

Optional Additions to Petition for Appointment of a Guardian and Conservator:

Rights to be Retained Regarding Inclusive Post-Secondary Education Programs:

- ❖ 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.
- ❖ The right to consent to being photographed.
- ❖ The right to participate in research conducted by the Inclusive Post-Secondary Education program, or on its behalf.

If There is a Representative Payee for Social Security Benefits of the Proposed Ward:

- ❖ If a Representative Payee has been appointed by the Social Security Administration to receive and manage the Social Security benefits (e.g., Supplemental Security Income or Social Security Disability Insurance Payments) of a Proposed Ward, then those benefits should not be considered conservatorship assets, and there should be a notation to this effect in the schedule in the Petition entitled “Assets, Income, Other Sources of Funds, Liabilities, and Expenses of Proposed Ward,” which also explains that such benefits are subject to separate reporting to the Social Security Administration.
- ❖ Sample language: The Proposed Ward’s Supplemental Security Income payments are paid to, and managed by, Jane Doe, as her Representative Payee, and are direct-deposited into the Representative Payee bank account listed herein. These payments are subject to separate reporting to the Social Security Administration and, thus, would not constitute part of the Proposed Ward’s Conservatorship Estate. Said payments are listed solely for this Court’s information.

If the Proposed Ward is the Beneficiary of an ABLE Account:

- ❖ It is prudent to have an Authorized Legal Representative appointed for the account, who will be the sole person authorized to transact on the account, in order to make the argument that the account should not be part of the Proposed Ward’s Conservatorship Estate. There should be a notation to this effect in the schedule entitled Assets, Income, Other Sources of Funds, Liabilities, and Expenses of Proposed Ward.
- ❖ Sample language: The Proposed Ward is the beneficiary of a Georgia STABLE account, a tax-advantaged investment account for eligible persons with disabilities, the funds of which are to be used to pay for Qualified Disability Expenses. Since the Proposed Ward’s mother, Jane Doe, as the Authorized Legal Representative of the account, is the sole person authorized to transact on the account, and since 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, the account would not be part of the Proposed Ward’s Conservatorship Estate, and is listed solely for the Court’s information.