

STATE OF SOUTH CAROLINA )  
 COUNTY OF \_\_\_\_\_ )  
 )  
 IN THE MATTER OF: )  
 \_\_\_\_\_ )  
 an alleged incapacitated individual. )  
 )  
 \_\_\_\_\_ )  
 )  
 Petitioner(s), )  
 vs. )  
 \_\_\_\_\_ )  
 Respondent(s). )

▲ PROBATE COURT USE ONLY ▲

IN THE PROBATE COURT  
 CASE NUMBER -GC- -

**PROBATE COURT INSTRUCTIONS FOR  
 NOTICE OF AND MOTION FOR  
 TEMPORARY RELIEF AND HEARING  
 PURSUANT TO S.C. CODE ANN. § 62-5-108**

1. This Motion is to be used where action should be taken on behalf of an alleged incapacitated individual (A.I.I.) before a permanent hearing may be scheduled; for example: incapacity is expected to be of limited duration, the action is limited in scope, or a currently serving fiduciary is not adequately performing his duties. It must be filed at the same time as a Summons and Petition, supporting affidavits, Motion for Appointment of an Attorney, and Motion for Appointment of Guardian *ad Litem*.

If this is an emergency and risk of harm or loss is **likely and imminent before a temporary or permanent hearing may be scheduled**, please use Form #512GC and follow the Instructions on page 1 of that form.

2. Evidence of the suitability and creditworthiness of the proposed guardian, conservator, or other fiduciary must be provided in a written credit report and criminal background check from the state of residence of the proposed guardian, conservator, or other fiduciary, and must be submitted with the Motion.

3. If the Motion includes a request for the freezing or restriction of assets, information as to the bank accounts of the A.I.I. must be provided.

4. A temporary hearing will not be scheduled until the court receives proof of service at least ten (10) days prior to the hearing of a (a) summons and petition, (b) motion for temporary relief with supporting affidavits, (c) motion and order for the appointment of an attorney if none previously retained, and (d) motion and order for appointment of guardian *ad litem* if none previously appointed.

5. A temporary order will not be issued without notice of hearing to the A.I.I., the attorney for A.I.I., Guardian *ad Litem* for the A.I.I., and adverse parties, unless otherwise determined by the court.

6. A temporary order expires six (6) months from the date of issuance of the order.

I HAVE READ AND UNDERSTAND THESE INSTRUCTIONS.

Executed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
 Petitioner/Movant

STATE OF SOUTH CAROLINA )  
COUNTY OF \_\_\_\_\_ )

IN THE MATTER OF: )  
\_\_\_\_\_, )  
an alleged incapacitated individual. )

\_\_\_\_\_, )  
Petitioner(s), )  
vs. )  
\_\_\_\_\_, )  
Respondent(s). )

▲ PROBATE COURT USE ONLY ▲

IN THE PROBATE COURT  
CASE NUMBER \_\_\_\_\_-GC-\_\_\_\_\_-\_\_\_\_\_

**NOTICE OF AND MOTION FOR  
TEMPORARY RELIEF AND HEARING**

I move for temporary relief to protect the welfare or assets of \_\_\_\_\_ ,  
an alleged incapacitated individual (A.I.I.), and request a hearing on \_\_\_\_\_, 20\_\_\_\_, at  
\_\_\_\_\_ am/pm, or at such date and time as the court orders, for:

- Appointment of temporary  guardian,  conservator, or  other fiduciary.
- Removal of existing  guardian,  conservator, or  other fiduciary, and  
appointment of a successor.
- Appointment or  removal of guardian *ad litem*.
- A temporary protective order.

Immediate relief is needed pending the appointment of a permanent  guardian,  conservator,  
or  other fiduciary; or the issuance of a permanent protective order, as shown by the following facts:

\_\_\_\_\_

If a temporary guardianship or protective order related to the welfare of the A.I.I. is requested, a  
physician's affidavit dated within the last forty-five (45) days is attached.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Preferred Telephone: \_\_\_\_\_  
Secondary Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_  
Relationship to the  
alleged incapacitated individual: \_\_\_\_\_

Attorney Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Firm Name: \_\_\_\_\_  
Bar Number: \_\_\_\_\_  
Address: \_\_\_\_\_

Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_  
Attorney for: \_\_\_\_\_

**ORDER FOR TEMPORARY HEARING**

Having received proof of service of the Summons, Petition, Notice of and Motion for Temporary Hearing with supporting affidavits on the alleged incapacitated individual (A.I.I.), the A.I.I.'s attorney, and the A.I.I.'s Guardian *ad Litem*, the Court orders a hearing as follows:

Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Place: \_\_\_\_\_

\_\_\_\_\_, Judge of Probate

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
\_\_\_\_\_, South Carolina

**TEMPORARY ORDER**

The Court has jurisdiction over the parties and subject matter, and venue is proper. Based on the physician's affidavit and factual allegations made, **IT IS ORDERED:**

1.  The physical welfare of the alleged incapacitated individual (A.I.I.) requires temporary relief as follows:

\_\_\_\_\_ is appointed Guardian with all of the rights and duties in S.C. Code Ann. § 62-5-304A(B);

\_\_\_\_\_ is appointed Limited Guardian to  make decisions about the A.I.I.'s custody and residence;  consent to medical or other professional care, counsel, treatment, or service, and/or  access medical records;  other:\_\_\_\_\_.

2.  The assets of the A.I.I. require temporary protection as follows:

\_\_\_\_\_ is appointed Conservator with all of the rights and duties in S.C Code Ann. § 62-5-422(A);

\_\_\_\_\_ is appointed Limited Conservator to  have access to the A.I.I.'s financial records, provided, however, if this box  is checked no disbursements may be made without written court approval;  apply for, receive and manage the money and property with the exception of \_\_\_\_\_;  institute and maintain proceedings to protect money and property;  other:\_\_\_\_\_.

3.  \_\_\_\_\_ is appointed Guardian *ad Litem* with all of the rights and duties in S.C. Code Ann. § 62-5-106.

4.  a Protective Order is entered as follows:  
\_\_\_\_\_.

5.  A fiduciary bond in the amount of \$\_\_\_\_\_ is required.

This Order expires \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_, Judge of Probate

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
\_\_\_\_\_, South Carolina