



Chicago Estate Planning Council
330 N. Wabash Avenue, Suite 2000
Chicago, IL 60611
Tel: 312.673.4707 - cepc@smithbucklin.com



What is a guardian?

A guardian is a person (either an individual, a trust company, a public agency or a not-for-profit corporation) who is charged with the care of (a) any individual who is a minor (under the age of 18) or an individual (18 or older) who has been adjudged by the court to be unable to care for himself or herself (disabled adult) or (b) the assets of any such individual. The minor or disabled adult is often referred to as the “ward.”

An individual can designate a guardian for his or her minor children (usually by a will). An individual can designate a guardian (by a written instrument) for himself or herself (if of sound mind at the time of the designation) to act at a future date when such individual becomes a disabled adult. All appointments are subject to the approval of the court. For a disabled adult the guardian may be limited (powers limited as specified in the court order) or a plenary guardian (all powers granted by statute).

An individual acting as guardian must be 18 or older, a resident of the United States, of sound mind, not adjudged disabled or convicted of a felony (however, the court has some leeway in this requirement).

FAQ'S DISCLAIMER

The CEPC, as a public service, provides educational materials on estate planning topics. Nothing in these materials is to be considered tax, legal, investment or other professional advice. The information is merely provided for educational purposes and no action should be taken without consulting your own tax, estate, legal, financial, investment, insurance and other advisors. The CEPC is not engaged in the business of providing professional services and expressly disclaims any and all warranties in connection with providing these educational materials. By using these materials, you agree to release and hold harmless the CEPC, and any of their officers, employees, and the members of the CEPC Public Outreach Committee from any liability, losses, damages, claims, causes of action, interest, expenses, costs and attorney's fees arising out of or related to the use of these materials.

