

**PETITION FOR APPOINTMENT OF GUARDIAN AND CONSERVATOR (MINOR)
CHECKLIST**

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| Payment of Filing fee – see “ SCHEDULE OF PROBATE CASE FILING FEES ” |
| Add all parties: applicant, minor, natural mother and natural father |
| Need Petitioner and Minor(s) SS# and birthdate |
| Need copy of birth certificate(s) |
| Need Nomination of Fiduciary by Minor if minor over 14 |
| Need signed Guardianship/Conservatorship information form |
| Guardianship Only: Need the proposed guardian AND all adults living in the home of the proposed guardian to complete background screening through the State of Missouri, at their own expense, via the Missouri Family Care Safety Registry (FCSR), and obtain the following records with respect to the proposed guardian AND all adults living in the home of the proposed guardian: 1. Child Abuse/Neglect File; 2. Check of the Disqualification Lists of the Departments of Mental Health, Social Services, and Health and Senior Services; and, 3. State Criminal Background Check / Sex Offender Registry Check. Petitioner shall file such records with the court at least ten days prior to the hearing date unless the time period is waived or modified by the court for good cause shown (and generally only in emergency situations requiring an expedited hearing). Info and registration for the FCSR is found at https://health.mo.gov/safety/fcsr/ . As described on the website, a person may register with the FCSR either online (quickest and easiest - you will need the Social Security number(s), an email address, and a valid credit/debit card for payment of the \$14.00 registration fee, plus a \$1.25 processing fee); or by mail-in registration (processed in the order received - you will need a photocopy of the Social Security card, and a check or money order for the \$14.00 registration fee, and that is all sent to the Missouri Department of Health and Senior Services, Fee Receipts Unit, P.O. Box 570, Jefferson City, MO, 65102). Once registered, records can be obtained via the FCSR website, by calling the FCSR toll-free call center, or by submitting request forms found on the FCSR website. |
| Conservatorship Only: May need corporate surety bond in the amount of real property <u>and</u> personal property rounded up to the next thousand. E-file the bond. The bond is to include Acknowledgement of Principal, Acknowledgement of Surety and Power of Attorney |
| Need Affidavit of Due & Diligent Search for anyone whose name or whereabouts are unknown |

The Petition should contain the following:

| |
|---|
| Need address of domicile |
| Need estimated value of real & personal property if any or 0 if not |
| Need location & value of any real property owned by the minor(s) outside of MO |
| Need the name & address of the trustee(s) of any trust of which the minor(s) is a beneficiary |
| Need the purpose of any trust where the minor(s) is a qualified beneficiary |
| Need the names of parents of the minor(s), their addresses & whether or not they are deceased; may need parental consent (e.g. 1 parents applying & other is alive and fit) |
| Need death certificate of any deceased parent |
| The reason for seeking the guardianship/conservator |
| Whether the minor is single or married |
| Name & address of any children of the minor |
| Name & address of person having custody of the minor |
| Name & address of any guardian or conservator of the minor appointed in MO or any other state |
| Name & address of any wards or protectees for whom the proposed guardian or conservator is appointed guardian and/or conservator |
| Name of department, bureau or agency of the US, State or Political subdivision that is awarded benefits to minor’s estate |
| Name of department, bureau or agency of the US, State or Political subdivision or charitable organization that is charged with the control, supervision or custody of minor |
| Name of all adults living with proposed guardian |
| Signed & dated by petitioner under oath and affirmation or notarized |
| Signed by attorney |

**MISSOURI CIRCUIT COURT, TWENTY-SECOND JUDICIAL
CIRCUIT PROBATE DIVISION, CITY OF ST.
LOUIS**

IN THE MATTER OF:

_____ No. _____
Minor(s)

PETITION FOR APPOINTMENT OF GUARDIAN AND CONSERVATOR* OF MINOR(S)

Comes now _____, petitioner, and
states: Name and Relationship to Minor(s)

That the minor(s) named below

| | | |
|-------------|-----------------------------|----------------------|
| <u>Name</u> | <u>Address and Domicile</u> | <u>Date of Birth</u> |
|-------------|-----------------------------|----------------------|

is/are under the age of eighteen years and in need of a _____.
Guardian/Conservator/Guardian & Conservator

(NOTE: For guardianship applications, a certified copy of birth cert. must be submitted for each minor.)

That said minor(s) is/are presently living with _____ at

Address
That said minor(s) has/have lived with the following persons at the following addresses within the past 6 months:

| | |
|-------------|----------------|
| <u>Name</u> | <u>Address</u> |
|-------------|----------------|

| | |
|-------------|----------------|
| <u>Name</u> | <u>Address</u> |
|-------------|----------------|

That the estimated value of the minor's property, if any, is: real property \$ _____, and
personal property \$ _____.

The location and value of any real property owned by the minor(s) outside Missouri:

The name and address of the trustee(s) of any trust of which the minor(s) is a beneficiary.

The purpose of any trust where the minor(s) is a qualified beneficiary.

That the parents of the minor(s) _____ living, and their names and addresses are:
are/are not

Name

Address

Name

Address

The reasons why the appointment of a guardian and conservator is sought are (Indicate statutory grounds, Sec. 475.030 RSMo. Additional explanation may be included).

(Reasons from 475.030 are: a) the minor has no living parent; b) the parents or sole surviving parent of the minor are unwilling, unable or adjudged unfit to assume the duties of guardianship; c) the parents or the sole surviving parent have had their parental rights terminated under chapter 211 RSMo; and d) the best interest of the minor require letters of conservatorship for all his/her estate).

That said minor(s) is _____ to _____
single/married

whose address is: _____

That the names, ages and addresses of all living children of the minor(s) are:

Name

Address

Name

Address

That the name and address of the person having custody of the person of the minor(s) is:

Name

Address

Name

Address

That the name and address of adults living in the home of the proposed guardian:

Name

Address

Name

Address

That the name and address of any guardian of the person or conservator of the estate of the minor(s) appointed in this or any other state is:

Name

Address

Name

Address

That the names and addresses of wards and disabled persons for whom the proposed guardian and conservator is already guardian or conservator are:

Name

Address

Name

Address

That the following named department, bureau or agency of the United States or of this state or any political subdivision thereof, makes or awards compensation, pension, insurance or other allowances as described below for the benefit of the minor's estate:

Name

Address

That the following named department, bureau or agency of this state, political subdivision thereof or charitable organization of this state is charged with the supervision, control or custody of the minor(s):

Name

Address

That I _____ participated in other litigation concerning the custody of this child in _____ this _____ have/have not or another state. (If affirmative explain in detail). _____

That I _____ information of any custody proceeding concerning the child _____ pending have/have no in a court of this or any other state. (If affirmative explain in detail). _____

That I _____ knowledge of any person, not party to these proceedings, who has _____ have/have no physical custody of the child or claims to have custody or visitation rights with respect to the child. (If affirmative explain in detail). _____

WHEREFORE, petitioner prays letters of _____ issue to: Guardianship/Conservatorship/Guardianship and Conservatorship

Name, address and relationship of proposed guardian/conservator to minor

(If petitioner is not proposed guardian/conservator, consent of proposed guardian/conservator to appointment must also be submitted)

[remainder intentionally left blank – signatures follow on next page]

The foregoing petition is made this _____ day of _____, _____ under oath or affirmation and its representations are true and correct to the best of the petitioner's knowledge and belief, subject to the penalties of making a false affidavit or declaration.

Signature of Attorney for Petitioner

Signature of Petitioner

Attorney's Name (Typed) and Bar No.

Petitioner's Name (Typed)

Street Address

Street Address

City State Zip Code

City State Zip Code

Telephone Number With Area Code

Telephone Number With Area Code

Email Address

Signature of Attorney for Petitioner

Signature of Petitioner

Attorney's Name (Typed) and Bar No.

Petitioner's Name (Typed)

Street Address

Street Address

City State Zip Code

City State Zip Code

Telephone Number With Area Code

Telephone Number With Area Code

Email Address

PARENT'S CONSENT TO APPOINTMENT AND WAIVER OF SERVICE

I request the appointment of _____ as guardian of the person and/or conservator of the estate of _____ who is/are my natural child(ren) for the following reasons:

I hereby freely and voluntarily consent to the appointment of the above named person. I understand that such appointment shall be subject to the laws of the State of Missouri and the supervision of the probate division. I understand that I shall not have any right or claim to control or custody of such child(ren) or property. I understand that the appointment is permanent and will not be set aside merely at my request. I understand that the appointment will be set aside upon resignation of the fiduciary or upon proof that the fiduciary should be removed upon grounds as provided by law after notice and hearing to all persons interested in the welfare of the child(ren). I hereby state that this consent is freely given without condition and without representation by any person, including the proposed fiduciary, to the effect that this proceeding is a temporary undertaking which may be terminated at my request.

I hereby also consent to and waive service and notice of hearing on the petition for appointment of guardian for Minor.

Natural Parent

STATE OF MISSOURI _____
COUNTY OF _____

On _____ before me, a Notary Public in and for said State and County, personally appeared _____ to me known to be the person described in and who executed the foregoing instrument and acknowledged the same as her/his free act and deed for the uses and purposes therein stated.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal at my office in said State and County, the day and year first above written.

My Commission expires _____

Notary Public

County of _____

State of _____

NOMINATION OF FIDUCIARY BY MINOR

The undersigned minor acknowledges receipt of a copy of the above petition and waives service thereof and hereby requests that _____ be appointed guardian and /or conservator.

Signature of minor

Subscribed and sworn to before me this _____ day of _____, 20_____.

My Commission Expires: _____

Notary Public

(Minor(s) over 14 years of age who has no qualified parent living may make nomination, Section 475.045 RSMo.)

GUARDIAN/CONSERVATOR INFORMATION MEMORANDUM

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

Follow the advice of your attorney. Talk to your attorney before taking any action.

If you have been appointed guardian, you are responsible for the ward's person. If you have been appointed conservator, you are responsible for the ward's property. If you have been appointed both guardian and conservator, you are responsible for the ward's person and property. Your authority as guardian and/or conservator may be limited by the court order appointing you. You should consult with your attorney as to the extent of your authority.

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. Your powers and duties include:

- a) assuring that the ward lives in the best and least restrictive environment which is 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.

If you are the guardian of an adult ward who the Court has determined to be incapacitated or disabled, you will be required to file with the Probate Court a personal status report each year updating the information regarding the care, welfare and placement of your ward.

As conservator, you must take possession of your ward's property to the extent authorized by the Court. Missouri State law requires that the property, income and bank accounts of the ward be kept separate from your own funds. If you are the conservator for more than one person you must maintain a separate account for each ward, even if they are your own children. You must invest the ward's funds according to law and you are personally liable for any imprudent or unauthorized investments. You may only spend the ward's funds for purposes authorized by state 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 ward. 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 ward's property without Court approval, even though the ward is your child or other relative.

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.

If the ward does not live with you, Missouri state law requires that you visit the ward at least once a year.

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 _____

(Print name)

(Signature)

(Print name)

(Signature)