

# missing people

Registered charity in England and Wales (1020419)  
and in Scotland (SC047419)



## Guardianship Guidance

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2020

## Introduction

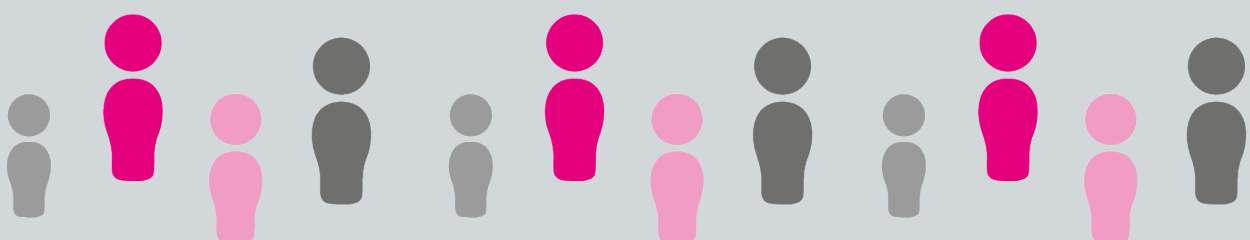
When someone is missing their family and friends often want to look after their affairs, acting on behalf of the missing person to look after their money, property, and other finances in their absence. The Guardianship (Missing Persons) Act 2017 allows people the opportunity to do that by becoming a guardian.

Guardians are expected to act in the missing person's best interests – protecting their finances and recording all of their decisions. Although it is important to note that they can spend the missing person's money on some of the costs involved in looking after the missing person's children and other dependents.

We hope this guidance will be useful in helping you to understand the process of applying to become a guardian, what you will need to do, and what being a guardian will be like. ***This is not legal guidance.*** We have only included the basics, and if your loved one's finances are quite complicated the information you need might not be covered here. You can find much more information in the Guardianship [Code of Practice](#).

Being a guardian is a big responsibility. Applications will have to be made to the High Court and Guardians will be supervised by the Office of the Public Guardian (OPG) if they are appointed. The process is quite complicated and is likely to take a few months, which could be stressful if you don't have legal experience. It may be easiest to instruct a solicitor to help you with your guardianship application. However, hiring a solicitor is likely to cost money that may need to be paid upfront, as well as court fees, although it's likely that if a guardianship order is made, these fees will be payable from the missing person's funds. There will also be ongoing administration fees (also payable from the missing person's funds) to pay to the OPG during the time you are guardian.

Whether you decide to employ a solicitor or not, we hope this guidance will be useful to you.



## Guardianship overview

Guardians of the property and financial affairs of missing persons are appointed by the High Court through the granting of guardianship orders.

This order will allow the guardian to “stand in the shoes” of their missing loved one for financial and property matters.

Individuals aged 18 and over can be appointed as guardians. A proposed guardian must show they have sufficient interest in the missing person’s life (what counts as sufficient interest is detailed in the conditions section below), and must be able to show that they have the required skills to take on the responsibility.

Two or more people can be appointed as guardians in relation to one missing person. This might be two people looking after the same matters and working equally on all of them, in which case they would have to act unanimously; or the court could appoint one person to look after some things (like the missing person’s business), and another to look after others (like the missing person’s home and personal savings).

When a loved one is missing families and friends can consider applying either for guardianship, which will allow them to temporarily look after their missing person's affairs; or for a certificate of presumed death, which is a more final process and allows the normal processes when a person dies to be implemented. You may want to take some time to consider what is right for you based on your and your missing person's situation.

## Conditions that have to be met if you want to apply for guardianship

### The Guardianship (Missing Persons) Act only applies to England and Wales.

Guardianship applications will only be considered if:

1. The missing person was domiciled in England or Wales before they disappeared. This means that they lived there or it is the place where they feel the most permanent connection.
2. The applicant is the spouse or civil partner of the missing person and they have been living in England or Wales or are domiciled there. (This means that if the missing person didn’t live in England or Wales but their spouse or civil partner did then they can still apply. You don’t have to be a spouse or civil partner to apply for guardianship, however, you might not be able to if you’re not and the missing person didn’t live in England or Wales).

### The court will hear the case when it is satisfied that:

- The missing person is genuinely missing and has been for at least 90 days (unless there is an emergency in which case you *might* be able to apply earlier).
- The appointment of a guardian is in the missing person’s best interests.

- There is a suitable person who could be appointed a guardian.

### To be considered as having sufficient interest and being an appropriate candidate, the proposed guardian:

- Must be over the age of 18 and agree to act as guardian.
- Must be able to show that they are responsible and have the skills to look after someone’s finances.
- Must be able to satisfy the court there would not be any conflict of interest in managing the missing person’s affairs as well as their own.
- Must be able to demonstrate that they have a sufficient interest in the property and financial affairs of the missing person. The criteria for ‘sufficient interest’ will depend upon the specific circumstances of the application.
  - There are some people, such as immediate family, who are automatically deemed to have sufficient interest. Others, such as partners, housemates and close friends, must prove their interest to the court.

## Role of guardians

A guardian is appointed as an agent of a missing person, and to manage their property and financial affairs while they are gone.

A person's affairs include many kinds of assets and liabilities such as: land; property; possessions; loans; bank accounts; mortgages; many types of payments; debts and investments.

The interests of third parties, such as co-owners of a property, are not affected by the appointment of a guardian.

### Supervision by the Office of the Public Guardian (OPG)

The OPG receives a copy of all guardianship orders made by the court, which forms the basis for entering guardians onto a register.

Once the OPG has received a copy of the order they are then responsible for supervising the guardian: making sure that they comply with the terms of the order; that they don't abuse their position; ensuring that they act in the best interests of the missing person; and giving general guidance about guardianships and signposting to other organisations who may be of assistance.

Guardians will have to report to the OPG on what they have been doing. They are expected to keep, and periodically submit, accounts of their dealings and transactions on the person's behalf. Records should include details of income and expenditure, any big decisions, the people consulted before taking decisions, and any professional advice taken. It is likely that these reports will be expected annually but this may vary on a case by case basis.

Guardians must notify the OPG if there are changes to their address or contact details, or if there are any changes in theirs or the missing person's circumstances.

### Keeping records

**It is really important that guardians keep records of the money they have spent, decisions they have made, and why they made those decisions. We would recommend keeping notes from the very beginning.**



### Acting in best interests

To act in the best interests of the missing person, a guardian should consider a variety of factors including: wishes and feeling expressed by the missing person at any time; beliefs that would likely influence the missing person; the consequences of a proposed action; resources available and the views of anyone else with a relevant interest in the missing person's property and financial affairs. Any decisions taken must be done with the missing person in mind and should not be influenced by the personal opinions or sympathies of the guardian if their viewpoint was different from the missing person's.

Guardians must be able to explain to the OPG how they considered all of these things when making any big decisions. They will need to report who they spoke and did not speak to when working out someone's best interest. If a close family member was not consulted, the guardian must be able to explain why. When the guardianship order is first granted and the guardian is getting set-up with the OPG they will be asked to complete almost an 'inventory' of the affairs they'll be managing, this will include talking through the types of decisions they're likely to be making – this should mean that the guardian can talk about concerns right from the beginning and won't be on their own in working out what they need to do.

Because the missing person's best interests may change over time, these should be regularly reviewed by the guardian.

If a guardian is unsure about how to act in a certain circumstance, they can seek advice from organisations such as citizens advice or professionals such as financial advisers or a lawyer. They can also seek guidance from the OPG or apply to the court for directions. In most circumstances this won't be necessary, as long as the guardian keeps a log of how decisions were made.

While the guardian is entitled to seek advice, they may not give decision-making responsibilities to anyone else, unless authorised by the court to do so.

Guardians must take decisions after considering all circumstances, including the extent to which the missing person's assets should be preserved for the future. This might mean that acting in the missing person's best interests means balancing immediate needs with saving or investing some money for the long term.

### So what might you think about when considering best interest?



**Firstly, you need to think about what will best protect their money and property so it's there when they return, but that's not the only important aspect. Think about what is important to them; what they would have wanted their money invested in; what property or items they cared about most and whether that can be protected more than other things.**

**You can look at what they did in the past, the views they shared in person or on social media and ask what the other people they knew think.**

#### Looking after dependents

If the missing person has children or other people depending on them financially, the guardian should be able to continue to support them. This will not mean taking on any parental responsibility or making decisions about their welfare, just ensuring there is financial support for them from the missing person's affairs. It is likely that when someone goes missing for more than 90 days they will no longer be earning an income, so the guardian may not be able to provide the same amount as the missing person would have. However, they can think through what is reasonable and what is in the missing person's best interests (taking into account the fact that many people would consider the welfare of their dependents as part of their best interests.)

When a guardian is considering what would be appropriate to pay for another's maintenance they can consider what the missing person would be likely to have done or would have wanted done. For example, if prior to them going missing they had been paying for their child to attend private school or to receive private medical treatment, then it is likely they would have wanted this to continue. In some situations the payments may have to be stopped if the missing person's finances can't sustain them, however, the option to continue if appropriate should be available.

This should not just be limited to payments that are already being made. For example, if a dependent became ill after the person went missing, and the guardian considers the missing person's finances, previously expressed opinions and desires, and decides that they would want to pay for private medical care or additional support, this should be allowed within the understanding of best interests.

Some guardians may be able to draw on the assets of the missing person for their own living expenses, if they can evidence that they were financially dependent on the missing person, but they must still be able to show that this is in the best interests of the missing person. There is more information about this in the [Code of Practice](#) (sections 4.61 and 5.43).

Acting in someone's best interests whilst also supporting others is a complex concept. Whenever possible try to include an explanation of any needs of dependents when making the original application to become a guardian so the court can include any powers to make these payments explicitly in the guardianship order.

Every case is different and what you can pay for out of the missing person's money will depend on the specific circumstances. These are all examples of how we expect the courts to respond but we cannot confirm in this guidance what will be happen in every case.

#### Personal gains and conflicts of interest

Guardians cannot profit personally from their appointment unless authorised to do so by the terms of their appointment.

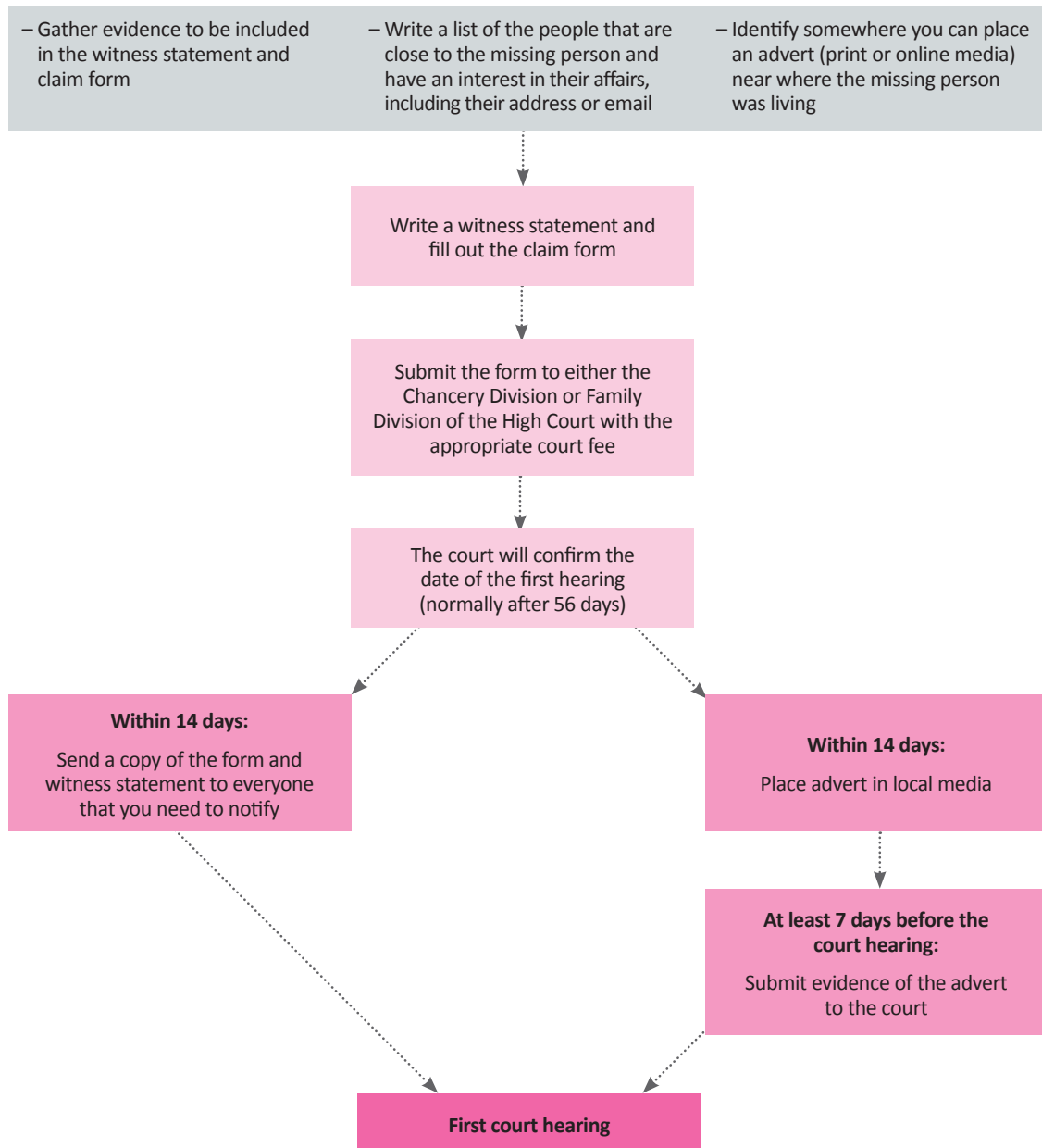
The missing person's money and property should be kept separate from those of the guardian.

#### Gifts

Guardians can only give gifts using the missing person's money when the guardianship order says that they can. It is possible for guardians to make gifts in lots of circumstances if the permission is given within their order, and if it's in the missing person's best interests. You just need to be clear when you are making the original application, and when you make decisions about what you're giving. More information is on pages 47-50 of the [Code of Practice](#).

# Making an application

## Application process



In some cases, the order may be granted at the first hearing and this will be the end of the application process. If the case is complicated, for example if too little evidence has been included, or if someone challenges the guardianship application, there may be further stages following the first

hearing. In these cases, the judge may instruct the applicant to take further steps and then come back for another hearing.

Once the order is granted you will then receive your sealed copy of the order (which has the court stamp on it) shortly after the hearing.

## Claim form

Applications for guardianship orders must be made using a 'Part 8' court claim form, which can be found at: [www.gov.uk/government/publications/form-n208-claim-form-cpr-part-8](http://www.gov.uk/government/publications/form-n208-claim-form-cpr-part-8). The claim form should be filled out in clear, brief language. You may even want to use bullet points to address each section.

### Information to include in the claim form:

*On this court form the person who is applying to become a guardian should be named as the 'claimant'. The missing person should be named as the 'defendant'. It must include:*

- The claimant's name and address.
- Their relationship to the missing person.
- If they are not the missing person's spouse, civil partner, parent, child or sibling, then you will need to include details of their connection to the missing person and why they have sufficient interest to apply.
- Name and last known address of the missing person, and when and for how long they have been missing.
- Details of the terms of the order sought. This basically means the specific things that you want in the order, like the length of time you will need it for (maximum four years) and what parts of the missing person's finances you are expecting to look after. It is important to include any big decisions you know you would need to take here. For example, include that you would need to sell the house if that is the case, if you don't you might have to go back to court to get permission to do this later. Also include any information about whether you would need to be providing for the missing person's dependents and what this would look like.
- If you are making an application before 90 days have passed since your person went missing, you will need to explain why on this form. The court will only allow you to do this if you can show the need is very urgent.



### Witness statement

You will also need to include a witness statement with the application which should give all the information necessary to show that the person is missing, that the guardian is suitable and needed, and any evidence that will show the court that they should grant a guardianship order.

The witness statement should have much more detail than the claim form. It is helpful to number the pages and each paragraph, and give a heading to each section so the judge can easily see the information they need.

### Information to include in the witness statement:

- Reasons why the court has jurisdiction to hear the claim under the Act (show that the missing person has been living in England or Wales for the last 12 months, or if not that their spouse or civil partner has. You will need to include evidence of this).
- Personal details of the missing person (for example, age, sex, any changes of name, alternative names, date of birth, occupation, usual address, National Insurance number, etc); to help satisfy the court of the person's identity.
- Information about them going missing:
  - Generally, the court will expect that the missing person has been reported as missing to the police, so include any police reference numbers and details where possible. This isn't an absolute rule but you will need to provide a strong explanation if this has not happened.
  - The missing person's usual day-to-day activities and when they went missing from them;
  - The missing person's usual place of residence and when they went missing from it;
  - Evidence that the missing person has been missing for at least 90 days: this evidence may include the date and circumstances of their disappearance and any indications of their whereabouts. If you are applying before the 90 day point you will need to give evidence as to why the situation is an emergency;
  - Reasons for the belief the missing person is alive; and
  - Any details on the date and circumstances of their disappearance and of any police investigation or report.
- Details of the property and financial affairs of the missing person with any evidence that you can give. It may be difficult to get information from any banks before a guardian has been appointed so the court should be understanding if this section is quite limited.
- Details of why a guardian is needed in the best interests of the missing person.
- Details of the people who will be given notice of the application and their relationship to the missing person. (Giving notice means them being informed that you are making the application, this should include anyone who is a close relation or important person in the missing person's life).
- Details of anyone who the claimant should give notice of the application to but can't and the reasons for this (e.g. if it would not be safe, possible or appropriate to contact them).
- Details of the proposed news media advertisement (you will have to advertise your application in a local newspaper. More information about this below).
- The name and address of the proposed guardian and evidence of their consent to be a guardian (if they are not the person filling out the application).
- Evidence of the suitability of the proposed guardian (anything that shows they are financially responsible and look after their own or other's affairs already).
- If the missing person had arranged an Enduring or Lasting Power of Attorney, or if a Deputy has been appointed under the Mental Capacity Act 2005, include the details and necessary documentary evidence.
- You should also use the witness statement to explain any potential conflicts of interest between the best interests of the missing person and your interests; and to agree your commitment to complying with the terms of being a guardian (that you will follow the rules, keep your money separate, and keep good accounts).
- There is more information about what needs to be included in the court's Practice Direction here: [www.justice.gov.uk/courts/procedure-rules/civil/rules/practice-direction-57c-proceedings-under-the-guardianship-missing-persons-act-2017](http://www.justice.gov.uk/courts/procedure-rules/civil/rules/practice-direction-57c-proceedings-under-the-guardianship-missing-persons-act-2017).





A sample of what the layout of a witness statement should be can be found [here](#).  
Although 'County Court' should be changed to High Court.

### What evidence can I include?

The amount of evidence and the matters on which it must be provided will vary from case to case, but every application will need some evidence that the missing person has been missing for at least 90 days; that the applicant has a right to apply and will inform other relevant people that they are doing so; and some information about the missing person and their affairs. It's essentially about the evidence being enough to satisfy a court a guardianship order is warranted.

#### Useful evidence about the person being missing might include:

- A statement from the police (this might just be in an email) to say that they have been searching for the missing person and they haven't been found.
- Any examples of publicity about the missing person, including anything from online or social media appeals.
- A statement from any family members, friends, a workplace or clubs that the missing person would normally attend saying that they have not seen them during the time since they went missing.

It is also important to provide evidence of the suitability of the proposed guardian, to show that they are financially responsible and can take on the duty of guardianship and do it well. To do this, the witness statement could contain:

- Whether the proposed guardian has a bank account;
- Whether they have ever been refused credit;
- Whether they have been convicted of a criminal offence;
- Whether they have any outstanding judgments debts;
- Whether they have ever been declared bankrupt or subject to a debt relief order;
- Whether any business the proposed guardian has been involved with has gone into administration;
- Whether they have ever been found to be involved with fraud.

Before applying, it is important for the applicant to do as much research about the missing person's life as they can. An application containing relevant facts and evidence is more likely to be successful.

#### Useful evidence about the missing person's affairs might include:

- An overview of the assets you know that they have (property, current accounts, savings accounts, car, investments, items of significant value) and any statements or documentation about these.
- Any information about their business if they own one
- Details of any debts or other liabilities supported by any documents you have available.

Missing People may be able to supply a statement as evidence if we have shared a missing appeal for your person.

**Tips for submitting evidence**

You may want to submit photocopies of some of the evidence if it's likely that you will need the real copies at a later date, for example bank statements, contracts, etc. For some other pieces of evidence you should submit the original, this would include statements from other people in the missing person's life who are supplying evidence for your case (for example another family member who is writing to say that they haven't seen the missing person since the date you have confirmed they went missing, building evidence that they are indeed missing).

In some cases these statements can simply be submitted as a letter. However, it is possible that a court will expect this in the format of a proper [witness statement](#).

[Any evidence you submit should be clearly numbered and referenced in the text of your witness statement. It's important that the judge can find anything that you're referring to quickly and easily.](#)

## Submitting an application

The completed claim form and witness statement must be sent to the court along with the court fee. The court will then list a first hearing for the claim, no earlier than 56 days after it was issued (unless they make a decision without needing a hearing).

### Which court do I apply to?

Applications for guardianship orders must be made to the Chancery Division or Family Division of the High Court. As we understand it, if there are very complicated finances with lots of different assets (savings accounts, investments, property, etc.) it might be best to apply to the Chancery Division. However, the Family Division option may be cheaper and if the court decides it would be best to go through the Chancery Division they will move the application over anyway.

### Costs

The fees for becoming a guardian might vary. At the moment it will cost:

A £528 application fee if you apply to the Chancery Division of the High Court

OR

A £245 application fee if you apply to the Family Division of the High Court

You also might have to pay a security bond.

There are other fees that you need to pay to the Office of the Public Guardian once you're appointed as guardian. These are detailed in a section below and more information can be found on this [website](#).

## After the claim form is issued

There are a few actions for claimants (the applicants) after they have sent the application and had the date of the first hearing confirmed:

1. **Within 14 days** → send a copy of the claim form and witness statement to the spouse or civil partner of the missing person, their children and siblings; and any other persons who have an interest in the claim (people who were close to the missing person). This information can be sent via letter or email.
2. **Within 14 days** → advertise the claim in at least one news outlet near the missing person's last known address. This may be a print or online newspaper.
3. **At least 7 days before the court hearing** file evidence in court proving that the claim was advertised. This can be a screenshot of a website or printed page.

You must 'serve notice' to other family members or people close to the missing person because they have a right to know that you are making a guardianship application. This means you need to send the claim form, witness statement, evidence, and the date of the first hearing. You should also include the sentence *"Any spouse, civil partner, parent, child or sibling of the missing person is entitled to intervene in the matter. Any other person having an interest may apply to the court for permission to intervene in the matter"* so that people know what they can do: if they disagree with you becoming guardian, or would like to do it with you, they can make an application to the court to intervene. More information about this is in the [Code of Practice](#). If it would not be safe for you to get in touch with one of the people you are supposed to serve notice to, you can explain this to the court in your application.

When you have served notice by sending all the documents to the people you need to inform, you will need to file a Certificate of Service form (Form N215) with the court to say you sent the paperwork and stating what method of sending was used for each person.. This has to be done before the hearing.

### Newspaper advert



**Applicants have to advertise the fact that they're making an application in a newspaper or online news site which is local to where the missing person last lived.**

**An example of what this should include is available at section 4.1 of these Practice Directions:**

<https://www.justice.gov.uk/courts/procedure-rules/civil/rules/practice-direction-57c-proceedings-under-the-guardianship-missing-persons-act-2017#4>

## Guardianship orders

### Length of an order

The maximum length of time a guardian can initially be appointed for is 4 years, but the actual length will vary depending on the case. Guardianship orders for a period of less than 4 years can be extended to the limit if needed by a further application process. It will be up to the court whether they allow this.

In principle, there is no limit on the number of times a guardian may be re-appointed providing the judge sees fit to grant a further term, but a fresh court application has to be made each time.

### Commencement of guardianship

The terms of the guardianship order will define when the guardianship will start, as it is decided on a case-by-case basis. It will usually not be before the security bond has been provided as directed by the Office of the Public Guardian.

Once you have been granted an order you will need to contact any companies that the missing person has accounts with and share a copy of the order so they know you have been authorised by the court and can start acting on their behalf. It's possible that some companies won't immediately recognise what a guardianship order is because the legislation is quite new. If this is the case direct them to the [Gov.UK website](https://www.gov.uk), or ask to speak to a more senior member of staff who may be able to help more.

### Variations in terms of guardianship orders

The court can vary the terms of a guardianship order during its term if there is a change of circumstances. Full details of these can be found on pages 57 and 58 of the code of practice (in the section titled "Can the terms of a guardianship order be varied?").

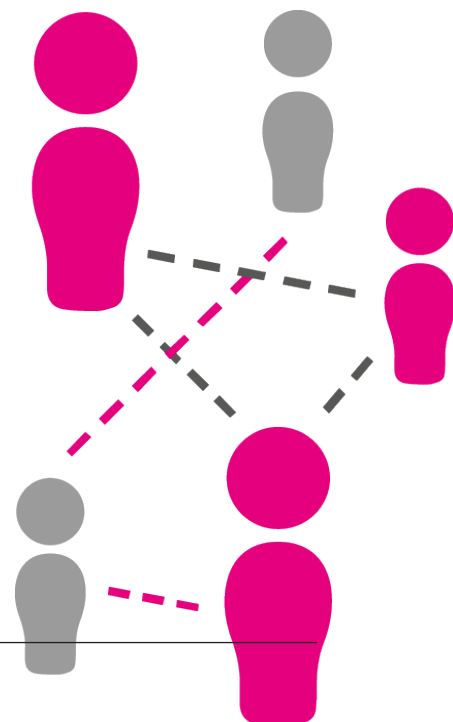
### Termination and variation of orders

A guardianship may no longer be appropriate in certain circumstances, for example if the missing person returns or if the guardian is no longer able to perform their duties. The court can revoke (end) an order if it is no longer in the best interests of the missing person.

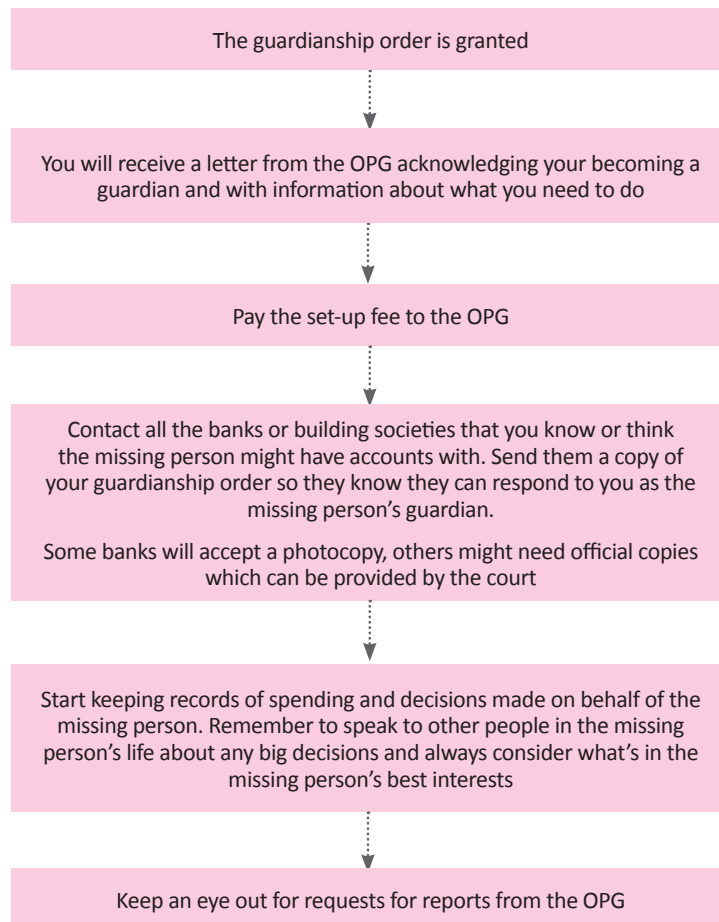
An order will be automatically revoked on the death of the missing person or the guardian, and if the missing person is legally presumed dead (when the court has accepted a Presumption of Death application). The OPG is sent a copy of all Presumption of Death Orders.

If a guardian has reason to believe the missing person no longer qualifies as missing, they must apply to the court to have the order revoked. The guardian or their family should tell the Office of the Public Guardian (OPG) and the court as quickly as possible if there are any major changes in circumstance.

Any termination of a guardianship order must be reported to the Office of the Public Guardian (OPG).



## Once you become a guardian



A guardian is expected to 'stand in the shoes' of the missing person. The powers they may have been given will vary on a case by case basis but could include:

- Selling, letting or mortgaging the missing person's property.
- Making/managing investments including stocks, shares and bonds.
- Executing deeds and other documents.
- Recovering money owed to the missing person.
- Discharging debts and other obligations of the missing person (whether legally enforceable or not).
- Resigning trusteeships held by the missing person.
- Bringing or conducting legal proceedings, and
- Making a gift out of the missing person's property.

*It is important to note that some of these will need to be explicitly included in the guardianship order for the guardian to be able to do them. You will need to explain why you need these powers in the application and witness statement.*

Once you have your guardianship order, and have been in touch with the OPG about setting up their supervision, you will need to start finding out everything you can about the missing person's finances to ensure you know how best to look after them.

You will then be able to start making any decisions about how to best manage their affairs in their best interests.

## Limitations of being a guardian

### The missing person's will

The person holding the missing person's will should disclose a copy to the guardian unless the missing person previously gave instructions for the will not to be disclosed, or they have cause for concern about the guardian.

Guardians will not be able to make a new will on behalf of a missing person or change it, by for example, making a codicil.

### Acting as a trustee

A guardian can't act as a trustee in place of the missing person unless the trust is solely for the benefit of the missing person.

Regarding jointly owned homes, if the continuing presence of the missing person as a trustee (which they will be if they co-own the property) is creating problems for those left behind, the guardian can resign the trusteeship to free the other trustee(s) to deal with the property. This means that they would no longer be involved with the missing person's stake in the property so someone else could take it on. Once the new person is appointed the necessary decisions can be made about selling or making changes to the property.

Guardianship applicants should consider whether a further trustee might need to be appointed so as to ensure that there will continue to be at least two trustees who can sell or mortgage the property.

### Liability for decisions

So long as a guardian acts within the scope of their role and does not abuse their position they will not be personally liable for actions taken as guardian. This means their own money will not be at risk. However, if a guardian does not follow the available guidance or acts outside of their role they may be found personally liable to the missing person or a third party.



## Fees and costs

There are many fees and costs associated with getting a guardianship order, and these must be considered before an application is started.

### Court fees

Court fees vary between the Family and Chancery Divisions of the High Court. At the time of writing this the application fee is £528 if you apply to the Chancery Division or £245 if you apply to the Family Division.

Up-to-date details of current charges can be found at: [www.gov.uk/manage-missing-persons-finances/how-much](http://www.gov.uk/manage-missing-persons-finances/how-much).

If there are very complicated finances with lots of different assets (savings accounts, investments, property, etc.) it might be best to apply to the Chancery Division. However, the Family Division option may be cheaper and if the court decides it would be best to go through the Chancery Division they will move the application over anyway.

There are some circumstances in which the court will consider reducing or waiving fees. Eligibility requirements for this can be found at: [www.gov.uk/get-help-with-court-fees](http://www.gov.uk/get-help-with-court-fees).

You may also be required to pay for a security bond, which is a form of insurance to cover any loss as a result of the guardian's behaviour

Alongside court fees, there may be other administrative costs involved throughout the process.

### Public Guardian fees

Once a person has been made a guardian by the court, the OPG will charge a set-up fee which currently costs £200. Additionally, an annual supervision fee is payable to the OPG for the costs of providing supervision of guardians. This is currently £320 and will need to be paid every year while you're a guardian. These figures may change so please check the most up to date information on the OPG's website.

It is possible to reclaim the set-up fee and supervision fee as an expense from the missing person's estate.

In some cases the guardian may be exempted from paying fees, or not have to pay as much. This will be decided on the missing person's assets. More information on this is on page 77 of the Code of Practice.

## Someone else seeking guardianship for your missing loved one

If someone else is applying to become a guardian for your missing loved one they should serve you notice (sending you the claim form and witness statement) when they first make the application. At this point you have the opportunity to intervene or object if you don't think they should be the guardian, or if you think you should be a guardian with them. More information about what you would need to do is available on page 70 of the [Code of Practice](#).

If someone else has already been appointed as a guardian for your missing loved one but you're concerned about the decisions they're making or whether they are acting in the missing person's best interests you should speak to them about your concerns. There is a section about settling disputes on page 78 of the [Code of Practice](#) which includes information about what to do if you can't speak to the guardian or if you have tried but it hasn't worked.

## Conclusion

We hope that this guidance may be helpful for anyone who is trying to understand the process of applying to become a guardian for a missing person, and what it may be like once they are appointed.

Every situation in which someone goes missing will be unique. This guidance does not cover all of the possible challenges or different experiences that people will face when making an application to look after their loved one's affairs. We would recommend using this as a starting point but encourage anyone who will be making an application to also consider the Act's [Code of Practice](#), as well as seeking legal advice from a solicitor if that's appropriate for them.

Missing People are not legal experts but we know that anyone who is missing a loved one and considering applying for guardianship will be dealing with more than just the financial and legal challenges. We encourage anyone to call our 24/7 free helpline on 116 000 if they would like to speak to someone about having a loved one missing. We will be able to signpost you to more expert advice if you have questions about the guardianship legislation.



# 116 000

**free • confidential • 24/7**

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Missing People  
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SW14 7JE  
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[@missingpeople.uk](https://www.instagram.com/missingpeople.uk)



ALLEN & OVERY

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Registered office at the above address.  
Throughout this report we have used some stock  
imagery and changed details of the stories of  
missing people and their families to preserve  
their anonymity.

**A lifeline when someone disappears**

**missing  
people**

Registered charity in England and Wales (1020419)  
and in Scotland (SC047419)