

GUARDIAN / CONSERVATOR PROCESS

Beginning January 2018, the process for the Public Administrator to be appointed Guardian/ Conservator for an individual has changed.

Please keep in mind that a family member or close friend is the preference of the Court to serve as Guardian/ Conservator for a person that may be incapacitated or disabled. If no such individuals are willing/ able to serve, an outside interested party should hire an attorney to petition the Court for either Guardian and/ or Conservator.

The Public Administrator can be named as the proposed Guardian/ Conservator for an individual in the petition filed with the Court. Please keep in mind that a Public Administrator, in most cases is not an Attorney, but may hire one for an appointed Wards Case. Public Administrators charge annual fees to the appointed Wards Estate to pay back the County for their services.

If the Public Administrator is the proposed Guardian/ Conservator, please complete the **Intake Form** and contact an Attorney to commence with the process in the proper jurisdiction.

The Public Administrator's Office was actually established in 1880 by the General Assembly, State of Missouri, as an elective office, such election to be held every four years. The Office follows the statues in the Probate Code, to carry out the duties and responsibilities of the office. The Association of Public Administrators was later established in March, 1981.

The *Missouri Association of Public Administrators* is made up of the County Public Administrators from each county in Missouri. These are elected positions. The elected offices are up for election every four years.

Public Administrators serve as court appointed Personal Representatives in decedent's estates, and as guardians and/or conservators for individuals who are unable to care for themselves or their property when there is no one else to serve.

Guardianship/Conservatorships should be taken up by the Court of jurisdiction of the persons last known address not the County of which they were moved by a hospital or a family member. Example: Individual rented or owned property in Greene County, and was later moved to a Skilled Nursing Facility in Polk County. Greene County was their last known address and is the proper jurisdiction.

AS GUARDIAN

The Public Administrator is charged with providing for each ward's care, treatment, habilitation, education, support, and maintenance. Annual reports are filed with the probate court.

AS CONSERVATOR

The Public Administrator expends protectees' funds for purposes authorized by statute or court order, and safeguards all of their assets. Annual reports are filed with the probate court.

AS PERSONAL REPRESENTATIVE

For Court-designated deceased estates, the Public Administrator serves as Personal Representative, and concludes decedents' affairs, under the supervision of the probate court.

AS REPRESENTATIVE PAYEE

Some individuals under Guardianship also require help paying bills. As their Representative Payee, a Payee Organization like Arcare.org or the Public Administrator can provide this service. An annual reporting is made to Social Security. You may also contact the Social Security office for other Payee Representative options.

THINGS TO CONSIDER BEFORE REQUESTING GUARDIANSHIP/CONSERVATORSHIP IN MISSOURI

Guardianship and Conservatorship is a legal process used when a person can no longer make safe and/or sound decisions about his or her person and/or property and may fall victim to fraud or improper influence.

Petitioning for Guardianship will remove individual rights, and it should only be considered after other alternatives to guardianship have been explored and proven to be ineffective.

A Guardian is a person appointed by a court to manage the affairs of another, called a ward. The Conservator is appointed by a court to manage the estate of another called a protectee. Often the same person serves as both the guardian and conservator.