

**387.510 Definitions for KRS 387.500 to 387.770 and 387.990.**

As used in KRS 387.500 to 387.770 and 387.990:

- (1) "Conservator" means an individual, agency, or corporation appointed by the court to manage the financial resources of a disabled person;
- (2) "Limited conservator" means an individual, agency, or corporation appointed by the court to assist in managing the financial resources of a partially disabled person and whose powers and duties have been specifically enumerated by court order;
- (3) "Guardian" means any individual, agency, or corporation appointed by the court to manage the personal affairs of a disabled person;
- (4) "Limited guardian" means an individual, agency, or corporation appointed by the court to assist in managing the personal affairs of a partially disabled person and whose powers and duties have been specifically enumerated by court order;
- (5) "Standby" guardian or conservator means a person or entity designated by the court to assume the powers and duties assigned to a limited guardian, guardian, limited conservator, or conservator upon his death, resignation, removal, or incapacity;
- (6) "Testamentary" guardian or conservator means an individual, agency, or corporation nominated in the will of a limited guardian, guardian, limited conservator, or conservator to succeed the testator in that capacity upon his death;
- (7) "Developmental disability" means a severe, chronic disability of a person which:
  - (a) Is attributable to a mental or physical impairment or combination of mental and physical impairments, including pervasive developmental disorder;
  - (b) Is manifested before the person attains age twenty-two (22);
  - (c) Is likely to continue indefinitely;
  - (d) Results in substantial functional limitations in three (3) or more of the following areas of major life activity:
    1. Self-care;
    2. Receptive and expressive language;
    3. Learning;
    4. Mobility;
    5. Self-direction;
    6. Capacity for independent living; and
    7. Economic self-sufficiency; and
  - (e) Reflects the person's need for a combination and sequence of special interdisciplinary or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated;
- (8) "Disabled" means a legal disability, not a medical disability, and is measured by functional incapacities. It refers to any person seventeen (17) years of age or older who is:
  - (a) Unable to make informed decisions with respect to his personal affairs to such an extent that he lacks the capacity to provide for his physical health and

safety, including but not limited to health care, food, shelter, clothing, or personal hygiene; or

- (b) Unable to make informed decisions with respect to his financial resources to such an extent that he lacks the capacity to manage his property effectively by those actions necessary to obtain, administer, and dispose of both real and personal property.

Such inability shall be evidenced by acts or occurrences within six (6) months prior to the filing of the petition for guardianship or conservatorship and shall not be evidenced solely by isolated instances of negligence, improvidence, or other behavior;

- (9) "Partially disabled" refers to an individual who lacks the capacity to manage some of his personal affairs and/or financial resources as provided in subsection (8) of this section, but who cannot be found to be fully disabled as provided therein;
- (10) "Mentally ill person" means a person with substantially impaired capacity to use self-control, judgment, or discretion in the conduct of his affairs and social relations, associated with maladaptive behavior or recognized emotional symptoms where impaired capacity, maladaptive behavior, or emotional symptoms can be related to physiological, psychological, or social factors;
- (11) "Interdisciplinary evaluation report" means a report of an evaluation of a respondent performed pursuant to the provisions of KRS 387.540 to determine whether he is partially disabled or disabled as defined herein;
- (12) "Interested person or entity" means an adult relative or friend of the respondent or ward, an official or representative of a public or private agency, corporation, or association concerned with that person's welfare, or any other person found suitable by the court;
- (13) "Petitioner" means a person who institutes a proceeding under KRS 387.530;
- (14) "Respondent" means an individual alleged to be a partially disabled or disabled person;
- (15) "Ward" means a person for whom a limited guardian, guardian, limited conservator, or conservator has been appointed;
- (16) "Committee" means a person appointed by the court prior to July 1, 1982, to have full care, custody, and control of a disabled person and his estate; and
- (17) "Personal affairs" means decisions regarding the person of an adult, including but not limited to health care, food, shelter, clothing, or personal hygiene.

**Effective:** July 14, 2018

**History:** Amended 2018 Ky. Acts ch. 13, sec. 2, effective July 14, 2018. -- Amended 2002 Ky. Acts ch. 162, sec. 5, effective July 15, 2002. -- Amended 1988 Ky. Acts ch. 359, sec. 2, effective July 15, 1988. -- Created 1982 Ky. Acts ch. 141, sec. 2, effective July 1, 1982.