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The Law of Guardians and Conservators: Southern States

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Research Guides

The Law of Guardians and Conservators: Southern States

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Introduction

The law of Guardians and Conservators is primarily state based and therefore varies somewhat from state to state. Although every state has laws that apply to guardians, some states do not have laws that apply to conservators. In states that have both classifications a guardian is normally classified as a guardian of the person, they "possess any or all powers and rights with regard to the personal affairs of the individual, including placement, medical, educational, rehabilitation, and social aspects of the care of the person". Whereas a conservator also called a guardian of the estate, is an individual who "possesses any or all powers and rights with regard to the property of the individual".
Each state has guardian and conservator laws, which are based on the needs and conditions of each state. Although the laws of each state vary most states follow the provisions of Uniform laws, which are produced by the National Conference of Commissioners on Uniform State Laws, as a model when enacting their own laws.
This research guide is intended to assist the attorney who is new to the practice of law in the area of guardianship or conservatorship. Although every state has its own laws this research guide is focused on the statutory laws of the southern states, which for purposes of this guide consists of Georgia, Florida, Alabama, South Carolina, North Carolina, Tennessee, and Mississippi.

About the Author

Kimberly Renee Cameron is a 3rd year law student at Georgia State University College of Law. This web-research guide was completed for the Advanced Legal Research Course taught by Prof. Nancy Johnson, during the Spring 2005 semester.

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Primary Sources

Statutes

i. Uniform Acts

Unif. Guardianship and Protective Proceedings Act § 1 et seq. (1998)
This uniform act like most uniform acts is merely suggested rules that states can then decide whether or not to use in adopting changes to there current statutes.

ii. Georgia

In Georgia, Title 29 – Guardian and Ward covers all areas of the law in respect to guardians. During the 2004 Session of the Georgia General Assembly the entire guardianship code of Georgia was changed and scheduled to take effect in July of 2005. The code sections are linked to the current versions of statute of which will change in July. Until then HB 299 has been referenced which was enacted by 2004 Ga. Laws p. 161, in order to view the new sections scroll down the document and the code sections are present.
O.C.G.A. § 29-1-1 et seq. (2005). – General Powers
This chapter includes definitions of importance in regards to guardians.
O.C.G.A. § 29-2-1 et seq. (2005). – Guardians of Minors
This chapter includes the provisions for different types of guardians of minors, the powers and required duties of the guardians of minors, termination, removal, substitute or successor guardians, and transfers.
O.C.G.A. § 29-3-1 et seq. (2005). – Conservators for Minors
This chapter includes the provisions for powers and duties of a conservator for a minor, requirements for the management of the property of the ward, bond requirements, compensation and expense provisions, settlements of accounts, dismissal, removal, successors, and transfers.
O.C.G.A.§ 29-4-1 et seq. (2005). – Guardians for Incapacitated Adults
This chapter includes provisions for appointment procedures, powers and duties, bond requirements, modification or termination, removal, successors, appeals, and transfers.
O.C.G.A.§ 29-5-1 et seq. (2005). – Conservators for Incapacitated Adults
This chapter includes provisions for appointment procedures, powers and duties, management of property provisions, bond requirements, compensation, settlements of accounts, modification or termination, dismissal, removal, successors, appeals, and transfers.
O.C.G.A.§ 29-6-1 et seq. (2005). – Judge of Probate Court as Custodian of Certain Funds.
O.C.G.A.§ 29-7-1 et seq. (2005). – Guardians of Beneficiaries of United States Department of Veterans Affairs.
O.C.G.A.§ 29-8-1 et seq. (2005). – County Guardians
O.C.G.A.§ 29-9-1 et seq. (2005). – Guardian or Conservator Proceedings
Currently there is no link for this section because it currently does not exist but it will after July. In July the new version will be easily accessed from any of the other statutory links.

iii. Florida

Florida Statutes Annotated, Title 43 (XLIII) Domestic Relations, Chapter 744 Guardianship – This chapter includes provisions for venue, types of guardianships, guardians, adjudication of incapacity and appointment of guardians, powers and duties, termination, veterans' guardianship, and public guardianship
Fla. Stat. Ch. 744.101 et seq. (2005). – General Provisions
Fla. Stat. Ch. 744.201 et seq. (2005). – Venue
Fla. Stat. Ch. 744.301 et seq. (2005). – Types of Guardianship
Fla. Stat. Ch. 744.309 et seq. (2005). – Guardians
Fla. Stat. Ch. 744.3201 et seq. (2005). – Adjudication of Incapacity and Appointment of Guardians
Fla. Stat. Ch. 744.361 et seq. (2005). – Powers and Duties
Fla. Stat. Ch. 744.464 et seq. (2005). – Termination
Fla. Stat. Ch. 744.602 et seq. (2005). – Veterans' Guardianship
Fla. Stat. Ch. 744.701 et seq. (2005). – Public Guardianship
Florida Statutes Annotated, Title 43 (XLIII) Domestic Relations, Chapter 747 Conservatorship
Fla. Stat. Ch. 747.01 et seq. (2005). -- Conservatorship
This chapter includes provisions for appointment, bond, rights, powers, duties, resignation, and termination.

iv. Alabama

Alabama Code Title 26. Infants and Incompetents
Ala. Code § 26-2-1 et seq. (2005). – Appointment of Guardians (In order to get to the link you must click on the section referenced, then click on Code of Ala which is found on the left side of the screen, then click view, then click Title 26, then click Chapter 2, then you can click on the sections of interest.)
This chapter includes provisions for a general conservator for the county, guardians of minors, and guardians of incapacitated persons.
Ala. Code § 26-2A-1 et seq. (2005). – Alabama Uniform Guardianship and Protective Proceedings Act (In order to get to the link you must click on the section referenced, then click on Code of Ala which is found on the left side of the screen, then click view, then click Title 26, then click Chapter 2A, then you can click on the sections of interest.)
This chapter includes provisions for jurisdiction, notice, and protection of persons under disability and their property (guardians of minors, guardians of incapacitated persons and protection of property of persons under disability and minors).
Ala. Code § 26-3-1 et seq. (2005). – Bonds of Guardians (In order to get to the link you must click on the section referenced, then click on Code of Ala which is found on the left side of the screen, then click view, then click Title 26, then click Chapter 3, then you can click on the sections of interest.)
Ala. Code § 26-5-1 et seq. (2005). – Settlements of Accounts of Conservators (In order to get to the link you must click on the section referenced, then click on Code of Ala which is found on the left side of the screen, then click view, then click Title 26, then click Chapter 5, then you can click on the sections of interest.)
Ala. Code § 26-9-1 et seq. (2005). – Guardianship and Commitment of Incompetent Veterans and Dependents (In order to get to the link you must click on the section referenced, then click on Code of Ala which is found on the left side of the screen, then click view, then click Title 26, then click Chapter 9, then you can click on the sections of interest.)

v. South Carolina

South Carolina Code Annotated Title 62: South Carolina Probate Code
S.C. Code Ann. § 62-5-101 et seq. (2005). – General Provisions
This part includes provisions for definitions, subject matter jurisdiction, payment, delegation of powers, and a possible designation of the director of the Department of Mental Health as conservator.
S.C. Code Ann. § 62-5-201 et seq. (2005). – Jurisdiction

This part includes a provision for jurisdiction of family courts as to minors.
S.C. Code Ann. § 62-5-301 et seq. (2005). – Guardians of Incapacitate Persons
This part includes provisions for venue, procedure, order of appointments, alternatives, acceptance of appointment, termination, removal or resignation, notices, temporary guardians, who may be a guardian, general powers and duties, and subsequent proceedings.
S.C. Code Ann. § 62-5-401 et seq. (2005). – Protection of Property of Persons under Disability and Minors
This part includes provisions for proceedings, venue, petitions, notice, court orders, protective proceedings, protective arrangements, who may be appointed conservator, bond requirements, removal of conservator, general duties, records, accounts, conflicts of interest, powers in administration, distributive duties, limitations and enlargement of powers, preservation, claims, individual liability, termination, payment, foreign conservator, and settlements of claims.
S.C. Code Ann. § 62-5-601 et seq. (2005). – Uniform Veterans' Guardianship Act
This part includes provisions for appointment, persons who may file petiton for appointment, content of petition, facts which constitute prima facie evidence of need for guardian of a minor ward, facts which constitute prima facie evidence of need for guardian of a mentally incompetent ward, notice, fitness of guardian, bond, limitation on the number of wards per guardian, annual accounting, securities, failure to account, accountability, allowed investments, use of estate for support of person other than ward, compensation, final discharge, proceedings, copies, hearings, notice, and construction.

vi. North Carolina

North Carolina General Statutes Chapter 34: Veterans' Guardianship Act
N.C. Gen. Stat. § 34-1 et seq. (2005).
This chapter includes provisions as to a guardians powers as to property, appointment, limitations on the number of wards a guardian can have, petition for appointment, prima facie evidence needed for appointment of guardian of minor, certificate as evidence in regard to guardianship of mentally incompetent wards, notice, qualifications, accountings, failure to file accounting, compensation, investments, application of ward's estate, payments to relatives, discharge, and construction.
North Carolina General Statutes Chapter 35A: Incompetency and Guardianship
N.C. Gen. Stat. § 35A-1101 et seq. (2005). – Determination of Incompetence
This article includes provisions for jurisdiction, venue, change of venue, petitions, contents of petitions, right to counsel, notice, right to jury, evaluation, hearings, appointments, appeals, costs, and fees.
N.C. Gen. Stat. § 35A-1120 et seq. (2005). – Appointment of Guardian
N.C. Gen. Stat. § 35A-1130 et seq. (2005). – Restoration to Competency
N.C. Gen. Stat. § 35A-1201 et seq. (2005). – Purpose and Scope; Jurisdiction; Venue
This article includes provisions for jurisdiction, venue, transfers, letters of appointment, and motions.
N.C. Gen. Stat. § 35A-1210 et seq. (2005). – Appointment of Guardian for Incompetent Person
This article includes provisions for application, service, hearings, qualifications, priorities for appointment, letters of appointment, and rule-making powers of the Secretary of Health and Human Services.
N.C. Gen. Stat. § 35A-1220 et seq. (2005). – Appointment of Guardian for a Minor
This article includes provisions for absence of natural guardian, application, service, hearings, criteria, recommendations, orders, letters of appointment, funds owed to minors, and guardians for children of servicemen.
N.C. Gen. Stat. § 35A-1230 et seq. (2005). – Guardian's Bond
This article includes provisions for bond requirements, terms and conditions of bonds, clerk's authority, renewal, relief, liability, and a Health and Human Services bond.
N.C. Gen. Stat. § 35A-1240 et seq. (2005). – Powers and Duties of Guardian of the Person
This article includes provisions for powers and duties, status reports, and procedures.
N.C. Gen. Stat. § 35A-1250 et seq. (2005). – Powers and Duties of Guardian of the Estate
N.C. Gen. Stat. § 35A-1260 et seq. (2005). – Returns and Accounting
This article includes provisions for accountings, procedures, final accountings, expenses, and investment and bank statements.
N.C. Gen. Stat. § 35A-1270 et seq. (2005). – Public Guardians
N.C. Gen. Stat. § 35A-1280 et seq. (2005). – Nonresident Ward Having Property in State
N.C. Gen. Stat. § 35A-1290 et seq. (2005). – Removal or Resignation of Guardian; Successor Guardian; Estates without Guardians; Termination of Guardianship
N.C. Gen. Stat. § 35A-1301 et seq. (2005). – Sale, Mortgage, Exchange or Lease of Ward's Estate
N.C. Gen. Stat. § 35A-1310 et seq. (2005). – Mortgage or Sale of Estates Held by the Entireties
N.C. Gen. Stat. § 35A-1320 et seq. (2005). – Surplus Income and Advancements
N.C. Gen. Stat. § 35A-1335 et seq. (2005). – Gifts from Income for Certain Purposes
N.C. Gen. Stat. § 35A-1340 et seq. (2005). – Gifts from Principal for Certain Purposes
N.C. Gen. Stat. § 35A-1350 et seq. (2005). – Interest Therein
N.C. Gen. Stat. § 35A-1360 et seq. (2005). – Guardians' Deeds Validated When Seal Omitted
N.C. Gen. Stat. § 35A-1370 et seq. (2005). – Standby Guardians

vii. Tennessee

Tennessee Code Title 34: Guardianship
Tenn. Code Ann. § 34-1-101 et seq. (2005) – Guardianships and Conservatorships Generally
This chapter includes provisions for parents, joint and natural guardians of minor children, duty of support, abandoned minors, bonds, appointments, guardian ad litem, hearings, notice, effectiveness of appointment, waiver, powers, duties, hearings, accounting, compensation, payments, costs, investments, sale of property, resignation, receipts of property, standby fiduciaries, personal representatives, powers of courts, distributions to persons other than minor or disabled person, removal, attorney ad litem, least restrictive alternatives, letters of conservatorship or guardianship, and forms or instructions.
Tenn. Code Ann. § 34-2-101 et seq. (2005). – Guardianship Generally
This chapter includes provisions for appointments, jurisdiction, venue, petition for appointment, priorities, court orders, and termination.
Tenn. Code Ann. § 34-3-101 et seq. (2005). – Conservatorship Generally
This chapter includes provisions for appointments, jurisdiction, venue, petitions, priorities, physical or psychological examinations, rights of respondent, court orders, discharge, modification of duties, and support of persons.
Tenn. Code Ann. § 34-5-101 et seq. (2005). – Uniform Veterans' Guardianship Law

This chapter includes provisions for administrator, appointments, number of wards, petition for appointment, evidence, notice, bonds, accountings, compensation, investments, support of persons, records, commitment, discharge, applicability of other laws and applicability of chapter.
Tenn. Code Ann. § 35-7-101 et seq. (2005) – Public Guardianship for the Elderly
The chapter includes provisions for construction, application, legislative intent, creation, powers, duties, district public conservator, and costs.

viii. Mississippi

Mississippi Code Title 93: Domestic Relations
Miss. Code Ann. § 93-13-1 et seq. (2005). – Guardians and Conservators
This chapter includes provisions for wards, persons in need of mental treatment, incompetent persons, convicts, drunkards and drug addicts, restoration to reason, nonresident guardians, small transactions performed without guardianship, conservators, and joinder of parties in suits involving wards.

Cases

As previously state guardian and conservator laws are state specific so therefore the cases are also state specific. For every above-mentioned provision covered in each section, chapter, or article of each state statute there are cases that are decided based upon those points. In order to fully research the cases that relate to a particular issue, the best way to start is with the statutes. If you find a state statute on issue the cases found in the annotations of the statute may be enough if not they are at least a good starting point.

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Secondary Sources

Law Review Articles

A. Frank Johns, Three Rights Make Strong Advocacy for the Elderly in Guardianship: Right to Counsel, Right to Plan, and Right to Die, 45 S.D. L. Rev. 492 (2000).
Call No: .S726 .D34 .L38
This article covers three important areas of the law of guardianship: adjudication, administration, and termination. This article regardless of its South Dakota publication also references the laws of other states.

Edward D. Spurgeon & Mary Jane Ciccarello, Lawyers Acting as Guardians: Policy & Ethical Considerations, 31 Stetson L. Rev. 791 (2002).
Call No: .S815 .L38
This article talks about a lawyer as a guardian and the recommended methods of handling these situations in light of ethical considerations that may arise in the situation of an attorney as a guardian.

Lawrence A. Frolik, Promoting Judicial Acceptance and Use of Limited Guardianship, 31 Stetson L. Rev. 735 (2002).
Call No: .S815 .L38
This article promotes the idea that when appointing a guardian a judge when stating the duties of the guardian should in certain considerations intend on giving the guardian limited duties.

Sally Balch Hurme, Current Trends in Guardianship Reform, 7 Md. J. Contemp. Legal Issues 143 (1995).
Call No: .J86 .H42 .C376
The article covers recent court decisions and legislative actions in regards to the current changes in the guardianship laws of West Virginia, Tennessee, Texas, South Dakota, Delaware, New York, and Rhode Island.

Alison Barnes, The Virtues of Corporate and Professional Guardians, 31 Stetson L. Rev. 941 (2002).
Call No: .S815 .L38
This article goes over several aspects of guardianships such as need, who might serve, and quality in the context of how professional guardians are being used.

Donna R. Tate-Hackett, Survey of the New Tennessee Guardianship and Conservatorship Act, 60 Tenn. L. Rev. 651 (1993).
Call No: .T2975 .L4162
This article talks about the provisions of law that apply to guardianships and conservatorships in the state of Tennessee.

Susan N. Gary, Mediation and the Elderly: Using Mediation to Resolve Probate Disputes over Guardianship and Inheritance, 32 Wake Forest L. Rev. 397 (1997).
Call No: .W32 .F67
This article talks about how mediation has become a usable and increasingly used alternative to litigation in regards to guardianship proceedings that involve probate disputes.

Mary F. Radford, Is the Use of Mediation Appropriate in Adult Guardianship Cases?, 31 Stetson L. Rev. 611 (2002).
Call No: .S815 .L38
This article talks about the use of mediation in adult guardianship proceedings by talking about its appropriateness, when it can be used in guardianship proceedings, and recommendations on its future use in guardianship cases for adults.

Phillip B. Tor, Ph.D and Bruce D. Sales, J.D., Ph.D., A Social Science Perspective on the Law of Guardianship: Directions for Improving the Process and Practice, 18 Law & Psychol. Rev. 1 (1994).
Call No: .L416 .A54378 .P79
This article talks about how guardianship can restrict "a person's liberty even though no criminal laws have been broken." (Id. at 1.) It talks about this in the context of incompetency on a statutory basis, due process, due process failures, limited guardianships, monitoring and enforcements, who are guardians, and recommendations.

Annotations

W. J. Dunn, Annotation, Mental Condition Which Will Justify the Appointment of Guardian, Committee, or Conservator of the Estate for an Incompetent or Spendthrift, 9 A.L.R.3d 774 (1966).
Call No: KF132 .A522 Ser.3
This annotation discusses the cases that have considered the issue of the necessities of incompetency that must be proven to justify a guardian's appointment.

Peter G. Guthrie, J.D., Annotation, Priority and Preference in Appointment of Conservator or Guardian for an Incompetent, 65 A.L.R.3d 991 (1975).
Call No: KF132 .A522 Ser.3
This annotation discusses the cases and the outcomes of those cases when a situation arose where two or more individuals felt that they were the best qualified to be the guardian, in a circumstance that involved an incompetent.

James T. Watson, J.D., Annotation, Validity of Inter Vivos Gift by Ward to Guardian or Conservator, 70 A.L.R.4th 499 (1989).
Call No: KF132 .A522 4th ser.
This annotation discusses if a gift given to a guardian or conservator is actually valid in the context of gifts made by physically handicapped wards, a gift by a physically and mentally handicapped ward of advanced age, to a relative, to a nonrelative, to a sibling, and to an aunt. It also discusses the statutory provisions related to this matter.

L. S. Tellier, Annotation, Right of Infant to Select His Own Guardian, 85 A.L.R.2d 921 (1962). Call No: KF132 .A522 Ser.2	This annotation discusses the cases and laws of various states in relation to how the law deals with allowing a minor to choose his or her guardian.
S. R. Shapiro, Annotation, Capacity of Guardian to Sue or to be Sued Outside State Where Appointed, 94 A.L.R.2d 162 (1964). Call No: KF132 .A522 Ser.2	This annotation covers the cases and laws of several states and their opinions of if a guardian can be sued or sue someone outside their state of appointment.
H. D. Warren, Annotation, Guardian's Liability for Interest on Ward's Funds, 72 A.L.R.2d 757 (1960). Call No: KF132 .A522 Ser.2	This annotation covers the cases and laws of several states on the liability of a guardian in relation to the money of a ward.
Danny R. Veilleux, J.D., Annotation, Necessity or Propriety of Appointment of Independent Guardian for Child who is Subject of Paternity Proceedings, 70 A.L.R.4th 1033 (1989). Call No: KF132 .A522 4th ser.	This annotation covers the cases and laws of several states and how they deal with the appointment of a guardian for a child in a custody proceeding.

Forms and Practice Aids

9A Am. Jur. Legal Forms 2d Guardian and Ward §§ 133:2 - :52 (2004). Call No: KF170 .A762	These sections include forms that can be used during the process of appointment of a guardian in a testamentary capacity, during the process of obtaining a security bond, during the process of selling the property of a ward, during the process of terminating the guardianship, and in regards to leases and compromise and settlement agreements involved with guardianships.
Lauren Krohn, J.D., Cause of Action to Establish Involuntary Conservatorship for Estate of Adult Person, 6 Causes of Action 2d 625 (2004). Call No: None in Georgia State University College of Law Library	This practice aid includes the elements of the case, defenses, and also checklist for various steps in the process of establishing an involuntary conservatorship of an adult person.
39 Am. Jur. 2d Guardian and Ward §§ 1 – 261 (2004). Call No: KF154 .A852	These sections include information on guardians of minors, guardians of the mentally impaired, judicial appointments, tenure and removal, powers and duties, actions, accountings, liability, relationships, joint guardians, and foreign guardians.
39 C.J.S. Guardian and Ward §§ 1 – 307 (2004). Call No: KF154 .C6432	This practice aid includes information on appointments, qualifications, tenure, custody and care of person, custody and care of estate, sales and conveyances, accountings, actions, foreign and ancillary guardianships, joint and successive guardianships, and liability.
13 Am. Jur. Pl. & Pr. Forms Guardian and Ward §§ 1 – 517 (2004). Call No: KF8933 .A44	This practice aid includes forms in regards to a nomination by a minor, appointments, qualifications, transfers, tenure, powers and duties, powers over property of ward, accounts, reimbursements, compensation, foreign guardians, and actions.

Treatises

Warren Grice, A Treatise on the Georgia Law of Administrators, Executors and Guardians, Embracing Practice and Procedure in the Court of Ordinary and the Law Governing the Handling of an Estate (The Michie Company 1923). Call No: KFG147 .G7	This treatise deals with the appointment of guardians in the context of who can be a guardian, how the person becomes a guardian, different kinds of guardians in Georgia. This is in addition to other information on the Georgia law of administrators and executors. This treatise is outdated being that the Georgia law on guardianship has changed several times in recent years, but it is one of a few treatises on the subject of guardianship.
William M. Reese, A Treatise on the Law of Executors, Administrators, and Guardians (J.P. Harrison & Co. 1891) (1880). Call No: KFG144 .R43	This treatise deals with various issues that are involved with executors, administrators, and guardians. Although it is outdated in its relationship to guardians it is one of the few treatises that exist in relationship to the laws of guardians.

Books

Mary Joy Quinn, Guardianships of Adults: Achieving Justice, Autonomy, and Safety (Springer Pub. Co. 2005). Call No: KF553.Z9 Q56 2005	This book provides an overview of the guardianships of adults, a history of changes to the law of guardianships, alternatives, the process, accountability, courts and the future of guardianships of adults.
Victoria Ferreira, Georgia Guardian and Ward (3rd 1997). Call No: KFG106 .G83 1997	This book deals with the Georgia law of appointments of guardians of minors, guardians of adults, emergency guardians of adults, appointment of other guardians, guardian ad litems, administrative duties, fiduciary duties, powers, rights of adult wards, compensation, appeals, and termination.
Sally Balch Hurme, Steps to Enhance Guardianship Monitoring (American Bar Association Commission on the Mentally Disabled and Commission on Legal Problems of the Elderly 1991). Call No: KF553 .H87 1991	This book contains information on what needs to be done in order to properly insure that the goals of guardianship are properly envoked.
Stephen J. Anderer, Determining Competency in Guardianship Proceedings (Nancy A. Coleman, Elissa C. Lichtenstein, and John W. Parry ed., American Bar Association 1990). Call No. KF475 .A95 1990	This book includes information on what is required in competency hearings on guardianship such as standards, evaluations, and models.
American Bar Association, Commission on the Mentally Disabled, and Developmental Disabilities State Legislative Project, Guardianship & Conservatorship: Statutory Survey, Model Statute (ABA Commission on the Mentally Disabled 1979). Call No: KF553 .A63	This book includes information on the guardianship and conservatorship laws of the 50 states. It also breaks down and discusses each section of the Model Act.

Richard Vance Mackay, The Law of Guardianship (Irving J. Sloan ed., Oceana Publications 1980). Call No: KF553.Z9 M3 1980	This book talks specifically about guardianship in the context of older persons, minor, relationships, incompetents, and veterans. It also includes sample forms and information on the laws of the 50 states.
Guardianship of the Elderly: Psychiatric and Judicial Aspects (George T. Grossberg and George H. Zimny ed., Springer Pub. Co. 1998). Call No: KF553 .G83 1998	This book includes guardianship information in the following contexts: legal basis, competency, psychiatric disorders, judicial process, decisions, abuse, monitoring, and research.
Pat M. Keith and Robbyn R. Wacker, Older Wards and Their Guardians (Praeger 1994). Call No: KF553 .K45 1994	This book includes information on guardianships in the following contexts concerns, in capacity, characteristics of wards and guardians, pathways, experiences, strain, legislation, reform, and recommended practices.
Decision-making, Incapacity, and the Elderly: A Protective Services Practice Manual (Legal Counsel for the Elderly 1987). Call No: KF553 .D43 1987	This practice manual includes information in regards to the practice of law that involves the elderly. Chapter 6 of this manual specifically discussed guardians and conservators, and the processes involved with appointment, powers and duties, process, and information on special situations of guardians and conservators of the elderly.
Winsor C. Schmidt, Guardianship: Court of Last Resort for the Elderly and Disabled (Carolina Academic Press 1995). Call No: KF553 .S36 1995	This book talks about the guardianship laws of Florida, it also talks about public guardianship, the functioning of the guardianship courts, programs and services, and future recommendations of change.
Guardianship of the Elderly: A Primer for Attorneys (Erica F. Wood and N.E.H. Hull ed., American Bar Association Commission on Legal Problems of the Elderly, and Young Lawyers Division, Committee on the Delivery of Legal Services to the Elderly 1990). Call No: KF553 .Z9 W66 1990	This book is beneficial to a new attorney because it includes a step-by-step process of guardianship. This book talks about representing clients in guardianship proceedings, ethical dilemmas evaluating evidence of capacity, communication, alternatives, and advising.

Program Materials

Guardians Ad Litem in Juvenile Court: Program Materials (Institute of Continuing Legal Education in Georgia 1990). Call No: KFG106.A75 G92	This book includes the program materials of a CLE conference on guardians' ad litem in juvenile courts. The program covers information in regards to the CASA Program, the court system, deprivation and termination, representation, and the role of a guardian ad litem in a paternity or legitimation proceeding.
Guardians and Guardians Ad Litem: Proposed Legislation and Guidelines: Program Materials 2000 (Institute of Continuing Legal Education in Georgia 2000). Call No: KFG106.A75 G83 2000	This book is the program materials from a CLE conference on the proposed legislative changes to the guardian ad litem provisions of Georgia law.
Advanced Issues in Guardianship: Ethics, Professionalism and the Importance of Evaluations in Proving your Case: Program Materials 2000 (Institution of Continuing Legal Education in Georgia 2000). Call No: KFG106.A75 A38 2000	This book includes the program materials of a CLE conference on guardianship issues such as ethics, appropriateness of guardianship, testimony, the use of experts, guidelines, hypotheticals, and selected issues under discussion.
The Changing Face of Adult Guardianship: Program Materials 2002 (Institute of Continuing Legal Education in Georgia 2002). Call No: KF553.A75 C43 2002	This book contains the program materials from a CLE conference that discussed guardianship law in the context of recent cases, ethics, incapacity, and future changes to the guardianship laws of Georgia.
Hot Topics in Guardianship: Program Materials 2004 (Institute of Continuing Legal Education in Georgia 2004). Call No: KF553.A75 H68 2004	This book is the program materials for a CLE conference on the issue of guardianship. The program covers guardianship in regards to nursing homes, trusts, ethical considerations, emergency guardianships, legislation, alternatives, and other selected areas.
Issues in Adult Guardianship: Program Materials 2003 (Institute of Continuing Legal Education in Georgia 1998-annually). Call No: KF553.A75 I77	This periodical includes information from CLE conferences held in Georgia that are in regards to guardianship. The information included in each book is the issues that are priorities in the year of each conference.

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Computerized Research

Lexis

Lexis is a great site to use in order to find just about anything you are looking for with a range from statutes, cases, law reviews, practice aids, forms, just about anything dealing with legal research that you can think of to look at. Although this is a great way to find research it has a very expensive downside, the costs, unless of course you are a law student with a free subscription.

Westlaw

Westlaw like Lexis is great about finding anything needed in regards to legal research but also like Lexis there is a huge downside in the cost of a subscription.

Findlaw

This is a free website that is devoted to legal resources by providing links to other useful websites, which leads to cases, codes, legal news, lists, and message boards.

LoisLaw

This is a less expensive website that is comparable to websites such as Lexis and Westlaw but for small law firms and other individuals who cannot afford the costs of Lexis and Westlaw.

Google

This website is just a general search engine found on the web. This is a great place to start just to learn a little about your topic or in order to find more possible keywords to use in expensive search engines such as Lexis and Westlaw.

Suggested Search Terms

Ward	Guardianship	Conservator	Ad litem	Administrator	Appointed guardian
Appointment	Incompetent	Custody	Children	Guardian ad litem	Best interest
Incompetent person	Appointment	Probate	Capacity		

Internet Sites

GUARDIANSHIP/CONSERVATORSHIP: What Do I Need to Know?
This article answers questions such as what is a guardian and conservator, the differences between the two, the question of can an individual be both, who decides, how they decide, who can start the process, petitions, hearings, who is a guardian ad litem, duties of the guardian, the appointment of legal counsel as a guardian, and who is eligible to serve.

Resources: The Estate Planning Center – Guardians and Conservators
This article is published by King Maynord, LLC, Attorneys at Law. This article answers questions about guardians, conservators, who may be appointed, definition of incapacitation or disabled, legal effect of the determination of incapacity, proceedings, duties, liability, and termination.

Prevent Guardianship Abuse through Education & Actions Unjust Blog
This blog is a production of the Justice for Florida Seniors Organization with entries that are important to senior issues.

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Interest Groups and Associations

Interest Groups

National Guardianship Association
This website has several areas that define guardianship, resources for individuals looking for guardians along with resources for guardians, resources which includes links to other organizations, and also a calendar of upcoming events.

AARP
This website is a great website to learn more about issues involving the elderly population, it is a general website with links that are specific to the 50 states and various issues.

The Center for Social Gerontology
This website and organization is designed to promote elderly individuals and improve their place in society. This article talks about guardianships and alternatives that may yield a more favorable result.

ABA Commission on Law and Aging
This website covers the laws of the 50 states in comparison to each other through the use of charts on particular topical areas.

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