

Is adult guardianship right for your special needs child?



You know your exceptional family member better than anyone.

Perhaps you believe that your special needs adult child or family member will not be capable or comfortable making important decisions about living arrangements, medical care, purchases, education, etc.

You can continue to make those decisions for your adult child by petitioning to be their **Guardian**.

A similar option exists for making financial decisions when your special needs family member comes to own substantial amounts of money or property. A

Conservator can make decisions for that person regarding accounting, spending, investing, purchasing, selling, and legal or economic representation.

For Questions and
Assistance, Please Contact

SCOTT AIR FORCE BASE

LEGAL OFFICE

375th AIR MOBILITY WING
OFFICE OF THE JUDGE ADVOCATE

PHONE: 1 (618) 256 3542

OR EMAIL 375AMW.JA-LEGALOFFICE@US.AF.MIL
AND INCLUDE YOUR DOD ID NUMBER

101 HERITAGE DR, 210, SCOTT AFB, IL 62225

We also provide:

Wills, Living Wills, and Powers of Attorney
Landlord-Tenant and Consumer Legal Advice

Family Law Advice

Civil Claim Processing

And More

To Qualifying Persons in Qualifying
Circumstances!

SCOTT AIR FORCE BASE

EXCEPTIONAL FAMILY MEMBER PROGRAM

FAMILY SUPPORT COORDINATOR

PHONE: 1 (618) 256 8668



U.S. AIR FORCE



BECOMING YOUR EXCEPTIONAL FAMILY MEMBER'S GUARDIAN or CONSERVATOR



375th AIR MOBILITY WING
OFFICE OF THE STAFF JUDGE ADVOCATE

Guardianship and conservatorship are governed by individual state law – you should research the relevant state laws and consider retaining an attorney while deciding or preparing to undergo the process.

Does my family member qualify to be appointed a guardian or conservator?

- A person is generally eligible to be appointed a guardian if a court finds them to be “incapacitated”
- An incapacitated person is unable to make decisions responsibly to meet their own basic needs
- For conservatorships, the incapacitated person typically has substantial economic assets

What are the typical steps of becoming appointed as a guardian or conservator?

- The person seeking guardianship files a petition at the local courthouse
- The court informs the incapacitated person and relevant family
- A hearing is held to determine incapacity; the incapacitated person is typically represented by an advocate
- The court grants or denies the appointment of a guardian/conservator

What are the typical requirements for guardians?

- Becoming a guardian means taking on a serious (but usually not permanent) responsibility to your exceptional family member
- You must be diligent and competent in making decisions and monitoring the actions of the family member

Will my exceptional family member be insured if I am their guardian?

Yes, if you are:

- Current active duty
- Retired
- Current and retired NG/Reserve*
- a Medal of Honor recipient

Adults you have guardianship over are considered dependent family members and are insured by TRICARE.**

You must ensure that the adult dependent is enrolled in the Defense Enrollment Eligibility Reporting System

If you have any questions about qualifying for coverage, please contact EFMP or TRICARE

*that qualify for family coverage

**with potential exceptions where the adult is not in your immediate family



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Helpful State Laws, MO and IL

Information Provided	MO Probate Code Ch. 475	IL Compiled Statutes, Ch. 755
Definitions and standards for disability/incapacity	§ 475.010	Sec. 11a-1-3
Where the guardianship petition should be filed	§ 475.035	Sec. 11a-7
List of required information to include on application	§ 475.060	Sec. 11a-8-9
General process for hearing on capacity	§ 475.075	Sec. 11a-10-11

Being appointed as a guardian or conservator is a LEGAL process

As such, nuances in state and federal law as well as military regulations are involved in your decision and in the process.

Feel free to reach out to the Judge Advocate office for help and to ask questions if you are thinking about or are already in the process of applying to be a guardian or conservator.

While the Judge Advocates cannot represent you in a guardianship hearing or related dispute, they can provide legal assistance and guidance. They can also point you to free or affordable legal services available to military community members.

The Exceptional Family Member Program (EFMP) is also here to help with guardianship matters or any issue involving your exceptional family member