

Guardian of the Estate - Video 9

Guardian of the Estate Part 2

(Introductory music and images)

Speaker appears in comfortable, neutral setting. At times words and pictures will appear next to them or in place of them to support the dialogue.

This is the second of three videos about being a guardian of the estate. In the first video, we examined the inventory process, which, in Pennsylvania, must be completed within 90 days of being appointed guardian of the estate.

Once the inventory is completed and you know what assets, or money, property, and investments the incapacitated person has, you must take steps to keep those assets safe.

This can include keeping valuables stored safely, ensuring investments are not risky, and making sure any property they own is kept in good condition. Remember, the incapacitated person's money must be kept in its own account and cannot be co-mingled with your money.

You are responsible for ensuring all the incapacitated person's bills are paid on time, including insurance premiums and real estate taxes if they own any real property. You may also need to file a tax return and see to the payment of any taxes each year on the incapacitated person's behalf if they receive taxable income over the gross income limits set by the IRS, which can be found on the IRS's website.

Bills should be paid using the incapacitated person's income. Contact the court if the incapacitated person does not have enough income to pay their bills to get permission to use their savings, including the proceeds from the sale of their property or investments, to pay their bills.

You must get approval from the court before gifting or donating money or assets of any value. This includes gifting and donations to family members, churches, charitable organizations, and others. For example, if the incapacitated person no longer drives and says they want to gift their car to their friend, you will need permission from the court before transferring ownership.

It is also important to consider the impact of gift giving on state and federal benefits. Giving gifts, money, or property can impact eligibility for Medicaid and other benefits. You should consult with a financial expert or benefits provider when making decisions on how to sell, donate, or gift items of financial value.

Make sure the incapacitated person is getting all federal and state benefits they are eligible for, which may include Medicare, Medicaid, Social Security, Supplemental Security Income, Social Security Disability Insurance, Veterans Administration disability compensation, property tax and rent rebate benefits, and other government benefits.

< # >

Guardian of the Estate - Video 9

Guardian of the Estate Part 2

If the incapacitated person receives Social Security benefits (SS, SSDI, or SSI), a representative payee needs to be appointed by the Social Security Administration. Being guardian does not automatically make you a representative payee. You will need to work with the Social Security Administration if you want to become the representative payee. This is a helpful way to manage the incapacitated person's income on their behalf. For VA benefits, this role is referred to as federal fiduciary. Sometimes nursing facilities request to be the representative payee for Social Security benefits so they receive guaranteed payment. It is the guardian's decision whether to allow the nursing home to be the representative payee.

Finally, if the incapacitated person's estate has a lot of money, property, and other assets, you may file a petition with the court to allow you to do estate planning on their behalf. An attorney, investment advisor, accountant, or other financial professional may assist you in estate planning. In this situation, the court may permit you to establish a trust, make certain gifts, disclaim interest in property, and take other actions as the situation requires.

Additional financial tools including burial reserves, ABLE accounts, Special Needs Trusts, and more covered in detail in the third guardian of the estate video.

"This video was supported by the Administration for Community Living (ACL), U.S. Department of Health and Human Services (HHS) as part of a financial assistance award totaling \$1,827,313 with 75% funded by ACL/HHS and \$631,644 and 25% funded by non-government source(s). The contents are those of the author(s) and do not necessarily represent the official views of, nor an endorsement, by ACL/HHS, or the U.S. Government."

"This video was supported, in part, by grant number 90EJIG0034-01-01 Elder Justice Innovation Grants awarded in 2022 for improving guardianship from the Administration for Community Living (ACL), U.S. Department of Health and Human Services (DHHS). The points of view and/or opinions reflected in this video do not necessarily represent official ACL or DHHS policy."