

SECTION 3010 – EMERGENCY PETITIONS

SUMMARY STATEMENT:	<p>The filing of an Emergency Guardianship/Conservatorship shall only be filed when there is an immediate, clear, and substantial risk of death or serious physical injury, illness, disease and/or irreparable waste or dissipation of the adult's assets.</p>
BASIC CONSIDERATIONS	<p>Procedures are identical for DHS filing of Emergency and Standard Guardianship and Conservatorship petitions.</p> <p><i>Refer to Section 3009 of this manual</i></p>
PROCEDURES DHS Emergency Guardianship Appointment	<p>When the petition filed by APS results in DHS being appointed the Emergency Guardian, APS and PGO must evaluate the need for a permanent guardianship. If permanent guardianship is needed, APS will consult with the SAAG to complete the petition for permanent guardianship.</p> <p>“Special Jurisdiction” Emergency Guardianship</p> <p>Notify the Special Assistant Attorney General “SAAG” if the individual for whom a petition for guardianship is being filed has not resided in the state of Georgia for six consecutive months. Under such conditions Georgia probate court may lack jurisdiction under § 29-11-12, refer to MAN 5500 Section 3009 “Length of Time in Georgia” and the Official Code of Georgia (O.C.G.A. § 29-11-12), however the court may have “special jurisdiction” to:</p> <ul style="list-style-type: none"> • Appoint an emergency guardianship; • Issue a conservatorship order in respect of personal property located in this state; or • <i>“Appoint a guardian or conservator for an incapacitated person or protected person for whom a provisional order to transfer the proceeding from another state has been issued...”</i> <p>Note: The emergency guardianship length can vary from 60 to 90 days depending on the client's home state.</p>

DHS Emergency Guardianship Appointment cont.	<p>Read all emergency orders carefully to determine length of order.</p> <p>Refer to O.C.G.A. § 29-11-13 and § 29-4-16</p> <p>The APS case will remain open or be opened in on-going status while the adult is evaluated for the need for permanent guardianship.</p> <p>The APS Case Manager shall conduct an interview with:</p> <ul style="list-style-type: none">• the adult under emergency guardianship;• the adult's primary caregiver;• and PGO case manager <p>within 10 calendar days of the emergency guardianship being appointed.</p> <p>Note: An Emergency and Permanent Guardianship/Conservatorship petitions can be filed together when it is clear that a permanent guardian/conservator is needed.</p>
REFERENCES	<p><u>O.C.G.A. § 30-5-5</u> <u>O.C.G.A. Chapter 4 Guardian of an Adult</u> <u>O.C.G.A. Chapter 5 Conservator of an Adult</u> <u>Alternatives to Guardianship and Conservatorship</u> <u>O.C.G.A. § 29-11-12</u> <u>O.C.G.A. § 29-11-13</u> <u>Probate Court Forms</u> <u>Petition Filing Checklist</u></p>