

Conservatorship vs guardian: what is the difference?

Key facts

- The Uniform Law Commission's model act draws the line as guardian for personal care and well-being, conservator for property, though individual states do not all follow that split (Uniform Law Commission, checked 2026-09-23).
- Texas and Nevada have no adult conservatorship at all. Both use only "guardian," split into a guardian of the person and a guardian of the estate (Texas Law Help; State of Nevada Self-Help Center, checked 2026-09-23).
- Wisconsin and New Jersey both let an adult voluntarily ask a court for a conservator without any finding of incapacity, a lighter process than guardianship in the same state (Wisconsin Statutes Chapter 54; New Jersey Revised Statutes 3B:13A-1, checked 2026-09-23).
- Tennessee splits the two words by age rather than by role: guardianship applies only to a minor under 18, conservatorship applies only to an adult with a disability (Tennessee Code Annotated Section 34-1-101, checked 2026-09-23).
- Total cost to open a guardianship or conservatorship commonly runs about \$0 to \$15,000: attorney fees of \$1,500 to \$10,000, court filing fees up to a few hundred dollars, and a court investigator fee of \$500 to \$2,000 (Washington State Courts, Lay Guardian Toolkit, checked 2026-09-23).
- An estimated 1.3 million adults in the United States live under an active guardianship or conservatorship, controlling roughly \$50 billion in assets, though the estimate comes from only a handful of states and is several years old (Justice in Aging, citing the National Center for State Courts, checked 2026-09-23).
- A bond is commonly required of whoever manages money, sized to the value of the property involved; it protects the estate if funds are mismanaged and is not a payment to the guardian or conservator (Consumer Financial Protection Bureau, checked 2026-09-23).

Checklist: filing for a conservatorship or guardianship

- ☐ Confirm which word your state uses for each role, and which court hears the case
- ☐ Ask an attorney whether a lighter alternative, such as a power of attorney or supported decision-making, could work instead
- ☐ Gather medical documentation of incapacity, or confirm whether a voluntary process is available where you live
- ☐ File the petition and pay the filing fee, or ask about a fee waiver
- ☐ Arrange for notice to be served on the proposed ward or conservatee
- ☐ Prepare for a court investigator, visitor or evaluator to review the case
- ☐ Attend the hearing, ready to explain why this is the least restrictive option
- ☐ Obtain certified letters of guardianship or conservatorship once appointed

- ☐ Arrange a bond, if the role includes managing property
- ☐ Calendar the first inventory or status report deadline

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