

387.590 Types of guardians and conservators to be appointed -- Order of appointment -- Filing of judgment and order -- Legal disabilities -- Rights retained.

- (1)
 - (a) If the respondent is found partially disabled in managing his personal affairs, but not partially disabled or disabled in managing his financial resources, a limited guardian shall be appointed.
 - (b) If the respondent is found partially disabled in managing his financial resources, but not partially disabled or disabled in managing his personal affairs, a limited conservator shall be appointed.
 - (c) If the respondent is found partially disabled in managing both his personal affairs and financial resources, a limited guardian and a limited conservator shall be appointed. The limited guardian and the limited conservator may be the same individual, agency, or corporation.
- (2)
 - (a) If the respondent is found disabled in managing his personal affairs, but not partially disabled or disabled in managing his financial resources, a guardian shall be appointed.
 - (b) If the respondent is found disabled in managing his financial resources, but not partially disabled or disabled in managing his personal affairs, a conservator shall be appointed.
 - (c) If the respondent is found disabled in managing both his personal affairs and his financial resources, a guardian and a conservator shall be appointed. The guardian and the conservator may be the same individual, agency, or corporation.
- (3) The order of appointment of a limited guardian, guardian, limited conservator, or conservator shall specify:
 - (a) The type of guardianship, conservatorship, or guardianship and conservatorship to which the ward is subject;
 - (b) The name and address of the limited guardian, guardian, limited conservator, or conservator;
 - (c) The name and address of the standby guardian or conservator, if a standby guardian or conservator is designated;
 - (d) The specific legal disabilities to which the respondent is subject, if the respondent has been determined to be partially disabled;
 - (e) The corresponding powers and duties of the limited guardian or limited conservator, if the respondent has been determined to be partially disabled; and
 - (f) The duration of the term of guardianship or conservatorship.
- (4) A limited guardian or limited conservator shall not be appointed for a term greater than five (5) years and may be appointed for a lesser period. A guardian or conservator may be appointed for a period of unlimited duration.
- (5) The judgment of partial disability or disability and the order of appointment shall be filed in the District Court. The judgment shall be indexed by the county clerk in the

book in which notices of actions and encumbrances are indexed. Unless such judgment is filed and indexed, it shall not constitute notice to any subsequent bona fide purchaser for value, mortgagee, or encumbrancer.

- (6) If the respondent is determined to be disabled or partially disabled but no limited guardian, guardian, limited conservator, or conservator is appointed at the hearing, the determination shall have no legal effect.
- (7) The rights of which a ward is legally deprived upon a determination of disability in managing his personal affairs and financial resources include but are not limited to the right to dispose of property, execute instruments, enter into contractual relationships, determine his living arrangements, consent to medical procedures, and obtain a motor vehicle operator's license. A ward shall only be deprived of the right to vote if the court separately and specifically makes a finding on the record as established in KRS 387.580(3)(c).
- (8) A partially disabled or disabled person for whom a limited guardian, limited conservator, or conservator has been appointed retains all legal and civil rights except those which have by court order been designated as legal disabilities or which have been specifically granted to the limited guardian, limited conservator, or conservator. A person who is partially disabled may be subject to some but not all of the disabilities specified in subsection (7) of this section.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 13, sec. 6, effective July 14, 2018. -- Amended 2007 Ky. Acts ch. 58, sec. 2, effective June 26, 2007. -- Amended 1984 Ky. Acts ch. 206, sec. 1, effective July 13, 1984. -- Created 1982 Ky. Acts ch. 141, sec. 10, effective July 1, 1982.