

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND) IN THE PROBATE COURT
)
IN THE MATTER OF:)
)
CASE NUMBER:)

PROBATE COURT GUIDELINES FOR REPORTS BY APPOINTED PHYSICIAN(S) EXAMINER(S)

- GUARDIANSHIP
 CONSERVATORSHIP

A petition has been filed with this Probate Court for appointment of a Guardian and/or Conservator for an alleged incapacitated person. The definitions of an *“incapacitated person,” “guardian,”* and *“conservator”* are given on your Order of Appointment (Form #533 PC). These are important and should be reviewed by you.

Your role as a designated examiner is to help the Court to determine if the person is incapacitated. If so, does his or her condition require a guardian or a conservator or both? You have been appointed because you possess some knowledge of the individual from a past professional contact, you possess expertise in a desired area, or both. Your assistance is important to the person in question as well as the Court.

In reviewing your definitions, please note that the standard is incapacity or impairment of the person, and not incompetency. SC Code Ann. §62-5-408(4) of the conservatorship statutes states: *“An order made pursuant to this section determining that a basis for appointment of a conservator or other protective order exists, has no effect on the capacity of the protected person, except to the extent the order affects his estate or affairs.”* S.C. Code Ann. §62-5-304(A) of the guardianship statutes states: *“The court shall exercise the authority conferred in this part so as to encourage the development of maximum self-reliance and independence of the incapacitated person and make appointive and other orders only to the extent necessitated by the incapacitated person’s mental and adaptive limitations or other conditions warranting the procedure.”*

Degrees of impairment may exist, and the Court may well need to consider a number of factors or circumstances. After you conduct any examinations, interviews or tests that are appropriate, please submit your report to the Richland County Probate Court on the forms provided, supplementing as necessary to provide as comprehensive an evaluation as possible. Please provide a fact basis for all conclusions.