

387.580 Responsibilities of court or jury during a hearing -- Court determinations upon finding of disability or partial disability.

- (1) At a hearing convened under KRS 387.500 to 387.770 for a determination of partial disability or disability, the court, or the jury if one is impaneled, shall:
 - (a) Inquire into the nature and extent of the general intellectual functioning of the respondent;
 - (b) Inquire into the respondent's capacity to make informed decisions concerning his personal affairs and financial resources;
 - (c) Determine whether the respondent is disabled, partially disabled, or has no disability in relation to the management of his financial resources; and
 - (d) Determine whether the respondent is disabled, partially disabled, or has no disability in relation to the management of his personal affairs.
- (2) If the respondent is found not to be disabled or partially disabled, the petition shall be dismissed.
- (3) If the respondent is found to be disabled or partially disabled, the court shall, at the same hearing, without a jury, determine:
 - (a) The type of guardian, conservator, or guardian and conservator to be appointed;
 - (b) The specific legal disabilities to which the respondent is subject, if the respondent has been determined to be partially disabled;
 - (c) Whether the respondent retains the right to vote;
 - (d) The corresponding powers and duties of the limited guardian or limited conservator, if the respondent has been determined to be partially disabled;
 - (e) The individual or entity to be appointed by the court as limited guardian, guardian, limited conservator, or conservator;
 - (f) The individual or entity, if any, to be appointed as standby guardian or conservator; and
 - (g) The duration of the term of guardianship or conservatorship.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 13, sec. 5, effective July 14, 2018. -- Amended 2007 Ky. Acts ch. 58, sec. 1, effective June 26, 2007. -- Created 1982 Ky. Acts ch. 141, sec. 9, effective July 1, 1982.