



IN THE
ELEVENTH JUDICIAL CIRCUIT
STATE OF MISSOURI

PROBATE DIVISION
300 N 2ND STREET, ROOM 512
ST. CHARLES, MO

IN THE MATTER OF

RESPONDENT

PETITION FOR APPOINTMENT OF GUARDIAN AND CONSERVATOR

1. _____, age _____, legal mail address _____ legal residential address, is unable by reason of _____ (specific physical and mental condition) to receive and evaluate information or to communicate decisions to such an extent that respondent lacks capacity to meet essential requirements for food, clothing, shelter, safety or other such that serious physical injury, illness or disease is likely to occur. Respondent is also unable as a result of the above described condition to receive and evaluate information or to communicate decisions to such an extent that respondent lacks ability to manage his financial resources. That respondent, by reason of the conditions described above, is unable to meet respondent's essential daily needs of living and/or to manage his financial resources without supervision and that there are no less intrusive alternatives available to provide for respondent's care and financial needs.
2. The three most recent previous addresses (mailing and residential) of respondent in the last three years.

3. The nature, extent and estimated value of respondent's real property which are located in the State of Missouri, outside the State of Missouri and the personal property of said respondent. Exhibit A
4. The names and addresses of respondent's parents, spouse, children with ages.
If none of the previous then the names and addresses of siblings and children of deceased siblings.
If none, then the names and addresses of closest known relatives.
The Court needs names and relationship of any adult person living with the respondent.
The Court needs name and address of any power of attorney.
The Court needs name and address of any presently acting trustees of respondent. Exhibit B
5. The name and address of the person having custody of respondent is:
_____.
6. The name and address of respondent's guardian or conservator, if any, in the State or outside the State of Missouri _____.
7. The proposed guardian/conservator is not guardian or conservator for any other persons except:

8. Attached hereto and incorporated herein is the consent of the proposed guardian/conservator to act, if appointed. Exhibit C
9. If the proposed guardian or conservator is a non-resident of Missouri, attached is the proposed guardian's or conservator's designation of resident agent and the resident agent's consent to act. Exhibit D
10. Attached is a list of names and addresses of the witnesses who may be called to testify in support of this petition. Exhibit E
11. The relationship of Petitioner to the Respondent: _____.

WHEREFORE, Petitioner prays that a hearing be held and if the Court finds that the respondent is (partially) incapacitated and/or (partially) disabled, the Court appoint:

(Proposed Guardian and/or Conservator)

The undersigned swears that the matters set forth in the foregoing petition are true and correct to the best knowledge and belief of the undersigned subject to the penalties of making a false affidavit or declaration.

Dated: _____

Petitioner's signature

Address

Phone number

Attorney for Petitioner: _____

Address: _____

Phone number: _____

EXHIBIT A

REAL PROPERTY: (BOTH IN AND OUTSIDE THE STATE OF MISSOURI)

PERSONAL PROPERTY:

Bank and Savings Accounts	\$ _____
Certificates of Deposit	\$ _____
Stocks and Bonds	\$ _____
Vehicles	\$ _____
Furniture, Household goods, and wearing apparel	\$ _____
Other: _____	\$ _____

INCOME (monthly):

Social Security	\$ _____
Supplemental Security Income	\$ _____
Veterans Administration Benefits	\$ _____
Company Pension: _____	\$ _____
Interest	\$ _____
Other: _____	\$ _____

IF THE PETITIONER CANNOT SUPPLY ANY OF THE ABOVE, THE COURT WILL NEED A SWORN AFFIDAVIT AS TO WHY THEY CANNOT OBTAIN THIS INFORMATION.

IN THE MATTER OF

_____ # _____

EXHIBIT B

PARENTS: MOTHER: _____
ADDRESS: _____

FATHER: _____
ADDRESS: _____

SPOUSE: NAME: _____
ADDRESS: _____

CHILDREN: NAME: _____ AGE _____
ADDRESS: _____

NAME: _____ AGE _____
ADDRESS: _____

NAME: _____ AGE _____
ADDRESS: _____

If no parents, spouse or adult children, then list siblings and children of deceased siblings and if none closest relatives.

RELATIVES: NAME: _____ RELATIONSHIP _____
ADDRESS: _____

NAME: _____ RELATIONSHIP _____
ADDRESS: _____

NAME: _____ RELATIONSHIP _____
ADDRESS: _____

ADULT PERSONS LIVING WITH RESPONDENT OTHER THAN ABOVE:

NAME: _____ RELATIONSHIP _____
ADDRESS: _____

AGENT ON A DURABLE POWER OF ATTORNEY:

NAME: _____
ADDRESS: _____

IF THE PETITIONER CANNOT GET THIS INFORMATION, THE COURT WILL NEED A SWORN AFFIDAVIT AS TO WHY THEY CANNOT OBTAIN THIS INFORMATION.

IN THE MATTER OF

_____, Respondent # _____

EXHIBIT C

The undersigned hereby consents to serve as guardian and/or conservator of the above named respondent if appointed by the Court and in support thereof states:

- 1. The undersigned has never pled guilty to nor been convicted Of a misdemeanor or felony.
- 2. The undersigned's spouse is: _____.
- 3. The undersigned resides at: _____.
- 4. The undersigned is presently employed by: _____, located at _____.
- 5. The following listed persons will know the whereabouts of the Undersigned:

Name	address	phone #
_____	_____	_____
_____	_____	_____
_____	_____	_____

- 6. The undersigned has read and understands the Information For Guardians and Conservators as set out on the last page of this petition, and acknowledges receipt of a copy thereof.

The undersigned swears that the matters set forth are true and correct to the best knowledge and belief of the undersigned, subject to penalties for making a false affidavit or declaration.

DATED: _____ Signature _____

Address: _____

Telephone: _____

IN THE MATTER OF

_____, Respondent # _____

EXHIBIT D
DESIGNATION OF RESIDENT AGENT

I, _____, residing at _____
_____, City of _____, State of _____,
desiring to serve as guardian-conservator of the above named person, pursuant to Section 475.55, Laws, 1983, hereby appoint _____, my agent for service of process upon me within the State of Missouri concerning said matter.

The undersigned swears that the matters set forth in the foregoing document are true and correct to the best knowledge and belief of the undersigned subject to the penalties for making a false affidavit or declaration.

Dated: _____
Guardian and/or Conservator

ACCEPTANCE OF APPOINTMENT AS RESIDENT AGENT

I, _____, residing at _____
_____, in _____, Missouri, Telephone Number _____, having been appointed pursuant to Section 475.55 Laws 1983, to act as agent for service of process on the receipt of notice to _____, within the State of Missouri, concerning the above matter, hereby acknowledge such appointment and consent to act as such agent and I will accept all service of process brought against _____, within the State of Missouri.

The undersigned swears that the matters set forth in the foregoing document are true and correct to the best knowledge and belief of the undersigned subject to the penalties of making a false affidavit or declaration.

Dated: _____
Resident Agent

INFORMATION FOR GUARDIANS AND CONSERVATORS

To help you perform your duties properly, described below are the general duties and obligations of a guardian and conservator.

1. If you have been appointed guardian, you have charge of the respondent's person and respondent is known as a ward. If you have been appointed conservator, you have charge of the respondent's property and respondent is known as protectee. If you have been appointed both guardian and conservator you have charge of both respondent's person and property and respondent is known as both a ward and protectee. Your authority as guardian and conservator may be limited by the order appointing you. Consult your attorney as to the extent of your authority.
2. As guardian, you have the duty to take charge of the person of the ward and to provide for the ward's care, treatment, habilitation, education, support and maintenance; and the powers and duties shall include a) assuring that the ward resides in the best and least restrictive setting reasonably available; (b) assuring that the ward receives medical care and other services that are needed; (c) promoting and protecting the care; comfort, safety, health, and welfare of the ward; and (d) providing required consents on behalf of the ward. You will be required to file a personal status report on behalf of the ward annually concerning the care, welfare, and placement of your ward.
3. As conservator, you must take possession of our protectee's property to the extent authorized by the Court. The property, income and bank accounts must be kept separate from you own funds in your name as conservator for the protectee. You must invest the protectee's funds according to law and you are personally liable for imprudent or unauthorized investments. You may only spend the protectee's funds for purposes authorized by statute or court order. You may apply for an order of continuing support and maintenance authorizing you to spend a budgeted sum each month for the protectee. You will be required to file an annual accounting (called a settlement) showing in detail all receipts and expenditures occurring during the preceding year. Each entry must be explained and each expenditure must be authorized by statute or court order. You may not sell, trade, lease, mortgage, transfer or discard your protectee's property without court approval, even though the protectee is your child or other relative.
4. In the event the ward or protectee dies or you or the ward or protectee move from one address to another, you have a duty to notify the court in writing of such death or new address as soon as possible.
5. If you fail to perform any of your duties as guardian or conservator, you are liable to be removed from office and be held personally liable for any loss or damage sustained by the ward or protectee by reason of your failure. You are under a duty, at all times, to act in the best interest of your ward-protectee and to avoid conflicts of interest which impair your ability so to act.
6. In certain cases, expenses of bond and other costs may be saved by placing funds in restricted deposits and/or securing waiver of filing of annual settlement. Consult you attorney.
7. With court approval, a conservator may use the protectee's funds to pay for your attorney's services. If only limited funds or public assistance (SSI) is available, you may qualify for free legal aid.