

# Union County Probate Court

## Guardianship Information Sheet

During the Appointment Hearing, you took an Oath in which you agreed as Guardian “to file timely and accurate reports.” You may wonder “what reports?” What is “timely?” Below is an overview of this reporting. The Court recommends that you go over this list with your attorney for further explanation and help with filing these reports.

### **Reports required in Guardians of “Person Only,” “Person & Estate” and “Estate Only”**

A **Guardian’s Report** is required **to be filed annually** on or before the anniversary of your appointment. This report is required in both Guardianships of Minors and Adults found to be Incompetent\* and for those that are of “Person Only,” “Person & Estate”, or “Estate Only.” Every question must be completed/ answered. The Guardian should fill out the current address of both the Ward and the Guardian and date the form before filing it with the Court. Consult with your attorney with regard to this report.

\*Guardians of Incompetent Person & Estate and Estate Only **MUST** also file a Statement of Expert Evaluation. Please see below.

### **Reports required in Guardians of “Person & Estate” and “Estate Only”**

**Inventory.** Guardians of the “Estate” or “Person and Estate” are required to file an Inventory of the Ward’s assets **within three (3) months of being appointed** Guardian. On the Inventory, the Guardian will list all of the Ward’s assets and the value or dollar amounts of these assets. If there are household goods, you should list them out with an indication of how the value was determined (i.e. by appraisal, blue book value for vehicles, etc). You may attach a list of assets on a separate sheet. Your attorney can help determine what is considered an asset & how you can determine the value.

**Statement of Expert Evaluation.** Once the Guardianship is established, the Statement of Expert Evaluation may be signed by a: licensed physician, a licensed clinical psychologist, licensed independent social worker, licensed professional clinical counselor or from the Ward’s Mental Retardation Team (Developmentally Disabled Team) *if applicable*. The Statement of Expert Evaluation **MUST** be filed at the same time as the Guardian’s Report. Again, all questions must be completed, signed & dated before filing.

**Account** is filed *by the Guardian* annually on the date of appointment to report to the Court, which is the Superior Guardian, the status of assets/funds belonging to the Ward that were reported previously (either on the inventory or a previous account) as owned, the funds that came into the Ward’s possession during the year; and the funds/monies of the Ward that were taken-out/spent for the care of the Ward during the year (for example, to pay utility bills, rent, groceries, etc.). Again, consult with your attorney with regard to the account.

### **Reports Permitted in Guardians of “Person & Estate” and “Estate Only”**

**Budget.** The Guardian **may** file an Application to Approve Budget along with the Inventory *or shortly* after in cases where monthly expenditures will be needed (e.g. nursing home monthly fees, known expenses for medications; spending money). **If approved** by the Court, the Budget allows the Guardian to spend funds from the guardianship without asking the Court each time something is needed for the Ward. **APPROVAL FOR PAYING ANY EXPENSE/COSTS FOR THE WARD OR CARE OF THE WARD NOT LISTED ON THE BUDGET MUST BE REQUESTED TO THE COURT BEFORE SPENDING THE WARD’S MONEY.** Please discuss with your attorney to see if this is something that would benefit you and your Ward.

A **Motion to Dispense with Accounting** is filed *by the Guardian* in cases in which funds are in a bank account that cannot be touched/withdrawn by anyone including the Guardian OR there are currently no funds belonging to the Ward at the time. *The Guardian must immediately report to the Court when/if the Ward does receive money/assets of any kind.*

**This document does not constitute legal advice. Legal advice should be obtained from an attorney. Court employees are prohibited by statute from practicing law and cannot give legal advice.**