

AMENDMENTS TO UNIFORM PROBATE COURT RULES

It is ordered that paragraphs (C) and (D) of Rule 21 — Standard Forms — of the Uniform Probate Court Rules be revised effective July 1, 2009, to allow for less costly distribution of the forms to the Probate Courts and to provide for revisions of the forms, and that Rule 24.1 — Criminal Background Information of Certain Nominated Temporary Administrators, Personal Representatives, Guardians or Conservators — be revised by deleting reference to a form no longer in use, as follows:

Rule 21. Standard Forms

(C) A form, including any instructions, shall be considered adopted when it has been approved by a majority of probate judges present at the spring or fall probate judges' seminar, or summer or winter constitutional officers' association meeting and by a majority of a duly-appointed committee of the State Bar of Georgia Fiduciary Law Section. In lieu of the above requirement of a majority of judges present, a majority of the forms committee members may approve changes to forms and instructions.

(D) The effective date of any such standard form shall be July 1 immediately following notice as provided for in this paragraph of the form's adoption; provided, however, that a new or revised form which is based upon a new or amended statute or a recent case may become effective upon the effective date of the statute or decision or as soon thereafter as practicable, after notice of adoption of the form as provided in the Official Advance Sheets of the Supreme Court of Georgia. Each newly-adopted form will either be published in full in an issue of such Advance Sheets or be available in each probate court of this state, at least one month prior to its effective date. Dissemination to each probate court may be accomplished electronically. A paper copy may be sent to any probate court upon request.

Rule 24.1. Criminal Background Information of Certain Nominated Temporary Administrators, Personal Representatives, Guardians or Conservators

Any person requesting appointment by a probate court in this State as temporary administrator or personal representative of an estate of a decedent or as guardian or conservator of an incapacitated adult or a minor may be required to first submit to a criminal background check by allowing the probate court in which the petition seeking such appointment is pending to access the criminal records information maintained by the Georgia Crime Information

SUPREME COURT.

Center (GCIC) with reference to such person. The actual performance of a background check shall be in the discretion of the judge of the probate court before which the proceedings are pending, and there shall be no requirement that a criminal history be obtained for every such person. In order to allow access to the GCIC records, any person requesting such appointment shall, upon request by the probate court, sign a form consenting to the release of such information by the GCIC to the probate court. All information received by the probate court pursuant to this Rule shall be considered confidential and shall be disclosed by the probate court or its staff only to the person seeking such appointment, any attorney representing such person, and any attorney and/or guardian ad litem representing the heirs or beneficiaries of the decedent, the alleged incapacitated adult or the minor involved in the proceedings. Any records so obtained by a probate court shall be destroyed within 30 days after the expiration of the time for filing of an appeal of the order of the probate court granting or denying such appointment; if an appeal is filed, such records shall be destroyed within 30 days after the appeal is dismissed or withdrawn or the remittitur is returned to the probate court.