

# GUARDIANSHIP

*Courts have held that  
Guardianship is appropriate  
if an individual lacks capacity to  
meet essential requirements for  
food, clothing, shelter, safety or  
other care such that  
serious physical injury, illness  
or disease is likely to occur.*

## The Whole Person's Legal Team:

**Tom Sweeny**  
*Attorney at Law*

**Karen Gridley**  
*Paralegal*

Call The Whole Person  
for a Free Consultation  
about your Guardianship

**816-561-0304**



### Mission Statement

The Whole Person connects people with disabilities to the resources they need by supporting independent choice and advocating for positive change in the community.

### Who We Serve

- People with disabilities
- Parents, spouses, siblings, significant others of people with disabilities
- Schools and businesses
- Local government agencies
- Volunteer organizations
- Hospitals, health and medical organizations
- Civic and church/religious organizations
- Veterans
- Any individual or organization seeking assistance

### Programs and Services

- Independent Living Services
- Personal Assistant Services
- Employment Services
- Individual and Systems Advocacy
- The Whole Family Project
- Transition Services
- Telecommunications Access Program (TAP)
- Peer Support Groups

3710 Main Street | Kansas City, MO 64111

816.561.0304 | Fax 816.931.0534

8040 Parallel Pkwy, Ste 300 | Kansas City, KS 66112

913.871.4188 | Fax 913.871.4328

[thewholeperson.org](http://thewholeperson.org)



## Guardianship Consulting

*Missouri Residents*



The Whole Person may be able  
to help you petition for  
Guardianship or Conservatorship  
for your loved one.

Call TWP for a  
Free Consultation

**816-561-0304**

## The Whole Person may be able to help you apply for guardianship.

### What is a guardian?

A guardian is a person appointed by a court who is responsible for the care and custody of a minor or other individual who has been legally determined to be incapacitated. This determination is made after the court ascertains that a person is unable to make decisions affecting their care. If it is decided that the person lacks the capacity for their own care, a guardian is appointed to make decisions for the minor or individual.

### What is a conservator?

A conservator is similar to a guardian. The difference is that a conservator is appointed by a court to handle the financial affairs of a minor or other individual legally determined to be disabled and/or lacking the capacity to make their own financial decisions.

After you provide the requested information, The Whole Person (TWP) Legal Team will assess your case in full and determine if TWP can offer you our services and represent you on your Guardianship case. They will review a fee agreement with you at that time.

### How are these decisions made?

A petition for Guardianship or Conservatorship is filed in the circuit court, probate division of the county where the affected person resides, owns property, or is currently located. A letter from a doctor attesting to incapacity is required. The court will hold a hearing and take testimony from the parties.

## What are the responsibilities for Guardians and Conservators?

### Guardian Responsibilities

A guardian is responsible for the care and protection of the affected individual. The guardian is required to act in the best interest of the individual. They are to provide for the individual's care, treatment, safety, and welfare. They must ensure that the individual is living in the least restrictive setting that is available. This does not mean that the guardian uses any of their own resources to provide for the individual they care for. When the individual's estate and/or public benefits are not able to meet the needs of the individual, the guardian may apply for county funds to support the individual's needs.

### Conservator Responsibilities

A conservator is responsible for managing all the individual's financial items. This is done under the court's supervision and includes protecting and preserving the individual's estate, carefully investing their assets, keeping records of the property of the estate, and performing all other duties required under the law. Depending on the specific duty, the conservator may or may not need to obtain court authorization or approval. All acts of a conservator must be in the best interests of the individual and their estate and assets. The law requires strict reporting of all financial transactions to the court regardless of the size of the individual's estate. The court may require the conservator to post a bond. The amount of the affected individual's estate will determine the amount of the bond. This allows the individual's estate to be protected should the conservator not perform their responsibilities.

## FACTS AND QUESTIONS

- 1) **Who can file for Guardianship?**  
Anyone over 21 years of age can petition.
- 2) **Who can be a Guardian?**  
Courts prefer relatives, but can appoint a public administrator.
- 3) **Why have an attorney?**  
The state of Missouri requires an attorney for guardianship.
- 4) **Can The Whole Person help in Kansas cases?**  
Not at this time.
- 5) **Is there a fee involved?**  
Yes. TWP will charge on a sliding scale, based on income. There will also be a charge for court fees that vary between counties.
- 6) **Can a Guardian be paid?**  
A Guardian can apply for reasonable fees.
- 7) **What is the procedure for the appointment of a Guardian?**  
A probate court will appoint a Guardian after a hearing, if medical evidence of incapacity is produced.

