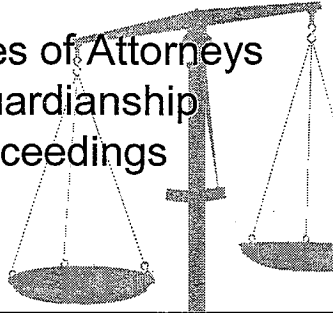


## The Roles of Attorneys in Guardianship Proceedings



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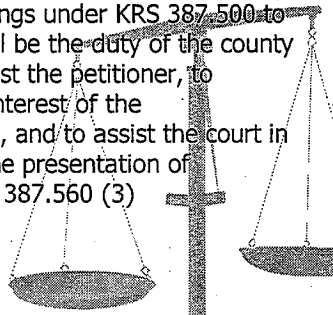
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## The County Attorney

- "In all proceedings under KRS 387.500 to 387.770, it shall be the duty of the county attorney to assist the petitioner, to represent the interest of the Commonwealth, and to assist the court in its inquiry by the presentation of evidence." KRS 387.560 (3)



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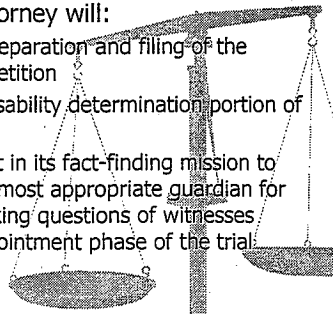
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## What does this mean?

- The County Attorney will:
  - Assist in the preparation and filing of the guardianship petition
  - Conduct the disability determination portion of the trial
  - Assist the court in its fact-finding mission to determine the most appropriate guardian for the ward = asking questions of witnesses during the appointment phase of the trial



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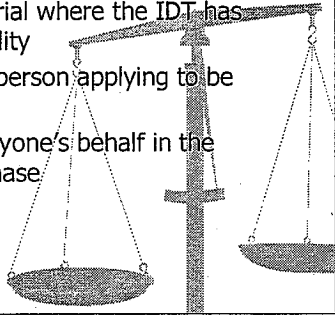
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### The County Attorney does not:

- Take cases to trial where the IDT has found no disability
- Represent any person applying to be guardian
- Advocate on anyone's behalf in the appointment phase



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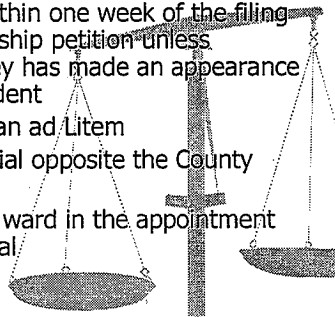
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### The Court-Appointed Attorney

- Is appointed within one week of the filing of the guardianship petition unless another attorney has made an appearance for the Respondent
- Is not a Guardian ad Litem
- Conducts the trial opposite the County Attorney
- Represents the ward in the appointment phase of the trial



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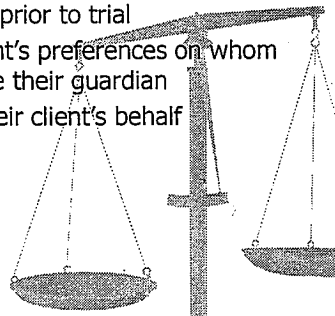
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### The Court-Appointed Attorney should:

- see their client prior to trial
- know their client's preferences on whom they want to be their guardian
- advocate on their client's behalf



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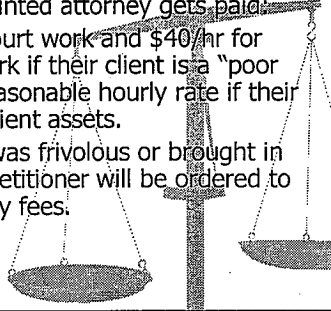
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## Payment

- The court-appointed attorney gets paid: \$60/hr for in-court work and \$40/hr for out of court work if their client is a "poor person" or a reasonable hourly rate if their client has sufficient assets.
- If the petition was frivolous or brought in bad faith, the petitioner will be ordered to pay the attorney fees.



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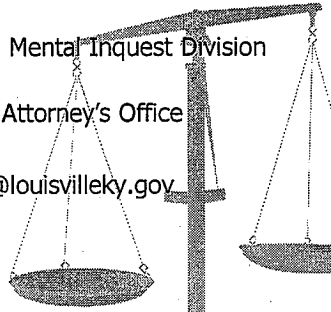
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## For questions:

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