

Senate Bill 98

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

AS PASSED SENATE

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 provide for conforming
5 changes; to revise and provide for definitions; to provide for the change of designation of
6 county guardian to county conservator by operation of law under certain circumstances and
7 subject to an exception; to amend Article 5 of Chapter 6 of Title 53 of the Official Code of
8 Georgia Annotated, relating to county administrators, so as to provide for conforming
9 changes; to provide for related matters; to provide for an effective date; to repeal conflicting
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

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

16 "(2.1) 'County conservator' means an individual described as such in Chapter 8 of this
17 title.

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

19

SECTION 2.

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

23 "(7) The county guardian conservator."

24

SECTION 3.

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

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

33

SECTION 4.

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

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

40 **SECTION 5.**

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

44 "(8) The county guardian conservator."

45 **SECTION 6.**

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

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

54 **SECTION 7.**

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

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

60 **SECTION 8.**

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

63 "29-8-1.

64 County administrators as provided for in Article 5 of Chapter 6 of Title 53 are ex officio
65 county guardians and ex officio county conservators and shall serve as guardians or
66 conservators, respectively, in all cases where appointed by the court."

67 **SECTION 9.**

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

70 "29-8-2.

71 In addition to the bond required in Code Section 53-6-41, county ~~guardians~~ conservators
72 shall give ~~another bond~~ an additional bond with good security, to be judged by the court,
73 in the sum of \$5,000.00. ~~The~~ Such additional bond shall be payable to the court for the
74 benefit of all concerned. ~~It,~~ shall be attested by the judge or clerk of the court, and shall
75 be conditioned upon the faithful discharge of the county ~~guardian's~~ conservator's duty as
76 such, as required by law. Actions on the bond may be brought by any person aggrieved by
77 the misconduct of the county ~~guardian,~~ conservator, as provided by law for actions on the
78 bonds of other ~~guardians~~ conservators."

79 **SECTION 10.**

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

82 "29-8-3.

83 The court shall grant to the county guardian separate letters of guardianship ~~or~~ and to the
84 county conservator separate letters of conservatorship upon each appointment. The county
85 guardian and county conservator shall be subject to all liabilities and entitled to all the
86 rights and emoluments provided for other guardians or conservators, respectively, and shall
87 be governed by the law provided for other guardians or conservators, respectively."

88

SECTION 11.

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

91 "29-8-4.

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

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

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

109

SECTION 12.

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

113 "29-8-5.
114 The court may, for good cause shown, as provided in Code Section 29-4-52 or 29-5-92,
115 respectively, revoke the letters of guardianship or conservatorship of the county guardian
116 or county conservator, require additional security on the ~~county guardian's~~ county
117 conservator's bond, or issue any other order as is expedient and necessary for the good of
118 any particular guardianship or conservatorship in the hands of the county guardian or
119 county conservator."

120 **SECTION 13.**

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

123 "29-8-6.
124 On and after July 1, 2025, except as otherwise ordered by the court, in any matter related
125 to a conservatorship provided for in this title wherein an individual designated as county
126 guardian is serving as a conservator pursuant to this title, the designation of such individual
127 shall by operation of law be county conservator; provided, however, that, in such instances,
128 no additional bond as provided for in Code Section 29-8-2 shall be required unless ordered
129 by the court for good cause shown."

130 **SECTION 14.**

131 Said title is further amended in Code Section 29-10-7, relating to record keeping and
132 reporting, required visits to ward, limitations on number of wards, and cooperation with
133 county guardians and conservators, by revising subsection (g) as follows:

134 "(g) Public guardians, county guardians, and county conservators shall be required to work
135 cooperatively together when appointed for the same ward."

136 **SECTION 15.**

137 Article 5 of Chapter 6 of Title 53 of the Official Code of Georgia Annotated, relating to
138 county administrators, is amended by revising subsection (b) of Code Section 53-6-35,
139 relating to appointment, as follows:

140 "(b) In all counties of this state the probate court is authorized to appoint, in the same
141 manner as the county administrator is appointed, one or more additional county
142 administrators who shall have the same powers, duties, and authority and be subject to the
143 same laws, including Chapter 8 of Title 29, relating to county guardians; and county
144 conservators, as county administrators."

145 **SECTION 16.**

146 Said article is further amended by revising subsection (b) of Code Section 53-6-36, relating
147 to qualifications and compensation, as follows:

148 "(b) If the county governing authority consents, county administrators and ex officio
149 county guardians and county conservators may be paid an annual fee for so serving. The
150 amount of any such fee shall be established by agreement of the county governing
151 authority, the probate court, and the individual so serving. Any such fee shall be in
152 addition to commissions authorized under other provisions of law."

153 **SECTION 17.**

154 This Act shall become effective July 1, 2025.

155 **SECTION 18.**

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