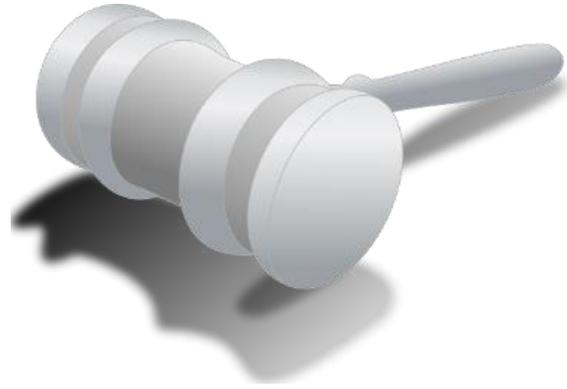


Guardianship of Adults

ADULT GUARDIANSHIPS AND CONSERVATORSHIPS

Probate courts have jurisdiction over the appointment and supervision of guardians and conservators of adult persons found to be incapacitated by reason of physical or mental illness to such an extent that the adult is no longer capable of making reasonable and rational decisions concerning his or her person or of managing his or her money and property. Guardians make decisions concerning the person of the Ward, and Conservators manage and make decisions concerning the income and property of the Ward.

Conservators must be bonded for the value of all income and personal property of the Ward, and Guardians may be required to post bond. Guardians of an incapacitated adult must file annual reports on the physical/mental status of the ward. Conservators must file an inventory of assets, an asset management plan and annual financial accountings, all of which are subject to review or audit by the staff of the probate court. The appointment, supervision, removal and discharge of guardians, conservators and their sureties are within the exclusive, original jurisdiction of the probate courts.



Do I need a guardian in place if I have a power of attorney?

It depends on what type of power of attorney that you have. If it is a durable power of attorney for health care purposes along with a durable power of attorney for financial purposes, there may be no need for the court to intervene. If the power of attorney is a general power of attorney, you will probably need to petition the court for authority.

In what county do I need to file the guardianship petition?

Usually the petition will be filed in the ward's county of residence, but it will depend on the length of stay where he/she is domiciled presently, i.e., a nursing home resident will usually be filed in the county where the nursing home is located.

What authority will the guardian have, once appointed?

The guardianship consists of two distinct responsibilities – guardian of person, and conservatorship. There could be a person appointed for both, or it could be divided. The guardian of the person makes decisions regarding health and living arrangements, etc. The conservator makes decisions regarding finances.

Why is the cost so high for an adult guardianship petition?

Because the taking away of certain rights of adult individuals, the law requires safeguards. An attorney will be appointed to represent the desires of the proposed ward, an attorney will be appointed to represent the best interest of the ward, and a doctor will be appointed to examine the proposed ward with a written report to the court. No guardianship will be put in place unless the court finds that there is not an alternative, or that it is absolutely necessary.

For Probate Court related forms, documents and further assistance,

please visit the <https://gaprobate.org> website.