

Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act; Kansas Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act; HB 2359

HB 2359 enacts the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA) and the Kansas Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (KUGCOPAA) and repeals existing statutes governing guardianship and conservatorship throughout the *Kansas Statutes Annotated*, effective January 1, 2026. The bill also makes conforming amendments to various statutes to reflect the new acts.

Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

Definitions

The bill defines several terms used throughout UAGPPJA.

Foreign Jurisdiction

The bill allows a Kansas court to treat a foreign country as a state for the purposes of applying the UAGPPJA, with the exception of sections governing out-of-state registrations of guardianship or protective orders.

Interstate Communications

The bill allows a Kansas court, with participation by the parties, to communicate with another state concerning a proceeding arising under the UAGPPJA. The bill requires all communications except administrative matters to be recorded by the court.

Interstate Requests for Assistance

Under the UAGPPJA, Kansas courts may request another state's court to:

- Conduct evidentiary hearings;
- Compel testimony or evidence according to that state's procedures;
- Order evaluations or assessments of the respondent;
- Conduct investigations of persons involved in proceedings;
- Provide certified records of hearings, evidence, evaluations, or assessments;
- Issue orders ensuring appearance of necessary persons; and

- Authorize release of relevant records, including protected health information under federal regulations.

The bill also requires that when courts of other states request similar assistance in their guardianship or protective proceedings, Kansas courts have limited jurisdiction to either grant the request or make reasonable efforts to comply.

Out-of-State Depositions

Under the bill, Kansas courts may receive testimony from out-of-state witnesses through depositions or by telephone, audio-visual technology or other electronic means, or another legally permissible means of taking out-of-state testimony. Kansas courts are required to cooperate with other state courts in determining appropriate locations for depositions or testimony.

Definitions Specific to Adult Guardianship and Protective Proceedings

The bill defines several terms as used throughout provisions pertaining to jurisdiction of guardianship or other protective proceedings involving an adult. Terms defined include:

- “Emergency” means a circumstance that likely will result in substantial harm to a respondent’s health, safety, or welfare, and for which the appointment of a guardian is necessary because no other person has authority and is willing to act on the respondent’s behalf;
- “Home state” means the state in which the respondent was physically present, including any period of temporary absence, for at least six consecutive months immediately before the filing of a petition for a protective order or the appointment of a guardian, or if none, the state in which the respondent was physically present, including any period of temporary absence, for at least six consecutive months ending within the six months prior to the filing of the petition; and
- “Significant-connection state” means a state, other than the home state, with which a respondent has a significant connection other than mere physical presence and in which substantial evidence concerning the respondent is available. The bill prescribes four factors the court must consider in determining whether a significant connection to a particular state exists:
 - The location of the respondent’s family and other persons required to be notified of the guardianship or protective proceeding;
 - The length of time the respondent at any time was physically present in the state and the duration of any absence;
 - The location of the respondent’s property; and

- The extent to which the respondent has ties to the state such as voting registration, state or local tax return filing, vehicle registration, driver's license, social relationship, and receipt of services.

Jurisdiction

Under the bill, the UAGPPJA provides the exclusive jurisdictional basis for establishing jurisdiction for the purpose of appointing a guardian or issuing a protective order for an adult. A Kansas court has jurisdiction when Kansas is the respondent's home state or may exercise jurisdiction as a significant-connection state when either:

- The respondent has no home state, or the home state has declined jurisdiction in favor of Kansas; or
- The respondent has a home state, but no guardianship petition is pending in that state or another significant-connection state, and before the court makes the appointment or issues the order:
 - No petition is filed in the home state;
 - No jurisdictional objections are filed by parties required to be notified of the proceeding; and
 - The Kansas court determines it is an appropriate forum.

Kansas courts also may exercise jurisdiction within constitutional limits if neither home state nor significant-connection state jurisdiction exists and all other states with potential jurisdiction have declined or the requirements for special jurisdiction are satisfied. Kansas courts may have special jurisdiction to:

- Appoint a guardian to a respondent physically present in Kansas for a term not to exceed 90 days in an emergency;
- Issue a protective order with respect to real or tangible personal property located in Kansas; or
- Appoint a guardian or conservator for an incapacitated or protected person who has been granted a provisional order for transfer from another state.

A Kansas court is required to dismiss a petition for the appointment of a guardian in an emergency upon request of the respondent's home state before or after the emergency appointment.

Exclusive and continuing jurisdiction. Once a Kansas court appoints a guardian or issues a protective order, it maintains exclusive and continuing jurisdiction until the court terminates the proceeding or the appointment or order expires by its terms.

Declining jurisdiction. The bill provides direction to Kansas courts, including factors to be considered, in determining whether a Kansas court should decline jurisdiction in favor of a more appropriate forum for the proceeding.

Jurisdiction acquired by unjustifiable conduct. The bill lists remedies available to a court when it determines that it acquired jurisdiction due to unjustifiable conduct by a party.

Notice. The bill provides that notice of a proceeding involving a respondent whose home state is not Kansas must be sent to those persons entitled to notice in the respondent's home state.

Concurrent petitions. The bill provides direction to Kansas courts in the case that a petition to appoint a guardian or issue a protective order is brought in a Kansas court and in another state and neither has been dismissed or withdrawn.

Transfer of Proceedings

The bill outlines procedures for the transfer of guardianships or conservatorships appointed in Kansas to another state. Such transfers require a petition to be filed and may require a hearing before the court may issue an order provisionally granting the petition, upon the court's finding of several facts, as specified by the bill.

For a guardianship or conservatorship to be transferred from another state to Kansas, the guardian or conservator is required to file a petition with the Kansas court to accept the transfer and has similar notice and hearing requirements as specified above.

Non-resident Guardian or Conservator

The bill provides that when a guardian or conservator has been appointed in another state and no petition for the same is pending in Kansas, the guardian or conservator may register such protective arrangement in Kansas by filing it as a foreign judgment in any county, as appropriate. The bill provides that upon registration, the guardian or conservator has all powers authorized in the order of appointment except as prohibited by Kansas law and subject to any conditions imposed by nonresident parties.

Uniformity, Electronic Signatures in Global and National Commerce Act, Effective Date

Under the bill, consideration must be given to the need to promote uniformity of the law in the enactment of the UAGPPJA. The bill also specifies how the UAGPPJA impacts the Electronic Signatures in Global and National Commerce Act and states the UAGPPJA applies to guardianship and protective proceedings begun on or after January 1, 2026.

Kansas Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act

Definitions

The bill defines several key terms that are used throughout the KUGCOPAA, including:

- “Adult” means an individual at least 18 years of age or an emancipated individual under 18 years of age;
- “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, and the term also includes a co-conservator;
- “Guardian” means a person appointed by the court to make decisions with respect to the personal affairs of an individual, and the term also includes a co-guardian but does not include a guardian *ad litem*;
- “Expressly and with informed consent” means consent voluntarily given with sufficient knowledge of the subject matter involved, including a general understanding of the procedure, the medically acceptable alternative procedures or treatments, and the substantial risks and hazards inherent in the proposed treatment or procedures, to enable the person giving consent to make an understanding and enlightened decision without any element of force, fraud, deceit, duress, or other form of constraint or coercion;
- “Guardian *ad litem*” means a person appointed to inform the court about, and to represent, the needs and best interest of an individual;
- “Hydration” means water or fluid administered in any manner;
- “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 also includes 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 power of attorney for finances;
- “Letters of office” means a record issued by a court certifying a guardian’s or conservator’s authority to act;
- “Nutrition” means sustenance administered in any manner;
- “Person” means an individual, estate, business or non-profit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity;

- “Person legally incapable of making health care decisions” means any person who:
 - Has been declared legally unable to make decisions affecting medical treatment or care; and
 - In the reasonable medical judgment of the attending physician, is unable to make decisions affecting medical treatment or other health care services; or
 - Is a minor;
- “Reasonable medical judgment” means a medical judgment that is made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved;
- “Respondent” means an individual for whom appointment of a guardian or conservator or a protective arrangement instead of guardianship or conservatorship is sought; and
- “Supported decision making” means assistance from one or more persons of an individual’s choosing in understanding the nature and consequences of potential personal and financial decisions, which enables the individual to make the decisions, and in communicating a decision once made if consistent with the individual’s wishes.

Principles of Law and Equity Supplemental to KUGCOPAA

The bill provides that unless displaced by a particular provision of KUGCOPAA, the principles of law and equity supplement its provisions.

Jurisdiction

The bill states what jurisdiction exists for proceedings under KUGCOPAA dependent upon what type of party is involved and further provides that a district court has jurisdiction over a guardianship or conservatorship for a minor domiciled, present in, or having property in Kansas, to the extent jurisdiction is precluded by the Uniform Child Custody Jurisdiction and Enforcement Act.

Transfer of Proceedings for Persons Not Subject to UAGPPJA; Non-resident Guardian or Conservator

The bill provides direction for the transfer of proceedings under KUGCOPAA when the transfer of proceedings as specified in the UAGPPJA do not apply.

The bill also prescribes the procedure for the appointment of a non-resident guardian or conservator to a minor in Kansas when jurisdiction for the proceeding has been established in Kansas.

Venue for Proceedings Involving Minor

The bill outlines the appropriate venue for guardianship, conservatorship, or protective arrangement proceedings involving a minor in Kansas.

Rights of Parties in Proceedings

The bill specifies the various rights that are afforded to both petitioner and respondent in any proceeding under KUGCOPAA, including the right of a respondent to demand a jury trial on the issue of whether a basis exists for appointment of a guardian or conservator. The bill also allows the consolidation of multiple proceedings involving the same individual as appropriate.

Letters of Office

Under the bill, criteria are established when letters of office to a guardian or conservator may be issued. Such letters are issued upon the guardian or conservator filing:

- An acceptance of appointment;
- An oath or affirmation as required by the Kansas Probate Code;
- Evidence of completion of a basic instructional program concerning the duties and responsibilities of a guardian or conservator; and
- A personal information sheet containing any personal identifying information about the guardian or conservator required by the court, not to be disclosed to the public.

The letters of office are required to contain a statement of any limitations on the powers of a guardian or conservator or on the property subject to conservatorship and to specify how co-guardians and co-conservators may act. Under the bill, the court may limit the powers of a guardian or conservator at any time after issuing new letters of office to reflect the limitation and providing notice to appropriate parties.

The bill directs the Kansas Judicial Council to prepare a basic instructional program concerning the duties and responsibilities of a guardian and conservator and allows the court to require any guardian or conservator appointed prior to January 1, 2026, to complete such program.

Personal Jurisdiction; Resident Agents

The bill provides that on acceptance of appointment, a guardian or conservator submits to personal jurisdiction of the Kansas court with jurisdiction over the proceeding.

The bill requires every non-resident guardian or conservator to appoint an individual Kansas resident or a corporation, limited partnership, limited liability partnership, limited liability

company, or business trust that has its principal place of business in Kansas to act as a resident agent. The bill enumerates the resident agent's duties.

Co-guardians and Co-conservators

The bill allows co-guardians and co-conservators to be appointed by a court and requires the letters of office to state how such co-guardians or co-conservators may act.

Successor Guardian or Conservator

The bill allows a successor guardian or conservator appointed by a court to serve immediately or upon some designated event, upon petition of a party authorized to petition for guardian or conservator.

Corporation as Guardian

The bill provides that any corporation organized under the Kansas General Corporation Code and certified by the Secretary for Children and Families may act as a guardian under KUGCOPAA. The bill directs the Secretary to establish criteria to determine whether the corporation should be certified and provides further guidance on what the criteria should include. The Secretary is authorized to adopt rules and regulations related to the certification of corporations as guardian.

The bill prohibits any corporation that provides care, treatment, or housing, or is owner, part owner, or operator of any adult care home, lodging establishment, or institution that houses the individual subject to guardianship from being appointed as that individual's guardian.

Termination of Appointment

A guardian or conservator appointment terminates upon the guardian's or conservator's death, removal, or resignation, if the resignation is approved by the court. Death, removal, or resignation of the guardian or conservator does not affect any liability that may arise out of the protective arrangement.

Notice Required Under KUGCOPAA

The bill specifies what is required for proper notice of a hearing under KUGCOPAA and prohibits a respondent or individual subject to guardianship, conservatorship, or other protective arrangement from waiving notice. However, any other person may waive notice in a signed record filed in the proceeding.

Appointment of Guardian Ad Litem

The bill authorizes the court to appoint a guardian *ad litem* at any time if it determines the individual's interests are not adequately represented. A guardian *ad litem* may be appointed to represent multiple individuals or interests if no conflict of interest exists but may not be the attorney representing the respondent.

Request for Notice

The bill provides that a person may file with the court a request for notice of proceedings under KUGCOPAA if not otherwise entitled to notice or if interested in the welfare of a respondent or individual subject to guardianship, conservatorship, or other protective arrangement.

Disclosures Required of Guardian or Conservator

The bill specifies what a guardian or conservator must disclose to the court before accepting appointment related to prior convictions, insolvency, or prior acts of abuse or neglect.

Compensation and Reimbursement for Services Provided to Respondent; Costs

The bill describes when an attorney or other person whose services resulted in an order beneficial to a respondent or person subject to guardianship, conservatorship, or protective arrangement is entitled to reasonable compensation and reimbursement for reasonable expenses from the property of that respondent or person, subject to the court's approval.

The bill also provides that costs incurred as a result of a proceeding brought under KUGCOPAA are to be paid by the county in which the respondent or person under guardianship or conservatorship resides.

Compensation and Reimbursement for Guardian or Conservator

Guardians and conservators are entitled to reasonable compensation and expenses from the respondent's property under KUGCOPAA, subject to the court's approval. The court is required to consider a number of factors, as specified by the bill, in determining what is reasonable compensation.

Fiduciary Responsibility Instruction

The bill provides that a guardian or conservator may petition the court for instruction concerning fiduciary responsibility or for ratification of a specific act related to the guardianship or conservatorship.

Exceptions to Guardian or Conservator Authority

The bill outlines when the authority of a guardian or conservator to act on behalf of the individual may be rejected.

Third-party Service Providers

The bill provides that a guardian or conservator may retain third parties to provide services to an individual if consistent with the fiduciary duties of the guardian or conservator. The guardian or conservator must exercise reasonable care, skill, and caution with respect to the retention of such third parties.

Temporary Substitute Guardians or Conservators

The bill specifies when a court may appoint a temporary substitute guardian or conservator for a period not to exceed six months and provides related procedural guidance for such appointments.

Non-resident Guardian or Conservator

The bill provides that when a guardian or conservator has been appointed in another state and no petition for the same is pending in Kansas, the guardian or conservator may register such protective arrangement in Kansas by filing it as a foreign judgment in any county, as appropriate. Under the bill, a guardian or conservator has all powers authorized in the order of appointment upon registration, except as prohibited by Kansas law and subject to any conditions imposed by non-resident parties.

Grievance Process

The bill outlines the process by which an adult who is subject to guardianship or conservatorship or person interested in the welfare of that individual may file a grievance related to the arrangement. The court must schedule a hearing if it finds the grievance supports a reasonable belief that removal, termination, or modification of the guardianship or conservatorship may be appropriate. The court may take any action supported by the evidence. The court may decline to act upon a subsequent grievance if a similar grievance was filed within the previous six months.

Provisions Specific to Minor Guardianship

When an appointment may be made. The court may appoint a guardian if it finds the appointment is in the minor's best interests, and:

- Each of the minor's parents have given consent;
- All parental rights have been terminated;

- There is clear and convincing evidence that the parents are unwilling, unable, or unfit to exercise the powers of a guardian; or
- There is clear and convincing evidence that highly unusual or extraordinary circumstances exist that cause the court to appoint the guardian over the objection of a parent.

Petition for minor guardianship. Under the bill, a minor or person interested in the welfare of a minor may file a petition for the appointment of a guardian for the minor. The bill specifies what information the petition must contain.

Hearing and notice. The bill requires a court to schedule a hearing upon the filing of the petition for minor guardianship, describe who must be given notice for the hearing, and specify what information such notice must contain.

Appointment of attorney. The bill requires the court to appoint an attorney to represent the minor subject to guardianship in certain circumstances. The court may also appoint an attorney to represent a parent of the minor if it determines there is a need for such representation.

Participation in hearing. The bill prescribes who must participate in the hearing for minor guardianship, who may be excused from participation, and who may participate upon request.

Rules applicable to appointment. The bill provides certain rules that apply when the court has found an appointment of a guardian for a minor is proper, including what persons may be considered to be a guardian, who must receive notice of the appointment, and when such notice is insufficient.

Standby guardians. The bill describes the process for appointing a standby guardian when no parent of the minor is willing or able to exercise the duties and powers granted to the guardian. Standby guardians may be appointed upon petition by a parent or a person nominated by a parent and the court's finding that no parent of the minor likely will be able or willing to care for or make decisions with respect to the minor not later than two years after the appointment.

Emergency guardians. The bill allows a court to appoint an emergency guardian for a minor in certain circumstances. An emergency guardianship may not exceed 30 days (with a limit of 3 extensions of no more than 30 days each), and the guardian may only exercise the powers specified in the appointment. The bill prescribes who must be provided reasonable notice of the hearing on emergency guardianship. Under the bill, the court may remove an emergency guardian at any time, and the appointment of an emergency guardian may not provide a basis for the determination that a non-emergent guardianship is otherwise necessary.

Duties and powers of minor's guardian. The bill enumerates the duties of a guardian, specifying that such guardian is a fiduciary and has the duties of a parent regarding the minor's support, care, education, health, safety, and welfare. The guardian is required to act in the minor's best interest and exercise reasonable care, diligence, and prudence. The bill provides

that a guardian has the powers a parent otherwise has regarding the minor, except as limited by court order, and enumerates specific powers.

Authority over minor's estate. The bill prohibits a guardian for a minor from exercising any control or authority over the minor's estate, unless specifically authorized by the court. If so authorized, the court requires the guardian to prepare an inventory of the minor's estate and requires the posting of a bond in certain circumstances.

Termination of minor's guardian. The bill prescribes in what circumstances a minor's guardianship may be terminated and related requirements for such termination.

Plan of care for minor. The bill provides that a court may require, or the minor may choose, to develop a plan of care for the minor, taking into account the minor's needs, best interest, and preferences, to the extent known or reasonably ascertainable by the guardian. The bill specifies items that may be included in such plan. The minor, parent, or any other person entitled to notice related to the minor guardianship may object to the plan in writing within 21 days of the plan's filing.

Provisions Specific to Adult Guardianship

When an appointment may be made. The court may appoint a guardian for an adult if it finds by clear and convincing evidence that:

- The respondent lacks the ability to meet essential requirements for physical health, safety, or self-care because the respondent is unable to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance, or supportive decision-making; and
- The respondent's identified needs cannot be met by a protective arrangement instead of guardianship or other less restrictive alternative.

Under the bill, the court must grant a guardian only those powers necessitated by the demonstrated needs and limitations of the respondent. The bill directs the court to issue orders that will encourage development of the respondent's maximum self-determination and independence.

Petition for adult guardianship. The bill allows the adult subject to guardianship and any person interested in that adult's welfare to file a petition for the appointment of a guardian for the adult and it specifies what information the petition must contain.

Hearing and notice. The bill requires a court to schedule a hearing upon the filing of the petition for adult guardianship, describe who must be given notice for the hearing, and specify what information such notice must contain.

Appointment of court liaison. The court may appoint a court liaison with training or experience in the type of abilities, limitations, and needs alleged in the petition for guardianship to interview the respondent and obtain the respondent's views on the proposed appointment of

guardianship. The court liaison is also authorized to investigate allegations contained in the petition and any other matter related to the petition as directed by the court. If a court liaison is appointed, such liaison must file a report at least ten days prior the hearing on the petition or other hearing as directed by the court. The bill prescribes what information must be included in the report.

Appointment of attorney. The bill requires the court to appoint an attorney to represent the respondent, regardless of the respondent's ability to pay. The bill specifies the duties of the attorney, which are to:

- Make reasonable efforts to ascertain the respondent's wishes;
- Advocate for the respondent's wishes to the extent reasonably ascertainable; and
- Advocate for the result that is the least restrictive in type, duration, and scope, consistent with the respondent's interests, if the respondent's wishes are not reasonably ascertainable.

The bill also describes the attorney's duties to inform the respondent of other relevant details of the proceeding.

Prima facie case for appointment of guardian. If the contents of a petition or evidence at the hearing support a *prima facie* case of the need for a guardian, the court must order an examination and evaluation of the respondent's alleged cognitive and functional abilities and limitations. The bill specifies what information related to the examination or evaluation must be included in the report and requires the professional who prepared the report to submit it at least five days prior to the date of the trial.

Participation in hearing. The bill requires the respondent to attend the guardianship hearing before the guardianship may proceed and allows the court to hold the hearing in an alternative location convenient to the respondent or allows the respondent to attend using real-time audio-visual technology. The bill outlines circumstances in which participation of a respondent is required and specifies the rights granted to a respondent who chooses to participate in the hearing.

Sealing of records related to guardianship; access to records. While records related to guardianship proceedings for adults are generally to be treated as public records, the bill describes circumstances in which records may be sealed. The bill specifies who is entitled to access court records related to the guardianship proceeding. The bill requires reports made by court liaisons or professional evaluators of cognitive and functional abilities to be sealed upon filing but may be accessed by certain specified individuals.

Order of priority for guardian. The bill establishes an order of priority for persons qualified to be guardian of an adult and prescribes rules to follow when equal priority may exist.

Court order appointing guardian. The bill specifies what information must be included in a court order appointing a guardian for an adult.

Notice required after appointment made. The bill requires a copy of the appointment to be given to the adult subject to the guardianship and all other persons entitled to notice within 14 days of the day the order for appointment is issued. The bill also requires, within 30 days of the appointment, a statement of the rights of the adult subject to the guardianship and available remedies to seek relief if those rights are denied to be given to the adult subject to guardianship.

Emergency guardian for adult. The bill allows a court to appoint an emergency guardian for an adult in certain circumstances. An emergency guardianship may not exceed 30 days (with a limit of three extensions not more than 30 days each), and the guardian may only exercise the powers specified in the order of appointment. The bill specifies who must be provided reasonable notice of the hearing on emergency guardianship. The bill provides that the court may remove an emergency guardian at any time, and the appointment of an emergency guardian may not provide a basis for the determination that a non-emergent guardianship is otherwise necessary.

Duties and powers of guardian. The bill enumerates the duties of a guardian for an adult, specifying that such guardian is a fiduciary and must strive to assure that the personal, civil, and human rights of the adult subject to the guardianship are protected. The guardian is required to promote the self-determination of the adult and, to the extent reasonably feasible, include the adult in decision-making, act on the adult's own behalf, and develop or regain the capacity to manage the adult's personal affairs. The bill specifies certain actions the guardian must take in furtherance of the above-stated goals.

The bill requires the guardian to make the decision the guardian reasonably believes the adult would make if the adult were able unless doing so would unreasonably harm or endanger the welfare or personal or financial interests of the adult. In determining the decision the adult would make if able, the guardian is required to consider, to the extent actually known or reasonably ascertainable, the adult's:

- Current or previous directions;
- Preferences;
- Opinions;
- Cultural practices;
- Religious beliefs; and
- Values and actions.

The bill enumerates the specific actions a guardian may take regarding the adult subject to guardianship, except as limited by court order.

Limitations on powers of guardian. The bill specifies those actions a guardian is prohibited from taking on behalf of an adult subject to guardianship and provides applicable guardrails on actions that may be taken by the guardian.

Authority over adult's estate. The bill prohibits a guardian for an adult from exercising any control or authority over the adult's estate unless specifically authorized by the court. If so authorized, the court requires the guardian to prepare an inventory of the adult's estate and requires the posting of a bond in certain circumstances.

Plan of care for adult. The bill provides that a court may require, or the adult may choose, to develop a plan of care for the adult, taking into account the adult's needs, best interests, preferences, values, and prior directions to the extent known or reasonably ascertainable by the guardian. The bill specifies items that may be included in such plan. The adult or any other person entitled to notice related to the adult guardianship may object to the plan in writing within 21 days of the plan's filing.

Annual report. The bill requires a guardian to file an annual report with the court regarding the conditions of the adult and accounting for funds and other property in the guardian's possession or control. The court may require this report to be filed at any other time in addition to the annual requirement. The bill specifies what information must be contained in the report and allows the court to appoint a court liaison to review this report.

Removal of guardian for good cause. The bill allows a court to remove a guardian for an adult for failure to perform the guardian's duties or for other good cause and to appoint a successor guardian, upon petition and after a hearing on the removal.

Petition for termination or modification. The bill allows the adult subject to guardianship, the guardian, or a person interested in the welfare of the adult to petition for termination or modification of the guardianship. The bill specifies what information must be included in the petition and provides related hearing and notice requirements for such petitions.

Provisions Specific to Conservatorships

[Note: Many provisions applicable to conservatorships in KUGCOPAA are substantially similar to those described in the sections governing guardianships. Only substantive variations from provisions previously described and provisions exclusive to conservatorships are described below.]

Appointment of conservator for a minor. The court may appoint a conservator for the property or financial affairs of a minor if it finds by a preponderance of the evidence that:

- The minor owns funds or other property exceeding \$25,000 in value derived from court settlements, death transfers, or sources other than the minor's employment earnings or accounts established under the Uniform Transfers to Minors Act and either:
 - The minor owns funds or other property requiring management or protection that otherwise cannot be provided;
 - The minor has or may have financial affairs that may be put at unreasonable risk or hindered because of the minor's age; or
 - Appointment is necessary or desirable to obtain or provide funds or other property needed for the support, care, education, health, or welfare of the minor.

Appointment of conservator for an adult. The court may appoint a conservator for the property or financial affairs of an adult if the court finds by clear and convincing evidence that:

- The adult is unable to manage property or financial affairs because:
 - Of a limitation in the adult's ability to receive and evaluate information or make or communicate decisions, even with the use of appropriate supportive services, technological assistance, or supported decision making; or
 - The adult is missing, detained, or unable to return to the United States;
- An appointment is necessary to:
 - Avoid harm to the adult or significant dissipation of the property of the adult; or
 - Obtain or provide funds or other property needed for the support, care, education, health, or welfare of the adult or of an individual entitled to the adult's support; and
 - The adult's identified needs cannot be met by a protective arrangement instead of conservatorship or other less restrictive alternative.

Ex parte orders to preserve and apply property. The bill allows the court to issue an *ex parte* order to preserve and apply property of the respondent to support the respondent or respondent's dependent, without notice to others, while a petition for conservatorship is pending. The court is allowed to appoint an emergency conservator to assist in implementing the order.

Petitions for relief by individual subject to conservatorship. An individual subject to conservatorship or a person interested in that individual's welfare can petition for an order:

- Modifying bond requirements;
- Requiring an accounting for the administration of the conservatorship estate;
- Directing distribution;
- Removing the conservator and appointing a temporary or successor conservator;
- Modifying the type of appointment or powers granted to the conservator;
- Rejecting or modifying the conservator's plan, inventory, or report; or
- Granting other appropriate relief.

Bond requirements. The bill outlines when a court may require a conservator to furnish a bond with a surety, or require an alternative asset-protection arrangement, conditioned on faithful discharge of all duties of the conservator. The court may waive the bond requirement only if it finds that it is not necessary to protect the interests of the individual subject to conservatorship. The bill also enumerates rules that apply to such bonds.

Best interest of individual subject to conservatorship. The bill specifies when a conservator is authorized to act in accordance with the best interest of the individual subject to the conservatorship and specifies factors that must be considered by the conservator in making the best interest determination.

Expenditures or distributions of estate absent court authorization. The bill specifies when a conservator may make, expend, or distribute income or principal of the conservatorship estate without specific court authorization. The bill lists factors that the conservator must consider in making such expenditures or distributions.

Court authorization required before certain powers exercised. The bill specifies 16 actions that require specific court authorization before the conservator may take such action and outlines the procedure for the court hearing and approval of the action.

Conservator's plan. The bill requires a conservator to file with the court a plan for protecting, managing, expending, and distributing the assets of the conservatorship estate, based on the needs of the individual subject to the conservatorship and taking into account the best interest of the individual within 60 days of the appointment of the conservator.

Inventory of estate. The bill requires a conservator to prepare and file with the appointing court a detailed inventory of the conservatorship estate and information regarding title and beneficiary designations within 60 days of appointment.

Property rights of individual subject to conservatorship. The bill specifies the individual's interest in property included in the conservatorship estate is not transferable or assignable by the individual and is not subject to levy or garnishment unless allowed as a claim against the estate pursuant to KUGCOPAA. The bill also specifies how contracts entered into with a person subject to conservatorship are affected.

Substantial conflicts voidable. The bill specifies a transaction involving the conservatorship estate that is in substantial conflict with the conservator's fiduciary duties and the conservator's personal interests is voidable unless authorized by the court.

Good faith dealings with conservator. The bill specifies any person who deals or assists a conservator in good faith and for value is protected against any claim that the conservator did not properly execute his or her power in the transaction.

Death of individual subject to conservatorship. Upon the death of an individual subject to a conservatorship, the conservator must:

- Conclude administration of the conservatorship estate;
- Deliver any will of the individual in the conservator's possession; and
- Give notice of such delivery to anyone entitled to it.

Claims against estate. The bill specifies a conservator may pay a claim against the conservatorship estate or the individual subject to conservatorship and provides instruction on how a claimant may bring a claim. The bill also instructs on the priority of claims in the case where an estate is likely to be exhausted before all claims are paid.

Liability of conservator. The bill specifies when a conservator is or is not personally liable for some transaction involving the administration of the conservatorship estate.

Extension of minor conservatorship. The bill allows a minor to extend a conservatorship until the age of 21 if the minor consents or the court finds by clear and

convincing evidence that substantial harm to the minor's interests is likely without such extension. A conservatorship may be extended for two additional two-year terms pursuant to the bill. Any extension granted requires the conservator to provide a plan describing how the minor's assets are to be distributed under the extension.

Limitations on transfers involving minor. The bill provides that transfers involving minors may not exceed \$25,000 in a 12-month period and limits such transfers to certain persons and entities to pay for the support, care, education, health, or welfare of the minor. Funds not used for these purposes must be preserved for future support of the minor, and if any balance remains when the minor becomes an adult or is emancipated, such balance must be transferred to the minor.

Parent's responsibility to hold minor's property in trust. The bill specifies a parent has the right and responsibility to hold in trust and manage for the minor's benefit all personal and real property vested in the minor when the property does not exceed \$25,000, unless a guardian or conservator has been appointed for the minor.

Court authorized to make deposit or payment on behalf of minor without conservator. The bill allows a court that has control over or possession of money not exceeding \$100,000, the right to which is vested in the minor, to deposit the money in an account, payable to a conservator or to the minor upon turning 18. The bill allows a court that has control over or possession of money not exceeding \$25,000, which has vested in the minor, to pay the money to any person.

Court authorized to make deposit on behalf of adult. The bill allows a court that has control over or possession of money not exceeding \$25,000, which is vested in an adult subject to guardianship, to deposit the money in an account, payable to a conservator or to the adult subject to guardianship upon termination of the guardianship.

Provisions Specific to Protective Arrangements

[Note: Many provisions governing protective arrangements in KUGCOPAA are substantially similar to those described in the previous sections governing guardianships and conservatorships. Only substantive variations from provisions previously described and provisions exclusive to protective arrangements are described below.]

When protective arrangement may be ordered instead of guardianship. Upon a finding by clear and convincing evidence that a protective arrangement instead of a guardianship should be ordered, the court may:

- Authorize or direct a transaction necessary to meet the respondent's need for health, safety, or care, including:
 - A particular medical treatment or refusal of a particular medical treatment;
 - A move to a specified place of dwelling; or
 - Visitation between the respondent and another person;

- Order supervised visitation with, or restrict access to, the respondent by a specified person whose access places the respondent at serious risk of physical, psychological, or financial harm; or
- Order other arrangements on a limited basis that are appropriate.

When protective arrangement may be ordered instead of conservatorship. Upon a finding by clear and convincing evidence that a protective arrangement instead of a conservatorship should be ordered, the court may:

- Authorize or direct a transaction necessary to protect the financial interest or property of the respondent, including:
 - An action to establish eligibility for benefits;
 - Payment, delivery, deposit, or retention of funds or property;
 - Sale, mortgage, lease, or other transfer of property;
 - Purchase of an annuity;
 - Entry into a contractual relationship, including a contract to provide for personal care, supportive services, education, training, or employment;
 - Addition to or establishment of a trust;
 - Ratification or invalidation of a contract, trust, will, or other transaction, including a transaction related to the property or business affairs of the respondent; or
 - Settlement of a claim; or
- Restrict access to the respondent's property by a specified person whose access to the property places the respondent at serious risk of financial harm.

Appointment of facilitator. The bill allows a court to appoint a facilitator to assist in implementing a protective arrangement under KUGCOPAA.

Kansas Judicial Council forms. The bill requires the Kansas Judicial Council to develop forms for the purposes of KUGCOPAA.

Uniformity; Electronic Signatures in Global and National Commerce Act; effective date. The bill specifies consideration must be given to the need to promote uniformity of the law in the enactment of KUGCOPAA, specifies how the KUGCOPAA impacts the Electronic Signatures in Global and National Commerce Act, and states the KUGCOPAA applies to guardianships, conservatorships, and protective arrangements commenced on or after January 1, 2026.

Conforming Amendments

The bill amends various statutes to reflect references to the UAGPPJA and KUGCOPAA.