MARYLAND JUDICIARY

Handbook for Guardians of Minors

About this Handbook

Thank you for agreeing to serve as guardian of a minor. This handbook may help you in your new role.

Every guardianship is different. You may encounter situations not covered in this handbook. If you have questions or are unsure what to do, contact the court.

The court is your partner and chose you because you are the best person for the job.

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Guardian Case Information Sheet

Minor

Full name:		Date of birth:	
Street address:			
City, state, zip:			
Facility name:		Contact:	
Phone number:		Email:	
School name:		City, state:	
Employer name:		City, state:	

Guardianship Case Information

Case number:				
☐Circuit ☐Orphans' Court for:				
	Court contact name:			
	Phone:		Email:	
Date of appointment:				
Type of guardianship:		☐Person ☐Property ☐Person and property		
Co-guardian (if applicable):				
	Name:			
	Phone:		Email:	
Annual report due date (guardians of the person):				
Inventory due date (guardians of the property):				
Fiduciary's Account due date (guardians of the property):				

Interested Persons

Name	Relationship to minor	Address	Phone	Email

GUARDIANSHIP BASICS

Guardianship is a legal process in which the court appoints a person to manage a minor's personal or financial affairs.

In a guardianship, the court is the ultimate guardian. The court appointed you to carry out its responsibilities and to be its eyes and ears. The court's job is to monitor the guardianship by reviewing reports and addressing issues or problems that come up.

The court is also your partner. If you have questions, need resources, or are unsure of what to do, contact the court.

Types of Guardians

The court may appoint a guardian of the person, a guardian of the property, or both. The court may appoint the same person to serve as guardian of the person and property.

Sometimes, the court appoints different people as guardians of the person and property. In that case, the two guardians need to work together to care for the minor.

The court can also appoint two people to share responsibilities as guardian. They are called **co-guardians**. Co-guardians must work together. One cannot make decisions or take actions without the other. If you and your co-guardian cannot agree, contact the court.

Guardians of the Person

Make non-financial decisions for the minor. This includes decisions about where the minor lives, medical and mental health care, clothing, food, education, and everyday needs.

Guardians of the Property

Make financial decisions for the minor. This involves paying bills, collecting income, managing property, filing taxes, and applying for benefits.

Clerk/Trust Clerk/Register of Wills

The clerk or trust clerk is a court employee whose responsibilities may include:

- managing the guardianship case;
- processing all case paperwork;
- collecting fees;
- providing court forms;
- sending out notices;
- answering questions about court processes;
- reviewing reports; or
- reporting problems to the court.

If the guardianship is in the Orphans' Court, the clerk is called the **Register of Wills**.

Interested Persons

Interested persons play a unique role in guardianship cases. For example, only interested persons can petition for guardianship of a minor. Unless waived, they are entitled to be notified about certain guardianship events and can ask the court to address problems with guardianship. For example, if guardians are misusing guardianship funds or not taking care of the minor's medical needs, interested persons can ask the court to look into those issues.

The Guardianship Order

The order appointing you as guardian will list your powers. The order is also proof to others of your appointment and authority as guardian.

Read it carefully. If you have questions about what you can or cannot do, contact the court.

You MUST get permission from the court BEFORE performing any action not authorized in the order appointing you as guardian. Ask the court for permission in writing.

Forms

There are several guardianship forms available at the court or online at www.mdcourts.gov/guardianship

(select "Guardianship Forms" on the left menu bar).

Who are interested persons?

The law defines interested persons. They include the minor and:

Parents, adult children, adult siblings, adult grandchildren, spouses, and other relatives;

Persons having assumed responsibility for the minor;

A guardian, fiduciary, or health care agent for the minor;

Government agencies paying benefits to the minor such as the Social Security Administration or U.S. Department of Veterans Affairs;

Any person with an interest in the minor's property; and

Others considered appropriate by the court.

Record-Keeping

Keeping a **guardianship file** will help you stay organized and track the personal or financial well-being of the person under guardianship. A guardianship file may also be helpful when it is time to prepare reports to the court.

The file can be electronic or paper (for example, a binder).

Whatever form it is in, keep the file secure so only you have access to it. *It is your responsibility to the protect the personal information and privacy of the minor.*

What goes in a guardianship file?

- the guardianship order;
- other paperwork from the case;
- a guardianship case information sheet (example on page 1);
- copies of wills, advance directives, or powers of attorney;
- a log of your visits if you do not live with the minor (example on page 33);
- any other court forms or notices you accumulate during the case.

If you are a guardian of the person, include:

- copies of annual reports you submit to the court;
- a medical information sheet (example on page 34);
- a health care log (example on page 35);
- medical records of all types, including hospital discharge summaries.

If you are a guardian of the property, include:

- a copy of the inventory;
- copies of annual Fiduciary's Accounts;
- proof of restricted account(s) (if required);
- proof of bond (if required);
- an income/disbursements log (examples on pages 36 and 37);
- documentation including:
  - receipts;
  - invoices;
  - account statements;
  - settlement sheets on the sale or transfer of real property;
  - copies of cleared checks and deposits;
  - proof of income (paystubs, social security, or other benefit reports, etc.);
  - state and federal tax filings.

RESOURCE:	**Creating a Guardianship File** https://www.courts.state.md.us/sites/default/files/import/family/guardianship/pdfs/creatingaguardianshipfile.pdf

GUARDIANSHIP OF THE PERSON

Role and Powers

As guardian of the person, your role is to take care of the minor's personal needs, be their advocate, and act in their best interest.

The order appointing you as guardian lists your powers. The court may give you the power to do any of the following:

Provide for the minor's everyday needs. This involves deciding where the minor lives and taking care of their food, clothing, social, recreational, and training or educational needs.

Care for the minor's personal items. This involves taking care of the minor's clothing, furniture, vehicles, and other personal items and taking steps to protect their property, if needed.

Arrange for services and care. This involves taking advantage of federal, state, county, and private resources that promote the well-being and safety of the minor. You must apply for some government benefits.

Request funds for the minor's care. This involves working with the guardian of the property or anyone who manages the minor's finances to make sure expenses related to the minor's care, comfort, and welfare are paid.

> **Tip:**
>
> Keep good records, including receipts and copies of checks if you want to be reimbursed for expenses.

If the minor has a surviving parent who pays child support for the minor, you may be entitled to those payments as the minor's guardian.

RESOURCE:	For help with collecting child support, contact a lawyer (see page 29) or the **Maryland Child Support Administration** by calling 1-800-332-6347 or visiting http://dhs.maryland.gov/child-support-services/

Give necessary consent or approval for medical or other professional care. This involves coordinating and giving consent to allow the minor to receive medical care, mental health care, dental care, treatment, counselling, and other professional services.

If you are not sure about your role and powers, contact the court.

Reporting Requirements

As guardian of the person, you must file an **Annual Report of the Guardian of a Minor** each year within 60 days of the anniversary of your appointment as guardian of the person.

Example:

Appointment Date: March 1
Annual Report Due: April 30 each year

CC-GN-014 – Annual Report of the Guardian of a Minor

The court uses the report to monitor the minor's well-being and to see if it needs to make changes to the guardianship.

Tip:

Complete the entire form. Write "not applicable" in sections that will have no information.

Between annual reports, notify the court about significant changes. Examples of those changes may be if your address or phone number changes, or if you want to move the minor to another county or state.

If you plan for the minor to live somewhere other than with you, tell the court.

If you do not file the annual report on time or fail to address problems with the report, the court will ask you to explain why your report was not filed properly, and why you should not be removed as guardian.

Decision-Making as Guardian of the Person

You are responsible for making decisions that affect the safety, health, and well-being of the minor. Some decisions are easy to make while others are harder. You must act in **the minor's best interest** and engage in a specific thought process for each decision.

Acting in the minor's best interest means weighing the benefits against the burdens that an act or decision will have on the minor. It means considering all possibilities and choosing the option that has the most benefits and causes the least harm. Consider:

- what the minor wants (if they are old enough);
- the physical, emotional, social, and academic effects of each act or decision;
- the effects on the minor's relationships with family members and friends, sense of security, and self-image; and
- getting independent opinions from experts such as doctors, social workers, attorneys, or government agencies.

Keep in mind, it is ultimately your job to decide what is in the minor's best interest.

Think about how decisions about your life, like changing jobs or moving, can affect the minor. Do what you can to minimize disruptions.

As guardian of the person, you must give **informed consent** for the minor to receive care, treatment, or services. Informed means you must know and understand the purpose, risks, benefits, and alternatives to any treatment or service you consider.

Look at the pros and cons, and truly understand both sides before you decide. Is your decision more likely to benefit the minor than harm them?

Your consent must also be given freely and without coercion or undue influence from others.

Medical Decisions

Like a parent, you are responsible for taking care of the minor's medical, dental, and mental health needs. You make decisions about which providers the minor sees, treatments, and medications.

You are not expected to be a medical expert, but you are expected to be the minor's **advocate**.

- Gather all the facts and information you need to make an intelligent decision about the minor's care.
- Ask specific questions about the benefits and risks of starting, stopping, or withholding treatment.

Tip:

While it is good to get input from others, be careful with sharing information about the minor and their condition with others. Protect the minor's privacy as best you can. Keep the minor's medical and other sensitive information in a secure place that only you can access.

- Ask about alternatives to proposed treatments. A medical advocate or social worker can help you make informed decisions.
- Make sure you understand all the benefits and risks associated with a treatment, and make sure you are not being pressured by someone else.
- Make sure the experts are aware of and understand the minor's history, current condition, and anything else that is important for them to know when recommending medical care. If you do not have this information, put the expert in touch with someone who does.

  You have the right to ask questions, get second opinions, and to have information explained to you in way that allows you to make informed decisions.

Tip:

Create a list of the minor's health care providers, medications, and conditions, and keep a log of visits to providers and hospitalizations. This will help you keep track of the minor's health and help you fill out the Annual Report of the Guardian of a Minor.

A sample medical information sheet is on page 34. A sample health care log is on page 35.

Medical Insurance. If you plan to cover the minor under your health or dental insurance plan, notify your employer or the carrier about adding the minor as a dependent. If the minor cannot get medical insurance through you or another source, they may be eligible for coverage or benefits through a government medical assistance program.

RESOURCE:	A local ***Department of Social Services (DSS)*** can help you determine benefits to which the minor may be entitled. To find your local DSS office, call 1-800-322-6347. A listing of local DSS offices is on page 31.

Educational Decisions

You are responsible for the minor's education. Like a parent, keep track of the minor's performance and meet with teachers or school administrators. Expect to help with homework, attend school events, and deal with problems that come up. Support the minor's interests and involvement in extracurricular activities.

If the minor is already enrolled in school, notify the administrator about your appointment as guardian. If you need to enroll the minor in a school, confirm that it meets the minor's academic, social, and personal needs. Make sure the school always has your correct contact information.

You will need to pay for or find resources that will cover the cost of the minor's educational expenses, including tutors, psychoeducational testing, and extracurricular activities.

If someone else is managing the minor's finances, work with that person and advocate for expenses that are in the minor's best interest. Keep receipts and other documents. Guardians of the property may need to ask the court for permission before paying or reimbursing expenses from the guardianship estate. Good record-keeping will help.

GUARDIANSHIP OF THE PROPERTY

Role and Powers

As guardian of the property, you are responsible for handling the minor's financial affairs. You must manage the guardianship estate so it covers the minor's current and future needs.

You are considered a **fiduciary**.

As a fiduciary, you are expected to:

1. ***Act only in the best interest of the minor.***
2. ***Manage the minor's money and property carefully.***
3. ***Keep the minor's money separate from your own.***

If you breach (fail) your duties as a fiduciary, you may be sued, removed as guardian, have to repay the estate money you lost or mismanaged, be referred to law enforcement or a prosecutor, or be subject to other sanctions.

Guardianship Estate

The guardianship (fiduciary) estate is the minor's property that is under guardianship. The estate may include income, real estate, rental property, personal property, benefits, stocks, bonds, and investments the minor owns or has an interest in. It also includes debts the minor owes.

When making financial decisions for the minor, you must "**exercise the care and skill of a person of ordinary prudence dealing with his or her own property**." This means you should spend the minor's money wisely and protect their property as if it were your own.

The order appointing you as guardian will list your powers. Your duties may include:

Day-to-day management of the guardianship estate. This involves using funds from the guardianship estate to pay the minor's bills and for their food, clothing, housing, transportation, medical or mental health, social, recreational, training or educational, and other needs. This also involves paying or negotiating debts the minor owes.

Collecting income. This involves collecting money due to the minor including pensions, government benefits, debts, rents, and mortgage payments.

Managing property. This involves making decisions about whether to sell or mortgage real estate, borrow money to make repairs, or invest in or sell stocks or bonds. If the minor has rental property, this involves entering into and enforcing the leases, making repairs or improvements, collecting income, and hiring agents such as realtors or property managers.

Tip:

Consider hiring accountants, financial advisors, real estate agents, or other professionals. With court approval, their fees can be paid out of the guardianship estate.

Paying taxes. You may have to file state and federal tax returns for the minor before April 15th of each year. File taxes in the minor's name and Social Security number and sign as:

"Guardian for [name of Minor], a minor."

Financial planning. This involves making financial decisions so the guardianship estate can cover the minor's current and future needs.

Fiduciary Powers (in general):

- Retain or receive assets
- Borrow money
- Manage debts
- Perform contracts
- Deposit funds in checking accounts, insured interest-bearing accounts, or short-term loan arrangements.
- Vote stocks
- Insure property against damage, loss, or liability
- Pay taxes and other expenses related to administering the guardianship estate
- Hire professionals for reasonable compensation such as accountants, financial advisors, and lawyers
- Engage in judicial proceedings to prosecute or defend a claim
- Request criminal injuries compensation, restitution, or any other financial property interest if the minor is a victim of a crime.
- Engage in partnership
- Incorporate any business or venture which forms a part of the guardianship estate
- Exercise options, rights, and privileges contained in a life insurance policy, annuity, or endowment contract
- Pay any valid claim
- Pay or release mortgages
- Exercise *inter vivos* powers
- Hold securities
- Comply with environmental laws

Court Authorization

You **MUST** get permission from the court **BEFORE** performing any action not authorized in the order appointing you as guardian. If you are not sure if you can act, contact the court.

Get court authorization before:

- making loans or gifts from the guardianship estate to another person.
- reimbursing yourself for expenses paid for with your own money.
- selling assets in the guardianship estate.
- buying expensive items such as cars, real estate, or vacations for the minor.
- paying a lawyer more than $50.
- closing a guardianship account.

Ask the court for permission in writing. Explain the action you wish to take and provide documents such as receipts and account statements to support your request.

CC-GN-032 – Motion for Appropriate Relief-Guardianship Proceeding

Bond

The court may order you to post a bond. You must get a bond from an insurance or surety bond agency. The amount of bond is set by the court. It will be based on the value of the guardianship estate that would be under your control.

The bonding company will determine the premium (the amount to get and maintain the bond). The premium can be paid out of the guardianship estate.

Whether you qualify to be bonded is based on your financial situation—your credit, income and debts, and whether you have ever filed for bankruptcy. If you have trouble getting bonded, notify the court immediately.

As soon as you are bonded, file proof with the court.

At any time, the court may increase or decrease the amount of bond required.

What is a bond?

A bond is like an insurance policy to protect the guardianship estate against losses or damages if you misuse the minor's funds or other assets.

Reporting Requirements

Inventory and Information Report

Unless the court orders otherwise, you must file an **Inventory and Information Report** within 60 days of your appointment as guardian of the property.

CC-GN-011 – Inventory and Information Report
CC-GNIN-011 – Inventory Instructions

The inventory is a list of all assets and income in the guardianship estate. It tells the court what is in the guardianship estate and will be used to compare future reports.

> **Tip:**
>
> Complete the entire form. Write "not applicable" in sections where you have no information to include.

To complete the inventory, you will need to do some legwork to **identify assets** the minor owns, has an interest in, or may inherit. Assets may include:

- real estate;
- cash and cash equivalents;
- debts;
- brokerage accounts, stocks, bonds, other securities, and retirement accounts;
- vehicles and personal property;
- sources of income including pension benefits, rental income, interest from investments, Social Security income (including Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) income), Veterans Affairs benefits, and job earnings; and
- liabilities (loans, credit cards, judgment/liens, etc.).

The guardianship petition is a good starting point, but it may not give a complete picture. Ways to identify assets not listed in the petition include:

- **Review the minor's personal property and papers.** Look through the minor's records and papers, including old mail, to see if there are statements for bank accounts, stocks, bonds, or mutual funds.
- **File a change of address with the U.S. Postal Service (USPS)**. Most financial institutions and creditors mail monthly statements. Have the minor's mail redirected to you "as guardian for [Minor]."

RESOURCE:	USPS Change of Address website: https://moversguide.usps.com/mgo/disclaimer

- **Run the minor's credit report.** Credit reports are a good source of information about outstanding debts.

RESOURCE:	By law, credit reporting companies Equifax, Experian, and TransUnion must, by request, provide free credit reports every 12 months. To order credit reports on behalf of the minor, call 1-877-322-8228 or visit www.annualcreditreport.com.

- **Review old tax returns.** Contact the IRS and ask for the last several years of the minor's tax returns (if any).

RESOURCE:	Learn how to get copies of tax returns at https://www.irs.gov/newsroom/how-to-get-tax-transcripts-and-copies-of-tax-returns-from-the-irs.

Fiduciary's Account

Unless the court directs otherwise, you must file a **Fiduciary's Account** every year, within 60 days of the date of the anniversary of your appointment as guardian of the property.

Example:

Appointment Date:	March 1
Annual Report Due:	April 30 each year

CC-GN-012 – Fiduciary's Account

The court uses the account to monitor changes to the guardianship estate and to make sure you are managing things properly.

Attach documentation of all expenses or disbursements, the value of any assets or bank accounts, and all income received. Examples of documents include:

- account statements showing values at the end of the reporting period;
- cancelled checks and invoices for bills paid during the reporting period;
- bills of sale or settlement sheets for property sold during the reporting period;
- documentation showing income received during the reporting period; and
- other documents showing proof of transactions or the values of assets listed in the Fiduciary's Account.

If you do not file the Inventory and Information Report or Fiduciary's Account on time or fail to address problems, the court will issue a **Show Cause Order** and schedule a hearing. At that hearing, the court will ask you to explain why it was not filed or not filed properly. The court will also ask you to explain why you should not be removed as guardian.

Protecting Guardianship Assets

Once you identify all assets in the guardianship estate, take steps to protect them.

- Notify financial institutions of your appointment as guardian of the property. Ask them to redirect all correspondence to you.
- If the minor owns stocks, bonds, mutual funds, or other investments, notify the companies of your appointment and ask them to redirect all correspondence to you.
- Close accounts that others have access to and put funds in an account only you have access to.
- Identify jointly titled accounts and assets as guardianship property. Do not change the title of these assets. Instead, arrange to protect and account for the minor's interest in them.

Tips:

Remember to keep guardianship property separate from your own.

Never combine your money with the minor's money.

Never use money from the guardianship estate for your own purpose, or for someone else's

- If the minor owns or inherits real property such as a house, change the locks and take steps to evict anyone who should not be there.
- If the minor owns property in a county other than the one that appointed you as guardian, file a copy of the order appointing you as guardian with the land records agency in the county in which that property is located.
- If the minor has property in another state, file the order in the appropriate agency in that state.
- Identify, take pictures of, and secure valuable personal property such as jewelry and coins in a safe, safe deposit box, or other secure location.
- Identify any insurance policies on which the minor is listed as a beneficiary. Notify the companies of your appointment and ask that all correspondence be directed to you.
- If the minor has valuable property that is not insured such as vehicles, jewelry, art, or other collectibles, have the items appraised and insured.

Guardianship Accounts

Put all the minor's monetary assets in a guardianship account to which only you have access. Title the account in your name "as guardian for [the minor]." Arrange for all income (Social Security, Supplemental Security Income [SSI], Veterans Affairs benefits, etc.) to be deposited in this account.

Retitle accounts owned by the minor (checking, savings, money market, etc.) in your name "as guardian for [the minor]."

Example: *Jane Guardian as Guardian for John Minor, a minor.*

Restricted Accounts

The court may order you to set up and put guardianship funds into a separate or restricted account. Open the account at a financial institution that is federally insured or regulated by the Commissioner of Financial Regulation.

Title (register) the account as: "[Your Name], Guardian of the Property for [minor's name], withdrawals subject to order of the [name of court]."

Example:

Jane Guardian, Guardian of the Property for John Minor, withdrawals subject to order of the Circuit Court for Baltimore City.

Bank ABC

Account Number:	A-11-1111
Account Type:	Checking
Account Name:	John Minor - Jane Guardian (GUARDIAN)
Special Instructions:	RESTRICTED ACCOUNT Withdrawal by Court Order Only

File proof with the court that you set up the restricted account.

CC-GN-024 – Proof of Restricted Guardianship Account

If the minor has more than $200,000 in cash, the court will order you to set up multiple restricted accounts. Make sure only you have access to the accounts.

Once in place, you will not be able to withdraw funds without a court order. The court can enter a continuing order, allowing you to make withdrawals up to a certain amount. For example, the continuing order may allow you to make monthly withdrawal up to $500 for 12 months.

Ask the court for permission to withdraw funds from the account in writing. Include the amount you want to withdraw, the reason for the withdrawal, a current account statement, and documentation that supports your request.

Expenses and Debts

Figure out the minor's expenses and arrange to meet them. Expenses include mortgage payments for property the minor owns or has an interest in, rent, food, clothing, educational and medical costs.

- Have all bills re-directed to you so you can arrange for payment.
- Create a budget to make sure all the minor's needs are met. Spend money wisely and make it last as long as possible.
- Identify and arrange for payment of debts. Notify creditors of your appointment and work with them to manage the debt.

Tips:

- Pay bills with check or automatic bank withdrawals. This will help you keep records of transactions.
- Never make checks payable to Cash.
- Avoid paying with cash. If you must pay in cash, always get a receipt.

The court may also order you to pay from the guardianship estate professionals, such as lawyers, who are involved in the guardianship process.

Identify all debts and arrange to pay or negotiate them. Notify known creditors and let them know about your appointment as guardian.

Government Benefits

If the minor receives income or benefits from the Social Security Administration (SSA) or U.S. Department of Veterans Affairs (VA), notify these agencies of your appointment as guardian as soon as possible. You may need to apply to become **Representative Payee**.

RESOURCES:	**Social Security Representative Payee Program** For information about becoming an SSA Representative Payee or applying for benefits, visit a local Social Security Administration office, call 1-800-772-1213 (TTY 1-800-325-0778), or visit https://www.ssa.gov/payee/. **VA Fiduciary Program** For information about becoming a VA Fiduciary, visit a VA Regional Office, call 888-407-0144, or visit https://www.benefits.va.gov/fiduciary

If you are appointed as representative payee, put the funds in a guardianship account to which only you have access. You may need to file paperwork each year to certify the minor is eligible to receive benefits and to show you are managing them properly. Keep thorough records and mark your calendar for recertification dates.

Representative Payee

A representative payee receives funds from an agency on behalf of another person. The funds must be spent on that person's personal needs such as medical care, food, housing, and clothing.

Each agency has its own application and requirements. A representative payee with the Department of Veterans Affairs is called a Fiduciary. The Office of Personnel Management and some private pensions companies also have representative payee programs.

When you apply, have on hand a copy of the guardianship order and important information such as the minor's Social Security or Veterans Affairs file number.

Medical Assistance

If the minor is not covered under your or another person's medical or dental insurance, he or she may be eligible for coverage through the Maryland Children's Health Insurance Program.

RESOURCE:	You can apply for medical assistance online at https://www.marylandhealthconnection.gov/ or by calling 855-642-8572 (TTY 855-642-8573). You can also visit a local health department or Department of Social Services.

Other Benefits

The minor may be eligible for food, transportation, and other assistance through the Social Security Administration or other agencies. A local Department of Social Services (DSS) office can help you determine what benefits the minor is eligible for and can help you apply.

RESOURCE:	To find your local DSS office, call 1-800-322-6347. A listing of local DSS offices is on page 31.

Commissions and Reimbursement of Expenses

Depending on the size and value of the guardianship estate, you may be able to claim a commission or reimbursement for actual and necessary expenses incurred while performing your duties as guardian.

With court approval, commissions and expenses are payable from the guardianship estate. You may be paid an **income commission**, a **corpus commission**, or a **commission on the sale of real estate**.

Income commissions are calculated based on the amount of income that is added to the guardianship estate each year. Income commissions are:

- 6% of all income from real estate, ground rents, and mortgages collected each year;
- 6.5% percent on the first $10,000 of all other income collected each year;
- 5% on the next $10,000;
- 4% on the next $10,000; and
- 3% of any remainder.

Corpus commissions are calculated based on the fair market value of the guardianship estate (the corpus) at the end of each year. Corpus commissions are:

- .4% on the first $250,000;
- .25% on the next $250,000;
- .15% on the next $500,000; and
- .1% on any excess.

Commissions on the sale of real property are calculated based on the proceeds to the sale of the minor's property at a rate set by the court. If you plan to sell real property, contact the court about your options.

To claim a commission, file a Commission Worksheet with the Fiduciary's Account.

CC-GN-025 – Guardian of the Property Commission Worksheet

Reimbursement of Expenses

If you use your own money to cover expenses related to your job as guardian, you may be able to be reimbursed from the guardianship estate.

Ask the court for permission in writing before you reimburse yourself. Make sure you have receipts or documents showing the costs.

CHANGES TO THE GUARDIANSHIP

Guardianships can change over time. You may find you need more or fewer powers. If that happens, contact the court.

CC-GN-032 – Motion for Appropriate Relief-Guardianship Proceeding

Guardianships also do not last forever. There are events that can **terminate (end)** the guardianship. You can also **resign** or **be removed** as guardian.

Once your appointment as guardian ends, you no longer have the rights or powers of a guardian.

The end of your appointment does not discharge you from liability for any wrongful acts during the appointment.

Termination

The guardianship can terminate (end) if the minor:

- has turned 18;
- dies; or
- becomes emancipated because of marriage.

Guardianships of the property can also end when there are no more assets in the guardianship estate that need proper management.

It is your responsibility to notify the court when one of these events occurs. File a petition for termination **within 45 days** of the event. You can file a petition for termination of the guardianship of the person, of the property, or both.

CC-GN-028 – Petition for Termination of Guardianship of the Person
CC-GN-029 – Petition for Termination of Guardianship of the Property
CC-GN-037 – Petition for Termination of Guardianship of the Person and Property

Documentation:

- If the minor turned 18, attach to the petition a copy of their birth certificate or other proof of age.
- If the minor died, attach to the petition a copy of the death certificate.
- If the minor became emancipated because of marriage, attach a copy of the marriage certificate.
- If you are asking the court to terminate the guardianship of the property, attach a final Fiduciary's Account covering the period not reported in the last account filed, or, if none, from the date you were appointed.

- You may need to take steps to transfer assets left in the guardianship estate to the minor.
- If the minor dies, include a proposal for final distribution of any remaining assets in the estate.

CC-GN-012 – Fiduciary's Account

After the court receives your petition, it may issue a **show cause order**. You must mail a copy of the petition and the show cause order to interested persons. The court may hold a hearing.

If the minor has a disability and needs a guardian after age 18, you or another interested person may file for **guardianship of an alleged disabled person**. Contact the court about this.

Resignation

The court understands that things change and there may come a time when you are no longer able to be guardian. If that happens, file a petition for resignation with the court. You can file a petition to resign as guardian of the person, guardian of the property, or both.

CC-GN-026 – Petition for Resignation of Guardian of the Person and Appointment of Substituted or Successor Guardian
CC-GN-027 – Petition for Resignation of Guardian of the Property and Appointment of Substituted or Successor Guardian
CC-GN-038 – Petition for Resignation of Guardian of the Person and Property and Appointment of Substituted or Successor Guardian

In the petition, you name someone you think would be a good **substituted or successor guardian** (replacement). If that person is willing to step in, have them complete a Consent of Substituted or Successor Guardian form and file that with your petition. The court will decide if that person is an appropriate replacement.

CC-GN-030 – Consent of Substituted or Successor Guardian

If you are resigning as guardian of the property, attach a final Fiduciary's Account covering the period not reported in the last account filed, or, if none, from the date you were appointed.

After the court receives your petition, it may issue a **show cause order**. Mail a copy of the petition and the show cause order to all interested persons as the court directs. The court may hold a hearing.

Your appointment as guardian does not end until the court enters an order accepting your resignation. Until that happens, you must continue to fulfil your responsibilities as guardian.

Removal

If the court is not satisfied with your performance as guardian, it may order you to show cause (explain) why you should not be removed or subject to sanctions. An interested person can also file a petition to have you removed.

The court may remove you if you:

- do not properly care for the minor's needs;
- do not act in the minor's best interest;
- steal or mismanage guardianship property; or
- do not file reports, file them late, or fail to address problems.

Your appointment does not end until the court enters an order removing you as guardian. Until then, you must continue to fulfill your responsibilities as guardian.

If the court removes you as guardian of the property, file a final Fiduciary's Account covering the period not reported in the last account filed, or, if none, from the date you were appointed.

If you are negligent in your duties as guardian in a way that causes harm to someone or their property, you can be held liable (sued) for damages suffered.

Sanctions

If the court learns that you are unable to or fail to perform your duties, it may:

- remove you and appoint a substitute guardian;
- require that you perform your neglected duties;
- report you to law enforcement or Child Protective Services if it learns you neglected or abused the minor; or
- order you to pay back the guardianship estate any funds you mismanaged or misappropriated.

ABUSE, NEGLECT, AND EXPLOITATION

People under guardianship are vulnerable and often targeted because of their age; physical, intellectual, or emotional limitations; and their dependence on others for basic needs.

Depending on the minor's age or disability status, they may not be able to communicate if they are being hurt. They may not be able to recognize and avoid danger.

If a minor is being hurt by a caregiver, a family member, or a teacher, they may not report abuse because they are afraid of what will happen to that person. Victims of crime often suffer physical, psychological, and financial injuries from which recovery is difficult. As guardian, you are in a unique position to help identify when the minor is being harmed.

There are signs or indicators that someone is being abused that may be explained by other causes. It is important to keep in mind that a single indicator is usually not proof of abuse, so be on the lookout for patterns or suggestions that there might be a problem.

RESOURCE:	Guardian Video Series: Abuse, Neglect, & Exploitation https://www.courts.state.md.us/family/guardianship/videoseries/abuseneglect

Physical Abuse

Physical abuse is the use of physical force that may result in bodily injury, physical pain, or impairment.

Signs of physical abuse include:

- a specific complaint about mistreatment;
- unexplained or poorly explained injuries, such as fractures, sprains, dislocations, internal injuries, or bleeding;
- bruises, bites, cuts, sores, burns, scars, or head trauma;
- sudden changes in the victim's behavior, such as aggression, withdrawal, regression, substance abuse, depression, attempts to escape, wariness of physical contact, or fear of certain places;
- sudden loss of weight, teeth, or hair;
- the victim and people around them have different explanations for the causes of injuries;
- the victim seems afraid of, or wants to avoid, a particular person; and
- frequent or suspicious hospitalizations or if there are delays between the onset of an injury and seeking medical care.

Physical Abuse

Physical abuse includes hitting, beating, pushing, shaking, kicking, slapping, pinching, choking, pulling hair, and burning.

It also includes inappropriate use of drugs or physical restraints, as well as force-feeding, reckless driving, and physical punishment.

Tip:

Keep in mind that anyone can be a perpetrator of abuse.

Most victims of abuse are harmed by someone they know, such as family members, acquaintances, dating partners, or caregivers.

Sexual Abuse

Sexual abuse is non-consensual sexual contact of any kind. It includes rape, molestation, and any sexual conduct with a person who is unable to consent.

Both women and men may be victims of sexual abuse. Children and people who have physical or cognitive disabilities are particularly vulnerable, as are people who lack social support or who are isolated.

Signs of sexual abuse:

- a specific complaint about mistreatment;
- reports of genital or anal pain, irritation, or bleeding, and difficulty walking or sitting;
- torn, stained, or bloody underclothes or sexually transmitted diseases;
- behavior changes such as inappropriate, unusual, or aggressive sexual behavior;
- bedwetting or changes in sleep patterns, such as over- or under-sleeping and nightmares;
- sudden fear of the dark; and
- avoiding undressing or wearing extra layers of clothing.

Emotional Abuse

Emotional abuse is the infliction of pain, anguish, or distress, and is sometimes called psychological abuse.

Signs of emotional abuse:

- a specific complaint about mistreatment;
- weight loss or gain, depression, confusion, agitation, or withdrawal;
- unexplained rashes, hives, facial tics, stomach aches, or elevated blood pressure;
- new nervous habits such as biting, rocking, head-banging, bedwetting, and thumb sucking; and
- isolation from family, friends, or regular activities.

Types of Emotional Abuse

Someone may cause emotional abuse by using verbal assaults, threats, or insults.

This type of abuse also includes intimidation, humiliation, and harassment.

Neglect

Neglect is a caregiver's refusal or failure to provide for a person's basic needs, which include food, water, clothing, and shelter, as well as personal hygiene, medication, comfort, and personal safety. Neglecters may be family members, paid caregivers, or employees of care facilities.

Signs of neglect:

- poor hygiene, including lice, scabies, severe or untreated rashes or wounds, or bed sores;
- malnutrition or dehydration;
- hazardous or unsafe living conditions, such as exposed or improper wiring, no heat, poor plumbing, and unsanitary conditions like dirt, fleas, bed bugs, lice, soiled bedding, and fecal or urine odors;
- unsuitable or missing clothing, or a lack of basic medical care or medications;
- signs of exposure to the elements, like excessive sunburn, insect bites, or cold; and
- behaviors that are not age-appropriate, such as bedwetting or soiling.

Forms of Neglect

Neglect may be passive or intentional.

Passive neglect occurs when a caregiver is unable to fulfill their obligations to another person because of illness, disability, stress, misunderstanding of what care or services are needed, or lack of resources.

Intentional neglect occurs when a caregiver is able to fulfill those obligations but refuses to.

Responding to Suspected Abuse and Neglect

If the minor is in immediate danger, call 911.

If you suspect abuse, neglect, or exploitation but cannot verify the details, contact Child Protective Services (CPS) at 800-322-6347 or contact a local CPS (http://dhs.maryland.gov/child-protective-services/reporting-suspected-child-abuse-or-neglect/local-offices/).

CPS staff are professionals **trained to investigate concerns** about the safety or well-being of children and vulnerable adults. They offer services and support to help prevent or reduce the risk of someone being abused or neglected.

Investigating allegations of abuse and neglect is the job of police and protective services professionals. If you think someone is being harmed, do **not** attempt to investigate or question potential suspects or witnesses on your own.

Resources for Victims of Crime:

- Maryland Crime Victims Resource Center – www.mdcrimevictims.org
- Maryland Coalition Against Sexual Assault – www.mcasa.org
- Maryland Network Against Domestic Violence – www.mnadv.org

Preventing Abuse or Neglect

As guardian, there are things you can do to protect the minor against abuse or neglect, even if he or she does not live with you.

Visit with the minor. If the minor does not live with you, visit him or her and make sure they are being properly cared for.

- Do they tell you they are not receiving proper care?
- Is the money paid to caregivers or service providers being used as it should be?
- Are the minor's clothing, housing, and food needs being met?

> **Tip:**
>
> Keep a log of your contacts with the minor. A sample log is on page 33.

Take note of whether they have been to the hospital or doctor's office for frequent or unexplained injuries, or if there are conflicting explanations about what caused those injuries.

Track behavior. Keep track of changes in the minor's behavior, physical appearance, or surroundings.

- Do they report being harmed or feeling unsafe?
- Do they seem depressed, scared, agitated, or withdrawn?
- Is their clothing weather-appropriate and clean?
- Is their personal hygiene good?
- Is their living space clean and safe?

Track people. Keep track of people who spend time with the minor.

- Does the minor tell you they are being harmed by or afraid of someone?
- Are new people influencing them?
- Are they reluctant or unwilling to see certain family members, teachers, friends, or service providers?
- Is anyone interfering with your ability to speak with them alone, or with their relationships with trusted family, friends, or service providers?
- Is anyone acting aggressively toward the minor?

Financial Exploitation

Financial exploitation is the theft or misuse of another person's money, property, or belongings for personal benefit. Money or property may be taken through deception, harassment, or threats. Anyone can be a victim of financial exploitation, but vulnerable people, such as those under guardianship, are at a higher risk.

Guardians must have a strong understanding of the types and signs of financial exploitation. Armed with this information, you may be able to **identify, stop, and prevent** the financial exploitation of a person under guardianship.

Also, be aware that people may try to take advantage of guardians of the property.

There are many forms of financial exploitation. They include:

- **Theft**: The taking money or property, like jewelry or other valuable items, without permission.
- **Fraud**: Acts of deception or misrepresentation for personal gain. Examples of financial fraud include:
  - falsifying documents;
  - forgeries;
  - unauthorized check writing;
  - investment fraud;
  - mortgage fraud; and
  - insurance fraud.
- **Identity theft**: The illegal access to and use of a person's personal or financial information, such as their name, Social Security number, date of birth, credit cards, or bank account numbers.
- **Marketing or lottery scams**: The use of false promises of cash, services, or goods to extract fees, donations, or personal information from the victim. Scammers may target victims by phone, email, postal mail, television or print ads, or in person.

Who commits financial abuse?

It is often someone the victim knows, such as a family member or acquaintance.

Caregivers or service providers may also be offenders.

Sometimes, financial advisors exploit others for their own gain.

Criminals and con artists also target victims who are vulnerable.

RESOURCES:	**Consumer Financial Protection Bureau** - https://www.consumerfinance.gov/ **Federal Trade Commission – Consumer Information** https://www.consumer.ftc.gov/

Signs of Financial Abuse

Signs of financial abuse include:

- missing money or property;
- frequent or large gifts to caregivers, someone with access to the minor, or new "friends;"
- sudden or unexplained changes in the guardianship estate, such as unauthorized withdrawals or transactions, or new names added to credit card or bank accounts;
- services or goods are paid for, but do not appear to be received;
- paid-for goods are new, but inappropriate for the person who bought them;
- utilities that were supposedly paid for get cut off;
- missing mail or text alerts about existing guardianship accounts;
- new emails or alerts about new accounts opened in the name of the minor; and
- individuals who pressure guardians of the property inappropriately (for example, by asking them to spend money on unnecessary services or goods, or to give another person access to, or authority over, guardianship assets).

Preventing Financial Exploitation

Take the following steps to protect the guardianship estate against exploitation:

- restrict access to guardianship accounts or property;
- do not give out the minor's Social Security number, credit card information, account numbers, or passwords;
- put the minor's phone number on the National Do Not Call Registry;

RESOURCE:	**National Do Not Call Registry** - Call 1-888-382-1222 or visit www.donotcall.gov

- record everything that goes in or out of the guardianship estate, and any actions you take as guardian;
- keep financial documents and records in a secure location that only you can access;
- frequently monitor guardianship accounts and bills, and look out for unusual or unauthorized transactions;
- never write blank checks enabling someone else to fill in the amount;

- secure valuable guardianship property: for instance, get a safe for jewelry or other personal items; and
- do not sign anything you do not understand.

Remember, as guardian of the property, **you may be a target**. Watch out for people who try to influence how you manage the guardianship estate. Keep any eye out for deals that seem “too good to be true.”

RESOURCES

Remember, **the court is the ultimate guardian**. Contact the court that appointed you as guardian if you have questions or need help finding a resource. If you have concerns about the minor's well-being or are unsure of how to make a decision, contact the court.

RESOURCE:	www.mdcourts.gov/guardianship The Maryland Courts' website has resources for guardians including: • court forms; • a video series with clips; • checklists; and • links to resources.

Legal Assistance

If you need help with a legal issue, contact a lawyer. If the minor has a guardian of the property or another person managing the minor's finances, contact that person about paying the lawyer. Guardians of the property may need permission from the court to pay the lawyer's fee from the guardianship estate.

Find a Lawyer

RESOURCE:	**Maryland State Bar Association (MSBA)** 410-685-7878 1-800-492-1964 https://www.msba.org **The People's Law Library Legal Services Directory** https://www.peoples-law.org/directory

You can also contact the **Maryland Courts Self-Help Center**, which provides free limited legal advice in civil cases for people who do not have a lawyer.

RESOURCE:	**Maryland Courts Self-Help Center** 410-260-1393 8:30 a.m. – 8:00 p.m. Monday - Friday https://www.courts.state.md.us/selfhelp/mcshc

Some local courts also have their own self-help clinics.

Community Resources

There are community programs and resources that can help you take care of the minor's housing, food, clothing, medical and mental health care, training, education, recreation, and other needs.

Some programs help regardless of your ability to pay. Others are income-based or have other eligibility requirements. Some are payable through government programs the minor receives benefits from like Medicare, the Social Security Administration, or the U.S. Department of Veterans Affairs.

RESOURCE:	**2-1-1 Maryland** can help you find and access housing, food, employment, utility, legal, education, and other resources for the minor. You can call 2-1-1 twenty-four hours a day, seven days a week, or search its online resource directory at https://211md.org/

Local Departments of Social Services (DSS)

Interactive Map: https://mydhrbenefits.dhr.state.md.us/dashboardClient/#/dssMap

Allegany County DSS
1 Frederick Street
Cumberland, Maryland 21502
Phone: 301-784-7000

Anne Arundel County DSS
80 West Street
Annapolis, Maryland 21401
Phone: 410-269-4500

Baltimore City DSS
Administration Building
Talmadge Branch Building
1910 N. Broadway Street
Baltimore, Maryland 21213
Phone: 443-378-4600
TTY: 443-378-6502

Baltimore County DSS
6401 York Road
Baltimore, Maryland 21212
Phone: 410-853-3000

Calvert County DSS
200 Duke Street
Prince Frederick, Maryland 20678
Phone: 443-550-6900

Caroline County DSS
207 South Third Street
Denton, Maryland 21629
Phone: 410-819-4500

Carroll County DSS
1232 Tech Court
Westminster, Maryland 21157
Phone: 410-386-3300

Cecil County DSS
Elkton District Court/Multi Service Building
170 East Main Street
Elkton, Maryland 21921
Phone: 410-996-0100

Charles County DSS
200 Kent Avenue
LaPlata, Maryland 20646
Phone: 301-392-6400

Dorchester County DSS
627 Race Street
Cambridge, Maryland 21613
Phone: 410-901-4100

Frederick County DSS
1888 North Market Street
Frederick, Maryland 21701
Phone: 301-600-4555

Garrett County DSS
12578 Garrett Highway
Oakland, Maryland 21550
Phone: 301-533-3000
TTY: 301-334-5426

Harford County DSS
2 South Bond Street, Suite 300
Bel Air, Maryland 21014
Phone: 410-836-4700

Kent County DSS
350 High Street
Chestertown, MD 21620
Phone: 410-810-7600

Montgomery County DSS
401 Hungerford Drive, 5th Floor
Rockville, Maryland 20850
Phone: 240-777-4513
TTY: 240-777-1245

Prince George's County
805 Brightseat Road
Landover, Maryland 20785-4723
Phone: 301-909-7000

Queen Anne's County DSS
125 Comet Drive
Centreville, Maryland 21617
Phone: 410-758-8000
TTY: 410-758-5164

St. Mary's County DSS
23110 Leonard Hall Drive
Leonardtown, MD 20650
Phone: 240-895-7000

Somerset County DSS
30397 Mt. Vernon Road
Princess Anne, Maryland 21853
Phone: 410-677-4200

Talbot County DSS
301 Bay Street
Easton, Maryland 21601
Phone: 410-770-4848

Washington County DSS
122 North Potomac Street
Hagerstown, Maryland 21740
Phone: 240-420-2100

Wicomico County DSS
201 Baptist Street, Suite 27
Salisbury, Maryland 21801
Phone: 410-713-3900

Worcester County DSS
299 Commerce Street
Snow Hill, Maryland 21863
Phone: 410-677-6800

Contact Log

If the minor does not live with you, use this log to keep track of your visits and contacts.

Date	Type of Contact (visit, phone, email)	Next Steps/Notes

Medical Information Sheet

Medical Providers

Type	Name	Phone	Address
Primary care doctor			
Dentist			
Eye doctor			
Ear doctor			
Psychiatrist			
Psychologist			
Mental health therapist			
Physical therapist			
Occupational therapist			
Speech therapist			
Other:			

Medications

Medication	Purpose	Dosage/Schedule	Prescribing Physician

Allergies: _____

_____

Medical Conditions

Condition	Treatment

Health Care Log

Use this log to track the minor's visits with health care providers and hospitalizations.

Date of Visit	Provider	Reason for Visit	Next Steps/Notes

Income Log

Use this log to track payments made to the guardianship estate (income).

Sources of income include interest/dividends, Social Security income, Supplemental Security Income (SSI), Supplemental Security Disability Insurance (SSDI), Veterans Affairs (VA) benefits, public cash assistance, wages, rental income, pensions/retirement, alimony, annuity payments, etc.

Date	Source	Amount Received ($)	Notes

Disbursement Log

List payments made from guardianship accounts.

Date	To Whom Paid	Purpose of Payment	Amount ($)

MARYLAND

JUDICIARY