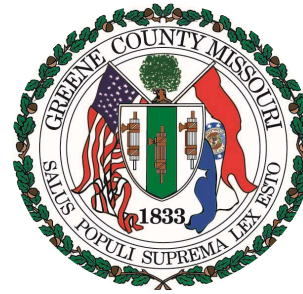




28 July 2023



# PUBLIC ADMINISTRATOR

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# PUBLIC ADMINISTRATOR

## Duties of the Public Administrator

Public Administrators are an elected county official to serve primarily on four types of cases:

- 1 *Guardian and/or conservator for mentally disabled persons*
- 2 *Personal representative of decedent estates*
- 3 *Conservator of minor estates.*
- 4 *Trustee of trusts.*

The majority of appointments in any public administrator's office will be as guardian/conservator for mentally disabled persons.



**SHERRI MARTIN,**

*Greene County  
Public Administrator*



## PUBLIC ADMINISTRATOR

# What do Guardian and Conservator mean?



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### — A guardian

is a person appointed by the Probate Court to have the custody of an incapacitated or disabled person, 18 years or older.

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### — A conservator

is a person or corporation appointed by the Probate Court to care for, have custody of the property, and oversee the financial affairs of a minor or a person with a disability.

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### — A limited guardian and/or conservator

is a person whose duties and powers are limited by the court. Limitations are listed on the judgment of incapacity and/or disability.

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### — A trustee

is a person whose duties and powers are limited by the court trust documents.

# Greene County Case Load Statistics:



- The Public Administrator's Office acts as Guardian and/or Conservator for approximately 1069 cases in the State of Missouri. 85% of the wards under Greene County have mental illness.
- The court requires guardians to see their wards at least once a year. An annual status report is filed every year. This is an update for the court noting place of residence, medical updates, treatment plan, etc.
- The Public Administrator or Deputies must be on-call 24 hours a day, seven days a week; therefore, these employees are deputized by the probate court at the request of the Public Administrator to perform such duties in their place.





# Caseload Management: Deputies

There are five Social Services Deputies, three Financial Deputies, and one Senior Administrative Deputy.

## **Social Services deputies**

are assigned to guardianship cases. They handle healthcare, placement, legal matters, paperwork and make decisions on behalf of the individual.

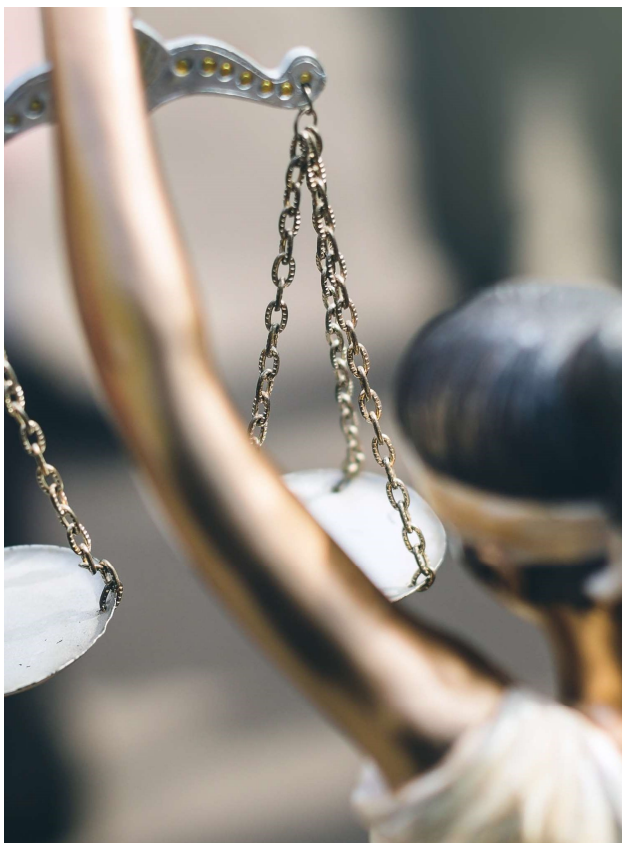
## **Financial Deputies**

are assigned to guardianship cases in which we also serve as payee or conservator. They handle bank accounts, investments, care bills, benefits including Family Support Division & Social Security, etc.

## **The Senior Administrative Deputy**

is exclusively assigned to conservatorships (adults & minors), trusts, and decedent estates. The duties resemble other financial deputies, however they vary based on the case.

# Process of Guardianship



The guardianship process begins when an interested person files a petition with the Probate Division of the Circuit Court. This can be a hospital, family member/friend, DMH, or Health and Senior Services.



The Probate Court judge will appoint a Guardian ad litem attorney to represent the respondent.



Medical evidence must be provided to demonstrate why the individual needs a guardian and/or a conservator and to what degree that person is incapacitated or disabled.



The judge will decide whether the respondent needs a guardian and/or conservator. Sometimes a limited medical guardian will be appointed.



Guardianship can be revoked or transferred to other individuals or Public Administrators. Family and friends are able to serve as guardian/conservator so long as they have no history of felonies and deemed the most suitable option by the commissioner.



Revocation refers only to the Guardian powers being revoked, not the guardianship being dispensed. This can occur when a current guardian/conservator does not file proper paperwork within a timely manner and not attend the status hearing. Or they're deemed no longer suitable by the court.



There are only two ways to dissolve the of guardianship: restoration or death. Restoration requires a letter from a doctor stating they are able to handle their own affairs and doing well enough to no longer need a guardian. The Public Administrator office can contest or agree, but again it's ultimately up to the Commissioner of the probate court.





# Intake Process

New wards live in a wide variety of placements upon appointment. The most common placement is the hospital. Other placements include homelessness, jail, Independent Supported Living (ISL), live out, and nursing homes.

One social services deputy is designated specifically to intake. If individual is in the hospital, jail, or homeless; they work with team members to find the most appropriate placement.

Financial deputies are responsible for applying for social security and/or Medicaid if an individual qualifies. This may or may not include pensions depending on the individual. The guardian is not personally financially responsible for the individual's care. It is solely dependent on that individual's benefits.







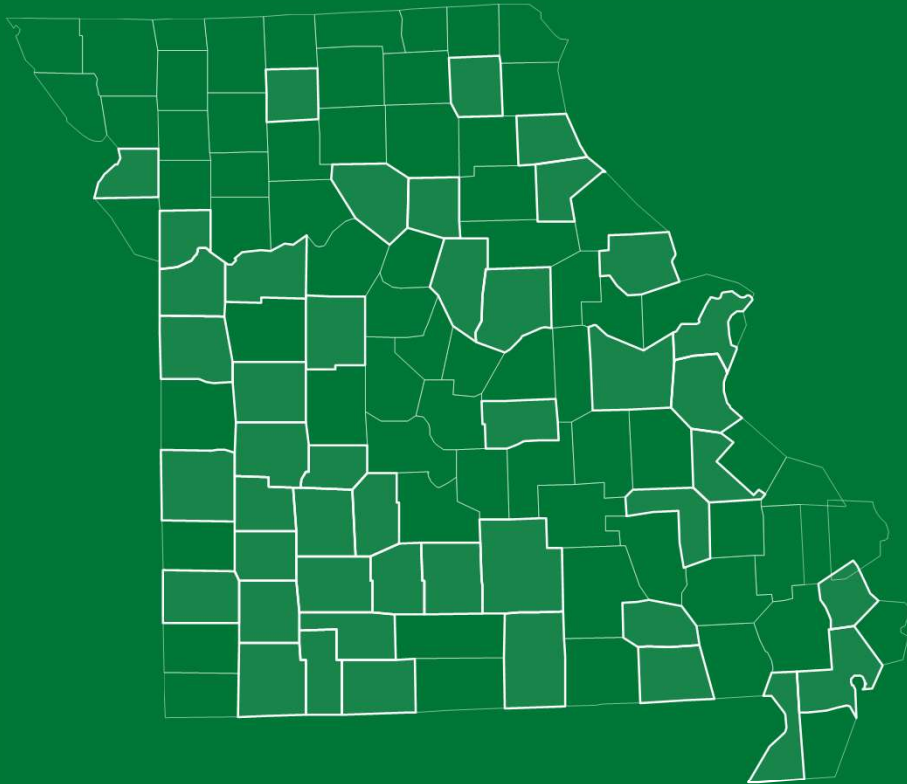
If we are appointed as conservator, the financial deputies have to acquire the assets for the estate. Personal and Real estate property must be secured and added to the Inventory & Appraisalment. This legal document lists assets and is required to be filed with the court within 30 days of appointment.

Any assets such as real property or personal property require court orders to be sold.

Bank accounts are closed and investment accounts are transferred by the financial deputies to an estate account.



# Placement Information



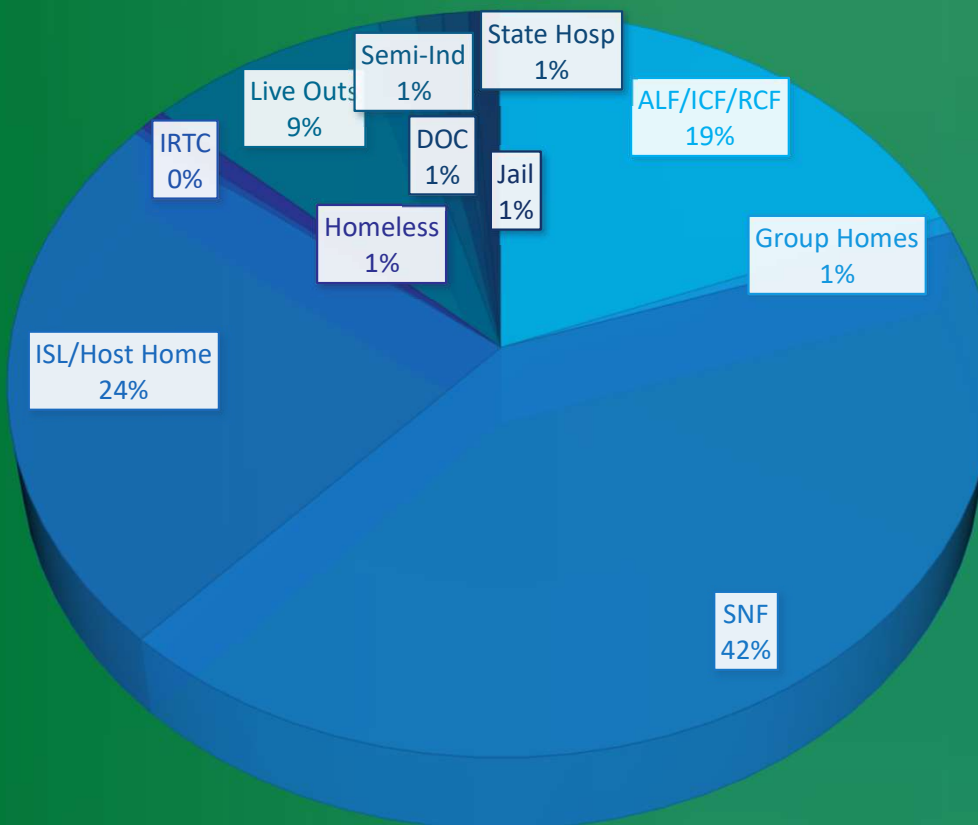
- The duties of the PA's Office involve at least 70 towns in Missouri, covering 36 counties.
- Placement options in the state of Missouri include: skilled nursing facilities, residential care facilities, assisted living facilities, ISLs, Host Homes, DMH group homes, apartment programs, and their own apartment. Wards can end up in state hospitals, rehabs, prisons, or living with family members—sometimes in other states.
- The Public Administrator office works closely with Department of Mental Health, service coordinators, Individualized Supported Living providers, Department of Health & Senior Services, nursing homes, hospitals, etc. all across the state.

# Greene County Placement Statistics:



- The three most common placements for wards are skilled nursing facilities, otherwise known as Level 2 facilities; ISLs; and residential care facilities.
- Per RSMo 475.120, we responsible for finding the least restrictive environment suitable to meet the person's needs.
- Wards are frequently moving from placements either within the categories and sometimes across categories, i.e. nursing home to ISL, or live out to residential care facility.
- A small percentage of live outs live with family members due to not having resources and/or being kicked out of previous placements.

PLACEMENT PERCENTAGES

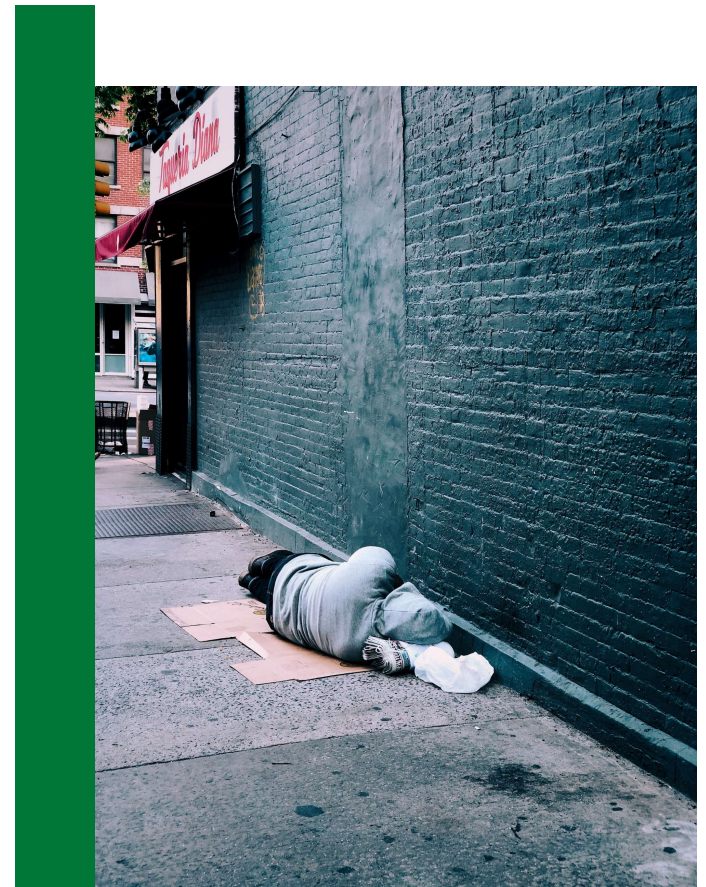


# Placement Difficulties

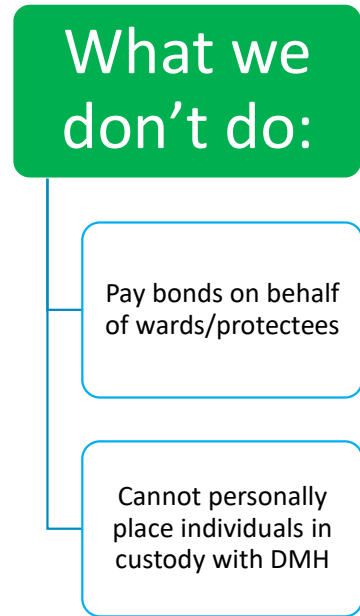
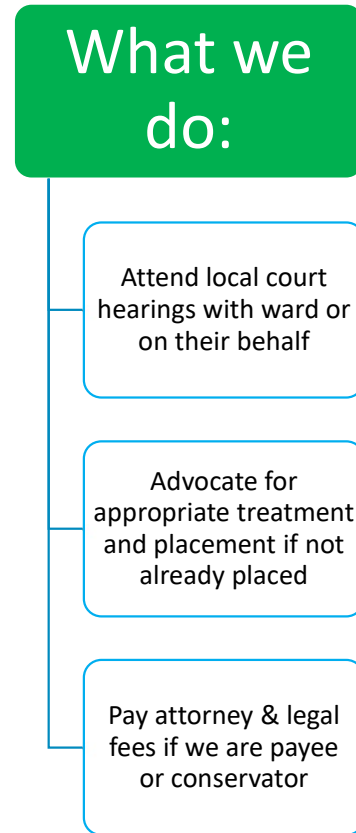
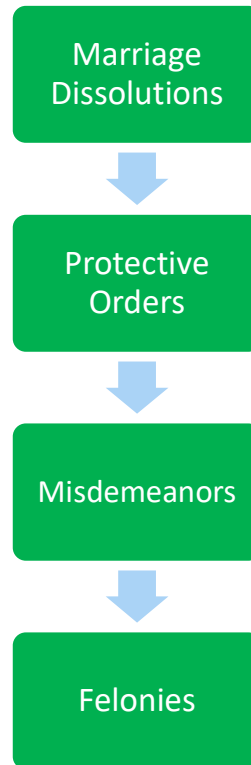
According to the 2020 Missouri Public Administrator Report, finding available and appropriate placement options is the largest obstacle guardians face. And multiple agencies in Missouri agree.

There is a lack of placement options for wards across the board—those with mental illness and/or developmental disabilities. This is especially evident with “aggressive” wards. This can result in homelessness.

Ultimately, Public Administrators utilize the resources in their community and advocate for necessary services.



# Encounters with the Legal System

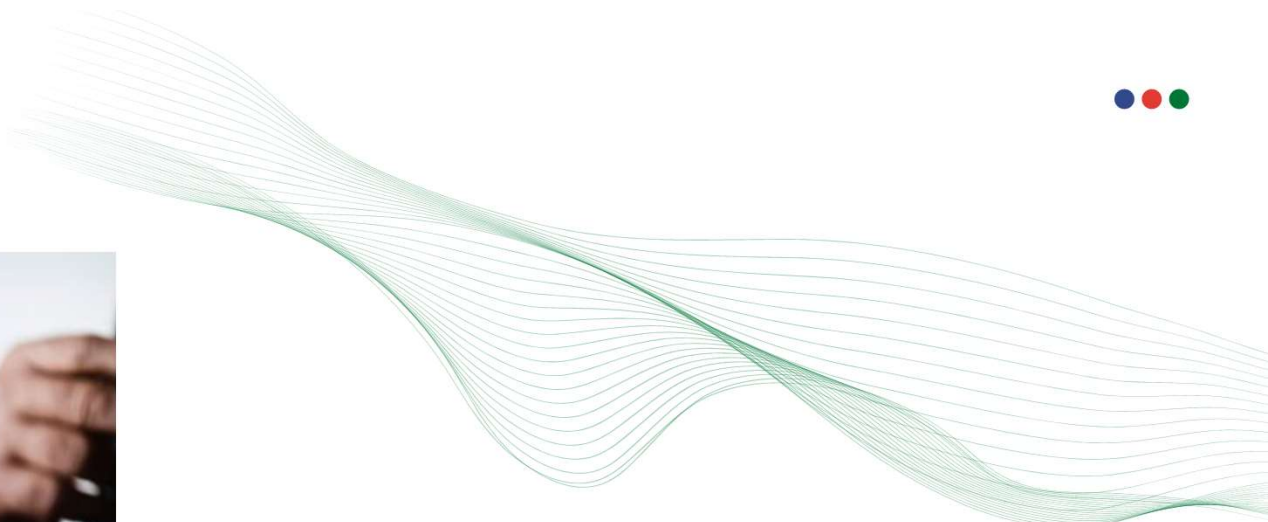


**Our ultimate goal is to advocate and**

A stylized illustration of a woman with long black hair, wearing a maroon long-sleeved shirt. She is holding a wooden signpost that supports a white rectangular sign with rounded corners. The sign has the word "ADVOCACY" written on it in bold, black, uppercase letters. The background is a light beige color with a subtle geometric pattern of overlapping triangles.

**ADVOCACY**

**ensure that needs are being met.**



## Decedent Estates

A portion of the case load will include deceased estates where Public Administrator has been appointed to serve as personal representative.

# Minor Estates

When a minor receives a large sum of money (typically a settlement) or a previous custodian is not conserving the funds properly. The Public Administrator office may be appointed as conservator.

These funds are put into an estate account to until the minor has reached majority at 18 years old. When this occurs, final settlement is filed a receipt must be signed by the minor".







# Last Thoughts

Roughly half of our wards have little to no family involvement and no contact information to find family.

The Public Administrator office invites different groups and organizations to come in to educate our office about local resources that can benefit our wards.



**QUESTIONS? COMMENTS?**



# MAPA Conference April 2022