

# Overview of Opening an Adult Guardianship and/or Adult Conservatorship

THE PROBATE COURT DOES NOT REQUIRE THAT YOU HIRE AN ATTORNEY; HOWEVER, IT IS STRONGLY RECOMMENDED. YOU MUST BE ABLE TO FOLLOW THE SOUTH CAROLINA RULES OF CIVIL PROCEDURE AND THE SOUTH CAROLINA PROBATE CODE.

## FILING REQUIREMENTS FOR ADULT GUARDIANSHIPS AND CONSERVATORSHIPS

### Documents to File for Guardianship and Conservatorship:

[Form #520GC](#) - Dual Petition for Appointment of Guardian AND Conservator  
OR

[Form #530GC](#) - Petition for Finding of Incapacity and/or Appointment of Guardian (if filing for Guardianship ONLY)

OR

[Form #540GC](#) - Petition for Protective Order and/or Appointment of Conservator for an Adult (if filing for Conservatorship ONLY)

You will also need to file the following:

- [Form #524GC](#) - Notice of Right to Counsel
- [Form #539GC](#) - Examiner Report and Affidavit Regarding Capacity
- Fees - \$150.00 payable to the County of Lexington; please refer to fee schedule for additional fees that will be assessed after the appointment of Conservator is completed
- SLED Report – this may be found at <https://catch.sled.sc.gov/>
- Credit Report - You may obtain a credit report from one of the following agencies: Equifax, P. O. Box 105252, Atlanta, GA 30348-5252. Equifax's phone number is (800) 685-1111. Equifax also has an emergency fax request line (770) 375-3150. Internet access: [www.equifax.com](http://www.equifax.com) TransUnion, P. O. Box 1000, Chester, PA 19022 (800) 888-4213. Internet access: [www.transunion.com](http://www.transunion.com). You will need to provide the agency with driver's license number, social security number and date of birth for the proposed Conservator. Must contain a Credit Score.

### Procedure after the filing of the proper documents above:

- [Form #120PC](#) - Proof of Delivery showing that service of the Summons, Petition and Notice of Right to Counsel has been served upon the Alleged Incapacitated Individual (A.I.I.) as soon as possible after the filing of the Summons and Petition
- [Form #120PC](#) - Proof of Delivery showing that service of the Summons and Petition has been served upon all co-respondents as soon as possible after the filing of the Summons and Petition

- The A.I.I. has the right to obtain an attorney. If a Notice of Appearance has not been received by the Court within fifteen (15) days from the filing of proof of service of the Notice of Right to Counsel, the court will appoint an attorney for the A.I.I. You will be responsible for paying the court appointed attorney's fees.
- The Court will appoint a Guardian Ad Litem (GAL) to visit the A.I.I. and file a report with the Court prior to the hearing date. You will be responsible for paying the GAL's fees.
- A designated examiner (who must be a physician) is required to examine the A.I.I. and file the Examiner Report and Affidavit Regarding Capacity, [Form #539GC](#). Please file the Examiner Report as soon as you are in receipt. You will be responsible for paying the designated examiner's fees.
- Once proper service of the pleadings has been completed and proof of such has been filed with the Court, the Court will furnish you with a hearing date by mail and/or email. You will then be required to again properly serve all interested parties with the notice of hearing. The A.I.I. will need to be personally served by someone 18 years of age or older who is not an attorney in or a party to the action. Once all interested parties are served, you are required to file the Proof of Delivery, [Form #120PC](#) with the Court.

# Overview of Opening a Minor Conservatorship

THE PROBATE COURT DOES NOT REQUIRE THAT YOU HIRE AN ATTORNEY; HOWEVER, IT IS STRONGLY RECOMMENDED. YOU MUST BE ABLE TO FOLLOW THE SOUTH CAROLINA RULES OF CIVIL PROCEDURE AND THE SOUTH CAROLINA PROBATE CODE.

## FILING REQUIREMENTS FOR MINOR CONSERVATORSHIPS

### Forms

- [Form #542GC](#) - Application (Informal) / Petition (Formal) for Protective Order and/or Appointment of Conservator for a Minor
- [Form #543GC](#) - Conservatorship Contract
- [Form #549GC](#) - Renunciation/Nomination for Conservator (if needed)
- [Form #551PC](#) - Restricted Account Agreement – original form to be filed with the Court signed by both the proposed Conservator and the Financial Institution Representative
- Minor's Birth Certificate
- SLED Report for proposed Conservator – this may be found at <https://catch.sled.sc.gov/>
- Credit Report for proposed Conservator - You may obtain a credit report from one of the following agencies: Equifax, P. O. Box 105252, Atlanta, GA 30348-5252. Equifax's phone number is (800)685-1111. Equifax also has an emergency fax request line (770) 375-3150. Internet access: [www.equifax.com](http://www.equifax.com) TransUnion, P. O. Box 1000, Chester, PA 19022 (800) 888-4213. Internet access: [www.transunion.com](http://www.transunion.com) You will need to provide the agency with driver's license number, social security number and date of birth for the proposed Conservator.

### Fee(s)

- \$150.00 (formal) or \$25.00 (informal) made payable to the County of Lexington. Please refer to the Fee Schedule for additional fees that may be assessed.

### Initial Procedures

- The proposed conservator is required to furnish the Court with a fiduciary bond for 1.5 times the total liquid assets.
- A Renunciation/Nomination for Conservator, [Form #549GC](#) can be completed for any/all family members with priority to serve as conservator. A hearing will be required if any/all family members with priority to serve do not file this form with the Court.