

950.5 Defined

A legal representative may be anyone appointed by a court of proper jurisdiction and vested with the care of the person or estate of an incompetent or a minor claiming or receiving benefits.

950.10 Proofs

If there is a legal guardian of the estate of the beneficiary, obtain evidence of his authority to act as a legal representative.

950.10.1 Court-Appointed Legal Representative

A court-appointed legal representative should submit:

- A. A certified copy of the letters of appointment; or
- B. A certified copy of the order of appointment; or
- C. A "short" certificate; or
- D. An official document issued by the clerk or other proper official of the appointing court.

Certifications of appointment must be 1 year old or less and made by the proper court official. If the court had appointed the representative more than 1 year before the filing of the application, the certification must show that the appointment is still in full force and effect. Where there is any indication of termination of the appointment, even if the appointment took place within the year, obtain a current certification verifying the appointment is still in full effect.

950.10.2 Testamentary Guardian

In states not requiring judicial confirmation, a copy of the parent's will or deed certified by the proper official of the probate court may serve as proof of appointment. Where judicial confirmation is required, submit a copy of the order or decree certified by the custodian of the record.

950.10.3 Statutory Guardian

If the applicant claims to be guardian of the estate of a beneficiary by reason of a statute which vests such authority in a designated agency, office or in the person currently holding a particular office or position without requiring appointment by a court, the supporting evidence of a statutory guardian must contain:

- A. His full title;

- B. A description of his authority to receive the payments, including citations of the pertinent statutes or ordinances; and
- C. Where relevant, a copy of the commitment orders or other document placing the ward within his authority, certified by the proper officer.

950.10.4 Statutory Committees

A statutory committee is a public official or central agency empowered by legislation to act on behalf of a person incapable of handling his own affairs. Such committee will include the care of the dependents of the annuitant or applicant when spending funds received on behalf of such person.

Secure a Form AA-5 and otherwise develop in the same manner as a representative payee case in which a guardian has not been appointed.

