

Guardianship - Adult

At this time, we do not have instructions available for this packet. If you need assistance filling out the forms, please contact an attorney. You may also contact the Kansas Bar Association (1-800-928-3111) or Kansas Legal Services (913-621-0200) for assistance. There is an attorney located in the Self Help Center (3rd floor of the Courthouse) on Wednesdays from 9:00 am - 4:00 pm, closing for lunch from 12:00 pm -1:00 pm.

CIVIL COVER SHEET

The civil cover 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.

NATURE OF SUIT (Mark only one - If the case involves more than one of the following categories, indicate the category having the highest dollar value.)

CIVIL

If a CH. 61: \$ _____ (Judgment Demand Amount)

TORT

- Asbestos Product Liability
- Automobile Tort
- Intentional Tort
- Legal Malpractice
- Medical Malpractice
- Other Professional Malpractice
- Premises Liability
- Slander/Libel/Defamation
- Tobacco Product Liability
- Toxic/Other Product Liability
- Other Tort

CONTRACT

- Buyer Plaintiff
- Employment Dispute – Discrimination
- Employment Dispute - Other
- Fraud
- Landlord/Tenant - Unlawful Detainer
- Landlord/Tenant Dispute – Other
- Seller Plaintiff (debt collection)
- Other Contract

REAL PROPERTY

- Eminent Domain
- Mortgage Foreclosure
- Other Real Property

STATE TAX WARRANT

MISCELLANEOUS

- 60-1507
- Habeas Corpus
- Other Writs

OTHER CIVIL

SMALL CLAIMS

CIVIL APPEALS

- Administrative Agency
- Other Civil Appeal

DOMESTIC

- MARRIAGE DISSOLUTION/DIVORCE PROTECTION FROM ABUSE PROTECTION FROM STALKING UIFSA
- OTHER DOMESTIC RELATIONS NON-DIVORCE SUPPORT, CUSTODY OR VISITATION PATERNITY

PROBATE/ESTATE

GUARDIAN/CONSERVATOR

- Conservatorship/Trusteeship
- Guardianship - Adult
- Guardianship - Minor
- Guardian/Conservator - Adult
- Guardian/Conservator - Minor

DETERMINATION OF DESCENT

SEXUALLY VIOLENT PREDATOR

DECEDENT ESTATE CARE AND TREATMENT

ELDER ABUSE

ADOPTION

OTHER PROBATE/ESTATE

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 _____ (County)
 SHERIFF OUT OF STATE _____ (State)

SHERIFF'S PROCESS FEE ATTACHED

- YES
- NO

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

NAME: _____

ADDRESS: _____

PHONE: _____ SEX: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

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: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

ATTORNEYS
(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:**

| (Name) | (Date of Birth) | (Social Security Number) |
|--------|-----------------|--------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

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 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
PROBATE DEPARTMENT

In the Matter of the Guardianship

Case No: _____

And Conservatorship of:

Pursuant to Ch. 59

**VOLUNTARY PETITION FOR APPOINTMENT OF GUARDIAN AND
CONSERVATOR FOR ADULT WITH AN IMPAIRMENT**

COMES NOW, _____, Petitioner, and asks the Court to appoint a guardian and conservator for _____, who is a person I believe needs a guardian. In support of my petition, I state the following:

1. I, _____ provide the following information about myself:
 - a. Date of Birth: _____
 - b. Address: _____
2. I, _____ am an adult for whom no guardian or conservator has been appointed nor am I a proposed ward or proposed conservatee in any other pending case.
3. I assert that I an adult with an impairment and I provide the following information and by affixing my signature below agree and provide:
 - a. I am an adult in need of the appointment of a guardian and conservator for the herein reported reasons.
 - b. It is in my best interests that a guardian and conservator be appointed.

4. I, _____ knowingly and voluntarily request the appointment of _____, _____ who is a fit and proper person to be appointed as my guardian and conservator, to serve with bond if deemed necessary by the court. The proposed guardian and conservator is _____, born in _____, who is _____ years of age and is currently _____ . Such proposed Guardian and conservator is related to the Ward by _____, such person has no personal or agency interests that may be perceived as self-serving or adverse to my position or best interests.
5. I will refer to _____ as the “proposed ward” throughout the rest of this Petition:
- a. Date of Birth: _____
 - b. Permanent Address: _____
 - c. Current Address: _____.
6. The proposed ward has lived in the following places during the last five (5) years and has lived with the following persons during that period:
- a. _____;
 - b. _____
 - c. _____
 - d. _____

7. The proposed ward is a currently a resident of _____, Kansas and it is in the best interests of the proposed ward and in the interests of justice for the proceedings to take place in _____, Kansas because:

a. Proposed ward resides for much of the year with

_____ in _____ (state). In

_____ proposed ward may be in regular contact with

proposed guardian, _____ and proposed guardian lives

in _____, _____.

8. I believe the proposed ward is an adult with an impairment in need of a guardian because:

a. Proposed ward has been diagnosed with and has the following impairments

(circle those that apply)

b. Proposed ward exhibits marked general incapacity to engage in financial transactions, manage money or hold a job, minimal capacity for simple tasks such as using phone, or communicating with texts or emails.

c. Proposed ward is not capable of maintaining personal hygiene, cleaning his own living space, personal grooming, brushing teeth, or cleaning himself and requires constant care.

- d. Proposed ward shows inadequate ability to reason and make decisions or objective delineations with any amount of critical thinking, and cannot follow simple instructions either written or verbal.
- e. Proposed ward professes fear of responsibility and aging, as well as fear of persons who may take advantage of his incapacity.

9. The names and addresses of the parents, adult siblings, spouse, adult children, and adult grandchildren (if applicable) of the proposed ward are the following (name, address, phone number, or if deceased, year and location of death):

- a. _____, _____,
_____;
- b. _____, _____,
_____;
- c. _____, _____,
_____;
- d. _____, _____,
_____;
- e. _____, _____,
_____;
- f. _____, _____,
_____;
- g. _____, _____;

10. I am not aware that any person or corporation currently makes decisions on behalf of the proposed ward pursuant to a power of attorney, trust or other fiduciary relationship established by a court order because I have made a diligent inquiry to ascertain such information.

11. There are no court proceedings that involve the proposed ward in any way, because I have made a diligent inquiry to ascertain such information.

12. The following persons are witnesses that can prove the truth of this petition:

- a. _____, proposed ward.
- b. _____, proposed guardian and petitioner.
- c. _____, other relation or friend of proposed ward.
- d. _____, Physician(s) of proposed ward;
_____, _____.
- e. _____, _____ of proposed ward.

13. Attached to this Petition is a copy of the report of examination and evaluation that has been completed by Dr. _____, M.D., which meets the requirements of K.S.A. 59-3064 and amendments thereto; and I request that the Court accept this report in lieu of ordering any additional examination and evaluation pursuant to K.S.A. 59-3064, and amendments thereto.

14. I believe the following person should be appointed the guardian

- a. Name: _____.

- b. Age and Date of Birth: _____ years,
_____.
- c. Gender: _____
- d. Address: _____.
- e. Place of Employment: _____.
- f. Relation to proposed ward: _____.

15. I do not believe the person nominated above has any personal or agency interest of the proposed guardian that may be perceived as self-serving or adverse to the position or best interest of the proposed ward.

16. The person nominated is not under contract with the Kansas guardianship program.

17. I believe the appointment of co-guardians is not appropriate.

WHEREFORE, PETITIONER prays the Court enter the following orders

- A. Set this Petitioner for Appointment of Guardian and Conservator for hearing;
- B. Make findings that _____ is an adult with an impairment;
- C. Make findings that the Appointment of a Guardian and Conservator is necessary;
- D. Appoint _____ as the Guardian and Conservator;
- E. Issue letters of Guardianship and Conservatorship; and
- F. Order any and all further relief the Court deems just and proper.

Petitioner Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Email Address: _____

Ward Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Email Address: _____

VERIFICATION OF PETITIONER AND PROPOSED WARD

STATE OF KANSAS)
) ss:
COUNTY OF _____)

Pursuant to K.S.A. 53-601 (unsworn declaration), I, _____, of lawful age, being first duly sworn upon my oath, states that I am the Petitioner above named; that I have read the above and foregoing Petition for Appointment of Guardianship and Conservatorship; that I is familiar with the contents thereof; and that all of the statements made therein are true and correct.

Petitioner/Guardian

_____, of lawful age, being first duly sworn upon my oath, states that I am the Proposed Ward above named; that I have read the above and foregoing Petition for Appointment of Guardianship and Conservatorship; that I am familiar with the contents thereof; and that all of the statements made therein are true and correct.

Proposed Ward (if applicable)

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
PROBATE DEPARTMENT

In the Matter of the Guardianship

Case No: _____

And Conservatorship:

Division 10

Pursuant to Ch. 59

**CONSENT TO PETITION FOR APPOINTMENT OF GUARDIAN AND
CONSERVATOR**

COMES NOW, _____, an interested party. My relation to the
Ward is as follows: _____. I consent
to the entry of an order in accord with the request of the Petitioner, and therefore nominate
_____ as the guardian and conservator of _____.

Dated and signed this _____ day of _____, 2021.

Affiant

STATE OF _____)

) ss:

COUNTY OF _____)

Pursuant to K.S.A. 53-601 (unsworn declaration), I, _____, of
lawful age, being first duly sworn upon my oath, states that I am inside/outside the state of Kansas
(circle one) that I have read the above and foregoing Petition for Appointment of Guardianship
and Conservatorship, and the Consent to Petition for Appointment of Guardian and Conservator;

that I am familiar with the contents thereof; and that all of the statements made therein are true and correct.

Affiant

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
PROBATE DEPARTMENT

In the Matter of the Guardianship

Case No: _____

And Conservatorship:

Division 10

Pursuant to Ch. 59

PRELIMINARY ORDERS AND NOTICE

ON _____ date, [a petition as provided for in K.S.A. 59-3058, and amendments thereto, alleging that the proposed ward and proposed conservatee is an adult with an impairment in need of a guardian and conservator], the district court issues the following preliminary orders and notice shall be given to all of the following persons:

- a. _____ Petitioner, _____
- b. _____,
_____, _____; listed in
Petition.
- c. _____,
_____, _____; listed in
Petition.
- d. _____,
_____, _____; listed in
Petition.

e. _____,
_____, _____; listed in
Petition.

f. _____,
_____, _____; listed in
Petition.

g. _____,
_____, _____; listed in
Petition.

h. At this time the proposed ward is not represented and agrees to Guardianship
and Conservatorship.

[or]

i. At this time the proposed ward is represented by
_____.

1. The date, time, and place of the trial on the Petition shall be on
_____, 20___, in the _____, Division __, at
__:__ a.m./p.m. The time fixed in the order shall in no event be earlier than
seven days or later than twenty-one (21) days after the filing of the petition.
2. If a demand for a trial by jury is filed pursuant to subsection (b) of K.S.A. 59-
3067, and amendments thereto, by the proposed ward and proposed conservatee,
the court may continue the trial and fix a new time and place of the trial at a time

beyond the 21 days but within a reasonable time not to exceed 30 days from the date of the filing of the demand.

3. The proposed ward and proposed conservatee shall appear at the time and place of the trial.

4. Proposed ward currently have no counsel.

[or]

Proposed ward is represented by _____ as guardian ad litem.

5. The proposed ward is an adult and has the right to engage an attorney of the proposed ward's own choosing and, in such case, the attorney appointed by the court shall be relieved of all duties. Any appointment made by the court shall terminate upon a final determination of the Petition and any appeal therefrom, unless the Court continues the appointment by further order. Thereafter, an attorney may be appointed by the court if requested, in writing or oral motion, by the proposed ward; guardian and conservator; or upon the Court's own motion.

6. It is in the best interests of the proposed ward, that a hearing be held, at which the proposed ward shall have the opportunity to consult with a court appointed attorney. This consultation shall be scheduled to occur not later than five days prior to the scheduled trial on the Petition, provided that if an examination and evaluation as provided for in K.S.A. 59-3064, and amendments thereto, is ordered then this consultation shall be scheduled to occur prior to the time at which that examination and evaluation is scheduled to occur.

7. Notice shall be given to all persons listed above at least ten (10) days prior to the date of the trial. Two copies of the Petition, report of examination and evaluation and these Preliminary Orders shall be served upon the attorney appointed to represent the proposed ward. The attorney appointed to represent the proposed ward shall personally serve these documents on the proposed ward at their first meeting and shall file an affidavit of service prior to the time of trial. The Petitioner of Petitioner's counsel shall service a copy of the Petition, report of examination and evaluation and these Preliminary Orders and notice on all other persons identified above by first class mail, postage prepaid, and file an affidavit of service prior to the time of trial.
8. The Petition is accompanied by a report of an examination and evaluation of the proposed ward and proposed conservatee, as provided for in K.S.A. 59-3058, and amendments thereto, and the court determines that such report meets the requirements of K.S.A. 59-3064 and amendments thereto, the court determines that no additional examination or evaluation is required and that none shall be ordered, unless requested by the proposed ward pursuant to subsection (d) of K.S.A. 59-3064 and amendments thereto.

IT IS SO ORDERED.

Judge of the District Court

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
PROBATE DEPARTMENT

In the Matter of the Guardianship

Case No: _____

And Conservatorship:

Division 10

Pursuant to Ch. 59

OATH OF GUARDIAN AND CONSERVATOR

ON this date, _____ state that I will faithfully, impartially, and to the best of my abilities discharge all of the duties of my trust according to the law as set forth in K.S.A. 59-3075 for and on behalf of _____ and that I am acting on my own behalf and not on behalf of any bank or corporation

Guardian

SUBSCRIBED AND SWORN TO and before me on _____.

Notary Public

My Appointment Expires:

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
PROBATE DEPARTMENT

In the Matter of the Guardianship

Case No: _____

And Conservatorship:

Division 10

Pursuant to Ch. 59

ORDER APPOINTING GUARDIAN AND CONSERVATOR

ON this ____ day of _____, 20__, the Court calls for trial the Petition for Appointment of Guardian and Conservator for An adult with an impairment; The following persons appeared at the hearing:

____ Petitioner;

____ Proposed Ward;

____ Counsel for proposed ward;

Others present: _____

_____.

AFTER examining the case record, hearing the evidence, statements and arguments of the parties, and being duly advised in the premises, the Court finds:

1. Due diligence has been exercised in the search for names, ages, relationships, and residences and addresses of heirs and creditors.
2. Notice of this hearing has been given as required by law and the order of the Court and proof of notice has been filed and approved by the Court.
3. No jury trial was requested by counsel appointed for the proposed ward.

4. The allegations of the Petition are true.
5. By clear and convincing evidence, _____ is an adult with an impairment in need of a guardian and conservator.
6. _____ is a qualified and suitable individual to be appointed guardian and conservator.
7. The appointed guardian shall have all the duties responsibilities, powers, and authorities granted and provided in:
 - a. _____ K.S.A. 59-3075 (a, b, and f);
 - b. _____ K.S.A. 59-3075(e)(8) and K.S.A. 59-3055©;
 - c. _____ K.S.A. 59-3077;
 - d. _____ K.S.A. 59-4083.

IT IS ORDERED, ADJUDGED, AND DECREED that:

- A. The above findings are incorporated herein and made a part of these orders.
- B. _____ is appointed guardian and conservator of _____.
- C. Upon the appointed guardian executing and filing an Oath of Guardian and the affidavit of completion of the basic instructional program for guardians, Letters of Guardianship shall issue.
- D. _____, attorney appointed to represent the ward, has performed services in accord with the appointment by this Court and shall be allowed \$ _____ for their services taxed to _____. The

attorney appointed to represent the ward is granted leave to withdraw upon the Court's issuance of the Letters.

- E. The appointed guardian and conservator shall attend the Guardian Workshop within six (6) months of the date of appointment.
- F. The annual reporting period of the guardian shall be the twelve (12) month period ending on ____ day of _____ each year, with the first report beginning with the date of this Order through ____ day of _____, 20____. The annual report shall be filed by ____ day of _____ each year.

Judge of the District Court

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
PROBATE DEPARTMENT

In the Matter of the Guardianship

Case No: _____

And Conservatorship:

Division 10

Pursuant to Ch. 59

LETTERS OF GUARDIANSHIP

NOW _____, has been duly appointed and qualified as guardian and conservator for _____, the adult with an impairment in need of a guardian and conservator, and is granted the authority, power, and duties of a guardian and conservator, pursuant to K.S.A. 59-3075 and amendments thereto.

I, the undersigned Judge of the District Court for the Tenth Judicial District, Johnson County, Kansas, subscribe my name and affix the seal of the Court on this date.

Judge of the District Court

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
PROBATE DEPARTMENT

In the Matter of the Guardianship

Case No: _____

And Conservatorship:

Division 10

Pursuant to Ch. 59

AFFIDAVIT OF SERVICE

STATE OF KANSAS)

) ss:

COUNTY OF _____)

I, _____, being of legal age and duly sworn upon my oath, do hereby state and depose that I did on the _____ day of _____, 2020:

Hand deliver two copies of the following: Petition for the Appointment of Guardian and Conservator for a Minor, Guardianship Plan for the Care of the Ward, Plan for the Administration of the Conservatee's Estate, and ORDER FIXING THE DATE, TIME AN PLACE OF TRIAL, PRELIMINARY ORDERS AND DIRECTING SERVICE OF NOTICE; to attorney for the proposed ward and conservatee, _____, at

and

Mail the Petition for the Appointment of Guardian and Conservator for a Minor, Guardianship Plan for the Care of the Ward, Plan for the Administration of the Conservatee's Estate, and ORDER FIXING THE DATE, TIME AN PLACE OF TRIAL, PRELIMINARY ORDERS AND DIRECTING SERVICE OF NOTICE, by United States Mail, postage prepaid, addressed to:

a. 1. _____ Petitioner, _____

b. _____,
_____, _____; listed in Petition.

c. _____,
_____, _____; listed in Petition.

d. _____,
_____, _____; listed in Petition.

e. _____,
_____, _____; listed in Petition.

f. _____,
_____, _____; listed in Petition.

g. _____,
_____, _____; listed in Petition.

h. At this time the proposed ward is not represented and agrees to Guardianship and Conservatorship.

[or]

i. At this time the proposed ward is represented by
_____.

5. (other interested parties)

FURTHER AFFIANT SAITH NOT.

STATE OF _____)

) ss:

COUNTY OF _____)

Pursuant to K.S.A. 53-601 (unsworn declaration), I, _____, of lawful age, being first duly sworn upon my oath, states that I am inside/outside the state of Kansas (circle one) that I have read the above and foregoing; that I is familiar with the contents thereof; and that all of the statements made therein are true and correct.

Affiant

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
PROBATE DEPARTMENT

In the Matter of the Guardianship

Case No: _____

And Conservatorship:

Division 10

Pursuant to Ch. 59

AFFIDAVIT OF COMPLETION
OF BASIC INSTRUCTIONAL PROGRAM

I _____, declare under penalty of perjury that I have received and reviewed the Basic Instructions for Guardians and kept a copy of those Instructions. I acknowledge that, as guardian, I have the duties and responsibilities described in the Instructions.

I declare that the above is true and correct to the best of my knowledge.

Executed on this _____, 2020.

Signature of Guardian

STATE OF _____)

) ss:

COUNTY OF _____)

Pursuant to K.S.A. 53-601 (unsworn declaration), I, _____, of lawful age, being first duly sworn upon my oath, states that I am inside/outside the state of Kansas

(circle one) that I have read the above and foregoing; that I is familiar with the contents thereof;
and that all of the statements made therein are true and correct.

Affiant

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
PROBATE DEPARTMENT

In the Matter of the Guardianship

Case No: _____

And Conservatorship:

Division 10

Pursuant to Ch. 59

GUARDIANSHIP PLAN
Pursuant to 59-3076, K.S.A.

COMES NOW, Petitioner _____, by and through counsel
_____ and submits the following guardianship plan in response to the
guardianship of _____, born _____.

1. The ward shall continue to reside with Petitioner at _____.
2. Petitioner shall continue to assist the ward with h__ daily activities, communication and emotional and physical health needs in the least restrictive environment, exercising control over the activities and associations of the proposed ward including education, medical treatment, and legal issues.
3. The Guardians will continue to provide for the financial support and wellbeing of the Ward.
4. Petitioner shall file with the court a new plan, if circumstances should change, or duties of the guardian shall need to be revised, pursuant to K.S.A. 59-3076(e).

VERIFICATION

In accordance with K.S.A. 53-60, the undersigned affiant, within the state of Kansas provides: I declare, verify, certify, or state under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct. Executed on: _____, 2020.

Signature of Guardian