

**STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE**

IN THE PROBATE COURT

**Instructions to Attorneys
For filing documents for appointing of Conservator
of Financial Assets for Adult Incapacitated Person
(62-5-401)**

(Please read “Top Ten Reasons **NOT** to file a Petition for a Conservatorship in the Greenville County Probate Court” prior to filing any documents.)

**THE PROBATE COURT FOLLOWS THE SOUTH CAROLINA RULES OF
CIVIL PROCEDURE FOR REQUIRED SERVICE AND NOTICE.**

1. File SUMMONS (normal Civil form), PETITION (attached), and FILING FEE (see attached for Fee Schedule) in the Probate Court. The Judicial Assistant will contact you with the case number when documents are filed.
2. The Summons & Petition must be served personally on all interested parties as in any other civil action. . An Affidavit of Service or an Acceptance of Service must be filed for all Respondents, *including the alleged incapacitated person* and his/her Counsel/GAL.
3. The Counsel/GAL must sign the acceptance of appointment on Form 130PC (attached) prior to submitting the form for the Judge’s signature.
4. One (1) Physician/Examiner’s testimony is required for the finding of incapacity in a Conservatorship proceeding. Use Form 533PC (attached) for the appointment of the Physician/Examiner. The Physician/Examiner is not required to testify at the hearing; however, his testimony must be in affidavit form, and his examination of the alleged incapacitated person must have taken place within six (6) months prior to the hearing date. The Physician/Examiner’s affidavit (attached) must be filed prior to the hearing.

After the above-referenced documents have been filed with the Probate Court, a hearing date will be set by telephone, and a confirmation Notice will be faxed to the requesting attorney.

PRIOR TO THE HEARING, the proposed Conservator will be required to watch a video detailing his/her duties and responsibilities as a court-appointed Conservator. This viewing may take place 15 minutes prior to the hearing, or the video may be checked out and viewed at home by the Petitioner. **THE JUDGE WILL NOT HEAR THE CASE UNLESS THE PROPOSED CONSERVATOR HAS WATCHED THE VIDEO.**

At the hearing, the presiding Judge will set the amount of surety bond required; typically, the bond will be 105% of the non real estate assets.

Certain specific language is required in an Order Appointing Conservator. A guide for preparing the Order is attached.

For more information, call Ann Baker at 467-7404 or Kathy Fleming at 467-7546.