

# Kentucky Adult Guardianship Bench Card

Appointment of the Cabinet for Health & Family Services (CHFS) as  
Guardian, Limited Guardian, Conservator, or Limited Conservator

CHFS may only be appointed as guardian, limited guardian, conservator, or limited conservator if the Department for Community Based Services (DCBS) has verified by signature the AOC-745, Application for Appointment of Fiduciary for Disabled Persons.  
KRS 387.530 (2)

## Requirements

KRS 210.290

Before appointing the cabinet, consideration shall be given to the average caseload of each field social worker.

### The Cabinet may be appointed when:

- There is no other suitable person or entity available and willing to act; and
- The individual is a full-time resident of Kentucky for at least the previous six (6) months that is not a hospital, treatment facility, correctional facility, or long-term care facility; and
- The individual is a citizen or permanent resident of the United States.

### The Cabinet shall not be appointed when:

*(except upon written order of the court in exceptional circumstances)*

- The individual has been convicted of, pled guilty to, or entered an Alford plea for a sex crime as defined in KRS 17.500 or an offense that would classify the person as a violent offender under KRS 439.3401; or
- The individual is not alive or cannot be physically located.

## Limitations of CHFS Guardianship

### IDT Evaluations

- Cannot procure IDT evaluators
- Cannot coordinate completion of reports
- Unable to transport to IDT evaluation

### Living Arrangements

- No access to immediate housing
- Cannot force a provider to accept placement of an individual
- Cannot force an individual to live in a setting against their will
- Unable to place individuals in locked settings

### Finances

- Unable to access resources for undocumented individuals
- No access to funds for care outside of the individual's resources
- Cannot become personally liable for the person's expenses, placement, or to a third party for the person's actions

### Protection

- Cannot assume physical custody of the individual
- Cannot act as caregiver or custodian
- No resources to manage violent individuals
- Cannot force an individual to receive treatment/medication

## Role of CHFS Guardianship Staff

Apply for and establish benefits (not guaranteed approval)

Make routine visits with the individual under guardianship

Assist in finding and approval of living arrangements

Manage and invest funds and assets (as applicable)

Approve healthcare decisions

File taxes