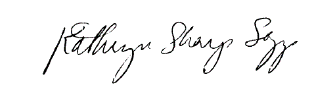
APS-20-12

April 20, 2020

**MEMORANDUM FOR DIVISION OF SENIOR & DISABILITY SERVICES ADULT PROTECTIVE SERVICES STAFF**

From: Kathryn Sharp Sapp, Bureau Chief 

Division of Senior and Disability Services

Adult Protective Services Policy Unit

Subject: Guardianship/Conservatorship

Enhancements to the Adult Protective Services (APS) Manual have been made to update 1704.48: Guardianship/Conservatorship. In addition, 1704.48 -- Exhibit A: Guardianship/Conservatorship Review and 1704.48 – Exhibit B: Guardianship/Conservatorship Identifying Information have been combined into one form titled “Court Summary: Guardianship/Conservatorship Review Form.” The updates include clarification and reorganization to reflect changes in statute and incorporate feedback from the field.

1704.48: Guardianship/Conservatorship

In August 2018, Missouri statute was changed to require alternative least restrictive efforts, including **Supported Decision Making**, be explored first. The statute change also prioritizes family/friends as guardian, when appropriate. Please review the following links to learn more about Supported Decision Making:

[National Resource Center for Supported Decision Making](http://supporteddecisionmaking.org/)

[Supported Decision Making: Frequently Asked Questions](https://www.aclu.org/sites/default/files/field_document/faq_about_supported_decision_making.pdf)

While statute was changed, it does not reflect a significant change to DSDS policy and practice regarding guardianship, as such alternatives were already required prior to Office of General Counsel involvement. The vital clarification to the policy is that alternatives shall be explored and least restrictive environment considered prior to legal action, which shall be a last resort as guardianship/conservatorship impacts the rights of the adult. Another important premise is that guardianship/conservatorship should only address those needs the adult is not capable of meeting independently. The statute change does emphasize the importance of clearly documenting all efforts and ensuring the Court Summary is thoroughly completed.

In addition to reflecting the statute change, the policy has been reorganized and legal concepts clarified. The role of the Adult Protective & Community Worker in the process is an important clarification within the policy update.

1704.48, Exhibits A and B

These exhibits have been combined into one document, eliminating duplicative information. The document will be an official state form located in Section VII in the online manual. This form serves a dual purpose; it is the method for conveying pertinent information to Office of General Council for use in court as well as a tool the APCW and Adult Protective and Community Supervisor shall utilize to determine whether there is adequate information to pursue legal intervention. The form shall not be used as a persuasive document but simply present the facts of the case clearly and concisely.

**NECESSARY ACTION:**

1. Review this memorandum with all APS staff.
2. Review revised APS Policy 1704.48: Guardianship/Conservatorship
3. Review the Court Summary: Guardianship/Conservatorship Review Form
4. All questions should be cleared through normal supervisory channels and directed to: Amanda Veltrop at [APSPolicy@health.mo.gov](mailto:APSPolicy@health.mo.gov) or by calling 573-526-5391.

**APS Manual Revisions:**

APS Policy 1704.48: Guardianship/Conservatorship – Policy title change and manual revisions.

APS Policy 1704.48, Exhibit A: Guardianship/Conservatorship Court Summary – Combined with Exhibit B and moved to Section VII as a new form.

APS Policy 1704.48, Exhibit B: Guardianship/Conservatorship Identifying Information – Combined with Exhibit A and moved to Section VII as a new form.

APS Policy 1704.49: Guardian/Conservator Form Exhibits – Eliminated

APS Policy 1704.49, Exhibit B: Letters of Limited Guardianship/Conservatorship -- Eliminated

APS Policy 1704.49, Exhibit C: Letters of Conservatorship of Disabled Person -- Eliminated

APS Policy 1704.49, Exhibit D: Letters of Guardianship of Incapacitated Person -- Eliminated

APS Policy 1704.49, Exhibit E: Notice of Filing/Return of Service Notice -- Eliminated

APS Policy 1704.49, Exhibit F: Subpoena for Witness -- Eliminated

APS Policy 1704.49, Exhibit G: Stipulation for Introduction of Interrogatories -- Eliminated

APS Policy 1704.49, Exhibit H: Sample Interrogatories – Eliminated

KSS/AV