

## SECTION 3010 – EMERGENCY PETITIONS

<b>SUMMARY STATEMENT:</b>	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.
<b>BASIC CONSIDERATIONS</b>	Procedures are identical for DHS filing of Emergency and Standard Guardianship and Conservatorship petitions.  <i>Refer to Section 3009 of this manual</i>
<b>PROCEDURES</b>  <b>DHS Emergency Guardianship Appointment</b>	<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><b>“Special Jurisdiction” Emergency Guardianship</b></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 <b>“Length of Time in Georgia”</b> 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"> <li>• Appoint an emergency guardianship;</li> <li>• Issue a conservatorship order in respect of personal property located in this state; or</li> <li>• <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></li> </ul> <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.**

Read all emergency orders carefully to determine length of order.

Refer to O.C.G.A. § 29-11-13 and § 29-4-16

The APS case will remain open or be opened in on-going status while the adult is evaluated for the need for permanent guardianship.

The APS Case Manager shall conduct an interview with:

- the adult under emergency guardianship;
- the adult's primary caregiver;
- and PGO case manager

within 10 calendar days of the emergency guardianship being appointed.

**Note:** An Emergency and Permanent Guardianship/Conservatorship petitions can be filed together when it is clear that a permanent guardian/conservator is needed.

**REFERENCES**

[O.C.G.A. § 30-5-5](#)  
[O.C.G.A. Chapter 4 Guardian of an Adult](#)  
[O.C.G.A. Chapter 5 Conservator of an Adult](#)  
[Alternatives to Guardianship and Conservatorship](#)  
[O.C.G.A. § 29-11-12](#)  
[O.C.G.A. § 29-11-13](#)  
[Probate Court Forms](#)  
[Petition Filing Checklist](#)