

STATE OF VERMONT
DISTRICT OF _____, SS

PROBATE COURT
DOCKET NO. _____

IN RE GUARDIANSHIP OF:

(Name of Ward)

ACCOUNT OF GUARDIAN FOR MINOR

I, _____, guardian of the ward named above, do submit and
(Name of Guardian)
swear to the truth of the following account for the period of _____ to _____.
(Date) (Date)

I. ASSETS HELD AT COMMENCEMENT OF ACCOUNTING PERIOD

- i. Personal property as of last account
(or as of inventory if this is first account)
- ii. Real estate as of last account (or as of
inventory if this is first account)
- Total assets at start of accounting period

II. INCOME RECEIVED

- A. Gain on personal property sold (list on schedule A)
- B. Gain on real estate sold (list on schedule B)
- C. Rents, interest and dividends (list on schedule C)
- D. Other income (Social Security, SSI, retirement
- benefits, government payments - list on schedule D)
- E. Assets acquired since last account (list on schedule E)
- Total income received

III. EXPENSES

- 1. Expenses of property maintenance including taxes
and insurance (list on schedule 1)
- 2. Loss on sale of personal property (as approved by
license - list on schedule 2)
- 3. Loss on sale of real estate (as approved by license
list on schedule 3)
- 4. Paid probate fees (list on schedule 4)
- 5. Expenses paid from ward's funds that were previously
approved by the court (list on schedule 5)
- 6. Services of guardian as previously allowed by the court;
also, out-of-pocket expenses of the guardian as reimbursed
during this accounting period (list on schedule 6)
- 7. Other expenses (list on schedule 7)
- Total expenses

IV. SUMMARY OF ACCOUNT

Total Assets at Commencement of Account	_____
Income	+ _____
Expenses	- _____
Total Assets at end of Account Period	_____
Personal Property (list on schedule 8)	_____
Real Estate (list on schedule 9)	_____

The foregoing is a just and true account.

(Guardian)

Subscribed and sworn to this ____ day of _____, _____, before;

Judge/Register/Notary Public

MOTION TO ALLOW ACCOUNT

I, _____, guardian in the above-entitled guardianship move the
(Name of Guardian)
court to allow this account, I certify that I have mailed a copy of this account to the following named interested persons.

Interested Persons:

Dated at _____ this _____ day of _____,
(Day) (Month) (Year)

Signed _____
(Signature of Guardian)

ORDER

Examined on oath and allowed:

Dated _____ Signed _____
Probate Judge

GUARDIAN FOR MINOR INSTRUCTION SHEET

General Information. Accounts are required to be filed annually in the Probate Court. The purpose of the account is to advise the ward, the court, and other interested persons of the financial changes and transactions which the guardian has undertaken on behalf of the ward. An accurate and timely accounting protects the guardian as well as the ward. Generally you are required to account for all assets which come under your control as guardian. Where an entry is made on the account you should attach a separate sheet of paper and label it as a schedule to the account (for example: "Schedule D, Interest Income"). If you have an item of expense or income which does not fall into a category on the account form, simply enter it on a separate line and attach a schedule which explains the entry. When in doubt, write it out. While the first account may be somewhat difficult, you will find that later accounts will be easier to assemble.

Suggestions Concerning Guardianship Accounting. Your account is due for the period commencing one year after your appointment as guardian. You may request that the period of account be changed to be consistent with any other period which may be helpful to you (such as a tax year or a social security account period). In order to avoid commingling of assets, and to make your assembly of the figures simpler, it is required that you maintain a separate guardianship account in which income is deposited and through which expenses are paid. It is not necessary that you submit receipts or proofs of payment with your account, although it is a good idea to keep them in case your account is questioned.

Payments to Yourself. Except for the reimbursement of small and reasonable out-of-pocket expenses (such as stamps and gas expense) you should not pay yourself until your account has been allowed or until your proposed payment has been separately approved. If you claim a fee for your services, an itemized description of the service and the method by which the fee was calculated should be submitted. The fee will be allowed or disallowed as part of the account, and, if allowed, you will be authorized to pay the fee.

Notice of Account, Consent and Allowance. When your account is complete you should make a copy for yourself and for each other "interested person" in the guardianship. Usually this would be the parents of the ward and any other relative who had appeared in the creation of the guardianship. If one of these parties is not interested in receiving the accounts, that person can file a waiver of the right to receive accounts. The account is filed with the court with a "Motion to Allow Account" and a list of the persons to whom you have sent the account. If service of the account cannot be made or is unduly burdensome, you should contact the court. No account will be approved by the Court unless all interested parties have been given the opportunity to object to the allowance of the account.

Questions. If you have questions concerning the procedure surrounding the review of the account you may contact the staff at the probate court, or an attorney.

LINE-BY-LINE INSTRUCTIONS

- I. Assets Held at Commencement. This is your starting point for the account you are filing. This figure should be the same figure as the ending balance on your last account or, if this is your first account, this figure should be the same as the total of your initial inventory.

- II. Income
 - (A & B) **Gain on Sale of Personal and Real Property.** This requires an entry only if assets were sold during the account period. The entry would be the difference between the inventory and the net sale price. A schedule should be attached to describe the gross sale price, the expenses of sale, etc.

 - (C) **Rents, Interest and Dividends.** This line reflects most of the income which your ward has received by reason of the property which you are holding.

 - (D) **Other Income.** All income received during the account period which has not been listed above should be listed here. If income payments are received by you, that income should be reflected in the account. If income is being received by a third party (for example a community care home) you may report this fact on the separate schedule and list how much was received by them.

- III. Expenses. These items are self-explanatory for the most part.
 - (A) **Expenses paid from the ward's funds.** Your account should reflect those funds of the minor which have been taken from the guardianship funds and spent. Ordinarily, those funds will have been approved by your prior request of the court and a separate letter or order of approval from the court.

 - (6) **Services of guardian.** The guardian is entitled to reasonable compensation for his or her services *after* they are allowed by the court. (Frequently in minor financial guardianships no fee by the guardian is charged.) This line is where you report the payment of guardian fees which have already been allowed by the court (possible allowed the last accounting out-of-pocket expenses which you have expended and reimbursed to yourself. If you want additional fees approved, you should submit an itemized bill with your account.

- IV. Summary of account. This section recaps the entries you have made. Essentially you are showing what you had, what you received, what you spent, and what you have left. You should list those assets which you have at the end of the accounting period, including the place where the assets are located (bank, account number, etc.) Adopted Oct. 4, 2000, eff. Dec. 31, 2000.