

Guardianship Glossary



Term	Definition
Accommodation	A change that makes it possible for a person with a disability to do something they could not do before. For example, installing a ramp at the entrance of a building will allow people who use wheelchairs to enter when before they could not use the stairs.
Advance Directive	A written document that allows someone to plan for a time when they may not be able to say what they want for their health care or decisions about end of life treatment. Health care includes decisions about medicine, surgery, and other treatments. End of life treatment includes questions about whether someone does or does not want a feeding tube, resuscitation, or other possibly life saving measures.
Agent	The person appointed in a power of attorney to make decisions and manage the money, property, or healthcare of another person.
Alimony or Support	Any court ordered money paid to the person under guardianship by a former spouse or partner.
Annual Accounting	Report made periodically (as determined by the court or statute) to a court by a guardian of the estate containing a complete detail of all actions taken and occurring on all property and assets owned by a person under guardianship.
Annual Estimated Expenses	The total amount on money the person under guardianship spends in one year.
Annual Guardian Report	see Annual Well-Being Report.
Annual Well-being Report	A report the guardian gives to the judge (or court) (usually annually) describing the well-being of the person. The report may include information about the person's health, personal care, living arrangements, finances, and visits with friends and family.
Annuity Payments	A fixed payment made periodically to the person under guardianship as detailed in a contract. Annuity payments may come from a form of insurance.
Appraisal	An assessment to provide an expert estimate of value.
Assets and Income	Cash, property, or other resource with economic value.
Attorney Fees	Any money to be paid to an attorney in exchange for the legal services he/she provides.
Autonomy	The control a person has over their life. For example, a person has the autonomy to choose friends, a place to live, and what to eat. People who need help making decisions may lose some or all autonomy.
Bankruptcy	The legal proceeding when a person is unable to pay off debts and liabilities.
Best Interest	A decision made based on the guardian's judgment of what services or actions will best serve the person subject to guardianship. Best interest determinations should only be used if the guardian does not know what the person would have wanted/chosen for themselves.
Capacity	Most guardianship laws are based on a definition of whether a person has capacity. Capacity is what a person can understand about their choices, and whether a person can make a choice or decision. See also competency.
Certificate of Service	Receipt stating that court papers have been delivered to a specified individual.
Clerk of the Court	A court employee responsible for making sure events in court go smoothly. Sometimes in a guardianship case, the clerk will be involved. The parties may see the clerk more than the judge.

Competency	Some guardianship laws refer to competency. Competency is the ability to do something. Sometimes it means the ability to make decisions. See also capacity.
Conflict of Interest	Situations in which an individual may receive financial or material gain or business advantage from a decision made on behalf of another. Situations that create a perception of a conflict should be handled in the same manner as situations in which an actual conflict of interest exists.
Conservator	A person appointed by a judge or court to manage a person's money and property.
Court	A judge sits in a court and makes decisions. Sometimes the word "court" is used instead of "judge."
Court Order	A legal document, signed by a judge, that has to be followed. Examples include orders of guardianship, visitation orders, restraining orders.
Current Total Assets Value	Total value of financial assets, personal property, and real property associated with person subject to guardianship/conservatorship.
Dementia	A decline in memory or other thinking skills that gets in the way of daily life. Alzheimer's disease is one form of dementia.
Developmental Disability	A mental or physical disability that shows before a person reaches the age of 22. A developmental disability limits three or more areas of major life activity: self-care, language, learning, mobility, self-direction, independent living, economic independence.
Direct Services	Services to benefit the person subject to guardianship, including medical and nursing care, care/case management and case coordination, speech therapy, occupational therapy, physical therapy, psychological therapy, counseling, residential services, legal representation, job training, and other similar services.
Disbursements	Additional payments or expenses made on behalf of the person under guardianship. Disbursements may also be referred to as expenses.
Dividends	A payment made periodically to the person under guardianship because they are shareholders for a corporation.
Emergency Guardian	A guardian appointed in an emergency for a specific time period, usually 60 to 90 days. After the emergency guardian is appointed, the parties must come back to court so the judge can decide whether a long-term guardian is needed.
Estate	Anything that can be owned: money and property.
Expenses	Money spent on behalf of the person.
Fair Market Value	The value at which the property could be sold.
Family Guardian	Someone who is a guardian for a family member.
Fiduciary	Someone who is named to manage property or money for someone else to make financial decisions for their benefit. The VA calls a person who receives VA benefits for a veteran unable to manage his or her own financial affairs a fiduciary.
Financial Exploitation	Illegal or improper use of a person's money or property.
Financial Management Plan	Conservator's forward-looking plan for the upcoming year, typically filed at or shortly after the time of appointment, for the protection and management of the income and assets of the adult subject to conservatorship. The plan projects expenses and serves as a budget showing how the conservatorship estate will be administered.
Full Guardianship	When the guardian has total decision-making responsibilities for medical, housing, legal, and financial matters.
Gain on Personal Estate Sold	The difference between the price of sale of property and the price paid for the same property when the sale price is greater than the purchase price. This includes bank accounts, stocks, bonds, investment accounts, jewelry, art, vehicles, etc.

Gain on Real Estate Sold	The difference between the price of sale of real property and the price paid for the same property when the sale price is greater than the purchase price.
Guardian	A person appointed by the court who has the legal authority to make decisions for another person, because that person cannot make their own decisions.
Guardian Ad Litem	A person appointed by the court to look into a situation and share what they believe is best for the person.
Guardian Fees	Any money to be paid to the guardian in exchange for the services he/she provides. Guardian fees must be approved by the court.
Guardian Plan	A report the guardian gives to the judge (or court) explaining the guardian's plan for the medical, mental, and physical care of the person.
Health Care Proxy	A person appointed to make medical decisions on behalf of another person.
Hearing	A formal meeting in a courtroom at which the judge decides whether a person needs a guardian or conservator or reviews some aspect of the guardianship.
Incapacity or Incompetency	A person's inability to make and then act upon personal and/or property decisions on his or her own behalf or to understand the consequences of those decisions.
Income since inventory or last account	Any money received, earned or passive, by the person under guardianship in the current reporting period.
Individual Subject to Conservatorship	Someone for whom a conservator has been appointed.
Individual Subject to Guardianship	Someone for whom a guardian has been appointed.
Informed Consent	Ensuring that a person making a choice, usually about a medical procedure, understands the risks and benefits of their choice.
Interest Income	Income from investments by the person under guardianship. For example, interest income may come from banks where the person under guardianship has a savings account.
Interested Party	Someone who has the right to notice in a guardianship case. Individuals are usually parents, adult children, siblings, spouses, and sometimes residential providers.
Inventory	A complete list of all real and personal property owned by the person under guardianship at the time of appointment.
IRA Distributions	Payments to the person under guardianship from prior contributions to an Individual Retirement Account (IRA).
Itemized Accounting	A document detailing the activity of an account for an indicated period of time.
Judgments	Any final decisions made by the court in a case.
Liability	Debts or bills owed by the person under guardianship.
Lien	A legal claim on a piece of property. A bank may have a lien on a person's house until the mortgage is paid or someone who has won a legal claim against the property owner may have a lien on the property.
Limited Guardianship or Conservatorship	The guardian/conservator only has certain powers granted by the court. The person retains any powers not mentioned in the court order. For example, a limited guardian may only have the power to make medical decisions for someone. A limited conservator may only have the power to manage a person's property, but the person pays their own rent.
Living Will	A document that details a person's wishes for medical treatment when they are no longer able to give informed consent. This usually applies to end of life decisions.
Loan	A sum of money that the person under guardianship is expected to pay back.
Long Term Care Insurance Benefits	Payments to the person under guardianship from an insurance company with the purpose of covering long-term daily living expenses that are not generally covered by a typical health insurance package.

Long Term Disability	A form of insurance paid to a person experiencing a long-term absence from the workplace.
Loss on Personal Property Sold	The difference between the price of sale of property and the price paid for the same property when the sale price is less than the purchase price. This includes bank accounts, stocks, bonds, investment accounts, jewelry, art, vehicles, etc.
Loss on Real Estate Sold	The difference between the price of sale of real property and the price paid for the same property when the sale price is less than the purchase price.
Mortgage	A legal agreement the person under guardianship has with a bank or other financial institution to make payments (usually with interest) for real property.
Neglect and Abandonment	Intentional or unintentional failure or refusal to provide care or help to a child or incapacitated adult for whom the person has a responsibility.
Net Income	The amount the person under guardianship makes after deducting the total costs.
Paid Debts	Any money owed by the person under guardianship that has been fully paid back to the person owed.
Pension/Retirement Benefits	Payments to the person under guardianship from prior investments during a time of employment. Pensions are typically “fixed benefits,” meaning that they are stable over time (though may be adjusted for inflation).
Person who has a guardian or conservator	A person who has been appointed a guardian or a conservator by a judge. Different states use different terms. Similar terms: Ward, Protected Person, Person Under Guardianship, Conservatee, Disabled Person, Incapacitated Person, Person/Individual Subject to Guardianship.
Personal Property	Property such as vehicles, jewelry, artwork, and personal possessions. It does not include real estate.
Petitioner	The person or agency that asks the court to appoint a guardian.
Physical Abuse	An act, rough treatment, or punishment that may result in injury, pain, or impairment.
Power of Attorney	Authority given to someone else to make decisions on a person's behalf. Sometimes the power of attorney has immediate effect, but they are often written to only be enforceable if the person can no longer make their own decisions.
Psychological Abuse	Psychological, verbal, or emotional abuse causing suffering, emotional pain, or distress.
Public Assistance	Payments made to the person under guardianship from the government in the form of cash or vouchers.
Real Estate	Any land or buildings owned by the person under guardianship.
Rental Property Income	Payments to the person under guardianship from tenants of their owned property.
Representative Payee	A person appointed by the Social Security Administration (SSA) to receive, manage, and spend SSA benefits for the benefit of a person the SSA determines is unable to do so themselves.
Required Minimum Distribution (RMD)	The amount a person with an IRA is required to withdraw from that account each year, beginning at age 72.
Royalties	Payments made to the person under guardianship for use of a patent or authored work.
Schedule	A complete listing of assets or liabilities .
Social Security Benefits	Payments made to the person under guardianship, if eligible, based on pre-retirement wages and employment.
Special needs trust	A legal arrangement and fiduciary relationship that allows a physically or mentally disabled or chronically ill person to receive income without reducing their eligibility for public assistance disability benefits.
Substituted Judgment	A decision made on behalf of another that is what that person would have done or wanted if they were able to make their own decision.

Surrogate Decision Making	A provision in law that allows the appointment of a person, referred to as a surrogate, to make decisions on behalf of another, usually someone with an intellectual or cognitive disability.
Tax Refund	Any money given back to the person under guardianship due to overpayment of taxes.
Total Annual Income	The total amount of money the person under guardianship earns in one year.
Total Assets	The total monetary value of the personal estate of the person under guardianship.
Total Expenses	The total amount of money leaving the accounts of the person under guardianship for the reporting period.
Trust	Someone (the trustee) is appointed to manage money or property for the benefit of the owner. There are many different kinds of trusts.
Trust Income	Any income the person receives as a result of a trust established for their benefit.
Trustee	Person who manages the money or property for the benefit of the owner of a trust.
VA Fiduciary	The person appointed by Veterans Affairs to receive benefits on behalf of a veteran determined by the VA to be unable to manage their own financial affairs.
Veterans Benefits	If the person under guardianship is a veteran, the money or waivers that the person receives from the US Department of Veterans Affairs.
Wages	A regular payment to the person under guardianship, made by an employer.
Well-Being Report	A report the guardian gives to the judge (or court), usually annually, describing the well-being of the person. The guardian report may include information about the person's health, personal care, living arrangements, finances, and visits with friends and family.
Worker's Compensation Benefits	Any payment as a wage replacement to the person under guardianship due to an injury in the workplace.

2022 © Copyright National Center for State Courts

This resource was produced under Cooperative Agreement 2018-V3-GX-K023, awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this resource are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.