

SERVICES PROVIDED BY THE ROCKDALE COUNTY PROBATE COURT

The Probate Court of Rockdale County provides a variety of services to the community. However, while we are one of the busiest courts, many of the citizens of Rockdale County are not as familiar with the services provided in this court as they are with those provided by the Magistrate, State and Superior Courts. Perhaps the primary reason for this is because many of our citizens have not had a need to visit the probate court. Therefore, I would like to take this opportunity to familiarize our citizens with the primary functions of our court.

One of the Court's primary functions is the probate and administration of estates. This process involves determining the validity of a Last Will and Testament. Even in situations when a deceased person had a Will and it is submitted to the Court for probate, there is still a process that must be completed to determine if the Will was actually drafted by the decedent, if the decedent had the mental capacity to make the Will at the time it was drafted and signed, and if the Will was properly witnessed. If the deceased person died without a Last Will and Testament, the process of administration is used to determine the assets and the lawful heirs of the decedent.

The probate court is also responsible for handling guardianships for incapacitated adults, as well as conservatorships. A Petition for Guardianship may be filed in cases where an adult is not mentally and/or physically competent to care for themselves or handle their affairs. However, before the Court will grant an adult guardianship, a medical evaluation must be performed to support the need for a guardian. While a guardianship gives the guardian authority over the physical well-being and health issues of the incapacitated adult, a conservatorship is also required to oversee the assets. It is not uncommon for one person to serve in both capacities.

Minor guardianships are also filed in probate court. These petitions are generally filed when the biological parents of a minor are not physically, mentally or financially able to provide for a minor child, and voluntarily allow another person to care for the child. Even though a guardianship gives authority to guardians to make all decisions regarding the safety and welfare of the child, it is not to be confused with adoption. Parents who voluntarily agree to a guardianship can revoke it at any time.

Additionally, Rockdale County residents who desire to be married can apply for a marriage license in probate court. Birth and death records are also issued through the probate court. While these records can be obtained from any probate court within the State of Georgia, marriage licenses can only be obtained from the probate court in the county where you were married.

Weapons Carry Licenses are also issued by the probate court. The applicant must be at least 21 years old, unless he/she is in the military and has successfully completed basic training. Also, the applicant must not have been convicted of a felony offense, unless he/she has received a pardon or was sentenced as a First Offender and had their right to own a firearm restored. There are also certain misdemeanor offenses, particularly drug and domestic violence offenses that could disqualify an applicant. Applicants currently on probation will also be denied.

Other services rendered by the probate court include Orders to Apprehend, often referred to as a 1013. These orders are issued in situations where a person is a danger to themselves or

others, their actions occurred within 48 hours of filing the application, and at least 2 persons witnessed their actions and are willing to come into the court to provide written statements regarding their actions. If the order is granted, the person who is the subject of the order will be picked up and transported by law enforcement to a facility for a mental evaluation.
