

## NOTICE TO GUARDIANS OF DISABLED ADULTS

A *GUARDIAN OF THE PERSON* of a disabled adult must file with the court an *ANNUAL REPORT*.

The *ANNUAL REPORT* may be mailed to the probate clerk in the Lake County Circuit Clerk's Office, 18 N. County Street, Waukegan, Illinois, 60085. If the annual report is mailed to the clerk for filing with the court, the guardian does not need to appear in court unless the court sends out a notice to appear.

An *ANNUAL REPORT* must be filed every year. The first Annual Report is due within 14 months after the date the letters of office were issued. In the following years, the Annual Report is due on the same day of the year as the first Annual Report was filed.

A *GUARDIAN OF THE ESTATE* of a disabled adult has the following duties:

- To file a *BOND* approved by the court. Unless excused by the court, every bond must be guaranteed by at least two individual sureties or by a corporate surety company.

If two individuals act as sureties, the amount of the bond must be double the value of the estate. The individual sureties must sign a notarized list of their assets which must be attached to the bond.

If a corporate surety company is used, the amount of the bond is one and one-half times the value of the estate. A corporate surety company will charge the estate an annual premium like a premium on an insurance company. The premium must be paid every year.

Surety on the bond may be excused if the money is invested in United States government obligations or bank accounts and certificates of deposit insured by the United States subject to withdrawal only upon court order. If the money may be withdrawn only upon court order, a receipt of the depository showing that no withdrawals will be allowed without court order must be filed with the clerk of the court. The receipt is called a certificate of depository.

- To file an *INVENTORY* with the court. The inventory should describe the real estate and the improvements and liens on the real estate. The inventory should also state the amount of money on hand and in what form the money is held (i.e. bank accounts, stocks, bonds, notes, etc.) and list all personal property.

The *INVENTORY* must be filed with the court within 60 days after the issuance of the letters of office.

- To file an *ANNUAL ACCOUNT* with the court. The annual account should list all money received by the guardian and all money spent by the guardian on behalf of the disabled adult and the assets remaining on hand at the end of the accounting period. The guardian should be prepared to produce receipts for all expenditures made on behalf of the Disabled Person. A Guardian of the estate must appear in court to get the account approved.

An *ANNUAL ACCOUNT* must be filed every year. The first Annual Account is due within 14 months after the date the letters of office were issued. In the following years, the Annual Account is due on the same day of the year as the first Annual Account was filed.

- To keep detailed records of all financial transactions in the estate accounts. If a guardian cannot explain to the court what he or she has done with the money of a disabled adult, or if the court finds the guardianship funds have been mismanaged or misused, the guardian may be held liable for the money and have to pay it back. The money and property of the Disabled Person should be kept separate and titled in the name of the Guardian of the Estate.
- To invest the assets of the Disabled Person frugally. Assets may be invested in United States government obligations or bank accounts and certificates of deposit insured by the United States. Other investments may need approval of the Probate Court.
- To use the assets and income of the Disabled Person exclusively for the benefit of the Disabled Person. Expenditures should be limited to providing the basics of food, clothing, shelter and health care. Extraordinary expenses should be pre-approved by the Probate Court.
- To obtain the permission of the Probate Court to sell, lease, or mortgage the property of the Disabled Person.

If you do not understand the duties of guardian you should consult an attorney. For information about legal services, you can contact the Lake County Bar Association Lawyer Referral Service at (847) 244-3140.

In order to schedule a court date, the guardian should contact the probate clerk of the Lake County Circuit Clerk's Office at (847) 377-3380.