**IN THE CHANCERY COURT OF ROBERTSON COUNTY, TENNESSEE**
**CONSERVATOR/GUARDIAN HANDBOOK**

You are receiving this handbook because you have been appointed as a conservator or guardian. Serving in such capacity comes with much responsibility and **this handbook is to serve as a helpful resource and is not intended to provide you with any legal advice. Further, this guide does not cover all Tennessee law governing Conservatorship or Guardianships. Any questions related to filing your petition, duties, and/or responsibilities, it is recommended that you seek the advice of a licensed attorney**.

**Conservator:** A Court-appointed individual to care for and manage the property of another person, called a Ward and/or Respondent, and to place the Ward where he or she will receive proper care and treatment in the least restrictive environment.

**Guardian:** The person named by the Court or by the maker if a will to care for the property of a minor of an adult person unable to manage business affairs.

**WHAT SHOULD I EXPECT WHEN REQUESTING TO BE CONSERVATOR/GUARDIAN?**

- ✓ Talk to your Attorney
- ✓ File your petition
- ✓ Post Surety Bond
- ✓ File Property Management Plan
- ✓ Receive Issued Letters of Conservatorship/Letters of Guardianship
- ✓ File Inventory
- ✓ File Annual Accounting/Status Report

**GENERAL DUTIES AND OBLIGATIONS FOR CONSERVATORS AND GUARDIANS**
The general duties and obligations of a Conservator/Guardian are stated below**. Again, you should consult with an attorney if you have any questions regarding your responsibilities as a fiduciary.**

1. All of your Ward's funds must be kept separate and apart from your own. Do not co-mingle money. Checking accounts, savings accounts, and certificates of deposits should be in your name as guardian or conservator for the ward.

2. You must take possession of all of your Wards assets, and you must account to the Court for every penny of money and item of other property. The ward's funds should be invested only in a safe investment.

3. As guardian or conservator, you may not spend the Ward's money, even for the Ward benefit, without Court approval. This applies even if your ward is your child or another relative. Court approval may be on a continuing basis allowing you to spend a budgeted sum each month and/or authorizing expenditures for medical needs.

4. **INVENTORY**: If you, as guardian or conservator, are to manage property, within 60 days after appointment, you must file a sworn inventory containing a list of the property, the approximate fair market value of each item, and a list of the source, amount and frequency of each item of income, pension, social security benefits or other revenue. Unless the court approves an extension of time, if the guardian or conservator fails to file the inventory within the required time, the clerk shall promptly notify the guardian or conservator and the attorney of record. If after notice the inventory has not been filed within thirty days, the clerk shall cite the guardian or conservator to appear on a date certain and render the inventory. Upon failure to appear as cited, the guardian or conservator shall be summoned to appear before the court and show cause why the guardian or conservator should not be held in contempt. If the guardian or conservator who has been summoned does not respond within thirty days, the court may revoke their authority and appoint a substitute (T.C.A. 34 2-210).

5. Complete and accurate records must be kept of all money or other assets received and disbursed by you as guardian or conservator. Keep a record with day, month, and year of any money or other property received. Keep a record with day, moth, and year of any money you pay out or use for the ward.

6. **ANNUAL ACCOUNTING AND STATUS REPORT**: Each year you will be required to file an accounting showing in detail all receipts and expenditures during the preceding year. Each item must be explained, and accountings must be accompanied by verifications of banks or depositories confirming the assets on hand. Failure to timely file an accounting is grounds for removal of a guardian or conservator, and for requiring a pay back of money or restoration of property. **An accounting is due within thirty (30) days after the six-month anniversary of the fiduciary's appointment and then within sixty (60) days each year thereafter from the anniversary of the fiduciary's appointment. (T.C.A. 34-1-111)** The annual accounting should also contain a statement concerning the physical or mental condition of the disabled person, which statement shall demonstrate to the court the need, or lack of need, for the continuation of guardian or conservator's services. At termination, within (120) days for Conservatorships and (60) days for Guardianships, the Conservator/Guardian must file a final accounting with the Court

7. You may not sell, trade, lease, mortgage, transfer, or discard your Ward property without Court approval, even if the ward is your child or other relative.

8. In the event your ward dies or you or your ward move from one address to another you have a duty to notify the Court in writing of such death or new address as soon as possible.

9. If you are a guardian or conservator for more than one ward, be sure to keep separate accounts for each ward. If a disbursement is permitted on behalf of two or more of the wards, it should be charged against each Ward account, pro rata.

10. Bond premiums may be paid out of the Ward money. You may reduce the cost of bond by placing excess funds in restricted deposits subject to withdrawal only on Court order.

11. In certain cases when assets will not be needed for the Ward support, they may be restricted, and no annual accounting is then required until the guardianship or conservatorship is terminated.

12. If you are a guardian or conservator for an incompetent person, a most important duty will be to place your Ward where he or she will receive care and treatment appropriate to his or her condition in the least restrictive environment. Court approval may be required.

13. Upon Court approval you may use Ward funds to pay for attorney services.

14. You may be held personally liable if you fail to meet your obligations as guardian or conservator.