

## INSTRUCTIONS FOR ACCOUNT FOR MINOR

### I. GENERAL

- A. Accounts must be filed with the Commissioner of Accounts. Ask the Commissioner how many copies are required to be filed.
- B. Accounts must be signed by each Guardian.
- C. The first Account must cover the period from the date of qualification through the next four months. It must be filed within six months from the date of qualification.
- D. Second and subsequent accounts are due within 16 months from the ending date of the prior account, and should cover 12 months. A final account may cover less than 12 months.
- E. Appropriate documentation to prove the account (as set forth below) must accompany the account. Whenever these instructions refer to a receipt, statement, invoice, etc., you must furnish the original of the document in question to the Commissioner. If you seek to use a photocopy of a check as a voucher or receipt, a copy of both sides of the canceled check shall be sufficient or a copy of the front side of the canceled check, and the periodic statement from the financial institution showing the check number and amount that coincides with the copy shall be sufficient, provided such copy was made in the regular course of business in accordance with the admissibility requirements of Va. Code § 8.01-391, and provided further that the Commissioner of Accounts may require a fiduciary to exhibit a proper voucher for a specific payment or for distributions to the minor.

### II. BEGINNING ASSETS

- A. Use total of Parts 1 and 2 from Inventory (including Amended or Supplemental Inventory) if this is a First Account.
- B. Use total Assets on Hand from prior account if this is a Second or later account.

### III. RECEIPTS

- A. A guardian is required to account to the Commissioner of Accounts regarding the minor's Virginia income and property that the guardian has received or become chargeable with. If certain federal benefits (Social Security, Supplemental Security Income, Veterans Affairs and Black Lung benefits) are paid to a designated representative (whether the guardian or another) on behalf of a minor, and *if* (i) the designated representative is required to report to a federal agency for the use of such benefits *and* (ii) the benefits are kept in a separate account and are not commingled with other guardianship assets, the guardian does not have to account to the Commissioner of Accounts for the use of such benefits. However, the amount received must be listed on the line marked with "\*". If such benefits are kept in the same account as other guardianship assets, then these benefits are included under Part 2 and accounted for in the same manner as Virginia income. Any federal benefits paid to a guardian on behalf of the minor for which the guardian is not required to report to a federal agency for their use must be disclosed in Part 2 and accounted for in the same manner as the minor's other income.

- B. Itemize in chronological order in Part 2 all receipts (interest, dividends, periodic payments, etc., but not Social Security, Supplemental Security Income, Veterans Affairs and Black Lung benefits except as discussed in III.A. above) brought in during the account period. You may list all receipts from each payor in the same place, so long as each receipt is separately stated.
- C. Show each item of income separately. For example, show each quarterly dividend from XYZ stock rather than showing a lump sum for the year.

#### IV. GAINS ON ASSET SALES

- A. For securities sold by a broker, show net proceeds less carrying value of asset sold. In all other cases show total sales proceeds less costs of sale and less carrying value of asset sold.
- B. Provide original broker's statement or signed settlement sheet as verification.

#### V. ADJUSTMENTS

- A. If you received permission from the Commissioner of Accounts not to file a Supplemental Inventory, itemize any additional assets discovered that were not reported previously.
- B. Show any corrections to items reported on the Inventory or prior account, e.g. where the value of an asset was incorrectly reported or the number of shares was incorrectly reported.

#### VI. DISBURSEMENTS FOR ADMINISTRATIVE EXPENSES

- A. All disbursements for administrative expenses paid from the minor's assets should be listed in chronological order.
- B. A proper voucher or a signed invoice or receipt from the payee must be provided in support of each disbursement.

#### VII. DISBURSEMENTS FOR CARE OF THE MINOR

- A. Do not include any disbursements from U.S. Government benefits unless the amount of these benefits has to be included in Part 2 as explained in III.A. above.
- B. All disbursements for the care of the minor paid from the minor's assets should be listed in chronological order. You may group disbursements by payee. If you group disbursements you must also group your proper vouchers and receipts in the same order as shown on your account.
- C. A proper voucher or a signed invoice or receipt from the payee must be provided in support of each disbursement and be organized in the same order as they appear on the accounting.
- D. Where a reimbursement is made to the guardian or another person for expenses paid on behalf of the minor, evidence of the expenses paid must be provided. The Commissioner may also require further evidence that the obligation paid was a debt or expense of the estate. Any disbursement made directly to the minor should be shown on Line 6, on Page 2.

**NOTE 1:**

**If a minor has a living parent, Virginia Code Sections 64.2-1801 and 64.2-1802 prohibit a guardian from using any of the principal or income of the minor's estate for anything except costs of administration (e.g., filing fees, bond premiums, guardian's compensation) without FIRST (i) obtaining an order from the circuit court, or (ii) if the total of the proposed expenditures will not exceed \$5,000 [effective July1, 2014; prior thereto the limit was \$3,000] during the accounting year, obtaining the consent of the Commissioner of Accounts. A guardian should consult an attorney or the Commissioner of Accounts to receive information on the exact process required.**

**NOTE 2:**

**Except as restricted by Note 1, Virginia law states that a guardian shall provide for the minor's health, education, maintenance, and support, after FIRST taking into account the minor's other sources of income, support rights and other reasonably available resources of which the guardian is aware. A guardian's expenditures should first be made from the income of the minor's estate but, if the income is not sufficient, the guardian may make expenditures from the corpus of the minor's estate.**

**VIII. LOSSES ON ASSET SALES**

- A. Show carrying value of assets sold less total sales proceeds.
- B. Provide copy of broker's statement or signed settlement sheet as verification.

**IX. DISTRIBUTIONS**

- A. When the minor reaches age 18, the guardianship ends and the remaining assets must be delivered to her or him. Show this amount on Line 8, of Page 2.
- B. A signed receipt or proper voucher from the distributee must be provided.

**X. ASSETS ON HAND**

- A. Itemize each asset remaining on hand at its carrying value as of the ending date of this account.
- B. Where the market value of the asset is not equal to its carrying value, show the market value in parentheses within the asset description.
- C. Provide verification of the existence of each asset, i.e., bank statements (reconciled to agree with your account balance), broker's statements or original stock certificates, original notes, copies of K-1 forms.

**XI. FORMAT**

You must use this form or you must make a complete accounting that complies with the provisions of Virginia Code Sections 64.2-1206 and 64.2-1308.

**SAMPLE ACCOUNT FOR MINOR**  
 COMMONWEALTH OF VIRGINIA  
 VA. CODE §§ 64.2-1206, 64.2-1308

Court File No. ....

Circuit Court of .....

Estate of ....., a minor

Minor's date of birth: ..... Is either parent alive?  yes  no.

Type of Fiduciary:  Guardian  Temporary Guardian

Name of Fiduciary .....

Day telephone .....

Mailing address .....

Name of Co-fiduciary ..... Day telephone .....

Mailing address .....

This is account number  one  two  three or  ..... Is this a final account?  yes  no

From ..... (date of qualification or end of last account) to ..... (end of this account)

**ACCOUNT SUMMARY**

1. BEGINNING ASSETS (from Parts 1 and 2 of the inventory or from the prior account):		\$ 39,460.15
2. RECEIPTS*		
Interest, XYZ Bank, CD, 9/30/06	\$ 600.24	
Interest, XYZ Bank, money market		
7/26/06	2.41	
8/26/06	2.43	
9/26/06	2.46	
10/26/06	2.51	
Dividend, ABC Stock, 3 <sup>rd</sup> quarter	97.42	
Total 2 Receipts		707.47
3. GAINS ON ASSET SALES:		
Sold 50 shares ABC stock on 10/15/06 for	11,016.18	
Carried at	10,000.00	
Total Gains		1,016.18
4. ADJUSTMENTS:		
100 shares DEF stock on 7/1/06	5,250.00	
incorrectly shown on Inventory at	5,000.00	
Total Adjustments		250.00
GRAND TOTAL (of 1, 2, 3 and 4 must equal GRAND TOTAL of 5-9)	\$ 41,433.80	41,433.80
* Any amounts received as Designated Representative but not included in 2 above. (See Va. Code Section 64.2-1312; Instruction III.A.)	\$ 3,000.00	

5. DISBURSEMENTS FOR ADMINISTRATIVE EXPENSES:

7/15/06 Safety Insurance Co., bond premium	\$ 79.00	
8/20/06 Commissioner of Accounts, inventory filing fee	<u>113.00</u>	
Total Administrative Expenses		\$ 192.00

6. DISBURSEMENTS FOR CARE OF THE MINOR:  
(See Instruction VII., Note 1)

10/10/06 (description of qualifying expense)	<u>211.50</u>	
Total Care Disbursements		211.50

7. LOSSES ON ASSET SALES:

None	<u>0.00</u>	
Total Losses		0.00

8. DISTRIBUTIONS:

None	<u>0.00</u>	
Total Distributions		0.00

9. ASSETS ON HAND:

XYZ Bank, CD due 7/15/07	20,000.00	
XYZ Bank, Money Market Acct.	15,780.30	
DEF Stock, 100 shares @ 52.50/sh. (10/31/06 market value)	<u>5,250.00</u>	
(\$57.50/sh. = \$5,750.00)		
Total Assets on Hand		<u>41,030.30</u>

GRAND TOTAL of 5-9 (must equal GRAND TOTAL of 1-4)	<u><u>\$ 41,433.80</u></u>
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I (We) hereby certify that this is a true and accurate accounting of the assets of this guardianship for the period described and that to the best of my (our) knowledge all taxes have been paid or provided for.

Date ..... Guardian .....

Date ..... Guardian .....