

DIVISION OF GUARDIANSHIP Opening a Case	DAIL-GField-2
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Policy Statement:

When the Cabinet for Health and Family Services (Cabinet) has been appointed limited guardian, guardian, limited conservator, and/or conservator for an adult, the Division of Guardianship shall meet guidelines to ensure protection of the individual’s basic human rights resources.

Legal Authority:

- [KRS 387.600 Appointment -- Consideration of preference of respondent](#)
- [KRS 387.640 Duties of limited guardian or guardian](#)
- [KRS 387.660 Specific powers and duties of guardian](#)
- [910 KAR 2:020 \(Section 6\)](#)

Procedure:

- (1) If the appointment order is received at the court appearance, the worker shall review the order for clarity and completeness. If the order is not complete or does not address needed areas the GSSW shall obtain clarification from the court as needed.
- (2) Upon notification of a guardianship appointment for a new individual under guardianship, the Guardianship Field Services Office Supervisor (GFSOS), or designee, shall review the Administrative Office of the Court’s (AOC)-775 Order of Appointment of Fiduciary, or any other legal documents issued by the court to ensure the Cabinet’s authority is clear and concise. If the information is not clear and concise, the GFSOS, or designee, shall ask the Court for clarification by following the process established for each individual jurisdiction.
- (3) Within **three (3) working days** of receipt of the order of appointment, the Administrative Specialist II or designee, shall:
 - (a) Scan and attach all documents received as events in KYGFIS:
 1. The AOC 785, Disability Judgment;
 2. The AOC 770 and/or AOC 775, Order of Appointment;
 3. The AOC 765, Report of Interdisciplinary Evaluation Team;
 4. Any other court documents received;
 5. The GF-01, Guardianship Information Referral Form; and,
 6. All supporting documentation as appropriate.

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- (b) Change the individual's status to active, and status date to the date of appointment in KYGFIS; and,
- (c) Enter address history and level of care.
- (4) The GFSOS or designee shall assign in KYGFIS within three (3) working days of receipt of the appointment order:
 - (a) The assigned GSSW or designee shall conduct a face-to-face visit with the individual under guardianship within seven (7) working days from the assignment in KYGFIS, unless otherwise directed by the supervisor or designee and documented in KYGFIS;
 - (b) Inform the individual of their rights; and
 - (c) If the individual is present in court on the day of appointment the worker may complete the face-to-face visit at that time.
- (5) The GSSW shall complete the initial assessment process which includes:
 - (a) Face-to-face visit with the individual to assess current physical condition and needs;
 - (b) Consultation with any collateral contacts, including the current provider concerning the individual's care;
 - (c) Review of the individual's-records at his/her place of residence;
 - (d) Gathering information regarding the individual, family, resources, and etc;
 - (e) Photograph the individual under guardianship and their environment including living space, facility, outside, property, etc. and upload in KYGFIS; and,
 - (f) Entering information into KYGFIS as an initial annual report.
- (6) Within **thirty (30) working days** of notification of appointment, the GSSW assigned the individual's case shall:
 - (a) Collect and verify the names, addresses, and telephone numbers of the individual's relatives and/or other pertinent contacts and enter into KYGFIS.
 - (b) Determine if the individual has:
 1. A will;
 2. Burial policies;
 3. End-of-Life decision documents;
 4. Durable power of attorney; or,
 5. Another power of attorney
 - (c) Obtain an original or copy of the above documents if the family has the documents or knowledge of the individual's wishes;

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1. Scan documents into KYGFIS; and
 2. Mail original documents to the Central Office, Benefits Management Branch.
- (d) Enters Family and Burial Contact information, including any funeral home preferences, in KYGFIS;
- (e) Enters assessment information within five (5) working days of the face to face visit, and completes all known information on the face page and in other sections of the individual's case in KYGFIS including information on demographics, and diagnosis;
- (f) Informs Fiduciary Management Branch of any additional financial information obtained during the assessment and attaches updated GF-01, Guardianship Information Referral Form, into KYGFIS;
- (g) Secures and/or provides services necessary for the protection and wellbeing of the individual and his/her estate. (All decisions regarding benefits and financial services are made in consultation with Fiduciary Management);
- (h) When received by Guardianship the GSSW or designee shall enter as an event in KYGFIS any information regarding assets and liabilities-including:
1. An inventory of personal property;
 2. Copies of deeds or Wills providing evidence that property(ies) belong to the individual under guardianship;
 3. Mortgages and records of mortgage payments (amortization printouts);
 4. Court documents on foreclosure of any property;
 5. Notes;
 6. Liens;
 7. Encumbrances;
 8. Current Property Valuation Administrator (PVA) assessments (homes, real estate, cars, boats, mobile homes, etc.)
 9. Any known recent appraisals;
 10. Home insurance records and statements;
 11. Vehicle insurance records and statements;
 12. Tax documentation and income tax information;
 13. Bank statements;
 14. Pictures of personal and real property; and,
 15. Copies of facilities personal needs statements.

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- (i) Forward all financial information to the Benefit and Fiduciary Management Branch;
 - (j) Complete a physical inventory of all personal and real property using the inventory Form found in KYGFIS. The inventory is completed as follows:
 1. An additional employee, approved by the GFSOS, shall accompany the worker;
 2. The GSSW attaches a copy of the inventory, and photographs of personal and real property, to an event in KYGFIS; and,
 3. The GSSW secures the individual's personal and real property.
- (6) Within **thirty (30) working days** of court notification of the Cabinet's appointment authorizing the management and/or disposal of the individual's assets, the GFSOS or designee shall:
- (a) Review copy of the deed and any mortgages or liens on the property discovered;
 - (b) Determine if the individual's real property is inhabited by someone other than the individual; and,
 - (c) Within thirty (30) working days, if there is a tenant in or on any of the properties:
 1. Contact the tenant about the Cabinet's appointment;
 2. Determine if there is a written lease and, if so, request a copy;
 3. Consult with Branch Manager if there are others residing in the home;
 4. Advise the tenant that all rent payments must be made payable to CHFS for [name of the individual] and mailed to Fiduciary Management Branch at the Cabinet for Health and Family Services, 275 East main Street 3E-F, Frankfort, KY 40621; and,
 5. Advise the tenant of the Cabinet's need to make a walk through inspection of the property.
 - (d) Discuss disconnection of utilities with the GFSOS, and:
 1. Contact the utility companies;
 2. Change the billing address to the assigned GSSW's office; and,
 3. Request that the utility be disconnected, if appropriate.
 - (e) When practical and funds allow, the GSSW will secure and maintain insurance coverage on any real property.

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- (f) If insurance coverage cannot be obtained on real estate, the GSSW may notify the court that it is not possible to maintain insurance coverage on the individual's real property.
 - (g) The GFSOS and GSSW discuss whether the property is to be maintained or to be sold and consults with the Branch Manager or designee. If sold, KRS 389A, Sales of Realty of Persons Under Disability, is followed. (DAIL-GField-44, Sale of Real Property).
 - (h) If property is in foreclosure, GSSW determines the status of the property and consults with GFSOS.
- (7) Within **five (5) working days** of receipt of the following items, the GSSW consults with the GFSOS and documents items to be transferred to the Benefits Management Branch in an event in KYGFIS, completes the Client Valuation and Negotiable Instrument Record and Receipt form (DAIL-GForm-7), and forward the items to the Benefits Management Branch by certified mail insuring any negotiable items or items of value for the estimated values:
- (a) On any small items of value (e.g., jewelry, coins, etc.) the GSSW and GFSOS shall consult on the appropriate liquidation;
 - (b) Original documents related to finances or personal assets such as:
 1. Wills;
 2. Burial policies;
 3. Stocks;
 4. Bonds;
 5. Insurance policies; and,
 6. Mineral rights ownership, etc.
- (8) If the individual under guardianship does not have sufficient liquid assets to meet his/her needs, the GSSW consults with the GFSOS or designee to determine if the individual's assets that should be liquidated and deposited into the individual's account.