



# The Role of Guardian of the Property

As guardian of the property, you have obligations not only to the ward, but also to the court. The court is the actual legal guardian and you are an agent of the court. You are responsible for carrying out those obligations.



## What is the Role of Guardian of the Property?

- You have broad powers to manage the ward’s income and assets. Use those powers in good faith and only on behalf of the ward.
- The order will lay out your general obligations. Please refer to the order for general instructions on what decisions are you authorized to make on behalf of the ward. Identify and take steps to protect all of the ward’s income and assets. Retitle all individual accounts in a specific format: “Joe Smith as Guardian for Jane Smith.”
- Arrange to have the ward’s expenses and debts paid. Expenses include payments for the ward’s rent, utilities, food, clothing, and medical care.
- Collect income on behalf of the ward including rents, pensions, government benefits, and debts owed to the ward.
- Apply for government benefits the ward may be eligible for. If the ward is 65 or older, your local Department of Aging can help you determine those benefits for which the Ward is eligible. If the ward is between 18 and 65, your local Department of Social Services can help.
- File the ward’s state and federal income tax returns before April 15th of each year.

## What are Your Duties to the Court?

- The court may require that you post a bond. Purchase one through surety bond companies. Premiums can be deducted from the ward’s estate.
- File an Initial Inventory of Assets within 60 days after your appointment as guardian. Use form [CC-GN-011](#).
- File an Annual Fiduciary Report each year within 60 days after the end of the guardianship year. Attach documents, including receipts, bank statements, and invoices. Use form [CC-GN-012](#).

## What are Good Guardianship Practices?



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- Create guardianship file with copies of court orders, Initial Inventory of Assets, Annual Fiduciary Reports, insurance policies, accounts statements, documentation and other important papers, and a log of any action you take as guardian on behalf of the ward.
- Pay guardianship expenses with checks whenever possible.
- Keep accurate records (including receipts for all purchases).
- Pay taxes and bills on time.
- Spend the ward's money wisely and only on behalf of the ward.
- Ask the court before making any large purchases or sales.
- Notify the court if your contact information changes.
- Ask the court if are not sure what to do.
- Don't comingle (mix) your assets, accounts, or records with those of the ward.
- Don't transfer money from guardianship accounts to your personal accounts.
- Don't pay yourself for any reason out of the ward's funds without court approval
- Don't use the ward's money to pay your own bills.
- Don't borrow money from your ward.
- Don't make checks payable to "cash."
- Don't make any substantial changes in any investment portfolio, or other assets, without court approval.
- Don't revoke or amend a durable power of attorney executed by the ward without court approval.

**Be sure to read the order appointing you as guardian of the property carefully.**