

1 AN ACT relating to guardianship proceedings.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 387.620 is amended to read as follows:

4 (1) A partially disabled or disabled person, his or her limited guardian, guardian,
5 limited conservator, ~~for~~ conservator, or any other interested person may petition
6 the court for:

7 (a) Termination or modification of an order of partial disability or disability;

8 (b) Removal, ~~and/or~~ replacement, **or removal and replacement** of a limited
9 guardian, guardian, limited conservator, or conservator; or

10 (c) Renewal of the appointment of a limited guardian, guardian, limited
11 conservator, or conservator.

12 (2) Petitions pursuant to this section shall set forth:

13 (a) The name and address of the ward;

14 (b) The name and address of the limited guardian, guardian, limited conservator,
15 or conservator;

16 (c) The name, address, and interest of the petitioner;

17 (d) The names and addresses of the ward's next of kin, if known;

18 (e) The name and address of the individual or facility, if any, having custody of
19 the ward;

20 (f) The relief requested; and

21 (g) The facts and reasons supporting the request.

22 (3) A request under subsection (1) of this section, if made by the ward, may be
23 communicated to the court by any means, including~~;~~ but not limited to~~;~~ oral
24 communication or informal letter. If ~~such~~ a request **under subsection (1) of this**
25 **section** is communicated by means other than a petition, the court shall appoint a
26 suitable person who may~~;~~ but need not be~~;~~ an employee of the state, county, or
27 court to prepare a written petition to be filed with the court within seven (7) days

1 following the appointment.

2 (4) Within thirty (30) days after the filing of a petition, the court shall conduct a
3 hearing at which the ward shall be entitled to counsel. The time for a hearing may
4 be extended by the court~~[,]~~ on motion of either party~~[,]~~ for cause. Notice of the time
5 and place of the hearing shall be given by the clerk of the court not less than
6 fourteen (14) days prior to the hearing to both parties and all persons named in the
7 petition. The petitioner shall, upon his *or her* motion, be entitled to have the motion
8 for termination or modification determined by a jury.

9 (5) At the request of any party or on its own initiative, the court may order an
10 interdisciplinary evaluation of the ward. The time period in which the court must
11 review a petition may be extended for an appropriate period of time if an evaluation
12 is ordered by the court. The interdisciplinary evaluation report may be filed as a
13 single or joint report of the interdisciplinary evaluation team, or it may otherwise be
14 constituted by the separate reports filed by each individual of the team. If the court
15 and all parties to the proceeding and their attorneys agree to the admissibility of the
16 report or reports, the report or reports shall be admitted into evidence and shall be
17 considered by the court.

18 (6) Upon conclusion of a modification hearing without a jury, the court shall enter a
19 written order setting forth the factual basis for its finding and may do any of the
20 following:

21 (a) Dismiss the petition;

22 (b) Remove the guardian or conservator and dissolve the guardianship or
23 conservatorship order;

24 (c) Remove the limited guardian, guardian, limited conservator, or conservator
25 and appoint a successor;

26 (d) Modify the original guardianship or conservatorship order; or

27 (e) Make any other order which the court deems appropriate and in the best

1 interest of the ward.

2 (7) If the original order is dissolved and no further order is issued, the ward shall be
3 relieved of all legal disabilities. The court shall enter an order and judgment
4 restoring to the person all of the rights and privileges of a citizen. The clerk shall
5 note the judgment or modification in the book in which notices of actions and
6 encumbrances are indexed.

7 (8) The clerk of the court shall transmit a certified copy of the restoration judgment or
8 modification to the originating court~~[,]~~ if the judgment or modification is ordered
9 by a court other than the court in which the original judgment was entered.