

**IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI
PROBATE DIVISION**

**INFORMATION FOR PROPOSED GUARDIANS
AND/OR CONSERVATORS**

Listed below are the general duties and obligations of being appointed a guardian and/or conservator. We are providing this information to help you understand what will be expected of you as the guardian and/or conservator of an adult or minor.

1. A guardian or conservator for an **adult** is appointed upon the adjudication of an individual (respondent) as incapacitated (guardian) or disabled (conservator). If you have been appointed guardian, the respondent is known as a "ward." If you have been appointed conservator, the respondent is known as a "protectee." If you have been appointed both guardian and conservator, the respondent is known as both a "ward and protectee."
2. An **incapacitated** person lacks the legal ability to make medical or psychiatric treatment decisions, to make placement decisions, to vote, to drive an automobile and to marry. A **disabled** person lacks the legal ability to handle his or her own financial resources. If the respondent is adjudicated to be only partially incapacitated or disabled, the extent to which the respondent's rights are limited will be specified by court order. It is the guardian's and conservator's duty to prevent the ward or protectee from exercising rights limited or rescinded by adjudication.
3. A guardian for a **minor** is appointed upon a finding that the parents are unable, unwilling, or unfit. A conservator for a **minor** is appointed upon a finding that the minor's estate requires supervision.
4. At the time of your filing of your Petition, you are required to submit to fingerprinting, Caregiver background screening, and a credit history (for Proposed conservators only).
5. If you are being appointed as guardian, you will be responsible for the ward's person. If you are being appointed as conservator, you will be responsible for the ward's property. If you are being appointed both guardian and conservator, you will be responsible for the ward's person and property.
6. As **guardian**, you will 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. It will be your responsibility to:
 - a. Assure that the ward lives in the best and least restrictive environment which is reasonably available;
 - b. Assure that the ward receives medical care and other services that are needed;
 - c. Promote and protect the care, comfort, safety, health and welfare of the ward;
 - d. Provide required consents on behalf of the ward.To the extent possible, you should encourage the ward to participate in decisions, act on his or her own behalf, and develop or regain the ability to manage his or her own affairs.
7. As **guardian**, each year you will be required to file with the court a personal status report updating the information regarding the care, welfare and placement of your ward.

8. As **conservator**, you must take possession of your protectee's property to the extent authorized by the court. You must use reasonable efforts to
- find the income, assets, and liabilities of the protectee;
 - identify the needs and preferences of the protectee;
 - work with the guardian and others close with protectee;
 - prepare a plan for the management of assets;
 - provide oversight to any income and assets of the protectee under the control of the protectee.

The property, income and bank accounts must be kept separate from your 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.

9. You will be **required** to file an annual accounting (called a settlement) showing in detail all receipts and expenditures occurring during the preceding year, the present address of the protectee, your current address, services being provided to the protectee, significant actions taken by you, your opinion as to the continued need for conservatorship and any recommended changes, any compensation requested, and a plan for the coming 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. You may not revoke or amend a durable power of attorney of which the protectee is the principal.
10. Under Missouri law, a conservator who is not a licensed attorney cannot represent the protectee's estate in connection with court proceedings, whether appearing in court or preparing pleadings to be filed with the court. You must retain an attorney to perform these legal services required of you.
11. Follow the advice of your attorney. Talk to your attorney before taking any action. Consult with your attorney as to the extent of your authority.
12. You are under a duty, at all times, to act in the best interests of your ward/protectee and to avoid conflicts of interest which impair your ability so to act. You must also be reasonably accessible to your ward. If you fail to perform any of your duties as guardian or conservator, you are liable to be removed from office and may be held personally liable for any loss or damage sustained by the ward or protectee by reason of your failure.
13. In certain cases, expenses of bond and other costs may be saved by placing funds in restricted deposits and/or securing waiver of filing the annual settlement. Consult your attorney.
14. In the event the ward dies or you or the ward 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.
15. If the ward does not live with you, Missouri law requires that you visit the ward at least once a year.

16. If you fail to perform any of your duties as guardian and/or conservator, you can be removed as guardian and/or conservator and be personally liable for any loss or damage sustained by the ward by reason of your failure. You are under a duty, at all times, to act in the best interests of your ward and to avoid conflicts of interest which impair your ability to act on your ward's behalf.

I/We hereby acknowledge that I/we have read and do understand the above information.

Date: _____

Petitioner's Signature

Petitioner's Name (Typed)

Petitioner's Signature

Petitioner's Name (Typed)