

**395.390 Circumstances requiring public administrator and guardian to act --  
Discretion of District Court in absence of public administrator and guardian.  
(Effective July 15, 2026)**

- (1) (a) The District Court of a county which has a public administrator and guardian shall, after the expiration of sixty (60) days from the death of the decedent, order the public administrator and guardian to administer the estate of the decedent where:
  1. The surviving spouse and heirs waive their right to be appointed;
  2. The surviving spouse does not nominate a suitable administrator;
  3. Any of the persons designated in KRS 395.040 are unable or found to be incapable of handling or managing the estate; or
  4. From any other cause there is no personal representative.
- (b) If there is no public administrator and guardian, the court shall use its discretion to appoint an administrator to administer the estate.
- (2) (a) The District Court shall also confide to the public administrator and guardian the care and control of the persons and estates of all minors when it appears that a minor has no testamentary guardian and no one will apply for appointment, or serve, as guardian.
- (b) If there is no public administrator and guardian, the court shall use its discretion to appoint a guardian to serve under this subsection.

**Effective:** July 15, 2026

**History:** Amended 2026 Ky. Acts ch. 134, sec. 17, effective July 15, 2026. -- Amended 1982 Ky. Acts ch. 277, sec. 16, effective July 15, 1982. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 388, effective January 2, 1978. -- Amended 1968 Ky. Acts ch. 151, sec. 2. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3905, 3907.