

## **GUARDIANSHIP PACKET**

### **INSTRUCTION FOR FILING FOR GUARDIANSHIP OF MINOR CHILD**

**IN THE EVENT OF MULTIPLE CHILDREN WITH DIFFERENT PARENTS YOU  
MUST FILE SEPARATE GUARDIANSHIP CASES FOR EACH CHILD**

**□ THESE FORMS MUST BE FILED IN THE PROBATE  
DEPARTMENT OF THE DISTRICT COURT, SEDGWICK COUNTY  
KANSAS, 1900 E. MORRIS, WICHITA, KS, 67211 □**

READ ALL OF THE DIRECTIONS CAREFULLY – PRINT NEATLY.

COURT STAFF CANNOT PROVIDE ASSISTANCE OR ADVICE IN COMPLETING  
THESE FORMS.

ONLY ONE SIDED DOCUMENTS ARE ACCEPTED. DO NOT PRINT DOUBLE SIDED.  
AS YOU COMPLETE THE FORMS, NO LINE CAN BE LEFT BLANK.

CONTENTS:           INSTRUCTIONS (3 PAGES)  
                          CIVIL INFORMATION SHEET (1 PAGE)  
                          PETITION FOR APPOINTMENT OF GUARDIAN (3 PAGES)  
                          PRELIMINARY ORDER AND NOTICE (1 PAGE)  
                          NOTICE OF HEARING (1 PAGE)  
                          ENTRY OF APPEARANCE (1 PAGE)  
                          BASIC INSTRUCTIONS FOR GUARDIANS (8 PAGES)  
                          AFFIDAVIT OF COMPLETION  
                                  OF INSTRUCTIONAL PROGRAM (1 PAGE)  
                          OATH OF GUARDIAN/CO-GUARDIAN (1 PAGE)  
                          ORDER APPOINTING GUARDIAN (2 PAGES)  
                          LETTERS OF GUARDIANSHIP (1 PAGE)  
                          GUARDIAN’S REPORT OF CONDITION OF WARD (2 PAGES)

***CAUTION: Use of legal forms without the assistance of a lawyer could harm your legal rights. You may want to have a lawyer review your completed forms before you file them with the court. These are basic forms and do not cover every situation.***

**FOLLOW THESE STEPS TO COMPLETE THE GUARDIANSHIP PROCESS**

STEP 1. Petitioner(s), complete the Civil Information Sheet (The person filing the petition will always be designated as the Petitioner.) All self represented parties must include an email address. **This is so the court can notify you of any changes in the court schedule on short notice.**

STEP 2. Petitioner(s), complete the Petition and sign it in front of a notary. At the time you file, you will be given a case number which you should enter on **all** the documents.

STEP 3. Petitioner(s), complete the Preliminary Order and Notice. At the time you file, you will be given the time and date of the hearing which you should enter on the Preliminary Order.

STEP 4. Petitioner(s), you must read the Basic Instructions for Guardianship and complete the Certificate of Completion.

STEP 5. **(Optional)** Petitioner(s), have the natural guardian sign the Entry and Appearance, Waiver of Notice and Consent in front of a notary public. If you do this you will not need to have the papers served on the natural guardian.

STEP 6. Petitioner(s), take the completed forms to the District Court, Sedgwick County, Probate Department, 1900 E. Morris, Wichita, KS and file them with the Clerk.

STEP 7. Petitioner(s), at the time of filing you will be required to pay the filing fee of \$93.50 in cash, money order or cashier's check payable to the "Clerk of the District Court" If you cannot afford the filing fee, you may complete a Request for Waiver of the Filing Fee, which form you can obtain from the Clerk. Upon completion the Judge will review the Request for Waiver and may or may not approve it.

STEP 8. Petitioner(s), at the time the Petition is filed, the Court will appoint an attorney to represent the minor child in the proceedings. The aide for the Judge of the probate department will provide you with the name and address of the attorney. You will be required to pay the fees of the attorney who is appointed. These fees cannot be waived. See STEP 19.

STEP 9. Petitioner, upon filing the Judge will approve the Preliminary Order and Notice of Hearing at which time the date and time of the hearing will be entered. You must then file the Preliminary Order with the Clerk. **Do not leave the courthouse without getting a hearing date.**

STEP 10. Upon filing, Petitioner(s) should obtain a **filed stamped** copy of the Petition, the Preliminary Order and the Notice of Hearing and keep these for your records.

STEP 11. Petitioner, you must serve a filed stamped copy of the Petition, the Preliminary Order and the Notice of Hearing on the natural guardian(s) of the minor child and any other interested persons unless they have entered their appearance pursuant to STEP 5 and retain a copy for yourself. **You cannot serve the papers yourself.** You must have the Sheriff or a special process server deliver the papers. You will need to pay for service and provide an extra copy of the **file stamped papers** to the Sheriff or process server for them to deliver.

STEP 12. The Sheriff or special process server will make a return to the clerk showing how

they delivered the papers. **Make sure that the papers have been served and the return filed with the Clerk prior to the date of the hearing.**

STEP 13. Petitioner, you must send a copy of the file stamped Petition, Preliminary Order and Notice of Hearing by first class mail, to the attorney who is appointed to represent the minor child.

STEP 14. Petitioner(s), on the day of the hearing, you are required to **personally appear with the minor(s)** in the Probate Department, 1900 E. Morris, Wichita, KS. Check in with the court guard to find out which courtroom you should go to. You should be prepared to testify to the Court about the circumstances that require the appointment of a guardian for the minor child.

STEP 15. Petitioner's, take to the hearing, the Order Appointing Guardian, the Oath of Guardian and the Letters of Guardianship or Letters of Co-Guardianship. At the hearing give those documents to the Judge for him to complete.

STEP 16. Petitioner(s), at the conclusion of the hearing, you should take the signed and completed Order Appointing Guardian, the Oath and Letters of Guardianship or Letters of Co-Guardianship to the Clerk of the Probate Department and file them.

STEP 17. Petitioner(s), at the time you perform **STEP 16**, you should obtain at least one **certified copy** of the Letters of Guardianship or Letters of Co-Guardianship from the Clerk for yourself. They should be kept in a safe place. These are your important documents of authority. Whenever you deal with someone on behalf of the Minor(s), such as the school, physician, hospital or dentist, you should have them make a copy of your Letters of Guardianship so that you retain your copy.

STEP 19. Petitioner(s), you should make arrangements with the attorney who was appointed to represent the Minor(s) to pay the fee you were ordered to pay.

STEP 20. Petitioner(s), remember that you are required to file a Report of the Condition of the Minor(s) with the Clerk of the Probate Department **within one year after your initial appointment** and each year thereafter. Failure to complete and return the form to the Clerk may result in termination of the Guardianship.

JUDGE OF THE PROBATE DEPARTMENT

**EXHIBIT A**

For Office Use Only

**CIVIL COVER SHEET**

The civil information sheet neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Clerk of the District Court for the purposes of initiating the civil docket sheet. This information will not be available to the public and this document will be stored in a separate location from the case file and then destroyed within a reasonable time. A new case **will not be accepted** without a cover sheet attached. (THIS FORM MUST BE TYPED OR PRINTED LEGIBLY). This form can be found at [www.kscourts.org](http://www.kscourts.org)

**NATURE OF SUIT** (Click or mark in one circle only - If the case involves more than one of the following categories, indicate the category having the highest dollar value)

<p><b>CIVIL</b> If a CH 61: \$ _____ (Judgment Demand Amount)</p>				
<p><b>TORT</b></p> <ul style="list-style-type: none"> <li>Asbestos Product Liability</li> <li>Automobile Tort</li> <li>Intentional Tort</li> <li>Legal Malpractice</li> <li>Medical Malpractice</li> <li>Other Professional</li> <li>Malpractice Premises Liability</li> <li>Slander/Libel/Defamation</li> <li>Tobacco Product Liability</li> <li>✓ Toxic/Other Product Liability</li> <li>Other Tort</li> </ul>	<p><b>CONTRACT</b></p> <ul style="list-style-type: none"> <li>Buyer Plaintiff</li> <li>Employment Dispute - Discrimination</li> <li>Employment Dispute - Other</li> <li>Fraud</li> <li>Landlord/Tenant - Unlawful Detainer</li> <li>Landlord/Tenant Dispute - Other</li> <li>Seller Plaintiff (debt collection)</li> <li>Other Contract</li> </ul>	<p><b>Real Property</b></p> <ul style="list-style-type: none"> <li>Eminent Domain</li> <li>Mortgage Foreclosure</li> <li>Other Real Property</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>60-1507</li> <li>Habeas Corpus</li> <li>Other Writs</li> </ul>	<p>State Tax Warrant</p>	
<p><b>DOMESTIC</b></p> <ul style="list-style-type: none"> <li>● Marriage Dissolution/Divorce, Other Domestic Relations</li> </ul>		<p>Protection from Abuse Non-Divorce Support Custody or Visitation</p>	<p>Protection from Stalking Paternity</p>	<p>UIFSA</p>
<p><b>PROBATE/ESTATE</b></p>				
<p><b>Guardian/Conservator</b></p> <ul style="list-style-type: none"> <li>Conservatorship/Trusteeship</li> <li>Guardianship - Adult</li> <li>Guardianship - Minor</li> <li>Guardian/Conservator - Adult</li> <li>Guardian/Conservator - Minor</li> </ul>	<p>Determination of Descent</p> <p>Sexually Violent Predator</p> <p>Decedent Estate</p>	<p>Elder Abuse</p> <p>Other Probate / Estate</p> <p>Care and Treatment</p>	<p>Adoption</p>	

**Jury Demand** YES (Check yes only if jury demand is included in petition or as a separate pleading) NO

**Summons Attached:** YES NO

Service By: Process Server / Attorney Sheriff in State \_\_\_\_\_ Sheriff Out of State \_\_\_\_\_  
County State

**SHERIFF'S PROCESS FEE ATTACHED** Yes No

**PLAINTIFF / SUBJECT INFORMATION**  
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**PHONE:** \_\_\_\_\_ **SEX:** \_\_\_\_\_

**SSN:** \_\_\_\_\_ **DOB:** \_\_\_\_\_

**DL OR STATE ID NO:** \_\_\_\_\_  
State and Number

**EMAIL:** \_\_\_\_\_

**ALIAS NAMES USED:** \_\_\_\_\_

**ATTORNEYS**  
(Firm Name, Address, Telephone Number and Supreme Court ID Number)

\_\_\_\_\_  
 \_\_\_\_\_

**DEFENDANT /OTHER PARTY INFORMATION**  
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**PHONE:** \_\_\_\_\_ **SEX:** \_\_\_\_\_

**SSN:** \_\_\_\_\_ **DOB:** \_\_\_\_\_

**DL OR STATE ID NO:** \_\_\_\_\_  
State and Number

**EMAIL:** \_\_\_\_\_

**ALIAS NAMES USED:** \_\_\_\_\_

**ATTORNEYS (if known)**  
(Firm Name, Address, Telephone Number and Supreme Court ID Number)

\_\_\_\_\_  
 \_\_\_\_\_

**FOR DOMESTIC CASES - NAME, DATE OF BIRTH AND SOCIAL SECURITY NUMBER OF EACH DEPENDENT CHILD:**

<small>(Name)</small>	<small>(Date of Birth)</small>	<small>(Social Security Number)</small>
_____	_____	_____
_____	_____	_____
_____	_____	_____

The requirement that Social Security numbers be included on domestic cases is mandatory, and authorized by the Supreme Court and federal law. On non-domestic cases, the Social Security number is not mandatory. The number is used for purposes of identification and may be disclosed as permitted by law. This form is not considered to be a public record.

IN THE 18<sup>TH</sup> JUDICIAL DISTRICT  
DISTRICT COURT SEDGWICK COUNTY, KANSAS  
PROBATE DEPARTMENT

IN THE MATTER OF THE GUARDIANSHIP OF )  
 )  
\_\_\_\_\_, A MINOR(S) )

Case No. \_\_\_\_\_

\_\_\_\_\_  
Pursuant to K.S.A. Chapter 59

**PETITION FOR APPOINTMENT OF  
\_\_\_\_ GUARDIAN  
\_\_\_\_ CO-GUARDIANS  
FOR \_\_\_\_\_, A MINOR CHILD(REN)**

Come now \_\_\_\_\_, Petitioner and \_\_\_\_\_ Petitioner,  
and allege and state:

1. \_\_\_\_\_ I \_\_\_\_\_ We, reside at (address) \_\_\_\_\_  
\_\_\_\_\_ (city), Sedgwick County, Kansas

2. \_\_\_\_\_ (Name of Minor(s) children),  
hereinafter referred to as the Minor(s), whose date(s) of birth is \_\_\_\_\_, whose  
residence address is \_\_\_\_\_ and who is  
presently residing with Petitioner(s) and has been since (date) \_\_\_\_\_.

3. The Minor(s) are in need of a guardian of person to provide them health insurance,  
make medical decisions, make all custodial decisions, and provide a stable residence for the  
Minor(s).

4. During the past five years before the Petition was filed, the Minor(s) lived at the  
following addresses with the adults listed below:

From Date	Until Date	City& State	Names, Addresses of Custodian who Lived with the Minor(s) at the time	Relationship
--------------	---------------	----------------	--	--------------

\_\_\_\_\_  
\_\_\_\_\_

5. List any other court cases, past, or current, in this state or any other, regarding the

custody of the Minor(s)

Name of CourtCase Number

Location of Court

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6. \_\_\_\_\_ (Parent of the Minor(s) is our \_\_\_\_ son \_\_\_\_ daughter and is the natural guardian of the Minor(s) and is unable to provide for the immediate needs of the Minor(s)

7. The Minor(s) have been informally placed in Petitioner(s) custody and legal guardianship is required to permit the Petitioner(s) to assist the Minor(s).

8. The names and addresses of the following persons, besides the Natural Guardian(s) have an interest in the Minor(s):

Name	Address	Relationship to Minor(s)
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9. The Minor(s) is not married and has no children.

10. There is no fiduciary appointed for the minor, nor are their any other persons or agencies that claim any legal right to physical custody or visitation of the Minor(s).

11. The Minor(s) owns no real or personal property and had no income.

12. The truth of the allegations in this Petition may be proven by the natural guardian and the Petitioners.

13. No personal guardian had been appointed for the Minor(s) by any Court.

14. No fiduciary has been appointed for the Minor(s) by any Court.

15. Petitioner (name) \_\_\_\_\_ is:

a. an adult

b. is employed at: \_\_\_\_\_

c. has no personal or agency interest that might be perceived as self serving or adverse to the best interest of the Minor (s).

16. Petitioner (name) \_\_\_\_\_ is:

a. an adult

- b. is employed at: \_\_\_\_\_
- c. has no personal or agency interest that might be perceived as self serving or adverse to the best interest of the Minor (s).

17. Petitioner(s) have completed the instructional program required by K.S.A 59-3069.

WHEREFORE, Petitioner(s) pray:

- a. that the Court determine the Minor(s) to be minor child or children in need of a guardian.
- b. that the Court issue an order setting the date time and place for the hearing on the Petition.
- c. that the Court issue an order granting Peitioner(s) temporary physical custody of the Minor(s)
- d. that the Court require the Petitioner(s) to act as provided by law.
- e. that the Court appoint Petitioner(s) as \_\_\_\_\_Guardian \_\_\_\_\_ Co-Guardians for the Minor(s) and authorize them to act independently of each other.

\_\_\_\_\_  
Petitioner (Signature)  
Address: \_\_\_\_\_  
City, State ,ZIP \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_

\_\_\_\_\_  
Co-Petitioner (Signature)  
Address: \_\_\_\_\_  
City, State ,ZIP \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_

**VERIFICATION**

STATE OF KANSAS

COUNTY OF SEDGWICK, ss:

I/We swear or affirm under penalty of perjury, that I/We are the Petitioner(s) in this case, and that the statements made in this Petition are true and correct.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_ Petitioner

\_\_\_\_\_ Co-Petitioner

SUBSCRIBED AND SWORN to before me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Appointment expires \_\_\_\_\_



IN THE 18<sup>TH</sup> JUDICIAL DISTRICT  
DISTRICT COURT SEDGWICK COUNTY, KANSAS  
PROBATE DEPARTMENT

IN THE MATTER OF THE GUARDIANSHIP OF )  
 )  
\_\_\_\_\_, A MINOR(S) )  
 )

Case No. \_\_\_\_\_

\_\_\_\_\_  
Pursuant to K.S.A. Chapter 59

**PRELIMINARY ORDER AND NOTICE**

NOW on this the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_ the Court makes the following preliminary orders and notice requirements:

1. A hearing on the Petition for Appointment of Guardian/Co-Guardians for \_\_\_\_\_ Minor(s) is set for the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_ at the Sedgwick County Courthouse, Probate Division, 1900 E. Morris, Wichita, KS at \_\_\_\_\_ a.m. \_\_\_\_\_ p.m.

2. The Petitioner(s) shall have temporary custody of the Minor(s) until further order of the Court.

3. The minor child shall personally appear at the hearing set forth in paragraph 1 of this order.

4. \_\_\_\_\_, a qualified, practicing attorney, whose address is \_\_\_\_\_, \_\_\_\_\_, Kansas, \_\_\_\_\_ (zip), is appointed to represent Minor(s) at all stages of the proceedings.

5. The \_\_\_\_\_ Sedgwick County Sheriff or \_\_\_\_\_, a special process server shall personally serve \_\_\_\_\_ (attorney) with a copy of this order, a copy of the petition and a copy of the Notice of Hearing and file a proof of service.

6. The \_\_\_\_\_ Sedgwick County Sheriff or \_\_\_\_\_, a special process server shall personally serve a copy of the Petition, this Preliminary Order and the Notice of Hearing on the Natural Guardian and the following persons:

Name

Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IT IS SO ORDERED.

\_\_\_\_\_  
Judge

IN THE 18<sup>TH</sup> JUDICIAL DISTRICT  
DISTRICT COURT SEDGWICK COUNTY, KANSAS  
PROBATE DEPARTMENT

IN THE MATTER OF THE GUARDIANSHIP OF )  
 )  
\_\_\_\_\_, A MINOR(S) )  
 )

Case No. \_\_\_\_\_

\_\_\_\_\_  
Pursuant to K.S.A. Chapter 59

**NOTICE OF HEARING**

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are notified that on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, a Petition was filed in this Court by \_\_\_\_\_ requesting to be appointed a \_\_\_\_\_ Guardian \_\_\_\_\_ Co-Guardian for \_\_\_\_\_ Minor(s). You are requested to file your written defenses to the Petition on or before the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, at \_\_\_\_\_ a.m./\_\_\_\_\_ p.m. in the District Court, Sedgwick County, Kansas, Probate Department, 1900 E. Morris, Wichita, KS 67211, at which time and place the Petition will be heard. Should you fail to file your written defenses, judgment and decree will be entered in due course upon the Petition.

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Signature of Co-Petitioner

IN THE 18<sup>TH</sup> JUDICIAL DISTRICT  
DISTRICT COURT SEDGWICK COUNTY, KANSAS  
PROBATE DEPARTMENT

IN THE MATTER OF THE GUARDIANSHIP OF )  
 )  
\_\_\_\_\_, A MINOR(S) )  
 )

Case No. \_\_\_\_\_

\_\_\_\_\_  
Pursuant to K.S.A. Chapter 59

**ENTRY OF APPEARANCE, WAIVER OF NOTICE,  
AND CONSENT TO PETITION FOR APPOINTMENT OF GUARDIAN FOR MINOR**

\_\_\_\_\_, natural guardian of  
\_\_\_\_\_, Minor(s) and enters their appearance in this action, waives  
further notice of hearing on the Petition for Appointment of Guardian/Co-Guardian for the  
Minor(s), and further consents to an entry of an order appointing \_\_\_\_\_ and  
\_\_\_\_\_ Guardian/Co-Guardians of the Minor(s).

Date signed \_\_\_\_\_ Signature \_\_\_\_\_

State of Kansas  
County of Kansas

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_  
by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Appointment expires \_\_\_\_\_

**BASIC INSTRUCTIONS  
FOR GUARDIANS**

**January 1, 2009**

Revised and Updated - 2017

Kansas Judicial Council

## Preface

These basic instructions for guardians 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. The instructions constitute the basic instructional program concerning the duties and responsibilities of a guardian required by K.S.A. 59-3069(j). After reading these instructions, a proposed guardian 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.

## Table of Contents

Definitions .....	1
Guardian's Powers and Duties.....	1
Responsibilities to the Court	
Required Training .....	3
Oath.....	4
Letters .....	4
Guardianship Plan .....	4
Guardian's Annual Report on the Ward's Condition .....	4
Special Reports and Accountings.....	4
Reimbursement for Time and Expenses .....	5
How a Guardianship Ends.....	5
Conflicts of Interest.....	5
Additional Resources .....	6
Sample Forms	
Sample Report on Condition of Guardian's Ward.....	7
Affidavit of Completion of Basic Instructional Program.....	last page

## BASIC INSTRUCTIONS FOR GUARDIANS

### Definitions of Words You Need to Know:

**Guardian** - A guardian is a person appointed by a court to act on behalf of a minor or impaired person, who is called a "ward." A guardian manages a ward's personal health, safety, and welfare.

**Ward** - A ward is a person for whom a guardian has been appointed. A ward may be either a minor or an adult person with an impairment.

**Conservator** - A conservator is a person appointed by a court to act on behalf of a minor or impaired person, who is called a "conservatee." A conservator manages a conservatee's property or "estate," such as money, personal and real property.

**Conservatee** - A conservatee is a person for whom a conservator has been appointed. A conservatee may be a minor, an adult person with an impairment, or a person who has voluntarily requested a conservatorship.

**NOTE:** Sometimes, a person is appointed as both a guardian and conservator. In that case, the person they are helping may be called either a ward or conservatee, or both.

### What Are a Guardian's Powers and Duties?

The basic duties, responsibilities, powers and authorities of guardians are defined by statute and can be found at K.S.A. 59-3075. The following is a general overview.

A guardianship is a legal proceeding filed to protect an impaired person, who is called a "ward." A guardian manages a ward's personal health, safety, and welfare. If the court appoints you as guardian your job is separate from the duties of a conservator, though the court may appoint the same person to serve in both roles. As guardian you are always subject to the control and direction of the court. After a hearing to determine whether a guardianship is necessary, a court order will be issued. Your attorney should provide you with a copy of that court order.

State law and the court define a guardian's power and set the rules to be followed when caring for the ward. At all times, a guardian is under the court's direction and control. A guardian must always act in the ward's best interest and use reasonable care and attention. **EACH YEAR THE GUARDIAN MUST FILE A REPORT WITH THE COURT TELLING THE COURT ABOUT THE GUARDIAN'S ACTIONS AND THE**

## WARD'S CONDITION.

If the court authorizes a guardian to exercise authority over a ward's estate valued at less than \$10,000, the guardian may have many of the same duties as a conservator, including filing an annual accounting with the court. In that situation, a guardian might find it helpful to read the booklet, "Basic Instructions for a Conservator," which includes a sample accounting form.

As a guardian, your job is to get to know the ward and the ward's family, friends, and care givers. You should use your authority only as needed and allow the ward to take part in decisions. You should consider the ward's personal desires and values when making decisions on the ward's behalf. You should encourage the ward to make decisions, develop skills for daily living, and do as much as the ward can on his or her own.

The law does **NOT** require you as guardian to use your own personal money or other assets for support of the ward solely because you have been appointed as guardian. **However**, if you are the parent or spouse of the ward, you may have a personal duty to support the ward. For example, each parent has a legal duty to support his or her minor child by paying the ordinary expenses of the child's care, treatment, housing and education.

You are not liable to other persons for the acts of the ward solely because you have been appointed as guardian. This means you are not responsible to anyone else for something that the ward has done simply because you are the guardian.

You should protect the ward's personal, civil, and human rights. The law requires that you **MUST ALWAYS** act in the best interest of the ward and exercise reasonable care, diligence, and good sense.

**A guardian has the following general duties, responsibilities, powers and authorities, which may be exercised without getting additional court approval:**

1. If the ward is a minor, to have custody and control of the minor and to provide for the minor's care, treatment, housing, education, support and maintenance;
2. If the ward is an adult, to take charge of the person of the ward and to provide for the ward's care, treatment, housing, education, support and maintenance;
3. To consider and either provide on behalf of the ward necessary or required consents or refuse the same (e.g. release of medical records; consent to services and supports provided);
4. To assure that the ward lives in the least restrictive setting that meets the ward's needs and is reasonably available;
5. To assure that the ward receives all necessary and reasonably available medical care or services to preserve the ward's health. This also includes assisting the

- ward to develop or retain skills and abilities;
6. To consent to experimental procedures only if approved by an institutional review board or committee;
  7. To protect the health, safety and welfare of the ward;
  8. To revoke a durable power of attorney for health care decisions; and
  9. To make necessary arrangements for the ward's funeral, burial or cremation.

**As a guardian, you may NOT take any of the following actions UNLESS the supervising court issues a written order approving the action(s):**

1. Consent to adoption of the ward;
2. Consent to any psychosurgery, organ or limb removal except in a life threatening emergency or to prevent lasting impairment to the ward's physical health;
3. Consent to sterilization of the ward;
4. Consent to withholding or withdrawal of life-saving medical care unless the ward previously made a written advance directive (living will, durable power of attorney for health care decisions, or similar document) that meets legal requirements;
5. Have any control over the ward's property, unless the Letters of Guardianship authorize you to do so **AND** the value of the ward's property is less than \$10,000;
6. Place the ward in a psychiatric treatment facility;
7. Access digital assets of the ward, such as online accounts, pictures and music stored electronically, social media accounts, etc.;
8. Pay the guardian or the guardian's attorney a fee; or
9. Dispose of property after the ward's death.

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

1. Prohibit the marriage or divorce of the ward; or
2. Consent to termination of the ward's parental rights.

## **What Are a Guardian's Responsibilities to the Court?**

### **Required Training**

Before you are appointed as guardian, you must complete a basic training program about the duties and responsibilities of a guardian. Reading this booklet meets that requirement. At the end of this booklet, you will find an affidavit of completion of the basic training program (a form stating you have read the booklet). 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.



## **Oath**

When you are appointed as guardian, 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.

## **Letters**

After you have filed your oath and affidavit of completion of the basic training program, the court will issue Letters of Guardianship. This document gives you the authority to carry out your legal duties. You should ask for a certified (legal) copy of the original document, which is on file with the court. You should keep the certified copy in a safe place and provide copies of the Letters of Guardianship to anyone you deal with who provides services to the ward.

## **Guardianship Plan**

In some cases, the court may require, or your attorney may suggest, that you file a guardianship plan. A guardianship plan might include provisions about where a ward will live and what kinds of decisions the ward will be allowed to make on his or her own, and, if no conservator has been appointed, how the ward's financial assets will be used. Guardianship plans are most useful in situations where the ward is capable of making some decisions independently.

## **Guardian's Annual Report on the Ward's Condition**

Because the court needs to know where the ward is living and how the ward is doing, a guardian must file a report on the ward's condition every year. This report is required even if there is no change in the ward's condition. 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. A sample of the annual report is included at the end of this booklet.

## **Special Reports and Accountings**

A guardian must file a special report or accounting with the court if any of the following occurs:

- 1) a change of address of the guardian;

- 2) a change of residence or placement of the ward;
- 3) a significant change in the health or impairment of the ward;
- 4) if the ward acquires any real property, or if the ward receives or accumulates other property or income which causes the total value of the ward's estate to equal or exceed \$10,000;
- 5) a change in the circumstances of the guardian or ward that may constitute a conflict of interest; or
- 6) the death of the ward.

You should also inform the court if your telephone number or email address changes.

If the ward dies, you will need to complete a final report on the ward's condition so that the court can close the case.

### **Reimbursement for Time and Expenses**

The court must approve in advance any reimbursement to the guardian for expenses and time spent on official duties. If you want to be paid back for your time and expenses, you must keep a detailed timesheet of time spent and a detailed record of expenses incurred. Many guardians do not claim such expenses, especially if the ward is a family member, and perform their duties out of love and affection. If you want to receive reimbursement, you should talk to your attorney and bring this up preferably at the first court hearing.

### **How Does a Guardianship End?**

A guardianship never ends automatically. The court may end a guardianship for a number of different reasons, including when the need for it no longer exists, when the ward has turned 18 (and was not determined to be a minor with an impairment), or when the ward has died. At any time, any person including the ward may file a petition asking the court to end the guardianship for any of the reasons listed above.

The court may also end a guardianship because the ward is no longer impaired. At any time, the ward may file a petition asking the court to find that he or she is no longer impaired and requesting to be restored to capacity.

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

### **What are Conflicts of Interest?**

A conflict of interest happens when your personal or financial interests as guardian go against those of the ward or where your actions appear to be self-serving (for your own benefit). For example, it would be a conflict of interest for a guardian to get a loan from or buy property belonging to the ward's estate. It could also be a conflict of interest for a guardian to work in the same facility where the ward lives.

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

**Additional resources:**

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

Additional resources, including blank forms for guardian's reports, can be found on the Kansas Judicial Council's webpage at: [www.kansasjudicialcouncil.org](http://www.kansasjudicialcouncil.org)

IN THE 18<sup>TH</sup> JUDICIAL DISTRICT  
DISTRICT COURT SEDGWICK COUNTY, KANSAS  
PROBATE DEPARTMENT

IN THE MATTER OF THE GUARDIANSHIP OF )  
 )  
\_\_\_\_\_, A MINOR(S) )  
 )

Case No. \_\_\_\_\_

\_\_\_\_\_  
Pursuant to K.S.A. Chapter 59

**CERTIFICATE OF COMPLETION  
OF INSTRUCTIONAL PROGRAM REQUIRED BY K.S.A. 59-3069(j)**

I, \_\_\_\_\_, Petitioner herein, affirm that I have read the Basic Instructions for Guardians, and kept a copy of those instructions, and will comply therewith. I acknowledge that as Guardian, I have the duties and responsibilities described in the instructions.

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

Executed this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Signature

Address \_\_\_\_\_

\_\_\_\_\_ (city), \_\_\_\_\_ (zip)

Telephone number: \_\_\_\_\_

Email: \_\_\_\_\_

IN THE 18<sup>TH</sup> JUDICIAL DISTRICT  
DISTRICT COURT SEDGWICK COUNTY, KANSAS  
PROBATE DEPARTMENT

IN THE MATTER OF THE GUARDIANSHIP OF )  
 )  
\_\_\_\_\_, A MINOR(S) )  
 )

Case No. \_\_\_\_\_

\_\_\_\_\_  
Pursuant to K.S.A. Chapter 59

**OATH OF GUARDIAN/CO-GUARDIAN**

STATE OF KANSAS, COUNTY OF SEDGWICK

I, \_\_\_\_\_, Petitioner herein, swear or affirm that I will faithfully and impartially and to the best of my ability discharge all the duties of trust according to law as Guardian/Co-Guardian of \_\_\_\_\_ Minor(s), and I am acting on my own behalf independently and not on behalf of any bank or corporation which is not authorized to act as a fiduciary in this state.

\_\_\_\_\_  
Guardian/Co-Guardian

Signed and sworn to or affirmed before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_

\_\_\_\_\_  
Notary/Judge of District court

My Appointment expires \_\_\_\_\_.

IN THE 18<sup>TH</sup> JUDICIAL DISTRICT  
DISTRICT COURT SEDGWICK COUNTY, KANSAS  
PROBATE DEPARTMENT

IN THE MATTER OF THE GUARDIANSHIP OF )  
 )  
\_\_\_\_\_, A MINOR(S) )  
 )

Case No. \_\_\_\_\_

\_\_\_\_\_  
Pursuant to K.S.A. Chapter 59

**LETTERS OF GUARDIANSHIP**

\_\_\_\_\_, having been appointed and qualified as Guardian  
of the person of \_\_\_\_\_  
Minor(s), is granted Letters of Guardianship with full power and authority as provided by law,  
including all powers and duties of Guardian as set out in K.S.A. 59-3075.

In Witness whereof, I, the undersigned Judge of the 18<sup>th</sup> Judicial District, District Court,  
Sedgwick County, Kansas, Probate Department, have signed my name and affixed the seal of the  
Court on this the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
Judge of District Court

IN THE 18<sup>TH</sup> JUDICIAL DISTRICT  
DISTRICT COURT SEDGWICK COUNTY, KANSAS  
PROBATE DEPARTMENT

IN THE MATTER OF THE GUARDIANSHIP OF )  
 )  
\_\_\_\_\_, A MINOR(S) )  
 )

Case No. \_\_\_\_\_

\_\_\_\_\_  
Pursuant to K.S.A. Chapter 59

ANNUAL REPORT OF THE CONDITION OF THE GUARDIAN'S WARD

From Month \_\_\_\_\_ Date \_\_\_\_\_, 2\_\_\_\_ to Month \_\_\_\_\_ Date, \_\_\_\_\_, 2\_\_\_\_

Guardian \_\_\_\_\_, whose address is \_\_\_\_\_,  
\_\_\_\_\_, whose telephone number is \_\_\_\_\_,

and whose email address is \_\_\_\_\_, submits the following annual report of the  
condition of the Minor(s) \_\_\_\_\_ for the period \_\_\_\_/\_\_\_\_/2\_\_\_\_ to  
\_\_\_\_/\_\_\_\_/2\_\_\_\_.

1. The Minor resided at the following addresses during the reporting period:

\_\_\_\_\_  
\_\_\_\_\_

2. Describe the approximate number of times the you as guardian had contact with the  
ward, the nature of such contacts, and the date the minor ward was last seen by the guardian:

\_\_\_\_ Daily; \_\_\_\_ times per week; \_\_\_\_ times per month

(Nature of Contacts) \_\_\_\_\_  
\_\_\_\_\_

(Date of last contact) \_\_\_\_/\_\_\_\_/2\_\_\_\_.

3. Summarize the medical, social, educational, vocational and other professional services  
received by the Minor ward during the reporting period:

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4. The Minor ward is not institutionalized.

5. Has the Minor ward experienced any change in mental or physical condition during the reporting period.  No  Yes (Describe the changes) \_\_\_\_\_

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6. Have any major problems relating to the Minor ward arisen during the reporting period?  No  Yes (Describe the problems) \_\_\_\_\_

---

7. In the opinion of the guardian is there a need to modify the powers of the guardian?  No  Yes (Describe any requested changes) \_\_\_\_\_

---

8. No compensation for services of guardian are requested

9. No conflict have arisen between the guardian and the Minor ward during the reporting period.

I declare under penalty of perjury under the laws of the State of Kansas that the foregoing is true and correct. Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

---

Guardian



IN THE 18<sup>TH</sup> JUDICIAL DISTRICT  
DISTRICT COURT SEDGWICK COUNTY, KANSAS  
PROBATE DEPARTMENT

IN THE MATTER OF THE GUARDIANSHIP OF )  
 )  
\_\_\_\_\_, A MINOR(S) ) Case No. \_\_\_\_\_  
 )

\_\_\_\_\_  
Pursuant to K.S.A. Chapter 59

**ORDER APPOINTING GUARDIAN/CO-GUARDIANS FOR MINOR**

NOW, on this the \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, this matter comes on for hearing on the Petition of \_\_\_\_\_ and \_\_\_\_\_ for appointment as Guardian/Co-Guardians for \_\_\_\_\_ Minor(s).

Petitioner(s) appear in person. The Minor(s) appear in person and by their attorney, \_\_\_\_\_.

THEREUPON, the Court, having heard the evidence, examined the court file, and hearing the arguments of counsel, makes the following findings, orders and decrees:

1. That notice of the hearing has been given as required by law, and proof of service has been filed and is approved.
2. \_\_\_\_\_ is a Minor(s) in need of a guardian.
3. Petitioner(s) have filed evidence of completion of the instructional program required by K.S.A. 59-3069(j).
4. (Optional) \_\_\_\_\_, the natural guardian of the Minor(s) has consented to the appointment of Petitioner(s) as Guardian/Co-Guardians of the Minor(s).
5. The allegations of the Petition are true.
6. \_\_\_\_\_ and \_\_\_\_\_ are fit and proper to be appointed Guardian/Co-Guardians of the Minor (s) and upon the filing of their oaths, shall have Letters of Guardianship/Co-Guardianship issued with full authority under the law.
7. (Optional) \_\_\_\_ The Co-Guardians may act independently from each other.
8. \_\_\_\_\_ has performed services as attorney for the Minors, pursuant to the appointment by the Court and shall be allowed \$ \_\_\_\_\_ for his/her

services which shall be paid by Petitioner(s) for which judgment is granted against Petitioner(s).

9. No guardianship plan is required at this time, by the Guardian/Co-Guardians shall file an annual report of the minor ward not later than one year from the filing date of this order and each year thereafter until further order of the Court.

IT IS SO ORDERED.

\_\_\_\_\_  
Judge

Approved:

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Attorney for Minor(s)