







## GUARDIAN FOR ADULT ACCOUNT INSTRUCTION SHEET

**General Information.** Accounts are required to be filed annually in the Probate Court. The purpose of the account is to advise the ward, the court, and other interested persons of the financial changes and transactions which the guardian has undertaken on behalf of the ward. An accurate and timely accounting protects the guardian as well as the ward. Generally you are required to account for all assets which come under your control as guardian. Where an entry is made on the account you should attach a separate sheet of paper and label it as a schedule to the account (for example: "Schedule D, Rental Income"). If you have an item of expense or income which does not fall into a category on the account form, simply enter it on a separate line and attach a schedule which explains the entry. When in doubt, write it out. While the first account may be somewhat difficult, you will find that later account will be easier to assemble.

**Suggestions Concerning Guardianship Accounting.** Your account is due for the period commencing one year after your appointment as guardian. You may request that the period of account be changed to be consistent with any other period which may be helpful to you (such as a tax year to a social security account period). In order to avoid commingling of assets, and to make your assembly of the figures simpler, it is required that you maintain a separate guardianship account in which the income is deposited and through which expenses are paid. It is not necessary that you submit receipts or proof of payment with your account, although it is a good idea to keep them in case your account is questioned.

**Payments to Yourself.** Except for the reimbursement of small and reasonable out-of-pocket expenses (such as stamps and gas expense) you should not pay yourself until your account has been allowed or until your proposed payment has been separately approved. If you claim a fee for your services, an itemized description of the service and the method by which the fee was calculated should be submitted. The fee will be allowed or disallowed as part of the account, and, if allowed, you will be authorized to pay the fee.

**Notice of Account, Consent and Allowance.** When your account is complete you should make a copy for yourself and for each other "interested person" in the guardianship. Usually this would be the ward, the spouse or parents of the ward, and any other relative who had appeared in the creation of the guardianship. If one of these parties is not interested in receiving the accounts, that person can file a waiver of the right to receive accounts. The account is filed with the court with a "Motion to Allow Account" and a list of the persons to whom you have sent the account. If service of the account cannot be made or is unduly burdensome, you should contact the court.

**Questions.** If you have questions concerning the procedure surrounding the review of the account you may contact the staff at the probate court, or an attorney.

## LINE-BY-LINE INSTRUCTIONS

- I. Assets Held At Commencement.** This is your starting point for the account you are filing. This figure should be the same figure as the ending balance on your last account or, if this is your first account, this figure should be the same as the total of your initial inventory.
- II. Income.**
- (A & B) Gain on Sale of Personal and Real Property.** This requires an entry only if assets were sold during the account period. The entry would be the difference between the inventory and the net sale price. A schedule should be attached to describe the gross sale price, the expenses of sale, etc.
- (C) Newly Discovered Assets.** This entry would include principle assets (not income) which were unknown at the time the inventory was filed.
- (E) Other Income.** All income received during the account period which has not been listed above should be listed here. If income payments are received by you, that income should be reflected in the account. If income is being received by a third (for example a nursing home or community home) you may report this fact on the separate schedule and list how much was received by them.
- III. Expenses.** These items are self-explanatory for the most part.
- (9) Attorney or Legal Expense.** By law these expenses must be itemized.
- (11) Services of Guardian.** The guardian is entitled to reasonable compensation for his or her services *after* they are allowed by the court. This line is where you report the payment of guardian fees which have already been allowed by the court (possibly allowed on the last accounting or by separate court approval). You may also report those reasonable out-of-pocket expenses which you have expended and reimbursed to yourself.
- IV. Summary of Account.** This section recaps the entries you have made. Essentially you are showing what you had, what you received, what you spent, and what you have left.

**Guardian's Bill For Services During This Period.** If you wish to claim a fee for the current period, you should attach a separate sheet of paper as a schedule or bill to show how you calculated the bill. Factors which frequently apply to approval of such changes are: hours spent, results achieved, expertise of the guardian, prior relationship of the guardian and the ward, and lost income which may have been sacrificed by the guardian by reason of acting as the guardian. The law requires that fees be reasonable and itemized. A copy of your bill should be sent with your account to the Court and to other interested persons who have appeared in the case.