

What if Your Guardian is Not Doing What They Should?

You or someone you know may have a guardian. A guardian is a person or agency appointed by the court to make decisions about things affecting your life. Some guardians make decisions about your money and property. Other guardians make decisions about where you live and what health care you get. Many do both. A guardian could be a family member, a friend or a professional.

Guardians can be heroes. They can keep you safe from others who may harm you or take your money. They can make sure your needs are met and help you to have the best possible life. If someone has taken your money, the guardian may help you get it back. Most guardians care about the people they serve and want to do a good job.

Sadly, sometimes guardians can be bad actors. They might harm you or take your money even though the court appointed them to protect you. They might neglect your needs. They might not listen to what you want or help you to make choices. They might not protect your rights.

When guardians do bad things, you or someone you know could lose your savings or your home. You might be forced to move to a nursing home or other institution. You might not be able to see family or friends you care about.



How will you know when a guardian is not doing what they should?

Here are some signs that a guardian may not be acting properly:

Improper actions related to money

- Spending a lot of money for things you don't need (such as buying a car when you don't drive or need rides)
- Not paying your bills, such as rent or nursing home fees
- Taking a lot of money out at cash machines (ATMs)
- Giving work, like home repairs, to the guardian's family members or friends when someone else would do a better job
- Spending your money more quickly than you would expect, and not planning for the future
- Asking the court for high fees they don't deserve
- Not keeping good records about your money

Actions about care, family and friends

- Selling your home or moving you out of state without a good reason
- Stopping friends, family, doctors and others from visiting you even though you would like to see them
- Not visiting you to see how you are doing
- Not paying attention to whether you eat well and get the care you need
- Not talking with you about choices that affect your life



What can you do if your guardian is doing a bad job?

The court in charge of the guardian may be able to help. Make a complaint to the court by writing a note or using a complaint form. The court can appoint someone to look into it.

If the court finds that the guardian is not doing what they are supposed to do, or is harming you or someone you know, the court can take away the guardian's powers. The court can also order the guardian to pay back your money. The court can appoint a new guardian – or the court could decide you no longer need a guardian at all, especially if you have family and others to help.

You can also report to other people and agencies:

- *Adult protective services or “APS”* – APS programs investigate when someone reports harm or “abuse.” They also provide services that can help you. Find your adult protective services agency through the [Eldercare Locator](#).
- *Protection and advocacy systems* – These state agencies protect the rights of people with disabilities, including those who have guardians. [Find your protection and advocacy agency](#).
- *Long-term care ombudsmen* – If you or someone you know lives in a nursing home or assisted living, the long-term care ombudsman can look into complaints about your care or rights. This includes complaints about guardians. Learn about the [ombudsman program](#) and find [your local ombudsman](#).
- *Law enforcement* – If a guardian does bad things, it may be a crime. Contact your local police or sheriff, your state attorney general, or call 911.
- *Lawyers* – A lawyer may be able to help protect your rights or get your money back from a guardian who stole it.