Your Ongoing Duties as Guardian of the Estate

#1. In general, you have the duty to take care of, manage, & invest the ward's estate

- As Guardian of the Estate, you have been appointed by the Court to handle the **estate** of the ward, which includes everything the ward owns or has a right to receive: land, money, bank accounts, furniture, cars, houses, clothes . . . **everything**.
- As Guardian of the Estate, it is your duty (once you have qualified) to take possession of all of the ward's property; to manage all of this property; to collect all debts, rentals, or claims that are due to the ward; to enforce all obligations that are due to the ward; and to bring and defend suits by or against the ward.
- **Your duties and your responsibility over the ward's property are defined by Texas law and may be limited by the order appointing you as Guardian. Please read this Court order carefully. Also refer to the detailed Court-ordered instructions that you signed before a notary.**

#2. Take care of the ward's estate even more carefully than you would your own

You must be frugal, conservative, and cautious. As a guardian, you are a "fiduciary" – *someone who has a legal responsibility to act for the benefit of another*. You must always act in good faith and in the ward's best interests, while also considering the interest of others who have a stake in or claim to the assets under your management. At times, this may mean acting in a manner contrary to your own interests.

#3. You cannot treat the ward's property as your own!

- You must keep your money separate from that of your ward. Place all guardianship funds in one or more separate, insured accounts in the name of the guardianship (for example, "Jane Doe, as guardian of the estate of John Doe").
- **You may not spend any guardianship funds without authorization from the Court.** For more information, see the instructions you received from the Court.

#4. Every year, you & your attorney will prepare a detailed Annual Account

- Failure to file this detailed Annual Account may result in your removal as Guardian and may result in the assessment of fees against you individually and not the guardianship estate.
- As part of the Account, you are required to swear or affirm that the Annual Account is true and correct.
- Texas law requires that your attorney must review and sign this accounting. *Therefore, your attorney will need to get information from you for the Annual Account before the deadline for filing the Account. Consult with your attorney about what needs to be done for the Annual Account and when it needs to be done.*

#5. Keep complete and precise records

To be prepared for your Annual Accounts, you must maintain an accurate record of all guardianship income and all expenditures of guardianship funds. You will need to keep and organize all bank records as well as receipts for all purchases and all expenditures.

#6. Remember the following:

- Notify your attorney of any change in the mailing address of either you or the ward, and your attorney should notify the Court. If the ward moves from this county, consult with your attorney about whether the guardianship should be transferred. You may not move from this state or be absent from this state for more than three months without Court permission.
- Consult with your attorney on any matter regarding this guardianship that you do not understand.
- Consult with your attorney when the guardianship of the estate is ready to be closed.

Updated 6/4/2012; no changes for 2014