

388.230 Petition for appointment of guardian or conservator -- Who to be appointed.

- (1) A petition for the appointment of a guardian or conservator for any minor or mentally disabled beneficiary of the Veterans Affairs may be filed in the court having jurisdiction by or on behalf of any person who under existing law is entitled to priority of appointment. If there be no person so entitled or if the person so entitled shall neglect or refuse to file such a petition within thirty (30) days after mailing of notice by the Veterans Affairs to the last known address of such person indicating the necessity for the same, a petition for such appointment may be filed by or on behalf of any responsible person residing in this state.
- (2) The petition for appointment shall set forth the name, age, place of residence of such beneficiary, the name and place of residence of the nearest relative, if known, and the fact that such beneficiary is entitled to receive benefits payable by or through the Veterans Affairs and shall set forth the amount of moneys then due and the amount of probable future payments.
- (3) The petition shall also set forth the name and address of the person or institution, if any, having actual custody of such beneficiary, and the name, age, relationship, if any, occupation and address of the person proposed for appointment as guardian or conservator. Notwithstanding any provision of existing law as to priority, the court may appoint a capable individual, bank or trust company, as guardian or conservator, if the person entitled to priority fails to apply, or if after hearing the court determines it is for the best interest of such beneficiary to appoint another.
- (4) In the case of a mentally disabled beneficiary, the petition shall show that such beneficiary has been rated incompetent by the Veterans Affairs on examination in accordance with the laws and regulations governing the Veterans Affairs.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 42, sec. 24, effective June 29, 2017. -- Amended 1982 Ky. Acts ch. 141, sec. 119, effective July 1, 1982. -- Created 1942 Ky. Acts ch. 25, sec. 4.

Note. 1980 Ky. Acts ch. 396, sec. 130 would have amended this section effective July 1, 1982. However, 1980 Ky. Acts ch. 396 was repealed by 1982 Ky. Acts ch. 141, sec. 146, also effective July 1, 1982.