

**387.330 Petition for appointment of guardian or conservator conditioned on a contingency.**

- (1) Any person of full age and sound mind may execute a verified petition for the voluntary appointment of a guardian or a conservator of that person's property upon the express condition that the petition shall be acted upon by the court only upon the occurrence of an event specified or the existence of a described condition of the mental or physical health of the petitioner, the occurrence of which event, or the existence of which condition, shall be established in the manner directed in the petition. The petition, when filed, shall be accompanied by an affidavit from a licensed physician indicating that the person who signed the petition is now disabled as defined in KRS 387.510. The petition shall advise the proposed ward of a guardian's powers as provided in KRS 387.065 and conservator's powers as provided in KRS 387.137.
- (2) The petition may nominate a person for appointment to serve as guardian or conservator, and may request that the appointment be made without bond, or with bond of a certain stated sum. The court in appointing the guardian or conservator shall appoint the individual nominated unless the court finds that person unfit or incompetent and shall give due regard to the other requests and recommendations contained in the petition.
- (3) The petition may be deposited with the circuit clerk of the county in which the party resides, or with any person, firm, bank, or trust company selected by the petitioner.
- (4) The petition may be revoked by the petitioner at any time before appointment of a guardian or conservator by the court, if the petitioner is of sound mind. Revocation shall be accomplished by the destruction of the petition by the petitioner, or by the execution of an acknowledged instrument of revocation. If the petition has been deposited with the clerk, the revocation may be deposited there.
- (5) At any time after the deposit of the petition with the clerk, and before its revocation, it may be brought on for hearing by the filing of a verified statement to the effect that the occurrence of the event or the condition provided for in the petition has come to pass. If the petition has not been deposited with the clerk under the provisions of subsection (3) of this section, it may be brought on for hearing at any time by the filing of it and the verified statement with the circuit clerk of the county in which the person who executed the petition then resides.
- (6) At the time the petition is filed, the court, without any notice, may appoint the guardian or conservator nominated in the petition or may set the petition for hearing on notice the court may prescribe.
- (7) The powers and duties of a guardian or conservator shall be the same as those of a guardian or conservator appointed in response to any of the other petitions authorized in this chapter.

**Effective:** July 15, 1994

**History:** Created 1994 Ky. Acts ch. 61, sec. 1, effective July 15, 1994.