

## GUARDIANSHIP FOR ADULT

- 1) **Summons (SCCA-401PC)**
- 2) **Petition for Appointment of Guardian (#530GC)** must be filed in the Probate Court (original and one copy) along with filing fee. The complete mailing address is required for the proposed guardian(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 Incapacity/Appointment of Guardian** is filed. The check should be made to the "**County of Lexington**".
- 3) **Proof of Delivery (Lexington County Form)** for Notice of Hearing to be filed. Notice must be served personally on the alleged incapacitated person and his/her spouse and parents if they are within the state **SC Code §62-5-309(B)**. In addition, notice must be given to any adult children and any person who may be serving as his/her guardian, conservator or attorney-in-fact under a Durable Power-of-Attorney. **SC Code §62-5-309(1) & (2)**. If no spouse, parents or adult children can be located, at least one of his/her closest adult relatives must be given notice, if any can be found.
- 4) **Order Appointing Counsel (#532PC)** should be filed with signed "ACCEPTANCE" by the proposed Counsel/Guardian ad Litem. This person must be an attorney. Attendance at the hearing is required.
- 5) **Order Appointing Physician/Examiner (#533PC)** must be submitted for approval. Two examiners are required. **SC Code §62-5-303(B)**
- 6) The physician examiner should complete the **Doctor's Affidavit Regarding Capacity (#541PC)**. The second examiner should complete the **Examiner's Report (#538PC)**. These original reports must be received by the Court prior to the hearing.
- 7) **Order to Send Visitor (#536PC)** and the **Visitor's Report (#531PC)** must be completed and filed prior to the hearing. The Visitor must be present at the hearing, unless attendance is waived by prior Court approval.
- 8) Attendance of the alleged incapacitated person is required unless a Waiver of Attendance is filed prior to the hearing by his/her Counsel/Guardian ad Litem.
- 9) **The Annual Report of Guardian (#534PC)** must be filed annually from the date of appointment.

**NOTE: The Authority as Conservator is not effective until the Fiduciary Letters and Certificates of Appointment are issued.**

**\*\*\*PLEASE NOTE that Guardianship for minors may only be filed in Family Court\*\*\***

*You may obtain forms from the Probate Court or on the internet at: [www.lex-co.sc.gov](http://www.lex-co.sc.gov)  
Select Probate Court under Departments; select Probate Forms for a list of forms.*