

## **OPENING MINOR CONSERVATORSHIPS**

\*Unless otherwise noted, all forms may be obtained at [www.sccourts.org/forms](http://www.sccourts.org/forms)  
For legal advice, please contact an attorney.

### **1. OVERVIEW OF MINOR CONSERVATORSHIP.**

A conservator is a person appointed for a minor to conduct the minor's business and financial affairs. In order to have a conservator appointed or a protective order issued for a minor by this court, the minor must be a resident of Colleton County or own property or have a right to take legal action in this county. Typically a conservatorship becomes necessary when a minor is going to receive more than \$15,000.00. A protective order may be sought to give authority for someone to conduct some other business on behalf of the minor.

### **2. APPLICATION/PETITION FOR CONSERVATORSHIP OR PROTECTIVE ORDER (FORM 542GC).**

To file for conservatorship or a protective order for a minor, you may file a verified application and a filing fee of \$25.00. (In its discretion, the Court may later require formal proceedings and the filing of a formal summons and petition, along with a filing fee of \$150.00.)

Additional fees may be assessed after the filing of the Inventory and Appraisal. In some cases, a guardian *ad Litem* is appointed by the court to represent the interests of the minor.

### **3. CRIMINAL BACKGROUND CHECK & CREDIT REPORTS.**

The proposed conservator must file both a credit report (with credit score) and a criminal background check from the state where he/she is a resident. Once received, the court will review these documents and note any questionable items, such as unpaid bills or arrests. Information about obtaining the reports is included in this packet.

### **4. BIRTH CERTIFICATE.**

The Court must be provided with a certified copy of the minor's long form birth certificate. To obtain a South Carolina birth certificate, contact the South Carolina Department of Health and Environmental Control, Vital Statistics Division (DHEC). There is a \$12.00 application fee, and proper identification must be presented. For further information, you may call (803) 898-3630. If the minor was not born in South Carolina, you will need to contact that state's records division to receive information on applying for a birth certificate. The petitioner or petitioner's attorney is responsible for ensuring that the court has received the birth certificate.

## 5. NOTICE TO INTERESTED PARTIES.

If you file an informal application, you must send a copy of the application to all respondents, including the minor and his or her parents. The Court may proceed without a hearing or may hold a hearing, in its discretion. All parties are required to be given at least 20 days prior notice of a hearing.

If you are required to file a formal summons and petition, the summons and petition must be served in accordance with Rule 4 of the South Carolina Rules of Civil Procedure. Proof of service must be filed with the court. The service can be in the form of personal delivery with Affidavit of Service, certified green cards (from certified mail, restricted delivery), commercial delivery service, or signed acceptance of service. Ordinary first class mail is not sufficient for service. Notice of the proceeding must be served on the minor if he or she is age fourteen or older. **The petitioner or petitioner's attorney is responsible for ensuring that all proper parties have been served with the summons and petition and proper proof of service has been filed with the court.**

## 6. RENUNCIATION/NOMINATION.

Often more than one family member has legal priority to serve as conservator. In these instances, family members may renounce their right to serve and nominate the person they believe to be the best candidate for conservator. These individuals must execute a Renunciation/Nomination (Form 549GC). If family members do not wish to renounce their right to serve and object to the appointment of the petitioner as conservator, they should consult an attorney. Anyone opposing the petition who wishes to be considered for appointment must file his or her own summons and petition and serve it on all parties.

## 7. BOND/RESTRICTED ACCOUNT.

Before the appointment of a conservator can be completed, a surety bond must be filed. If the proposed conservator is not bondable, that person may not be appointed by the Court. The bond must be in the amount of the total value of the minor's personal assets (not real property) plus one year's estimated income. In addition, the Court requires a restricted account agreement. A Restricted Account Agreement is an agreement whereby a federally insured financial institution certifies that no assets may be withdrawn without an order from this court. The court will provide this form.

## **OVERVIEW OF DUTIES OF A CONSERVATOR AFTER APPOINTMENT**

### **1. INVENTORY AND APPRAISEMENT**

Within thirty (30) days of the official court appointment of the conservator, the conservator must file an Inventory and Appraisal (550GC). Documentation showing that a conservatorship account has been established must be filed with the Inventory and Appraisal.

### **2. REQUEST FOR EXPENDITURE (552GC)**

The Request 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, 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 Request for Expenditure, and provide documentation showing the cost involved. This documentation should be a quote directly from the place of purchase. The Court may hold a hearing on any request.

### **3. REPORT OF CONSERVATOR (FORM 568GC)**

Annually, and as otherwise directed by the court, the conservator must file a Conservator Report (567GC), detailing all receipts and disbursements, setting forth the location of assets, and providing information about the continued need for a conservatorship. The court requires the conservator to file documentation for each transaction, including cancelled checks and bank statements. 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**

When the minor reaches the age of 18, the conservator must file Application for Relief (584GC) and a final Report of Conservator listing all remaining assets. When the minor reaches age 18, the Court will hold a brief meeting with the conservator and minor and will send the conservator and minor to the financial institution(s) with which funds are deposited. The conservator will turn assets over to the minor and the minor will provide a signed Receipt and Release, indicating that he or she has received all conservatorship assets. The court will review these documents and then proceed in closing the file. At that time, a Termination of Appointment will be issued relieving the conservator of his or her duties.

# 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](http://www.experian.com)

### **EQUIFAX**

Telephone: 1-800-997-2493

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

Web: [www.equifax.com](http://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](http://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.**

**Make sure credit report includes credit score.**

# OBTAINING S. C. LAW ENFORCEMENT DIVISION (SLED) CRIMINAL RECORDS CHECK

## 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:

Web (preferred):  
Mail (limited service):

[www.sled.us.gov](http://www.sled.us.gov)  
South Carolina Law Enforcement Division  
P.O. Box 21398  
Columbia, SC 29221-1398

## INFORMATION NEEDED

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

1. FULL name (including middle initial and suffixes as well as maiden and other names used)
2. Social Security Number (individual must agree to the use of their social security number for name search)
3. Date of Birth

## COST

There is a **\$25.00** fee per name, excluding maiden and alias names. If you obtain the criminal records check on-line, you pay by credit card. By mail, the payment must be in the form of a money order, cashier's check or certified check; **personal checks are not accepted.**

FOR USE WITH A FORMAL PETITION ONLY

STATE OF SOUTH CAROLINA

COUNTY OF \_\_\_\_\_

IN THE MATTER OF:

Decedent  Alleged Incapacitated Individual

▲ PROBATE COURT USE ONLY ▲

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

\_\_\_\_\_  
Petitioner(s),

vs.

\_\_\_\_\_  
Respondent(s).\*

**SUMMONS**

\*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: \_\_\_\_\_

Case Number:

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. Applicant(s) or Petitioner(s): \_\_\_\_\_  
Relationship to the minor or interest in this proceeding: \_\_\_\_\_

**2. Information about minor:**

Name: \_\_\_\_\_ Age: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
Last 4 digits of Social Security Number: XXX-XX-\_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone: (Home): \_\_\_\_\_ (Cell): \_\_\_\_\_  
Email: \_\_\_\_\_

**3. Jurisdiction:**

South Carolina has jurisdiction over the minor because:

- A.  Minor owns real or personal property that requires management or protection (a copy of any deeds or titles is required);
- B.  Minor has or may have business affairs that may be adversely affected by a lack of effective management; or
- C.  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:

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

Case Number: \_\_\_\_\_

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: (Home): \_\_\_\_\_ (Cell): \_\_\_\_\_  
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 Appraisal, 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:

\_\_\_\_\_  
\_\_\_\_\_



Case Number:

8. I request the appointment of:

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

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

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 before me this \_\_\_\_\_ day of \_\_\_\_\_  
 \_\_\_\_\_, 20\_\_\_\_.

Applicant/Petitioner  
 Signature: \_\_\_\_\_  
 Print Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

Print Name: \_\_\_\_\_  
 Notary Public for: \_\_\_\_\_  
 \_\_\_\_\_ (State)

Preferred Telephone: \_\_\_\_\_  
 Secondary Telephone: \_\_\_\_\_  
 Email: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_ (Date)

SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_  
 \_\_\_\_\_, 20\_\_\_\_.

Co-Applicant/Petitioner  
 Signature: \_\_\_\_\_  
 Print Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

Print Name: \_\_\_\_\_  
 Notary Public for: \_\_\_\_\_  
 \_\_\_\_\_ (State)

Preferred Telephone: \_\_\_\_\_  
 Secondary Telephone: \_\_\_\_\_  
 Email: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_ (Date)

Case Number:

**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 the Conservatorship of \_\_\_\_\_.

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

Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

**ORDER**

Upon a review of the Verified Application or Formal Petition filed herein and a hearing (*unless waived by the Court*), the Court finds that venue is proper, the required notices have been given or waived, and the appointment of a conservator or issuance of a protective order is necessary and is in the minor's best interest. **NOW THEREFORE:**

IT IS HEREBY ORDERED THAT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ and/or

IT IS ORDERED that \_\_\_\_\_ is/are appointed as Conservator/Co-Conservator of the minor's assets and the Court directs the issuance of Fiduciary Letters to the Conservator/Co-Conservators.

Bond is set in the amount of \$ \_\_\_\_\_ and/or  a Restricted Account is required as set forth in S.C. Code Ann. § 62-5-409.

The Conservator shall not pay compensation to himself/herself from the minor's assets without Court approval. Further, the Conservator may not change the character of estate without court approval and shall expend the assets of the minor pursuant only to court order.

If the minor is receiving needs-based benefits, the minor's funds shall not be used for expenses that would disqualify the minor from receipt of benefits, including but not limited to food and shelter expenses.

Within thirty (30) days of appointment, the Conservator shall file a complete inventory of the minor's assets.

The Conservator shall file an accounting regarding the administration of the minor's assets annually and at any other time which the Court shall direct.

Restrictions or other requirements are as follows:

\_\_\_\_\_  
\_\_\_\_\_

The Conservator  waives  does not waive compensation. If requested, compensation will be at the rate of \$ \_\_\_\_\_/per \_\_\_\_\_.

**IT IS SO ORDERED.**

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

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_, South Carolina