As Amended by House Committee

As Amended by Senate Committee

Session of 2026

SENATE BILL No. 412

By Committee on Financial Institutions and Insurance

1-28

AN ACT concerning the probate code; relating to guardians and conservators; imposing the duty to notify ~~nonparties~~ ***certain entities and persons*** ~~to a conservatorship~~ of any court order commanding performance or safekeeping of the conservatee's estate assets; amending K.S.A. 59-30,176 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 59-30,176 is hereby amended to read as follows: 59-30,176. (a) A conservator is a fiduciary and has duties of prudence, loyalty, reasonable care and diligence to the individual subject to conservatorship.

(b) A conservator shall promote the self-determination of the individual subject to conservatorship and, to the extent feasible, encourage the individual to participate in decisions, act on the individual's own behalf, and develop or regain the capacity to manage the individual's personal affairs. A conservator shall strive to assure that the personal, civil and human rights of the individual subject to conservatorship are protected.

(c) In making a decision for an individual subject to conservatorship, the conservator shall make the decision that the conservator reasonably believes the individual would make if able, unless doing so would fail to preserve the resources needed to maintain the individual's well-being and lifestyle or otherwise unreasonably harm or endanger the welfare or personal or financial interests of the individual. To determine the decision the individual would make if able, the conservator shall consider the individual's prior or current directions, preferences, opinions, values and actions, to the extent actually known or reasonably ascertainable by the conservator.

(d) If a conservator cannot make a decision under subsection (c) because the conservator does not know and cannot reasonably determine the decision the individual subject to conservatorship probably would make if able, or the conservator reasonably believes the decision the individual would make would fail to preserve resources needed to maintain the individual's well-being and lifestyle or otherwise

unreasonably harm or endanger the welfare or personal or financial interests of the individual, the conservator shall act in accordance with the best interest of the individual. In determining the best interest of the individual, the conservator shall consider:

(1) Information received from professionals and persons that demonstrate sufficient interest in the welfare of the individual;

(2) other information the conservator believes the individual would have considered if the individual were able to act; and

(3) other factors a reasonable person in the circumstances of the individual would consider, including consequences for others.

(e) Except when inconsistent with the conservator's duties under subsections (a) through (d), a conservator shall invest and manage the conservatorship estate as a prudent investor would, by considering:

(1) The circumstances of the individual subject to conservatorship and the conservatorship estate;

(2) general economic conditions;

(3) the possible effect of inflation or deflation;

(4) the expected tax consequences of an investment decision or strategy;

(5) the role of each investment or course of action in relation to the conservatorship estate as a whole;

(6) the expected total return from income and appreciation of capital;

(7) the need for liquidity, regularity of income and preservation or appreciation of capital; and

(8) the special relationship or value, if any, of specific property to the individual subject to conservatorship.

(f) The propriety of a conservator's investment and management of the conservatorship estate is determined in light of the facts and circumstances existing when the conservator decides or acts and not by hindsight.

(g) A conservator shall make a reasonable effort to verify facts relevant to the investment and management of the conservatorship estate.

(h) A conservator that has special skills or expertise, or is named conservator in reliance on the conservator's representation of special skills or expertise, has a duty to use the special skills or expertise in carrying out the conservator's duties.

(i) In investing, selecting specific property for distribution, and invoking a power of revocation or withdrawal for the use or benefit of the individual subject to conservatorship, a conservator shall consider any estate plan of the individual known or reasonably ascertainable to the conservator and may examine the will or other donative, nominative or appointive instrument of the individual.

(j) A conservator shall maintain insurance on the insurable real and

personal property of the individual subject to conservatorship, unless the conservatorship estate lacks sufficient funds to pay for insurance or the court finds:

(1) The property lacks sufficient equity; or

(2) insuring the property would unreasonably dissipate the conservatorship estate or otherwise not be in the best interest of the individual.

(k) A conservator has access to and authority over a digital asset of the individual subject to conservatorship to the extent provided by the revised uniform fiduciary access to digital assets act or court order.

(l) A conservator for an adult shall notify the court immediately if the condition of the adult has changed so that the adult is capable of exercising rights previously removed.

*(m) ~~A conservator shall notify nonparties to a conservatorship, including financial institutions,~~***Not later than 15 calendar days following the issuance** *of any court order commanding performance or safekeeping of the conservatee's estate assets**, the conservator shall notify entities and persons that the conservator has identified as the location of an asset of the conservatee's estate**.*

Sec. 2. K.S.A. 59-30,176 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the ~~statute book~~ **Kansas register**.