Missouri Revised Statutes

Chapter 475
Probate Code--Guardianship

←475.115 (/mostatutes/stathtml/47500001151.html)

Section 475.120.1

475.121→ (/mostatutes/stathtml/47500001211.html)

August 28, 2016

General powers and duties of guardian of the person--social service agency acting on behalf of ward, requirements.

475.120. 1. The guardian of the person of a minor shall be entitled to the custody and control of the ward and shall provide for the ward's education, support and maintenance.

2. A guardian or limited guardian of an incapacitated person shall act in the best interest of the ward. A limited guardian of an incapacitated person shall have the powers and duties enumerated by the court in the adjudication order or any later modifying order.

3. The general powers and duties of a guardian of an incapacitated person shall be to take charge of the person of the ward and to provide for the ward's care, treatment, habilitation, education, support and maintenance; and the powers and duties shall include, but not be limited to, the following:

(1) Assure that the ward resides in the best and least restrictive setting reasonably available;

(2) Assure that the ward receives medical care and other services that are needed;

(3) Promote and protect the care, comfort, safety, health, and welfare of the ward;

(4) Provide required consents on behalf of the ward;

(5) To exercise all powers and discharge all duties necessary or proper to implement the provisions of this section.

4. A guardian of an adult or minor ward is not obligated by virtue of such guardian's appointment to use the guardian's own financial resources for the support of the ward. If the ward's estate and available public benefits are inadequate for the proper care of the ward, the guardian or conservator may apply to the county commission pursuant to section 475.370 (/mostatutes/stathtml/47500003701.html).

5. No guardian of the person shall have authority to seek admission of the guardian's ward to a mental health or intellectual disability facility for more than thirty days for any purpose without court order except as otherwise provided by law.

6. Only the director or chief administrative officer of a social service agency serving as guardian of an incapacitated person, or such person's designee, is legally authorized to act on behalf of the ward.

7. A social service agency serving as guardian of an incapacitated person shall notify the court within fifteen days after any change in the identity of the professional individual who has primary responsibility for providing guardianship services to the incapacitated person.

8. Any social service agency serving as guardian may not provide other services to the ward.

(RSMo 1939 §§ 394, 460, 474, 497, A.L. 1955 p. 385 § 306, A.L. 1983 S.B. 44 & 45, A.L. 1985 S.B. 35, et al., A.L. 1994 S.B. 734, A.L. 1997 H.B. 540, A.L. 2014 H.B. 1064)

Prior revisions: 1929 §§ 394, 461, 475, 498; 1919 §§ 390, 457, 471, 494; 1909 §§ 422, 487, 501, 524

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