



*The Kentucky Autism Training  
Center Presents:*

**An Overview of Guardianship**

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# Areas to discuss

- I. The Language of Guardianship
- II. When is a guardian needed?
- III. What is the process?
- IV. Guardian's duties and responsibilities
- V. Alternatives to Guardianship
- VI. Summary and caution



# Language

Statutory creation

KRS chapter 387

KRS 387.510 Definitions

# Definitions

**Guardian** means any individual, agency, or corporation appointed by the court to have full care, custody, and control of a disabled person and to manage his financial resources.

**Limited guardian** means a guardian who possesses fewer than all of the legal powers and duties of a full guardian, and whose powers and duties have been specifically enumerated by court order.

# Definitions

**Disabled** means a legal, not a medical disability, and is measured by functional incapacities. It refers to any person 14 or older who is:

- Unable to make informed decisions with respect to his **personal affairs** like physical health and safety, health care, food, shelter, clothing, or personal hygiene; or
- Unable to make informed decisions about his **financial resources**

*Such inability must be present within 6 months prior to the filing of the petition for guardianship or conservatorship and shall not be evidenced solely by isolated instances of negligence, improvidence, or other behavior.*

# Definitions

**Respondent** means an individual alleged to be a partially disabled or disabled person.

**Ward** means a person for whom a limited guardian, guardian, limited conservator, or conservator has been appointed.

# When is a Guardian needed?

1. Disabled individual
  - Fully disabled
  - Partially disabled
2. Evidence of disability
3. Not voluntary situation

# What is the process?

**Statutory KRS 387.520**

## **Petition**

*Who files?*

## **Interdisciplinary Team**

*physician,  
psychologist, and  
social worker*

## **Guardian ad Litem**

*Attorney,  
impartial; best  
interest  
standard;*

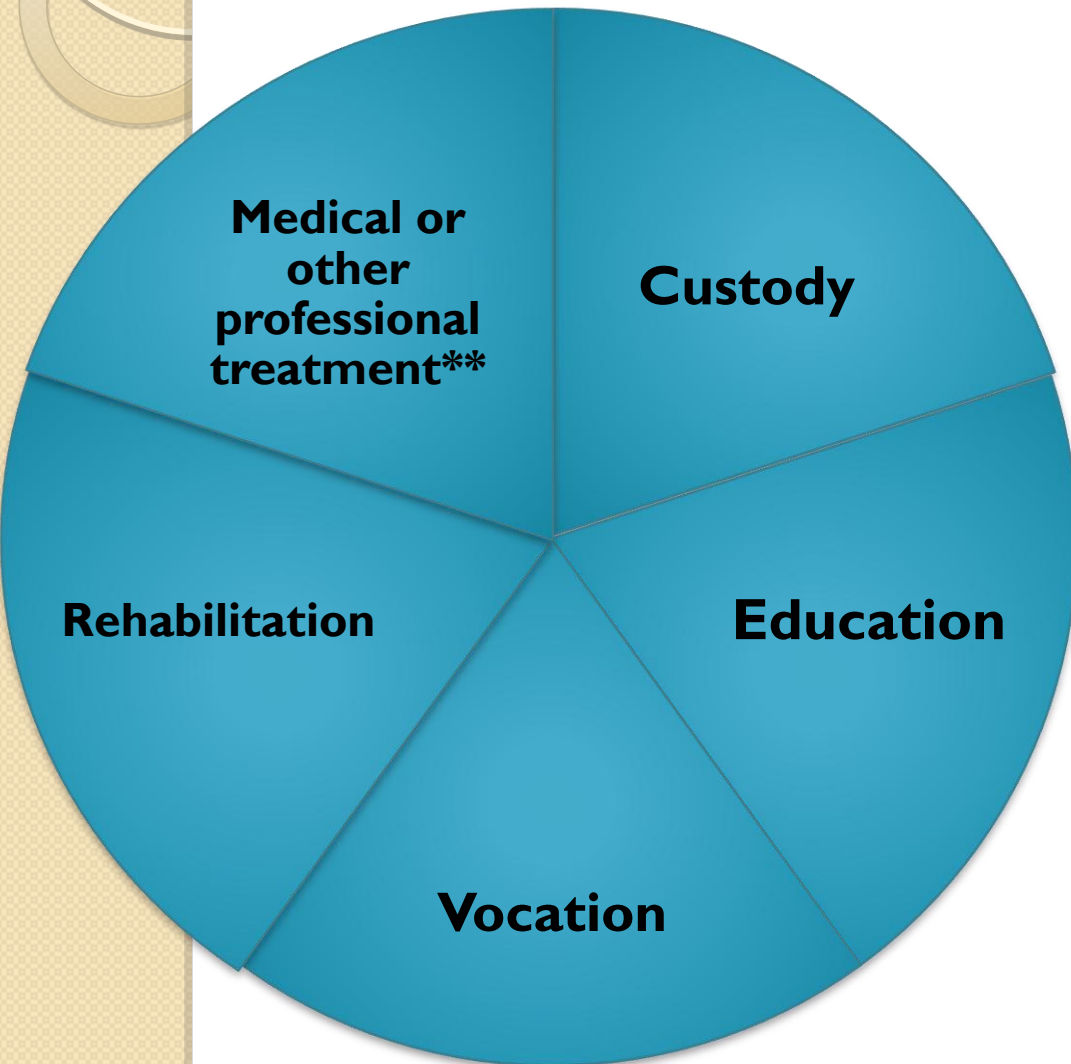
## **Hearin g/ Trial**

*60 days; only  
decides  
disability;*



# Duties and Responsibilities

KRS 387.660



- Least restriction of freedom
- “In loco parentis”

\*\*Except: abortion, sterilization, psychosurgery, removal or bodily organ or limb without prior court approval;

# **Duties and Responsibilities**

## **Full vs. Limited**

### **Annual Reports**

Annual status report

Biennial financial report

# Alternatives to Guardianship

**Limited guardian** means a guardian who possesses fewer than all of the legal powers and duties of a full guardian, and whose powers and duties have been specifically enumerated by court order.

## **Power of Attorney**

- Voluntary not court appointed

## **Social Security Payee**

# Alternatives to Guardianship

**Conservator** means an individual, agency, or corporation appointed by the court to manage the financial resources of a disabled person.

**Limited conservator** means an individual, agency, or corporation appointed by the court to assist in managing the financial resources of a partially disabled person and whose powers and duties have been specifically enumerated by court order.

# Distinguish

Emergency Guardianship

Vs.

Guardianship of a minor, (probate)

# Caution

Many other provisions

This presentation has been  
highlights only!



# Summary

Only game in town

Statutes must be followed

# Questions?

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