

Guardianship and Conservatorship Hearing for _____
Estate No. _____
_____ (a.)(p.)m.
_____, 20_____
_____ County Probate Court

Opening Statement.

Swearing in of _____ (Do you swear that you will answer all questions truthfully, to the best of your ability, under penalty of perjury?).

Questions for _____ :

1. Would you please state your name and address for the record?
2. What is your familial relationship to _____, the Proposed Ward?
3. Are you petitioning to be appointed as Guardian for _____?
4. Where does _____ currently reside? How long has _____ lived there?
5. What are the official diagnoses of _____ disabling conditions?

[Issues Regarding Guardian]

6. Please describe _____ current living arrangements (room and bathroom arrangements, access to the rest of the house, etc.).
7. How long will these living arrangements for _____ be maintained?
8. Have you considered alternative living arrangements for _____?
9. Who is _____ primary caregiver? Does _____ have other non-family caregivers?
10. Please describe the sorts of activities that _____ undertakes during a typical weekday, and on a weekend day.
11. Is it possible for _____ to attend an Inclusive Post-Secondary Education Program and, thus, are you requesting that _____ be allowed to retain the following rights (**in addition to the right to vote in any and all municipal, local, state, or federal elections**), which many such programs require be retained by a person under the protection of a legal Guardian or Conservator in order for such person to gain admission to such program: **the right to consent to adhering to the applicable student Code of Conduct as established by the educational institution; the right to select, with the assistance of program assistants and administrators, a course of study which would include academics, social activities, daily living skills programs, and related activities; and the right to consent to being photographed and to participate in research conducted by the Inclusive Post-Secondary Education program, or on its behalf?**
12. How does _____ communicate with others?
13. What are some challenges that _____ experiences when communicating with others, as a result of _____ disabling conditions?

14. What are the intellectual, academic, social, and emotional challenges that _____ experiences as a result of _____ disabling conditions?
15. _____ is unable to discern the motives and intentions of others, which increases _____ risk of physical, sexual, and emotional abuse, correct?
16. If _____ were not feeling well or were in bodily pain, _____ would be unable to identify the appropriate doctor to call, and would be unable to adequately communicate with a doctor concerning _____ health care needs, correct?
17. _____ is unable to adequately communicate with or ask appropriate questions of medical personnel, or to make decisions regarding _____ health care, correct? Please give some examples supporting your opinion.
18. _____ takes several medications in order to manage _____ disabling conditions, correct? Please explain/list.
19. _____ depends on the assistance of others in having the prescriptions for these medications properly filled, correct?
20. In your opinion, can _____ understand or consent to medical treatment _____ might need? Please give examples supporting your opinion.
21. In your opinion, can _____ effectively maintain other aspects of _____ own personal health or safety? Please give examples supporting your opinion.
22. You have asked to be appointed as _____ Guardian, and have indicated to the Court your consent to serve as such. Do you still believe that this is in _____ best interest?
23. You have reviewed the court-appointed Evaluator's Report concerning _____ condition, which is already a part of the record in this matter. Do you agree with the Evaluator's conclusion regarding _____ need for the appointment of a Guardian?
24. Do you believe that _____ will require a Guardian on a permanent basis?
25. Do you still believe that the appointment of Guardian will afford _____ the most protection? Please explain.

I have no further questions for _____, Your Honor. _____
steps down as a witness.

Swearing in of _____ (Do you swear that you will answer all of my questions truthfully, to the best of your ability, under penalty of perjury?).

[Issues Regarding Conservator]

1. Please state your name and address for the record.
2. What is your relationship to _____?
3. Are you petitioning to be appointed as Conservator for _____?
4. If you gave _____ a \$100 bill, what would _____ do with it?
5. Does _____ have responsibility for any bills? In your opinion, can _____ arrange to pay _____ own bills and other personal obligations? Please give examples supporting your opinion.
6. Would _____ be able to correctly identify the costs of goods and services if asked to make transactions?
7. Can _____ differentiate between the values of different sums of money?
8. In your opinion, could _____ protect any financial assets to which _____ may become legally entitled, or ask others to do so for _____? Please give examples supporting your opinion.
9. Without the appointment of a Conservator on _____ behalf, do you believe that any property to which _____ may become legally entitled would be wasted or dissipated? Please give examples supporting your opinion.
10. In your opinion, without the appointment of a Conservator, could _____ utilize any assets effectively to provide for _____ necessary support and maintenance? Please give examples supporting your opinion.
11. _____ is capable of signing _____ name, and, thus, is at significant risk for financial abuse (e.g., credit card applications or sales transactions to which _____ cannot knowingly consent, as a consequence of _____ disabling condition), correct?
12. You have asked that you be appointed as Conservator for _____, and you have indicated your consent to serve as such. Do you still believe that this is in _____ best interest?
13. You have received a copy of the Income and Assets Schedule to the Petition which you have filed with this Court, correct?
14. You plan to apply for Supplemental Security Income (“SSI”) for _____, correct?
15. You plan to be appointed as _____ Representative Payee, and, as such, will manage _____ SSI benefits on _____ behalf, correct?
16. As _____ Representative Payee, you will set up a Representative Payee Bank Account, into which _____ SSI benefits will be directly deposited, correct?
17. You agree to prepare and submit any required reports to the Social Security Administration regarding how you will have used _____ SSI for _____ benefit, correct?

18. You understand that such SSI benefits will thus not be part of _____ Conservatorship Estate, correct?

19. _____ is also the beneficiary of a Georgia STABLE Account, correct?

20. _____ STABLE Account is a tax-advantaged investment account for eligible persons with disabilities, the funds of which are to be used to pay for Qualified Disability Expenses, correct?

21. What is the current balance of _____ STABLE Account?

22. _____ mother, _____, is the Authorized Legal Representative of _____ STABLE Account, and, as such, is the sole person authorized to transact on the Account, correct?

23. You are aware that the Georgia STABLE program must provide monthly reports about the account to the Social Security Administration, as well as an annual accounting of the account to the Internal Revenue Service, correct?

24. Do you understand that _____ STABLE Account will thus not be part of _____ Conservatorship Estate?

25. Even though there are currently no assets in _____ sole name, or which would otherwise be subject to a Conservatorship under the current plan, you strongly believe that it is essential to have a Conservator in place to immediately address with this Court the proper disposition of any assets to which _____ may become entitled in the future, if that should happen notwithstanding best efforts, correct?

26. You understand that _____ Conservator is the proper party to approach this Court for authority to add any assets to which _____ may become legally entitled in the future to a first-party Special Needs Trust for _____ sole benefit, in order to preserve _____ ongoing eligibility for means-tested government benefits, correct?

27. Is there anything in your background that would prevent you from fulfilling your duties as Conservator?

28. Would you take any compensation for your services as Conservator for _____?

29. You have received the court-appointed Evaluator's Report concerning _____ condition, which is already a part of the record in this matter. Do you agree with the Evaluator's conclusion regarding _____ need for the appointment of a Conservator?

30. Do you still believe that the appointment of a Conservator for _____ will afford _____ the most protection?

31. Do you believe that _____ will require a Conservator for _____ property on a permanent basis?

I have no further questions for _____, Your Honor.
_____ **steps down as a witness.**

[_____, **don't forget to take your Oaths before leaving.**]