Missouri Revised Statutes

Chapter 475
Probate Code--Guardianship

←475.055 (/mostatutes/stathtml/47500000551.html)

Section 475.060.1

475.061→ (/mostatutes/stathtml/47500000611.html)

August 28, 2016

Application for guardianship--petition for guardianship requirements--incapacitated persons, petition requirements.

475.060. 1. Any person may file a petition for the appointment of himself or herself or some other qualified person as guardian of a minor. Such petition shall state:

(1) The name, age, domicile, actual place of residence and post office address of the minor if known and if any of these facts is unknown, the efforts made to ascertain that fact;

(2) The estimated value of the minor's real and personal property, and the location and value of any real property owned by the minor outside of this state;

(3) If the minor has no domicile or place of residence in this state, the county in which the property or major part thereof of the minor is located;

(4) The name and address of the parents of the minor and whether they are living or dead;

(5) The name and address of the spouse, and the names, ages and addresses of all living children of the minor;

(6) The name and address of the person having custody of the person of the minor;

(7) The name and address of any guardian of the person or conservator of the estate of the minor appointed in this or any other state;

(8) If appointment is sought for a natural person, other than the public administrator, the names and addresses of wards and disabled persons for whom such person is already guardian or conservator;

(9) The name and address of the trustees and the purpose of any trust of which the minor is a qualified beneficiary;

(10) The reasons why the appointment of a guardian is sought;

(11) A petition for the appointment of a guardian of a minor may be filed for the sole and specific purpose of school registration or medical insurance coverage. Such a petition shall clearly set out this limited request and shall not be combined with a petition for conservatorship.

2. Any person may file a petition for the appointment of himself or herself or some other qualified person as guardian of an incapacitated person. Such petition shall state:

(1) If known, the name, age, domicile, actual place of residence, and post office address of the alleged incapacitated person, and for the period of three years before the filing of the petition, the most recent addresses, up to three, at which the alleged incapacitated person lived prior to the most recent address, and if any of these facts is unknown, the efforts made to ascertain that fact. In the case of a petition filed by a public official in his or her official capacity, the information required by this subdivision need only be supplied to the extent it is reasonably available to the petitioner;

(2) The estimated value of the alleged incapacitated person's real and personal property, and the location and value of any real property owned by the alleged incapacitated person outside of this state;

(3) If the alleged incapacitated person has no domicile or place of residence in this state, the county in which the property or major part thereof of the alleged incapacitated person is located;

(4) The name and address of the parents of the alleged incapacitated person and whether they are living or dead;

(5) The name and address of the spouse, the names, ages, and addresses of all living children of the alleged incapacitated person, the names and addresses of the alleged incapacitated person's closest known relatives, and the names and relationship, if known, of any adults living with the alleged incapacitated person; if no spouse, adult child, or parent is listed, the names and addresses of the siblings and children of deceased siblings of the alleged incapacitated person; the name and address of any agent appointed by the alleged incapacitated person in any durable power of attorney, and of the presently acting trustees of any trust of which the alleged incapacitated person is the grantor or is a qualified beneficiary or is or was the trustee or cotrustee and the purpose of the power of attorney or trust;

(6) The name and address of the person having custody of the person of the alleged incapacitated person;

(7) The name and address of any guardian of the person or conservator of the estate of the alleged incapacitated person appointed in this or any other state;

(8) If appointment is sought for a natural person, other than the public administrator, the names and addresses of wards and disabled persons for whom such person is already guardian or conservator;

(9) The fact that the person for whom guardianship is sought is unable by reason of some specified physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that the person 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;

(10) The reasons why the appointment of a guardian is sought.

(RSMo 1939 §§ 377, 447, A.L. 1955 p. 385 § 293, A.L. 1983 S.B. 44 & 45, A.L. 2000 S.B. 944, A.L. 2011 H.B. 111 merged with S.B. 59 merged with S.B. 213)

Prior revisions: 1929 §§ 377, 448; 1919 §§ 373, 444; 1909 §§ 405, 474

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