

DIVISION OF GUARDIANSHIP Placement, Moving to a New Region, Transferring a Case to a New Region and Court of Jurisdiction	DAIL-GFIELD-21
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Policy Statement

The Division of Guardianship strives to make provisions for the individual under guardianship to receive the least restrictive and highest quality services from the most appropriate provider. An individual under guardianship may be moved from one service region to another to be closer to family or to ensure more appropriate services are available for their needs. The court case may be moved from its original jurisdiction at the court's discretion.

Legal Authority:

- [KRS 387.640 Duties of the Limited Guardian or Guardian](#)
- [KRS 387.660 Specific Powers and Duties of Guardian](#)
- [910 KAR 2:040 Service provisions for adult guardianship Section 12 Client Placement and Movement](#)

Definitions:

“*Sender*” means the Guardianship Family Services Office Supervisor (GFSOS) or designee for the region transferring, or potentially transferring, the individual under guardianship to another region

“*Receiver*” means the Guardianship Family Services Office Supervisor (GFSOS) or designee for the region receiving, or potentially receiving, the individual under guardianship from another region

Procedure:

- 1) The Guardianship Social Services Worker (GSSW) shall develop and maintain a working knowledge of the resources, services, providers, and facilities in the community.
- 2) If the Cabinet For Health and Family Services (CHFS) has responsibility for living arrangements of the individual under guardianship, the GSSW shall ensure that the individual is living in the most appropriate, least restrictive, environment taking into consideration the individual's wishes, needs, and finances.
- 3) A move to a new environment should include
 - (a) Evaluating the physical and mental health needs of the individual by reviewing the recommendations of treating professionals; and,
 - (b) Determining the best care options

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- 4) The GSSW shall update changes to physical, vendor, and day site addresses in KYGFIS within twenty-four (24) hours of placement. (NOTE: See Help Manual and Frequently Asked Questions (FAQ) Section in KYGFIS for assistance on entering these addresses.) The address history and level of care is not changed for out-patient procedures or twenty-three (23) hour observation. The GSSW enters into KYGFIS the address history for the individual as:
 - (a) The physical address with level of care (actual location of the individual);
 - (b) The vendor address (provider address); and,
 - (c) The day site address.
- 5) The GSSW shall notify any prospective placement provider if the individual is listed on the Sex Offender Registry, pursuant to KRS 17.500 through KRS 17.540.
- 6) The GSSW shall update the probation and parole officer of the change, complete necessary written notification or forms and enter as an event in KYGFIS
- 7) When it is believed that an individual under guardianship may benefit from services available in another region, the Sender and Receiver shall discuss:
 - a) The individual's history,
 - b) The individual's current well-being and supports,
 - c) Any outstanding issues that need to be resolved or addressed before an individual under guardianship physically moves to another region, and
 - d) The reason(s) a transfer may be needed, including
 - i) Lack of adequate support in the Sender's region,
 - ii) Services that are available in the Receiver's region,
 - iii) Impact of a transfer on the well-being of the individual under guardianship,
 - iv) Availability and proximity of the individual's informal support network, and
 - v) Any other reasons that impact the well-being of the individual under guardianship.
- 8) If it is determined that a transfer is in the best interest of the individual under guardianship, the Sender and Receiver shall agree upon a date to officially acknowledge the transfer. Before this date the Sender and Receiver will work collaboratively to ensure the individual under guardianship is physically residing in the Receiver's region in a manner that meets the best interest of the individual.
- 9) The Sender shall ensure that all information in KYGFIS is updated to reflect current knowledge of the individual under guardianship, prior to the transfer. Items to be completed and documented in KYGFIS are:
 - a) Current appointment papers and disability determination are entered and correct;
 - b) Face sheet is current and complete, with proper alerts in the field alert box for staff safety and awareness (allergies/major medical issues, criminal/safety issues, restrictions on individual under guardianship and family if any, who is guardian if not us for medical, etc.); demographics, criminal history, etc.;

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- c) Current family is listed in contacts and if no family is noted, a search is request and documented in events;
- d) Preferred funeral home listed in contacts, if burial is not already established;
- e) The Initial report is completed if new, or if annual, is completed if due to the court within 60 days of transfer request;
- f) Expiring appointment renewals are submitted to court for review, prior to transfer, if it is to expire within 90 days of the transfer request;
- g) The most recent care plan is attached in all cases. If it is a waiver case, current participant summary must be attached;
- h) Rights restrictions must be attached, if the individual under guardianship has any noted restrictions; If the family is in any way restricted, that must be addressed under a Family Information event as a restriction, with the rationale;
- i) Current budget in KYGIS, if required by the level of care;
- j) Any fiduciary issues are discussed and shared;
- k) Facility payment set up, if funds allow;
- l) Personal needs set up, if funds allow;
- m) Property/Assets inventoried and plan noted in property event, as the region who holds the property first, keeps it;
- n) A transfer summary that includes:
 - i) Brief summary of case history, from point of appointment to current status;
 - ii) Summary of medical and mental health issues;
 - iii) Any alerts for staff safety, including criminal issues; behaviors/triggers, and tips for positive interactions;
 - iv) Summary of effort to secure placement in waiver or other programming;
 - v) Brief summary of family dynamics including any strengths and/or limitations/restrictions;
 - vi) Any other pertinent information to ensure continuity.
- 10) Once the above items are complete, the GSSW alerts the GFSOS for review.
- 11) The GFSOS who holds the case ensures case transfer readiness and notifies the receiving GFSOS to request a transfer within fourteen (14) days of the move.
- 12) The region who holds the case will ensure the Notice of Change of Representative letter is mailed to the court of jurisdiction & scanned to an event. The court of jurisdiction, at its discretion, may transfer the case to the county of the individual under guardianship physical location.
- 13) The region who holds the case will forward the individual's records to the Receiver and provide information of the individual under guardianship transfer, to the appropriate parties.
- 14) The Receiver shall assign a GSSW in the new service region and complete the change in KYGFIS, upon acceptance.

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- 15) The Receiver shall follow the provisions of [910 KAR 2:040 Section 12. Client Placement and Movement](#) :
- a) Attend an initial care plan meeting; and
 - b) Visit the individual under guardianship:
 - i) Within thirty (30) days of the move; and
 - ii) Within ninety (90) days of the move for a follow-up visit.
- 16) If any of the following apply, the individual under guardianship is not to be transferred to another region without approval of the Director's office:
- a) Limited appointment that expires in the next sixty (60) days;
 - b) A relative or other concerned person is petitioning to be appointed successor guardian or conservator;
 - c) The individual under guardianship is in a hospital setting: psychiatric, acute, or rehabilitation;
 - d) The individual under guardianship has been approved for residential waiver funding and is awaiting a permanent placement;
 - e) The individual under guardianship is incarcerated; or
 - f) The individual under guardianship is under emergency status.
- 17) If the individual under guardianship is being placed outside of Kentucky and is not expected to return the GFSOS or designee from the sending region shall complete the following:
- a) Court has been notified and approved the out of state placement;
 - b) Initiated transfer of guardianship to the state where the individual is placed; and
 - c) Initiated motion to dismiss guardianship in Kentucky.
- 18) The region in closest proximity to the out of state placement will accept the case and complete visits until CHFS is resigned.