

CONSERVATORSHIP FOR MINOR

- 1) **Summons (SCCA-401PC)**
 - 2) **Petition for Appointment of Conservator (#540GC)** must be filed in the Probate Court (original and one copy) along with filing fee. The complete mailing address is required for the proposed conservator(s) which must include the apartment number or mobile home lot number. The filing fee of \$150.00 must be paid when the **Petition for Appointment of Conservator** is filed. The check should be made to the “**County of Lexington**”. When the Inventory and Appraisal is filed you will be notified if an additional filing fee is due. Please refer to the Probate Court Fees page of the Lexington County website for a complete listing of applicable fees.
 - 3) **Proof of Delivery (Lexington County Form)** for Notice of Hearing to be filed. Notice must be served personally on the minor. In addition, notice must be given to the parents or other persons having the care and control of the minor. The notices must be served at least thirty (30) days prior to the hearing. **SC Code §62-5-405**
 - 4) A hearing cannot be held without notice to all parties delivered at least thirty (30) days prior to hearing date. If all parties file a waiver of the 30-day notice, the hearing may proceed. The minor must attend the hearing unless waiver of the 30-day notice is given by his/her attorney.
 - 5) **Fiduciary Bond (Lexington County Form) issued by a corporate surety or a Restricted Account Agreement (#551PC)** executed by the proposed conservator **and** the financial institution’s authorized officer/agent. Please note that the completed agreement must include the financial institution’s name, address and telephone number. The original agreement (do not execute a faxed or photocopy) must also be filed in Probate Court. The information in this document needs to be typed or printed. A Restricted Account Agreement is to be used when limited expenditures are expected. **One of these documents will need to be filed prior to the hearing.**
- NOTE: The Authority as Conservator is not effective until the Fiduciary Letters and Certificates of Appointment are issued.**
- 6) The **Inventory and Appraisal (#550PC)** must be filed within **Thirty (30)** days after the appointment of the Conservator. A confirmation of the deposit into the account listed on the Inventory will also need to be provided to the Court.
 - 7) After appointment the Fiduciary Letter should be recorded in each county where real estate is owned. A clocked/recorded should be filed with the Probate Court.
 - 8) **Annual Accounting (#562PC)** must be filed annually. **Please note that state law mandates a filing fee of \$10.00 with each accounting.**

You may obtain forms from the Probate Court or on the internet at: www.lex-co.sc.gov

Select Probate Court under Departments; select Probate Forms for a list of forms.