

**STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE**

**IN THE PROBATE COURT**

Instructions to Attorneys  
For filing documents required for Appointment of Conservator  
Of Financial Assets in Excess of \$10,000 for Minor  
(62-5-401)

THE PROBATE COURT FOLLOWS THE SOUTH CAROLINA RULES OF CIVIL  
PROCEDURE FOR REQUIRED SERVICE AND NOTICE:

1. File SUMMONS (civil form), PETITION (Form 540). And \$150.00 FILING FEE in the Probate Court. The Protective Proceedings Clerk will contact you with case number when documents are filed.
2. Summon & Petition must be served on all interested parties by Personal Service or Certified Mail, Return Receipt Requested. An Affidavit of Service must be filed for all Respondents, including the Minor if he/she is over the age 14.

After the above-referenced documents have been filed in Probate Court, contact the Protective Proceeding Clerk to request a hearing. Give timely notice of the hearing to all required persons.

PRIOR TO THE HEARING, the proposed conservator will be required to watch a video detailing his/her duties and responsibilities as a court-appointed Conservator. This video can be found on the Probate Court Website under the Education Heading ([greenvillecounty.org/probate](http://greenvillecounty.org/probate)).

At the hearing, the presiding Judge will set the amount of surety bond required. The Judge requires certain specific language in an Order Appointing Conservator.

If you have questions concerning these procedures, please contact the Protective Proceedings Clerk at (864) 467-7404.

[Probate Court Fees](#)

## **GUIDE FOR COMPLETING FORM 540PC (Petition for Appointment of Conservator)**

**Complete Caption on each form. A separate Petition must be completed for each individual in need of Conservatorship. The Case Number will be assigned by the Probate Court.**

The PETITIONER is the person petitioning for the appointment

1. NATURE OF INTEREST OF UNDERSIGNED: Relationship of the Petitioner to the Minor or Alleged Incapacitated Person.
2. INFORMATION- MINOR/INCAPACITATED PERSON: Complete all appropriate information.
3. VENUE: Self-explanatory.
4. NAME & ADDRESS OF GUARDIAN: This relates to a Court-Appointed Guardian-- not a guardian ad litem or a natural parent.
5. INFORMATION OF FAMILY: For "Minor": Complete information for Minor's parents, or if none, the nearest relatives. If either or both parents are deceased--so indicate. If parents are separated or divorced or separated by Court Order-- a copy of the Custody Decree must accompany the Petition. For "Alleged Incapacitated Persons" Complete information of the spouse and any adult children, or if none, the nearest relative.
6. GENERAL STATEMENT OF PROPERTY, ASSETS & INCOME: For "Minor": List All known assets coming into the hands of the Conservatorship -- insurance settlement proceeds, inheritance, etc. For "Alleged Incapacitated Person": List all known assets of the Protected Person with estimated values -- real estate, bank accounts, vehicles, monthly income, etc. (If monthly Social Security checks are payable to a Representative Payee for the Alleged Incapacitated Person, do not include the monthly checks.) SEE TOP TEN REASONS NOT TO FILE A PETITION, ETC.
7. REASON FOR APPOINTMENT OF CONSERVATOR: Complete information Stating specific reasons justifying the appointment of a conservator.
8. INFORMATION ON PROPOSED CONSERVATOR: Complete information and Check appropriate square for petitioner's priority for appointment.
9. PERSONS REQUIRED BY STATUTE TO BE SERVED WITH SUMMONS & PETITION AND GIVEN NOTICE OF HEARING: Complete information. For "Minor": Parent not petitioning to be appointed Conservator; or if parents are deceased, the nearest relatives listed in Question #5, plus the minor, if over the age of 14. For "Alleged Incapacitated Person": Persons listed in Question #5, plus the alleged incapacitated person and the Counsel/GAL.
10. NAME OF PERSON TO BE APPOINTED: This must be signed by the attorney for the petitioner. This is a verified petition.

VERIFICATION: Complete information, including the Petitioner's notarized signature.

ORDER FOR HEARING: Not applicable.

ORDER FOR APPOINTMENT: Not applicable.

QUALIFICATION & STATEMENT OF ACCEPTANCE: If the appointment is uncontested, this Section may be completed prior to filing the Petition.