

Senate Bill 98

By: Senators Cowsert of the 46th, Strickland of the 42nd, Ginn of the 47th, Watson of the 1st and Kirkpatrick of the 32nd

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 provide for county conservators generally; to provide for respective rights and
3 responsibilities of county conservators and county guardians; to provide that county
4 administrators shall serve as ex officio county conservators; to make conforming changes;
5 to revise and provide for definitions; to provide for the change of designation of county
6 guardian to county conservator by operation of law under certain circumstances and subject
7 to an exception; to provide for related matters; to provide for an effective date; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward, is
12 amended in Code Section 29-1-1, relating to definitions, by revising paragraph (3) and
13 adding a new paragraph to read as follows:

14 "(2.1) 'County conservator' means an individual described as such in Chapter 8 of this
15 title.

16 (3) 'County guardian' means an individual described as such in Chapter 8 of this title."

17

SECTION 2.

18 Said title is further amended in Code Section 29-3-7, relating to preference among
19 individuals for appointment of conservator and court's ability to ignore preference for best
20 interest of minor, by revising paragraph (7) of subsection (a) as follows:

21 "(7) The county ~~guardian~~ conservator."

22

SECTION 3.

23 Said title is further amended in Code Section 29-3-71, relating to final settlements, settlement
24 period, examination of returns and accounts by court, and return of property to minor, by
25 revising subsection (e) as follows:

26 "(e) When a minor ward for whom the county administrator, county conservator, or county
27 guardian has been previously appointed as conservator dies intestate, the conservator shall
28 proceed to distribute the minor ward's estate in the same manner as if the conservator had
29 been appointed administrator of the estate. The sureties on the conservator's bond shall be
30 responsible for the conservator's faithful administration and distribution of the estate."

31

SECTION 4.

32 Said title is further amended in Code Section 29-3-90, relating to appointment of temporary
33 substitute conservator, length of appointment, powers, notice, and removal, by revising
34 subsection (c) as follows:

35 "(c) The court shall appoint as temporary substitute conservator the county ~~guardian~~
36 conservator or some other appropriate person who shall serve the best interest of the
37 minor."

38

SECTION 5.

39 Said title is further amended in Code Section 29-5-3, relating to order of preference in
40 selecting conservator, nomination of individual to serve as conservator, and requirements of
41 nomination, by revising paragraph (8) of subsection (b) as follows:

42 "(8) The county guardian conservator."

43

SECTION 6.

44 Said title is further amended in Code Section 29-5-72, relating to termination of
45 conservatorship, required evidence to support, burden of proof, and death of ward, by
46 revising subsection (g) as follows:

47 "(g) When a ward for whom the county administrator, county conservator, or county
48 guardian has been previously appointed as conservator dies intestate, the conservator shall
49 proceed to distribute the ward's estate in the same manner as if the conservator had been
50 appointed administrator of the estate. The sureties on the conservator's bond shall be
51 responsible for the conservator's faithful administration and distribution of the estate."

52

SECTION 7.

53 Said title is further amended in Code Section 29-5-100, relating to appointment of temporary
54 substitute conservator, period of service, powers and authority, notice, and removal, by
55 revising subsection (c) as follows:

56 "(c) The court shall appoint as temporary substitute conservator the county guardian
57 conservator or some other appropriate person who shall serve the best interest of the ward."

58

SECTION 8.

59 Said title is further amended by revising Code Section 29-8-1, relating to county
60 administrators as ex officio county guardians, as follows:

61 "29-8-1.
 62 County administrators as provided for in Article 5 of Chapter 6 of Title 53 are ex officio
 63 county guardians and ex officio county conservators and shall serve as guardians or
 64 conservators, respectively, in all cases where appointed by the court."

65 **SECTION 9.**

66 Said title is further amended by revising Code Section 29-8-2, relating to bond requirements,
 67 as follows:

68 "29-8-2.
 69 In addition to the bond required in Code Section 53-6-41, county conservators and county
 70 guardians shall give ~~another bond~~ separate additional bonds with good security, to be
 71 judged by the court, each in the sum of \$5,000.00. In the event one individual serves as
 72 both county conservator and county guardian in the same matter, such individual shall be
 73 responsible for giving both separate additional bonds provided for in this Code section with
 74 good security. Such separate additional ~~The bond or bonds~~ shall be payable to the court
 75 for the benefit of all concerned. ~~It~~ shall be attested by the judge or clerk of the court, and
 76 shall be conditioned upon the faithful discharge of the county conservator's or county
 77 guardian's respective duties ~~duty~~ as such, as required by law. Actions on the bond may be
 78 brought by any person aggrieved by the misconduct of the county conservator or county
 79 guardian, as provided by law for actions on the bonds of other conservators or guardians."

80 **SECTION 10.**

81 Said title is further amended by revising Code Section 29-8-3, relating to letters of
 82 guardianship or conservatorship and liability and rights of county guardian, as follows:

83 "29-8-3.
 84 The court shall grant to the county guardian separate letters of guardianship ~~or~~ and to the
 85 county conservator separate letters of conservatorship upon each appointment. The county

86 guardian and county conservator shall be subject to all liabilities and entitled to all the
87 rights and emoluments provided for other guardians or conservators, respectively, and shall
88 be governed by the law provided for other guardians or conservators, respectively."

89

SECTION 11.

90 Said title is further amended by revising Code Section 29-8-4, relating additional security on
91 bond, as follows:

92 "29-8-4.

93 (a) If in the opinion of the court it shall become necessary for the good of any
94 conservatorship placed or about to be placed in the hands of the county ~~guardian~~
95 conservator for the county ~~guardian~~ conservator to give additional security on the bond or
96 to give additional bond with security, the court shall have the authority to fix the amount
97 of the bond and shall cite the county ~~guardian~~ conservator to appear and show cause, if any,
98 why the additional bond or additional security should not be given.

99 (b) If upon the hearing the county ~~guardian~~ conservator fails to show good cause why the
100 additional bond or additional security should not be given, the court shall issue an order
101 fixing the amount of the bond and direct the county ~~guardian~~ conservator to give additional
102 security on or before a certain date, which date shall be within 30 days of the date of the
103 order.

104 (c) Should the county ~~guardian~~ conservator fail, refuse, or neglect to give additional bond
105 or additional security on or before the date fixed in the order of the court and fail to show
106 good cause why further time should be allowed, it shall be the duty of the court to remove
107 the county ~~guardian~~ conservator and to appoint another county ~~guardian~~ conservator for the
108 unexpired term of office. The order of removal shall be recorded as provided for the order
109 of appointment."

110 **SECTION 12.**

111 Said title is further amended by revising Code Section 29-8-5, relating to revocation of letters
112 of guardianship or conservatorship or other court orders necessary for good of ward, as
113 follows:

114 "29-8-5.

115 The court may, for good cause shown, as provided in Code Section 29-4-52 or 29-5-92,
116 respectively, revoke the letters of guardianship or conservatorship of the county guardian
117 or county conservator, require additional security on the county guardian's or county
118 conservator's bond, or issue any other order as is expedient and necessary for the good of
119 any particular guardianship or conservatorship in the hands of the county guardian or
120 county conservator."

121 **SECTION 13.**

122 Said title is further amended by adding a new Code section to Chapter 8, relating to county
123 guardians, to read as follows:

124 "29-8-6.

125 On and after July 1, 2025, except as otherwise ordered by the court, in any matter related
126 to a conservatorship provided for in this title wherein an individual designated as county
127 guardian is serving as a conservator pursuant to this title, the designation of such individual
128 shall by operation of law be county conservator; provided, however, that, in such instances,
129 no separate additional bond as provided for in Code Section 29-8-2 shall be required unless
130 ordered by the court for good cause shown."

131 **SECTION 14.**

132 This Act shall become effective July 1, 2025.

133

SECTION 15.

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