practice in

2.

The ward $\frac{1}{\sqrt{F_1}}$	ull name of ward]	First		Middle	Last
whose age is, date of birth is					Security number is
				_, Social c	security number is
	, domicile	1S Street	City	County	State Zip Code
4.1	. 1	Street	City	County	Siate Zip Coae
and is presently loca	ted at	City	County	State	Zip Code
1 . 1 .		•	County	Siaie	zip Coae
which is a	acility, if applicable)				
and can be contacted	d at telephone number:				
		3.			
The ward is:	no longer in need of a g		conservato	r because	:
for the restoration worker's affidavit i	cannot be granted unle of the ward's rights. s permissible, the peti	While an atta	ched physi	cian's/psy	vchologist's/socia
for the restoration	of the ward's rights. s permissible, the peti	While an atta	ched physi	cian's/psy	vchologist's/socia
for the restoration worker's affidavit i	of the ward's rights. s permissible, the peti	While an atta	ched physi	cian's/psy	vchologist's/socia
for the restoration worker's affidavit i	of the ward's rights. s permissible, the peti	While an atta	ched physi	cian's/psy	vchologist's/socia
for the restoration worker's affidavit i	of the ward's rights. s permissible, the peti	While an atta	ched physi	cian's/psy	vchologist's/socia
for the restoration worker's affidavit i	of the ward's rights. s permissible, the peti	While an atta	ched physi	cian's/psy	vchologist's/socia
for the restoration worker's affidavit i	of the ward's rights. s permissible, the peti	While an atta	ched physi	cian's/psy	vchologist's/socia
for the restoration worker's affidavit i	of the ward's rights. s permissible, the peti	While an atta	ched physi	cian's/psy	vchologist's/socia

4.

[Note: Please provide the name or specij	fy "N/A"]
The current guardian(s) is/are	and
the current conservator(s) is/are	
Additional data: [Where full paromission.]	5. ticulars are lacking, state here the reasons for any such
as required by law; 3. that upon receipt of the evaluat	sel and an evaluator for the ward and order an evaluation ion report, the Court order a hearing to determine the d/or conservator for the ward; and
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
state(s) that the facts set forth in	e the undersigned petitioner(s) who, after being duly sworn the foregoing petition for termination of guardianship thts (and the attached exhibit(s)) are true and correct.
Sworn to and subscribed before me the day of, 20	
	Signature of First Petitioner
NOTARY/CLERK OF PROBATE O	OURT Printed Name of First Petitioner
My Commission Evniros	
Sworn to and subscribed before me the day of, 20	nis
	Signature of Second Petitioner
NOTA DV/CLEDV OF DDODATE C	OUDT Deight 1 Norway & Community 1 De 4/4/2000
NOTARY/CLERK OF PROBATE C	OURT Printed Name of Second Petitioner
My Commission Expires:	

IN	N THE PROBATE COURT OF	COUNTY
	STATE OF GEORGIA	
IN RE: EST	'ATE OF	
	,) ES	STATE NO.
WARD	j j	
	AFFIDAVIT OF PHYSICIAN, PSYCHO LICENSED CLINICAL SOCIAL V	
I, bei	ng first duly sworn, depose and say that I am a p	hysician licensed to practice under
Chapter 34 c	of Title 43 of the Official Code of Georgia Ann	notated, a psychologist licensed to
practice unde	er Chapter 39 of Title 43 of the Official Code of	Georgia Annotated, or a licensed
clinical socia	al worker; that my office address is	,
Georgia, and	that I have examined the above-named ward on t	he day of ,
	[Note: The examination on which this affidavi	
	to the filing of the petition. I found him/her to:	
[Initial all the		
(a)	[for restoration regarding guardianship:] now communicate significant responsible decisions of	¥ •
(b)	[for restoration regarding conservatorship:] no or communicate significant responsible decision his/her property.	± •
(c)	[for retention of guardianship:] still lack communicate significant responsible decisions	1 2
(d)	[for retention of conservatorship:] still lack communicate significant responsible decision his/her property.	* *

The following facts support my opinion:		
WITNESS MY HAND AND SEAL this	day of	, 20
Sworn to and subscribed before me this day of, 20		
	Signature of (Physician)(Psyc	chologist)(Social Worker)
	Printed Name:	
NOTARY/CLERK OF PROBATE COURT		
My Commission Expires:	-	
[Note: The examination on which this affid	avit is based must occur WIT	THIN 15 DAYS prior to

the filing of the petition.]

IN THE PROBATE COURT OF _	COUNTY
STATE OI	FGEORGIA
IN RE: ESTATE OF))) ESTATE NO
WARD,)
ACKNOWLEDGM	MENT OF SERVICE
being an interested person identified in paragra	e or older, laboring under no legal disability and aph 4, hereby acknowledges service of a copy of vatorship and restoration of rights, waives further
Sworn to and subscribed before me this day of, 20	
	Signature
NOTARY/CLERK OF PROBATE COURT My Commission Expires:	Printed Name
Sworn to and subscribed before me this day of, 20	
	Signature
NOTARY/CLERK OF PROBATE COURT My Commission Expires:	Printed Name
Sworn to and subscribed before me this day of, 20	Signature
NOTARY/CLERK OF PROBATE COURT My Commission Expires:	Printed Name

NOTICE

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

SEE UNIFORM PROBATE COURT RULE 5.6 (A).

IN THE PROBATE	COURT OF		COUNTY
	STATE OF GR	EORGIA	
IN RE: ESTATE OF)) ESTATE NO)
WAKD)	
ORDER	FOR SERVICE A	AND EVALUATION	
A petition for termina considered, and it appearing that be in need of a guardian and/or c 5-1,	there is sufficient ev	vidence to believe that	the ward may no longer
IT IS HEREBY ORDER (physician)(psychologist)(license named ward at:	ed clinical social w		to evaluate the above-
	[location	n]	·
IT IS FURTHER ORDE: the time and place stated above;	RED that the above	e-named ward shall su	bmit to an evaluation at
IT IS FURTHER ORDEI to the ward;	RED that the evalua	tor shall explain the p	urpose of the evaluation
IT IS FURTHER ORD conservator (if any), the guardia having all pleadings, as well as the found to be in need of a guardian 5-72.	n (if any), and the his order and a notice	ward's legal counsel ce of petition to restor	of these proceedings by e an individual formerly
SO ORDERED this	day of		, 20
	Jud	lge of the Probate Cou	ırt

IN THE PROBATE COURT OF COUNTY STATE OF GEORGIA IN RE: ESTATE OF ESTATE NO. WARD NOTICE TO WARD OF PROCEEDINGS TO TERMINATE GUARDIANSHIP/CONSERVATORSHIP AND TO RESTORE RIGHTS TO: _____ This is to notify you of a proceeding initiated in this Court by and seeking to terminate guardianship/conservatorship and restore your rights and to inform you of your right to independent counsel. If you wish to retain your own attorney, you must notify this Court within two days; otherwise, an attorney will be appointed for you by the Court. You are further notified that has been appointed by the Court to evaluate you. If you wish your rights restored, you must submit to an evaluation by being present at:_____ [location] at : .m., on 20 , which is not sooner than the fifth day after the service of notice on you. Failure to present yourself for evaluation at the time and place above will authorize the Court to order you transported directly to and from a medical facility or the office of the physician, psychologist, or licensed clinical social worker for the court-ordered evaluation. YOU ARE FURTHER NOTIFIED: 1. YOU MUST ATTEND THE EVALUATION. 2. YOU DO NOT HAVE TO RESPOND TO QUESTIONS DURING THE EVALUATION. 3. YOUR ATTORNEY HAS A RIGHT TO ATTEND THE EVALUATION WITH YOU, BUT YOUR ATTORNEY MAY NOT PARTICIPATE.

5. IF A GUARDIAN IS APPOINTED FOR YOU, YOU MAY LOSE IMPORTANT RIGHTS TO CONTROL AND MANAGE YOUR PERSON.

HEARING HELD ON THIS MATTER.

YOU AND YOUR ATTORNEY HAVE THE RIGHT TO ATTEND ANY

6. IF A CONSERVATOR IS	APPOINTED FOR YOU,	YOU MAY LOSE
IMPORTANT RIGHTS TO CONTROL AN	D MANAGE YOUR PROPER?	ΓY.
WITNESS MY HAND AND SEAL this	day of	, 20
	Clerk of the Probate Court	
	D: . 131	
	Printed Name	

IN THE PROBATE COU	RT OF	COUNTY
\mathbf{S}^{γ}	TATE OF GEORGIA	
IN RE: ESTATE OF))) FS	TATE NO
WARD		TATE NO.
CERTIFICATE OF MAILING	G OF ORDER AND NO	TICE OF PROCEEDINGS
This is to certify that I have the (if any); and attorney with a copy of the of ward by placing a copy of same in U.S. Mail, first-class, with adequate possible.	ne petition, order, and not an envelope addressed t	
This day of	, 20	_•
	Clerk of the Pr	robate Court
	Address	
	Telephone Nu	mber
CERTIFICATE OF N	MAILING OF ORDER	FOR DISMISSAL
This is to certify that I have to corder for dismissal by placing a copy of same in the U.S. Mail, first-class, with order for dismissal in the same manner	of same in an envelope ad adequate postage thereo	n. I have also served a copy of the
This day of	, 20	_•
	Clerk of the P	robate Court
	Address	
	Telephone Nu	mber

^{*} Not necessary if dismissal is after evaluation.

IN THE PROBATE COURT OF			COUNTY
STATE O	F GEOR	GIA	
IN RE: ESTATE OF ,))	ESTATE NO.	
WARD)		
RETURN	OF SHEF	RIFF	
I have this day served			personally with a
copy of the within petition, order, and notice.			
This day of			
	Deputy	Sheriff	
			County, Georgia

IN T	HE PROBATE COU		COUNTY
	\mathbf{S}'	TATE OF GEORGIA	L
IN RE: ESTAT)	ESTATE NO
WARD			
	APPOI	NTMENT OF ATTO	RNEY
		not notified the Court s hereby appointed as c	of his or her retention of counsel; counsel for the ward:
Printed 1	Name of Attorney:		
Address	:		
T 1 1			
1 elepno	ne Number:		
			h a copy of the petition and any to this case via First-Class Mail.
SO ORDERED	this day of		, 20
		Judge of the	Probate Court
postage affixed	thereto for first-class d	•	ise noted) in an envelope with proper rder to the parties at the address listed as ordered.
This	day of	, 20	.
		Clerk of the	Probate Court
		Address	
		Telephone 1	Number

IN THE PROBATE COURT OF COUNTY **STATE OF GEORGIA** IN RE: ESTATE OF ESTATE NO. WARD COURT APPOINTED EVALUATOR'S REPORT In compliance with the order of the Probate Court of _____ County dated _____, 20_____, I performed an evaluation of the above-named ward on , 20____. This evaluation took place at _____ The evaluation continued for _____ (minutes)(hours). I explained the purpose of the evaluation to the ward. The following questions and tests were utilized in the evaluation: Below is a list of all persons and other sources of information consulted in evaluating the ward: The following is a description of the ward's mental and physical state and condition, including all observed facts considered by me: The following is a description of the overall social condition of the ward, including support, care, education, and well-being, and the functional capabilities of the ward, if determined by the evaluator:

The fo	ollow	ing a	re my	findi	ngs as t	o the needs	of the	e wai	d and their fore	seeal	ole durati	on:
[Initial all the	at ap	ply]										
(a)	I	find	that	the	ward	continues	to	be	incapacitated	by	reason	of:
									pacity to make her health and s			icate
(b)	I	find	that	the	ward	continues	to	be	incapacitated	by	reason	of:
									npacity to make management of			
(c)						sufficient c er health and	-	-	make or comm	unica	ite signifi	cant
(d)	(d) I find that the ward now has sufficient capacity to make or communicate significant responsible decisions concerning the management of his/her property.											
					Office Psyc Office	cial Code of	Geo: ensed Geo:	rgia <i>I</i> l und rgia <i>I</i>	er Chapter 39 o Annotated/			ne
Sworn to and day of			d befo			·						
NOTARY/CI My Commiss												
[Note: This r		t mus	t be fi	led wi	ith the l	Probate Co	urt n	o late	er than seven d	ays a _j	fter the d	late

GPCSF 65 [16] Eff. January 2021

IN	THE PROBATE	CIA	COUNTY		
		STATE OF	GEUK	GIA	
IN RE: EST	ATE OF)		
		,)	ESTATE	NO
WARD)		
		ORDER FOR	DISM	ISSAL	
-	petition for terminarsuant to O.C.G.A	_	-		ip having been read and 2, and:
(a)	evaluation, it app	ears that there i	s not pro	obable cause vator within t	prior to the court-ordered to believe that the ward no the meaning of O.C.G.A. §
	ORDERED that t	he petition is dis	smissed.		
IT IS FURTI		rd by First-Class	s Mail, a	and a copy of	it, if any, and this order be this order be served in the rney, if any.
(b)	Based on the allegations made in the petition and after review and consideration of the court-ordered evaluation report filed with this Court, this Court finds that there is not probable cause to support a finding that the ward no longer is in need of a guardian or a conservator within the meaning of O.C.G.A. § 29-4-1 and/or O.C.G.A. § 29-5-1; therefore, it is				
	ORDERED that t	he petition is dis	smissed.		
report be serv		attorney, his gu	ardian a		ne court-ordered evaluation v, and to the petitioner(s) or
SO O	RDERED this	day of			, 20
			Judge o	f the Probate (Court

II	N THE PROBAT	E COURT OF		COUNTY			
		STATE OI	OF GEORGIA				
IN RE: EST	TATE OF)				
)	ECTATE NO			
WARD)	ESTATE NO.			
		RDER AND NOT	rice oi	THE ADINC			
	OI	CDER AND NO	IICE OI	HEAKING			
with this Co	ourt, the Court find need of a guardian	s that there is pro	bable ca	I the court-ordered evaluation report filed use to support a finding that the ward no the meaning of O.C.G.A. § 29-4-1 and/or			
THE	REFORE, it is ord	ered and adjudge	d that:				
1.				m. on,			
	20, which determine the notice of	is not less than te	en days fa tion of th	rom the date that this notice is mailed, to ne ward's rights, to be held (in the Probate County, courtroom,			
	Georgia)(at the	following location	n:				
	0.0018111)(00.0110	19119 W 111 9 19 9 W 119). The ward shall be			
	represented by			, attorney, at such hearing.			
2.	his/her attorney his/her/their atto the Court appoi	y and guardian orney, if any as with the conservator,	ad litem ell as to if any. T	raluation report shall be sent to the ward, if any, and to the petitioner(s) and the Court appointed guardian, if any, and these copies shall be sent by a clerk, Firste signing of this order.			
SO C	ORDERED this	day of		, 20			
			juage o	f the Probate Court			

IN THE PROBATE COURT OF COUNTY **STATE OF GEORGIA** IN RE: ESTATE OF WARD STIPULATION AND WAIVER BY WARD'S ATTORNEY The undersigned, as the attorney representing the above-named Ward in these proceedings, [Initial all that apply] does hereby stipulate into evidence the affidavit prepared by [name of affiant evaluator]_______, being the evaluation report ordered by the Court in this matter, and hereby waives the appearance of such affiant at any hearing concerning the said petition. does hereby stipulate into evidence the affidavit(s) prepared by [name of affiant evaluator] ______, which is the affidavit referred to in paragraph 1 (b) of the petition, and hereby waives the appearance of such affiant at any hearing concerning the said petition. (c) does further waive the appearance of my client, the ward, at said hearing. This ______, 20_____. Attorney Printed Name of Attorney: Address: ____ State Bar # Telephone Number:

IN THE PROBATE COURT OFSTATE OF GEORG	COUNTY
IN RE: ESTATE OF)	ESTATE NO
WARD)	
FINAL ORDER	
A hearing was held on the petition for termination restoration of rights on the pleadings, the evaluation report and the evidence take following:	, 20, and after considering
FINDINGS OF FAC	CT
1.	
All procedural requirements of O.C.G.A. § 29-O.C.G.A. § 29-5-11 and O.C.G.A. § 29-5-72 have been m. 2.	v ·
The above-named ward is no longer in need of a g	uardian and/or conservator because:
The ward now has sufficient capacity to make or commu	· ·
his/her health and safety, and now has sufficient capacit	ty to make or communicate significant

responsible decisions concerning the management of his/her property.

CONCLUSIONS OF LAW

The Court finds, by preponderance of the evidence, that the above-named ward (hereinafter referred to as "former ward") is no longer in need of a guardian or conservator because the ward now has sufficient capacity to make or communicate significant responsible decisions concerning his/her health or safety, and now has sufficient capacity to make or communicate significant responsible decisions concerning the management of his/her property.

THEREFORE IT IS ORDERED that is
nereby restored to full capacity and the guardianship/conservatorship of said former ward is hereby terminated.
IT IS FURTHER ORDERED that before any guardian and/or conservator is released from
nis/her trust, he/she must file a petition for discharge and final return if appropriate, with an
acknowledgment as executed by the former ward and that petition for discharge and final return,
f appropriate, must be approved by the Court.
IT IS FURTHER ORDERED that a clerk of this Court shall record the restoration upon all
records of this Court, including the previously issued letters of guardianship/conservatorship.
IT IS FURTHER ORDERED that the clerk of this Court shall, within 30 days of this order,
submit a certificate to the clerk of the superior court of each county of this state in which the
restored ward owns real property, if any, notifying the clerk to record in the deed records that the
ward has been restored to capacity.
IT IS FURTHER ORDERED that a copy of this order shall be served by First-Class Mail
on the former ward, the former ward's attorney; the guardian ad litem, if any; the guardian(s)
and/or conservator(s); the petitioner(s); and his/her/their attorney(s).
SO ORDERED this day of, 20
Judge of the Probate Court/Hearing Officer exercising the
jurisdiction of the Probate Court pursuant
to O.C.G.A. § 29-4-12 (d) (7) and/or § 29-5-12 (d) (7)

GPCSF 65 [21] Eff. January 2021

IN THE PROBATE COURT OF	COUNTY
STATE (OF GEORGIA
IN RE: ESTATE OF)) ESTATE NO
WARD,) ESTATE NO
CERTIFICATE OF M.	AILING OF FINAL ORDER
· · · · · · · · · · · · · · · · · · ·	copy of the above order to the former ward, his/her representatives), the guardian(s), the conservator(s).
Date	Clerk of the Probate Court
	Address
	Telephone Number
	TERTIFICATE OF RESTORATION RIGHTS
	mailed for filing a certificate of restoration of rights the following counties, together with payment of any
Date	Clerk of the Probate Court
	Address
	Telephone Number

Probate Cour	t Return Mailing Addres	ss: 	
_			nurt clerk's office of deeds and records]
IN	THE PROBATE COU S	URT OF STATE OF GEO	COUNTY RGIA
IN RE: EST.	ATE OF)	ESTATE NO.
WARD			ESTATE NO.
		E OF RESTORA ant to O.C.G.A. §	TION OF RIGHTS 29-5-13 (d))
DATE ORDE	ER ISSUED:		CROSS REFERENCE: DEED BOOK: PAGE NO
	(NAME OF CONSER		
GRANTEE:	(NAME OF FORMER	R WARD)	
	ghts of the above former named former ward is r		red, the conservatorship previously created
	nal certificate delivered		of Superior Court of
		order of the Prob	y that the above information is based on the ate Court issued on the date set out above information is true and correct.
		By:Clerk of the Prob	ate Court

CERTIFICATE OF GUARDIANSHIP/CONSERVATORSHIP TERMINATED

Make Electronic S	ubmissions via th	ne Georgia Criminal Jus	stice Informat	tion Syste	em (CJIS) Network
		-OR-			
Georgia Crime Info	ormation Center	Georgia Crime Information Center Attention: CJIS Operations Unit 3121 Panthersville Rd. Decatur, Georgia 30034			
*DATE OF ORDER (mm/dd/yyyy) *JUDGE'S NAME					
*PROBATE	COURT COUNTY,	ORI NUMBER	*	ESTATE N	IUMBER
	IP/CONSERVATOR	BEEN ADJUDICATED TO SHIP HAS BEEN ESTABLIS RMINATES SUCH APPOI	SHED. THE OR		
*NAME (Last, First, I	Viiddle)				
*SEX	*RACE *DATE OF BIRTH (mm/dd/yyyy)				URITY NUMBER -##-####)
CURRENT ADDRES	S (Street Address)				
CITY STATE ZIP CODE					
SIGNATURE (Court Official) DATE SIGNED					
		*Court Official's Ti	itle		

^{*}Mandatory Field

IN THE PROBATE COURT OF _	COUNTY
STATE OI	F GEORGIA
IN RE: WARD,))) ESTATE NO
WARD	,
GUARDIANSHIP/CONSERY I hereby certify that the above-stated in date mailed this certificate of guardianship/con	NG OF CERTIFICATE OF VATORSHIP TERMINATED Information is true and correct and that I have this asservatorship terminated to the Georgia Bureau of evelope addressed as set forth above and depositing the postage thereon.
This day of	, 20
Clark of the	ha Probata Court