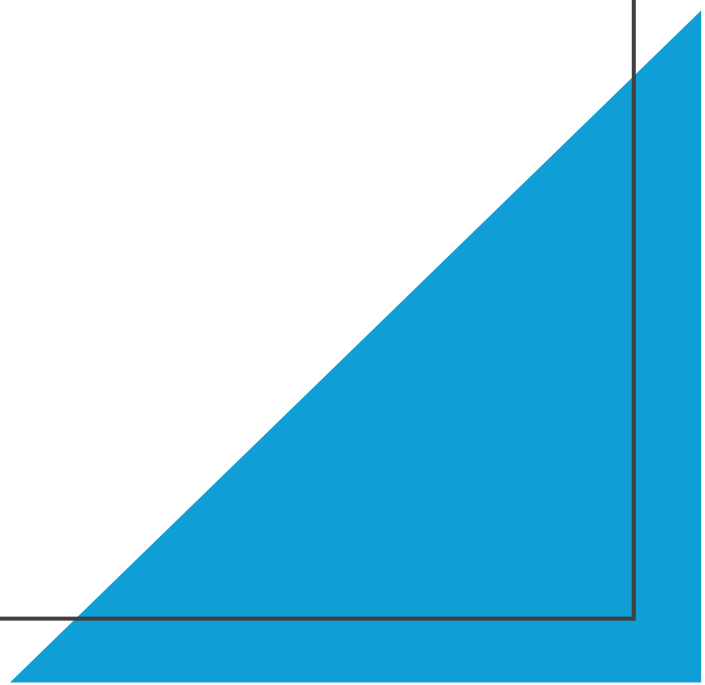


GUARDIANSHIP & CONSERVATORSHIP IN KENTUCKY

DISABILITY HEARINGS IN KENTUCKY

KRS CHAPTER 387



GUARDIANSHIP 101

DISABLED – LEGAL TERM FOR SOMEONE WHO CAN NO LONGER MAKE DECISIONS FOR HIM/HERSELF

GUARDIAN – RESPONSIBLE FOR THE CARE OF THE PERSON, I.E. FOOD, CLOTHING, SHELTER

CONSERVATOR – RESPONSIBLE FOR MANAGING THE PERSON'S FINANCES

WARD – PERSON UNDER GUARDIAN/CONSERVATORSHIP

PARTIES IN A GUARDIANSHIP CASE

PETITIONER – PERSON WHO FILES THE PETITION

RESPONDENT – PERSON WHO IS BEING FILED ON

COUNTY ATTORNEY – RESPONSIBLE FOR PRESENTING EVIDENCE TO THE COURT

COUNSEL FOR RESPONDENT – OFTEN COURT APPOINTED COUNSEL OR A GUARDIAN AD LITEM (GAL)

JUDGE – DISTRICT COURT

EVALUATORS – INTERDISCIPLINARY TEAM COMPRISED OF MD/PSYCHOLOGIST/SOCIAL WORKER

Most common reason for guardianship/conservatorship:

1

Elderly person with dementia

2

Child with development delay or intellectual disability turning 18

3

Individuals with Serious Mental Illness who can no longer meet basic needs

4

A traumatic event, i.e. car accident



GUARDIANSHIP
FILINGS

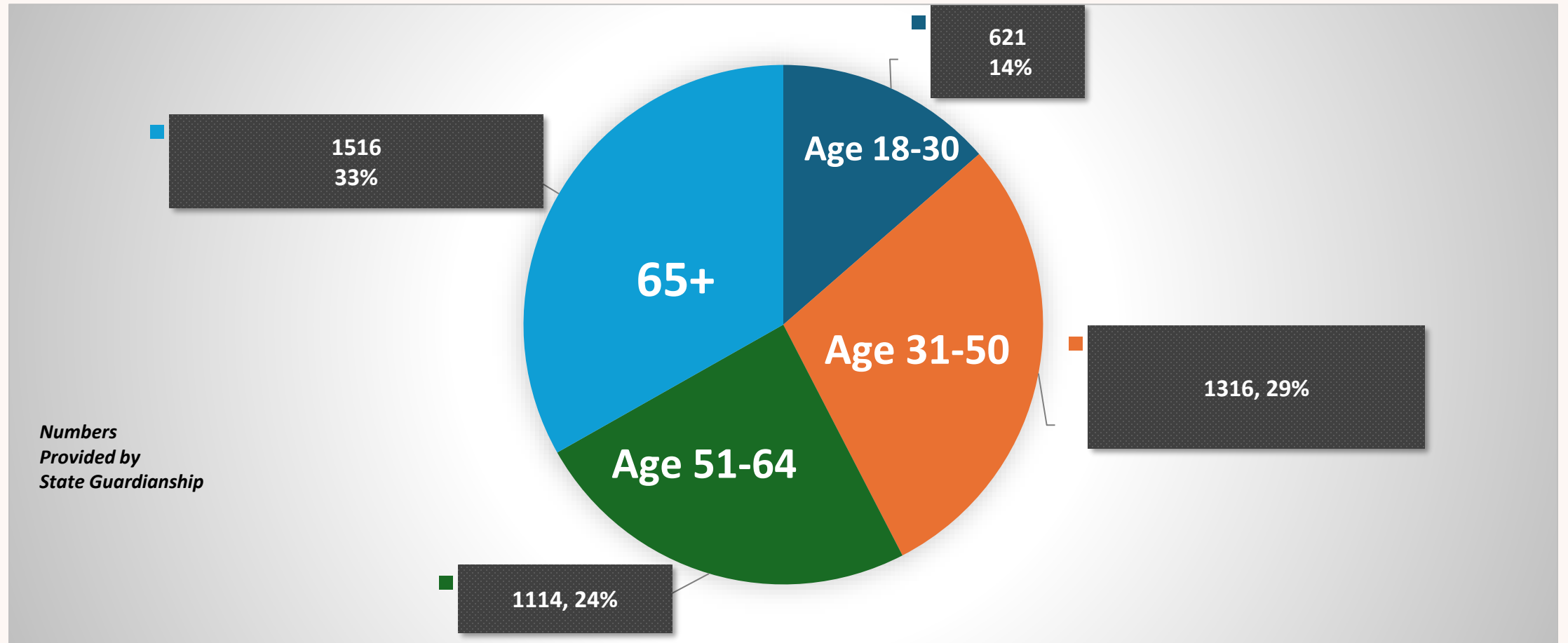
FY 2022: 4,367

FY 2023: 4,356

FY 2024: 4,432

**Numbers provided by AOC*

Kentuckians with a State Guardian



RECENT LEGISLATIVE CHANGES

HB 5 - Removed requirement for jury trial in every case; guardian now over person and conservator over financials

2018

“Seth’s Law” – HB385 – expanded medical decision maker to include friend/someone with knowledge of beliefs/wishes

2024

2022

HB 170 Jeff Tyler Act – Emergency guardianships must be heard within 1 week and petitioner may present evidence

RECENT
EFFORTS
SURROUNDING
GUARDIANSHIP

WINGS

MENTAL HEALTH COMMISSION –
Guardianship Group

National Courts

Guardianship working group survey results:

- Attorney Roles: 56% indicated that the Guardian Ad Litem (GAL) served as the attorney for the individual under guardianship, with 85% stating the attorney's role was to serve the client's best interest.
- Disability Petitions: The median and most common time between disability petitions and final hearings was 60 days. Less than 20% of these hearings resulted in a jury trial.



GUARDIANSHIP GOING FORWARD

1. Legal Form Changes
2. Informational materials for public & participants
3. Educational opportunities judges and attorneys
4. Alternatives to Guardianship
5. Better data collection
6. Improving oversight & accountability of guardians

Thank You!

Questions?

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