

The House Committee on Juvenile Justice offers the following substitute to HB 70:

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 subsections (a) and (c) of Code Section 29-2-6, relating to parental  
19 consent to 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~~ may  
23 grant the petition, either with or without further notice or hearing and ~~shall~~ issue letters of  
24 guardianship to the petitioner."

25 "(c) Except as otherwise provided in subsection (f) of this Code section, if no parent who  
26 is entitled to notice under subsection (b) of this Code section files a timely objection to the

27 petition, the court ~~shall~~ may grant the petition, either with or without further notice or  
 28 hearing and shall issue letters of guardianship to the petitioner."

29 **SECTION 2.**

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

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

36 **SECTION 3.**

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

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

43 **SECTION 4.**

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

46 "(9) To access the digital assets of the minor pursuant to Code Section 53-13-20;  
 47 (10) To engage in estate planning for the minor pursuant to the provisions of Code  
 48 Section 29-3-36; and  
 49 ~~(10)~~(11) To perform such other acts as may be in the best interest of the minor."

50 **SECTION 5.**

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

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

55 **SECTION 6.**

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

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

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

63 (A) He or she has been adjudicated to be in need of a guardian pursuant to this chapter;  
 64 or

65 (B) The court has recognized another state's determination of incapacity and the  
 66 appointment of a guardian as provided in subsection (g) of Code Section 29-11-21."

67 **SECTION 7.**

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

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

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

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

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

81 **SECTION 8.**

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

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

87 (1) The proposed ward is domiciled or;

88 (2) The proposed ward is found; or

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

90 **SECTION 9.**

91 Said title is further amended by revising paragraph (3) of subsection (b) of Code Section  
92 29-4-16, relating to conducting an emergency guardianship hearing and limitations on  
93 emergency guardianship, as follows:

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

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

96 (B) The effective date of the appointment of a guardian;

97 (C) Unless otherwise specified in the order of dismissal, the dismissal of a petition for  
98 appointment of a guardian;

99 (D) The date specified for the termination in the order appointing the emergency  
100 guardian; ~~or~~

101 (E) Sixty days from the date of appointment of the emergency guardian, provided that  
102 the court had jurisdiction to issue such order under paragraph (1) of Code Section  
103 29-11-12; or

104 (F) Ninety days from the date of appointment of the emergency guardian, provided that  
105 the court had jurisdiction to issue such order under paragraph (2) or (3) of Code Section  
106 29-11-12."

107 **SECTION 10.**

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

110 **SECTION 11.**

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

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

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

123 "(c) If a guardian is required to give bond and has given as security one or more licensed  
124 commercial sureties authorized to transact business in this state, the bond premium may

125 shall, upon the request of the guardian, be paid as part of the cost of administration from  
 126 the estate of the ward."

127 **SECTION 12.**

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

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

134 **SECTION 13.**

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

137 "29-4-98.

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

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

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

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

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

152 **SECTION 14.**

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

156 "(b) No conservator, except a conservator appointed under paragraph (2) of subsection (a)  
 157 of Code Section 29-11-13 or a conservator for the estate of an individual who is missing

158 or who is believed to be dead, shall be appointed for any adult except pursuant to the  
159 procedures of this chapter."

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

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

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

166 **SECTION 15.**

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

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

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

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

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

180 **SECTION 16.**

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

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

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

187 (2) The proposed ward is found; ~~or~~

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

189 **SECTION 17.**

190 Said title is further amended by repealing Code Section 29-5-17, relating to responsibility for  
191 paying expenses of hearings in conservatorship proceeding, and designating it as reserved.

192 **SECTION 18.**

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

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

196 (11) To engage in estate planning for the ward pursuant to the provisions of Code  
197 Section 29-5-36; and

198 ~~(11)~~(12) To perform such other acts as may be in the best interest of the ward."

199 **SECTION 19.**

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

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

206 **SECTION 20.**

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

210 "(b) When it comes to the knowledge of the court that the surety on the conservator's bond  
211 has died, become insolvent, or removed from this state or if from other cause the security  
212 becomes insufficient, the court may give notice to the conservator to appear and give other  
213 and sufficient security. Notice shall be mailed by first-class mail to the conservator and to  
214 the surety on the conservator's bond. If the conservator fails to comply with the notice, the  
215 court may revoke the letters of conservatorship in accordance with Code Section ~~29-5-102~~  
216 29-5-92.

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

224 **SECTION 21.**

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

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

229 **SECTION 22.**

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

232 "29-5-49.1.

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

240 **SECTION 23.**

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

243 "29-5-138.

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

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

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

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

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



258 **SECTION 24.**

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

261 "29-5-139.

262 (a) Any resident of this state who is interested as a creditor, heir, putative heir, or will  
 263 beneficiary of a ward for whom a foreign conservator represents has been appointed may  
 264 apply to the proper court to compel the foreign conservator to protect that interest  
 265 according to equity and good conscience before selling the ward's assets or removing the  
 266 ward's assets beyond the limits of this state.

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

274 **SECTION 25.**

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

277 "29-9-1.

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

283 **SECTION 26.**

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

287 "29-9-2.

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

293 Section 15-9-17, and the guardian ad litem may not waive personal service for that  
 294 individual.

295 ~~(b)(2)~~ Except as provided in ~~subsection (a) of this Code section~~ paragraph (1) of this  
 296 subsection, when a person who is entitled to notice under any provision of this title is not  
 297 sui juris, the interests of ~~that~~ such person shall be represented in the proceeding by a  
 298 guardian ad litem; provided, however, that the court may determine for the purpose of the  
 299 particular proceeding that the natural guardian, if any, or the testamentary guardian, if  
 300 any, or the duly constituted conservator, if any, or the duly constituted guardian, if any,  
 301 has no conflict of interest and thus may represent for the purpose of the proceeding a  
 302 person who is not sui juris. Service upon or notice to a guardian ad litem shall constitute  
 303 service upon or notice to ~~that~~ such person who is not sui juris, and except as provided in  
 304 subsection (a) of Code Section 15-9-17, no additional service upon or notice to ~~that~~ such  
 305 person shall be required. Waivers, acknowledgments, consents, answers, objections, or  
 306 other documents executed by a guardian ad litem shall, except as otherwise provided in  
 307 Code Section 15-9-17, be binding upon the person represented. The guardian ad litem  
 308 may represent a single person or more than one person or a class of persons with common  
 309 or nonadverse interests.

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

313 ~~(d)(4)(A)~~ In every petition filed in the court, the petitioner shall identify each person  
 314 who requires a guardian ad litem and the name and address of any person who is acting  
 315 as conservator or guardian of the party. A copy of the letters appointing the conservator  
 316 or guardian shall be attached to the petition or the petition shall allege such facts as  
 317 shall show the authority of such conservator or guardian to act; ~~provided, however, that,~~  
 318 (B) The authority of a conservator or guardian to act may be established under  
 319 subparagraph (A) of this paragraph by showing:

- 320 (i) Compliance by a foreign guardian of a minor with the filing requirements of  
 321 subsection (b) of Code Section 29-2-74 or of Code Section 29-2-76;  
 322 (ii) Compliance by a foreign conservator of the property of a minor with the filing  
 323 requirements of subsection (b) of Code Section 29-3-115 or of Code Section  
 324 29-3-117;  
 325 (iii) Compliance by a foreign guardian of an adult with the filing requirements of  
 326 subsection (b) of Code Section 29-4-95 or of Code Section 29-4-97;  
 327 (iv) Compliance by a foreign conservator of the property of an adult with the filing  
 328 requirements of subsection (b) of Code Section 29-5-135 or of Code Section  
 329 29-5-137; or

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

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

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

### 341 **SECTION 27.**

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

344 "29-9-3.

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

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

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

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

362 (2) By the petitioner(s) in any such proceeding in which no guardianship order or  
 363 conservatorship order is entered by the court;

364 (3) By the county of the court exercising jurisdiction over any such proceeding, provided  
 365 that the judge who actually presided over the hearing includes a finding in the order that

366 the party against whom such costs, compensation, fees, and expenses are cast pursuant  
 367 to paragraph (1) or (2) of this subsection appears to lack sufficient assets to defray such  
 368 costs, compensation, fees, and expenses;

369 (4) By any party or other person subject to the jurisdiction of the court who has been the  
 370 perpetrator of abuse, neglect, or exploitation against the person or property of the minor,  
 371 proposed ward, or ward, provided that the judge who actually presided over the hearing  
 372 includes a finding in the order determining that such abuse, neglect, or exploitation  
 373 against the person or property of the minor, proposed ward, or ward has occurred and  
 374 identifying the perpetrator thereof; or

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

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

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

386 (2) By the petitioner(s) in any such proceeding;

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

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

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

395 (C) The court revokes or suspends such guardian's letters of guardianship or such  
 396 conservator's letters of conservatorship or imposes sanctions upon such guardian or  
 397 conservator in such proceeding; or

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

400 (4) By the county of the court exercising jurisdiction over any such proceeding, provided  
 401 that the judge who actually presided over the hearing includes a finding in the order that  
 402 the party against whom such costs, compensation, fees, and expenses are cast pursuant

403 to paragraph (1), (2), (3), or (5) of this subsection appears to lack sufficient assets to  
 404 defray such costs, compensation, fees, and expenses;

405 (5) By any party or other person subject to the jurisdiction of the court who has been the  
 406 perpetrator of abuse, neglect, or exploitation against the person or property of the minor,  
 407 proposed ward, or ward, provided that the judge who actually presided over the hearing  
 408 includes a finding in the order determining that such abuse, neglect, or exploitation  
 409 against the person or property of the minor, proposed ward, or ward has occurred and  
 410 identifying the perpetrator thereof; or

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

414 (d) An award of costs, compensation, fees, and expenses under this Code section may be  
 415 enforced by a judgment, writ of fieri facias, execution, or attachment for contempt."

416 **SECTION 28.**

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

420 "(c) If the petition for the appointment of a guardian or a conservator of a minor ~~or a~~  
 421 ~~proposed ward~~ is originally filed in the court of the county in which the minor ~~or proposed~~  
 422 ~~ward~~ is found, on motion of either party, if found by such court to be appropriate, the case  
 423 may be transferred to the court of the county of the minor's ~~or proposed ward's~~ domicile.

424 (d) If the petition for the appointment of a guardian or a conservator of a proposed ward  
 425 is originally filed in the court of the county in which the proposed ward is found or in  
 426 which jurisdiction is otherwise proper under Code Section 29-11-12, on motion of either  
 427 party, if found by such court to be appropriate and unless otherwise provided by Chapter  
 428 11 of this title, the case may be transferred to the court of the county of the proposed ward's  
 429 domicile."

430 **SECTION 29.**

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

433 "29-9-13.1.

434 Whenever it is required that a document ~~which~~ that is to be filed in the court be  
 435 authenticated or exemplified, such requirement shall be met by complying with the  
 436 provisions of Code Section 24-9-922 and paragraphs (1) through (4) of Code Section

437 24-9-902, and such full faith and credit shall be given to the document as is provided in  
438 such Code sections."

439 **SECTION 30.**

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

442 "29-9-15.

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

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

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

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

461 **SECTION 31.**

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

464 "29-9-16.

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

471 ~~(b) For the~~ In the event the attendance of the evaluating physician, psychologist, or  
 472 licensed clinical social worker shall be required by the court for a hearing under subsection  
 473 (d) of Code Section 29-4-12 or, subsection (a) of Code Section 29-4-16, subsection (b) of  
 474 Code Section 29-4-42, subsection (d) of Code Section 29-5-12, subsection (a) of Code  
 475 Section 29-5-16, or subsection (b) of Code Section 29-5-71, other than pursuant to a  
 476 subpoena requested by a party to the proceeding, the evaluating physician, psychologist,  
 477 or licensed clinical social worker shall receive an amount not to exceed \$75.00 a reasonable  
 478 fee commensurate with the task performed, plus actual expenses.  
 479 (c) All fees and expenses payable under subsection (a) or (b) of this Code section shall be  
 480 assessed by the court and paid in accordance with the provisions of Code Section 29-9-3."

481 **SECTION 32.**

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

484 "29-9-18.

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

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

506 for a proceeding under this subsection in accordance with the provisions of Code Section  
 507 29-9-3.  
 508 (c) To the extent reasonably required to facilitate any communication or fulfill any request  
 509 to take any action pursuant to Chapter 11 of this title, a court of this state may disclose the  
 510 records referred to in subsection (a) of this Code section to a court of another state."

511 **SECTION 33.**

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

514 "29-11-30.

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

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

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

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

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

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

533 **SECTION 34.**

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

536 "29-11-31.

537 (a) If a conservator has been appointed in another state and a petition for a conservatorship  
 538 order is not pending in this state, the conservator appointed in the other state, after giving  
 539 notice to the appointing court of an intent to register, may register the conservatorship order  
 540 in this state by filing as a foreign judgment in a court of this state, in any county in which



541 property belonging to the protected person is located, certified copies of the order and  
542 letters of office and of any bond.

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

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

548 (2) Record the certified copy of any bond in the books required to be kept by  
549 subparagraph (a)(8)(C) of Code Section 15-9-37 and by subsection (c) of Code Section  
550 29-5-40; and

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

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

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

559 **SECTION 35.**

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

562 "29-11-32.

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

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

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

574 (2) Unless otherwise required by this chapter, service of notice shall not be required  
575 under this article as a condition precedent to the registration and recording of a  
576 guardianship order from another state under Code Section 29-11-30 or of a

577 conservatorship order from another state under Code Section 29-11-31; provided,  
 578 however, that the judge of a court of this state may direct such service or notice of such  
 579 registration and recording as the judge may determine to be proper."

580 **SECTION 36.**

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

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

587 **SECTION 37.**

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

590 "(c) With respect to a guardianship order or conservatorship order from another state  
 591 registered and recorded under Article 4 of Chapter 11 of Title 29, nothing in subsection (a)  
 592 or (b) of this Code section shall prevent an appropriate court from taking any action  
 593 permitted by subsection (d) of Code Section 29-4-70, subsection (d) of Code Section  
 594 29-5-110, or Articles 1 and 2 of Chapter 11 of Title 29."

595 **SECTION 38.**

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

598 "9-12-135.

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

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

606 **SECTION 39.**

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

610 "(a) The judge of the probate court shall have power to enforce obedience to all lawful  
 611 orders of his or her court, including a guardianship order or conservatorship order from  
 612 another state that has been registered with and recorded by the probate court under Article  
 613 4 of Chapter 11 of Title 29, by attachment for contempt under the same rules as are  
 614 provided for other courts."

615 **SECTION 40.**

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

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

625 **SECTION 41.**

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

628 "(B) Record of all letters of administration ~~and~~, letters of conservatorship, letters of  
 629 guardianship, letters testamentary, and other letters of office of fiduciaries issued by or  
 630 registered with the court;

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

635 **SECTION 42.**

636 Title 53 of the Official Code of Georgia Annotated, relating to wills, trusts, and  
 637 administration of estates, is amended by revising subsections (a), (b), and (d) of Code Section  
 638 53-11-2, relating to "guardian" defined, persons represented, appointment, successors, and  
 639 guardian named in petitions, as follows:

640 "(a) As used in this Code section, the term 'guardian' means the guardian ad litem  
 641 appointed by the probate court who may represent a single party or more than one party or  
 642 a class of parties with common or nonadverse interests; provided, however, that the court  
 643 may determine for the purpose of the particular proceeding that the natural guardian, if any,

644 or the testamentary guardian, if any, or the duly constituted ~~guardian~~ conservator of the  
 645 property, if any, or the duly constituted guardian of the person, if any, has no conflict of  
 646 interest and thus may represent for the purpose of the proceeding a party who is not sui  
 647 juris, who is unborn, or who is unknown.

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

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

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

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

664 (ii) Compliance by a foreign conservator of the property of a minor with the filing  
 665 requirements of subsection (b) of Code Section 29-3-115 or of Code Section  
 666 29-3-117;

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

669 (iv) Compliance by a foreign conservator of the property of an adult with the filing  
 670 requirements of subsection (b) of Code Section 29-5-135 or of Code Section  
 671 29-5-137; or

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

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

678 **SECTION 43.**

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

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

684 **SECTION 44.**

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