

Glossary of Legal Terms

This resource provides definitions for common legal terms that individuals and families may encounter when discussing legal guardianship, power of attorney, or other legal proceedings.

Principal: this is the person who is requesting the action, or filing the forms, to designate someone to act on his or her behalf.

Competence: the mental ability to understand problems set before them and to make sound and rational decisions based on the information.

Agent: The person who is identified to act on behalf of another, making decisions for that person when they are not capable of making their own.

Notarized: a document that has been signed in front of a notary public and carrying their stamp or notary seal. This signifies the notary authenticated the identity of the person or persons signing the document.

Asset: Refers to anything which has monetary value. Examples of this include real estate, personal property, bank accounts, or anything that might be used to pay a debt. It may also include less tangible things, such as a trademark, property rights, or even the good will or clientele a business has developed.

Paper trail: The step by step list of documents needed to allow someone to follow the exact history of all transactions that have occurred for a given time period.

Protective Services: A department of the Pennsylvania government charged with investigating any allegations of abuse toward persons with significant disabilities and/or greater than 60 years of age. This would include any emotional, physical, or financial abuse, including charges of abandonment, neglect, or of exploitation. They will additionally provide health and supportive services, and can legally intervene through the appointment of a legal guardian.

Trustee: an individual “holds” or manages some asset, often money, set aside for the benefit of another person. The appointee may only use the funds or assets to support that person, and has a duty to act in the other person’s best interest. Further, the trustee must not receive any personal gain from the asset.

Institutional trust account: a trust fund held by a corporation, institution, or organization for the benefit of a number of individuals. It may be assets for a particular group of people, such as a group of employees from an individual business, or may be a number of individual accounts held for separate people.

Support services: a coordinated system of services with the goal of assisting a person with a disability to be as independent as possible. Support services can provide assistance in a number of different ways, including case management, visiting nurse services, homemaking services, delivery of meals, and transportation to name a few.

Protected person: a person who is either a minor or judged to be unable to manage their affairs and has a court appointed guardian. This can include someone under a protective order.

Incapacitated: Any person whom the court has determined is unable to manage all of their needs independently, whether because of an inability to understand and evaluate information, or an inability to make and communicate reasonable and rationale decisions. Concerns may center on the ability to manage finances, medical care, housing, or safety or some combination of any of these.

Rep payee: (representative payee) A person or organization appointed to receive the social security disability or social security income benefits for another who is unable to manage these benefits on their own. The rep payee will assist the person in managing his/her finances and protect the person from financial victimization or fraud. The representative payee does not receive any financial benefit from this arrangement and must keep careful records regarding the use of the money.

Conservator: Pennsylvania does not use this term. Other states have separate designations, the conservator governs the incapacitated person’s estate and a guardian manages the person. Pennsylvania uses the term guardian for both.