

**EMERGENCY PROCEEDING FOR COURT TO ACT DIRECTLY OR TO  
APPOINT A FIRST TIME CONSERVATOR: [REFER TO 62-5-408]**

**PURPOSE:**

To acquire an Order from the Court after a preliminary hearing to preserve or apply the property of a person (for whom a petition for appointment of a conservator or other protective proceeding is pending) as may be required for his benefit or the benefit of his dependents. This ex parte proceeding gives specific powers to the Court to take action with respect to the estate and affairs of a person if necessary even if that person has not yet been judged incompetent.

**DURATION OF APPOINTMENT:**

Generally, this appointment will only last for 30 days or until a preliminary hearing is set.

**PRELIMINARY DOCUMENTS REQUIRED BY THE COURT:**

1. Petition (or previously filed and pending petition)
2. Notarized affidavit of interested person or entity  
Set forth with specificity the language in 62-5-401 and/or irreparable harm language in Rule 65 of the South Carolina Rules of Civil Procedure.
3. Doctor affidavit regarding incompetency.
4. Petition and Order appointing Guardian
5. Written report of Guardian
6. Draft of Temporary Order which must include:
  - a) Language indicating that a preliminary hearing will be scheduled Within 30 days
  - b) Signed by Petitioner, Petitioner's attorney of record and Guardian
7. Hearing request form

\*If your situation is a non-emergency, the Court will require the 20 day notice provision be adhered to as set forth in 62-5-405.