

PROBATE COURT OF CHATHAM COUNTY  
STATE OF GEORGIA

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STANDING ORDER NO. 2023-001

**STANDING ORDER REGARDING CONSERVATOR'S REPORTING DUTIES  
RELATING TO SOCIAL SECURITY ADMINISTRATION BENEFITS OF WARD  
Effective May 1, 2023**

Social Security benefits are administered by the Social Security Administration (SSA), a federal authority, and are subject to the rules and requirements of that authority.

Generally, the SSA will appoint a "Representative Payee" for a beneficiary when it determines that the beneficiary is legally incompetent or mentally incapable of managing benefit payments. See, 20 C.F.R. §§ 404.2010, 404.2015, and 416.610. The person who the Probate Court appoints as a Conservator for a Ward may or may not be the same person chosen by the SSA to serve as the Representative Payee.

If a Representative Payee has been appointed by the SSA for the Ward, the Conservator shall notify the Court of the name and date of appointment of that Representative Payee. If no Representative Payee has been appointed by the SSA or the Conservator does not know if a Representative Payee has been appointed by the SSA, then the Conservator shall notify the SSA of the Probate Court's appointment of the Conservator by providing a certified copy of the Court's order which finds that the beneficiary lacks capacity to make responsible decisions about property.

When the SSA has appointed a Representative Payee, who is not the Conservator, the Conservator shall not deposit or permit the deposit of Social Security benefits into any banking or other financial account which the Conservator maintains on behalf of the Ward. When the SSA has appointed the Conservator as the Representative Payee, the Conservator should not commingle or mix together the Social Security benefits with other funds of the Ward.

Effective as of the date of this Order, the reporting requirements of a Conservator include the following:

**1. Conservatorship Reporting for Wards Who Receive Only Social Security Administration Benefits and Have No Other Assets or Income.**

Where the Ward's income and assets consist only of SSA benefits governed by the SSA, and the Ward has no other income, property, or assets subject to the conservatorship, a Conservator's reporting duties to this Court are as follows:

- a. **Annual Returns Not Required** – Generally, Conservators must annually report to the Court on the receipts, expenditures, and assets of their Wards, using an Annual Return<sup>1</sup> form which meets the requirements of Georgia law, specifically OCGA § 29-5-60. **However, no annual reporting shall be required** where the only receipts or assets of the Ward consist of SSA benefits, regardless of whether the Conservator also serves as the Representative Payee.
  
- b. **Annual Inventory and Asset Management Plan Required** – Within two months of initially being appointed by the Court, a Conservator must file a verified Inventory and Asset Management Plan (using the form available from the Court). Thereafter, a Conservator must annually file<sup>2</sup> an updated inventory and an updated asset management plan, including a statement of the current amount of the bond.

The Conservator shall include in the initial and all updated inventories the amount of all SSA benefits paid to a Representative Payee for the benefit of the Ward, but shall not include the expenditure of such benefits in the initial or updated proposed budgets or plans.

- c. **Conservators Must Timely Notify Court of Change in Wards' Non-SSA Income or Assets** - If a Ward receives any income or assets from any source other than the SSA, then the Conservator must notify the Court of this change. Within 30 days of the Ward's receipt of such income or assets, the Conservator must file with the Court an updated inventory and/or asset management plan which provides information concerning the new income or assets, including their expenditure.

## **2. Conservatorship Reporting for Wards Who Have or Receive Assets or Income Other Than Social Security Administration Benefits.**

Where the Ward currently receives any income separate from SSA benefits and where the Ward has funds or other assets not from SSA benefits, the Conservator's reporting duties to this Court are as follows:

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<sup>1</sup> All forms referenced in this Order are made available on the Court's website at <https://courts.chathamcountyga.gov/Probate/AdultGuardianship> or in person at the Court located at the Chatham County Courthouse, 133 Montgomery Street, Rm. 509, Savannah, GA 31401.

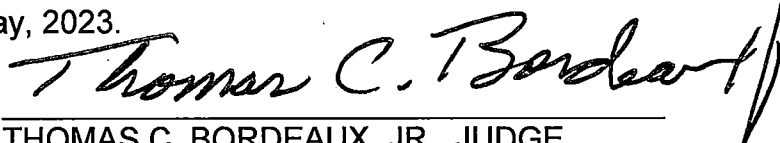
<sup>2</sup> The filing must take place each year, within 60 days of the anniversary date of when the Court issued the Letters of Conservatorship to that conservator. The date of filing may be changed by the Court. OCGA § 29-5-60.

- a. **Annual Returns Required** – The Conservator shall annually report to the Court on the funds, expenditures, or other assets of the Ward, other than income and expenditures from the SSA, using an Annual Return form which meets the requirements of Georgia law, specifically OCGA § 29-5-60. The Conservator is not required to include any SSA funds in the Annual Return unless the Conservator has intermixed SSA funds with other assets of the Ward. If funds have been intermixed or commingled, the Conservator must account for all funds which the Conservator has not maintained in a separate account designated for the receipt of SSA benefits.
- b. **Annual Inventory and Asset Management Plan Required** – Within two months of initially being appointed by the Court, a Conservator must file a verified Inventory and Asset Management Plan (using the form available from the Court). Thereafter, a Conservator must annually file<sup>3</sup> an updated inventory and an updated asset management plan, including a statement of the current amount of the bond.

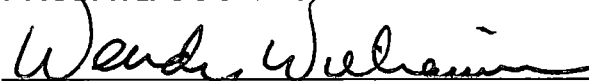
The Conservator shall include in the initial and all updated inventories the amount of all SSA benefits paid to any Representative Payee for the benefit of the Ward, but shall not include the expenditure of such benefits in the initial or updated proposed budgets or plans.

This Order does not modify the other statutory duties of the Conservator, pursuant to OCGA §§ 29-5-22 and 29-5-23, and other provisions of the Guardianship and Conservatorship Code under Title 29 of the Official Code of Georgia.

SO ORDERED, this 4th day of May, 2023.



THOMAS C. BORDEAUX, JR., JUDGE  
PROBATE COURT OF CHATHAM COUNTY



WENDY W. WILLIAMSON  
ASSOCIATE JUDGE  
PROBATE COURT OF CHATHAM COUNTY

<sup>3</sup> The filing must take place each year, within 60 days of the anniversary date of when the Court issued the Letters of Conservatorship to that conservator. The date of filing may be changed by the Court. OCGA § 29-5-60.