



Chicago Estate Planning Council

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What are the duties of a guardian?



The guardian of the person of a minor is charged with the custody, nurturing and education of the minor. The guardian of the estate of a minor is responsible for the care, management and investment of the ward's assets. The guardian of the estate is to apply the income and principal of the ward's assets for the comfortable and suitable support and education of the ward, his/her children and persons related by blood or marriage who are dependent on the ward or entitled to support from the ward or for any other purpose the court deems to be for the best interests of the ward. The guardian of the estate represents the ward in all legal proceedings unless another person is appointed as representative or next friend by the court. All of the activities of a guardian of the person or a guardian of the estate are subject to control by the court.

The guardian of the person of a disabled adult is charged with the custody of the ward and his/her minor and adult dependent children. The guardian of the person provides or arranges for their support, care, comfort, health, education and maintenance and to procure for them professional services as appropriate. The guardian of the person is to assist the ward in the development of maximum self-reliance and independence. The guardian of the estate is to apply the income and principal of the ward's assets for the comfortable and suitable support and education of the ward, his/her children and persons related by blood or marriage who are dependent on the ward or entitled to support from the ward or for any other purpose the court deems to be for the best interests of the ward. The guardian of the estate represents the ward in all legal proceedings unless another person is appointed as representative or next friend by the court. The court may

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planning for the ward (e.g., make gifts, change beneficiaries for insurance and retirement plans, etc., create revocable or irrevocable trusts for the benefit of the ward or others, and modify trusts or wills). All of the activities of the guardian are subject to control by the court.

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