

**IN THE CIRCUIT COURT OF JASPER COUNTY, MISSOURI**

**PROBATE DIVISION AT CARTHAGE**

**David B. Mouton, Judge**

**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 a 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, and 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 annually concerning the care, welfare and placement of your ward.

3. As **conservator**, you must take possession of your protectee's property to the extent authorized by the Court. The property, income and bank accounts should be kept separate from your own funds in protectee's name with your name listed as **conservator** for the protectee. You must invest the protectee's funds according to the 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 interests 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 the annual settlement. Consult your 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.