

# FACTSHEET: Guardianship and Conservatorship in Missouri

Prepared by Missouri Protection and Advocacy Services

Guardianship is the legal process of determining a person's capacity to make decisions for himself regarding his personal affairs (such as where he lives or the care he requires.)

Conservatorship is similar to guardianship, but deals only with financial affairs of an individual. It is not unusual for the powers of guardianship and conservatorship to be vested in the same person.

A Guardian is a person appointed by the Probate Court to handle the affairs of a person who has been adjudged to be incapacitated, i.e., not capable of handling his own personal affairs.

A Conservator is a person or corporation appointed by the Probate Court to handle the financial affairs of a person who has been adjudged to be disabled, i.e., not capable of handling his own financial affairs.

A person who has attained the age of 18 years is an adult under Missouri law and is, therefore, in charge of his own affairs, unless a judge has appointed a guardian or conservator for him. In order for a parent to continue to be the guardian of an individual when he reaches the age of 18, that parent must have made a successful application to the Probate Court for his appointment as guardian and/or conservator for that individual.

Guardianship for a minor, a person under the age of 18, is generally vested with that person's parents .

The principle of least restrictive environment should apply in any guardianship or

conservatorship situation. In other words, an individual should retain control of his own personal and financial life to the maximum extent possible. If a judge finds that an individual is only partly incapacitated or disabled, he should issue an order of limited guardianship or limited conservatorship, or both. In so doing, he should spell out in his order the specific powers that he is conferring upon the guardian or conservator.

The ordering of guardianship or conservatorship for a person is a legal process. The person who wants to be a guardian or conservator must apply to the Probate Court to attain that position. The Probate Judge must then appoint an attorney to represent the person over whom guardianship or conservatorship is being sought. A hearing must be held, at which time it is incumbent upon the applicant to prove that the person for whom he wants to be guardian or conservator really needs that protection. Though not always absolutely necessary, a person applying for guardianship or conservatorship is probably well advised to do so with the assistance of an attorney.

A person for whom a guardian is appointed is known as a ward, and a person for whom a conservator is appointed is a protectee.

At the court hearing, full due process rights are accorded to the respondent — the person for whom a guardian or conservator is being sought.

Anyone may be appointed as guardian or conservator for a person found to be incapacitated or disabled. However, the judge should give preference to immediate family members, and the person chosen should have consented to the appointment.

---

The guardian/conservator is required to file an annual report with the court, explaining pertinent circumstances of the ward/protectee. From that report, the judge can determine if there needs to be a change in his order of guardianship or conservatorship. Actually, the judge can change that order any time he feels it necessary.

A guardian is not responsible for the financial condition of his ward. Legal and court costs of guardianship or conservatorship proceedings

against an individual will be charged to his county of residence if he cannot pay for them himself.

## Guardianship and Conservatorship

### What do I need to know about guardianship?

Parents are the natural guardians of their children until the age of 18, when the power to make decisions on their behalf ends. It is important to know that in the state of Missouri, all persons at age 18 become emancipated (become their own legal guardian) regardless of their ability. IDEA now mandates that parents of students receiving Special Education services will receive a letter when their child reaches the age of 17 to inform the guardians that their son/daughter will become emancipated at the age of 18 and again when they turn 18. For helpful information on how to make this important decision, please visit the Missouri Family to Family website by clicking here. (<http://mofamilytofamily.org/>)

### **What is Guardianship?**

Guardianship is the result of a court hearing that establishes the need to appoint an individual (guardian) to assume substitute decision-making powers for another person (ward) who is not capable of exercising his or her rights due to incapacity or incompetence. The standard for determining incapacity generally requires that a person is functionally unable to care for self or property; and cannot

communicate decisions regarding care for self or property. This incapacity must be the result of a disorder or disability.

Guardianship is the most restrictive limitation on personal decision-making authority that a court can impose on a person. The ward automatically loses the right to vote, to choose where to live, obtain a driver's license, to approve medical procedures, enter contracts, and other essential decisions. Limited guardianship is an option in Missouri and allows a person to retain some rights, e.g. the right to vote.

This is a decision that requires a great deal of thought and input from the person's family or whoever else may be involved in the care of this person.

This process takes time and may not begin until the person has turned 18. Much of the preliminary work can begin earlier; however, the attorney may not petition the court for a court date until the person has turned 18.

Obtaining a court date can take anywhere from 2-6 weeks from the time the application was made. During the time the person has turned 18 and the actual court date for guardianship the person is their own legal guardian. It may be a good idea to have a back up plan in case their may be some

decisions that may need to be carried out during this interim time.

## What is Conservatorship?

Conservatorship is similar to guardianship, but differs in that it deals only with the financial affairs of an individual. A conservator is appointed by the court after it is found that a person does not have the capacity to manage his finances, such as balancing his checkbook. The conservator must report to and seek approval from the court for expenditures. A conservator has no authority to make decisions regarding another individual's personal affairs. Only a guardian has such power.

### Definitions:

**Adult** – A person who has reached the age of 18.

**Conservator** – A person or corporation appointed by the court to care for and have custody of the property and oversee the financial affairs of a minor or disabled person. A limited conservator is a person whose duties and powers are limited by the court.

**Disabled Person** – A person who is unable by reason of any mental or physical condition to receive and evaluate information or who lacks the ability to communicate decisions needed to manage his financial resources. The term also applies to partially disabled.

**Guardian** – A person appointed by the court to care for and have the custody of a minor or incapacitated person (a person judged to be unable to receive or communicate information). A limited guardian is a person whose powers as guardian are limited by the court to certain functions.

**Incapacitate Person** – A person 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 the person is unable to provide himself with food, clothing, shelter, safety, or

other care that would prevent physical injury, illness or disease from taking place. The term includes partially incapacitated person.

**Least Restrictive Environment** – The residence of an incapacitated person which imposes on the ward only such restraints as are necessary to prevent him from injuring himself or others and which provide him with such care, habilitation, treatment as is appropriate considering his physical or mental condition and financial means.

## Alternatives to Guardianship:

### Appointment of Representative Payee

Individuals receiving Supplemental Security Income (SSI) or Social Security Disability Income (SSDI) may receive the benefit checks directly, or the checks can be sent to a representative payee who will assist the beneficiary with financial management and payment of obligations. A representative payee is appointed by the Social Security Administration, and is typically a parent or social worker. Court action is not needed to establish a representative payee, but regular reports must be submitted to the Social Security Administration detailing how the money was spent. A separate bank account must also be maintained for the beneficiary's money. Contact the Social Security Administration for further information on the appointment of a representative

### Power of Attorney

If the person is a competent adult, he or she may authorize, in a private written agreement, another individual to assume power of attorney. A power-of-attorney agreement authorizes a person to enter into legal agreements and manage financial affairs in the name of another person. The person given power of attorney does not have to be a lawyer; any competent person can play this role. A power-of-attorney agreement terminates upon the death of the principal, or if

the principal is determined to be incompetent. You may want to consult with a lawyer before setting up a power-of-attorney agreement.

### **Joint Bank Account**

An account set up by a bank allowing joint access to the account may allow you to supervise or assist your family member with finances. This type of informal assistance may be sufficient to monitor finances when minimal supervision is required.

### **Informal Advocacy**

For families who choose not to go the route of guardianship, the other alternative is to seek out an informal advocate who will carry out the conditions as stated in your letter of intent. Be aware that you can appoint more than one advocate — each responsible for a different area of concern, for example, financial or legal needs or a public agency to oversee your child's well-being. Relatives usually make the best advocates because of their special knowledge of the needs of the family member. A friend or professional may be able to assist on an occasional basis. Don't overlook the assistance that can be provided by natural support systems such as other family members, church communities, neighbors, social clubs, and so on. This informal advocate can assist your family member in meetings with case managers, social service providers, and individuals in the community, as well as in financial, social, employment, residence, or recreational issues that may be faced by your child.

### **Consequences of not Filing for Guardianship or Conservatorship**

Because the natural guardianship powers of parents ends when a son or daughter turns 18, parents may lose the right to access records and to make decisions unless authorization is obtained from the court. If guardianship or conservatorship is appropriate for your family member, failure to seek these powers may result in a loss of power to

consent to ordinary or necessary medical care; loss of access to medical records; loss of authority to challenge school or residential facility programs; and other rights previously held. Your family member may also have trouble having an Individual Service Plan (ISP) developed. For an exact explanation of your rights under this section, contact a lawyer who specializes in the rights of the disabled.

### **Who Can Best Serve as Guardian or Conservator?**

A close relative or friend over the age of 18 is usually the best choice to be a guardian or conservator, as long as that person is willing and able to meet all the responsibilities. If a close relative or friend is not available, a concerned professional or representative from an organization offering guardianship or conservatorship services may be appropriate.

### **Costs of Guardianship**

The costs of guardianship include the attorney's fees and court costs. Court costs for an uncontested guardianship average around \$600. Attorney fees can vary widely, typically less than \$1,000 for an uncontested guardianship. Be sure to ask the attorney for an estimate of the total cost.

Income-eligible families can contact Legal Services of Eastern Missouri by clicking here (<http://www.lsem.org/>) for a referral to pro bono attorneys to assist with guardianship.

The St. Louis Regional Office (Department of Mental Health/Developmental Disabilities) provides education and guidance as it relates to guardianships and alternatives to guardianship. Please seek the support of your Regional Office Support Coordinator or Regional Office Family Support Coordinator for more information regarding these options.

# Checklist That Parents or Providers Might Use When Assessing Possible Needs for Guardianship/Conservatorship

	No-Most of the time	Not sure	Yes-Most of the time
Receives and evaluates information effectively.			
Indicates decisions clearly.			
Can purchase and prepare food appropriately.			
Can purchase/clean own clothing.			
Can bathe/toilet self.			
Able to develop supportive relationships with individuals/groups.			
Can deal with landlord/housing problems.			
Able to say “no” to those who would borrow/demand money or property.			
Able to register to vote.			
Able to seek employment, understand wages/benefits.			
Able to select training/education programs.			
Able to select less restrictive living arrangements.			
Able to sign consents for special olympics.			
Understands when he/she is being “ripped off”.			
Able to get/use financial resources to buy real property and to purchase necessary personal property.			
Able to budget benefits received, pay bills, etc.			
Able to pay on time, keep records of bills for rent, food, services.			

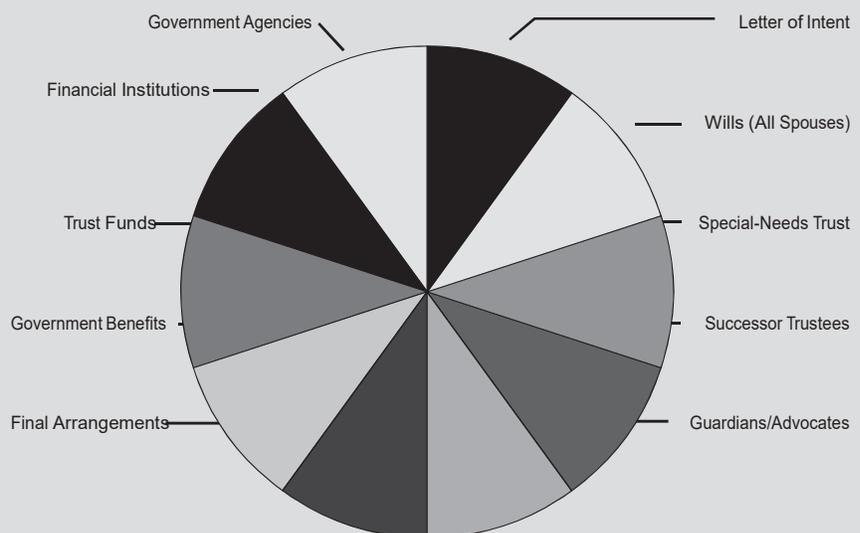
(Based on K.S.A. 69-3002, 3018, and 3019)

---

# Basic Life Planning Steps

1. Prepare a Life Plan. Decide what you and the person with the disability want for the future in all of life's many areas such as: residential, employment, social, medical care, religion, final arrangements, etc. Remember that while professionals have come and gone over the years, you have been the only constant in your loved one's life.
  2. Write a Letter of Intent and Letter of Last Instruction — put your hopes and desires in writing as guidance for future care providers.
  3. Recommend future Advocates or Guardians/Conservators — the persons who will visit and make sure your wishes will be carried out.
  4. Determine the realistic cost of your plan.
  5. Select a combination of resources that will guarantee adequate funds for the person's lifetime (1-85 years) — government benefits, family assistance, inheritances, savings, investments, life insurance, etc.
  6. Prepare carefully worded Last Wills and Testaments (all spouses — current/exs) — exclude the person by name.
  7. Establish a Inter vivos Special Needs Trust to manage the resources now and in the future, protect government benefits, provide supplemental assistance, etc.
  8. Choose a number of Successor Trustees to manage the trust
- funds in the future in case you go into a nursing home or when you die.
9. Place all life and estate planning items in a Special Estate Planning binder — Letter of Intent, legal documents, medical records, birth certificates, etc. Make sure other family members also have copies of this information as well.
  10. Hold a meeting with all the parties to review your plan — give out relevant copies of documents, let others know where you keep your planning binder, etc.
  11. Review your plan at least once a year — update your Letter of Intent and Letter of Last Instruction, modify legal documents as needed.
  12. Relax! You have done all that you can to make sure that the person will be well taken care of in the future.

In Life Planning as opposed to the traditional estate planning, we must look at all aspects of the person's future. . .



# Where Are You Today In The Life Planning Process?

## Planning Checklist

Imagine for a few minutes that you are no longer able to care for the person with the disability due to illness or death. Will the person enjoy the same comfortable standard of living that he or she now enjoys?

	Yes	No
<b>Do you have a written plan to let others know what you want in the future?</b>		
<b>Have you asked someone to serve as an advocate or guardian?</b>		
<b>Do you understand all of the government benefit programs that are available for basic care and supervision?</b>		
<b>Have you set aside any additional funds, so the person will have a comfortable life style?</b>		
<b>Have you prepared written instructions for the person's final arrangements?</b>		
<b>Do you and your spouse have current Wills which will exclude your child with a disability?</b>		
<b>Do you have a Special Needs Trust to manage current and future resources?</b>		
<b>Have you met with relatives and friends to let them know about your plan?</b>		
<b>Have you reviewed your plan in the last year?</b>		
<b>Do you feel that you have done everything possible for the person's future?</b>		

Unless you have answered "Yes" to all of the above, it's probably time to bring in a Life Planning Team.

---

# Special Needs Trust

The only reliable method of making sure that the inheritance actually reaches the person with a disability when he or she needs it is through the legal device known as a special needs trust (SNT). The SNT is developed to manage resources while maintaining the individual's eligibility for public assistance benefits.

This trust agreement for the benefit of a person with a disability allows for a fund to be created that will pay for items and services not covered by Medicaid and other government benefits. The trust should be set up by an attorney, and you may want to consult a financial planner for additional assistance. A trustee will be authorized to spend money on behalf of the individual with disabilities for supplemental purposes like recreational opportunities, vacations, personal items, Christmas and birthday gifts and so forth. It is essential that you consult with an attorney so that all of the implications of any changes in the interpretation of the law are clearly understood and communicated to you.

The Social Security Administration has publications entitled Understanding SSI that discuss special needs trusts and should be carefully reviewed.

## Funding a Special Needs Trust

For article regarding funding a trust for your son or daughter with a disability, please click here ([www.pacer.org/publications/possibilities/saving-for-your-childs-future-needs-part1.html](http://www.pacer.org/publications/possibilities/saving-for-your-childs-future-needs-part1.html))

---

# Checklist to Discuss with Attorney Before Drafting Trust

Prepared by Frank A. Varvaris  
4171 1st Ave. Southeast • Cedar Rapids, Iowa,  
54201 Phone: 319-366-3820  
Fax: 319-368-8016

- Has your attorney drafted Special Needs Trusts before?
- Do you feel comfortable placing your confidence for your child's financial future in him or her?
- Have you discussed the advantages of using an inter vivos Special Needs trust document versus a testamentary Trust?
- Talk about who will fund the Trust. Are there any other individuals, relatives, etc. that might leave money to your child?
- What protective measures can your attorney recommend to safeguard the Trust money if it was attached by state agencies?
- What wording will your attorney use to ensure that the Trust is NOT a resource, which would disqualify your child from receiving assistance?
- What wording will your attorney use to make certain that it is not an income stream, which might also disqualify your son or daughter from receiving assistance?
- Determine in advance, which family members or other interested parties will act as Trustees and manage the money in the Trust?
- Can your attorney explain how expenditures from the Trust might affect eligibility and the various ways to use the Trust for your child?
- Determine who will receive copies of the annual accounting, which shows the disbursements made on behalf of your child?
- Can your attorney suggest Advocacy provisions or any special wording to include third party monitoring of both the Trust and your Child's special needs?
- Who will eventually inherit the remaining money in the Trust when your child dies?
- Understand that the Trust should NEVER be funded with money that belongs to your child.
- How long will it take him or her to complete the initial draft of the Trust

The majority of information for this section was taken with permission from; Complete Guide to Special Education Transition Services, Roger Pierangelo & Rochelle Crane, 1997. The Center for Applied Research.

---

# Midwest Special Needs Trust

## Lifetime Care for Persons with Disabilities

The families of persons who are mentally and/or physically disabled have long been concerned about who will care for their loved ones when they are no longer able to do so. The state and federal governments provide basic services such as food, shelter and medical care, but it is the family who provides the “extras,” such as clothes, transportation, gifts, recreation, extra medical care, equipment, repairs, and other services not provided through government entitlements.

As families begin planning their estates, they quickly realize that any direct commitment to their loved one who is disabled may jeopardize their entitlements. Leaving money to a sibling or guardian to be used for their relative is not often possible or feasible. The question is, then, “What will happen when I am gone?”

## Solution

The Midwest Special Needs Trust offers a way for families to contribute to the care and quality of life for their loved ones without risking the loss of vital government funding, such as Medicaid and Supplemental Security Income.

The Trust accepts contributions from any donor (except the named beneficiary or his/her spouse, which is prohibited by federal law). These contributions, which may be made over a period of time, are pooled and invested, with separate accounts set up for each beneficiary. By pooling the donations, there should be a greater return on each investment and administrative costs are spread out among many donors.

The donor names the family member who is disabled and a Co-trustee who works with the

Trustees of the Trust to assist the beneficiary. Each year the Trustees, with the consent of the Co-trustee, determine how much income and principal of the Trust shall be used to provide benefits. (If the Trustees and the Co-trustee cannot reach a consensus, they may settle the disagreement by arbitration.)

## Charitable Trust

In addition to the Family Trust, a Charitable Trust has been established—the Charitable Trust is funded through contributions and is administered by the Family Trust Trustees. It is used to provide benefits to indigent persons who are disabled and whose families cannot afford to establish an individual trust.

## Board of Trustees

A Board of Trustees oversees the Family Trust and the Charitable Trust. It is made up of nine (9) members, appointed by the Governor with the advice and consent of the Senate. Their terms are three (3) years.

Six of the board members are people who have a family member with a disability and three of the board members are people with expertise in general business matters.

The Governor appoints family members from names submitted by the Missouri Advisory Council for Comprehensive Psychiatric Services and the Missouri Advisory Council on Mental Retardation and Developmental Disabilities.

## Withdrawal from the Trust

The Midwest Special Needs Trust sets out several circumstances under which the donor or the subsequent Co-trustee may withdraw from participation in the trust.

---

**1. The donor during his/her lifetime may withdraw**

A. If no benefits have been received by the beneficiary, 100 percent of the total contributions then held may be withdrawn. Any undistributed income will go to the Charitable Trust.

B. If benefits have been received, 90 percent of the total contributions then held may be withdrawn. The remaining 10 percent and any undistributed income will go to the Charitable Trust.

**2. After the death of the donor, the Co-trustee may withdraw from the Trust.**

A. If benefits have not been received or benefits have been received for less than five (5) years, 90 percent of the total contributions then held may be withdrawn. The remaining 10 percent plus any undistributed income will go to the Charitable Trust.

B. If benefits have been received for more than five (5) years, 75 percent of the total contributions then held may be withdrawn. The remaining 25 percent plus any undistributed income will go to the Charitable Trust.

In both of the above cases, the amount withdrawn shall be placed in a Successor Trust which will continue to provide for the beneficiary. After the death of the beneficiary, the remainder of the Successor Trust shall be distributed as the donor shall have designated.

**3. Upon the death of the beneficiary who had not received any benefits, 100 percent of the total contributions then held will be distributed to the designated heirs, and any undistributed income will go the Charitable Trust. If the beneficiary had been receiving benefits, 75 percent of the total**

**contributions then held will go to the designated heirs. The remaining 25 percent plus any undistributed income will go to the Charitable Trust.**

## Midwest Special Needs Trust\*

The Missouri Family Trust Charitable Trust (MFTCT) announces the availability of a new grant mechanism to provide financial assistance for individuals with disabilities. The new grant is designed to meet urgent medical and health care needs of individuals with disabilities.

- These grants are only available for medical and health care needs so urgent that it is not feasible to apply through the usual Charitable Trust quarterly grant process.
- The turn around time between application and award will be approximately 2 weeks.
- Application deadlines for each two week review period are 4:30 p.m.: 1st Friday of the month and 3rd Friday of the month.

Applications will be accepted immediately and awards distributed as money becomes available.

To obtain a copy of the application, please click here

<http://www.midwestspecialneedstrust.org/charProgGrants/pdf/charitableTrustApplication.pdf>

# Letter of Last Instruction

## What is the Letter of Last Instruction?

The letter of last instruction is somewhat similar to the letter of intent. This is a letter written by you outlining to your family, friends or attorney what to do immediately upon your death. It contains information that may need attention between the time you die and the reading of your letter of intent and your will. It is recommended that because this letter includes matters, which need immediate attention, you should draft a separate letter of instruction and a letter of intent.

Suggestions to be included in your letter are:

- Who should tell your son or daughter of your death and if they should attend the funeral.
- Who should care for your son or daughter immediately after your death, until letter of intent can be read. If they do not live with you include the addresses and phone number of where he or she lives.
- Your desired funeral arrangements (e.g., cost, location). If your funeral is prearranged list all of the necessary information.
- People to notify of your death and funeral along with names addresses and phone numbers
- Names of organizations or specific causes you would like to be listed for donations.
- Location of your important documents, especially your will and other important papers. Include names of people who may need to access to these documents. If they are in a safe deposit box list all of the necessary information so they may access these papers.

- Other last instructions you may have before the reading of the will or letter of intent.
  - Name and address of your attorney whom you wish to handle your legal affairs.
  - Once written have your attorney review your letter to make sure it does not contain information contrary to your other wishes.
  - Leave a copy of this letter with several family members and your attorney. Write on the envelope it is to be read immediately upon your death.
  - Sign the letter, however since it is not a legally binding it does not need to be notarized
-

# Example Letter of Last Instruction

March 3, 2009

Dear Remaining family and friends,

If you are reading this letter, you are following my instructions and reading this immediately after my death. I hope that my passing was in a timely fashion and that those left behind do not overly grieve my being gone.

Please place an obituary in the local newspaper so that those who wish to can attend my funeral. I have also attached to this letter the names, addresses and telephone numbers of several out-of-town friends who I would like immediately notified of my death and the funeral arrangements.

I am concerned about the welfare of my two daughters. However, I am secure that the provisions made in my will are sufficient to care for them. My oldest daughter, Kate Smith is married and lives in Chicago. Her address and telephone number is attached to this letter. Of immediate concern is my daughter, Mary, who has mental retardation and, as of this date still lives with me, her only living parent. I have left information about Mary's care in a letter of intent, which is with my will.

I would like for Kate to tell Mary of my death. I have also arranged with Kate that Mary stay with her in the first few days after my death, and until the living arrangement which Mary and I agreed is best, can be completed. This is described in detail in my letter of intent.

I have pre-arranged and paid for my funeral which I would prefer Mary not attend. I would desire that no other arrangements be made and that anyone wishing to leave a donation/memorial make a donation to Mary's living fund or ARC.

My will and letter of intent and other important papers are with my attorney, Ellen Jones, of the law firm Jones, Smith and Brown of Greenville Ark. I desire that she handle all legal matter concerning my will and distribution of my estate.

Sincerely,

Joan Doan

---

# Letter of Intent

## What is the Letter of Intent?

Simply put the letter of intent is a document written by you (the parents or guardian) or other family members that describes your son's or daughter's history, his or her current status, and what you hope for your child in the future. You would be wise to write this letter today and add to it as the years go by, updating it when information about your son or daughter changes. To the maximum extent possible, it is also a good idea to involve your child in the writing of this letter, so that the letter truly represents your child.

The letter is then ready at any moment to be used by all the individuals who will be involved in caring for your son or daughter should you become ill or disabled yourself, or when you die. Even though the letter of intent is not a legal document, the courts and others can rely upon the letter for guidance in understanding your son or daughter, and following your wishes. In this way, you can continue to speak out on behalf of your son or daughter, providing insight and knowledge about his or her own best possible care.

## Important Points to Remember When Writing The Letter of Intent

- Involve your son or daughter as much as possible when writing this letter. You as a parent are the best judge as to how much your son or daughter can be involved in the writing of this letter.
- Involve all other individuals, brothers, sisters, church members or other relatives who are critical to the care of your son or daughter with a disability.
- The contents of your letter should reflect your expectations. Future circumstances may make it difficult for others to carry out strict demands for your son or daughter with a

disability. You must trust that those carrying out your plan will try to adhere to your expectations.

- You should gear the preferences in the letter toward enhancing your son or daughter's independence and growth. Your requests should not be for the convenience of other family member or service providers.
  - The letter should be written in non-technical terms/language by the parents. It should reflect your heartfelt desires for your son or daughter.
  - A letter of intent is not a legally binding like a will. However, its contents should not contradict your other legal documents.
  - It is of the utmost importance that you periodically update this letter as well as your letter of last instruction as circumstances may change. Be sure it still reflects not only your expectations, but also the preferences of other family members but most importantly the preferences of your son or daughter with a disability. Age and changes in other circumstances may significantly alter what you want in the letter.
  - Choose one special day each year to update the letter. For example: Your son or daughter's birthday, or the last day of school etc.
  - Put the letter in an easily accessible place and clearly mark it.
-

## What to include in the Letter of Intent

- The individual's full name, date of birth, place of birth and Social Security Number.
- The type of living arrangement your son or daughter with a disability and you expect when your home is no longer an option.
- The location of the living arrangement along with the qualities for example: non smoking, adhere to certain religion, 24 hour care etc.
- The type of day program, school, or employment preference of the individual.
- Any arrangements with a corporate guardianship or cooperative master trust program for your son or daughter's continued care. Include the program's name and location plus any special instructions for this program. The type of needed services your son or daughter might require such as, therapies, medical interventions that are needed or may be needed in the future.
- Routine medical care (regular check ups annual eye exams) and the names and locations of preferred medical professionals. Include any health insurance that should be maintained.
- Grooming and hygiene preferences (types of clothes, hair style, preferred toiletries etc.) Personal habits important for others to know.
- Likes and dislikes of food, chores, and other areas.
- Favorite personal items such as furniture, radio, dvd player.
- Regular routines in the person's schedule.
- Abilities in reading, writing, communicating and understanding what others may tell him or her. Also include their ability to handle money. If your son or daughter does not use verbal communication, note how they communicate desires, replies or wants to others.
- Friends and close relatives, how often they like to see these individuals, as well as their phone numbers and addresses.
- Favorite activities for recreation and leisure and how often they like participate in these activities.
- Your son or daughters religious preference along with the location of their preference.
- Level of independence in getting around the community (e.g. ability to ride public transportation, independence in shopping).
- Any significant history or other information, which may be important for someone else to know.
- Government benefits the person may receive or eligible for.
- Agencies that relative, trustees and guardians should contact for advice and help.

Again, this letter is not legally binding. However, you should have your attorney review it to be sure it does not contradict your other wishes or documents. Keep a copy of this for yourself and with your will and other legal documents. It would also be a good idea to distribute a copy to relatives or friends who may be responsible for making decisions about your son or daughter after your death.

---

# Sample Letter Of Intent

Dear Remaining Family and Friends,

This letter is to relay our hopes for the future care and welfare of our son, John Jacob Jones born 2/3/80. His social security number is 234-987-6442. Although we understand that every expectation may not be able to be carried out we hope that those who will be responsible for him will support him in a manner that will allow him to be happy, and independent as possible in all of the areas of his life.

We ask that he be allowed to live in the arrangement that best fit his needs and wants but also keep him safe, and healthy. John is most comfortable in his own community, in a house with no more than 2 roommates as well as a live in to help run the household and to be sure his is safe and secure. He enjoys gardening and contributing to the up keep of the house.

John requires a guardian to be sure his assets and medical needs are met; therefore he will oversee his monetary and medical needs. This has already been arranged with his brother Joseph Jones and the paperwork has already been completed. These are the only areas where John requires a guardian. We have also set up a trust through the Midwest Family Trust Program and Joe is familiar with all that is involved in this program as well. Should there be any concerns our attorney Susan Smith will be familiar with all of our needs and wishes that are listed in our will.

We would prefer that John be allowed to stay in his present work position at Midwest County Workshop and Sam's Grocery. He works at the workshop 2 days a week and at Sam's every Saturday from 8:00 am - 4:00 p.m. If he should desire to change jobs please contact the Division of Vocational Rehabilitation Office on James parkway. His counselor is Mary Sacks. He enjoyed working with Life Employment Agency and may require their job coaching services until he is comfortable in a new job.

John is currently in good health and has no major medical concerns. Should any arise his brother Joe will take him to see Dr. Martin Kane. He is John's general practitioner and a very close family friend. All of his medical records are located at his office. He also needs dental care every other month. His dentist is Dr. Sara Jakes.

John is capable and prefers to care for all of his own personal needs such as grooming, hygiene and choosing his own attire. He has a tendency to overdress in warm weather. He likes wearing nice pants, a shirt and tie when he is at the grocery job. He will only wear jeans when he is at the workshop job or working in the yard or around the house. He likes to wear more casual dress clothes any other time. His favorite colors are blue and gray in slacks and he prefers white or blue button down collared shirts. He does a good job of choosing his own ties. Since he has difficulty tying ties he usually purchases clip on ties whenever possible.

---

John does not have any food allergies however; he does not always want to eat a well-rounded meal. Vegetables are an area that he often chooses not to include in his diet. He does like salad, green beans and corn; however, it is a challenge to get him to eat any other vegetable. Please be sure he gets a multi-vitamin to help in this area. His favorite food is any type of beef. He also likes potatoes fixed any style and of course loves snack foods. Any flavor of ice cream is his favorite. Please watch this area when shopping, as he often will choose too many snack foods. He enjoys assisting with the grocery shopping and planning meals for the week. As stated above he will need assistance to be sure he has well balanced meals.

John uses a set schedule to go to the workshop and the grocery store. He knows the times of the busses and how to make a transfer. If anything changes in his residence or job location he will need assistance getting back and forth until he learns the route. Life Employment Agency will assist him in this task when appropriate.

One of Jon's favorite activities is attending the local high school sports events. The school is within walking distance of our home. John likes to attend all of the events year round. He has made many friends there and we would like him to be able to continue with these activities. The school Activities Director sends him a yearlong pass that is good for all events. If personnel should change at school please be sure John has a pass so he may continue attending events. John also enjoys going to movies with his friend Stan. They are able to take the bus to and from the local cinema. However they do need assistance with reading the movie schedules. He can handle small amounts of money but will need assistance with amounts over \$10.00.

John makes friends easily and enjoys being around others. He is especially close to his brother Joe and his sister Samantha. Joe will make sure that he has the opportunity to see them as often as he wishes. John is familiar with how to get to their homes using the bus however, they will often come and get him and then make sure he gets home.

After our deaths, we would like for John to have the option of visiting our graves when or if he chooses. Joe will take care of this need. We have also purchased a pre-arranged funeral for John when the time arrives. This is all on file with our attorney.

If there are any questions about these wishes our attorney Susan Smith may be contacted. She will also make sure that our will is enforced and that in

---

case of an emergency she will be responsible for making decisions that involve John's care.

Respectfully

Marianne Jones

Steven Jones