

**PETITION FOR DETERMINATION OF RIGHT OF DISPOSITION
OF REMAINS OF A DECEDENT**

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for a petition for determination of right of disposition of the remains of a decedent pursuant to O.C.G.A. § 31-21-7.
2. O.C.G.A. § 31-21-7 provides that the petition may be filed by either (a) the funeral home with present custody of the remains of the decedent or (b) one of two or more persons with the same relationship to the decedent for purposes of the right to dispose of the remains as set forth in the Code section.
3. Service of notice of the petition and the hearing to be held to consider same shall be as provided in O.C.G.A. § 15-9-86.
4. 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 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.
5. 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.

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.

4.

There are no known persons having a higher priority pursuant to O.C.G.A. § 31-21-7 to make decisions concerning the disposition of the remains of the decedent than those listed in paragraph 3 of this petition.

5.

The decedent:

[Initial all that apply]

_____ (a) had an advance directive that addressed the disposition of the principal's body and is attached as "Exhibit _____."

_____ (b) did not have an advance directive that addressed the disposition of the principal's body.

If (a) is selected immediately above please list the person(s) named as the agent:

<i>Name</i>	<i>Address</i>	<i>Relationship to Decedent</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____

6.

[Initial all that apply]

_____ (a) Of those persons listed above, the following have not participated in the attempt to determine the manner of disposition of the remains by agreement: _____ . Reasonable efforts have been made by one or more of the others named in paragraph 3 above to notify such person(s) and seek his/her/their participation. However, petitioner is not aware of any opposition to the decision of a majority of those participating.

_____ (b) Of those persons listed above, the following have acknowledged service of notice of this petition and consent to the determination of the right of disposition of the remains of decedent: _____ .

7.

Disagreement exists among those persons named in paragraph 3 of this petition as to the location, manner, and conditions of disposition of the remains of the decedent; and/or as to the arrangement for funeral goods and services to be provided.

WHEREFORE, petitioner prays:

1. that a hearing be held by the Court, at a time and place and on a date set by the Court, after such notice as required by law;
2. that the Court determine the person to be the most fit and appropriate to carry out the right of disposition and make decisions regarding the remains of the decedent, upon consideration of the factors set forth in O.C.G.A. § 31-21-7 (d) (2); and
3. that an appropriate order issue in accordance with the Court's determination of the right of disposition of the remains of the decedent.

Signature of Petitioner

Printed Name

Mailing Address

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 determination of right of disposition of remains of a decedent (and the attached exhibit(s)) are true and correct.

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

Signature of Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires: _____

Printed Name of Petitioner

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 GEORGIA**

IN RE: _____)
)
) **ESTATE NO.** _____
DECEASED)

**PETITION FOR DETERMINATION OF RIGHT OF DISPOSITION
OF REMAINS OF A DECEDENT**

ORDER FOR SERVICE OF NOTICE

The petition for determination of right of disposition of remains of a decedent having been filed, read, and considered, and it appearing to the Court that disagreement exists among two or more persons with the same relationship to the decedent for purposes of the right to dispose of the remains as set forth in O.C.G.A. § 31-21-7,

IT IS ORDERED that a hearing on the petition shall be held on _____, 20____ at _____ a.m./p.m.. in Courtroom ____, _____ County courthouse.

IT IS ORDERED that notice of the time, date, and place of the hearing be issued and served upon the following:

[Initial all that apply]

____ Those persons, other than the petitioner, if applicable, with the same relationship to the decedent for purposes of the right to dispose of the remains as set forth in O.C.G.A. § 31-21-7 named in paragraph 3 of the petition (including)(excluding) those persons named in paragraph 5 of such petition. Service of notice shall be by personal service to an employee of the funeral home having possession of the remains of decedent (unless the funeral home is the petitioner) and to any of those persons named in paragraph 3 of such petition who reside in this state, and by registered or certified mail or statutory overnight delivery, return receipt requested to any of said persons who are not residents of this state not less than 30 days prior to the hearing.

____ The funeral home in present custody of the remains of the decedent. Service of such notice shall be by personal service if said party resides in this State, or by registered or certified mail or statutory overnight delivery, return receipt requested, if said party resides outside of this State notifying him/her/them of the right to be and appear at the hearing and to be heard concerning the right of disposition of the remains of the decedent. Service of notice of such petition shall be made as provided in O.C.G.A. § 15-9-86.

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court

