

# Practice Alert



## Successor Guardian

This Practice Alert is to remind staff of the policy surrounding successor guardianship. A successor guardian is the person(s) named as successor (s) in the guardianship agreement to assume guardianship in the event of the current legal guardian's death or incapacitation.

Subsequent guardianship subsidy payments may be offered to a successor if the guardian(s) dies or is determined incapacitated **and** the successor guardian has been named in the agreement and a new subsidy agreement is negotiated with the successor guardian prior to the guardianship being awarded to them. Without a successor named in the agreement or amendment, a child is not automatically eligible for guardianship assistance in a subsequent guardianship without returning to the legal custody of the Division prior to a subsequent guardianship being awarded. The named successor guardian(s) must be able to pass all background screenings as well as any home assessment requirements required by the court.

For a guardian to be considered disabled allowing for a subsequent guardianship the person must be permanently impaired by mental and/or physical disability or disease which prevents, interferes with, or limits their ability to fulfill their responsibilities as guardian of the child.

Documentation may be requested by Central Office to determine eligibility for the successor guardian subsidy agreement for the reason of disability.

The following will **NOT** be considered as eligible situations for negotiation of a successor guardianship subsidy agreement:

- The subsequent guardianship was awarded without CD knowledge and a subsidy agreement was not negotiated prior to the award of guardianship
- A guardian no longer wishes to care for the child and finds someone else to assume guardianship.
- The child is requesting someone else care for them.

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