

Common Mistakes in Guardianships

1) Asking for Guardianship of the Estate when the only income of the Ward is Social Security.

Social Security does not have to be reported in the Guardianship.
A representative payee will receive the funds on behalf of the Ward and will be directly responsible to Social Security Administration.

2) The parent of a Minor asking for Guardianship of the Person.

The parent is the natural Guardian of the Person until the minor reaches 18.
When the ward becomes an adult, the Court will monitor the condition and status of the Ward.

3) The Physician's statement must be filed before a guardianship of a Ward can be created.

The statement must include the date that the Physician last examined the Ward and that date must be no earlier than 120 days prior to the filing of the Application for Guardianship.

3) The Guardian fails to get court approval before making expenditures from the Ward's funds.

Be advised that Judge Branick is monitoring this closely and he will not tolerate such expenditures.

4) The Guardian of the Estate must file the Inventory within 30 days from qualification.

Make clients aware of the need to comply and in most cases this information should be available well before that deadline.

5) The Guardian of the Estate must file an Annual Account each year on the anniversary date of the Guardian's qualification.

6) The Guardian of the Person must file an Annual Report each year on the anniversary date of the Guardian's qualification.