

**GUARDIANSHIP FORM D**  
**COURT'S INSTRUCTIONS TO GUARDIAN OF ESTATE**

**STATE OF INDIANA**

**IN THE SUPERIOR COURT 2**

**COUNTY OF JOHNSON**

**CAUSE NO: 41D02 - \_\_\_\_\_**

**IN THE MATTER OF THE GUARDIANSHIP OF: \_\_\_\_\_**

**COURT'S INSTRUCTIONS TO GUARDIAN OF ESTATE**

**Please read carefully before you date and sign. One copy of this form must be filed with the Court before your appointment as guardian is confirmed by the Court. Keep one copy for your records.**

**Introduction:**

You have been appointed as the guardian of an individual who is unable to care for his or her own financial affairs. It is important that you fully realize your duties and responsibilities. Listed below are some of your duties, but not all of them.

If you are represented by an attorney of record, your attorney is required to notify the Court if you are not properly performing your fiduciary duties to the protected person, and by signing these Instructions you agree that the filing of that notice does not violate the attorney client privilege. If the Court receives such notice, it will set the matter for hearing and will require you to personally appear and account to the Court for all actions taken or not taken by you as guardian. You are required to notify the Court in writing in the event that your attorney is not timely performing or improperly performing his or her duties to reasonably supervise and guide your actions as guardian. Upon receipt of the notice, the Court will set the matter for hearing and require you and your attorney to personally appear and account to the Court for all actions taken or not taken by the attorney.

The Instructions which follow are to be considered by you as Orders of the Court which require you to perform as directed. Although your attorney will file all papers with the Court, the ultimate responsibility to see that all accounts and other documents are accurately prepared and filed, rests with you and you can be found personally liable should you not properly perform.

The Court appreciates your efforts on behalf of the protected person.

**As Guardian you are required to:**

1. Locate, collect and maintain all property owned by the protected person. Keep motor vehicles and real estate insured and protected. Keep motor vehicles and real estate insured and protected.
2. File with the Court, within ninety (90) days after your appointment, a verified inventory and appraisal of all the property belonging to the protected person, with values as of the date you were appointed. You must provide a copy of the inventory to the protected person [if over fourteen (14) years of age] and to certain other persons as set out in Indiana Code §29-3-9-5, as amended.

3. File with the Court a verified current account of all the income and expenditures of the guardianship every two (2) years after your appointment, in the statutory format prescribed by I.C. §29-1-16-4. Informal, handwritten, or transactional accountings will not be accepted.
4. Pay bond premiums as they become due.
5. File and pay taxes on the protected person's income and assets.
6. File a final accounting with the Court upon the termination of the guardianship, whether due to the death of the protected person, or for any other reason.
7. Keep all of the assets of the protected person separate from your own. Guardianship funds should never be co-mingled with personal funds. Unauthorized use of the guardianship funds will result in personal liability.
8. Open a guardianship checking account in your name "as guardian of (the protected person)". This account shall be used for all payments or disbursements on behalf of the protected person. The account should be in the protected person's Social Security number, not yours. It cannot be a joint account.
9. Real estate, automobiles and other accounts and investments should be held in the name of the protected person.
10. All investment accounts and other bank account holdings should be retitled as follows: "John Smith Guardianship, Mary Jones Guardian."
11. Obtain approval from the Court to use guardianship assets, other than for normal bills.
12. Do not self-deal. Do not buy anything from or sell anything to the protected person. Do not borrow anything from the protected person.
13. If applicable, timely qualify the protected person for Medicaid or other public assistance.
14. It is the duty of the guardian to protect and preserve the protected person's property, to account for the use of the property faithfully, and to perform all the duties required by law of a guardian.
15. The guardian has the same duties and responsibilities concerning the protected person whether or not the protected person is a relative of the guardian.
16. NEVER pay attorney fees or compensation to yourself from assets of the guardianship without first obtaining the advance written approval of the Court.
17. If any questions arise during the guardianship, immediately consult with your attorney.

**I authorize my attorney to notify the Court in the event that he or she has reason to believe that I am not timely performing or improperly performing my fiduciary duties to the protected person even if such information would be otherwise confidential.**

**I acknowledge that I have carefully and completely read the above instructions and received a copy for my records. I agree to properly carry out my duties.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature, Guardian

\_\_\_\_\_  
Signature, Guardian

\_\_\_\_\_  
Print, Guardian

\_\_\_\_\_  
Print, Guardian

**I acknowledge that I have carefully and completely discussed the above instructions with my client before this form was signed and believe that he or she is fully aware of and capable of performing the duties required of a guardian of the estate.**

\_\_\_\_\_  
Signature, Guardian

\_\_\_\_\_  
Signature, Guardian

\_\_\_\_\_  
Print, Guardian

\_\_\_\_\_  
Print, Guardian