

**GUARDIAN OATH**

having been appointed as Guardian for \_\_\_\_\_,  
PROTECTED PERSON, understands the following:

1. The Guardian is a fiduciary and is subject to a trustee's standard of care or "prudent person rule." The Guardian shall exercise sound judgment and care that a prudent person acting as a fiduciary would exercise under the circumstances.
2. Guardian must keep suitable records and provide them to Court as specified in the Order. The records must be maintained until three years after the Guardianship is closed. They must be sufficiently detailed so that each issue is documented and can be confirmed.
3. Guardian shall contact the Court immediately upon:
  - a. Resignation of the Guardian;
  - b. Death of Protected Person;
  - c. Changes in Protected Person's or Guardian's address;
  - d. The Guardian's inability to contact or locate the Protected Person;
  - e. The Protected Person's serious illness, hospitalization or need for hospice assistance
4. The Annual Guardian Report must be filed with the Court each year on the anniversary of appointment. The Guardian is required to answer and provide supporting information to all questions in the Annual Report of Guardian. The report shall include a recently taken, current color photograph of the Protected Person.
5. The Court may require the Guardian to file additional reports, records and information, at other times during the year, to supplement the Annual Guardian Report filed with the Court.
6. The Guardian shall maintain regular contact with the Protected Person to ensure the environment, residence or facility is safe. The Guardian shall also ensure the Protected Person is taking medications and is adequately nourished, healthy, comfortable and receiving appropriate recreation, social stimulation and assistance with special needs.
7. The Guardian shall provide the Probate Court his/her current address, email address and telephone number as well as the current address, facility name and contact information, and if applicable, email address and telephone number of the Protected Person. The Guardian shall **promptly** advise the Probate Court of any and all changes in the above referenced contact information.
8. The Guardian has a fiduciary duty to act in the protected person's best interests. The Guardian shall consider safety and comfort when making decisions about the Protected Person. The Guardian shall make reasonable efforts to discuss decisions with the protected person before acting and shall preserve the personal independence, dignity and lifestyle of the Protected Person.

9. The Guardian shall take reasonable care of the protected person's clothing, furniture, vehicles and other personal effects.

10. The Guardian may give consent or approval necessary for the Protected Person to receive medical or other professional care or treatment. This may include major hospital related decisions, regular checkups, psychiatric treatment, dental, drug/alcohol treatment and other health care decisions. The Guardian shall make reasonable efforts to discuss these decisions with the Protected Person and encourage the Protected Person to participate in decisions to the extent able.

11. The Guardian shall have full access to all of the Protected Person's individually identifiable health information and medical records which shall be released without restriction, including but not limited to, (i) relating to the diagnosis and treatment of mental illness, drug or alcohol abuse, dependence and/or treatment, other health care, and related insurance and financial records and information associated with any past, present or future physical or mental health condition and (ii) any written opinion relating to the Protected Person's health that the Guardian may have requested. Without limiting the generality of the foregoing, this release authority applies to all health information and medical records governed by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 USC §1320d, 45 CFR §§160-164.

12. In some cases, the Court may have ordered that the Guardian have limited financial power permitted under Section 62-5-309(A)(6)(b) of the South Carolina Code of Laws. Guardians who have Court ordered limited financial power shall apply money and property for the Protected Person's support, care and education. The Guardian shall itemize all expenses and provide the Court receipts and other documentation to verify all financial matters and expenditures handled on behalf of the Protected Person. If applicable, the Guardian must show, to the Court's satisfaction, any assets that are received by the estate, where such property came from, what property left the estate or was transferred. The Annual Guardian Report must be substantiated by receipts, and any other proof the Court may request.

13. Co-Guardians appointed by the Court shall keep one another informed of the Protected Person's medical condition, medications, medical treatment, hospitalization, operations, procedures and physicians' name(s) and contact information.

### **ACKNOWLEDGEMENT**

I fully understand the duties and responsibilities described above. I agree to comply with each and every provision of the Oath. If I fail to comply with any of the terms of my Oath, I understand that I will be summoned to Court for a hearing. If, after hearing testimony and receiving evidence, the Judge finds that I have been derelict in my duties, the Judge may remove me as Guardian with sanctions. If the violation was willful, the sanction(s) could be a fine, incarceration or both.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signature\_\_\_\_\_

\_\_\_\_\_  
Notary Public of South Carolina

My Commission expires:\_\_\_\_\_