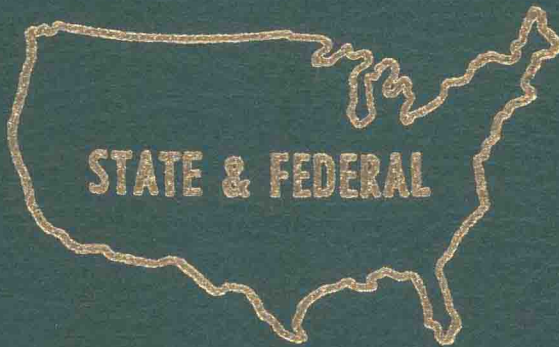


# AMERICAN JURISPRUDENCE 2d



GUARDIAN AND WARD

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HIGHWAYS, STREETS, AND BRIDGES §§ 1—554

# AMERICAN JURISPRUDENCE

SECOND EDITION

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# AMERICAN JURISPRUDENCE

SECOND EDITION

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Volume 39

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## GUARDIAN AND WARD

**Scope of Topic:** This article discusses the guardianship of minors, including guardianship by nature, and of persons who are mentally or physically incompetent for any reason. The discussion includes the nature of the relationship between guardian and ward, the selection and removal of guardians, the powers and duties of guardians over their wards and the property of their wards, the right of guardians and wards to maintain actions, the duty of guardians to account, and the liability of guardians and their sureties.

**Treated elsewhere** are the right of the parent to his child's services and earnings and his duty to provide support for the child (see PARENT AND CHILD); proceedings similar to guardianship in connection with spendthrifts (see SPENDTHRIFTS); guardianship of illegitimate children (see 10 Am Jur 2d, BASTARDS §§ 60 et seq.); proceedings under statutes relating to the custody and protection of delinquent, dependent, and neglected children (see JUVENILE COURTS AND DELINQUENT AND DEPENDENT CHILDREN); the Uniform Veterans' Guardianship Act (see VETERANS AND VETERANS' LAWS); representation of a minor or incompetent party litigant by a guardian ad litem (see INFANTS; INCOMPETENT PERSONS (Rev ed, INSANE AND OTHER INCOMPETENT PERSONS)); the power of a guardian to change the domicil of his ward (see 25 Am Jur 2d, DOMICIL), to exercise an election to take under or against a will (see WILLS), and to vote stock of his ward (see 19 Am Jur 2d, CORPORATIONS § 651); procedure for determination of incompetency (see INCOMPETENT PERSONS (Rev ed, INSANE AND OTHER INCOMPETENT PERSONS)) and, generally, procedure in actions involving sureties (see SURETYSHIP); award of custody of children in divorce cases (see 24 Am Jur 2d DIVORCE AND SEPARATION); the effect on the running of the statute of limitations of the appointment of a guardian for a minor or an incompetent (see LIMITATION OF ACTIONS); the liability of the estate of the ward to execution (see 30 Am Jur 2d, EXECUTIONS § 190) or attachment and garnishment (see 6 Am Jur 2d, ATTACHMENT AND GARNISHMENT § 208); the legality of a contract to renounce rights as guardian in favor of another (see 17 Am Jur 2d, CONTRACTS § 180); the effect of possession of the guardian for the purpose of adverse possession (see 3 Am Jur 2d, ADVERSE POSSESSION § 145); the rights and liabilities of a guardian with respect to deposits of guardianship funds in a bank (see 10 Am Jur 2d, BANKS §§ 367, 462, 520-527, 675, 795); the discharge in

bankruptcy of provable debts created by fraud, embezzlement, misappropriation, or defalcation, while acting as a guardian (see 9 Am Jur 2d, **BANKRUPTCY** § 802); the right of a guardian to bring an action for the wrongful death of his ward (see 22 Am Jur 2d, **DEATH** § 194); and the liability of a guardian as a stockholder of a corporation (see 19 Am Jur 2d, **CORPORATIONS** § 787).

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