

House Bill 654

By: Representatives Oliver of the 82<sup>nd</sup>, Quick of the 117<sup>th</sup>, Fleming of the 121<sup>st</sup>, McCall of the 33<sup>rd</sup>, Willard of the 51<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 29-2-4 of the Official Code of Georgia Annotated, relating to  
2 nomination of testamentary guardian, so as to change provisions relating to the appointment  
3 of a testamentary guardian; to provide for objections to the nomination of a testamentary  
4 guardian and procedure; to provide for related matters; to repeal conflicting laws; and for  
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 29-2-4 of the Official Code of Georgia Annotated, relating to nomination of  
9 testamentary guardian, is amended by revising subsection (b) as follows:

10 "(b)(1) Unless the minor has another living parent, upon probate of the ~~minor's~~ parent's  
11 will, letters of guardianship shall be issued to the individual nominated in the will who  
12 shall serve as testamentary guardian without ~~notice or a~~ hearing provided that the  
13 individual is willing to serve and no objection is filed. If a timely objection is filed,  
14 letters of guardianship shall only be issued after a hearing held pursuant to paragraph (4)  
15 of this subsection.

16 (2) At the time such will is offered for probate, notice of the testamentary guardianship  
17 shall be served by certified mail or statutory overnight delivery, return receipt requested,  
18 to the minor child's adult siblings. If such child does not have any adult siblings, such  
19 notice shall be served on his or her grandparents. If such child does not have adult  
20 siblings or grandparents, such notice shall be served on three of such child's relatives who  
21 are in the nearest degree related to such child as determined by the rules of inheritance  
22 set forth in Code Section 53-2-1.

23 (3) Any person who receives a notice pursuant to this Code section and objects to the  
24 nominated testamentary guardian shall file an objection with the court within ten days of  
25 being served with notice.

26 (4) If a timely objection is filed, the court shall conduct an expedited hearing within 30  
27 days of the time frame for receiving objections. At the hearing the court shall hear  
28 evidence and determine if the nominated testamentary guardian is fit to serve and if the  
29 child's placement with such individual is in the best interests of the child. Placement of  
30 such child with the individual nominated in the will shall be presumed to be in the best  
31 interests of such child unless such presumption is rebutted."

32 **SECTION 2.**

33 All laws and parts of laws in conflict with this Act are repealed.