

1 AN ACT relating to public administrators.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 395.380 is amended to read as follows:

4 (1) The District Court of each county shall appoint a ***trustworthy, knowledgeable, and***
 5 ***willing and able***~~[discreet, fit]~~ person to act as administrator of decedents' estates of
 6 which there is no personal representative, and as guardian of ***minors or other***
 7 ***persons under disability***~~[orphans]~~ who have no guardian.

8 (2) ***The administrator***~~[He]~~ shall serve at the discretion of the District Court.

9 (3) ***The administrator***~~[He]~~ shall be sworn and execute bond with good surety to the
 10 state for the faithful discharge of his ***or her*** duties, and when so sworn with bond so
 11 executed, shall be accepted by the court in every estate in which the public
 12 administrator is appointed without the necessity of additional surety.

13 ➔Section 2. KRS 395.390 is amended to read as follows:

14 (1) ***(a)*** The District Court of a county which has a public administrator and guardian
 15 shall, after the expiration of sixty (60) days from the death of the decedent,
 16 order the public administrator and guardian to administer the estate of the
 17 decedent where:

18 ***1.*** The surviving spouse and heirs waive their right to be appointed;~~[, or]~~

19 ***2.*** ~~[If]~~ The surviving spouse does not nominate a suitable administrator;~~[, or]~~
 20 ~~[or]~~

21 ***3.*** ***None***~~[In the event any]~~ of the persons designated in KRS 395.040 are
 22 ***able***~~[unable,]~~ or found to be ***capable***~~[incapable]~~ of handling or
 23 managing the estate;~~[, or]~~ or

24 ***4.*** ~~[If]~~ From any other cause, there is no personal representative.

25 ***(b)*** If there is no public administrator and guardian, the court shall ***use its***
 26 ***discretion to appoint an administrator***~~[order the sheriff]~~ to administer the
 27 estate. ***The appointment shall be subject to denial by the appointee.***

1 (2) The District Court shall also confide to the public administrator and guardian the
2 care and control of the persons and estates of all minors or other persons under
3 disability when it appears that a minor or other person under disability has no
4 testamentary guardian and no one will apply for appointment, or serve, as guardian.

5 ➔Section 3. KRS 395.400 is amended to read as follows:

6 The public administrator and guardian~~[or sheriff]~~ shall, by virtue of his or her
7 appointment~~[office]~~ and the order of court, be the administrator or administrator de bonis
8 non, or if there is a will, administrator with the will annexed, and shall have all the rights
9 and powers and be subjected to the same liabilities and be governed by the same laws
10 prescribed for administrators and guardians.~~[If the sheriff is acting, his powers, rights,~~
11 ~~duties and liabilities shall not expire with his office of sheriff.]~~ The court may, however,
12 at any time, set aside the order entrusting the estate to the public administrator and
13 guardian~~[or sheriff]~~ and allow an executor or administrator to qualify.