

387.865 Persons who may petition the court to approve a special needs trust.

Any individual who qualifies as a grantor under KRS 387.860 may petition the court to create, establish, or otherwise approve the creation or establishment of a special needs trust as defined in KRS 387.860. In addition, the following shall have standing to petition the court to create, establish, or otherwise approve the creation or establishment of a special needs trust:

- (1) Any firm or individual which occupies a fiduciary relationship to the special needs person, including but not limited to a guardian ad litem, legal guardian, conservator, limited conservator, trustee of any trust, and personal representative of a decedent's estate where the special needs person is a beneficiary;
- (2) The special needs person himself or herself and his or her spouse;
- (3) The siblings or nieces and nephews of the disabled person;
- (4) An individual holding power of attorney granted by the special needs person; and
- (5) In cases where the special needs person is under disability as described in SCR 3.130(1.14) and there is no individual referred to in this section who is available or willing to petition the court, then legal counsel retained by the special needs person or one who is actively involved on behalf of the special needs person, whether as a social worker, case manager, care provider, or otherwise, shall also have standing to petition the court under this section.

Effective: July 12, 2012

History: Created 2012 Ky. Acts ch. 59, sec. 10, effective July 12, 2012.