

387.600 Appointment -- Consideration of preference of respondent.

- (1) The court may appoint as limited guardian, guardian, limited conservator, or conservator any suitable person or any entity, public or private, capable of conducting an active guardianship or conservatorship program. The court shall not ordinarily or customarily appoint the Cabinet for Health and Family Services or any other person or entity, public or private, that is directly providing services to the respondent unless no other suitable person or entity is available and willing to be appointed. Appointment of the Cabinet for Health and Family Services shall be consistent with the provisions of KRS 210.290.
- (2) Prior to the appointment, the court shall make a reasonable effort to question the respondent concerning his preference regarding the person or entity to be appointed limited guardian, guardian, limited conservator, or conservator, and any preference indicated shall be given due consideration. If the respondent has designated another as his attorney in fact or agent by executing a power of attorney in writing, that designation shall be treated as an indication of the respondent's preference as to the person or entity to be appointed as his limited guardian, guardian, limited conservator, or conservator, and that preference shall be given due consideration. The court shall appoint the person or entity best qualified and willing to serve.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 99, sec. 619, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 575, effective July 15, 1998. -- Amended 1992 Ky. Acts ch. 425, sec. 1, effective July 14, 1992. -- Created 1982 Ky. Acts ch. 141, sec. 11, effective July 1, 1982.