

**EMERGENCY PROCEEDING TO APPOINT TEMPORARY GUARDIANS  
(REFER TO CODE SECTION 62-5-310)**

**PURPOSE:**

1. No guardian has previously been appointed and welfare of incapacitated person requires immediate action **OR;**
2. The appointed Guardian is not effectively performing duties and welfare of incapacitated person requires immediate action **OR;**
3. No person appears to have authority to act on behalf of the incapacitated person or more than one person is authorized to make health care decisions and the persons do not agree and welfare of incapacitated person requires immediate action.

\*Refer to definition of health care emergency at 62-5-310(C)(2).

If your situation does not meet the emergency definition, notice is required as set forth in 62-5-309.

**DURATION OF APPOINTMENT:**

Definite time period not to exceed 6 months.

A Review hearing, after notice, must be heard within 30 days, if no notice was required by Court at initial hearing.

**PRELIMINARY DOCUMENTS REQUIRED BY THE COURT:**

1. Petition
2. Notarized Affidavit of interested person or entity:
  - Set forth with specificity the health care emergency if any using the language in 62-5-310(C)(2).
  - Set forth with specificity any other form of emergency using the irreparable harm language contained in Rule 65 of the South Carolina Rules of Civil Procedure
3. Physicians notarized affidavit (See Purpose #2 above)
4. Executed consents and waiver of notice forms (Form #111PC) from interested parties/respondents. If unable to acquire consents, then refer to 62-5-309 for categories of individuals required to be notified.
5. Order requesting appointment of guardian ad litem **and** written recommendation of Guardian.
6. Completed hearing request form.
7. Consent Order or draft of Order for Court

\*All non-consent Orders must be served by Affidavit of Service on all interested parties/respondents. Affidavits must be filed with the Court within 2 weeks of execution of the Order. The Order should contain language which permits the Court to fill in the date and time for the review hearing. (See Duration of Appointment above)