



RICHLAND COUNTY PROBATE COURT

Minor Conservatorship

Richland County Probate Court is not qualified to give legal advice, nor can our staff assist you with completing the forms pertaining to this action. Should you need assistance, you may contact SC Legal Services at 803-799-9668 or the SC Bar Referral Service at 803-799-7100.

The following documents and information are required:

- _____ **Summons and Petition or Verified Application for Protective Order or Appointment of Conservator for Minor (enclosed)**
- _____ **Filing Fee of \$150.00**
- _____ **Certified Birth Certificate for the Minor**
- _____ **Acceptance of Service Renunciation/ Nomination (if applicable-enclosed)**
- _____ **SLED background check or criminal background check from your state of residence
(instructions enclosed for SC residents)**
- _____ **Credit Report for proposed Conservator (instructions enclosed)**
- _____ **Copies of Proposed Conservator's Driver's License/ID and social security card**
- _____ **Copies of minor's social security card**
- _____ **Copy of Order Approving Settlement or copy of Settlement Disbursement Sheet (if applicable)**

All interested parties are required to be served with this action; therefore, Proof of Service should be perfected by way of the following methods:

- **Acceptance of Service Renunciation/ Nomination (enclosed)**
- **Certified mail (green card with interested parties signature)**
- **Personal Service (performed by a Process Server or you may contact Richland County Civil Process Division to have a Richland County Deputy serve such documents)**

Richland County Probate Court charges for copies at \$.50 per page. Should you need copies of the above forms, please include with the original forms. Once they are filed, we will return your copies to you. Should you have procedural questions, please contact the Richland County Probate Court, Guardianship/Conservatorship Division at 803-576-1962.

OPENING MINOR CONSERVATORSHIPS

****Please note-PRIOR TO THE APPOINTMENT OF A CONSERVATOR AND/OR PROTECTIVE PROCEEDING, PROOF OF SERVICE MUST BE ACCOMPLISHED AND FILED WITH THE COURT. IN ADDITION, A HEARING IS REQUIRED BY STATUTE.**

1. **Q: What is a Conservator?**

A: A Conservator is a court appointed individual or entity that handles the management of financial affairs or property.

2. **Q: What individuals need a Conservator?**

A: There are two main categories of conservatorships. First, minors receiving funds exceeding \$15,000 from an inheritance, insurance proceeds or other beneficiary designated funds, personal injury settlements, or sale of real estate. Second, individuals over the age of eighteen that suffer from a mental or physical illness or disability; mental deficiency; advanced age; chronic use of drugs or alcohol; or any other cause to the extent that the individual lacks sufficient understanding, insight or capacity to make responsible decisions concerning their financial affairs and have not executed the proper legal documents to name an agent to make decisions for them. (ie.) Durable Power of Attorney.

3. **Q: Who would be an Appropriate Conservator?**

A: An immediate family member, such as spouse, adult child, parent or adult sibling, would be an ideal conservator. If there are no immediate family members then the Court will look to other relatives or interested individuals, such as a neighbor or friend of the incapacitated adult or minor. The need for financial or legal expertise may lead the Court to look for corporate entities, accountants or lawyers to serve in this capacity.

4. **Q: What must be filed to begin a Conservatorship proceeding for a minor?**

A: A Summons; Petition/Application for Appointment of Conservator for Minor, \$150.00 filing fee; certified copy of the birth certificate for the minor; SLED report and Credit report for the proposed Petitioner, a copy of the proposed conservators driver's license, and a copy of the proposed conservators social security card.

5. **Q: What is the court's involvement once the Conservator is appointed?**

A: The Conservator is required to file an Inventory and Appraisal within thirty day of being appointed and the Conservator must annually report to the Court the income and approved disbursements along with the account statements and receipts of expenditures. The Court approves expenditures from the restricted accounts once the Conservator has filed the appropriate Petitions for Expenditures and supporting documentation. The Conservator should also inform the Court as to the whereabouts of the incapacitated adult or minor. The Court has the authority to appoint visitors and guardian ad litem to check on the incapacitated adult or minor because it is the Court's responsibility to make certain that the conservatorship is functioning in the best interest of the protected person. Letters of conservatorship, and orders terminating conservatorships, shall be filed and recorded in the office where conveyances of real estate are recorded for the county in which the protected person resides and in the other counties where the protected person owns real estate.

6. Q: Do I need an attorney to petition to be a Conservator?

A: Due to the legal complexity of the Summons and Petition, the requirements of proper legal service on all interested parties including proper service on the alleged incapacitated adult, and the need for proper notice of the hearing to all interested parties, the Court recommends that the proposed Petitioner have an attorney.

7. Q: Will a surety bond be required for the appointment of a Conservator?

A: A surety bond is similar to an insurance policy for the minor or incapacitated person conditioned on the conservator carrying out his or her duties faithfully and appropriately. For adults with ongoing monthly expenditures, a surety bond is almost always required. To alleviate the annual expense of the bond, the Richland County Probate Court allows the Conservator to open a restricted brokerage account. The financial institution that accepts the conservatorship funds in a restricted account executes a Restricted Account Agreement with the Court. The Agreement states that funds will not be disbursed and assets will not be sold without an Order from the Court. Both the Conservator and the financial institution agree to the terms set forth in the Agreement.

8. Q: How do I obtain a SLED Report?

A: You make a written request for the criminal report from SLED, P. O. Box 21398, Columbia, SC 29221-1398. Provide the following information about the Proposed Conservator to SLED: full name including maiden and alias names; date of birth; sex; race; and social security number. You must include \$25.00 (business check, certified check, money order, or cashier's check) per search and a self-addressed envelope. You may also make an internet request at www.sled.state.sc.us and you may pay for the search with a credit card.

9. Q: How do I obtain a credit report?

A: Fill out the credit history report written request. You may obtain a credit report from the following agencies: Equifax, P. O. Box 105252, Atlanta, GA 30348-5252. Equifax's phone number is (800) 685- 1111. Equifax also has an emergency fax request line (770) 375-3150. Internet access: www.equifax.com TransUnion, P. O. Box 1000, Chester, PA 19022 (800) 888-4213. Internet access: www.transunion.com You will need to provide the agency with driver's license number, social security number and date of birth for the proposed Conservator.

10. Q: How do I know if Richland County is the appropriate place to file the petition?

A: The law specifies where the proceedings are to take place and this is called venue. Venue for conservatorship proceedings is in the county where the incapacitated person resides if the person resides in the state or if the person does not reside in the state venue can be any county where the out of state resident owns property.

11. Q: How does the Conservatorship terminate?

A: If the minor reaches majority, if the capacity of the adult changes or if the incapacitated person passes away, the Conservator should file a final accounting and Petition for Discharge . If death is the reason for termination then a death certificate should be provided along with proof that a Personal Representative has been appointed. The Court will issue an Order for the transfer of assets to the minor that has reached majority or to the individual that is no longer incapacitated or to the Personal Representative of the decedent's estate. A Receipt and Release shall be filed within ten (10) days of the release of assets. A hearing may be held before the assets of the estate are distributed. Letters of conservatorship, and orders terminating conservatorships, shall be filed and recorded in the office where conveyances of real estate are recorded for the county in which the protected person resides and in the other counties where the protected person owns real estate

The appointment of a Guardian *ad litem*/attorney for the minor is not required for a Minor Conservatorship action.

OVERVIEW OF DUTIES OF A CONSERVATOR

1. INVENTORY AND APPRAISEMENT (Form 550GC)

Within thirty (30) days of the official court appointment of the Conservator, the Conservator must file an Inventory and Appraisal. Documentation showing that the Conservatorship account has been established must accompany the Inventory and Appraisal. **Fees are calculated and assessed based on the value of the assets.**

2. APPLICATION FOR EXPENDITURE (Form 552GC)

The Application for Expenditure is necessary when the Conservator wishes to withdraw money from the minor's account(s). The request must be filed with the Court, along with a \$15.00 filing fee, listing the specific items requested for the minor, the amount of the purchase, and the reason for the purchase. The court also requires that proper documentation for purchases be provided with the expenditure. For example, if the minor needs a new computer, then the Conservator must complete the Application for Expenditure, provide the filing fee, and provide documentation showing how much the computer costs. This documentation should be a quote directly from the place where the item will be purchased from.

3. ANNUAL CONSERVATOR REPORT (Form 568GC)

Six months after appointment, an interim accounting is required showing all receipts and disbursements during that period of time. Thereafter, all accountings will be required on a yearly basis. All cancelled checks and bank statements must accompany the accountings when filed. There is a \$10.00 filing fee for all accountings. It is the duty of the Conservator to complete the accounting and pay the filing fee.

4. CLOSING

If the minor reaches the age of eighteen (18) or dies, the Conservator must file a Petition for Discharge and a final accounting listing all remaining assets. In the event that the minor has reached the age of eighteen (18), an Order for Release of Funds is then issued, which the minor and the Conservator must take to the financial institution(s) to close the Conservatorship account(s). The Receipt and Release is then signed by the minor and witnessed by a representative from the financial institution indicating that the minor has received his or her assets from said financial institution. The executed Receipt and Release must then be filed with the court to allow the Conservatorship to terminate. Therefore, the Conservator and the minor are responsible for ensuring that the court receives the document. The court will review the file and proceed to close the file. At that time, a Termination of Appointment will be issued relieving the Conservator of his or her duties.

HOW TO OBTAIN A SOUTH CAROLINA LAW ENFORCEMENT DIVISION (SLED) CRIMINAL HISTORY REPORT

REQUEST METHOD

To obtain a SLED Report, you must submit a request to the South Carolina Law Enforcement Division by using one of the following methods:

Telephone Request: (803) 737-9000
Mail: South Carolina Law Enforcement Division
P.O. Box 21398
Columbia, SC 29221-1398
Web: www.sled.sc.gov

INFORMATION NEEDED

According to South Carolina State Law, the following information is necessary to process a criminal history search for the Richland County Probate Court:

1. FULL name (including middle initial and suffixes as well as maiden and other names used)
2. Current mailing address
3. Current home phone number with area code
4. Social Security Number (individual must agree to the use of their social security number for name search)
5. Driver's License Number and the State where it was issued
6. Date of Birth

You must enclose a self-addressed stamped envelope with your request.

- **COST**
There is a **\$25.00** fee per name, excluding maiden and alias names. The payment must be in the form of a money order, cashier's check or certified check, **personal checks are not accepted.**

INFORMATION FOR SLED CHECK

Name

Address

Phone #

Social Security

Driver's License
(Please list state)

Date of Birth

By my signature, I acknowledge that the above information is required for a SLED background check and I am consenting to the use of the above information for purposes of a criminal background check for the Richland County Probate Court.

Signature

Date

HOW TO OBTAIN A CREDIT REPORT

REQUEST METHODS

To receive your credit report, you may submit requests to the following agencies by the using one of the following methods:

EXPERIAN (formerly TRW)

Telephone: 1-888-Experian (1-888-397-3742)

Mail: Experian
P.O. Box 949
Allen, TX 75013-0949

Web: www.experian.com

EQUIFAX

Telephone: 1-800-997-2493

Mail: Equifax
P.O. Box 105851
Atlanta, GA 30348

Web: www.equifax.com

TRANS UNION CORP.

Telephone: 1-800-888-4213

Mail: Trans Union Corp.
P.O. Box 1000
Chester, PA 19022

Web: www.tuc.com

INFORMATION NEEDED

1. FULL name (including middle initial and suffixes)
2. Spouse's FULL name (if applicable)
3. Address for the last five years, including current address and phone number
4. Social Security number
5. Date of Birth
6. Name and address of your current employer

If you are making the request by mail, you must sign the request and provide a copy of a utility bill in your name and your driver's license to allow verification of your current address.

COST

The charge will be **\$8.00** for Experian and **\$10.00** for Equifax and Trans Union Corp. A credit report will be provided for free if you have been denied credit, insurance or employment based on your credit report, within the last sixty (60) days.

TIME

You should receive your credit report in five (5) to ten (10) days after the submission of your request.

WRITTEN REQUEST TO OBTAIN MY CREDIT HISTORY REPORT

PLEASE PRINT

Name:

LAST NAME FIRST NAME INITIAL SUFFIX (Sr, Jr, etc.)

Current Address:

STREET ADDRESS APT. CITY PROVINCE POSTAL CODE

PREVIOUS ADDRESS(ES) (within last 5 years)

Previous Address:

STREET ADDRESS APT. CITY PROVINCE POSTAL CODE

STREET ADDRESS APT. CITY PROVINCE POSTAL CODE

Date of Birth: MONTH DAY YEAR Social Security Number: (OPTIONAL)

The name and last 4 digits of a major credit card:

WERE YOU DENIED CREDIT? NO [] YES [] BY WHICH INSTITUTION? WHEN? _____

- Required are two (2) pieces of personal identification to process your request. (Example: driver's license, bank account statement, gas, phone, electricity or cable bill).
If your current address has changed within the last ninety (90) days, a confirmation of address must be attached with your request in order to be processed. (Example: gas, phone, electricity or cable bill, bank account statement, driver's license).
- You can expect to receive a copy of your personal credit report via regular mail within five (5) to ten (10) days. If you have any further inquiries about delivery, please contact us using the toll-free number of the company you chose.
- Please note that if any corrections are necessary, you must complete the credit report update form enclosed with the credit report sent to you. This form - Consumer Credit Report Update Form - can also be found on-line at any of the web address given to you previously, by the Court.

FOR USE WITH A FORMAL PETITION ONLY

STATE OF SOUTH CAROLINA)

COUNTY OF _____)

IN THE MATTER OF:)

Decedent Alleged Incapacitated Individual
 Minor Other: _____)

▲ PROBATE COURT USE ONLY ▲

IN THE PROBATE COURT

CASE NUMBER -GC- -

_____,
Petitioner(s),
vs.

SUMMONS

_____,
Respondent(s).*

*For Guardianship/Conservatorship matters, you must include the alleged incapacitated individual as a Respondent.

TO THE RESPONDENT(S) LISTED ABOVE:

YOU ARE HEREBY SUMMONED and required to Answer the Petition in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer upon the Petitioner(s) listed above at the following address(es):

Please Type or Print.

(Name of Petitioner/Attorney for Petitioner)

(Street Address or Mailing Address)

(City, State, and Zip Code)

Your Answer must be served on the Petitioner at the above address within **thirty (30) days** after the service of this Summons and Petition upon you, exclusive of the day of such service; and if you fail to answer the Petition within that time, judgment by default will be rendered against you for the relief demanded in the Petition.

Signature of Petitioner(s)/Attorney for Petitioner(s)

Date: _____

STATE OF SOUTH CAROLINA)
COUNTY OF _____)

IN THE MATTER OF:)

_____,)
a minor,)

*COMPLETE THIS SECTION ONLY IF YOU)
ARE FILING A FORMAL PETITION:)

_____,)
Petitioner(s),)

vs.)

_____,)
Respondent(s).)

▲ PROBATE COURT USE ONLY ▲

IN THE PROBATE COURT
CASE NUMBER -GC- -

**APPOINTMENT OF CONSERVATOR FOR MINOR OR
ISSUANCE OF PROTECTIVE ORDER FOR MINOR**

APPLICATION FOR (No Summons Needed):

- PROTECTIVE ORDER
- CONSERVATOR
- SUCCESSOR CONSERVATOR

*FORMAL PETITION FOR:

- PROTECTIVE ORDER
- CONSERVATOR
- SUCCESSOR CONSERVATOR

***NOTE: IF THIS IS A FORMAL PROCEEDING, IN ADDITION TO THIS FORM PETITION, YOU MUST ALSO FILE THE ATTACHED SUMMONS, AND PAY THE STATUTORY FILING FEE OF \$150.00. A HEARING IN THE PROBATE COURT ON THE PETITION MAY BE REQUIRED.**

1. Information about Applicant(s)/Petitioner(s):

Applicant(s)/Petitioner(s): _____

Address: _____

Telephone (Preferred): _____ Telephone (Secondary): _____

Email: _____

Relationship to minor or proceeding: _____

2. Information about Minor:

Minor Full Legal Name (including all known names): _____

Date of Birth: _____

Last 4 digits of Social Sec. #: XXX-XX- _____

Address: _____

Telephone (Preferred): _____ Telephone (Secondary): _____

Email: _____

3. Jurisdiction:

South Carolina has jurisdiction over the minor because:

- Minor owns real or personal property that requires management or protection (a copy of any deeds or titles is required);
- Minor has or may have business affairs that may be adversely affected by a lack of effective management; or
- Conservator is necessary to obtain and administer funds for the health, education, maintenance, and support of the minor.

4. Venue:

Venue for this proceeding is proper in this county because the minor:

- resides in this county and has resided in this county for more than six (6) months;
- does not reside in this state but owns real or personal property in this county;
- does not reside in this state but has or may have business affairs in this county that need management; or
- does not reside in this state but has the right to take legal action in this county (***a copy of the pleadings is required***).

If the minor has not resided in this county for six (6) months preceding this action, the address where the minor did reside or is residing is: _____

5. Information about family of minor:

*Mother: _____
 Address: _____
 City/State/Zip: _____
 Telephone: (Preferred): _____ (Secondary) _____
 Email: _____

*Father: _____
 Address: _____
 City/State/Zip: _____
 Telephone: (Preferred): _____ (Secondary): _____
 Email: _____

*If deceased, a certified death certificate is required.

Siblings of minor:

Name	Address	Year of Birth
_____	_____	_____
_____	_____	_____

If the minor does not reside with a parent, the person with whom the minor resides:

Name: _____
 Relationship: _____
 Address: _____
 City/State/Zip: _____
 Telephone: (Preferred): _____ (Secondary): _____
 Email: _____

If you have not listed another living adult relative of the minor, other than the Applicant/Petitioner, who are the other adult relatives?

Name	Address	Relationship to Minor
_____	_____	_____

6. The following is a list of the real and personal property owned by the minor or expected to be received by the minor, business affairs of the minor, funds available to the minor, or legal action necessary for the minor and an estimate of the value: (*An Inventory and Appraisalment, Form #550GC, shall be completed and filed with the Court within 30 days of appointment.*)

Description	Value
_____	_____
_____	_____

7. The appointment of a conservator for the minor is necessary because:

8. I request the appointment of:

Name: _____
Address: _____
City/State/Zip: _____
Telephone: (Preferred): _____ (Secondary): _____
Email: _____

Name: _____
Address: _____
City/State/Zip: _____
Telephone: (Preferred): _____ (Secondary): _____
Email: _____

9. The priority for his or her appointment as conservator is:

- Previously appointed conservator/guardian of the assets of the minor by a court of another county or state;
- Individual nominated by the minor (*if fourteen (14) or more years of age and deemed mentally capable of making such choice*);
- Parent of minor;
- Adult sibling of minor (specify): _____;
- Closest adult relative (specify): _____;
- Person with whom the minor resides (specify): _____;
- Nominee of any of the above (specify): _____;
- Other (specify): _____.

VERIFICATION

The Applicant/Petitioner, being sworn, states that the facts set forth in the foregoing Application/Petition are true to the best of the Applicant's/Petitioner's knowledge, information, and belief.

SWORN to me this _____ day of _____, 20____

Signature: _____
Printed Name of Notary: _____

Notary Public for State of: _____
My commission expires: _____

Signature of Petitioner: _____
Print Name: _____
Address: _____
Preferred Telephone: _____
Secondary Telephone: _____
Email: _____

SWORN to me this _____ day of _____, 20____

Signature: _____
Printed Name of Notary: _____

Notary Public for State of: _____
My commission expires: _____

Signature of Co-Petitioner: _____
Print Name: _____
Address: _____
Preferred Telephone: _____
Secondary Telephone: _____
Email: _____

QUALIFICATION AND STATEMENT OF ACCEPTANCE

I/we accept this appointment and agree to perform the duties and discharge the trust of the office of Conservator for _____ (name of minor).

Executed this ____ day of _____, 20____.

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

STATE OF SOUTH CAROLINA)
)
 COUNTY OF Richland)
)
 IN THE MATTER OF:)
)
 _____)
 An alleged incapacitated individual.)
)
)

▲ PROBATE COURT USE ONLY ▲
 IN THE PROBATE COURT
 CASE NUMBER -GC- -
 ACCEPTANCE OF SERVICE;
 RENUNCIATION/NOMINATION

ACCEPTANCE OF SERVICE

I accept service of a copy of the Summons and Petition in this matter pursuant to Rule 4(j), SCRCP at the following location: _____ on the following date: _____; and/or

RENUNCIATION/NOMINATION FOR CONSERVATORSHIP

(Check only one of the following two boxes):

- I renounce my right to be considered for appointment as conservator; OR
- I renounce my right to be considered for appointment as conservator and nominate the following person:

Name: _____
 Address: _____
 Preferred Telephone: _____
 Secondary Telephone: _____
 Email: _____
 Relationship to alleged incapacitated individual: _____

RENUNCIATION/NOMINATION FOR GUARDIANSHIP

(Check only one of the following two boxes):

- I renounce my right to be considered for appointment as guardian; OR
- I renounce my right to be considered for appointment as guardian and nominate the following person:

Name: _____
 Address: _____
 Preferred Telephone: _____
 Secondary Telephone: _____
 Email: _____
 Relationship to alleged incapacitated individual: _____

SWORN to before me this _____ day of _____, 20____.

Signature: _____
 Print Name: _____
 Notary Public for: _____ (State)
 My Commission Expires: _____ (Date)

Signature: _____
 Print Name: _____
 Address: _____
 Preferred Telephone: _____
 Secondary Telephone: _____
 Email: _____
 Relationship to the alleged incapacitated individual: _____