

House Bill 70

By: Representatives Efration of the 104th, Fleming of the 121st, Scoggins of the 14th, Oliver of the 82nd, and Trammell of the 132nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward,
2 so as to revise provisions relating to guardians and conservators of minors and adults; to
3 revise a provision relating to parental consent to temporary guardianship; to revise bond
4 requirements of a minor guardian; to revise provisions relating to conservator bond and
5 security; to revise provisions relating to petition appointment; to revise provisions relating
6 to emergency guardianship and conservatorship; to recognize the "Uniform Enforcement of
7 Foreign Judgments Act" in connection with the appointment of a guardian or conservator,
8 the jurisdiction for such petitions, and the enforcement of orders issued in other states; to
9 allow conservators to access the digital assets of minors and wards; to provide for the
10 payment of costs, compensation, fees, and expenses; to revise provisions regarding court
11 contempt powers; to provide for standards for the establishment of a guardian to act in
12 certain circumstances; to amend various provisions of the Official Code of Georgia
13 Annotated so as to make conforming revisions; to provide for related matters; to repeal
14 conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 style="text-align:center">**SECTION 1.**

17 Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward, is
18 amended by revising subsection (a) of Code Section 29-2-6, relating to parental consent to
19 temporary guardianship, as follows:

20 "(a) Except as otherwise provided in subsection (f) of this Code section, if the sole parent
21 or both parents of the minor have consented to the appointment of the temporary guardian,
22 as evidenced by notarized written consents attached to the petition, the court shall grant the
23 petition without further notice or hearing and ~~shall~~ may issue letters of guardianship to the
24 petitioner. If deemed necessary by the court, the court shall hold a hearing to determine
25 all matters at issue."

26 **SECTION 2.**

27 Said title is further amended by revising subsection (c) of Code Section 29-2-25, relating to
28 bond requirements of guardians of minors, as follows:

29 "(c) If a guardian is required to give bond and has given as security one or more licensed
30 commercial sureties authorized to transact business in this state, the bond premium ~~may~~
31 shall, upon the request of the guardian, be paid as part of the cost of administration from
32 the estate of the minor."

33 **SECTION 3.**

34 Said title is further amended by revising subsection (a) of Code Section 29-2-51, relating to
35 appointment of successor guardian of minor, as follows:

36 "(a) The court shall appoint a successor guardian upon the resignation, death, or revocation
37 of the letters of the guardian if the appointment of a successor guardian is in the best
38 interest of the minor. The court shall select the successor guardian in the manner provided
39 in Code Section ~~29-2-15~~ 29-2-16."

40 **SECTION 4.**

41 Said title is further amended by revising paragraphs (9) and (10) of subsection (c) of Code
42 Section 29-3-22, relating to powers of conservators of minors, as follows:

43 "(9) To access the digital assets of the minor pursuant to Code Section 53-13-20;
44 (10) To engage in estate planning for the minor pursuant to the provisions of Code
45 Section 29-3-36; and
46 ~~(10)~~(11) To perform such other acts as may be in the best interest of the minor."

47 **SECTION 5.**

48 Said title is further amended by revising subsection (b) of Code Section 29-3-44, relating to
49 payment of bond premium by conservators of minors, as follows:

50 "(b) When the guardian is required to give bond pursuant to Code Section 29-2-25, the
51 conservator shall, upon the request of the guardian, pay any bond premium from the estate."

52 **SECTION 6.**

53 Said title is further amended by revising subsection (b) and paragraph (1) of subsection (e)
54 of Code Section 29-4-1, relating to prerequisite findings prior to appointment of guardian for
55 adult and extent of guardianship, as follows:

56 "(b) No guardian, other than a guardian ad litem or a guardian appointed in an emergency
57 under paragraph (1) of subsection (a) of Code Section 29-11-13, shall be appointed for an
58 adult except pursuant to the procedures of this chapter."

59 "(e)(1) No adult shall be presumed to be in need of a guardian unless;
 60 (A) He or she has been adjudicated to be in need of a guardian pursuant to this chapter;
 61 or
 62 (B) The court has recognized another state's determination of incapacity and the
 63 appointment of a guardian as provided in subsection (g) of Code Section 29-11-21."

64 **SECTION 7.**

65 Said title is further amended by revising subsection (a) of Code Section 29-4-10, relating to
 66 petition for appointment of guardian and requirements for petition, as follows:

67 "(a) Any interested person ~~or persons~~, including the proposed ward, may file a petition for
 68 the appointment of a guardian. ~~The~~ Such petition shall be filed in the court of the county
 69 in which ~~the~~:

70 (1) The proposed ward is domiciled ~~or is found~~;

71 (2) The proposed ward is found; provided, however, that if the court of the county where
 72 the proposed ward is found shall not have jurisdiction to hear any guardianship petition
 73 if it appears ~~determines~~ that the proposed ward was removed to that ~~such~~ county solely
 74 for the purposes of filing a petition for the appointment of a guardian and that such court
 75 acquired jurisdiction to appoint a guardian because of unjustifiable conduct, such court
 76 may take any action authorized by Code Section 29-11-16; or

77 (3) Jurisdiction is otherwise proper under Code Section 29-11-12."

78 **SECTION 8.**

79 Said title is further amended by revising subsection (a) of Code Section 29-4-14, relating to
 80 petition for appointment of emergency guardian and requirements of petition, as follows:

81 "(a) Any interested person, including the proposed ward, may file a petition for the
 82 appointment of an emergency guardian. ~~The~~ Such petition shall be filed in the court of the
 83 county in which ~~the~~:

84 (1) The proposed ward is domiciled ~~or~~;

85 (2) The proposed ward is found; or

86 (3) Jurisdiction is otherwise proper under Code Section 29-11-12."

87 **SECTION 9.**

88 Said title is further amended by revising paragraph (3) of subsection (b) of Code Section
 89 29-4-16, relating to conducting an emergency guardianship hearing and limitations on
 90 emergency guardianship, as follows:

91 "(3) The emergency guardianship shall terminate on the earliest of:

92 (A) The court's removal of the emergency guardian, with or without cause;

- 93 (B) The effective date of the appointment of a guardian;
- 94 (C) Unless otherwise specified in the order of dismissal, the dismissal of a petition for
95 appointment of a guardian;
- 96 (D) The date specified for the termination in the order appointing the emergency
97 guardian; ~~or~~
- 98 (E) Sixty days from the date of appointment of the emergency guardian, provided that
99 the court had jurisdiction to issue such order under paragraph (1) of Code Section
100 29-11-12; or
- 101 (F) Ninety days from the date of appointment of the emergency guardian, provided that
102 the court had jurisdiction to issue such order under paragraph (2) or (3) of Code Section
103 29-11-12."

104 **SECTION 10.**

105 Said title is further amended by repealing Code Section 29-4-17, relating to responsibility for
106 paying expenses of hearings in guardianship proceeding, and designating it as reserved.

107 **SECTION 11.**

108 Said title is further amended by revising subsections (a) and (c) of Code Section 29-4-30,
109 relating to bond requirements of guardian of adult, as follows:

110 "(a)(1) A guardian, including a guardian appointed in a final order accepting the transfer
111 of a guardianship proceeding from another state issued under subsection (e) of Code
112 Section 29-11-21, may be required to give bond with good and sufficient security in such
113 amount as the court may determine from time to time.

114 (2) With respect to a guardianship order from another state that has been registered with
115 and recorded by the court under Code Section 29-11-30, in addition to any action the
116 court may take under paragraph (1) of this subsection or under subsection (b) of Code
117 Section 29-11-32, such court of this state may communicate with the appointing court in
118 such other state under subsection (a) of Code Section 29-11-4 to inform such appointing
119 court of any action relating to a bond of such guardian, stating the reasons therefor."

120 "(c) If a guardian is required to give bond and has given as security one or more licensed
121 commercial sureties authorized to transact business in this state, the bond premium may
122 shall, upon the request of the guardian, be paid as part of the cost of administration from
123 the estate of the ward."

124 **SECTION 12.**

125 Said title is further amended by revising subsection (a) of Code Section 29-4-61, relating to
126 appointment of successor guardian of adult, as follows:

127 "(a) The court shall appoint a successor guardian upon the resignation, death, or revocation
 128 of the letters of the guardian if the appointment of a successor guardian is in the best
 129 interest of the ward. The court shall select the successor guardian in the manner provided
 130 in Code Section ~~29-4-11~~ 29-4-3."

131 **SECTION 13.**

132 Said title is further amended by revising Code Section 29-4-98, relating to submission to
 133 jurisdiction by foreign guardian, as follows:

134 "29-4-98.

135 (a) A foreign guardian submits personally to the jurisdiction of the courts of this state in
 136 any proceeding relating to the guardianship by:

137 (1) Receiving payment of money or taking delivery of personal property in this state
 138 belonging to the ward; ~~or~~

139 (2) Doing any act as a guardian in this state that would have given this state jurisdiction
 140 over the actor as an individual; or

141 (3) Registering the guardianship order in this state pursuant to Code Section 29-11-30.

142 (b) With respect to a guardianship order from another state that has been registered with
 143 and recorded by a court of this state under Code Section 29-11-30, in addition to any action
 144 such court of this state may take under this part or under subsection (b) of Code Section
 145 29-11-32, such court of this state may communicate with the appointing court in such other
 146 state under subsection (a) of Code Section 29-11-4 to inform such appointing court of any
 147 proceeding relating to the guardianship initiated in this state under subsection (a) of this
 148 Code section, stating the reasons therefor."

149 **SECTION 14.**

150 Said title is further amended by revising subsection (b) and paragraph (1) of subsection (e)
 151 of Code Section 29-5-1, relating to conservator for adults, best interest of the adult, no
 152 presumption of need for conservator, and objective of conservatorship, as follows:

153 "(b) No conservator, except a conservator appointed under paragraph (2) of subsection (a)
 154 of Code Section 29-11-13 or a conservator for the estate of an individual who is missing
 155 or who is believed to be dead, shall be appointed for any adult except pursuant to the
 156 procedures of this chapter."

157 "(e)(1) No adult shall be presumed to be in need of a conservator unless:

158 (A) He or she has been adjudicated to be in need of a conservator pursuant to this
 159 chapter; or

160 (B) The court has recognized another state's determination of a protected person's
 161 incapacity and the appointment of a conservator as provided in subsection (g) of Code
 162 Section 29-11-21."

163 **SECTION 15.**

164 Said title is further amended by revising subsection (a) of Code Section 29-5-10, relating to
 165 a petition for appointment of conservator and requirements of petition, as follows:

166 "(a) Any interested person or persons, including the proposed ward, may file a petition for
 167 the appointment of a conservator. ~~The~~ Such petition shall be filed in the court of the county
 168 in which ~~the~~:

169 (1) The proposed ward is domiciled or is found;

170 (2) The proposed ward is found; provided, however, that if the court of the county where
 171 the proposed ward is found shall not have jurisdiction to hear any conservatorship
 172 petition if it appears determines that the proposed ward was removed to that such county
 173 solely for the purposes of filing a petition for the appointment of a conservator and that
 174 such court acquired jurisdiction to appoint a conservator because of unjustifiable conduct,
 175 such court may take any action authorized by Code Section 29-11-16; or

176 (3) Jurisdiction is otherwise proper under Code Section 29-11-12."

177 **SECTION 16.**

178 Said title is further amended by revising subsection (a) of Code Section 29-5-14, relating to
 179 appointment of emergency conservator and requirements of petition, as follows:

180 "(a) Any interested person, including the proposed ward, may file a petition for the
 181 appointment of an emergency conservator. ~~The~~ Such petition shall be filed in the court of
 182 the county in which ~~the~~:

183 (1) The proposed ward is domiciled or;

184 (2) The proposed ward is found; or

185 (3) Jurisdiction is otherwise proper under Code Section 29-11-12."

186 **SECTION 17.**

187 Said title is further amended by repealing Code Section 29-5-17, relating to responsibility for
 188 paying expenses of hearings in conservatorship proceeding.

189 **SECTION 18.**

190 Said title is further amended by revising paragraphs (10) and (11) of subsection (c) of Code
 191 Section 29-5-23, relating to authority of conservators of adults, as follows:

192 "(10) To access the digital assets of the ward pursuant to Code Section 53-13-20;

193 (11) To engage in estate planning for the ward pursuant to the provisions of Code
 194 Section 29-5-36; and
 195 ~~(11)~~(12) To perform such other acts as may be in the best interest of the ward."

196 **SECTION 19.**

197 Said title is further amended by revising subsection (a) of Code Section 29-5-40, relating to
 198 bond requirement of conservator of adult, as follows:

199 "(a) A conservator appointed by the court, including a conservator appointed in a final
 200 order accepting the transfer of a conservatorship proceeding from another state issued
 201 under subsection (e) of Code Section 29-11-21, shall give bond with good and sufficient
 202 security."

203 **SECTION 20.**

204 Said title is further amended by revising subsection (b) of and adding a new subsection to
 205 Code Section 29-5-43, relating to requirement of additional bond or security from
 206 conservator of adult, as follows:

207 "(b) When it comes to the knowledge of the court that the surety on the conservator's bond
 208 has died, become insolvent, or removed from this state or if from other cause the security
 209 becomes insufficient, the court may give notice to the conservator to appear and give other
 210 and sufficient security. Notice shall be mailed by first-class mail to the conservator and to
 211 the surety on the conservator's bond. If the conservator fails to comply with the notice, the
 212 court may revoke the letters of conservatorship in accordance with Code Section ~~29-5-102~~
 213 29-5-92.

214 (c) With respect to any bond filed with a conservatorship order from another state that has
 215 been registered with and recorded by the court under Code Section 29-11-31, in addition
 216 to any action the court may take under this article or under subsection (b) of Code Section
 217 29-11-32, such court of this state may communicate with the appointing court in such other
 218 state under subsection (a) of Code Section 29-11-4 to inform such appointing court of the
 219 insufficiency of such bond under subsection (a) or (b) of this Code section, stating the
 220 reasons therefor."

221 **SECTION 21.**

222 Said title is further amended by revising subsection (b) of Code Section 29-5-44, relating to
 223 payment of bond premium of conservators of adults, as follows:

224 "(b) When the guardian is required to give bond pursuant to Code Section 29-4-30, the
 225 conservator shall, upon the request of the guardian, pay any bond premium from the estate."

226 **SECTION 22.**

227 Said title is further amended by adding a new Code section to Article 5 of Chapter 5, relating
228 to conservator's bond and other obligations, to read as follows:

229 "29-5-49.1.

230 With respect to a conservatorship order from another state that has been registered with and
231 recorded by a court of this state under Code Section 29-11-31, in addition to any action
232 such court of this state may take under this article or under subsection (b) of Code Section
233 29-11-32, such court of this state may communicate with the appointing court in such other
234 state under subsection (a) of Code Section 29-11-4 to inform such appointing court of any
235 proceeding relating to the conservatorship initiated in this state under this article, stating
236 the reasons therefor."

237 **SECTION 23.**

238 Said title is further amended by revising Code Section 29-5-138, relating to submission to
239 jurisdiction personally of foreign conservator, as follows:

240 "29-5-138.

241 (a) A foreign conservator submits personally to the jurisdiction of the courts of this state
242 in any proceeding relating to the conservatorship by:

243 (1) Receiving payment of money or taking delivery of personal property in this state
244 belonging to the ward; or

245 (2) Doing any act as a conservator in this state that would have given this state
246 jurisdiction over the actor as an individual; or

247 (3) Registering the conservatorship order in this state pursuant to Code Section 29-11-31.

248 (b) With respect to a conservatorship order from another state that has been registered with
249 and recorded by a court of this state under Code Section 29-11-31, in addition to any action
250 such court of this state may take under this part or under subsection (b) of Code Section
251 29-11-32, such court of this state may communicate with the appointing court in such other
252 state under subsection (a) of Code Section 29-11-4 to inform such appointing court of any
253 proceeding relating to the conservatorship initiated in this state under subsection (a) of this
254 Code section, stating the reasons therefor."

255 **SECTION 24.**

256 Said title is further amended by revising Code Section 29-5-139, relating to interested parties'
257 right to compel foreign conservator to act with equity and good conscience, as follows:

258 "29-5-139.

259 (a) Any resident of this state who is interested as a creditor, heir, putative heir, or will
260 beneficiary of a ward for whom a foreign conservator represents has been appointed may

261 apply to the proper court to compel the foreign conservator to protect that interest
 262 according to equity and good conscience before selling the ward's assets or removing the
 263 ward's assets beyond the limits of this state.

264 (b) With respect to a conservatorship order from another state that has been registered with
 265 and recorded by a court of this state under Code Section 29-11-31, in addition to any action
 266 such court of this state may take under this part or under subsection (b) of Code Section
 267 29-11-32, such court of this state may communicate with the appointing court in such other
 268 state under subsection (a) of Code Section 29-11-4 to inform such appointing court of the
 269 application to compel such foreign conservator to protect an interest under subsection (a)
 270 of this Code section, stating the reasons therefor."

271 **SECTION 25.**

272 Said title is further amended by revising Code Section 29-9-1, relating to the application of
 273 Chapter 9 of Title 29, as follows:

274 "29-9-1.

275 Except as otherwise specifically provided by law, the provisions of this chapter shall apply
 276 to any proceeding in the court that arises under this title. Compliance with the provisions
 277 of this chapter shall be deemed to be sufficient for proceedings in the court arising under
 278 this title, except as otherwise provided in Chapter 11 of Title 9 ~~and~~, Chapter 9 of Title 15,
 279 and Chapter 11 of this title."

280 **SECTION 26.**

281 Said title is further amended by revising Code Section 29-9-2, relating to appointment of
 282 guardian ad litem, representation of persons not sui juris; limited appointment, and
 283 identification of parties in all petitions, as follows:

284 "29-9-2.

285 (a)(1) The court, in its discretion, may at any time appoint a guardian ad litem to
 286 represent the interests of a minor, a proposed ward, or a ward in proceedings relating to
 287 the guardianship or conservatorship of that individual. However, the appointment of a
 288 guardian ad litem does not supersede any specific requirement for that individual to be
 289 served either by personal service or in the manner provided by subsection (a) of Code
 290 Section 15-9-17, and the guardian ad litem may not waive personal service for that
 291 individual.

292 ~~(b)(2) Except as provided in subsection (a) of this Code section paragraph (1) of this~~
 293 subsection, when a person who is entitled to notice under any provision of this title is not
 294 sui juris, the interests of ~~that~~ such person shall be represented in the proceeding by a
 295 guardian ad litem; provided, however, that the court may determine for the purpose of the

296 particular proceeding that the natural guardian, if any, or the testamentary guardian, if
 297 any, or the duly constituted conservator, if any, or the duly constituted guardian, if any,
 298 has no conflict of interest and thus may represent for the purpose of the proceeding a
 299 person who is not sui juris. Service upon or notice to a guardian ad litem shall constitute
 300 service upon or notice to ~~that~~ such person who is not sui juris, and except as provided in
 301 subsection (a) of Code Section 15-9-17, no additional service upon or notice to ~~that such~~
 302 person shall be required. Waivers, acknowledgments, consents, answers, objections, or
 303 other documents executed by a guardian ad litem shall, except as otherwise provided in
 304 Code Section 15-9-17, be binding upon the person represented. The guardian ad litem
 305 may represent a single person or more than one person or a class of persons with common
 306 or nonadverse interests.

307 ~~(c)~~(3) Whenever a guardian ad litem is appointed, the court may limit the appointment,
 308 may remove the guardian ad litem, or may at any time for cause appoint a successor
 309 guardian ad litem.

310 ~~(d)~~(4)(A) In every petition filed in the court, the petitioner shall identify each person
 311 who requires a guardian ad litem and the name and address of any person who is acting
 312 as conservator or guardian of the party. A copy of the letters appointing the conservator
 313 or guardian shall be attached to the petition or the petition shall allege such facts as
 314 shall show the authority of such conservator or guardian to act; ~~provided, however, that,~~

315 (B) The authority of a conservator or guardian to act may be established under
 316 subparagraph (A) of this paragraph by showing:

317 (i) Compliance by a foreign guardian of a minor with the filing requirements of
 318 subsection (b) of Code Section 29-2-74 or of Code Section 29-2-76;

319 (ii) Compliance by a foreign conservator of the property of a minor with the filing
 320 requirements of subsection (b) of Code Section 29-3-115 or of Code Section
 321 29-3-117;

322 (iii) Compliance by a foreign guardian of an adult with the filing requirements of
 323 subsection (b) of Code Section 29-4-95 or of Code Section 29-4-97;

324 (iv) Compliance by a foreign conservator of the property of an adult with the filing
 325 requirements of subsection (b) of Code Section 29-5-135 or of Code Section
 326 29-5-137; or

327 (v) The registration and recording of a guardianship order or conservatorship order
 328 from another state under Article 4 of Chapter 11 of this title.

329 (C) Notwithstanding the provisions of subparagraphs (A) and (B) of this paragraph, the
 330 court may take judicial notice of the issuance of the letters ~~or~~ appointing such
 331 conservator or guardian, and of the authority of such conservator or guardian to act, in
 332 the manner provided by Chapter 2 of Title 24.

333 (b) A person who is appointed as counsel for a ward, proposed ward, or alleged
 334 incapacitated person is not eligible to be appointed as guardian ad litem for the same
 335 individual, and a person who is appointed as guardian ad litem for a ward, proposed ward,
 336 or alleged incapacitated person is not eligible to be appointed as counsel for the same
 337 individual."

338 **SECTION 27.**

339 Said title is further amended by revising Code Section 29-9-3, relating to counsel as guardian
 340 ad litem prohibited and guardian ad litem as counsel prohibited, as follows:

341 "29-9-3.

342 ~~A person who is appointed as counsel for a ward, proposed ward, or alleged incapacitated~~
 343 ~~person is not eligible to be appointed as guardian ad litem for the same individual, and a~~
 344 ~~person who is appointed as guardian ad litem for a ward, proposed ward, or alleged~~
 345 ~~incapacitated person is not eligible to be appointed as counsel for the same individual.~~

346 (a) Except as otherwise ordered by the court under paragraph (2) of subsection (a) of Code
 347 Section 29-4-10, under paragraph (2) of subsection (a) of Code Section 29-5-10, or under
 348 subsection (b) of Code Section 29-11-16, and except as otherwise provided in subsection
 349 (a) of Code Section 9-12-135, all costs of court under Code Sections 15-9-60 and 15-9-126
 350 or other applicable law and all compensation, fees, and expenses awarded by the court
 351 under subsections (a) and (b) of Code Section 29-9-15, under Code Section 29-9-16, or
 352 under subsection (b) of Code Section 29-9-18, may be assessed and shall be paid as
 353 provided in subsections (b) and (c) of this Code section.

354 (b) In any proceeding for the appointment of a guardian or conservator pursuant to the
 355 provisions of Chapter 2, 3, 4, 5, 7, or 11 of this title, the costs, compensation, fees, and
 356 expenses provided for by subsection (a) of this Code section shall be paid as follows:

357 (1) From the estate of the minor or ward for whom a guardian or conservator is
 358 appointed in such proceeding;

359 (2) By the petitioners in any such proceeding in which no guardianship order or
 360 conservatorship order is entered by the court;

361 (3) By the county of the court exercising jurisdiction over any such proceeding, provided
 362 that the judge who actually presided over the hearing includes a finding in the order that
 363 the party against whom such costs, compensation, fees, and expenses are cast pursuant
 364 to paragraph (1) or (2) of this subsection appears to lack sufficient assets to defray such
 365 costs, compensation, fees, and expenses;

366 (4) By any party or other person subject to the jurisdiction of the court who has been the
 367 perpetrator of abuse, neglect, or exploitation against the person or property of the minor,
 368 proposed ward, or ward, provided that the judge who actually presided over the hearing

369 includes a finding in the order determining that such abuse, neglect, or exploitation
 370 against the person or property of the minor, proposed ward, or ward has occurred and
 371 identifying the perpetrator thereof; or

372 (5) From any property, fund, or proceeds recovered on behalf of or in favor of a minor
 373 or ward in accordance with an order of the court assessing such costs, compensation, fees,
 374 and expenses against such property, fund, or proceeds.

375 (c) In all proceedings pursuant to the provisions of Chapter 2, 3, 4, 5, 7, or 11 of this title
 376 other than for the appointment of a guardian or conservator, the costs, compensation, fees,
 377 and expenses provided for by subsection (a) of this Code section may be assessed and shall
 378 be paid, in whole or in part, as determined and apportioned by the court in the exercise of
 379 its sound discretion, as follows:

380 (1) From the estate of the minor or ward for whom a guardian or conservator has been
 381 appointed in any such proceeding, if the court finds that the proceeding was brought in
 382 the best interest of the minor or ward;

383 (2) By the petitioners in any such proceeding;

384 (3) From a guardian or conservator or from the surety on such guardian's or conservator's
 385 bond, subject to other applicable law governing the liability of sureties on such bonds, in
 386 any such proceeding, if:

387 (A) Such guardian or conservator admits to a violation of any obligation of such
 388 guardian or conservator in such guardian's or conservator's representative capacity
 389 under this title or other applicable law;

390 (B) The court finds that such guardian or conservator has committed a breach of
 391 fiduciary duty or has threatened to commit a breach of fiduciary duty;

392 (C) The court revokes or suspends such guardian's letters of guardianship or such
 393 conservator's letters of conservatorship or imposes sanctions upon such guardian or
 394 conservator in such proceeding; or

395 (D) The court otherwise finds that such guardian or conservator has committed
 396 misconduct or has acted contrary to the best interest of the minor or ward;

397 (4) By the county of the court exercising jurisdiction over any such proceeding, provided
 398 that the judge who actually presided over the hearing includes a finding in the order that
 399 the party against whom such costs, compensation, fees, and expenses are cast pursuant
 400 to paragraph (1), (2), (3), or (5) of this subsection appears to lack sufficient assets to
 401 defray such costs, compensation, fees, and expenses;

402 (5) By any party or other person subject to the jurisdiction of the court who has been the
 403 perpetrator of abuse, neglect, or exploitation against the person or property of the minor,
 404 proposed ward, or ward, provided that the judge who actually presided over the hearing
 405 includes a finding in the order determining that such abuse, neglect, or exploitation

406 against the person or property of the minor, proposed ward, or ward has occurred and
 407 identifying the perpetrator thereof; or
 408 (6) From any property, fund, or proceeds recovered on behalf of or in favor of a minor
 409 or ward in accordance with an order of the court assessing such costs, compensation, fees,
 410 and expenses against such property, fund, or proceeds.
 411 (d) An award of costs, compensation, fees, and expenses under this Code section may be
 412 enforced by a judgment, writ of fieri facias, execution, or attachment for contempt."

413 **SECTION 28.**

414 Said title is further amended by revising subsection (c) of and adding a new subsection to
 415 Code Section 29-9-11, relating to verification of petitions and returns and consolidation and
 416 transfer of proceedings, as follows:

417 "(c) If the petition for the appointment of a guardian or a conservator of a minor ~~or a~~
 418 ~~proposed ward~~ is originally filed in the court of the county in which the minor ~~or proposed~~
 419 ~~ward~~ is found, on motion of either party, if found by such court to be appropriate, the case
 420 may be transferred to the court of the county of the minor's ~~or proposed ward's~~ domicile.
 421 (d) If the petition for the appointment of a guardian or a conservator of a proposed ward
 422 is originally filed in the court of the county in which the proposed ward is found or in
 423 which jurisdiction is otherwise proper under Code Section 29-11-12, on motion of either
 424 party, if found by such court to be appropriate and unless otherwise provided by Chapter
 425 11 of this title, the case may be transferred to the court of the county of the proposed ward's
 426 domicile."

427 **SECTION 29.**

428 Said title is further amended by revising Code Section 29-9-13.1, relating to authentication
 429 of documents, as follows:

430 "29-9-13.1.
 431 Whenever it is required that a document ~~which~~ that is to be filed in the court be
 432 authenticated or exemplified, such requirement shall be met by complying with the
 433 provisions of Code Section 24-9-922 and paragraphs (1) through (4) of Code Section
 434 24-9-902, and such full faith and credit shall be given to the document as is provided in
 435 such Code sections."

436 **SECTION 30.**

437 Said title is further amended by revising Code Section 29-9-15, relating to compensation for
 438 legal counsel or guardian ad litem, as follows:

439 "29-9-15.

440 ~~Any legal counsel or guardian ad litem who is appointed by the court in a guardianship or~~
 441 ~~conservatorship proceeding shall be awarded reasonable fees commensurate with the tasks~~
 442 ~~performed and time devoted to the proceeding, including any appeals.~~

443 (a) In connection with any proceeding brought pursuant to the provisions of Chapter 2, 3,
 444 4, 5, 7, or 11 of this title, unless voluntarily waived, the court shall award reasonable fees
 445 and expenses, commensurate with the tasks performed and time devoted to the proceeding,
 446 including any appeals, to any legal counsel or guardian ad litem who is appointed by the
 447 court pursuant to the provisions of said chapters or Code Section 29-9-2.

448 (b) In connection with any proceeding brought pursuant to the provisions of Chapter 2, 3,
 449 4, 5, 7, or 11 of this title, unless voluntarily waived, the court may award reasonable fees
 450 and expenses, commensurate with the tasks performed and time devoted to the proceeding,
 451 including any appeals, to any legal counsel who is retained by or on behalf of a minor, a
 452 proposed ward, a ward, the petitioners, or any other party to any proceeding brought
 453 pursuant to the provisions of said chapters. Such awards may be made by the court in the
 454 exercise of its sound discretion and as the court may deem to be in the best interest of the
 455 minor, proposed ward, or ward who is the subject of the particular proceeding.

456 (c) All fees and expenses awarded under subsection (a) or (b) of this Code section shall
 457 be assessed in accordance with the provisions of Code Section 29-9-3."

458 **SECTION 31.**

459 Said title is further amended by revising Code Section 29-9-16, relating to compensation to
 460 physicians, psychologists, or licensed clinical social workers, as follows:

461 "29-9-16.

462 (a) For the evaluation or examination required by subsection (d) of Code Section 29-4-11
 463 or, subsection (c) of Code Section 29-4-15, subsection (b) of Code Section 29-4-42,
 464 subsection (d) of Code Section 29-5-11, subsection (c) of Code Section 29-5-15, or
 465 subsection (b) of Code Section 29-5-71, the evaluating physician, psychologist, or licensed
 466 clinical social worker shall receive a reasonable fee commensurate with the task performed,
 467 plus actual expenses.

468 (b) ~~For the~~ In the event the attendance of the evaluating physician, psychologist, or
 469 licensed clinical social worker shall be required by the court for a hearing under subsection
 470 (d) of Code Section 29-4-12 or, subsection (a) of Code Section 29-4-16, subsection (b) of
 471 Code Section 29-4-42, subsection (d) of Code Section 29-5-12, subsection (a) of Code
 472 Section 29-5-16, or subsection (b) of Code Section 29-5-71, other than pursuant to a
 473 subpoena requested by a party to the proceeding, the evaluating physician, psychologist,

474 or licensed clinical social worker shall receive ~~an amount not to exceed \$75.00~~ a reasonable
 475 fee commensurate with the task performed, plus actual expenses.

476 (c) All fees and expenses payable under subsection (a) or (b) of this Code section shall be
 477 assessed by the court and paid in accordance with the provisions of Code Section 29-9-3."

478 **SECTION 32.**

479 Said title is further amended by revising Code Section 29-9-18, relating to sealing of records
 480 on conservatorship or guardianship, as follows:

481 "29-9-18.

482 (a) All of the records relating to any minor or adult guardianship or conservatorship ~~that~~
 483 ~~is granted under this title and all of the records relating to any adult guardianship or~~
 484 ~~conservatorship transferred or accepted under Article 3 of Chapter 11 of this title shall be~~
 485 kept sealed, except for a record of the names and addresses of the minor, ward, and
 486 guardian or conservator and their legal counsel of record and the ~~date~~ dates of filing,
 487 ~~granting, and terminating, transferring, and accepting~~ the guardianship or conservatorship.
 488 The sealed records may be examined by the ward and the ward's legal counsel; the minor,
 489 the minor's parents, and the minor's legal counsel; the guardian or conservator and the
 490 ~~guardian~~ guardian's or conservator's legal counsel; and any surety for the guardian or
 491 conservator and legal counsel for the surety at any time.

492 (b) ~~A~~ Except as otherwise provided in subsection (b) of Code Section 29-11-5 and in
 493 subsection (c) of this Code section, a request by other interested parties to examine the
 494 sealed records shall be by petition to the court, and the ward and guardian or conservator
 495 shall have at least 30 days' prior written notice of a hearing on the petition; provided,
 496 however, that for good cause shown to the court, the court may shorten such notice period
 497 or grant the petition without notice. The matter shall come before the court in chambers.
 498 The order allowing access shall be granted upon a finding that the public interest in
 499 granting access to the sealed records clearly outweighs the harm otherwise resulting to the
 500 privacy of the person in interest, and the court shall limit the portion of the file to which
 501 access is granted to that which is required to meet the legitimate needs of the petitioner.
 502 The court, in its discretion, may assess and award costs, compensation, fees, and expenses
 503 for a proceeding under this subsection in accordance with the provisions of Code Section
 504 29-9-3.

505 (c) To the extent reasonably required to facilitate any communication or fulfill any request
 506 to take any action pursuant to Chapter 11 of this title, a court of this state may disclose the
 507 records referred to in subsection (a) of this Code section to a court of another state."

508 **SECTION 33.**

509 Said title is further amended by revising Code Section 29-11-30, relating to registration of
 510 guardianship order from another state, as follows:

511 "29-11-30.

512 (a) If a guardian has been appointed in another state and a petition for the appointment of
 513 a guardian is not pending in this state, the guardian appointed in the other state, after giving
 514 notice to the appointing court of an intent to register, may register the guardianship order
 515 in this state by filing as a foreign judgment in a court, in any appropriate county of this
 516 state, certified copies of the order and letters of office.

517 (b) Upon registration of a guardianship order from another state in the manner provided
 518 in subsection (a) of this Code section, the probate court of this state in which such
 519 guardianship order is registered shall:

520 (1) Record the certified copies of the order and letters of office in the book required to
 521 be kept by subparagraph (a)(8)(B) of Code Section 15-9-37; and

522 (2) Treat the registered and recorded order as a filed foreign judgment as provided in
 523 Code Section 9-12-132.

524 (c)(1) The provisions of this Code section shall apply only if the other state has adopted
 525 the 'Uniform Adult Guardianship and Conservatorship Proceedings Jurisdiction Act' in
 526 substantially the same form as this chapter.

527 (2) The provisions of paragraph (2) of subsection (b) of this Code section shall apply
 528 only if the other state has adopted the 'Uniform Enforcement of Foreign Judgments Law'
 529 in substantially the same form as Article 6 of Chapter 12 of Title 9."

530 **SECTION 34.**

531 Said title is further amended by revising Code Section 29-11-31, relating to registration of
 532 conservatorship order from another state, as follows:

533 "29-11-31.

534 (a) If a conservator has been appointed in another state and a petition for a conservatorship
 535 order is not pending in this state, the conservator appointed in the other state, after giving
 536 notice to the appointing court of an intent to register, may register the conservatorship order
 537 in this state by filing as a foreign judgment in a court of this state, in any county in which
 538 property belonging to the protected person is located, certified copies of the order and
 539 letters of office and of any bond.

540 (b) Upon registration of a conservatorship order from another state in the manner provided
 541 in subsection (a) of this Code section, the probate court of this state in which such
 542 conservatorship order is registered shall:

543 (1) Record the certified copies of the order and letters of office in the book required to
 544 be kept by subparagraph (a)(8)(B) of Code Section 15-9-37;

545 (2) Record the certified copy of any bond in the books required to be kept by
 546 subparagraph (a)(8)(C) of Code Section 15-9-37 and by subsection (c) of Code Section
 547 29-5-40; and

548 (3) Treat the registered and recorded order as a filed foreign judgment as provided in
 549 Code Section 9-12-132.

550 (c)(1) The provisions of this Code section shall apply only if the other state has adopted
 551 the 'Uniform Adult Guardianship and Conservatorship Proceedings Jurisdiction Act' in
 552 substantially the same form as this chapter.

553 (2) The provisions of paragraph (3) of subsection (b) of this Code section shall apply
 554 only if the other state has adopted the 'Uniform Enforcement of Foreign Judgments Law'
 555 in substantially the same form as Article 6 of Chapter 12 of Title 9."

556 **SECTION 35.**

557 Said title is further amended by revising Code Section 29-11-32, relating to exercise of
 558 powers authorized and enforcement, as follows:

559 "29-11-32.

560 (a) Upon registration and recording of a guardianship order or conservatorship order from
 561 another state, the guardian or conservator may exercise in this state all powers authorized
 562 in the order of appointment except as prohibited under the laws of this state, including
 563 maintaining actions and proceedings in this state and, if the guardian or conservator is not
 564 a resident of this state, subject to any conditions imposed upon nonresident parties.

565 (b) A court of this state may grant any relief available under this chapter, Article 4 of
 566 Chapter 4 of this title, Part 4 of Article 9 of Chapter 4 of this title, Article 5 of Chapter 5
 567 of this title, Part 4 of Article 13 of Chapter 5 of this title, and other law of this state to
 568 enforce a registered and recorded order.

569 (c)(1) The provisions of subsections (a) and (b) of Code Section 9-12-133 shall not apply
 570 to this article.

571 (2) Unless otherwise required by this chapter, service of notice shall not be required
 572 under this article as a condition precedent to the registration and recording of a
 573 guardianship order from another state under Code Section 29-11-30 or of a
 574 conservatorship order from another state under Code Section 29-11-31; provided,
 575 however, that the judge of a court of this state may direct such service or notice of such
 576 registration and recording as the judge may determine to be proper."

577 **SECTION 36.**

578 Title 9 of the Official Code of Georgia Annotated, relating to civil practice, is amended by
 579 adding a new subsection to Code Section 9-12-133, relating to filing of foreign judgment, to
 580 read as follows:

581 "(d) The provisions of subsections (a) and (b) of this Code section shall not apply to the
 582 registration of a guardianship order or conservatorship order from another state under
 583 Article 4 of Chapter 11 of Title 29."

584 **SECTION 37.**

585 Said title is further amended by adding a new subsection to Code Section 9-12-134, relating
 586 to appeal or stay of foreign judgment, to read as follows:

587 "(c) With respect to a guardianship order or conservatorship order from another state
 588 registered and recorded under Article 4 of Chapter 11 of Title 29, nothing in subsection (a)
 589 or (b) of this Code section shall prevent an appropriate court from taking any action
 590 permitted by subsection (d) of Code Section 29-4-70, subsection (d) of Code Section
 591 29-5-110, or Articles 1 and 2 of Chapter 11 of Title 29."

592 **SECTION 38.**

593 Said title is further amended by revising Code Section 9-12-135, relating to clerk's fees for
 594 filing foreign judgments, as follows:

595 "9-12-135.

596 (a) A person filing a foreign judgment shall pay to the clerk of court the same sums as in
 597 civil cases in superior court as provided in Code Section 15-6-77; provided, however, that
 598 a person registering a guardianship order or conservatorship order from another state under
 599 Article 4 of Chapter 11 of Title 29 shall pay to the probate court in which such order is
 600 registered the same sums as in adult guardianship matters in probate court as provided in
 601 paragraph (1) of subsection (g) of Code Section 15-9-60.

602 (b) Fees for other enforcement proceedings shall be as otherwise provided by law."

603 **SECTION 39.**

604 Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to the probate
 605 courts, is amended by revising subsection (a) of Code Section 15-9-34, relating to contempt
 606 powers, as follows:

607 "(a) The judge of the probate court shall have power to enforce obedience to all lawful
 608 orders of his or her court, including a guardianship order or conservatorship order from
 609 another state that has been registered with and recorded by the probate court under Article

610 4 of Chapter 11 of Title 29, by attachment for contempt under the same rules as are
611 provided for other courts."

612 **SECTION 40.**

613 Said chapter is further amended by adding a new subsection to Code Section 15-9-35,
614 relating to the power to cite absconding fiduciaries, to read as follows:

615 "(c) With respect to a guardianship order or conservatorship order from another state that
616 has been registered with and recorded by the probate court under Article 4 of Chapter 11
617 of Title 29, in addition to any action such court may take under subsection (a) of this Code
618 section or under subsection (b) of Code Section 29-11-32, the judge of the probate court
619 may communicate with the appointing court in such other state under subsection (a) of
620 Code Section 29-11-4 to inform such appointing court of the citation to appear issued by
621 such judge under subsection (a) of this Code section, stating the reasons therefor."

622 **SECTION 41.**

623 Said chapter is further amended by revising subparagraphs (a)(8)(B) and (a)(8)(C) of Code
624 Section 15-9-37, relating to duties of clerks or probate judges acting as clerks, as follows:

625 "(B) Record of all letters of administration and, letters of conservatorship, letters of
626 guardianship, letters testamentary, and other letters of office of fiduciaries issued by or
627 registered with the court;

628 (C) Record of all bonds given by administrators, conservators, executors, and
629 guardians, and other fiduciaries appointed by the court or for whom a guardianship
630 order or conservatorship order has been registered with and recorded by the court under
631 Article 4 of Chapter 11 of Title 29;"

632 **SECTION 42.**

633 Title 53 of the Official Code of Georgia Annotated, relating to wills, trusts, and
634 administration of estates, is amended by revising subsections (a), (b), and (d) of Code Section
635 53-11-2, relating to "guardian" defined, persons represented, appointment, successors, and
636 guardian named in petitions, as follows:

637 "(a) As used in this Code section, the term 'guardian' means the guardian ad litem
638 appointed by the probate court who may represent a single party or more than one party or
639 a class of parties with common or nonadverse interests; provided, however, that the court
640 may determine for the purpose of the particular proceeding that the natural guardian, if any,
641 or the testamentary guardian, if any, or the duly constituted ~~guardian~~ conservator of the
642 property, if any, or the duly constituted guardian of the person, if any, has no conflict of

643 interest and thus may represent for the purpose of the proceeding a party who is not sui
644 juris, who is unborn, or who is unknown.

645 (b) When a party to a proceeding in the probate court is not sui juris, is unborn, or is
646 unknown, ~~that~~ such party shall be represented in the proceeding by a guardian. Service
647 upon or notice to a guardian shall constitute service upon or notice to the party represented,
648 and except as provided in subsection (a) of Code Section 15-9-17, no additional service
649 upon or notice to such party shall be required. Waivers, acknowledgments, consents,
650 answers, objections, or other documents executed by the guardian shall, except as
651 otherwise provided in Code Section 15-9-17, be binding upon the party represented."

652 "(d)(1) In every petition filed in the probate court, the petitioner shall specify the name
653 of each party who requires a guardian and the name and address of any person who is
654 acting as guardian of the party. A copy of the letters appointing the guardian shall be
655 attached to the petition or the petition shall allege such facts as shall show the authority
656 of such guardian to act; ~~provided, however, that,~~

657 (2) The authority of a guardian to act may be established under paragraph (1) of this
658 subsection by showing:

659 (i) Compliance by a foreign guardian of a minor with the filing requirements of
660 subsection (b) of Code Section 29-2-74 or of Code Section 29-2-76;

661 (ii) Compliance by a foreign conservator of the property of a minor with the filing
662 requirements of subsection (b) of Code Section 29-3-115 or of Code Section
663 29-3-117;

664 (iii) Compliance by a foreign guardian of an adult with the filing requirements of
665 subsection (b) of Code Section 29-4-95 or of Code Section 29-4-97;

666 (iv) Compliance by a foreign conservator of the property of an adult with the filing
667 requirements of subsection (b) of Code Section 29-5-135 or of Code Section
668 29-5-137; or

669 (v) The registration and recording of a guardianship order or conservatorship order
670 from another state under Article 4 of Chapter 11 of Title 29.

671 (3) Notwithstanding the provisions of paragraphs (1) and (2) of this subsection, the
672 probate court may take judicial notice of the issuance of such letters or of such authority
673 the letters appointing such conservator or guardian, and of the authority of such
674 conservator or guardian to act, in the manner provided by Chapter 2 of Title 24."

675 **SECTION 43.**

676 Said title is further amended by revising subsection (a) of Code Section 53-13-20, relating
677 to access to digital assets by conservator, as follows:

678 "(a) After an opportunity for a hearing under ~~paragraph (2)~~ of subsection (b) or (c) of Code
679 Section 29-3-22 or ~~paragraph (2)~~ of under subsection (b) or (c) of Code Section 29-5-23,
680 the court may grant a conservator access to the digital assets of a protected person."

681

SECTION 44.

682 All laws and parts of laws in conflict with this Act are repealed.