Missouri Revised Statutes

Chapter 475
Probate Code–Guardianship

←475.555 (/mostatutes/stathtml/47500005551.html)

Section 475.010.1

475.011→ (/mostatutes/stathtml/47500000111.html)

August 28, 2016

Definitions.

475.010. When used in this chapter, unless otherwise apparent from the context, the following terms mean:

(1) "Adult", a person who has reached the age of eighteen years;

(2) "Claims", liabilities of the protectee arising in contract, in tort or otherwise, before or after the appointment of a conservator, and liabilities of the estate which arise at or after the adjudication of disability or after the appointment of a conservator of the estate, including expenses of the adjudication and of administration. The term does not include demands or disputes regarding title of the protectee to specific assets alleged to be included in the estate;

(3) "Conservator", one appointed by a court to have the care and custody of the estate of a minor or a disabled person. A "limited conservator" is one whose duties or powers are limited. The term "conservator", as used in this chapter, includes limited conservator unless otherwise specified or apparent from the context;

(4) "Custodial parent", the parent of a minor who has been awarded sole or joint physical custody of such minor, or the parent of an incapacitated person who has been appointed as guardian of such person, by an order or judgment of a court of this state or of another state or territory of the United States, or if there is no such order or judgment, the parent with whom the minor or incapacitated person primarily resides;

(5) "Disabled" or "disabled person", one who is:

(a) Unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that the person lacks ability to manage his financial resources; or

(b) The term "disabled" or "disabled person", as used in this chapter includes the terms partially disabled or partially disabled person unless otherwise specified or apparent from the context;

(6) "Eligible person" or "qualified person", a natural person, social service agency, corporation or national or state banking organization qualified to act as guardian of the person or conservator of the estate pursuant to the provisions of section 475.055;

(7) "Guardian", one appointed by a court to have the care and custody of the person of a minor or of an incapacitated person. A "limited guardian" is one whose duties or powers are limited. A "standby guardian" is one approved by the court to temporarily assume the duties of guardian of a minor or of an incapacitated person under section 475.046 (/mostatutes/stathtml/47500000461.html). The term "guardian", as used in this chapter, includes limited guardian and standby guardian unless otherwise specified or apparent from the context;

(8) "Guardian ad litem", one appointed by a court, in which particular litigation is pending, to represent a minor, an incapacitated person, a disabled person, or an unborn person in that particular proceeding or as otherwise specified in this code;

(9) "Habilitation", instruction, training, guidance or treatment designed to enable and encourage a intellectually disabled or developmentally disabled person as defined in chapter 630 to acquire and maintain those life skills needed to cope more effectively with the demands of his or her own person and of his or her environment;

(10) "Incapacitated person", one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that he or she 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 term "incapacitated person" as used in this chapter includes the term partially incapacitated person unless otherwise specified or apparent from the context;

(11) "Least restrictive environment", that there shall be imposed on the personal liberty of the ward only such restraint as is necessary to prevent the ward from injuring himself or herself and others and to provide the ward with such care, habilitation and treatment as are appropriate for the ward considering his or her physical and mental condition and financial means;

(12) "Manage financial resources", either those actions necessary to obtain, administer, and dispose of real and personal property, intangible property, business property, benefits, income or any assets, or those actions necessary to prevent waste, loss or dissipation of property, or those actions necessary to provide for the care and support of such person or anyone legally dependent upon such person by a person of ordinary skills and intelligence commensurate with his or her training and education;

(13) "Minor", any person who is under the age of eighteen years;

(14) "Parent", the biological or adoptive mother or father of a child whose parental rights have not been terminated under chapter 211, including:

(a) A person registered as the father of the child by reason of an unrevoked notice of intent to claim paternity under section 192.016;

(b) A person who has acknowledged paternity of the child and has not rescinded that acknowledgment under section 193.215; and

(c) A person presumed to be the natural father of the child under section 210.822;

(15) "Partially disabled person", one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that such person lacks capacity to manage, in part, his or her financial resources;

(16) "Partially incapacitated person", one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to the extent that such person lacks capacity to meet, in part, essential requirements for food, clothing, shelter, safety, or other care without court-ordered assistance;

(17) "Protectee", a person for whose estate a conservator or limited conservator has been appointed or with respect to whose estate a transaction has been authorized by the court under section 475.092 (/mostatutes/stathtml/47500000921.html) without appointment of a conservator or limited conservator;

(18) "Seriously ill", a significant likelihood that a person will become incapacitated or die within twelve months;

(19) "Social service agency", a charitable organization organized and incorporated as a not-for-profit corporation under the laws of this state and which qualifies as an exempt organization within the meaning of Section 501(c)(3), or any successor provision thereto of the federal Internal Revenue Code;

(20) "Standby guardian", one who is authorized to have the temporary care and custody of the person of a minor or of an incapacitated person under the provisions of section 475.046;

(21) "Treatment", the prevention, amelioration or cure of a person's physical and mental illnesses or incapacities;

(22) "Ward", a minor or an incapacitated person for whom a guardian, limited guardian, or standby guardian has been appointed.

(L. 1955 p. 385 § 283, A.L. 1979 H.B. 95, A.L. 1983 S.B. 44 & 45, A.L. 1994 S.B. 734, A.L. 2009 H.B. 154, A.L. 2014 H.B. 1064)

2009 **1994**

Top

Missouri General Assembly

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