



## December 2024 Guardianship Packet Webinar FAQ

<u>Number</u>	<u>Question</u>	<u>Response</u>
1	How does supported decision differ from guardianship? How do we assist our individuals in determining which is best for them?	<p><b>Supported Decision Making will be the topic of its own Webinar in the next few months.</b></p> <p><b>In Missouri, supported decision-making (SDM) agreements are not the product of a legal process. But the probate code does recognize that SDM agreements are a less-restrictive alternative to guardianship that should be considered before a guardianship is ordered. So, evidence of an SDM agreement, or the efficacy of using one, may arise in a court hearing.</b></p>
2	Can we type the interrogatory and attach the signature page?	<p><b>The interrogatory must be typed. If it is handwritten it will be returned for revision. The Medical statement can be handwritten provided that it is legible.</b></p>
3	Are support agencies (for example, Missouri Mentor) able to request guardianship packets and submit them or does that have to be done by the case manager/service coordinator?	<p><b>The support coordinator/ service coordinator is solely responsible for the completion of the Case Manager Statement and coordinating the efforts to ensure that they Medical Statement is completed. Provider agencies could assist with ensuring that the Medical statement is completed. The SC will be required to testify as to the potential ward's need for a guardian.</b></p>
4	I am also assuming that if it is a family member they are responsible for paying for background checks.	<p><b>Yes, the potential guardian is responsible for covering the costs of the background screening. The Division does not cover the cost of completing the background screening.</b></p>

5	Can this packet be used to solely request Conservatorship, as opposed to Guardianship & Conservatorship?	<b>Yes, the packet can be used to petition solely for Conservatorship without Guardianship or Guardianship without Conservatorship.</b>
6	Explain how a trust would provide alternatives to guardianship other than the safeguard of monies. which would also be a payee.	<b>Trusts manage assets and property as well as liquid assets that are currently in existence. They are created and managed outside of the courts and can do many tasks that a conservator might otherwise be responsible for.</b>
7	Is the TCM agency responsible in trying to locate relatives?	<p><b>A "due and diligent search" for family members involves a comprehensive effort to identify and locate relatives by conducting interviews with the subject, known family members, and potential sources of information, reviewing available databases, making inquiries during court hearings, and utilizing any other reasonable means to locate missing relatives, all while documenting each attempt thoroughly. Remember to respect privacy laws and obtain necessary consents. Some examples would be:</b></p> <ul style="list-style-type: none"> <li>• <b>Interviews with known parents, grandparents, siblings, friends, other close relatives.</b></li> <li>• <b>Public records and government databases available.</b></li> <li>• <b>Court and/or criminal records (Examples: Case.net, MO DOC offender search)</b></li> <li>• <b>Social media platforms.</b></li> <li>• <b>Review of the case file.</b></li> <li>• <b>Community organizations.</b></li> </ul>
8	I have someone that has a conservator for financial needs, used to have a Public Administrator as Guardian. now their own person, however, has gone back to very unsafe behaviors and choices that lead to the PA initially. in completely this document would the financial section need to be	<b>If the person does not currently have a guardian, we would need the whole packet to be completed and submitted. The conservatorship judgment or letters cannot substitute for the medical deposition/ interrogatories. In response to specific questions about the ability to manage financial resources, the</b>

	completed? and how difficult would it be to try and get guardianship reinstated?	<b>caseworker or physician, respectively, could of course note that a conservatorship already exists.</b>
9	What if a sibling or other relative is themselves considered incapacitated but are not a part of DMH as a client?	<b>The Office of General Counsel can only file petitions on behalf of individuals who are actively being served by DMH. (Anyone who is legally incapacitated will be unable to serve as guardian). The proposed guardian must retain their rights and demonstrate that they are able to manage their own affairs and the affairs of the proposed ward.</b>
10	From what has been indicated it sounds like the service coordinator is not supposed to recommend that someone should have a guardian as that would be the service coordinator making legal determination or recommendation so that the recommendation or request for guardianship comes from someone else so that the service coordinator does not fall into the role of giving legal advice. Is this correct?	<b>The SC will have to recommend that the potential ward needs a guardian. The Medical statement is the official determination of the individual requiring a guardian/ conservator. If the SC and Doctor disagree then the process stops.</b>
11	How does the state determine if the family has financial means to pay for the guardianship process independent of state funding in other words if they have the means to pay for it would the state recommend that they pursue this with outside legal representation? For instance, if they say they are taking vacations independent of the consumer but don't have money to pay for guardianship?	<b>This is at the discretion of the Office of General Counsel.</b>
12	When and where can we find the Revised Guardianship packet?	<b>It is available online. If you are employed by the Department of Mental Health, then you will be able to navigate to it on the intranet. Anyone not employed by the Department will have to request a copy through via <a href="mailto:DDGuardianship@dmh.mo.gov">DDGuardianship@dmh.mo.gov</a>.</b>
