

387.620 Petition for relief -- Hearing on petition -- Judgment or modification.

- (1) A partially disabled or disabled person, his limited guardian, guardian, limited conservator, or conservator, or any other interested person may petition the court for:
 - (a) Termination or modification of an order of partial disability or disability;
 - (b) Removal and/or replacement of a limited guardian, guardian, limited conservator or conservator; or
 - (c) Renewal of the appointment of a limited guardian, guardian, limited conservator, or conservator.
- (2) Petitions pursuant to this section shall set forth:
 - (a) The name and address of the ward;
 - (b) The name and address of the limited guardian, guardian, limited conservator, or conservator;
 - (c) The name, address, and interest of the petitioner;
 - (d) The names and addresses of the ward's next of kin, if known;
 - (e) The name and address of the individual or facility, if any, having custody of the ward;
 - (f) The relief requested; and
 - (g) The facts and reasons supporting the request.
- (3) A request under subsection (1) of this section, if made by the ward, may be communicated to the court by any means, including, but not limited to, oral communication or informal letter. If such a request is communicated by means other than a petition, the court shall appoint a suitable person who may, but need not be, an employee of the state, county, or court to prepare a written petition to be filed with the court within seven (7) days following the appointment.
- (4) Within thirty (30) days after the filing of a petition, the court shall conduct a hearing at which the ward shall be entitled to counsel. The time for a hearing may be extended by the court, on motion of either party, for cause. Notice of the time and place of the hearing shall be given by the clerk of the court not less than fourteen (14) days prior to the hearing to both parties and all persons named in the petition. The petitioner shall, upon his motion, be entitled to have the motion for termination or modification determined by a jury.
- (5) At the request of any party or on its own initiative, the court may order an interdisciplinary evaluation of the ward. The time period in which the court must review a petition may be extended for an appropriate period of time if an evaluation is ordered by the court. The interdisciplinary evaluation report may be filed as a single or joint report of the interdisciplinary evaluation team, or it may otherwise be constituted by the separate reports filed by each individual of the team. If the court and all parties to the proceeding and their attorneys agree to the admissibility of the report or reports, the report or reports shall be admitted into evidence and shall be considered by the court.
- (6) Upon conclusion of a modification hearing without a jury, the court shall enter a written order setting forth the factual basis for its finding and may do any of the following:

- (a) Dismiss the petition;
 - (b) Remove the guardian or conservator and dissolve the guardianship or conservatorship order;
 - (c) Remove the limited guardian, guardian, limited conservator, or conservator and appoint a successor;
 - (d) Modify the original guardianship or conservatorship order; or
 - (e) Make any other order which the court deems appropriate and in the best interest of the ward.
- (7) If the original order is dissolved and no further order is issued, the ward shall be relieved of all legal disabilities. The court shall enter an order and judgment restoring to the person all of the rights and privileges of a citizen. The clerk shall note the judgment or modification in the book in which notices of actions and encumbrances are indexed.
- (8) The clerk of the court shall transmit a certified copy of the restoration judgment or modification to the originating court, if the judgment or modification is ordered by a court other than the court in which the original judgment was entered.

Effective: July 14, 1992

History: Amended 1992 Ky. Acts ch. 425, sec. 7, effective July 14, 1992. -- Amended 1984 Ky. Acts ch. 395, sec. 5, effective July 13, 1984. -- Created 1982 Ky. Acts ch. 141, sec. 13, effective July 1, 1982.