

DIVISION OF GUARDIANSHIP Death of an Individual Under Guardianship	DAIL-GField-35
Effective Date: March 29, 2010 Revised Date: January 19, 2024 Revision History: October 9, 2012; June 1, 2016, April 27, 2021	Page 1 of 2

Policy Statement:

The Cabinet for Health and Family Services (CHFS) personal and financial responsibilities shall cease upon the death of an individual under guardianship; however the Department shall strive to ensure the individual transitions with dignity and respect. This includes attempts to contact known family members or friends, and seeking assistance from the county Fiscal Court and/or local funeral homes, for those without funds available for a burial.

Legal Authority:

- [KRS 72.025 Circumstances requiring post-mortem examination to be performed by coroner](#)
- [KRS 387.640 Duties of limited guardian or guardian](#)
- [KRS 387.660 Specific powers and duties of guardian](#)
- [KRS 446.400 Determination of death -- Minimal conditions to be met](#)
- [910 KAR 2:040 Section 17. Death of a Ward](#)

Procedure:

- (1) When an individual under guardianship dies, the GSSW or designee enters a Class 3 Incident Report into KYGFIS within one (1) working day upon notification of the death and provides:
 - (a) Name and age of the individual;
 - (b) Date, time and place-of death;
 - (c) Name of physician or health care provider who pronounced death;
 - (d) Cause of death, and was death expected or unexpected;
 - (e) Statement of a DNR in place or approval for termination of life support;
 - (f) Last residence;
 - (g) Name, address and telephone number of the funeral home; and,
 - (h) Name of family members and/or friends contacted.

- (2) In KYGFIS, the GSSW, or designee, edits the status history to reflect status change to “Expired” and the status date (date of death).

- (3) The GSSW, or designee, attempts to contact a relative or other interested party to notify them of the individual’s death and the designated funeral home. If GSSW, or designee, is unsuccessful notifying family by phone within 2 business days of individual’s death the GSSW, or designee, will send certified letter to all known

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addresses for family. When an effort to locate family by all reasonable means is not successful, the GSSW shall notify the Division of Operations and Support and request a family search.

- (4) The GSSW, or designee, documents the individual's death and the notification of the relatives as an incident follow up in KYGFIS.
- (5) The GSSW, or designee, may also seek assistance from the county Fiscal Court and/or local funeral homes.
- (6) Because the Cabinet's decision-making authority ceases at the time of the individual's death, no Field Services Branch Staff shall grant permission for:
 - (a) Autopsies;
 - (b) Organ or tissue donations; or
 - (c) Release of the body.
- (7) When an individual dies in unusual or unknown circumstances, the GSSW, or designee, shall make a referral to:
 - (a) APS;
 - (b) County coroner;
 - (c) Relative, or other interested party who may order an autopsy; and
- (8) Once the GSSW determines the individual's file is complete, all documents are scanned into KYGFIS and the hard copies are destroyed. Any original documents such as life insurance, birth certificate, or Will shall be forwarded to Central Office.
- (9) The GSSW shall refer all financial inquires, and funeral home inquiries, post death, to the designated Fiduciary Branch personnel, who shall be responsible to communicate with the individual's family, funeral home and/or service providers. At no time shall the Field Service Branch staff share account balances or other such details.
- (10) The Administrative Specialist II or designee sends notification of death to the District Court of record.