

## Overview - Petition of Guardian to Pay Debts and Dispose of Deceased Ward's Funds

### **General Information:**

When a ward dies with an account balance of \$5,000 or less, the Guardian may seek permission from the court to dispose of the deceased ward's debts and obligations. (See RSA 464-A:40, V, for conditions to be met).

This is done by filing a Petition of Guardian to Pay Debts and Dispose of Deceased Ward's Funds. The petition should not be filed until 30 days after the date of death.

If the court grants the petition, the Guardian is authorized to pay the decedent's debts and obligations from the funds in the deceased ward's account.

NOTE: If an estate is being opened for the decedent, there is no need for the Guardian to pay the decedent's debts and obligations. The Executor/Administrator of the estate would take care of this.

In order to determine if an estate is being opened for the decedent, the Guardian should contact persons on file for the deceased ward to determine if an estate will be opened. If there is no one to contact, you may call the Information Center at 1-855-212-1234 to inquire if an estate has been opened.

An estate can be opened any time after 30 days from the decedent's date of death

### **If an Estate is NOT Opened:**

If, after 30 days from the decedent's date of death, no estate has been opened, the Guardian may file a Petition of Guardian for Purpose of Disposing of Deceased Ward's Estate.

There is no filing fee for the Petition.

The Guardian is required to file a death certificate with the Petition. It may be a plain copy (It does not need to be a certified copy).

A copy of the Petition must be sent to the Estate Recovery Unit at DHHS: Office of Estate Recoveries, Department of Health and Human Services, 129 Pleasant St., Concord, NH 03301 if a balance is owed in question 5 on the form.

If the Guardian has possession of the original Will, and any codicils, it must be mailed to the Estates Electronic Filing Center.

### **If an Estate is Opened:**

If an estate is opened, the Guardian should send the funds in the account to the named Executor or Administrator of the estate by issuing a check to the Estate of \_\_\_\_\_ (insert the name of the deceased patient; e.g., Estate of John Smith).

**Other Details:**

Guardians that are familiar with this process previously used a form for paper filing. However, with e-filing, the new court form, Petition of Guardian to Pay Debts and Dispose of Deceased Ward's Funds, is required. At the end of the electronic filing program, there is a link to the court form for your convenience. As filers become more familiar with the process it may be easiest to save the completed form to be modified and re-used for future filings. The form can be modified and uploaded for future filings in other cases.

**Other Helpful Resources:**

RSA:

RSA 464-A:40, V

Form(s):

Petition of Guardian to Pay Debts and Dispose of Deceased Ward's Funds (NHJB-2027-Pe)

Glossary of Terms

Checklist:

Checklist – Filing an Affidavit of Guardian (#041e)

**For Further Information:**

If you have questions, please contact the Information Center at 1-855-212-1234.