Contemporary Issues on Matrimonial Property

Edited by:
Zuhairah Ariff Abd Ghadas
Norliah Ibrahim

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GUARDIANSHIP OF A CHILD’S PROPERTY ACQUIRED VIA SUCCESSION: A MALAYSIAN PERSPECTIVE

Akmal Hidayah Halim

5.0 INTRODUCTION

Guardianship is a management by an adult of a child and his property. The guardianship of a child’s property becomes an issue where the child acquires significant assets particularly through succession to the deceased’s estate via testamentary succession under the deceased’s will or succession by operation of law. The guardian is responsible for managing the child’s property honestly and in his best interests, using it to pay for normal living expenses, health and education. A guardian is a fiduciary and is subject to a very high standard of care in exercising his powers. However, there are cases where the guardian fails to discharge his duties accordingly and wastes or mismanages the child’s property causing financial loss to the latter’s property.

Hence, this chapter will focus on the guardianship of a child’s property giving emphasis on the rights of a child to property and the guardianship over his property throughout his minority. The guardianship