

Proceeding Pro Se in Probate Court

Notice: Before proceeding without an attorney, you are required by this court to receive and review this instruction page. Please read its contents carefully before proceeding.

Georgia Probate Court Standard Forms

Many of the proceedings in Probate Court require the use of standard forms established by law. The Probate Court provides *one copy* of these forms to citizens for use or they may be obtained from www.GaProbate.org. There are no standard forms for the filing of objections, caveats, answers or responses or for any motions and pleadings for discovery.

Recommendation that you hire an Attorney at Law

You are not required to have an attorney, but you are encouraged to seek legal advice from a trained individual on all court matters. An attorney can offer you guidance on which form is appropriate to use and other related matters that may come up as you proceed.

Proceeding without an Attorney – “Pro Se”

If you proceed without an attorney, *pro se*, you will be required to determine which proceeding best fits your needs. The Probate Court staff may NOT make this selection for you as they are NOT allowed to give legal advice and are not able to assist you as that would constitute the unauthorized practice of law, a misdemeanor crime.

You must fill out all forms in a legible manner – either typed or neatly printed – completely and accurately. The staff of the Probate Court can only help you schedule hearings or answer questions about procedures in the Court. They cannot offer assistance in filling out any forms.

The Probate Judge must remain impartial to all parties. Therefore, the judge cannot meet with you personally to discuss which proceeding is best for your situation and cannot listen to any facts of your case.

If you proceed without an attorney, you will be responsible for serving all individuals entitled to notice of your proceeding, ensuring that the proper certificate of service is filed with this court, and publishing any notices not published by the Court. You will be responsible for securing necessary witnesses, handling discovery, and obtaining a court reporter if your case is contested.

Court Costs

Anyone filing in Probate Court is responsible for all costs and fees associated with the filing and those fees must be paid at the time of filing.

This is not intended to include every detail that may arise for a pro se litigant, but to offer assistance in some of the most common areas.