BASIC INSTRUCTIONS FOR GUARDIANS AND CONSERVATORS

January 1, 2026

Revised and updated- 2025

Kansas Judicial Council

Preface

These instructions constitute the basic instructional program that must be completed to be appointed as a guardian and/or conservator. This training has important information regarding your responsibilities under the Uniform Guardianship, Conservatorship and Other Protective Arrangements Act (UGCOPAA) effective January 1, 2026. After reading these instructions, an appointed guardian or conservator should sign the affidavit of completion at the end of this booklet and file it with the court as evidence of completion of the basic instructional program. This booklet should be kept for future reference as needed.

The court may require you to complete this training if you were appointed as guardian before the law changed on January 1, 2026.

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Definitions of Words You Need to Know:

1) “Accounting” means a detailed written summary of all financial actions done by the conservator on behalf of the minor or adult that is subject to the conservatorship or guardianship.

2) “Adult” means an individual at least 18 years of age or an emancipated individual under 18 years of age.

3) “Adult subject to conservatorship” means an adult for whom a conservator has been appointed under this act.

4) “Adult subject to guardianship” means an adult for whom a guardian has been appointed under this act.

5) “Bond” is similar to an insurance policy. Some bonds are purchased through insurance companies, and some bonds are personal surety bonds. The bond is intended to protect the minor or adult that is subject to the conservatorship should the conservator mismanage the individual’s estate

6) “Claim” includes any written demand filed with a court against an individual or conservatorship estate, whether arising in contract, tort, or otherwise.

7) “Conservator” means a person appointed by a court to make decisions with respect to the property or financial affairs of an individual subject to conservatorship. The term shall include co-conservators, temporary substitute conservators, standby conservators, successor conservators, and emergency conservators.

8) “Conservatorship estate” means the property subject to conservatorship under this act.

9) “Full conservatorship” means a conservatorship that grants the conservator all powers available under this act.

10) “Full guardianship” means a guardianship that grants the guardian all powers available under this act.

11) “Guardian” means a person appointed by the court to make decisions with respect to the personal affairs of an individual. The term shall include co-guardians, temporary substitute guardians, standby guardians, successor guardians, and emergency guardians, but does not include a guardian ad litem.

12) “Guardian ad litem” means a person appointed to inform the court about, and to represent, the needs and best interest of an individual.

13) “Individual subject to conservatorship” means an adult or minor for whom a conservator has been appointed under this act.

14) “Individual subject to guardianship” means an adult or minor for whom a guardian has been appointed under this act.

15) “Inventory” means a detailed written summary of all of the assets and liabilities of the adult subject to the conservatorship or guardianship done by the conservator or guardian on behalf of the minor or adult that is subject to the conservatorship or guardianship.

16) “Less restrictive alternative” means an approach to meeting an individual’s needs which restricts fewer rights of the individual than would the appointment of a guardian or conservator. The term includes, but is not limited to, supported decision making, appropriate technological assistance, appointment of a representative payee, and appointment of an agent by the individual, including

appointment under a power of attorney for health care or finances.

17) “Limited conservatorship” is a conservatorship that grants the conservator less than all powers available under this act, grants powers over only certain property, or otherwise restricts the powers of the conservator.

18) “Limited guardianship” is a guardianship that grants the guardian less than all powers available under this act or otherwise restricts the powers of the guardian.

19) “Minor” means an unemancipated individual under 18 years of age.

20) “Minor subject to conservatorship” means a minor for whom a conservator has been appointed under this act.

21) “Minor subject to guardianship” means a minor for whom a guardian has been appointed under this act.

22) “Parent” does not include an individual whose parental rights have been terminated.

23) “Person” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

24) “Property” includes tangible and intangible property.

NOTE: Sometimes, a person is appointed as both a guardian and conservator. In that case, the individual they are helping may be called either a minor or an adult that is subject to the

conservatorship or guardianship or both. The “Individual subject to guardianship or conservatorship” shall be referred to throughout these Instructions as “the Individual.”

General Introduction

This introduction provides an overview of guardianship and conservatorship in Kansas under KSA 59-30,101 et. seq. This law is the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act. You are encouraged to review this law to learn more about it.

Guardianship and conservatorship are legal processes through which a person is given authority to make decisions for another individual. As guardian or conservator, you may have substantial authority and duties to protect the finances and health of the person, while balancing those duties with minimizing the negative impact on the person’s independence.

Guardians and conservators serve under the general direction and control of the court. In your role as a guardian and/or a conservator, you are in a special position of trust with the individual. You will have the ongoing duty to promptly report to the court any changes in the individual’s needs or condition. If you have any questions regarding these duties and your authority, you should seek direction from the court.

A. Guardianship

The “individual subject to guardianship” is the person for whom a guardianship has been established. The individual may be an adult or a minor. A guardian is appointed to make decisions about health care, residence, and other health, safety and welfare matters. The guardian may have responsibility for certain property and finances of the individual.

A guardian is appointed for someone if their safety, health or welfare is threatened because they are unable to take in and use information or unable to make or communicate decisions.

B. Conservatorship

The “individual subject to conservatorship” is the person for whom a conservatorship has been established. The individual may be an adult or a minor. A conservator is appointed to make decisions about the property and finances of the individual.

C. Guardians and Conservators

A “guardian” is appointed by a court to assist and protect an individual legally determined to require assistance managing his or her own affairs relating to physical health, safety or self-care. In some cases, the guardian may have authority over certain property and finances of an individual as well.

A “conservator” is appointed by a court to assist and protect an individual legally determined to require assistance managing his or her own affairs relating to finances and property.

Guardians and conservators generally make decisions about different aspects of an individual’s life.

Guardians make decisions about issues which affect the individual’s personal wellness, such as where they live and medical treatment. The court may also authorize guardians to make financial decisions when the value of the individual’s property is less than $25,000.

Conservators make financial decisions for an individual and manage their money, property and investments.

You may be appointed as a guardian or a conservator, or both. The scope of the guardianship or conservatorship refers to the range of the guardian’s or conservator’s decision-making authority.

A full guardian or full conservator has the authority to make all decisions granted under the law, whereas, a limited guardian or limited conservator only has the authority to make decisions specified in the court order appointing the guardian or conservator. The order appointing the guardian or conservator should clearly set forth the duties and responsibilities of the guardian or conservator.

D. Emergency Guardianship

If you are appointed as an emergency guardian, you are subject to the same general duties and decision-making standards as other guardians. Your authority is limited to only that described in the emergency guardian order of appointment. Your authority will only last 30 days unless the court approves an extension. You must provide the notice of appointment no later than 48 hours to the individual to whom you have been appointed as emergency guardian, their attorney and any other person the court determines.

E. Conflict of Interest

Guardians and conservators must avoid conflicts of interest and self-dealing. Conflicts of interest occur when a guardian's or conservator's independent judgment on behalf of the individual may be compromised or appear to be compromised by a competing interest. For example, there would be a conflict of interest if a guardian or conservator wished to sell the individual's car to the guardian's or conservator's daughter. There would be a conflict between the guardian's or conservator's duty to get the best price for the individual and the temptation to give his or her daughter a good deal. It could also be a conflict of interest for a guardian and conservator to work in the same facility where the individual lives.

Whenever you think you might have a conflict of interest, even if you are not sure, you are required to report it to the court. Just because you may have a conflict of interest does not mean you cannot serve as guardian and conservator, as long as you keep the court informed.

F. Individual's Abilities and the Role of the Guardian or Conservator

Guardians and conservators have a duty under the statute to promote the self determination of an individual subject to guardianship or conservatorship. Guardians and conservators shall, as much as possible, encourage the individual to participate in decisions, act on their own behalf, and develop or regain the capacity to manage their personal affairs.

G. Decision Making Standards

Guardians and conservators use two main standards to make decisions - Substituted Judgment and Best Interest. The Best Interest standard always applies when the individual subject to guardianship or conservatorship is a minor, and the individual's preferences must be considered, to the extent the guardian or conservator actually knows or could be reasonably ascertained.

Conservators must also consider the Prudent Investor standard when making decisions.

1) Substituted Judgment for an Adult

Substituted judgment is the primary standard that a guardian or conservator must use when making decisions on behalf of an adult.

The substituted judgment standard requires the guardian or conservator to make a decision that best reflects what the individual subject to guardianship or conservatorship currently wants to do or would have decided when they had the ability to make decisions. The guardian or conservator must consider the adult's previous or current directions, preferences, opinions, values, and actions. The guardian or conservator may already know about the individual's preferences and opinions. If not, the guardian or conservator must try to find out the individual's preferences and opinions from the past.

There may be situations when a guardian or conservator is not able to use the substituted judgment standard.

For guardians, there are two situations when the guardian may be unable to use the substituted judgment standard.

1. One situation is when the guardian does not know, and cannot reasonably determine, the decision the individual probably would make if able.
2. The second situation is if the guardian reasonably believes the decision the individual would make would unreasonably harm or endanger the welfare, personal interests, or financial interests of the adult.

For conservators, there are also two situations when the conservator may be unable to use the substituted judgment standard.

1. One situation is when the conservator does not know, and cannot reasonably determine, the decision the individual probably would make if able.
2. The second situation is if the conservator reasonably believes the decision the individual would make would fail to preserve resources needed to maintain the individual's well-being and lifestyle or would unreasonably harm or endanger the welfare or personal or financial interests of the individual.

If the guardian or conservator is unable to use the substituted judgment standard for these reasons, then the guardian or conservator should use the Best Interest standard for making decisions.

2) Best Interest

When the guardian or conservator is not able to use the Substituted Judgment standard, the guardian or conservator is responsible for making a decision which is in the best interest of the individual. The guardian or conservator must consider three types of information:

1. Information received from professionals and persons that are sufficiently interested in the welfare of the individual.

2. Information the guardian or conservator believes the adult would have considered if the adult were able to act.

3. Information that a reasonable person would consider under the circumstances, including consequences to others.

3) Prudent Investor

Conservators must invest and manage property using the Prudent Investor standard for decision making. The Prudent Investor standard requires that financial decisions are made by considering a number of factors. The factors include considerations such as the person's overall financial picture, general economic conditions, and tax consequences.

H. Guardian and Conservator Relationship to the Individual and the Court

As a guardian or conservator, you will be expected to always put the individual's needs above your own.

You will need to provide full disclosure to the individual of your decisions and actions on his or her behalf. Understanding this may not always be easy for you or for the individual. You must present this information in a manner and to the extent that the individual can understand and appreciate this information.

When you are appointed, an ongoing relationship between the court and you as the guardian and/or conservator is created. The court will monitor your compliance with procedural requirements and the timeliness for filing various reports. It will also address any important issues that arise during the administration of the guardianship and/or conservatorship.

You will be required to file periodic reports for the court's approval. Model forms have been developed to make this part of your job easier. These forms are available online and are updated periodically to reflect changes in the law. You can find the state's model forms on the Judicial Council website.

I . Rights of the Individual

The court will provide a Notice of Rights to you, the individual and the notice parties about the individual's rights in a guardianship, including their right to be involved in decisions, to receive copies of plans and reports and object, to change or end the guardianship, to ask to have you removed as guardian, to hire an attorney to assist them with their rights, and many other important rights. It's important to keep the rights of the individual in mind as you carry out your responsibilities as a guardian.

J. Liabilities, Protecting Rights, and Acting with Care

The law does NOT require you as guardian and/or conservator to use your own personal money or other assets for the support of the minor or adult solely because you have been appointed as guardian and/or conservator. However, if you are the parent or spouse of the minor subject to guardianship

and/or conservatorship, you may have a separate duty to support them. For example, each parent has a legal duty to support his or her minor child by paying the ordinary expenses of the minor's care, treatment, housing and education.

You are not liable to other persons for the acts of the minor or adult subject to guardianship and/or conservatorship solely because you have been appointed as guardian and/or conservator. This means you are not responsible to anyone else for something that the minor or adult subject to guardianship and/or conservatorship has done simply because you are the guardian and/or conservator. You should discuss with your attorney situations in which you may be liable for the acts of the individual subject to guardianship and/or conservatorship.

If you are a co-conservator or co-guardian, you may be liable for what your co-conservator or co-guardian does or does not do. If you have concerns, raise those concerns with your lawyer or the court.

You should always protect the individual's personal, civil, and human rights. The law requires that you exercise reasonable care, diligence, and good sense.

K. Petitioning (Asking) the Court for Instruction

During your service as guardian or conservator situations may arise when you need direction from the court. If there is a situation where you are uncertain how to proceed, you may petition the court for instructions on how to proceed.

Guardian Duties and Responsibilities

The basic duties, responsibilities, powers and authorities of guardians are defined by statute and can be found at K.S.A. 59-30,136 through 59-30,138 (minor); 59-30,153 through 59-30,155 (adult). The following is a general overview.

Except as limited by court order, the guardian makes decisions regarding the support, care, education, health, and welfare for the individual to the extent necessary due to their limitations.

Unless specifically limited by court order, as guardian you will have the authority to make decisions about the living arrangements of the individual. During the course of the guardianship, you may be required to make a change in placement from independent living to a more structured setting, such as a care facility. There are some required procedures and rules in the guardianship law about changes in placement for certain types of placements.

You will also be responsible for arranging necessary services such as “meals on wheels”, transportation, and other services that affect the day to day living of the individual. Your role as guardian includes monitoring the quality of the services received by the individual. In addition, you will arrange for, and make medical treatment decisions on behalf of, the individual, except as limited by court order.

As a guardian, you may NEVER take any of the following actions:

1. Prohibit the marriage or divorce of the individual; or
2. Consent to termination of parental rights.

A. Residential Decisions

A guardian is responsible for selecting, and if necessary, advocating for, a safe and appropriate residence for the individual subject to guardianship. In order to carry out this duty, the guardian must do some research and learn what residential options are available in the local community. The guardian must be familiar with the individual’s level of functioning in order to determine the appropriate residential setting.

It will also be important to consult with the individual to determine his or her current preferences. The individual's current preferences should be honored if doing so will not put them at risk of harm. If possible, the guardian should try to determine what choice the individual subject to guardianship would make if he or she knew all the present facts and circumstances and still had the capacity to make sound decisions.

A guiding principle is that the guardian must give priority to the least restrictive residential arrangement that will be safe and appropriate to meet the individual's needs, when selecting a residential arrangement. This may mean leaving the individual subject to guardianship where they are, moving them to a more restrictive environment or perhaps even to a less restrictive environment.

B. Other Limits on a Guardian's Powers with respect to Residential Arrangements

1) Certain Care Settings

Before a guardian can establish or move the permanent place of residence of the adult to a care setting that places restrictions on the adult's ability to leave or have visitors, one of the following three circumstances must exist.

a. The move to such a permanent place of residence was in the guardian's plan for the individual.
b. The court has authorized the move in a court order.
c. The guardian follows certain notice procedures and no one objects. The guardian must give notice of the planned move to the individual and notice parties at least fourteen (14) days before the move.

2) Actions that Affect the Individual's Primary (main) Residence

Taking any action that would result in the sale of, or surrender of the lease, to the primary residence of the adult must follow certain procedures as well. Such an action must be part of the guardian's approved plan, in a court order, or meet the notice requirements to the individual and notice parties with no objection.

3) Moving an Individual Out of Kansas State

There are also other important limitations in the guardianship law. The guardian may not establish or move the individual's place of residence outside of the state of Kansas unless there is a specific court order authorizing such move and the move is consistent with the guardian's plan for the individual.

4) Notice of Change Filed with the Court within 30 days of Residence Change

Finally, after any change in the residence of the adult, you must give notice of the change to the court, the individual and notice parties. The notice of the change must be given within thirty (30) days of the move. In the notice you'll give information about the new address, the type of residence, and whether the individual received notice and if they objected.

C. Medical Treatment Decisions

Unless specifically limited by court order, a guardian is authorized to give consent for medical treatment on behalf of the individual subject to guardianship. Also, in appropriate circumstances, the guardian may choose to decline medical treatment. The guardian must consider the risks and benefits of all treatment options. The guardian shall involve the adult in decision making to the extent reasonably feasible, including, when practicable, by encouraging and supporting the adult in understanding the risks and benefits of health care options. The guardian should attempt to learn about the individual's preferences and values.

This might involve simply asking the person about their desires. However, it might be necessary to explore statements made by the individual prior to the onset of a disabling condition. Then, a decision should be made which best reflects what the individual subject to guardianship would decide if they had the capacity to do so. If such prior preferences can't be determined, the guardian should make a decision in the best interest of the individual.

While the guardian may consent to most types of medical treatment, you may NOT take any of these additional actions UNLESS the supervising court issues a written order approving the action(s):

a. Consent to any psychosurgery, organ or limb removal, except in a life-threatening emergency or to prevent lasting impairment to the child or adult subject to guardianship's physical health.
b. Consent to sterilization of the child or adult.
c. Consent to withholding or withdrawal of life-saving medical care unless the adult subject to guardianship previously made a written advance directive (living will, durable power of attorney for health care decisions, or similar document) that meets legal requirements.
d. Place the child or adult in a psychiatric treatment facility.

D. Relationships and Rights of Association

There are other aspects of the individual's life that the guardian must consider. The guardian has a duty to make reasonable efforts to identify and facilitate (assist) supportive relationships and services for the adult. A guardian may not restrict the individual's rights of association with others of their choosing, except in accordance with the law. This means the individual subject to guardianship has the right to in-person visits, phone calls, electronic communication, personal mail, etc. with others of their choosing. If the individual is unable to express their consent, or otherwise make a decision, the guardian should give substantial weight to what they have expressed in the past.

The guardian may not restrict an adult's right to communicate, visit, interact, or otherwise associate with persons of the adult's choosing, except in the following situations.

a. A court has specifically authorized the restriction on the interaction when the guardianship was established, or as later changed (modified), or
b. The restriction is in a protection order that limits contact between the individual and another person or persons, or
c. There's good cause to believe restriction is necessary because interaction with a specified person poses a risk of significant physical, psychological or financial harm to the adult and the restriction is:

i. for a period of not more than seven business days if the person has a family or pre-existing social relationship with the adult, or
ii. for a period of not more than 60 days if the person does not have a family or pre-existing social relationship with the adult.

E. Personal Effects, Pets and Property Needing Protection

The guardian must take reasonable care of the personal effects, pets, and service or support animals of the adult. The personal items and the pets or service/support animals are important to an individual's sense of well-being, and so the guardianship law states that the guardian must exercise reasonable care regarding them.

If it's necessary to protect the adult's property, the guardian has a duty to bring a proceeding for a conservatorship or protective arrangement instead of conservatorship. The conservatorship will establish the ability of a conservator to make decisions with respect to the property and finances of the individual. As guardian, the court may find it most appropriate to appoint you as a conservator. The court may find that another person may best be able to assist the individual in a conservatorship.

F. Duty to Promote the Individual's Self-Determination

As a guardian you must promote the self-determination of the individual. As much as reasonably possible, you must encourage them to participate in decisions, act on their own behalf, and develop or regain the capacity to manage their own personal affairs. This is to be accomplished in a few ways. First, you must get to know the individual if you don't already. You must maintain enough contact with the individual, including through regular visits, to know their abilities, limitations, needs, opportunities, and physical and mental health. The guardian must learn about the individual's wishes, preferences, and values as much as reasonably possible and involve the individual in decisions affecting their life. The guardian must monitor the quality of services, including long-term care services, provided to the individual.

G. Who Must be Given Notice during the Guardianship

The guardian must give notice of certain events or actions, and copies of court filings, to the individual subject to guardianship and to certain other persons. The individual is always presumed to be entitled to notice. If you as guardian reasonably believe that giving such notice to the individual of certain events may be unduly distressing for them, you may wish to petition the court for instruction about what to do.

In addition to the individual, the order of appointment will identify other persons who are entitled to various notices required under the law. This will usually include the spouse, and adult children of the individual. The court may determine, however, that the individual doesn't or wouldn't have wanted that, or it's not in their best interests

H. Planning

One aspect of being a guardian that you will want to consider is what arrangements you have in place in the event you are unable to complete your responsibilities due to absence, unexpected illness, or other circumstances. A co-guardian who could serve in the event you are unavailable for a period of time may be an option. If so, you would want to think about this ahead of time and coordinate with that person. They would need to know about the individual and be familiar with their needs, care, and preferences.

Conservator Duties and Responsibilities

The basic duties, responsibilities, powers and authorities of conservators are defined by statute and can be found at K.S.A. 59-30,176 through 59-30,179. The following is a general overview.

If you have been appointed conservator, you will have duties that are separate and distinct from those of a guardian. A conservator is a fiduciary and has duties of prudence and loyalty to the individual subject to conservatorship.

For adults, a conservator may be appointed when needed to avoid harm to the individual or significant reduction or wasting of their property. Alternatively, a conservator might be needed to obtain or manage funds for the care and support needs of the adult, or for someone with a right to the adult's support (such as dependent children, for example.) The adult must have an inability to manage their property or financial affairs. This may be due to limitations in the adult's ability to receive and evaluate information or make or communicate decisions. Alternately, this may be because the adult is missing, detained, or unable to return to the United States.

For a minor, the conservatorship must be in their best interest. The minor must own funds or other property requiring management or protection, or have financial affairs at risk due to their age. Another reason for minor conservatorship may be that a conservator is needed to obtain or provide funds for the minor's support or other needs, such as health or education.

Just as in guardianship, the conservator has a duty to promote the individual's self-determination. As much as possible, the conservator must encourage the individual to participate in decisions and act on their own behalf. If possible, the conservator should help the individual develop or get back the ability to manage their own personal affairs.

A. Conservator's Responsibilities

In general, a conservator must manage the property, receive income and pay bills for the individual. The conservator must manage and invest the property and finances of the individual (the "conservatorship estate") prudently. The conservator must also file reports that account for all actions

taken on behalf of the individual. The conservator must file an inventory of the individual's property, make a plan, and keep accurate records of money received and spent.

The conservator will deposit income, pay bills, and handle taxes. The conservator must get insurance to protect estate assets if necessary. The conservator must invest the individual's significant surplus assets not needed for current expenses prudently.

B. Locating Assets of the Individual

Once Letters of Conservatorship are given to you, you must locate and take control of the assets and funds of the individual. You must arrange for all accounts belonging to the individual to now be held by you as a fiduciary. For example, if you are Mary Smith and the individual subject to conservatorship is John Doe, open or change the account name to: "Mary Smith as Conservator for John Doe".

C. Main Bank Account

Every conservatorship case should have one primary checking account from which all bills are paid. This will simplify things when you prepare your accounting. Every disbursement should be found in the check register for this account. Avoid using cash and money orders because keeping track of them is difficult. If there are multiple accounts, transfer funds into the primary checking account, if needed to pay bills or transfer funds to a guardian for bills.

When you attempt to take control of the individual's accounts, you must properly identify yourself as the new conservator. You will need a certified copy of the Order Appointing you and the Letters of Conservatorship issued to you.

D. Separate Accounts

It can't be emphasized enough that a conservator must keep their own assets separate from those of the individual. Separate bank accounts must be maintained. NEVER combine the individual's assets with those of another person, including your own.

E. Record Keeping

As conservator, you must keep detailed records. Record keeping does not have to be complicated, but it must be accurate and is essential in order for you to provide reports that will be acceptable to the court. Failure to keep adequate records will make satisfactory reporting impossible and be deemed a violation of the conservator's fiduciary duty and responsibility to the individual. Receipts and documentation must be kept to show how money has been spent. The primary conservatorship checking account should provide cancelled checks or scanned images of the checks, or electronic transfers records. These, along with bank and brokerage statements, are required to be kept by the conservator and made available upon request to the court.

F. Limits on the Powers of a Conservator

The order appointing a conservator allows the conservator to make many important decisions on behalf of the individual. That authority, however, has clear limitations for certain actions. A conservator must obtain permission from court authorizing the actions. The conservator must also give required notice to the individual and the notice parties.

Here are some common examples of actions that must be authorized by court orders:

- Buying, selling, gifting, or otherwise disposing of, or taking most actions, regarding real property (including, for example, leasing, mortgaging, or exchanging). Real property includes houses, land and interests in land.
- Making extraordinary repairs or even ordinary repairs on a structure requires court approval.
- Ending the lease to the individual's primary residence requires court approval (for example, ending the lease to an apartment that is the individual's main place of residence).
- Making any gift requires specific court approval, unless the item gifted has very little or no monetary value.

G. Administrative Actions That Don't Require Court Approval

The law has a section that lists administrative actions a conservator may take without specific court approval, as long as the actions are consistent with the authority the court has granted the conservator and doesn't otherwise require specific court approval. It includes actions like investing funds, depositing funds in a financial institution, receiving property, continuing to run a business owned by the individual, etc. If there is doubt, it may be prudent to obtain the court's instruction on the matter.

H. Guardian and Conservator Fees and Costs

You may wish to be reimbursed for expenses that you have made on behalf of the individual. This may be necessary and appropriate. However, you should not make reimbursement payments to yourself (or a guardian if it's a different person) unless they are approved in advance by the court.

To seek an order authorizing reimbursement of costs, you must itemize your expenses. If the court has any questions, you may be required to provide back-up documentation, including receipts.

Most family members who serve as guardians and conservators volunteer their time. They do not make a claim for compensation. Again, guardians and conservators may not pay themselves any fees except as specifically authorized by the court. If there is a request for compensation as guardian or conservator, it must be supported by time records of the same period. These must show the activity performed along with the date and time involved.

Any fees requested by a guardian or conservator must also be reasonable. The court will determine whether a proposed fee is reasonable. The fees can't be more than the typical amounts paid for similar services in the community and at the most efficient and cost-effective rate. The court will look at whether the services were necessary, the effect on the individual, and whether the services were consistent with the Guardianship/Conservatorship Plan.

Tasks and Timelines for Guardians and/or Conservators

We will now discuss some of the tasks and timelines you will have as a guardian and/or conservator.

Several steps are required before you can receive “Letters of Guardianship and/or Conservatorship”, which is the document you provide to third parties to show you are the guardian.

A. Required Training

Before you are appointed as guardian and/or conservator, you must complete this basic training program about the duties and responsibilities of a guardian and/or conservator. Reading this booklet meets that requirement. At the end of this booklet, you will find an affidavit of completion of the basic training program. When you finish reading this booklet, you should sign the affidavit and file it with the court to prove that you have completed the program. You should also keep this booklet for future reference.

B. Oath

When you are appointed as guardian and conservator, the court will require that you file an oath or affirmation stating that you will faithfully, impartially and to the best of your ability fulfill all duties assigned by the court. The oath must be in writing and signed before a notary or the judge

C. Bond

When you are appointed as conservator (and sometimes as guardian), you must be bonded unless the court waives the bond. A bond is intended to protect individual’s property should the conservator mismanage the individual’s estate. The court will determine the amount of the bond and whether sureties are necessary. Bonds are usually purchased from an insurance company with the assistance of an insurance agent. To keep the bond in effect, you must pay a yearly premium (fee). You will be released from the bond only after the court has approved your actions and final accounting and has ended the conservatorship or your role as conservator.

D. Resident Agent

If you are not a resident of the state of Kansas, you will also be required to sign and file a Designation of Resident Agent before Letters of Guardianship and/or Conservatorship can be issued. A resident agent is someone who lives in the state of Kansas who agrees to accept service of process if a claim is filed against the guardianship and/or conservatorship. They must then forward the papers to you so that you can respond to the claim. You should select a resident agent whom you can depend on to perform this job responsibly. The resident agent must sign the designation form confirming that they agree to accept this role.

E. Letters of Guardianship and/or Conservatorship

After you have filed your oath, affidavit of completion of this basic training program, and any needed bond or appointment of a resident agent, the court will issue Letters of Guardianship and/or Conservatorship. This document gives you the authority to carry out your legal duties. Any time you interact with financial institutions or care providers on behalf of the individual subject to guardianship and/or conservatorship, you should provide a copy of your letters as proof of your authority to act.

The court order appointing you as guardian will state whether you are a full guardian or a limited guardian. If you are a limited guardian, the court order will state the limitations on your authority. The court order will also state the notice parties. You may need to give them a copy of every document you file with the court and notify them of every hearing, depending on what the court order states. Some of the notice parties will be entitled to all notifications and filings, and some notice parties may be entitled to certain notifications only.

F. 14 Day Notice of Appointment

14 Day Notice – A guardian and/or conservator must give a copy of the order of appointment to the individual. The guardian must also give a copy of the order of appointment to all persons given notice of the hearing on the guardianship petition. The persons who are given notice of the hearing are listed in the guardianship petition. The order and notice must be given not later than fourteen days after appointment

G. Tasks within Ninety (90) Days

Next are the duties you must complete within ninety (90) days of your appointment as guardian/conservator.

1) Initial Guardianship/Conservatorship Plan

Kansas law requires that you prepare and file a guardianship plan for an adult or conservatorship plan for an adult or a minor not later than 60 days after appointment. At any time, the court may require the guardian of a minor to develop and file with the court a plan of care for the minor, or the guardian of a minor may choose to do so.

A guardianship plan might include provisions about where the individual will live and what kinds of decisions the individual will be allowed to make on his or her own. A conservatorship plan might include provisions about how much money the individual will be allowed to control and how the conservator plans to protect the eligibility of the child or adult for public benefits.

Notice of the filing of the Guardian/Conservator's Plan and a copy of the Guardian/Conservator's Plan must be given to the individual subject to guardianship and the notice parties. The notice has to let the individual and other notice parties know that there is a right to object to the Guardian/Conservator's Plan. The court shall review an initial guardian's plan at the review hearing set 90 days after the order of appointment.

2) Inventory and Valuation

The conservator (and sometimes a guardian) is required to file the inventory of all of the individual's property and finances with the court. inventory and valuation (statement of worth) of the property and assets of the child or adult's estate, including any sources of regular income. This must be done within 60 days after appointment. Notice of filing and copies of the Inventory must be provided to the individual subject to conservatorship and to the notice parties in the conservatorship no later than fourteen days after the filing.

The inventory and valuation describe the individual's estate at the time the conservatorship begins. You must list and describe each property and

asset separately and give its full and fair value. You may need to obtain an independent appraisal of some assets.

H. Annual Reporting

1) Guardian's Report:

A guardian for an adult must also file a Guardian Report annually for the rest of the guardianship. The court may require the guardian of a minor. The guardian report updates the court on any changes in the circumstances of the individual subject to guardianship since the filing of the guardian plan/last annual report. The guardian must also provide an accounting for any funds and other property in the guardian's possession or subject to the guardian's control. The reporting period usually starts when the guardian is appointed and covers a 12-month period of time, unless the judge orders a different reporting time period. If a guardian fails to file the required annual report, the court may compel the guardian to appear and take actions to remove that person as guardian.

The guardian must provide notice of the filing and a copy of the guardian report, to the individual and any other notice party. The court will review and monitor the information submitted in the report.

2) Annual Accounting:

A conservator (and sometimes a guardian) is required to file a detailed accounting every year of both income and payments made on behalf of the child or adult. The reporting period usually starts when the conservator is appointed and covers a 12-month period of time, unless the judge orders a different reporting time period. If a conservator fails to file the required accounting, the court may compel the conservator to appear and take actions to remove that person as conservator.

The conservator must provide notice of the filing and a copy of the Annual Accounting, to the individual and any other notice party. The court will review and monitor the information submitted in the Annual Accounting.

I. Special Reports and Accountings

Guardians and conservators must file a special report or accounting with the court if any of the following occurs:

1) a change of address of the guardian or conservator;
2) a change of residence or placement of the child or adult;
3) a significant change in the health or impairment of the child or adult; including a change such that they can make decisions and exercise rights that were removed;
4) in the case of a guardianship, if the child or adult acquires any real property, or if the child or adult receives or accumulates other property or income which causes the total value of the child or adult subject to guardianship's estate to equal or exceed $25,000;
5) a change in the circumstances of the guardian, conservator, the individual that may constitute a conflict of interest;
6) you will be unavailable to visit the adult for more than two months or unavailable to perform the guardian's duties for more than one month;
7) the death of the individual.

How Does a Guardianship or Conservatorship End?

Your responsibilities as guardian and/or conservator never end without court order. The court may end a guardianship or conservatorship for a number of different reasons, including when the need for it no longer exists, when the minor has turned 18 unless the court has extended the conservatorship beyond the minor’s 18th birthday, or when the minor or adult has died.

If the individual’s condition changes such that they are able to exercise rights previously removed, the guardian or conservator must notify the court immediately.

At any time, any person including the minor or adult may file a petition asking the court to end the guardianship or conservatorship for any of the reasons listed above.

If the court ends a guardianship or conservatorship, the court will enter appropriate orders to close the case.

Additional resources:

If you have questions about any of your duties as a guardian and conservator, ask your attorney.

Additional resources, including blank forms for inventories, accountings, and guardian's reports, can be found on the Kansas Judicial Council's webpage at: https://kjc.ks.gov

Notes:

These basic instructions for guardians and conservators were prepared by the Guardianship and Conservatorship Advisory Committee of the Kansas Judicial Council. After their original publication in January 2009, the instructions were revised and updated in June 2015 and again in 2017. This version of the instructions was revised after the legislature enacted the new Guardianship and Conservatorship Act, effective January 1, 2026.

This basic instructional program is required by K.S.A. 59-30,108(e).

IN THE _____ JUDICIAL DISTRICT

DISTRICT COURT OF _____ COUNTY, KANSAS

In the Matter of the Guardianship/Conservatorship of:

Case No. _____
K.S.A. Chapter 59

_____
Individual Subject to Guardianship/Conservatorship

AFFIDAVIT OF COMPLETION OF BASIC INSTRUCTIONAL PROGRAM

I declare that I have received and reviewed the Basic Instructions for Guardians and Conservators and kept a copy of those Instructions. I acknowledge that, as guardian and/or conservator, I have the duties and responsibilities described in the Instructions.

I declare under penalty of perjury that this is true and correct.

Executed on this _____ day of _____, _____.

_____
Signature

_____
Please Print Your Name

_____

_____
Address

_____
Telephone Number

_____
Email Address