

# Adult Guardianships and/or Conservatorships

A petition in which an individual is seeking the authority to care for the incapacitated adult, and/or manage the assets of the incapacitated adult. A guardian of the person of an incapacitated adult has rights and powers and is charged with the responsibility to provide adequately for the support, care, education and well-being of the Ward. The Conservator (guardian of the property) has the duty to exercise ordinary diligence in dealing with the Ward’s property and may be held liable for any loss resulting from a lack of such diligence.

## Requirements:

To begin the process, a petition must be filed seeking guardianship and/or conservatorship of the alleged incapacitated adult by the person who wishes to be named guardian and/or conservator. The Initial Filing Fees must be paid upon filing the petition. The person seeking guardianship and/or conservatorship must complete all pages of the petition. Two or more petitioners must file the petition. If only one person files the petition, they must include an affidavit completed by a physician, psychologist, or licensed clinical social worker based upon an examination within 15 days prior to the filing of this petition. The petitioner must present enough evidence to prove to the Court that the proposed ward lacks the ability to manage their care or their finances, and lacks the ability to make or communicate significant responsible decisions, and the guardianship or conservatorship is needed for the well-being of the proposed ward. The appointed Guardian of the person will be required to file Personal Status Reports every year. The appointed Conservator may have to post a Bond, and make Inventory and Annual Returns.

## Initial Filing Fees:

### **Proposed Ward to go to Evaluator**

Petition:.....	\$177.50
Sheriff Service:.....	\$50.00
Evaluator:.....	\$175.00

Court Appointed Attorney:.....\$225.00 (Subject to change without notice.)

**Total: \$627.50 (Due at the time of filing)**

**Evaluator to go to Proposed Ward**

Petition:.....\$177.50

Sheriff Service.....\$50.00

Evaluator:.....\$350.00

Court Appointed Attorney:.....\$225.00 (Subject to change without notice.)

**Total: \$802.50 (Due at the time of filing)**

**\*Other fees MAY apply and ALL fees are due BEFORE the final order is issued.**

**Court Process:**

The Petition must be filed and the filing fees must be paid upon filing. If everything in the petition looks complete, the clerk schedules a court appointed Physician, Psychologist, or Licensed Clinical Social worker to evaluate the proposed ward. If the ward is unable to visit the court appointed evaluator, the evaluator will visit the proposed ward. The proposed ward is served with a copy of the petition by the Richmond County Sheriff’s Department. The clerk also assigns a court appointed attorney to represent the proposed ward, unless the Court is notified within two- day prescribed period, of the retention of counsel by the proposed ward. The proper notices are prepared and served on all persons of interest, as required. The Court may require background checks on Petitioner(s). After all notices and services are rendered, the Clerk contacts the petitioner, or the petitioner’s attorney, to schedule a hearing date. The Court then enters an Order and the Petitioner takes the Oath of Office. Letters of Guardianship and or Conservatorship are then issued.

Guardian(s) is/are required to file a Personal Status Report of the ward. The First Personal Status Report is due from the guardian within sixty (60) days after the date appointed and every year thereafter for the duration of the Guardianship. A Personal Status Report informs the court where the ward is located, how the ward is doing generally, how the ward’s needs are being met, and whether there has been any change in the condition or change in the status of the ward which might warrant the Court’s intervention or a change in the guardianship order.

Conservator(s) is/are required to file an Inventory Asset Management Plan within sixty (60) days after the date appointed. The Inventory Asset Management Plan is an Inventory of the ward’s

property and a Plan for managing, expending, and distributing the property of the ward.

Conservator(s) may also be required to file Annual Returns within sixty (60) days of the anniversary of the date appointed and every year thereafter during the duration of the Conservatorship.

The Conservator also may be required to post a Bond, in which bond amount will be determined by the court.

## Supporting Documents

Petition for the Appointment of a Guardian and/or Conservator for a Proposed Ward 96.46 KB

Adult Conservatorship Inventory and Asset Management Plan 50 KB