

UNOFFICIAL VERSION – PENDING SUPREME COURT APPROVAL

GENERAL INSTRUCTIONS APPLICABLE TO ALL GEORGIA PROBATE COURT STANDARD FORMS

These instructions are designed to aid the word processing construction of pleadings filed in the probate court. They are also applicable, in part, to the manual preparation of pleadings.

1. To the extent practical, all material presented for filing in any probate court shall be typed, legibly written, or printed in black ink suitable for reproduction on opaque white paper. The paper shall measure 8½ inches x 11 inches, and be of a good quality, grade, and weight. Text shall be printed on only one side of the paper. The format and sequence of the forms shall be preserved to the extent practical.
2. Please complete all portions of the form. Check with your probate court to determine its policies in regard to the level of completion which is required of you with respect to the “Court’s portion” of the form. The Court’s portion includes the Court’s signatures and dates; the name and answer of any guardian ad litem, evaluator, or other person appointed by the Court; and other information that is not reasonably within the petitioner’s knowledge.
3. If an instruction within the form indicates that the petitioner should check a blank if applicable, any clear mark is acceptable. If the form indicates that initials are required, then only handwritten initials by the person will be accepted. Typed initials are not acceptable.
4. If the space provided in the form is not adequate to provide a full answer, then additional sheets may be attached so long as the name of the decedent, proposed ward, ward, or minor; caption of the case; and appropriate paragraph number(s) are shown on each additional sheet.
5. If you make material changes to the form, then you must identify those changes by formatting them in all capital letters, in bold, and underlined or by other clear indication.
 - As used in this paragraph, “material changes” do NOT include changes that are grammatical, changes in gender, changes from singular to plural, omission of optional or alternative language, or the inclusion of information such as names and addresses .
 - For words with Latin endings, such as “executor,” “administrator,” “testator,” and “caveator,” include the plural and/or feminine if the context so implies.
6. If there is language in the standard form that is considered inapplicable, then it should be stricken with a single strikethrough (e.g., ~~strikethrough~~), or otherwise clearly indicated.
 - Words in parentheses should be left in the form, if applicable, or stricken through if not applicable. However, where the letter “s” appears in parentheses to denote the plural, it is not necessary to strike the “s” when the singular applies if otherwise clear from the context.
 - If a blank or paragraph is not applicable, then it should be marked “N/A.”
 - If an entire page is not applicable, the page may be omitted and beside the number of the next applicable page there should be placed a notation similar to the following : “Page(s) _____ not applicable .”

UNOFFICIAL VERSION – PENDING SUPREME COURT APPROVAL

7. Additional paragraphs or interlineations may be added if necessary, but they must be clearly identified.
8. Any change to a form that might be appropriate due to a change in law that occurred after the form was adopted by the Probate Court Judges Council of Georgia may be added but should be clearly identified.
9. If a standard form is available, but not used, then the content of the substituted pleading or document must conform to the standard form. Such pleading or document should indicate all changes from the standard form. Any material deletions must be shown with a single strikethrough, or otherwise clearly indicated.
 - At the end of any such substituted pleading or document, the attorney must sign the following statement: “I certify that the content of the foregoing is identical in all material respects with the Georgia Probate Court Standard Form entitled but for the additions and/or deletions indicated therein, as required by the Uniform Probate Court Rules.”
 - In any proceeding for which a standard form has been adopted but not used, the Court may, in its discretion, decline to process the pleading or document not on said standard form that does not possess the above statement and signature.
10. All pleadings and other documents shall be signed by the responsible attorney or person who prepared the documents with his or her name, proper address, and telephone number typed or printed beneath said signature. If a person is represented in the matter by an attorney of record, that attorney must sign the pleading or document for it to be eligible for filing.
11. Prior to letters issuing in any case appointing an administrator, executor, personal representative, conservator, or guardian, an oath of office must be administered. The oath must be administered to the petitioning person by a probate judge or clerk (the oath cannot be administered by a notary public). The oath of office may not be included as part of the form petition. Georgia Probate Court Standard Form 53, Commission to Administer Oath, can be used if the oath is to be administered to a petitioning person by a court outside the State of Georgia.
12. Whenever any petition is filed in probate court, proper jurisdiction must be established. If that jurisdiction is through the ownership of property rather than the domicile of a particular individual, those facts should be set out in the paragraph for “Additional Data: Where full particulars are lacking,” which is usually the last paragraph of any Georgia Probate Court Standard Form.
13. If you need additional assistance preparing the pleading or document, it may be appropriate to consult the Civil Practice Act, the Official Code of Georgia Annotated, the Georgia Uniform Probate Court Rules, or an attorney.