

**387.065 Powers, duties, and responsibilities of guardian.**

- (1) A guardian of a ward shall have the powers and responsibilities of a parent regarding the ward's support, care, and education, but a guardian shall not be personally liable for the ward's expenses and shall not be liable to third persons by reason of the relationship for acts of the ward.
- (2) In particular and without qualifying the foregoing, a guardian shall:
  - (a) Take custody of the person of the ward and establish the ward's place of abode within the Commonwealth; and
  - (b) Take reasonable care of the ward's personal effects.
- (3) A guardian may:
  - (a) Receive money payable for the support of the ward to the ward's parent, guardian, or custodian under the terms of any statutory benefit or insurance system or any private contract, devise, trust, or custodianship;
  - (b) Consent to medical or other professional care, treatment, or advice for the ward, without liability by reason of the consent, for injury to the ward resulting from the negligence or acts of third persons unless a parent would have been liable in the circumstances;
  - (c) Consent to the ward's marriage, adoption, or enlistment in military service;
  - (d) Extend funds of the ward's estate for the support of persons legally dependent on the ward.
- (4) A guardian shall expend or distribute income or principal of the ward's estate without District Court authorization or confirmation for the support, care, and education of the ward. The District Court may limit or restrict the guardian's exercise of this power.
- (5) In performing the guardian's duties relating to support, care, and education of the ward, a guardian shall consider:
  - (a) Recommendations relating to the appropriate standard of support, care, and education for the ward made by a parent or limited guardian, if any;
  - (b) The size of the estate under the guardian's supervision or control;
  - (c) The ward's age, capacities, limitations, needs, opportunities, and physical and mental health;
  - (d) The likelihood that the ward will be able to labor and earn money when the ward becomes an adult;
  - (e) The accustomed standard of living of the ward; and
  - (f) Other funds or sources used for the support of the ward which have not been placed under the control or supervision of the guardian.
- (6) A guardian shall not provide for the support, care, or education of a ward which a parent of the ward is legally obligated and financially able to provide.
- (7) Funds expended under this section may be paid by a guardian to any person, including the ward, to reimburse for expenditures that the guardian might have made, or in advance for services to be rendered to the ward if it is reasonable to

expect the services will be performed and advance payments are customary or reasonably necessary under the circumstances.

- (8) When a ward attains age eighteen (18), the guardian, after meeting all claims and expenses of administration, shall pay over and distribute all funds and properties to the ward as soon as possible, unless:
- (a) The ward has been determined to be disabled or partially disabled under KRS 387.500 to 387.770, in which event the ward's funds and properties shall be paid over and distributed to the guardian, limited guardian, conservator, or limited conservator appointed pursuant to KRS 387.500 to 387.770; or
  - (b) The guardian has reason to believe that the ward is disabled or partially disabled as defined in KRS 387.510, in which event, the guardian shall institute a proceeding for appointment of a guardian, limited guardian, conservator or limited conservator pursuant to KRS 387.500 to 387.770.

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