

**210.405 Board may act as fiduciary -- Duties -- Powers.**

- (1) Any regional community mental health-mental retardation board established pursuant to KRS 210.380 and recognized by the secretary of the Cabinet for Health and Family Services may be appointed and act as executor, administrator, guardian, limited guardian, conservator, or limited conservator, as provided in this section. In this capacity, the board may transact business in the same manner as any individual and for this purpose may sue and be sued in any of the courts of the state. Bond shall not be required of the board.
- (2) Whenever a person who has been adjudged mentally disabled and requires mental health services has no guardian or conservator, the board, acting through its designated officer, may apply to the District Court of the county in which the adjudication was made for its appointment as guardian or conservator for such mentally disabled person. The board may also apply to be substituted as guardian or conservator for a mentally disabled person whose guardian or conservator is the Cabinet for Health and Family Services and who has been discharged or whose discharge is imminent from a Cabinet for Health and Family Services facility.
- (3) Upon the death of a person for whom the board has been appointed guardian or conservator leaving an estate and having no relatives at the time residing within the state, the board may apply for appointment as administrator and upon appointment shall close the administration of the estate.
- (4) The board may invest funds held as fiduciary in bonds or other securities guaranteed by the United States, and may sell or exchange such securities in its discretion.
- (5) The board shall receive such fees for its fiduciary services as provided by law. These fees shall be placed in a trust and agency account, from which may be drawn expenses for filing fees, court costs, and other expenses incurred in the administration of estates. Claims of the board against the estates shall be considered in the same manner as any other claim.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 99, sec. 329, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 273, effective July 15, 1998. -- Amended 1982 Ky. Acts ch. 141, sec. 71, effective July 1, 1982. -- Amended 1978 Ky. Acts ch. 396, sec. 5, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 202, effective January 2, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(1) and (8). -- Created 1970 Ky. Acts ch. 278, sec. 4.

**Note:** 1980 Ky. Acts ch. 396, sec. 75 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.