

Parent Resources

Frequently Asked Questions About Guardianship Issues

By Stephanie Brooks, Central Office

In Missouri, the law states that when people reach the age of 18, they are recognized as legal adults capable of making life decisions. Students attending Missouri Schools for the Severely Disabled (MSSD) cannot make all, if any, decisions about their care. Many parents assume they will continue to care for their child as they did when the child was younger. Parents are often surprised or upset to hear that their child is now a legal adult; they might be questioned about making decisions related to medical, legal or financial issues on behalf of their child.

Each family must make its own decision on whether to apply for guardianship especially if situations like these arise:

- The family is challenged by medical facilities, financial institutions and other organizations when consenting to or making decisions for the child.
- The child inherits property.
- Care of the child has passed to a family member other than the parents, and it would be easier for this person to be named as guardian.

What is the difference between a guardian and a conservator?

A guardian makes decisions regarding daily care, employment, education, and legal and health matters for a person who is incapacitated. The guardian should also advocate for that person's needs. The guardian is not responsible for paying for the care of the dependent adult and may

obtain support from county and state sources if the person who is incapacitated lacks sufficient funds or assets to cover needed costs. A conservator is appointed to oversee the financial affairs of the person who is incapacitated and may manage financial accounts and buy and sell property. The court can appoint more than one person to act as a co-guardian or co-conservator. An appointee may be both guardian and conservator.

Who may serve as a guardian or conservator?

In most cases, close relatives (such as parents and adult siblings) make the best guardians or conservators since they know the needs of the person who is incapacitated. This appointment is routinely approved by the courts. Other individuals or organizations may apply if no close relative is able or willing to serve. Some people and agencies cannot be appointed as guardians or conservators (employees of public agencies and employees of facilities that care for individuals). All guardians must be over the age of 18.

How do I apply for guardianship and/or conservatorship?

Parents should approach their family attorney for assistance or ask to be referred to an attorney who specializes in these filings. Case managers at the regional centers or home school coordinators may be able to refer you to local attorneys who will complete the work pro bono or at a

reduced cost for families who need this. The public administrator in your county might also be helpful.

Resources

- Missouri Protection and Advocacy Services
925 S. Country Club Drive
Jefferson City, MO 65109
(800) 392-8667
<http://www.moadvocacy.org>

This organization offers a guardianship and conservatorship manual that can be downloaded online or obtained by contacting the address above.

- Missouri Bar Law Referral Service
(573) 636-3635
<http://www.mobar.org>

Call this number to obtain a referral to an attorney in your area. Referrals are not given for St. Louis, Kansas City or Springfield. For referrals in these areas, contact the local bar associations:

St. Louis (314) 621-6681
Kansas City (816) 221-9472
Springfield (417) 831-2783

- Missouri Legal Aid Offices
<http://www.mobar.org>
Western Missouri . . . (816) 421-8020
Eastern Missouri . . . (800) 444-0514 or
(314) 534-4200
Southern Missouri . . . (417) 881-1397
Columbia (800) 568-4931 or
(573) 442-0116



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