



How to Change or End Guardianship: Restoration of Rights



If you have a guardian, you can ask the court to restore your rights at any time. Your guardian or conservator, or any interested person can, too. The court can

- End or dissolve an order of disability
- Change or modify an order of disability
- Remove or replace a guardian or conservator
- Reappoint a guardian or conservator

Filing the petition

First, you must file a petition in the district court where you live. You can also start the process by sending a letter to the court or the telling the court what you want to do. Probably the easiest way to do that is to talk to the court clerk. If you need someone to help you file a petition, the court will appoint someone to help you. It might be an employee of the court. That person has to help you get the petition filed within seven days of being appointed.

What's in a petition?

The petition has to have all the information below in it.

- Your name and address
- Your guardian or conservator's name and address
- The name, address, and interest of the person filing the petition
- The name and address of your nearest family member, if you know it
- The name and address of anyone or any facility that has custody of you
- A list of the rights you want restored (you can say all your rights)
- Why your rights should be restored

What happens in court?

Your hearing should be held within 30 days after you file the petition. Sometimes the court may delay the hearing because it may order a team of doctors and specialists to evaluate you first.

You can have a lawyer represent you in court. If you don't have a lawyer, you should ask the judge to appoint one for you. There's no right to a free attorney, so you may have to pay for one. The lawyer is supposed to tell the court what your wishes are, not what anyone else thinks is best for you.

After the hearing is over, the court will enter a written order. It will either

- Dismiss the petition
- End or dissolve the guardianship
- Change or modify the original order

If the court ends the guardianship, it will enter an order restoring all your rights and privileges as a citizen.

For more information, please call Protection and Advocacy at 1-800-372-2988 or visit our website: www.kypa.net.