

**209.115 Disqualification from serving in fiduciary capacity for felony conviction under KRS Chapter 209.**

- (1) Any person convicted of a felony under this chapter shall be disqualified from being appointed or serving as a guardian, limited guardian, conservator, limited conservator, executor, administrator, fiduciary, personal representative, attorney-in-fact, or health care surrogate as to the victim of the offense or the victim's estate. The sentencing judge shall inform the defendant of the provisions of this section at sentencing.
- (2) Any interested person or entity, as that phrase is defined in KRS 387.510, shall have standing to contest the appointment or continued service of a person subject to the prohibition established in subsection (1) of this section.
- (3) Actions of a guardian, limited guardian, conservator, limited conservator, executor, administrator, fiduciary, personal representative, attorney-in-fact, or health care surrogate disqualified from acting in that capacity due to the provisions of subsection (1) of this section shall remain valid as to third parties acting in good faith and without knowledge of the person's disqualification.

**Effective:** June 8, 2011

**History:** Created 2011 Ky. Acts ch. 43, sec. 5, effective June 8, 2011.