

<b>FIDUCIARY MANAGEMENT BRANCH Guardianship Compensation</b>	<b>DAIL-DOS-FID-20</b>
<b>Effective Date: May 5, 2023</b>	<b>Page 1 of 1</b>

**Policy Statement: An allowable 6% compensation fee is taken monthly from individuals to assist with program expenses.** A compensation fee may also be taken when individual passes away. Quarterly the fees are released to treasury for usage.

**Legal Authority:** [KRS 210.290 Cabinet may act as fiduciary - Duties - Powers](#)  
[KRS 387.680 - 700 Guardianship and Conservatorship for disabled persons](#)  
[910 KAR 2:030 Accounting provisions for adult guardianship](#)  
[KRS 387.760 Court costs-Compensation, commission, and reimbursement for expenses](#)

**Procedure:**

- (1) Run monthly compensation on the 2<sup>nd</sup> Tuesday of the month once payments have posted in database.
  - a. Current system parameters are as follows in order to take a fee:
    - i. Individual must have burial of \$1,000 minimum;
    - ii. Balance in account over \$500;
    - iii. Not owe benefits, outstanding facility, or other liabilities;
    - iv. VA income is not included;
    - v. Individuals in personal care home level of care are excluded.
- (2) Quarterly compensation funds are issued from database and given to finance department in DAIL for deposit into treasury account.
  - a. Funds pulled are reviewed for the previous quarter and any reversals are subtracted from the total before check is issued.
- (3) Once an individual has passed away and approved expenses are paid a final compensation fee is calculated and taken as well.