

Determine Who Should Be Guardian or Conservator

Who may serve as a Guardian or Conservator?

Only an individual (natural person) may serve as a guardian of an adult. There is an exception for a public guardian or the Department of Human Resources (DHR) to be appointed.

Preferences are given for certain people in the following order:

- 1) The last person that the proposed ward nominated in writing and signed in front of two witnesses.
- 2) The spouse of the proposed ward, or a person nominated by the spouse in writing and signed in front of two witnesses.
- 3) An adult child of the proposed ward, or a person nominated by an adult child in writing and signed in front of two witnesses.
- 4) A parent of the proposed ward, or a person nominated by a parent in writing and signed in front of two witnesses.
- 5) A guardian who was appointed while the proposed ward was a minor.
- 6) A guardian who was previously appointed in Georgia or another state.
- 7) A friend, relative, or any other individual.
- 8) Any other person who is suitable, appropriate, and willing.
- 9) The county guardian.
- 10) A public guardian appointed by the court.
- 11) The Department of Human Resources (DHR)

Who may not serve as Guardian or Conservator?

A minor (under the age of 18), a ward, or a protected person, may not serve as a guardian.

No person who has a conflict of interest with the proposed ward may serve as guardian, unless the court deems the conflict of interest is not significant or it is in the proposed ward's best interest.

No person who is either an owner, operator, or employee of a care facility where the proposed ward is receiving care may serve, unless they are related by blood, marriage, or adoption.