

An Introduction to Guardianship

For Parents of Students with Disabilities ♦ Missouri Schools for the Severely Disabled

It is important that parents and guardians of students enrolled in Missouri Schools for the Severely Disabled consider the guardianship needs of their children. Missouri laws have recognized this transition of children to adults in a variety of ways.

The law provides that when persons reach their 18th birthday, they shall be recognized as their own guardian with respect to all decisions that affect their lives. Some individuals cannot make all, or possibly any, decisions about their care. When a person reaches the age of 18, such person becomes a legal adult. Only the action of the court can bestow guardianship to someone else after a person with a disability reaches 18 years of age.

Why Is Guardianship or Conservatorship Important?

In order for a child to attend any public school, including Missouri Schools for the Severely Disabled, someone must authorize enrollment, review the student's Individualized Education Program (IEP) and consent to a variety of school-related activities. Many children who attend Missouri Schools for the Severely Disabled also receive some type of assistance from other agencies. Such agencies require authorizations and consent in order to deliver services.

A similar situation exists when there are decisions to be made concerning any property that may be owned or inherited by persons who have reached their 18th birthday. They would be able to use or dispose of any property and assets that might be in their name.

Who May Be Appointed as a Guardian or Conservator?

In many cases, the best guardian or conservator is a relative. This could include parents, siblings, aunts, uncles or others. The appointment of a relative is often the most feasible way to deal with the need for a guardian. However, many other people, even business people, could serve as effective representatives of a person's interests. Family, friends, individuals or businesses – including charitable organizations or possibly business corporations (for example, a bank to handle financial affairs for someone who does not live in Missouri) – may serve as representatives.

The need for representation is made on an individual basis. For example, one may require only periodic or partial assistance during certain times or for certain activities. Others may require more extensive assistance on a more frequent basis.

Some people and agencies cannot be appointed as guardians. Employees of a public agency (for example, the Department of Mental Health), an employee of a facility that contracts with a public agency to care for individuals, a judge or someone under 18 cannot represent another as guardian or conservator.

Powers and Duties of Guardians and Conservators

Guardians and conservators are granted different powers by a court for managing the interests of a person who is incapacitated. Guardians are to take charge of a person who is incapacitated and provide for care, treatment, habilitation, education, support and maintenance. A guardian is not, however, obligated to use personal financial resources to support the person under his or her care. If the person who is incapacitated does not have sufficient funds or other assets, the guardian may request support from county and state sources.

The duties of a conservator are more involved with managing the financial and property interests of the person who is incapacitated. For example, a conservator may manage the estate of a person who is incapacitated, invest funds, see that proper accounting is done, pay bills, etc.

For More Information and Assistance

The first resource for assistance on guardianship and conservatorship should be a family attorney and/or the probate division of the circuit court in your county. The following agencies can also assist with questions about guardianship and conservatorship. Each agency has offices throughout Missouri.

Missouri Protection and Advocacy Services

925 S. Country Club Drive
Jefferson City, MO 65109
(800) 392-8667

St. Louis (314) 785-1702

Kansas City (816) 756-1001

Missouri Protection and Advocacy Services offers a guide on this topic. A copy of “A Basic Guide for Understanding Guardianship and Conservatorship in Missouri” may be obtained by contacting the Jefferson City office.

Missouri Legal Referral Services

Missouri Bar Lawyer Referral Service
Jefferson City. (573) 636-3635

Bar Associations

St. Louis (314) 621-6681

Kansas City (816) 221-9472

Springfield. (417) 831-2783

Jefferson City. (573) 635-4128

These offices will refer families to local attorneys who handle guardianship cases.

Missouri Legal Aid Offices

Western Missouri (816) 474-6750

Eastern Missouri (314) 534-4200

Hannibal (573) 248-1111

Southern Missouri. . . . (417) 881-0533
(800) 444-4863

Columbia. (573) 442-0116
(800) 568-4931



For more information contact:

Missouri Schools for the Severely Disabled

Missouri Department of Elementary and Secondary Education
P.O. Box 480

Jefferson City, Missouri 65102-0480

Phone: (573) 751-4427

Web site: <http://dese.mo.gov/divspeced/stateschools/>

The Department of Elementary and Secondary Education does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. Inquiries related to Department programs and to the location of services, activities, and facilities that are accessible by persons with disabilities may be directed to the Jefferson State Office Building, Civil Rights Compliance (Title VI/Title IX/504/ADA/Age Act), 5th Floor, 205 Jefferson Street, Jefferson City, MO 65102-0480; telephone number 573-526-4757 or Relay Missouri 800-735-2966.