

# KANSAS JUDICIAL COUNCIL BULLETIN

JANUARY, 1966

PART I—FORTIETH ANNUAL REPORT



ROBERT H. COBEAN

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## Foreword

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Robert H. Cobean, a member of the Kansas Judicial Council, whose photograph is on the cover of this special issue of the BULLETIN, has served as chairman of the advisory committee of the Judicial Council appointed pursuant to House Concurrent Resolution No. 43 of the 1963 session of the legislature. The work of this committee in drafting legislation was the forerunner of legislation enacted in the 1965 session which now appears as Chapter 374 (Laws of Kansas), relating to estates of incapacitated persons or minors, and Chapter 348 (Laws of Kansas), relating to care or treatment for mentally ill persons.

Recognizing the need for forms in connection with the foregoing legislation, the council called upon Mr. Cobean's advisory committee to draft them.

After study these forms, with some minor revisions, have been approved by the members of the Judicial Council and are submitted in this special BULLETIN for use in connection with the foregoing acts which became effective January 1, 1966.

Chairman Cobean and the other members of his advisory committee were and are, in their regular work, among the most active and productive members of the legal profession in the state of Kansas. Each has taken on this extra task enthusiastically and intensively. Into this work they have put their learning, their experience, their devotion and their meager and valuable leisure time. Let us be thankful that such men as Robert H. Cobean of Wellington, Honorable Joe H. Swinehart of Kansas City, Roy Kirby of Coffeyville, Marvin E. Thompson of Russell, Raymond Briman of Topeka (now deceased), Donald L. Burnett of Larned, and their able and learned reporter, Professor Dan Hopson, Jr., of Lawrence, have so valiantly responded to the call of duty.

ALFRED G. SCHROEDER,

Chairman of the Kansas Judicial Council.

## Commentary on Forms Illustrative of Procedure Under the "Act for Obtaining 'Care or Treatment'" and the "Act for Obtaining a 'Guardian' or 'Conservator,' or Both"

Since statehood the hospitalization of the mentally ill has been comingled with the guardianships of persons and their estates. After January 1, 1966, this will no longer be true.

Most of the time since statehood the legislative terminology relating to mentally sick persons has referred to them as "insane," "idiots," "lunatics," "imbeciles," etc. For a number of years the medical profession has made much progress in the treatment of these people and it has updated its terminology with reference to them and their illness; legislation has not, until now, kept pace in updating the legislative definitions of these people or the statutory procedure for their "care or treatment."

The 1963 Legislature, recognizing the need for updating both definitions relating to those needing psychiatric care or treatment and the statutory procedure for such care or treatment, authorized the Judicial Council to study and propose draft legislation eliminating from legislative definitions, such words as "insane," "idiot," "imbecile," "lunatic," "distracted person," etc. and updating procedure for the care or treatment of such persons.<sup>1</sup>

The Judicial Council, in accepting this assignment immediately laid down a guideline for its study committee to follow. The procedure for obtaining care or treatment of the mentally ill person was to be court centered and the person alleged to be mentally ill was to have counsel to safeguard his rights at all stages of the proceeding. These two fundamental guidelines were strictly followed in the Judicial Council Committee study. Such study and proposed draft legislation resulted in the 1965 session of the Legislature adopting an "Act for Obtaining 'Care or Treatment' for a Mentally Ill Person,"<sup>2</sup> and in companion, but completely separate legislation, also adopting an "Act for Obtaining a 'Guardian' or 'Conservator,' or Both."<sup>3</sup>

The "Act for Obtaining 'Care or Treatment' for a Mentally Ill Person" will be effective January 1, 1966, and will become K. S. A. 59-2901, and following. From and after the effective date thereof, there will no longer be any persons defined as "insane," etc. Thereafter, each such person who needs psychiatric "Care or Treatment"<sup>4</sup> will be defined as a "Mentally Ill Person."<sup>5</sup>

The patient<sup>6</sup> will receive the "care or treatment" as either an "informal patient,"<sup>7</sup> a "voluntary patient,"<sup>8</sup> or an "involuntary patient."<sup>9</sup>

1. HCR No. 43, 1963 Legislature.

2. HB 902.

3. HB 905.

4. K. S. A. 59-2902(12).

5. K. S. A. 59-2902(1).

6. K. S. A. 59-2902(2).

7. K. S. A. 59-2902(3).

8. K. S. A. 59-2902(4).

9. K. S. A. 59-2902(6).

The new basic philosophy of "care or treatment" is that the "patient" is an ill person and that he is to be admitted to, treated at and released from the "general hospital,"<sup>10</sup> "psychiatric hospital,"<sup>11</sup> or "other facilities for 'care or treatment,'"<sup>12</sup> with the same medical and legal effect as if he had a strictly medical illness instead of a mental illness. Herein lies the difference in philosophy between the new "Act for Obtaining Care or Treatment" and the old concept of hospitalizing an insane person.

Here are some of the practical and legal results of this new philosophy:

1. "A person shall not lose his rights as a citizen, his property rights or his legal capacity by reason of being a 'patient'."<sup>13</sup>

2. "The Probate Court, hospital or medical records of any 'patient' or 'former patient,' that are in the possession of any Probate Court, 'psychiatric hospital,' 'general hospital' or 'other facility' for 'care or treatment' shall be privileged and shall not be disclosed . . ." except under conditions set forth in the Act.<sup>14</sup>

3. "Neither an order of referral nor an order for 'care or treatment' . . . shall imply an adjudication of incapacity, . . ."<sup>15</sup>

The companion but distinctly separate "Act for Obtaining a 'Guardian' or 'Conservator,' or Both" will also become effective January 1, 1966, and will become K. S. A. 59-3001, and following. From and after the effective date thereof, there will no longer be any person defined as "incompetent." Thereafter, each such person will be defined as an "incapacitated person"<sup>16</sup> and if there is need ". . . to exercise control over the person of an incapacitated person . . ." a guardian<sup>17</sup> shall be appointed for such ward.<sup>18</sup> A minor<sup>19</sup> ward may also have a guardian of his person.

If either the "incapacitated person" or the "minor" has property, there may be need for a "conservator"<sup>20</sup> who is ". . . any person appointed by a Court of competent jurisdiction to exercise control over the estate of any person."

Please note the significant difference between a proceeding "In the Matter of the Care or Treatment of John Doe" and the proceedings "In the Matter of the Guardianship or Conservatorship, or Both, of John Doe." These are and must be separate and independent proceedings. They must be assigned separate case numbers and be indexed separately. They seek to determine different matters and must be treated separately.

Since the proceedings "In the Matter of the Care or Treatment of John Doe" seek to determine whether John Doe is a "mentally ill person" and in need of "care or treatment," and since it is basically a medical question and the records are not to be disclosed, even to Abstracters, this case must be separately numbered and indexed, by the Probate Court, much as adoption proceedings are now separately numbered and indexed.

10. K. S. A. 59-2902(8).

11. K. S. A. 59-2902(7).

12. K. S. A. 59-2902(9).

13. K. S. A. 59-2930.

14. K. S. A. 59-2931.

15. K. S. A. 59-2933.

16. K. S. A. 59-3002(1).

17. K. S. A. 59-3002(2).

18. K. S. A. 59-3002(8).

19. K. S. A. 59-3002(5).

20. K. S. A. 59-3002(4).

Since the proceedings "In the Matter of the Guardianship or Conservatorship, or Both, of John Doe" seek to determine whether he ". . . lacks sufficient understanding or capacity to make or communicate responsible decisions concerning either his person or his estate,"<sup>21</sup> and affect his rights as a citizen, his property rights and his legal capacity, these proceedings will be numbered and indexed as usual probate proceedings and available to the Abstractor and to the public.

Because all earlier forms on the subject will now be obsolete, the Judicial Council requested the Council Committee which prepared the draft legislation resulting in the "Act for Obtaining 'Care or Treatment' for a Mentally Ill Person" and the "Act for Obtaining a 'Guardian' or 'Conservator,' or Both," to prepare suggested forms to be followed in proper proceedings after January 1, 1966. The following suggested forms are presented as illustrative of actual transcripts of the following:

1. Application for informal admission to psychiatric hospital. Form No. 1. (This is a hospital form only—there is no Court procedure involved.)

2. Application for voluntary admission to a psychiatric hospital. Forms Nos. 2 to 4, inclusive. (These are hospital forms only—no Court procedure involved.)

3. In the Matter of the Care or Treatment of John Doe. Forms Nos. 5 to 61, inclusive. (These forms cover a typical involuntary case—with alternative illustrative forms—from application for emergency care or treatment to final taxing of costs. The dates used in said forms are illustrative of time lapses required by K. S. A. 59-2901, and following sections.)

4. In the Matter of the Conservatorship of Richard Roe. Forms 101 and following. (These forms cover a typical case from voluntary petition for conservatorship to discharge.)

5. In the Matter of the Guardianship and Conservatorship of John Doe. Forms 201 and following. (These forms cover a typical involuntary conservatorship case—with alternative illustrative forms—from the Petition for the appointment of a guardian and conservator to the final discharge. The dates used in said forms are illustrative of time lapses required by K. S. A. 59-3001, and following sections.)

6. In the Matter of the Guardianship and Conservatorship of Bill Young, a Minor. Forms 301 and following. (These forms cover a typical guardianship and conservatorship of a minor—with alternative illustrative forms—from the petition for the appointment of a guardian and conservator to the final discharge. The dates used in said forms are illustrative of time lapses required by K. S. A. 59-3001, and following sections.)

No forms are being suggested for use in proceedings such as sale of real estate, etc., for the reason that the procedure for the normal management and administration of a conservatorship, after the appointment of the conservator, will be essentially the same as heretofore required of a guardian of the estate. The only significant change is that the fiduciary will hereafter be designated as "Conservator" instead of guardian of the estate.

It is the hope of the Judicial Council and of the Council Committee that the following suggested forms, references, and notes will be of valuable assistance to the Probate Courts and the practicing Attorneys of Kansas, in the transition from the former proceedings to the new procedure required under the new "Act for Obtaining 'Care or Treatment' for a Mentally Ill Person" and the new "Act for Obtaining a 'Guardian' or 'Conservator,' or Both."

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21. K. S. A. 59-3002(1).

Please note that the following forms which have \_\_\_\_\_ in which information or signatures have been supplied will be forms, in some cases required by Statute to be printed and distributed by the State Department of Social Welfare, and in other cases presumably printed and distributed by local facilities for their own use.

All other forms, except possibly Letters of Guardianship or Letters of Conservatorship, Inventories, etc., will hopefully be prepared in the law offices of the Attorneys appearing for and in behalf of the respective parties in these proceedings.

ROBERT H. COBEAN.



**Forms for an Act for Obtaining “Care or Treatment”  
for a “Mentally Ill Person”**

**PROCEEDINGS FOR THE “CARE OR TREATMENT”  
OF JOHN DOE**

(1)

**APPLICATION FOR INFORMAL ADMISSION  
TO PSYCHIATRIC HOSPITAL**

TO THE HEAD OF THE Wright Psychiatric HOSPITAL

I, being at least sixteen (16) years of age, desire to be admitted as an informal patient for care or treatment. If admitted I will follow all the rules and regulations of the hospital. I understand that I may leave the hospital between the hours of 9:00 a. m. and 5:00 p. m. and at such other times as the head of the hospital may determine.

Date: January 2, 1966.

John Doe  
 (signature of applicant)  
127 Main Street  
 (street address)  
Hometown, Apache, Kansas  
 (city) (county) (state)

**TO BE COMPLETED BY THE HOSPITAL**

John Doe was admitted as an informal patient  
 (name of patient)  
 on January 2, 19 66, at 10:00 a. m.  
 (date) (time)  
 By John Brown, Head of Hospital  
Larry Green, Designee  
 (name and title)

Reference: K. S. A. Supp. 1965, 59-2904.

Note: The statute does not require a written admission form for informal admission, but the hospital will need a record.

(2)

APPLICATION FOR VOLUNTARY ADMISSION  
TO A PSYCHIATRIC HOSPITAL

TO	<u>Wright Psychiatric</u>	Hospital
	<u>John Doe</u>	<u>January 3, 1966</u>
	(name of applicant)	(date of application)
	<u>127 Main Street, Hometown</u>	<u>1/1/1900</u>
	(address—street—city)	(date of birth)
	<u>Apache</u>	Person to be notified
	(county of residence)	in case of emergency
	Name	<u>Mary Ann Doe</u>
		<u>Wife</u>
		(relationship)
	Address	<u>127 Main</u>
		(street)
		<u>Hometown, Kansas</u>
		(city) (state)
	Telephone	<u>VI 2-1765</u>

How long has applicant lived in Kansas prior to this application?  
12/15/64 to 1/3/66  
 (date to date)

I apply for the voluntary admission of the above named applicant for care or treatment in this hospital. If admitted such person will follow all the rules and regulations of such hospital. I understand that such person may not leave the hospital without the consent of the head of the hospital until 5 days after his discharge has been requested in writing. I hereby authorize any physician to furnish to the hospital a medical history of such person.

- I am ( x ) the person seeking admission and am over 16 years of age.
- ( ) a guardian of the applicant.
- ( ) a parent or person in loco parentis of the applicant who is under 16 years of age.

<u>John Doe</u>	<u>applicant</u>
(signature of applicant)	(relationship)
<u>127 Main</u>	<u>Hometown, Kansas</u>
(street)	(city) (state)

TO BE COMPLETED BY THE HOSPITAL

John Doe was admitted as a patient on January 3,  
 (name of patient) (date)  
 19 66, at 10:00 a. m.  
 (time)

John Brown, Head of Hospital  
 By Larry Green, Designee  
 (name and title)

Reference: K. S. A. Supp. 1965, 59-2905.  
 Note: One year residence is required for admission to a Kansas State Hospital, K. S. A. Supp. 1965, 39-111. A form for the medical history will be furnished by the hospital.

(3)

WRIGHT PSYCHIATRIC HOSPITAL

DISCHARGE

John Doe is discharged from this hospital on this 15th  
(name of patient)  
day of January, 19 66.

WRIGHT PSYCHIATRIC HOSPITAL

By Larry Green  
(name)  
Admissions Officer  
(title)

HEAD OF HOSPITAL OR DESIGNEE

COMMENTS, (IF ANY):

Reference: K. S. A. Supp. 1965, 59-2906.

(4)

(This form is illustrative and to be used only where appropriate.)

WRIGHT PSYCHIATRIC HOSPITAL

REQUEST FOR DISCHARGE

ON THIS 15th day of January, 19 66, John Doe  
requests the discharge of John Doe, a voluntary patient at the above  
hospital.

John Doe  
(name and relationship to patient,  
if not the patient)

. . . . .

I, \_\_\_\_\_, hereby consent to the discharge from the  
hospital of John Doe as requested above.

\_\_\_\_\_  
(patient, guardian, parent, or  
person in loco parentis)

Reference: K. S. A. Supp. 1965, 59-2907.

Note: If the request above is made by someone other than the voluntary patient, the patient if over sixteen (16) years of age and not under guardianship must also consent to the request. If the patient is under sixteen (16) years of age or has a guardian, such discharge shall only be conditioned on the consent of the parent, person in loco parentis, or guardian. If the hospital makes the discharge, form 3 will be used.

(5)

(This form is illustrative and to be used only where appropriate.)

**APPLICATION FOR EMERGENCY CARE OR TREATMENT**  
in a General or Psychiatric Hospital

Bill Red, sheriff, being a peace officer as defined by K. S. A. Supp.  
(name and title)  
1965, 59-2902(17), requests the emergency admission of John Doe,  
(name of person)  
a person of whom I have custody, by the Hometown General Hospital  
(facility for care or treatment)  
for the purpose of emergency observation, care or treatment.

(1) The person for whom I am making application is John Doe  
(name of person)  
and he resides at 127 Main Street, Hometown, Kansas.  
(street) (city) (state)

(2) His spouse is Mary Ann Doe  
(spouse or nearest relative) (name of person)  
who resides at 127 Main Street, Hometown, Kansas.  
(street) (city) (state)

(3) I have a reasonable belief, upon observation, that John Doe  
(name of person)  
is a mentally ill person and because of his illness is likely to do physical injury  
to himself or others if not immediately detained.

(4) I took John Doe into custody upon complaint of his wife, Mary Ann  
(here state what person was doing which caused you to take such  
person into custody.)

Doe. At such time John Doe had a pistol in his possession and was threat-  
ening to kill himself.

(5) The probate court of Apache County is not available to issue  
an order of protective custody pursuant to K. S. A. Supp. 1965, 59-2912.

Date: February 2, 1966

Bill Red  
Peace Officer and Applicant

. . . . .

**ACCEPTANCE BY HOSPITAL OF PERSON FOR EMERGENCY  
CARE OR TREATMENT**

John Doe was examined by me at the request of  
(name of person)  
Bill Red, Sheriff of Apache County, Kansas on this 2nd  
(peace officer) (title)  
day of February, 19 66, at 12:15 a.m. at this hospital  
and after such examination, I have reason to believe that such person is a  
mentally ill person and because of his illness is likely to do physical injury  
to himself or others if allowed to remain at liberty and not immediately



emergency admission of John Doe by the Hometown General Hospital for the purpose of emergency observation, care or treatment.

(name of person) (facility for care or treatment)

(1) The person for whom I am making application is John Doe and he resides at 127 Main Street, Hometown, Kansas.

(name of person)  
(street) (city) (state)

(2) His spouse is Mary Ann Doe who resides at 127 Main Street, Hometown, Kansas.

(spouse or nearest relative) (name of person)  
(street) (city) (state)

(3) I believe that John Doe is a mentally ill person and because of his illness is likely to injure himself or others if not immediately detained.

(name of person)

(4) I have recently observed John Doe having a pistol in his possession and threatening to take his own life.

(here state reason why you have such belief)

(5) The probate court of Apache County is not available to issue an order of protective custody pursuant to K. S. A. Supp. 1965, 59-2912.

(6) Accompanying this application is a physician's statement confirming the existence of the above described condition of such person.

Further, since I was unable to persuade John Doe to voluntarily admit himself to the Hometown General Hospital, I request that the head of the hospital or his designee authorize and order any peace officer or other person to take John Doe into custody and transport him to the Hometown General Hospital.

(name of person)  
(facility for care or treatment)

Date: February 1, 1966

Jim White  
Applicant

#### STATEMENT OF PHYSICIAN

I, Don Black, being a physician as defined in K. S. A. Supp. 1965, 59-2902(10), hereby state that I have examined John Doe and confirm that, in my opinion, John Doe is a mentally ill person and because of his illness is likely to injure himself or others if not immediately detained and that the condition of John Doe described in the application exists. Further, I found, after examination, that John Doe [here the physician may add such information as will be helpful

(name of physician)  
(name of person)  
(name of person)  
(name of person)

to the hospital in the emergency observation, care or treatment of the person for whom the application is made.]

Date: February 1, 1966

Don Black
Physician

CUSTODY AND TRANSPORTATION ORDER

I, Bill Gray, hereby authorize and order (Head of Hospital or Designee) Bill Red, sheriff to immediately take into custody and (peace officer or private citizen) transport to the Hometown General Hospital, John Doe (facility for care or treatment) (name of person) of 127 Main Street, Hometown, Kansas, a person for whom (street) (city) (state) an application for emergency hospitalization has been presented to me.

Date: February 1, 1966

HOMETOWN GENERAL HOSPITAL
By Bill Gray (name) Admissions Officer (title) HEAD OF HOSPITAL OR DESIGNEE

ACCEPTANCE BY HOSPITAL OF PERSON FOR EMERGENCY CARE OR TREATMENT

John Doe was examined by me at the request of Jim White (name of person) (applicant) on this 2nd day of February, 19 66, at 12:15 a. m. at this hospital and after such examination, I have reason to believe that such person is a mentally ill person and because of his illness is likely to do injury to himself or others if allowed to remain at liberty and not immediately detained. Based on the written application and my examination, I admit such person to this hospital.

Bill Gray (name) Admissions Officer (title) HEAD OF HOSPITAL OR DESIGNEE

REFUSAL BY HOSPITAL TO ACCEPT PERSON FOR EMERGENCY CARE OR TREATMENT

was examined by me at the request of (name of person) on this day of, 19 (applicant)

at this hospital, and after such examination, I have no reason to believe that such person is a mentally ill person. This hospital, therefore, does not admit such person.

HOMETOWN GENERAL HOSPITAL

By \_\_\_\_\_  
(name)

\_\_\_\_\_  
(title)

HEAD OF HOSPITAL OR DESIGNEE

Reference: K. S. A. Supp. 1965, 59-2909(c).

Note: When an individual makes the application, he is not bound by K. S. A. Supp. 1965, 59-2908 so he need only state his belief that the person is mentally ill. Consequently, the doctor need only to so state. The hospital need only confirm that the person is mentally ill. However, threatening injury to property is not sufficient. See note to form 5. The physician's statement is broader than necessary. The additional information will be helpful to the hospital.

(7)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Care or  
Treatment of John Doe.

No. 1002

PETITION FOR ORDER OF PROTECTIVE CUSTODY

The petitioner, Bill Red, alleges:

- (1) I am a peace officer as defined by K. S. A. Supp. 1965, 59-2902(17).
- (2) I have taken into custody John Doe pursuant to K. S. A. Supp. 1965, 59-2908.
- (3) The person in need of protective custody is John Doe of 127 Main Street, Hometown, Kansas.
- (4) John Doe's spouse is Mary Ann Doe who resides at 127 Main Street, Hometown, Kansas.
- (5) I believe that John Doe is a mentally ill person and because of his illness is likely to injure himself or others if not immediately detained.
- (6) I took John Doe into custody on the oral statement of his spouse that he threatens to take his own life.
- (7) The Hometown General Hospital is a suitable place to detain John Doe in protective custody.

WHEREFORE, the petitioner asks that the court enter an order of protective custody for John Doe authorizing and ordering a suitable person to transport him to the Hometown General Hospital or other suitable place, there to be detained as provided by law.

Bill Red  
Petitioner



STATE OF KANSAS, APACHE COUNTY, ss.:

Bill Red, of lawful age, being first duly sworn, upon his oath says that he is the petitioner above named, that he has read the above and foregoing petition for an order of protective custody and is familiar with the contents thereof, and that all of the statements therein are true.

Subscribed and sworn to before me this 4th day of February, 1966.

Bill Red  
Helen H. Waters,  
Notary Public

(SEAL)

My Commission expires December 7, 1966.  
Filed February 4, 1966. A. L. Mann, Probate Judge.

Reference: K. S. A. Supp. 1965, 59-2912(a).

Note: No petition under K. S. A. Supp. 1965, 59-2913 needs to have been filed. The peace officer need not allege physical injury and reasonable belief upon observation.

(8)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Care or  
Treatment of John Doe.

No. 1002

ORDER OF PROTECTIVE CUSTODY

On this 4th day of February, 1966, this matter is heard on the petition of Bill Red for an order of protective custody for John Doe. Petitioner appears in person. The court finds that this hearing may be held forthwith and without notice pursuant to K. S. A. Supp. 1965, 59-2912. The court further finds, upon evidence presented, that there are reasonable grounds to believe that John Doe is a mentally ill person and because of his illness is likely to injure himself or others if not immediately detained; and that the Hometown General Hospital is a suitable place for detaining John Doe in protective custody and has indicated its willingness to receive him.

IT IS THEREFORE BY THE COURT ORDERED that Bill Red is authorized and directed to take into custody John Doe; transport him to the Hometown General Hospital, Hometown, Kansas; there deliver John Doe to the hospital; and deliver a copy of this order to the person in charge of such hospital or his designee and make due return hereof.

IT IS FURTHER ORDERED that the Hometown General Hospital is authorized to receive John Doe and detain him in custody until February 8, 1966, at 5:00 p. m. unless sooner discharged by the order of this court.

A. L. Mann  
Probate Judge

(SEAL)

. . . . .

RETURN

I executed the attached order by delivering John Doe to the Hometown General Hospital on February 4, 1966, and by delivering a copy of such order to Bill Gray, Admissions Officer at the hospital.

Dated this 4th day of February, 1966.

Bill Red

Reference: K. S. A. Supp. 1965, 59-2912(a).

Note: The court need not find that John Doe is in fact mentally ill. Note that the order is good for two available court days. February 4, 1966, falls on a Friday. The order runs until Tuesday evening since the court is not available on Saturday and Sunday.

(9)

HOMETOWN GENERAL HOSPITAL

NOTICE OF EMERGENCY HOSPITALIZATION

TO Mary Ann Doe  
(patient's legal guardian, spouse, or any next of kin) (\*)  
You are hereby notified that John Doe, whose address is  
127 Main Street, Hometown, Kansas was admitted to this  
(street) (city) (state)

hospital on an emergency basis pursuant to K. S. A. Supp. 1965, 59-2909 on  
the 4th day of February, 19 66.

Bill Gray

(name)

Admissions Officer

(title)

HEAD OF HOSPITAL OR DESIGNEE

(\*) It is not necessary to send notice to the person who signed the appli-  
cation for emergency hospitalization.

PROOF OF SERVICE

I caused a copy of the above notice to be sent to Mary Ann Doe,  
(name of person)  
127 Main Street, Hometown, Kansas by United States Mail,  
(street) (city) (state)  
postage prepaid on February 4, 19 66.  
(date)

Bill Gray

(name)

Admissions Officer

(title)

HEAD OF HOSPITAL OR DESIGNEE

Reference: K. S. A. Supp. 1965, 59-2910.

Note: No particular form of notice is required. The hospital may use telephone, mail or personal service. A record is not required but would be desirable.

(10)

(This form is illustrative and to be used only where appropriate.)

**ORDER OF DISCHARGE FROM EMERGENCY HOSPITALIZATION**

Reference: K. S. A. Supp. 1965, 59-2911.

Note: See form 3. The above statute requires discharge if the order of protective custody expires. Since a new order was received, see form 13, the order of discharge need not be used in the John Doe proceedings.

(11)

**IN THE PROBATE COURT OF APACHE COUNTY, KANSAS**

In the Matter of the Care or  
Treatment of John Doe.

No. 1002

**PETITION FOR DETERMINATION OF MENTAL ILLNESS**

The petitioner, Jim White, alleges:

(1) I am a reputable person who resides at 796 Main Street, Hometown, Kansas.

(2) I believe that John Doe is a mentally ill person in that I have seen him threaten to shoot himself with a pistol, sit immobilized for lengthy periods and exhibit wild and unrestrained elation.

(3) The proposed patient is John Doe and he resides at and his present address is 127 Main Street, Hometown, Kansas. His age is not known to the petitioner.

(4) John Doe's spouse is Mary Ann Doe who resides at 127 Main Street, Hometown, Kansas.

(5) John Doe is the owner of real property of the estimated value of \$25,000.00; of personal property of the estimated value of \$10,000.00 and is receiving \$114.00 a month from Federal Old Age and Survivors Insurance.

(6) John Doe is presently being detained by the Hometown General Hospital and is under its control and custody.

(7) The truth of this petition may be proved by:

Mary Ann Doe, 127 Main Street, Hometown, Kansas.

Ralph Jones, M. D., 247 "P" Street, Hometown, Kansas.

Bill Red, 1427 14th Street, Hometown, Kansas.

(8) Ralph Jones, M. D., has examined John Doe. Attached hereto is his statement in writing concerning such examination.

WHEREFORE, the petitioner requests that the court:

(1) determine that John Doe is a mentally ill person;

(2) issue the orders required by K. S. A. Supp. 1965, 59-2914;

- (3) issue an order of protective custody pursuant to K. S. A. Supp. 1965, 59-2912(B);
- (4) order John Doe to submit himself for a mental evaluation and undergo such evaluation at a facility to be designated by the court;
- (5) order an investigation pursuant to K. S. A. Supp. 1965, 59-2915(B);
- (6) make such other orders as are necessary for the best interest of John Doe.

Jim White  
Petitioner

STATE OF KANSAS, APACHE COUNTY, ss.:

Jim White, of lawful age, being first duly sworn, upon his oath says that he is the petitioner above named, that he has read the above and foregoing petition for determination of mental illness and is familiar with the contents thereof, and that all of the statements therein made are true.

Jim White  
Subscribed and sworn to before me this 8th day of February, 1966.  
Helen Waters  
Notary Public

(SEAL)  
My Commission expires December 7, 1966.  
Filed February 8, 1966. A. L. Mann, Probate Judge.

. . . . .  
**STATEMENT OF PHYSICIAN**

I, Ralph Jones, M. D., have on this 7th day of February, 1966, examined John Doe. As the result of my examination and from information supplied to me by John Doe and others, I find that John Doe exhibits periods of severe depression in which he threatens to kill himself; that he is highly suspicious of others and irrationally fears that they plan to do him harm; that on other occasions he exhibits states of excessive elation and euphoria; that these qualities are suggestive of a well-recognized mental illness, ordinarily thought of as Manic Depressive Reaction, Hyper Manic type.

Ralph Jones, M. D.  
\_\_\_\_\_  
Physician

(Alternative to physician's statement when the proposed patient is a voluntary patient in a psychiatric hospital and has requested discharge.)

. . . . .  
**STATEMENT OF HEAD OF HOSPITAL**

I, John Brown, being the head of the Wright Psychiatric Hospital, Big City, Kansas, hereby give written notice to the Probate Court of Apache County of the following:

- (1) That John Doe, a voluntary patient in the Wright Psychiatric Hospital, has requested discharge.
- (2) That this request was received on the 5th day of February, 1966.
- (3) That in my opinion John Doe, the voluntary patient, is a mentally ill person.

John Brown  
\_\_\_\_\_  
Head of the Hospital

Reference: K. S. A. Supp. 1965, 59-2908.

Note: If the proposed patient refused to submit to an examination, the petition should so allege as an alternative to the existing 8th allegation. The prayer for an order of protective custody, for an order of mental evaluation and for an order of investigation is discretionary and therefore a specific request for such orders is included in this illustrative prayer. The request for an order of protective custody or an order for investigation might also be made by separate petition subsequent to the filing of the principal petition. See form 16.

(12)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Care or  
Treatment of John Doe.

No. 1002

**PRELIMINARY ORDERS**

On this 8th day of February, 1966, there is filed herein the petition of Jim White for the determination of mental illness of John Doe and for the issuance of various preliminary orders. Petitioner appears in person and by his attorney, W. B. Pleader.

Upon examination of the petition the court finds that the following orders should issue:

(1) The petition of Jim White for the determination of mental illness of John Doe be heard on the 18th day of February, 1966, at ten o'clock a. m. by this court in the Hometown General Hospital, Hometown, Apache County, Kansas;

(2) John Doe appear at such time and place for the hearing;

(3) A. B. Defender, a qualified practicing attorney of Apache County be appointed to represent John Doe at all stages of the proceedings herein;

(4) John Doe appear at Room 203 of the Hometown General Hospital on the 9th day of February, 1966, at ten o'clock a. m. to consult with A. B. Defender, his court-appointed attorney;

(5) John Doe submit himself on the 10th day of February, 1966, at ten o'clock a. m. for a mental evaluation and undergo such evaluation at the Apache County Community Mental Health Center, 1421 Main Street, Hometown, Kansas.

IT IS SO ORDERED.

A. L. Mann  
Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-2914; and 59-2915.

Note: The various discretionary orders provided for by K. S. A. Supp. 1965, 59-2915 and found in forms 19 and 20, may be included as separate paragraphs of this form as needed. Since, however, such orders as well as an order of protective custody and an order for investigation may be obtained subsequent to the filing of the petition, separate forms have been prepared.

Paragraph (2) may be changed to reflect the court's finding that the proposed patient's presence could be injurious to his welfare. Paragraph (3) and (4) may be omitted if the proposed patient has employed counsel. Paragraph (5) may provide that such evaluation is not necessary if the court finds that the physician's statement attached to the petition is a sufficient evaluation. *Note that the proposed patient must consult with his court-appointed attorney prior to his examination pursuant to an order of mental evaluation if one is issued, unless the proposed patient is also in a facility outside the county under an order of protective custody.* See K. S. A. Supp. 1965, 59-2914(D).

(13)

## IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Care or  
Treatment of John Doe.

No. 1002

**ORDER OF PROTECTIVE CUSTODY**

On this 8th day of February, 1966, this matter is heard upon the petition of Jim White for determination of mental illness and for an order of protective custody for John Doe. Petitioner appears in person and by his attorney, W. B. Pleader. The court finds that an order of protective custody may be issued ex parte and without notice pursuant to K. S. A. Supp. 1965, 59-2912.

Thereupon evidence is presented and the court being fully advised finds that there are reasonable grounds to believe that John Doe is a mentally ill person and because of his illness is likely to physically injure himself or others if not immediately detained; that it would be in the best interest of John Doe to be detained; and that the Hometown General Hospital is a suitable place for detaining John Doe in protective custody and has indicated its willingness to receive John Doe.

IT IS THEREFORE BY THE COURT ORDERED that Ralph Jones, M. D., is authorized and directed to take into custody John Doe; transport him to the Hometown General Hospital, Hometown, Kansas; there deliver John Doe to the hospital; and deliver a copy of this order to the person in charge of such hospital or his designee and make due return hereof.

IT IS FURTHER ORDERED that the Hometown General Hospital is authorized to receive John Doe and detain him in custody until the further order of this court.

A. L. Mann  
Probate Judge

(SEAL)

## RETURN

I executed the attached order by delivering John Doe to the Hometown General Hospital on February 8, 1966, and by delivering a copy of such order to Bill Gray, Admissions Officer at the hospital.

Dated this 9th day of February, 1966.

Ralph Jones, M. D.

Reference: K. S. A. Supp. 1965, 59-2912 and 59-2920.

Note: Although this order is one of the discretionary preliminary orders requested in the petition, it deals only with custody of the proposed patient and should be separate from the other preliminary orders. The order need not be directed to a peace officer but may authorize a physician, health officer, or other suitable person to take the proposed patient into custody.

---

(14)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Care or  
Treatment of John Doe.

No. 1002

**ORDER FOR REPORT OF MENTAL EVALUATION**

On this 8th day of February, 1966, this matter is heard upon the petition of Jim White for determination of mental illness. Petitioner appears in person and by his attorney, W. B. Pleader.

The court finds that it has on the 8th day of February, 1966, ordered John Doe to submit himself on the 10th day of February, 1966, at ten o'clock a. m. for a mental evaluation and undergo such evaluation at the Apache County Community Mental Health Center, 1421 Main Street, Hometown, Kansas.

IT IS THEREFORE BY THE COURT ORDERED that the Apache County Community Mental Health Center, if it undertakes to perform such mental evaluation, shall report the results of such evaluation, in writing, to this court on or before the 14th day of February, 1966. Such report shall state that the examiner has made an examination of the proposed patient and shall state the results of the examination on the issue of whether the proposed patient is a mentally ill person.

A. L. Mann  
Probate Judge

(SEAL)

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Reference: K. S. A. Supp. 1965, 59-2914.

Note: Since only a state psychiatric hospital may be required to evaluate any proposed patient ordered evaluated therein, the court may not require private facilities to conduct the evaluation. The statute provides, however, that the court is to order the examiner to submit to the court its report, in writing, at least three days prior to the date of the hearing provided for in K. S. A. Supp. 1965, 59-2917. Consequently this order when directed to a private facility is in the form of an order to report rather than an order to evaluate and report.

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(14-A)

IN THE PROBATE COURT OF APACHE COUNTY, KANSASIn the Matter of the Care or  
Treatment of John Doe.No. 1002**REPORT OF MENTAL EVALUATION**

We have examined the above named person and make this report: (Here set forth the facts found by the mental evaluation on the issue of whether the proposed patient is a mentally ill person. Attach separate sheets if necessary.)

Check one:

( x ) (1) In my opinion the proposed patient is likely to injure himself or others if allowed to remain at liberty.

( ) (2) In my opinion the proposed patient is not likely to injure himself or others if allowed to remain at liberty.

Date: February 13, 1966.

Apache Co. Comm. Mental Health Ctr.  
(name)

By Ray Dupre, M. D.

(name)

Psychiatrist

(title)

Filed February 13, 1966. A. L. Mann, Probate Judge.

Reference: K. S. A. Supp. 1965, 59-2914.

Note: Although the proposed patient is ordered to be evaluated by the mental health center, the person making the actual evaluation should sign the report as he may need to be called as a witness.

(15)

## IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Care or  
Treatment of John Doe.

No. 1002.

**ORDER FOR INVESTIGATION**

On this 8th day of February, 1966, this matter is heard upon the petition of Jim White for determination of mental illness and for an order for investigation. Petitioner appears in person and by his attorney, W. B. Pleader. The court finds upon examination of the petition that there is a need for an order of investigation.

IT IS THEREFORE BY THE COURT ORDERED that the Apache County Board of Social Welfare conduct an investigation of the character, family relationships, past conduct, the danger of injury to himself and others and other



pertinent factors concerning the person and environment of John Doe and report the results of such investigation to this court on or before the 14th day of February, 1966.

A. L. Mann  
 Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-2915(B).

Note: Although this order is one of the discretionary preliminary orders requested in this petition, it deals only with an investigation and should be separate from the other preliminary orders.

(15-A)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Care or  
 Treatment of John Doe.

No. 1002

**REPORT OF INVESTIGATION**

Having been appointed by the court, and at the court's direction, we have made an investigation regarding the character, family relationships, and past conduct of the above named person and make this report: (Here set forth the facts found by the investigation. Attach separate sheets if necessary.)

Check one:

( x ) In my opinion the proposed patient is likely to injure himself or others if allowed to remain at liberty.

( ) In my opinion the proposed patient is not likely to injure himself or others if allowed to remain at liberty.

Date: February 13, 1966.

Apache County Board of Social Welfare  
 (name)  
 By (Miss) Mary O'Connell  
 (name)  
Social Worker  
 (title)

Filed February 13, 1966. A. L. Mann, Probate Judge.

Reference: K. S. A. Supp. 1965, 59-2915.

Note: Although the County Board is ordered to make the investigation, the social worker should sign the report as she may need to be called as a witness.

(16)

(This form is illustrative and to be used only where appropriate.)

## IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Care or  
Treatment of John Doe.

No. 1002

## PETITION FOR ORDER OF PROTECTIVE CUSTODY

The Petitioner, Jim White, alleges:

(1) I am a reputable person who resides at 796 Main Street, Hometown, Kansas.

(2) An application to determine whether John Doe is a mentally ill person as provided for in K. S. A. Supp. 1965, 59-2913 has been filed in the probate court of Apache County, Kansas.

(3) I believe that John Doe is a mentally ill person.

(4) Because of John Doe's illness, he is likely to injure himself or others if he is not immediately detained.

(5) The Hometown General Hospital is a suitable place to detain John Doe in protective custody.

WHEREFORE, the petitioner asks that the court issue an order of protective custody for John Doe authorizing and ordering some health officer or other suitable person to transport him to the Hometown General Hospital or other suitable place there to be detained as provided by law.

Jim White  
Petitioner

STATE OF KANSAS, APACHE COUNTY, ss.:

Jim White, of lawful age, being first duly sworn upon his oath says that he is the petitioner above named, that he has read the above and foregoing petition for an order of protective custody and is familiar with the contents thereof, and that all of the statements therein made are true.

Subscribed and sworn to before me this 10th day of February, 1966.  
Helen H. Waters  
Notary Public

(SEAL)

My Commission expires December 7, 1966.

Filed February 10, 1966. A. L. Mann, Probate Judge.

Reference: K. S. A. Supp. 1965, 59-2912(B).

Note: This petition may be filed at any time subsequent to the filing of form 11 if form 11 does not itself contain a request for an order of protective custody. Although the statute does not require it, the petitioner's address should be alleged, particularly if the petitioner is not also the person who filed the petition pursuant to K. S. A. Supp. 1965, 59-2913.

(17)

(This form is illustrative and to be used only where appropriate.)

**ORDER FOR PROTECTIVE CUSTODY**

---

Reference: K. S. A. Supp. 1965, 59-2915.

Note: Follow generally form 13 with modifications to show that the matter is heard on a separate petition for an order of protective custody and a finding that a petition to determine mental illness has previously been filed.

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(18)

(This form is illustrative and to be used only where appropriate.)

**ORDER FOR INVESTIGATION**

---

Reference: K. S. A. Supp. 1965, 59-2915.

Note: Follow generally form 15 with modifications to show that the matter is heard on a separate petition for an order for investigation and a finding that a petition to determine mental illness has previously been filed. A petition for this order for investigation; a petition for an order of continuance (see form 19); and a petition for an order of advancement (see form 20) are not included in these sample forms. They should follow in general the form for the petition for an order of protective custody. See form 16. Proper language for the prayer is found in form 11.

---

(19)

(This form is illustrative and to be used only where appropriate.)

**IN THE PROBATE COURT OF APACHE COUNTY, KANSAS**

In the Matter of the Care or  
Treatment of John Doe.

No. 1002

**ORDER OF CONTINUANCE**

On this 18th day of February, 1966, this matter is heard upon the petition of Jim White for an order of continuance. Petitioner appears in person and by his attorney, W. B. Pleader. John Doe appears by his counsel, A. B. Defender. The court upon examination of the petition and upon good cause shown finds that an order of continuance should be granted.

IT IS THEREFORE BY THE COURT ORDERED that the hearing of this matter is continued and will be heard on the 25th day of February, 1966,

at ten o'clock a. m. in the Hometown General Hospital, Hometown, Apache County, Kansas.

A. L. Mann  
Probate Judge

(SEAL)

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Reference: K. S. A. Supp. 1965, 59-2915.

Note: See note to form 18.

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(20)

(This form is illustrative and to be used only where appropriate.)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Care or  
Treatment of John Doe.

No. 1002

ORDER OF ADVANCEMENT

On this 9th day of February, 1966, this matter is heard on the petition of A. B. Defender, attorney for John Doe, for an order of advancement. Petitioner appears in person. The court finds that the request of the petition should be granted.

IT IS THEREFORE BY THE COURT ORDERED that the hearing of this matter is hereby advanced to and will be heard on the 14th day of February, 1966, at ten o'clock a. m. in the Hometown General Hospital, Hometown, Apache County, Kansas, and that a copy of this order forthwith be served upon Jim White and his attorney.

A. L. Mann  
Probate Judge

(SEAL)

---

Reference: K. S. A. Supp. 1965, 59-2915.

Note: See notes to form 18. Since the court must issue the order of advancement on request of the proposed patient or his attorney, there is no need to find good cause or that it will be in the best interest of John Doe. Proof of service of a copy of the order should be made by affidavit of the server.

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(21)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Care or  
Treatment of John Doe.

No. 1002

NOTICE AND ORDER FOR SERVICE

To:

- (1) John Doe, Hometown General Hospital, Hometown, Kansas.
- (2) A. B. Defender, Hometown State Bank Building, Hometown, Kansas.
- (3) Mary Ann Doe, 127 Main Street, Hometown, Kansas.

You and each of you are hereby notified of the following matters:

(A) That a verified petition alleging that John Doe is a mentally ill person and requesting that this court order care or treatment has been filed in this court by Jim White, petitioner.

(B) That this petition will be heard on the 18th day of February, 1966, at ten o'clock a. m. by this court in the Hometown General Hospital, Hometown, Apache County, Kansas, and that John Doe is ordered to be present at such hearing.

(C) That A. B. Defender, a qualified practicing attorney of Apache County, is appointed to represent John Doe at all stages of the proceedings and that John Doe and A. B. Defender are ordered to meet in Room 203 of the Hometown General Hospital on the 9th day of February, 1966, at ten o'clock a. m.

(D) That John Doe is ordered to submit himself on the 10th day of February, 1966, at ten o'clock a. m. for a mental evaluation and undergo such evaluation at the Apache County Community Mental Health Center, 1421 Main Street, Hometown, Kansas.

(E) That John Doe has the right, pursuant to K. S. A. Supp. 1965, 59-2917, to request in writing a hearing on the petition before a jury if such request is filed not later than ten o'clock a. m. the 16th day of February, 1966.

(F) That Ralph Jones, M. D., First National Bank Building, Hometown, Kansas, is hereby ordered to make service of this notice by delivering a copy to John Doe personally and make due return thereof.

(G) That Bill Red, Sheriff of Apache County, Kansas, is hereby ordered to make service of this notice by delivering a copy to A. B. Defender personally and to serve a copy of this notice on Mary Ann Doe and make due return thereof.

In witness whereof, I have set my hand and seal this 8th day of February, 1966.

A. L. Mann  
Probate Judge

(SEAL)

RETURN

Ralph Jones, M. D. says that he served this notice on:

John Doe by delivering a copy to him personally on the 8th day of February, 1966, at Hometown General Hospital, Hometown, Kansas.

Ralph Jones, M. D.

Filed February 10, 1966. A. L. Mann, Probate Judge.

RETURN

Bill Red, Sheriff of Apache County, Kansas, says that he served this notice on:

(1) A. B. Defender by delivering a copy to him personally on the 8th day of February, 1966, at Hometown State Bank Building, Hometown, Kansas.

(2) Mary Ann Doe by leaving a copy at her usual place of residence, 127 Main Street, Hometown, Kansas, on the 9th day of February, 1966.

Bill Red  
Sheriff

Filed February 10, 1966. A. L. Mann, Probate Judge.

Reference: K. S. A. Supp. 1965, 59-2914, 59-2916, and 59-2917.

Note: The order and notice are included together for simplicity and efficiency. Note that it is the court, not the petitioner, that gives notice. The order to serve the notice may be directed to any of those named in K. S. A. Supp. 1965, 59-2916(2), but it may be preferred that the doctor serve the proposed patient.

(22)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Care or  
Treatment of John Doe.

No. 1002

PETITION FOR AN ORDER OF CONTINUANCE  
AND ORDER OF REFERRAL

The petitioner, John Doe, alleges:

- (1) He resides at 127 Main Street, Hometown, Kansas.
- (2) He is the proposed patient in the above matter.
- (3) It would be to his benefit to have the above matter continued for ninety (90) days so that the court could make an order of referral.
- (4) The Strong Psychiatric Hospital, Metropolis, Kanza County, Kansas, would be a desirable place to order him referred for short term care or treatment.
- (5) Such Psychiatric Hospital has consented to provide care or treatment for him if so ordered by this court.
- (6) The report of the examiner, provided for by K. S. A. Supp. 1965, 59-2914(F), states that he is a mentally ill person.
- (7) The attorney representing him has filed herewith the statement in writing required by K. S. A. Supp. 1965, 59-2918.

WHEREFORE, the petitioner requests that the court continue the above matter for ninety (90) days and make an order of referral to the Strong Psychiatric Hospital, Metropolis, Kanza County, Kansas, for a period of time not to exceed ninety (90) days for short term care or treatment.

John Doe  
Petitioner

STATE OF KANSAS, APACHE COUNTY, ss.:

John Doe, of lawful age, being first duly sworn, upon his oath says that he is the petitioner above named, that he has read the above and foregoing petition for an order of continuance and order of referral and is familiar with the contents thereof, and that all of the statements therein made are true.

Subscribed and sworn to before me this 11th day of February, 1966.  
John Doe  
Helen Waters  
Notary Public

(SEAL)

My commission expires December 7, 1966.

. . . . .

STATEMENT OF EXPLANATION BY COUNSEL

I, A. B. Defender, hereby state that I have heretofore been appointed by the Probate Court of Apache County to represent John Doe in the above matter and have explained to him the nature of the order of referral and of his right to a hearing before a court or jury to determine whether he is a mentally ill person.

A. B. Defender  
 Attorney for John Doe

Filed February 11, 1966. A. L. Mann, Probate Judge.

Reference: K. S. A. Supp. 1965, 59-2918.

Note: Since the petition is for a special order of continuance, it should be different from the petition under K. S. A. Supp. 1965, 59-2915(C) requesting an ordinary continuance. See form 16. If no examination has been ordered, the allegation that the physician's statement, attached to the petition, states that the proposed patient is a mentally ill person may be pleaded, as a substitute for paragraph (6) of the petition.

(23)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Care or  
 Treatment of John Doe .

No. 1002

ORDER OF CONTINUANCE AND OF REFERRAL

On this 11th day of February, 19 66, this matter is heard on the petition of John Doe for an order of continuance and of referral. Petitioner appears in person and by his attorney, A. B. Defender.

The court finds that the Strong Psychiatric Hospital  
 (facility to which referred)

Metropolis, Kansas, is a desirable place to refer  
 (city) (state)

John Doe and it has indicated its willingness to receive him; that the report of the

(x) (1) Apache County Mental Health Center, showing the results of the mental evaluation ordered by this court and filed herein,

( ) (2) Physician's statement attached to the petition states that

John Doe is a mentally ill person; and that A. B. Defender, the attorney representing John Doe, has filed herein the statement required by K. S. A. Supp. 1965, 59-2918; and that the request of the petition should be granted.

IT IS THEREFORE BY THE COURT ORDERED that the hearing of this matter is continued until further order of this court and that John Doe is referred to:

( ) (1) \_\_\_\_\_ State Hospital  
 ( ) (2) \_\_\_\_\_, a facility of the United States government available for the care or treatment of a mentally ill person  
 (x) (3) Strong Psychiatric Hospital, a private psychiatric hospital  
 ( ) (4) \_\_\_\_\_, other facility for care or treatment  
 for a period of time not to exceed ninety (90) days for short term care or treatment.

IT IS FURTHER ORDERED that Jim White is authorized and directed to take John Doe into custody and transport him to the Strong Psychiatric Hospital, Metropolis, Kansas, and  
 (facility to which referred) (city) (state)  
 there deliver John Doe to the custody of such facility.

IT IS FURTHER ORDERED that a certified copy of this order shall be forwarded immediately to the Strong Psychiatric Hospital.  
 (facility to which referred)

A. L. Mann  
 Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-2918 and 59-2919.

Note: K. S. A. Supp. 1965, 59-2919 requires that the probate court use, when ordering a referral to a state psychiatric hospital, the form prepared by the state department of social welfare. Form 23 is the one prescribed by the department. It is broad enough to be used for ordering referral to other facilities. The date for the hearing is not set in this order as it depends on the further action of the hospital and John Doe.

(24)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Care or  
 Treatment of John Doe.

No. 1002

**ACCEPTANCE BY FACILITY**

John Doe was received and accepted at this facility pursuant to the order of the above court dated the 11th day of February, 19 66.

Date: February 14, 19 66.

Strong Psychiatric Hospital  
 (name of facility)  
 By Charles Atlas  
 (name)  
Admissions Officer  
 (title)

(Instructions to facility: A copy of this form must be signed and returned immediately to the court making the order.)

Filed February 15, 1966. A. L. Mann, Probate Judge.



Reference: K. S. A. Supp. 1965, 59-2918.

Note: The facility may mail the acceptance to the court. It may have it delivered by the person bringing the proposed patient to the facility.

(25)

(This form is illustrative and to be used only where appropriate.)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Care or

Treatment of John Doe .

No. 1002

**WRITTEN NOTICE TO THE COURT OF CHANGE OF STATUS**

TO: THE ABOVE NAMED COURT

You are hereby notified that John Doe who was ordered admitted to this hospital upon your order dated the 11th day of February, 19 66, was on the 3rd day of April, 19 66 :

- (1) Accepted for voluntary admission to this psychiatric hospital.
- (2) Discharged since he is no longer in need of care or treatment.
- (3) Released on convalescent status.
- (4) Returned to this hospital on revocation of convalescent status.

Date: April 4, 19 66 .

Strong Psychiatric Hospital  
(name of facility)  
By John Brown  
(name)  
Head of Hospital  
(title)

HEAD OF HOSPITAL OR DESIGNEE

Filed April 5, 1966. A. L. Mann, Probate Judge.

Reference: K. S. A. Supp. 1965, 59-2218 and 59-2225.

Note: The statute merely requires that the psychiatric hospital notify the court. The notice should be signed by the head of the hospital or his designee.

(26)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Care or

Treatment of John Doe .

No. 1002

**REPORT OF FACILITY AFTER ORDER OF REFERRAL**

TO: THE ABOVE NAMED COURT

The following is our written report of our findings and recommendations regarding John Doe who was referred by the Apache County Probate Court to this facility on the 11th day of February, 19 66 :

This patient is suffering from a moderately severe mental disorder with a history of assaultiveness and withdrawal. He needs further hospitalization and treatment.

(x) We find that such proposed patient is a mentally ill person.

( ) We find that such proposed patient is not a mentally ill person.

Such proposed patient must be released from this facility unless further order is received from you ordering further care or treatment at this facility on or before the 12th day of May, 19 66.

Date: April 29, 19 66.

Strong Psychiatric Hospital  
(name of facility)  
By John Brown  
(name)  
Head of Hospital  
(title)

Filed May 2, 1966. A. L. Mann, Probate Judge.

Reference: K. S. A. Supp. 1965, 59-2918.

Note: This report must be made to the court not later than ten (10) days prior to the expiration date of the referral period.

(27)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Care or  
Treatment of John Doe.

No. 1002

PETITION FOR CHANGE OF VENUE

The Petitioner, Jim White, alleges:

(1) I reside at 796 Main Street, Hometown, Kansas.

(2) I filed the petition for the determination of mental illness in the above matter.

(3) Such petition was filed in the county of residence of the proposed patient.

(4) The proposed patient is presently being detained in the Strong Psychiatric Hospital, Metropolis, Kanza County, Kansas, under an order of referral issued by this court on the 11th day of February, 1966, pursuant to K. S. A. Supp. 1965, 59-2918.

(5) Such hospital has filed its report indicating that John Doe is a mentally ill person and is in need of further care or treatment.

(6) It would be in the best interest of the proposed patient to have the venue changed to the probate court of Kanza County, Kansas.

WHEREFORE, the petitioner requests that this court change the venue in this matter from the probate court of Apache County, Kansas, to the probate court of Kanza County, Kansas.

Jim White  
Petitioner

STATE OF KANSAS, APACHE COUNTY, ss.:

Jim White, of lawful age, being first duly sworn, upon his oath says that he is the petitioner above named, that he has read the above and foregoing petition for change of venue and is familiar with the contents thereof, and that all of the statements therein made are true.

Jim White

Subscribed and sworn to before me this 2nd day of May, 1966.

Helen H. Waters,

Notary Public

(SEAL)

My Commission expires December 7, 1966.

Filed May 2, 1966. A. L. Mann, Probate Judge.

Reference: K. S. A. Supp. 1965, 59-2922.

Note: This form illustrates only one of the many possible grounds for change of venue. In many instances the order changing venue will be on the court's own motion. In such cases no petition will be needed and only the order similar to form 28 will be used.

(28)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Care or  
Treatment of John Doe.

No. 1002

ORDER CHANGING VENUE

On this 2nd day of May, 1966, this matter is heard on the petition of Jim White for change of venue. Petitioner appears in person and by his attorney, W. B. Pleader. John Doe appears by his counsel, A. B. Defender. The court finds that Apache County is the residence of John Doe; that John Doe is presently being detained in the Strong Psychiatric Hospital in Metropolis, Kanza County, Kansas, under an order of referral issued by this court on the 11th day of February, 1966, pursuant to K. S. A. Supp. 1965, 59-2918; and that it would be in the best interest of John Doe to have the venue of this matter changed to the probate court of Kanza County, Kansas.

IT IS THEREFORE BY THE COURT ORDERED that the venue of this matter is hereby changed to the probate court of Kanza County, Kansas, and that a certified copy of all pleadings and orders in this matter be transmitted to the probate court of Kanza County, Kansas.

A. L. Mann

Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-2922.

Note: This form merely follows the request set out in the petition. If the court orders the change of venue on its own motion, appropriate language should be used.

(29)

## IN THE PROBATE COURT OF KANZA COUNTY, KANSAS

In the Matter of the Care or  
Treatment of John Doe.

No. 2002

## PRELIMINARY ORDERS

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Reference: K. S. A. Supp. 1965, 59-2914; 59-2915; 59-2922.

Note: The order would substantially follow form 12 or 13. It need not include, however, the order for mental evaluation, since it has previously been issued by the Apache County Probate Court.

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(30)

## IN THE PROBATE COURT OF KANZA COUNTY, KANSAS

In the Matter of the Care or  
Treatment of John Doe.

No. 2002

## NOTICE AND ORDER FOR SERVICE

To:

- (1) John Doe, Strong Psychiatric Hospital, Metropolis, Kansas.
- (2) D. C. Barrister, 427 4th Street, Metropolis, Kansas.
- (3) Strong Psychiatric Hospital, Metropolis, Kansas.
- (4) Mary Ann Doe, 127 Main Street, Hometown, Kansas.

You and each of you are hereby notified of the following matters:

(A) That the venue in this matter has been changed to the above court by an order entered on the 2nd day of May, 1966, by the Probate Court of Apache County, Kansas.

(B) That the hearing on this matter will be held on the 11th day of May, 1966, by this court in the Strong Psychiatric Hospital, Metropolis, Kanza County, Kansas, and that John Doe is ordered to be present at such hearing.

(C) That D. C. Barrister, a qualified practicing attorney of Kanza County, is appointed to represent John Doe at all stages of the proceedings and that John Doe and D. C. Barrister are ordered to meet in Room 503 of the Strong Psychiatric Hospital on the 6th day of May, 1966, at ten o'clock a. m.

(D) That John Doe has a right, pursuant to K. S. A. Supp. 1965, 59-2917, to request in writing a hearing on the petition before a jury if such request is filed not later than ten o'clock a. m. the 9th day of May, 1966.

(E) That Dan Short, Kanza County Mental Health Center, Metropolis, Kansas, is hereby ordered to make service of this notice by delivering a copy to John Doe personally and make due return thereof.

(F) That Ted Long, Sheriff of Kanza County, Kansas, is hereby ordered to make service of this notice by delivering a copy to D. C. Barrister personally and to serve a copy of this notice on the Strong Psychiatric Hospital and Mary Ann Doe and make due return thereof.

In witness whereof, I have set my hand and seal this 4th day of May, 1966.

E. F. Good  
Probate Judge

(SEAL)

RETURN

Dan Short certifies that he served this notice on:

John Doe by delivering a copy to him personally on the 5th day of May, 1966, at Strong Psychiatric Hospital, Metropolis, Kansas.

Dan Short

Filed May 5, 1966. E. F. Good, Probate Judge.

RETURN

Ted Long, Sheriff of Kanza County, Kansas, says that he served this notice on:

(1) D. C. Barrister by delivering a copy to him personally on the 5th day of May, 1966, at 427 4th Street, Metropolis, Kansas.

(2) Strong Psychiatric Hospital by delivering a copy to John Brown, the head of the hospital, personally on the 5th day of May, 1966, at 914 Iowa Street, Metropolis, Kansas.

(3) Mary Ann Doe by mailing, postage prepaid, on the 5th day of May, 1966, a copy of the notice to her at 127 Main Street, Hometown, Kansas.

Ted Long  
Sheriff

Filed May 5, 1966. E. F. Good, Probate Judge.

Reference: K. S. A. Supp. 1965, 59-2916 and 59-2922.

Note: This order and notice substantially follow form 21. Although not required by the statute, notice should be given to the facility having custody of the proposed patient and to a close relative of the proposed patient.

(31)

(This form is illustrative and to be used only where appropriate.)

IN THE PROBATE COURT OF KANZA COUNTY, KANSAS

In the Matter of the Care or  
Treatment of John Doe.

No. 2002

ORDER FOR HEARING

On this 2nd day of May, 1966, this matter comes on for an order setting the time and place of hearing. The court finds that the report of the facility giving care or treatment to John Doe, pursuant to an order of referral issued by the Apache County Probate Court on February 11, 1966, was heretofore filed with this court on the 29th day of April, 1966.

IT IS THEREFORE BY THE COURT ORDERED that the petition filed herein by Jim White for the determination of the mental illness of John Doe be heard on the 11th day of May, 1966, at ten o'clock a. m. by this court in the Strong Psychiatric Hospital, Metropolis, Kanza County, Kansas.

E. F. Good  
Probate Judge

(SEAL)

---

Reference: K. S. A. Supp. 1965, 59-2918.

Note: This form would be used when venue is transferred after an order of referral and prior to the receipt of the report shown in form 26. The time and place of the hearing could not have been set in the original preliminary order, see form 29, since such time and place depend on the actions of John Doe and the facility to which referral has been made. No petition requesting the order need be filed, since K. S. A. Supp. 1965, 59-2918 requires the probate court to set the time and place of the hearing. That section also requires that the date of the hearing must be prior to the expiration of the ninety-day referral order.

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(32)

(This form is illustrative and to be used only where appropriate.)

**NOTICE AND ORDER FOR SERVICE**

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Reference: K. S. A. Supp. 1965, 59-2915 and 59-2918.

Note: The Notice and Order for Service should substantially follow form 30 except that only notice of the time and place of the hearing need be given. Notice should be given to the facility that has custody of the proposed patient.

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(33)

IN THE PROBATE COURT OF KANZA COUNTY, KANSAS

In the Matter of the Care or  
Treatment of John Doe.

No. 2002

**REQUEST FOR A HEARING BEFORE A JURY**

John Doe hereby requests that the hearing herein be held before a jury.

John Doe

Filed May 8, 1966. E. F. Good, Probate Judge.

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Reference: K. S. A. Supp. 1965, 59-2917.

Note: This request must be filed at least forty-eight hours prior to the time of the hearing.

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(34)

(This form is illustrative and to be used only where appropriate.)

IN THE PROBATE COURT OF KANZA COUNTY, KANSAS

In the Matter of the Care or Treatment of John Doe.

No. 2002

ORDER FOR A HEARING BEFORE A COMMISSION AND APPOINTMENT OF COMMISSIONERS

On this 6th day of May, 1966, this court finds that it would be advantageous to John Doe that the hearing on the petition in the above matter be held before a commission as defined in K. S. A. Supp. 1965, 59-2917.

IT IS THEREFORE BY THE COURT ORDERED that John Purple, M. D., and Don Black, M. D., are appointed as the commission to hear this matter and make and file a report of its findings.

E. F. Good
Probate Judge

(SEAL)

Reference: K. S. A. 1965, 59-2917.

Note: Since the court may order a commission hearing only on its own request, a petition is meaningless. Since a jury is required, see form 33, this form is illustrative only.

(35)

(This form is illustrative and to be used only where appropriate.)

IN THE PROBATE COURT OF KANZA COUNTY, KANSAS

In the Matter of the Care or Treatment of John Doe .

No. 2002

REPORT OF COMMISSIONERS

We, the undersigned, having been appointed by the probate court to serve as a commission in the above entitled matter find as follows:

- (x) (1) That John Doe is a mentally ill person.
( ) (2) That is not a mentally ill person.

Facts indicating mental illness found by us are as follows:

Witness our hands in the county and state aforesaid this 11th day of May, 19 66 .

John Purple, M. D.
Don Black, M. D.

Filed May 11, 1966. E. F. Good, Probate Judge.

Reference: K. S. A. Supp. 1965, 59-2917.

(36)

IN THE PROBATE COURT OF KANZA COUNTY, KANSASIn the Matter of the Care or  
Treatment of John Doe .No. 2002**ORDER FOR CARE OR TREATMENT**On this 11th day of May, 19 66, the petition for

- (x) (1) determination of a mentally ill person  
 ( ) (2) discharge

comes on for hearing. There are the following appearances:

The petitioner, Jim White, appears personally and by his attorney, W. B. Pleader. The proposed patient appears personally and by his attorney, D. C. Barrister.

Thereupon, upon request therefor, a jury is duly empaneled and the hearing is held. The jury makes its finding that John Doe is a mentally ill person and the court approves the finding of the jury and finds that John Doe is a mentally ill person.

IT IS THEREFORE BY THE COURT ADJUDGED that John Doe is a mentally ill person and it is ORDERED that he shall receive care or treatment at:

- (x) (1) Good Samaritan State Hospital  
 ( ) (2) \_\_\_\_\_, a facility of the United States government available for the care or treatment of a mentally ill person  
 ( ) (3) \_\_\_\_\_, a private psychiatric hospital  
 ( ) (4) \_\_\_\_\_, other facility for care or treatment.

**IT IS FURTHER ORDERED:**

That Ted Long, sheriff, is authorized and directed, at a time specified by the head of the Good Samaritan State Hospital, but not later than fifteen (15) days from this date, to take John Doe into custody and transport and deliver him to such facility.

**IT IS FURTHER ORDERED:**

- (x) (1) That a certified copy of this order shall be forwarded immediately to the Good Samaritan State Hospital .  
 ( ) (2) That a certified copy of this order shall be mailed to \_\_\_\_\_

E. F. Good  
 Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-2917 and 59-2919.

Note: K. S. A. Supp. 1965, 59-2919 requires that the probate court use, when ordering care or treatment in a state psychiatric hospital, the form prepared by the state department of social welfare. Forms 36, 38, and 40 are those prescribed by the department. They are broad enough to be used for ordering care or treatment in other facilities. The second alternative in the last paragraph (the mailing of the certified copy) is required to be used when this order follows a petition for discharge. See K. S. A. Supp. 1965, 59-2923.



(37)

ACCEPTANCE BY FACILITY

Reference: K. S. A. Supp. 1965, 59-2917 and 59-2919.

Note: See form 24. The acceptance is broad enough to be used whether the order is one of referral or care or treatment.

(38)

(This form is illustrative and to be used only where appropriate.)

IN THE PROBATE COURT OF     KANZA     COUNTY, KANSAS

In the Matter of the Care or  
Treatment of     John Doe     .

No.     2002    

ORDER FOR CARE OR TREATMENT

On this     11th     day of     May    , 19     66    , the petition for

- (1) determination of a mentally ill person
- (2) discharge

comes on for hearing. There are the following appearances:

The petitioner, Jim White, appears personally and by his attorney, W. B. Pleader. The proposed patient appears personally and by his attorney, D. C. Barrister.

Thereupon, the court finds that no request for a jury has been made and that this matter is for trial to the court only.

Thereupon, the court receives all relevant and material evidence and being fully advised finds that     John Doe     is a mentally ill person.

IT IS THEREFORE BY THE COURT ADJUDGED that     John Doe     is a mentally ill person and it is ORDERED that     he     shall receive care or treatment at:

- (1)     Good Samaritan     State Hospital.
- (2) \_\_\_\_\_, a facility of the United States government available for the care or treatment of a mentally ill person
- (3) \_\_\_\_\_, a private psychiatric hospital
- (4) \_\_\_\_\_, other facility for care or treatment.

IT IS FURTHER ORDERED:

That Ted Long, sheriff, is authorized and directed, at a time specified by the head of the Good Samaritan State Hospital, but not later than fifteen (15) days from this date, to take John Doe into custody and transport and deliver him to such facility.

IT IS FURTHER ORDERED:

- (1) That a certified copy of this order shall be forwarded immediately to the     Good Samaritan State Hospital     .
- (2) That a certified copy of this order shall be mailed to \_\_\_\_\_

E. F. Good  
Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-2917 and 59-2919.  
 Note: See note to form 36.

(39)

(This form is illustrative and to be used only where appropriate.)

## ACCEPTANCE BY FACILITY

Reference: K. S. A. Supp. 1965, 59-2917 and 59-2919.

Note: See form 24. The acceptance is broad enough to be used whether the order is one of referral or care or treatment.

(40)

(This form is illustrative and to be used only where appropriate.)

IN THE PROBATE COURT OF     KANZA     COUNTY, KANSAS

In the Matter of the Care or

Treatment of     John Doe     .

No.     2002    

## ORDER FOR CARE OR TREATMENT

On this     11th     day of     May    , 19     66    , the petition for

(x) (1) determination of a mentally ill person  
 ( ) (2) discharge

comes on for hearing. There are the following appearances:

The petitioner, Jim White, appears personally and by his attorney, W. B. Pleader. The proposed patient appears personally and by his attorney, D. C. Barrister.

Thereupon, the court finds that no request for a jury has been made and that this matter is for hearing before a commission appointed by the court.

Thereupon, the commission hears all relevant and material evidence and being fully advised makes and files the following report:

The court approves and adopts the foregoing findings and recommendations of the commission.

IT IS THEREFORE BY THE COURT ADJUDGED that     John Doe     is a mentally ill person and it is ORDERED that     he     shall receive care or treatment at:

(x) (1)     Good Samaritan     State Hospital  
 ( ) (2) \_\_\_\_\_, a facility of the United States government available for the care or treatment of a mentally ill person.  
 ( ) (3) \_\_\_\_\_, a private psychiatric hospital  
 ( ) (4) \_\_\_\_\_, other facility for care or treatment.

IT IS FURTHER ORDERED:

That Ted Long, sheriff, is authorized and directed, at a time specified by the head of the Good Samaritan State Hospital, but not later than fifteen (15)

days from this date, to take John Doe into custody and transport and deliver him to such facility.

IT IS FURTHER ORDERED:

(x) (1) That a certified copy of this order shall be forwarded immediately to the Good Samaritan State Hospital .

( ) (2) That a certified copy of this order shall be mailed to \_\_\_\_\_

E. F. Good  
Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-2917 and 59-2919.  
Note: See note to form 36.

(41)

(This form is illustrative and to be used only where appropriate.)

ACCEPTANCE BY FACILITY

Reference: K. S. A. Supp. 1965, 59-2917 and 59-2919.

Note: See form 24. The acceptance is broad enough to be used whether the order is one of referral or care or treatment.

(42)

(This form is illustrative and to be used only where appropriate.)

IN THE PROBATE COURT OF KANZA COUNTY, KANSAS

In the Matter of the Care or  
Treatment of John Doe.

No. 2002

ORDER OF TERMINATION

On this 11th day of May, 1966, this matter is heard on the petition of Jim White for a determination of the mental illness of John Doe. Petitioner appears in person and by his attorney, W. B. Pleader. John Doe appears in person and by his attorney, D. C. Barrister.

The court finds that no request for a jury has been made by John Doe and that this matter is for trial to the court only.

Thereupon, the court receives all relevant and material evidence and being fully advised finds that John Doe is not a mentally ill person.

IT IS THEREFORE BY THE COURT ORDERED that this matter is terminated.

E. F. Good  
Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-2917.

Note: If the hearing was held with a jury or commission, the findings should so show. See second paragraph of forms 36 and 40.

(43)

IN THE PROBATE COURT OF KANZA COUNTY, KANSAS

In the Matter of the Care or  
Treatment of John Doe.

No. 2002

**PETITION FOR ORDER FOR PROTECTIVE CUSTODY**

The petitioner, Jim White, alleges:

(1) I am a reputable person who resides at 796 Main Street, Hometown, Kansas.

(2) A hearing has been held, pursuant to K. S. A. Supp. 1965, 59-2917, by the Probate Court of Kanza County to determine whether John Doe is a mentally ill person.

and the court entered an order for care or treatment.

(3) At such hearing it was found that John Doe is a mentally ill person

(4) Because of John Doe's illness, he is likely to injure himself or others if he is not immediately detained.

(5) The Strong Psychiatric Hospital is a suitable place to detain John Doe in protective custody.

WHEREFORE, the petitioner asks that the court enter an order of protective custody for John Doe authorizing and ordering a suitable person to transport him to the Strong Psychiatric Hospital or other suitable place, there to be detained as provided by law.

Jim White  
Petitioner

STATE OF KANSAS, KANZA COUNTY, ss.:

Jim White, of lawful age, being first duly sworn, upon his oath says that he is the petitioner above named, that he has read the above and foregoing petition for an order of protective custody and is familiar with the contents thereof, and that all of the statements there made are true.

Subscribed and sworn to before me this 11th day of May, 1966.  
Jim White  
Helen Wheels  
Notary Public

(SEAL)

My commission expires December 7, 1966.

Filed May 11, 1966. E. F. Good, Probate Judge.

Reference: K. S. A. Supp. 1965, 59-2912.

Note: The statute does not require an allegation of injury in the post hearing application, but it is desirable. Normally the court will enter the order on its own motion and without petition when the evidence at the hearing shows the necessity therefor.

(44)

IN THE PROBATE COURT OF KANZA COUNTY, KANSAS

In the Matter of the Care or Treatment of John Doe.

No. 2002

ORDER OF PROTECTIVE CUSTODY

On this 11th day of May, 1966, this matter is heard on the petition of Jim White for an order of protective custody for John Doe. Petitioner appears by his counsel, A. B. Defender. The court finds that on May 11, 1966, this court found John Doe to be a mentally ill person and ordered his care or treatment in the Good Samaritan State Hospital; that John Doe, because of his mental illness, is likely to injure himself or others if not immediately detained; that it would be in the best interest of John Doe to be detained; and that the Strong Psychiatric Hospital is a suitable place for detaining John Doe in protective custody and has indicated its willingness to receive him.

IT IS THEREFORE BY THE COURT ORDERED that Ted Long, sheriff, is authorized and directed to take John Doe into custody; transport him to the Strong Psychiatric Hospital, Metropolis, Kansas; there deliver John Doe to the hospital; and deliver a copy of this order to the person in charge of such hospital or his designee and make due return hereof.

IT IS FURTHER ORDERED that the Strong Psychiatric Hospital is authorized to receive John Doe and detain him in custody until surrendered to Ted Long, sheriff, pursuant to the previous order of this court, for transportation to the Good Samaritan State Hospital.

E. F. Good  
Probate Judge

(SEAL)

RETURN

I executed the attached order by delivering John Doe to the Strong Psychiatric Hospital on May 11, 1966, and by delivering a copy of such order to Charles Atlas, Admissions Officer, at the hospital.

Dated this 11th day of May, 1966.

Ted Long

Reference: K. S. A. Supp. 1965, 59-2912.

Note: The order may be made a part of the order for care or treatment issued pursuant to K. S. A. Supp. 1965, 59-2917 or may be made a separate order. The order sets no time but would continue until the court's order for care or treatment is executed.

(45)

IN THE PROBATE COURT OF KANZA COUNTY, KANSAS

In the Matter of the Care or Treatment of John Doe.

No. 2002

## ORDER SETTING FEES AND TAXING COSTS

On this 11th day of May, 1966, the following fees are allowed and taxed as part of the costs herein:

All costs herein are hereby taxed to Apache County, Kansas, county of the residence of John Doe, to be paid out of the General Fund of such county.

(SEAL)

E. F. Good  
Probate Judge

Reference: K. S. A. Supp. 1965, 59-2934.

Note: Costs may be taxed to either the estate of the patient, those bound by law to support him, or to his county of residence.

(46)

## DIVISION OF INSTITUTIONAL MANAGEMENT

## TRANSFER ORDER

John Doe, a patient at the Good Samaritan State Hospital,  
is hereby transferred to the Longview State Hospital.

Date: June 15, 1966

STATE DIRECTOR INSTITUTIONS

By Bill Short  
(name)  
Assistant Director  
(title)

Reference: K. S. A. Supp. 1965, 59-2924.

(47)

## LONGVIEW STATE HOSPITAL

## RELEASE ON CONVALESCENT STATUS

TO: John Doe

You are hereby released on convalescent status with the following instructions:

Date: July 1, 1966

LONGVIEW STATE HOSPITAL  
By Don Green, M. D.  
(name)  
Clinical Director  
(title)

HEAD OF HOSPITAL OR DESIGNEE

Reference: K. S. A. Supp. 1965, 59-2924.

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(48)

**WRITTEN NOTICE TO COURT OF CHANGE OF STATUS**

Reference: K. S. A. Supp. 1965, 59-2925.

Note: The hospital should use form 25.

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(49)

**LONGVIEW STATE HOSPITAL**

**REVOCAION OF CONVALESCENT STATUS**

TO: John Doe

Your convalescent status is revoked and you are ordered to return to the Longview State Hospital on the 18th day of September, 19 66.

Date: September 17, 1966

LONGVIEW STATE HOSPITAL

By Don Green, M. D.

(name)

Clinical Director

(title)

HEAD OF HOSPITAL OR DESIGNEE

---

Reference: K. S. A. Supp. 1965, 59-2924.

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(50)

**WRITTEN NOTICE TO COURT OF CHANGE OF STATUS**

Reference: K. S. A. Supp. 1965, 59-2925.

Note: See form 25.

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(51)

## LONGVIEW STATE HOSPITAL

## AUTHORIZATION TO PEACE OFFICER

TO: Bill Red  
(peace officer)

You are hereby authorized and ordered to take into custody John Doe, a patient of this hospital whose convalescent status has been revoked, and transport him to Longview State Hospital.  
(psychiatric hospital or other facility for care or treatment)

Date: September 20, 1966

LONGVIEW STATE HOSPITAL

By Don Green, M. D.  
(name)  
Clinical Director  
(title)

HEAD OF HOSPITAL OR DESIGNEE

Reference: K. S. A. Supp. 1965, 59-2924.

Note: This authorization and order is to be given only in cases regarding patients on convalescent status.

(52)

## LONGVIEW STATE HOSPITAL

## ORDER OF TRANSPORTATION FOR UNAUTHORIZED ABSENCE

TO: Earl Yellow  
(peace officer or other person)

You are hereby authorized and ordered to take into custody John Doe, a patient of this hospital whose absence is unauthorized and transport him to Longview State Hospital. The expense of such transportation shall be paid by this hospital.

Date: September 30, 1966

LONGVIEW STATE HOSPITAL

By Don Green, M. D.  
(name)  
Clinical Director  
(title)

HEAD OF HOSPITAL OR DESIGNEE

Reference: K. S. A. Supp. 1965, 59-2926.

Note: This form is to be used only when the patient is absent from the hospital without authorization.



(53)

(This form is illustrative and to be used only where appropriate.)

LONGVIEW STATE HOSPITAL

NOTICE OF SUDDEN AND UNEXPECTED DEATH

TO: COUNTY ATTORNEY AND DISTRICT CORONER OF LONGVIEW  
COUNTY

You are hereby notified that John Doe, a patient in this hospital,  
died on the 5th day of October, 19 66, at 5:00  
o'clock a.m.. His death was sudden and unexpected.

Date: October 5, 1966

LONGVIEW STATE HOSPITAL  
By Don Green, M. D.  
(name)  
Clinical Director  
(title)

HEAD OF HOSPITAL OR DESIGNEE

Reference: K. S. A. Supp. 1965, 59-2936.

(54)

(This form is illustrative and to be used only where appropriate.)

IN THE PROBATE COURT OF KANZA COUNTY, KANSAS

In the Matter of the Care or  
Treatment of John Doe .

No. 2002

NOTICE OF DEATH

TO: THE ABOVE NAMED COURT

You are hereby notified that John Doe, a proposed or involuntary  
patient, died at this hospital on the 6th day of October,  
19 66, at 3:30 p.m.. His death was caused by pulmonary  
pneumonia.

Date: October 6, 1966

LONGVIEW STATE HOSPITAL  
By Don Green, M. D.  
(name)  
Clinical Director  
(title)

HEAD OF HOSPITAL OR DESIGNEE

Reference: K. S. A. Supp. 1965, 59-2936.

(55)

## IN THE PROBATE COURT OF KANZA COUNTY, KANSAS

In the Matter of the Care or  
Treatment of John Doe.

No. 2002

## PETITION FOR DISCHARGE

The petitioner, John Doe, alleges:

(1) He is an involuntary patient being detained by and being given care or treatment by the Longview State Hospital, Village, Kansas, under an order of care or treatment previously issued by this court.

(2) His spouse is Mary Ann Doe who resides at 125 Main Street, Hometown, Kansas.

(3) A petition for his discharge has not been filed in any probate court during the preceding six months.

WHEREFORE, the petitioner requests that the court make a determination that he is no longer a mentally ill person and release him from further care or treatment.

John Doe  
Petitioner

STATE OF KANSAS, KANZA COUNTY, ss.:

John Doe, of lawful age, being first duly sworn upon his oath says that he is the petitioner above named, that he has read the above and foregoing petition for discharge and is familiar with the contents thereof, and that all the statements therein made are true.

Subscribed and sworn to before me this 14th day of November, 1966.  
John Doe  
Helen Wheels  
Notary Public

(SEAL)

My commission expires December 7, 1967.

Filed November 14, 1966. E. F. Good, Probate Judge.

---

Reference: K. S. A. Supp. 1965, 59-2923.

Note: The petitioner need not allege the date of the order of care or treatment. Since it is confidential, the date may be impossible to discover. Third persons should not be precluded from filing the petition for that reason.

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(56)

## PRELIMINARY ORDERS

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Reference: K. S. A. Supp. 1965, 59-2914, 59-2915, and 59-2923.

Note: Follow generally forms 12 and 14. This form should not include, however, an order of mental evaluation or an order for investigation since K. S. A. Supp. 1965, 59-2923 dispenses with such orders.

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(57)

**NOTICE AND ORDER FOR SERVICE**

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Reference: K. S. A. Supp 1965, 59-2914, 59-2916, and 59-2923.

Note: Follow generally form 21. Good practice would indicate that notice be given to the original petitioner, Jim White. K. S. A. Supp. 1965, 59-2923 requires that notice be given the hospital.

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(58)

IN THE PROBATE COURT OF KANZA COUNTY, KANSAS

In the Matter of the Care or  
Treatment of John Doe.

No. 2002

**ORDER FOR CONTINUING CARE OR TREATMENT**

On this 23rd day of November, 1966, this matter is heard on the petition of John Doe for an order of discharge. Petitioner appears in person and by his attorney, Bill Bellows. The Longview State Hospital appears by its counsel, Edward Equitable.

Thereupon, the court finds that no request for a jury has been made by John Doe and that this matter is for trial to the court only.

Thereupon, the court receives all relevant and material evidence and being fully advised finds that John Doe continues to be a mentally ill person and the original order for care or treatment should be continued.

The court further finds that a certified copy of this order should be mailed immediately to John Doe and to the Longview State Hospital.

IT IS SO ORDERED.

E. F. Good  
Probate Judge

(SEAL)

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Reference: K. S. A. Supp. 1965, 59-2923.

Note: This form is to be used only when the court finds that care or treatment should continue in the same facility. If it should order care or treatment in a different facility, form 59 should be used.

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(59)

(This form is illustrative and to be used only where appropriate.)

**ORDER FOR CARE OR TREATMENT**

Reference: K. S. A. Supp. 1965, 59-2923.

Note: Use form 36, 38 or 40 depending on whether the matter is heard by a jury, a commission or the court. K. S. A. Supp. 1965, 59-2923 requires that the last paragraph of the order state that a copy of the order is to be mailed to John Doe and to the Longview State Hospital, the facility to which the involuntary patient had been ordered for care or treatment.

(60)

(This form is illustrative and to be used only where appropriate.)

IN THE PROBATE COURT OF KANZA COUNTY, KANSAS

In the Matter of the Care or  
Treatment of John Doe.

No. 2002

**ORDER OF DISCHARGE**

On this 23rd day of May, 1966, the matter is heard on the petition of John Doe for an order of discharge. Petitioner appears in person and by his attorney, Bill Bellows. The Longview State Hospital appears by its counsel, Edward Equitable.

Thereupon, the court finds that no request for a jury has been made by John Doe and that this matter is for trial to the court only.

Thereupon, the court receives all relevant and material evidence and being fully advised finds that John Doe is no longer a mentally ill person and should be discharged from further care or treatment.

IT IS THEREFORE BY THE COURT ADJUDGED that John Doe is no longer a mentally ill person and it is ORDERED that he is discharged from further care or treatment and that the Longview State Hospital is hereby ordered to release him.

IT IS FURTHER ORDERED that certified copy of this order be mailed immediately to John Doe and to the Longview State Hospital.

(SEAL)

E. F. Good  
Probate Judge

Reference: K. S. A. Supp. 1965, 59-2923.

Note: The second paragraph of this form will vary depending on whether the matter was heard before a jury, a commission, or the court. K. S. A. Supp. 1965, 59-2923 makes the last paragraph mandatory.

(61)

**ORDER SETTING FEES AND TAXING COSTS**

Reference: K. S. A. Supp. 1965, 59-2934.

Note: Follow form 45. Costs may be taxed to either the estate of the patient, those bound by law to support him, or to his county of residence.

## Forms for an Act for Obtaining a Guardian or Conservator, or Both

(101)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Conservatorship  
of Richard Roe.

No. 1000

### VOLUNTARY PETITION FOR CONSERVATORSHIP

The Petitioner, Richard Roe, alleges:

(1) I reside at and my present address is 227 Harvard Road, Hometown, Kansas.

(2) I am thirty years old.

(3) I am in need of the appointment of a conservator because I was injured in an automobile collision and as a result of such injury am unable to properly manage my property.

(4) I am neither an adjudged incapacitated person nor a proposed ward or proposed conservatee.

(5) John Manager, 376 Yale Road, Hometown, Kansas, is a fit and proper person to be appointed my conservator.

WHEREFORE, the petitioner requests that the court issue an order fixing the time and place of the hearing; make a determination that there is a need to appoint a conservator for Richard Roe; and appoint John Manager as such conservator.

Richard Roe  
Petitioner

STATE OF KANSAS, APACHE COUNTY, ss.:

Richard Roe, of lawful age, being first duly sworn, upon his oath says that he is the petitioner above named, that he has read the above and foregoing voluntary petition for the appointment of a conservator and is familiar with the contents thereof, and that all of the statements therein made are true.

Subscribed and sworn to before me this 15th day of February, 1966.

Richard Roe  
Helen H. Waters  
Notary Public

(SEAL)

My Commission expires December 7, 1966.

Filed February 15, 1966. A. L. Mann, Probate Judge.

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Reference: K. S. A. Supp. 1965, 59-3007.

Note: Incapacity should not be alleged, although the facts showing the need for the conservator should be. See note following form 105.

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(102)

(This form is illustrative and to be used only where appropriate.)

## IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Conservatorship  
of Richard Roe.

No. 1000

## ORDER FOR HEARING

On this 15th day of February, 1966, it is ordered that the voluntary petition filed herein of Richard Roe for appointment of a conservator be heard on the 25th day of February, 1966, at ten o'clock a. m. by this court in the Apache County Court House, Hometown, Kansas, and that notice of the time and place of the hearing be given to Jane Roe, his wife, 227 Harvard Street, Hometown, Kansas; Tom Roe, his son, 227 Harvard Street, Hometown, Kansas; and John Manager, the proposed conservator, 376 Yale Road, Hometown, Kansas, by mailing a copy of such notice to the above persons not less than 7 days prior to the date of such hearing.

A. L. Mann  
Probate Judge

(SEAL)

Reference: K. S. A Supp. 1965, 59-3008.

Note: In ordinary cases the court would hear the petition immediately. It may, however, set it down for a later hearing and require notice.

(103)

(This form is illustrative and to be used only where appropriate.)

## IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Conservatorship  
of Richard Roe.

No. 1000

## NOTICE OF HEARING

The State of Kansas to Jane Roe, 227 Harvard Street, Hometown, Kansas; Tom Roe, 227 Harvard Street, Hometown, Kansas; and John Manager, 376 Yale Road, Hometown, Kansas:

You are hereby notified that a petition has been filed in the above court by Richard Roe, a resident of Apache County, Kansas, praying for the appointment of John Manager as conservator for Richard Roe, and you are hereby required to file your written defenses thereto on or before the 25th day of February, 1966, at ten o'clock a. m. of such day in the above court in the city of Hometown, at which time and place such cause will be heard. Should you

fail therein, judgment and decree will be entered in due course upon such petition.

Date: February 15, 1966.

Richard Roe  
Petitioner

L. M. Law  
Attorney for Petitioner

Reference: K. S. A. Supp. 1965, 59-3008 and K. S. A. 1964, 59-2210.

Note: The giving of notice is discretionary with the court. If notice is given, it should follow the general form prescribed by K. S. A. 1964, 59-2210.

(104)

(This form is illustrative and to be used only where appropriate.)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Conservatorship  
of Richard Roe.

No. 1000

**AFFIDAVIT OF MAILING**

L. M. Law, of lawful age, being first duly sworn on oath says:

That he is the attorney for the petitioner herein; that he mailed notice of hearing on the voluntary petition for conservatorship, a copy of which notice is hereto attached, by depositing a copy of such notice in the United States mail, postage prepaid, on February 15, 1966, addressed to each of the following persons:

- Jane Roe, 227 Harvard Street, Hometown, Kansas;
- Tom Roe, 227 Harvard Street, Hometown, Kansas;
- John Manager, 376 Yale Road, Hometown, Kansas.

L. M. Law  
Subscribed and sworn to before me this 16th day of February, 1966.  
Helen H. Waters  
Notary Public

(SEAL)

My Commission expires December 7, 1966.

Filed February 25, 1966. A. L. Mann, Probate Judge.

Reference: K. S. A. Supp. 1965, 59-3008 and K. S. A. 1964, 59-2211.

Note: This form substantially follows form 5 in the proceedings in the Estate of John Doe, appearing in the July, 1956, Kansas Judicial Council Bulletin.

(105)

## IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Conservatorship  
of Richard Roe.

No. 1000

**ORDER APPOINTING CONSERVATOR ON VOLUNTARY PETITION**

On this 15th day of February, 1966, this matter is heard on the voluntary petition of Richard Roe for the appointment of a conservator. The petitioner appears in person and by L. M. Law, his attorney. The court finds that this hearing may be held forthwith and without notice pursuant to K. S. A. Supp. 1965, 59-3008.

The court further finds, upon evidence presented, that Richard Roe is a resident of this county; that he has filed his verified petition requesting the appointment of a conservator; that he is neither an adjudged incapacitated person nor a proposed ward or proposed conservatee; that he has personal property of the value of \$8,000.00 and probable annual income from real estate in the amount of \$4,000.00; that it would be in the best interest of Richard Roe that a conservator be appointed for him; and that John Manager is a fit and proper person to appoint as the conservator for Richard Roe.

IT IS THEREFORE BY THE COURT ORDERED that John Manager be and he is appointed conservator for Richard Roe and that upon the filing of his oath and bond in the amount of \$15,000.00, letters of conservatorship issue to him.

A. L. Mann  
Probate Judge

(SEAL)

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Reference: K. S. A. Supp. 1965, 59-3008 and K. S. A. 1964, 59-1101.

Note: If the court orders notice, see form 102, the finding should reflect compliance. While this conservator is appointed and acting on the voluntary petition of the conservatee, the conservator has all the rights and duties of a conservator in an involuntary conservatorship, see K. S. A. Supp. 1965, 59-3019, and the conservatee has all the limitations of a conservatee in an involuntary conservatorship. The conservatee in voluntary proceedings, however, may demand the termination of the conservatorship, see K. S. A. Supp. 1965, 59-3028(C)(4).

(106)

## IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Conservatorship  
of Richard Roe.

No. 1000

**OATH OF CONSERVATOR**

STATE OF KANSAS, APACHE COUNTY, ss.:

I, John Manager, do solemnly swear that I will faithfully and impartially and to the best of my ability discharge all the duties of my trust according to law as conservator for Richard Roe, and that I am acting on my own.



behalf and not on behalf of any bank or corporation organized and having its principal place of business outside this state. So help me God.

John Manager

Subscribed and sworn to before me this 15th day of February, 1966.

A. L. Mann

Probate Judge

(SEAL)

Filed February 15, 1966. A. L. Mann, Probate Judge.

Reference: K. S. A. Supp. 1965, 59-3008 and K. S. A. 1964, 59-1702.

Note: The form of the oath is that prescribed for any Kansas fiduciary, see K. S. A. 1964, 59-1702.

(107)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Conservatorship  
of Richard Roe.

No. 1000

**BOND OF CONSERVATOR**

KNOW ALL MEN BY THESE PRESENTS:

That we, John Manager as principal and N. M. Hanna as surety, are held and firmly bound unto the State of Kansas in the sum of fifteen thousand and no/100 dollars (\$15,000.00) to the payment of which, well and truly to be made, we bind ourselves, our executors, and administrators, firmly by these presents.

The condition of the above obligation is such that whereas, the above bounden John Manager has been duly appointed by the probate court of Apache County, Kansas, as conservator for Richard Roe.

Now if John Manager, the said conservator, shall faithfully discharge all the duties of his trust according to law, then this obligation shall be void; otherwise shall remain in full force and effect.

Dated and signed by us, this 15th day of February, 1966.

John Manager

N. M. Hanna

**VERIFICATION OF SURETY**

STATE OF KANSAS, APACHE COUNTY, ss.:

N. M. Hanna being duly sworn says he is worth over and above all liabilities and exemptions, the sum of \$30,000.00.

N. M. Hanna

Subscribed and sworn to before me this 15th day of February, 1966.

A. L. Mann

Probate Judge

(SEAL)

The above bond taken and approved by me, this 15th day of February, 1966.

A. L. Mann

Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-3008 and K. S. A. 1964, 59-1101 and 59-1102.

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(108)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Conservatorship  
of Richard Roe.

No. 1000

LETTERS OF CONSERVATORSHIP

KNOW ALL MEN BY THESE PRESENTS:

That John Manager, having been appointed and having qualified as conservator for Richard Roe, the said John Manager is hereby granted letters of conservatorship, with full power and authority in the premises, as provided by law.

IN TESTIMONY WHEREOF, I, the undersigned judge of the probate court of Apache County, Kansas, have hereunto subscribed my name and affixed the seal of this court this 15th day of February, 1966.

A. L. Mann  
Probate Judge.

(SEAL)

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Reference: K. S. A. Supp. 1965, 59-3008.

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(109)

INVENTORY AND APPRAISEMENT

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Reference: K. S. A. 1964, 59-1201 et seq.

Note: Follow substantially forms 12, 13, and 14 of the Proceedings in the Estate of John Doe, Deceased, appearing in the July, 1956, issue of the Judicial Council Bulletin.

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(110)

FORMS FOR THE ADMINISTRATION OF THE CONSERVATORSHIP

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Reference: K. S. A. Supp. 1965, 59-3019 through 59-3026; and 59-3029 through 59-3031.

Note: The procedure and forms needed for the administration of the estate of a conservatee were not materially changed by the Act for Obtaining

a Guardian or Conservator, or Both, except that the terms conservator and conservatee were substituted throughout the probate code for the terms guardian of the estate and ward. Consequently, the attorney may continue to use the forms he now has for such matters as the sale of realty or personal property, partition, investments, allowance of demands, etc., substituting the new terminology.

(111)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Conservatorship  
of Richard Roe.

No. 1000

PETITION FOR TERMINATION OF CONSERVATORSHIP

The Petitioner, Richard Roe, alleges:

(1) I reside at and my present address is 227 Harvard Road, Hometown, Kansas.

(2) Upon my voluntary petition John Manager, 376 Yale Road, Hometown, Kansas, was appointed by this court my conservator on February 15, 1966, and is still qualified and acting as such.

(3) I no longer desire to have the conservatorship continued.

WHEREFORE, the petitioner requests that this court terminate the conservatorship; order a final accounting by the conservator; fix the time and place of the hearing on the final accounting and give notice of such accounting.

Richard Roe  
Petitioner

STATE OF KANSAS, APACHE COUNTY, ss.:

Richard Roe, of lawful age, being first duly sworn, upon his oath says that he is the petitioner above named, that he has read the above and foregoing petition for termination of conservatorship and is familiar with the contents thereof, and that all the statements made therein are true.

Richard Roe

Subscribed and sworn to before me this 6th day of June, 1966.

Helen H. Waters  
Notary Public

(SEAL)

My Commission expires December 7, 1966.

Filed June 6, 1966. A. L. Mann, Probate Judge.

Reference: K. S. A. Supp. 1965, 59-3028(C).

Note: When the conservator has been appointed upon a voluntary petition pursuant to K. S. A. Supp. 1965, 59-3008, the conservatee has an absolute right to have the conservatorship terminated at any time. He need not allege any reasons.

(112)

## IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Conservatorship  
of Richard Roe.

No. 1000

**ORDER TERMINATING CONSERVATORSHIP; ORDERING FINAL ACCOUNTING; FIXING TIME AND PLACE AND GIVING NOTICE OF HEARING ON FINAL ACCOUNTING; AND NOTICE OF ACCOUNTING**

On this 6th day of June, 1966, this matter is heard on the petition of Richard Roe for the termination of his conservatorship. Petitioner appears in person and by L. M. Law, his attorney. The court finds that this petition shall be heard forthwith and without notice pursuant to K. S. A. Supp. 1965, 59-3028(C).

The court further finds that on February 15, 1966, this court appointed John Manager conservator for Richard Roe pursuant to K. S. A. Supp. 1965, 59-3008 and that Richard Roe, the conservatee, has filed his verified petition on this date stating that he no longer desires to have the conservatorship continued.

IT IS THEREFORE BY THE COURT ORDERED that the conservatorship of Richard Roe be and hereby is terminated as of June 6, 1966; that John Manager, conservator for Richard Roe, file his final accounting herein; that the hearing on the final accounting will be held on the 20th day of June, 1966, at ten o'clock a. m. by this court in the Apache County Court House, Hometown, Kansas; and that notice of the time and place of the hearing be given to John Manager, the conservator for Richard Roe, 376 Yale Road, Hometown, Kansas, and to the Regional Director, Social Security Administration, 4127 Princeton Avenue, Bigtown, Kansas, by mailing a copy of the notice to each of them not less than seven days prior to the date of such hearing.

IT IS FURTHER ORDERED that the above order constitute the notice in this matter.

A. L. Mann  
Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-3028; 59-3029; 59-3030; 59-3031; and K. S. A. 1964, 73-509.

Note: If funds have been received from the Veterans' Administration, fifteen days notice by mail should be given to the regional office having charge thereof. See K. S. A. Supp. 1965, 59-3030 and K. S. A. 1964, 73-509. Good practice would indicate that notice should be given to the regional office of the Social Security Administration when funds have been received through Federal Old Age and Survivors Insurance. Notice to others is at the court's discretion.

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(113)

ACCOUNTING

Reference: K. S. A. Supp. 1965, 59-3029.

Note: Follow substantially form 38-A of the Proceedings in the Estate of John Doe, Deceased, appearing in the July, 1956, issue of the Kansas Judicial Council Bulletin.

(114)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Conservatorship  
of Richard Roe.

No. 1000

**ORDER ALLOWING FEES AND COSTS,  
APPROVING FINAL ACCOUNTING AND OF DISCHARGE**

On this 20th day of June, 1966, this matter is heard on the order of this court entered the 6th day of June, 1966, for the final accounting and discharge of John Manager, the conservator for Richard Roe. Richard Roe appears in person and by L. M. Law, his attorney. John Manager, the conservator, appears in person and by this attorney, Bill Solicitor.

Thereupon, on evidence presented, the court finds that the accounting of the conservator filed herein is true and correct and should be settled and allowed, and that such conservator has in his possession the following personal property, to wit:

The court further finds that the following fees should be allowed and taxed as part of the costs herein:

The following additional costs should be allowed:

The above costs are hereby assessed against the estate of Richard Roe.

IT IS THEREFORE BY THE COURT ORDERED that the above fees and costs be paid; that the acts, proceedings and accounts of the conservator are hereby approved, settled and allowed; and that he pay the balance then in his hands, to wit \$\_\_\_\_\_ to Richard Roe, and deliver to Richard Roe all other property.

Thereupon, receipts for the payment of such amounts and delivery of the property are filed with the court.

IT IS THEREFORE BY THE COURT ORDERED that John Manager be discharged as conservator, and that he and his surety be discharged from all further liabilities herein.

A. L. Mann  
Probate Judge

(SEAL.)

Reference: K. S. A. Supp. 1965, 59-3031.

Note: The statute requires a showing of the remaining personal property. A receipt from Richard Roe showing that he has received his property should be filed as should a receipt from John Manager for allowance of conservator fees and from Bill Solicitor for attorney's fees. Follow substantially form 44 of the proceedings in the Estate of John Doe, Deceased, appearing in the July, 1956, issue of the Kansas Judicial Council Bulletin.

(201)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 1003

PETITION FOR THE APPOINTMENT OF A GUARDIAN  
AND CONSERVATOR

The Petitioner, Jim White, alleges:

(1) I reside at and my present address is 796 Main Street, Hometown, Kansas.

(2) I believe that John Doe is an incapacitated person.

(3) The proposed ward and proposed conservatee is John Doe and he resides at and his present address is 127 Main Street, Hometown, Kansas. His age is not known to the petitioner.

(4) John Doe's spouse is Mary Ann Doe who resides at 127 Main Street, Hometown, Kansas.

(5) John Doe is the owner of real property of the estimated value of \$25,000.00 and of personal property of the estimated value of \$10,000.00. He is receiving \$114.00 a month from Federal Old Age and Survivors Insurance; an average of \$1,800.00 a year rent from his real property; and \$300.00 a year interest from various securities.

(6) John Doe is presently being detained by the Hometown General Hospital and is under its control and custody.

(7) The truth of this petition may be proved by:

Mary Ann Doe, 127 Main Street, Hometown, Kansas.

Dr. Ralph Jones, 247 "P" Street, Hometown, Kansas.

Bill Red, 1427 14th Street, Hometown, Kansas.

(8) John Doe is in need of a guardian because he is neglecting his person, and in need of a conservator because he is neglecting his property.

(9) Ralph Jones, M. D., has examined John Doe. Attached hereto is his statement in writing concerning such examination.

(10) If a petition is pending in this court requesting that John Doe be determined a mentally ill person, it would be expeditious to consolidate the hearing on such petition with the petition filed herein.

WHEREFORE, the petitioner requests that the court:

(1) determine that John Doe is an incapacitated person;

(2) issue the orders required by K. S. A. Supp. 1965, 59-3010;

(3) order John Doe to submit himself for a mental evaluation and undergo such evaluation at a facility to be designated by the court;

(4) order an investigation pursuant to K. S. A. Supp. 1965, 59-3011(A)(1);

(5) order the consolidation of any hearing for the determination of the mental illness of John Doe and the hearing on the petition filed herein;

(6) make such other orders as are necessary for the best interest of John Doe.

Jim White  
Petitioner

STATE OF KANSAS, APACHE COUNTY, ss.:

Jim White, of lawful age, being first duly sworn, upon his oath says that he is the petitioner above named, that he has read the above and foregoing petition for the appointment of a guardian and conservator and is familiar with the contents thereof, and that all of the statements therein made are true.

Jim White

Subscribed and sworn to before me this 8th day of February, 1966.

Helen H. Waters  
Notary Public

(SEAL)

My Commission expires December 7, 1966.

Filed February 8, 1966. A. L. Mann, Probate Judge

STATEMENT OF PHYSICIAN

I, Ralph Jones, M.D., have on this 7th day of February, 1966, examined John Doe. As the result of my examination and from information supplied to me by John Doe and others, I find that John Doe exhibits periods of severe depression in which he threatens to kill himself; that he is highly suspicious of others and irrationally fears that they plan to do him harm; that on other occasions he exhibits states of excessive elation and euphoria; that during these periods of elation he is unable to make judgments concerning the value of money or property and frequently spends large amounts of money on worthless objects; that on occasions he has no knowledge of where he is or what he is doing, causing him to stay outdoors in inclement weather for excessive periods.

Ralph Jones  
Physician

Reference: K. S. A. Supp. 1965, 59-3009.

Note: If the proposed patient refused to submit to an examination, the petition should so allege as an alternative to the existing 9th allegation. Unlike K. S. A. Supp. 1965, 59-2913(1) of the Act for Obtaining Care or Treatment, K. S. A. Supp. 1965, 59-3009(1) does not require that the petitioner allege the facts which lead him to believe that the proposed ward or the proposed conservatee is an incapacitated person. Since K. S. A. Supp. 1965, 59-2931 prohibits disclosure of court records in mental illness cases, the 10th allegation should be stated in a hypothetical form. The prayer for an order of mental evaluation, for an order of investigation, and for an order of consolidation is discretionary and therefore a specific request for such orders is included in this illustrative prayer. The request for an order for investigation or for an order of consolidation might also be made by separate petition

subsequent to the filing of the principal petition. See form 205. The prayer may contain a request for the appointment for a guardian only or a conservator only. In such case the 8th allegation and the physician's statement should be limited to the matters relating to the need for the guardian or conservator.

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(202)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 1003

**PRELIMINARY ORDERS**

On this 8th day of February, 1966, there is filed herein the petition of Jim White for the appointment of a guardian and conservator for John Doe and for the issuance of various preliminary orders. The petitioner appears in person and by his attorney, W. B. Pleader.

Upon examination of the petition the court finds that the following orders should issue:

(1) The petition of Jim White for the appointment of a guardian and conservator for John Doe be heard on the 18th day of February, 1966, at ten o'clock a. m. by this court in the Hometown General Hospital, Hometown, Apache County, Kansas;

(2) John Doe appear at such time and place for the hearing;

(3) A. B. Defender, a qualified practicing attorney of Apache County, be appointed to represent John Doe at all stages of the proceedings herein;

(4) John Doe appear at Room 203 of the Hometown General Hospital on the 9th day of February, 1966, at ten o'clock a. m. to consult with A. B. Defender, his court-appointed attorney;

(5) John Doe submit himself on the 10th day of February, 1966, at ten o'clock a. m. for a mental evaluation and undergo such evaluation at the Apache County Community Mental Health Center, 1421 Main Street, Hometown, Kansas;

(6) The above ordered hearing be consolidated with the hearing on the petition of Jim White for determination of the mental illness of John Doe, No. 1002.

IT IS SO ORDERED.

A. L. Mann  
Probate Judge

(SEAL)

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Reference: K. S. A. Supp. 1965, 59-3010, 59-3011, and 59-3013.

Note: The various discretionary orders provided for by K. S. A. Supp. 1965, 59-3011 and found in forms 208 and 209, may be included as separate paragraphs of this form as needed. Since, however, such orders as well as an order of consolidation and an order for investigation may be obtained subsequent to the filing of the petition, separate forms have been prepared. Paragraph (2) may be changed to reflect the court's finding that the presence of the proposed ward or the proposed conservatee would be injurious to his



welfare. Paragraph (3) and (4) may be omitted if the proposed ward or the proposed conservatee has employed counsel. Paragraph (5) may provide that such evaluation is not necessary if the court finds that the physician's statement attached to the petition is a sufficient evaluation. *Note that the proposed ward and proposed conservatee must consult with his court-appointed attorney prior to his examination pursuant to an order of mental evaluation if one is issued, unless the proposed ward or proposed conservatee is also in a facility outside the county under an order of protective custody. See K. S. A. Supp. 1965, 59-3010(4).*

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(203)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 1003

**ORDER FOR REPORT OF MENTAL EVALUATION**

On this 8th day of February, 1966, this matter is heard upon the petition of Jim White for the appointment of a guardian and conservator. Petitioner appears in person and by his attorney, W. B. Pleader.

The court finds that it has on the 8th day of February, 1966, ordered John Doe to submit himself on the 10th day of February, 1966, at ten o'clock a. m. for a mental evaluation and undergo such evaluation at the Apache County Community Mental Health Center, 1421 Main Street, Hometown, Kansas.

IT IS THEREFORE BY THE COURT ORDERED that the Apache County Community Mental Health Center, if it undertakes to perform such mental evaluation, shall report the results of such evaluation, in writing, to this court on or before the 14th day of February, 1966. Such report shall state that the examiner has made an examination of the proposed ward and proposed conservatee and shall state the results of the examination on the issue of whether the proposed ward and proposed conservatee is an incapacitated person.

A. L. Mann  
Probate Judge

(SEAL)

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Reference: K. S. A. Supp. 1965, 59-3010.

Note: Since only a state psychiatric hospital may be required to evaluate any proposed ward or proposed conservatee ordered evaluated therein, the court may not require private facilities to conduct the evaluation. The statute provides, however, that the court is to order the examiner to submit to the court its report, in writing, at least three days prior to the date of the hearing provided for in K. S. A. Supp. 1965, 59-3013. Consequently this order, when directed to a private facility, is in the form of an order to report rather than an order to evaluate and report.

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(203-A)

IN THE PROBATE COURT OF APACHE COUNTY, KANSASIn the Matter of the Guardianship  
and Conservatorship of John Doe .No. 1003**REPORT OF MENTAL EVALUATION**

We have examined the above named person and make this report: (Here set forth the facts found by the mental evaluation on the issue of whether the proposed ward or proposed conservatee is an incapacitated person. Attach separate sheets if necessary.)

Date: February 13, 1966Apache County Community Mental  
Health Center

(name)

By Ray Dupre, M. D.

(name)

Psychiatrist

(title)

Filed February 13, 1966. A. L. Mann, Probate Judge.

Reference: K. S. A. Supp. 1965, 59-3010.

Note: Although the proposed ward or proposed conservatee is ordered to be evaluated by the mental health center, the person making the actual evaluation should sign the report as he may need to be called as a witness.

(204)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 1003

**ORDER FOR INVESTIGATION**

On this 8th day of February, 1966, this matter is heard on the petition of Jim White for the appointment of a guardian and conservator and for an order of investigation. The petitioner appears in person and by his attorney, W. B. Pleader. The court finds upon examination of the petition that there is a need for an order for investigation.

IT IS THEREFORE BY THE COURT ORDERED that the Apache County Board of Social Welfare conduct an investigation of the character, family relationships, past conduct, the danger of injury to himself and others, the nature and extent of his property and income, and other pertinent factors concerning the person and environment of John Doe and report the results of such investigation to this court on or before the 14th day of February, 1966.

A. L. Mann  
Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-3011.

Note: Although this order is one of the discretionary preliminary orders requested in this petition, it deals only with an investigation and should be separate from the other preliminary orders.

(204-A)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship

and Conservatorship of John Doe .

No. 1003

**REPORT OF INVESTIGATION**

Having been appointed by the court, and at the court's direction, we have made an investigation regarding the character, family relationships, and past conduct of the above named person and the nature and extent of his property and income and make this report: (Here set forth the facts found by the investigation. Attach separate sheets if necessary.)

Date: February 13, 1966

Apache Co. Board of Social Welfare

(name)

By (Miss) Mary O'Connell

(name)

Social Worker

(title)

Filed February 13, 1966. A. L. Mann, Probate Judge.

Reference: K. S. A. Supp. 1965, 59-3011.

Note: Although the County Board is ordered to make the investigation, the social worker should sign the report as she may need to be called as a witness.

(205)

(This form is illustrative and to be used only where appropriate.)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship

and Conservatorship of John Doe.

No. 1003

**PETITION FOR ORDER OF CONSOLIDATION**

The Petitioner, Jim White, alleges:

(1) I reside at and my present address is 796 Main Street, Hometown, Kansas.

(2) If an application to determine whether John Doe is a mentally ill person as provided for in K. S. A. Supp. 1965, 59-2913, is pending in the probate court of Apache County, Kansas, it would be expeditious for the hearing on such petition to be consolidated with the hearing on the petition on the above entitled matter.

THEREFORE, the petitioner asks that the court issue an order consolidating the hearing in this matter with the hearing on any pending petition for the determination of the mental illness of John Doe.

Jim White  
Petitioner

STATE OF KANSAS, APACHE COUNTY, ss.:

Jim White, of lawful age, being first duly sworn upon his oath says that he is the petitioner above named, that he has read the above and foregoing petition for an order of consolidation and is familiar with the contents thereof, and that all the statements made therein are true.

Subscribed and sworn to before me this 10th day of February, 1966.  
Jim White  
Helen H. Waters  
Notary Public

(SEAL)

My Commission expires December 7, 1966.  
Filed February 10, 1966. A. L. Mann, Probate Judge.

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Reference: K. S. A. Supp. 1965, 59-3013.

Note: This petition may be filed at any time subsequent to the filing of form 201 if form 201 does not contain a prayer for consolidation. Since K. S. A. Supp. 1965, 59-2931 prohibits disclosure of court records in mental illness cases, the allegation concerning an application to determine whether John Doe is a mentally ill person should be stated in a hypothetical form.

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(206)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 1003

**ORDER OF CONSOLIDATION**

On this 10th day of February, 1966, this matter is heard upon the petition of Jim White for an order of consolidation. The petitioner appears in person and by his attorney, W. B. Pleader. John Doe appears by his counsel, A. B. Defender. The court upon examination of the petition and upon good cause shown finds that an order of consolidation should be granted.

IT IS THEREFORE BY THE COURT ORDERED that the hearing on the petition in matter No. 1002 and the hearing on the petition in matter No. 1003 be consolidated and that both shall be heard at the time and place heretofore ordered by this court.

A. L. Mann  
Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-3013.

Note: If different times have been set for the respective hearings, this order should also include an order advancing or continuing the time of the hearing, as allowed by statute, in one of the cases to correspond to the time of the hearing in the other case.

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(207)

(This form is illustrative and to be used only where appropriate.)

### ORDER FOR INVESTIGATION

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Reference: K. S. A. Supp. 1965, 59-3011.

Note: Follow generally form 204 with modifications to show that the matter is heard on a separate petition for an order for investigation and a finding that a petition to appoint a guardian and conservator has previously been filed. A petition for this order for investigation; a petition for an order for continuance (see form 208); and a petition for an order of advancement (see form 209) are not included in these sample forms. They should follow in general the form for the petition for an order of consolidation. See form 205. The proper language for the prayer is found in form 201.

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(208)

(This form is illustrative and to be used only where appropriate.)

### IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 1003

### ORDER OF CONTINUANCE

On this 18th day of February, 1966, this matter is heard on the petition of Jim White for an order of continuance. Petitioner appears in person and by his attorney, W. B. Pleader. John Doe appears by his counsel, A. B. Defender. The court upon examination of the petition and upon good cause shown finds that an order of continuance should be granted.

IT IS THEREFORE BY THE COURT ORDERED that the hearing of this matter is continued and will be heard on the 25th day of February, 1966, at ten o'clock a.m. in the Hometown General Hospital, Hometown, Apache County, Kansas.

(SEAL)

A. L. Mann  
Probate Judge

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Reference: K. S. A. Supp. 1965, 59-3011.

Note: See note to form 207.

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(209)

(This form is illustrative and to be used only where appropriate.)

## IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 1003

## ORDER OF ADVANCEMENT

On this 9th day of February, 1966, this matter is heard on the petition of A. B. Defender, attorney for John Doe, for an order of advancement. Petitioner appears in person. The court, after hearing evidence and upon good cause shown, finds that the request of the petition should be granted.

IT IS THEREFORE BY THE COURT ORDERED that the hearing of this matter is hereby advanced to and will be heard on the 14th day of February, 1966, at ten o'clock a. m. in the Hometown General Hospital, Hometown, Apache County, Kansas, and that a copy of this order forthwith be served upon Jim White and his attorney.

A. L. Mann  
Probate Judge

(SEAL)

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Reference: K. S. A. Supp. 1965, 59-3011.

Note: See note to form 207. Unlike the order of advancement pursuant to K. S. A. Supp. 1965, 59-2915, the court need not issue the order of advancement on request of the proposed ward or proposed conservatee or his attorney. Consequently the court should find good cause or that it will be in the best interest of John Doe before issuing such order. Proof of service of a copy of the order should be made by affidavit of the server.

(210)

## IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 1003

## NOTICE AND ORDER FOR SERVICE

TO:

- (1) John Doe, Hometown General Hospital, Hometown, Kansas.
- (2) A. B. Defender, Hometown State Bank Building, Hometown, Kansas.
- (3) Mary Ann Doe, 127 Main Street, Hometown, Kansas.

You and each of you are hereby notified of the following matters:

(A) That a verified petition alleging that John Doe is an incapacitated person and requesting that this court appoint a guardian and conservator has been filed in this court by Jim White, petitioner.

(B) That this petition will be heard on the 18th day of February, 1966, at ten o'clock a. m. by this court in the Hometown General Hospital, Hometown, Apache County, Kansas, and that John Doe is ordered to be present at such hearing.

(C) That A. B. Defender, a qualified practicing attorney of Apache County, is appointed to represent John Doe at all stages of the proceedings and that John Doe and A. B. Defender are ordered to meet in Room 203 of the Hometown General Hospital on the 9th day of February, 1966, at ten o'clock a. m.

(D) That John Doe is ordered to submit himself on the 10th day of February, 1966, at ten o'clock a. m. for mental evaluation and undergo such evaluation at the Apache County Community Mental Health Center, 1421 Main Street, Hometown, Kansas.

(E) That John Doe has the right pursuant to K. S. A. Supp. 1965, 59-3013, to request in writing a hearing on the petition before a commission or a jury if such request is filed not later than ten o'clock a. m. the 16th day of February, 1966.

(F) That Ralph Jones, M. D., First National Bank Building, Hometown, Kansas, is hereby ordered to make service of this notice by delivering a copy to John Doe personally and make due return thereof.

(G) That Bill Red, Sheriff of Apache County, Kansas, is hereby ordered to make service of this notice by delivering a copy to A. B. Defender personally and to serve a copy of this notice on Mary Ann Doe and make due return thereof.

In witness whereof, I have set my hand and seal this 8th day of February, 1966.

A. L. Mann  
Probate Judge

(SEAL)

. . . . .

**RETURN**

Ralph Jones, M. D., says that he served this notice on:

John Doe by delivering a copy to him personally on the 8th day of February, 1966, at Hometown General Hospital, Hometown, Kansas.

Ralph Jones, M. D.

Filed February 10, 1966. A. L. Mann, Probate Judge.

. . . . .

**RETURN**

Bill Red, Sheriff of Apache County, Kansas, says that he served this notice on:

(1) A. B. Defender by delivering a copy to him personally on the 8th day of February, 1966, at Hometown State Bank Building, Hometown, Kansas.

(2) Mary Ann Doe by leaving a copy at her usual place of residence, 127 Main Street, Hometown, Kansas, on the 9th day of February, 1966.

Bill Red  
Sheriff

Filed February 10, 1966. A. L. Mann, Probate Judge.

Reference: K. S. A. Supp. 1965, 59-3010, 59-3012, and 59-3013.

Note: This order and notice are included together for simplicity and efficiency. Note that it is the court, not the petitioner, that gives notice. The order to serve this notice may be directed to any of those named in K. S. A. Supp. 1965, 59-3012(2), but it may be preferred that the doctor serve the proposed ward and conservatee. If the proposed ward and conservatee is in a psychiatric hospital, notice should be given to the head of the hospital. In contrast to the proposed patient, the proposed ward and conservatee may request a hearing before a commission as well as a jury. See K. S. A. Supp. 1965, 59-3013.

(211)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 1003

PETITION FOR CHANGE OF PLACE OF HEARING

The Petitioner, Jim White, alleges:

(1) I reside at and my present address is 796 Main Street, Hometown, Kansas.

(2) I filed the petition for the appointment of a guardian and conservator in the above matter.

(3) Such petition was filed in the county of residence of the proposed ward and proposed conservatee.

(4) The proposed ward and proposed conservatee is presently in the Strong Psychiatric Hospital, Metropolis, Kanza County, Kansas.

(5) It would be in the best interest of the proposed ward and proposed conservatee to have the hearing on this matter changed to the probate court of Kanza County, Kansas.

WHEREFORE, the petitioner requests that this court change the place of the hearing in this matter from the probate court of Apache County, Kansas, to the probate court of Kanza County, Kansas.

Jim White  
Petitioner

STATE OF KANSAS, APACHE COUNTY, ss.:

Jim White, of lawful age, being first duly sworn, upon his oath says that he is the petitioner above named, that he has read the above and foregoing petition for change of place of hearing and is familiar with the contents thereof, and that all the statements made therein are true.

Subscribed and sworn to before me this 14th day of February, 1966.  
Helen H. Waters  
Notary Public

(SEAL)

My Commission expires December 7, 1966.

Filed February 14, 1966. A. L. Mann, Probate Judge.



Reference: K. S. A. Supp. 1965, 59-3016.

Note: This form illustrates only one of the many grounds for change of the place of the hearing. The hearing may be held in the residence county, but since John Doe is physically present at the Strong Psychiatric Hospital in Kanza County, having been sent there on an order of continuance and of referral (see form 23), it will be more convenient, in most cases, to hold the hearing in Kanza County. *Note that in guardianship and conservatorship, it is only the place of hearing, not venue, that is or may be changed.* See K. S. A. Supp. 1965, 59-3016. In many instances the order changing the place of the hearing will be on the court's own motion. In such cases no petition will be needed and only the order similar to form 212 will be used. Note that in our illustrative case, venue in the Matter of the Care or Treatment of John Doe has not yet been changed to Kanza County. (See form 27.) Since the cases are separate the hearings need not be in the same place.

(212)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 1003

**ORDER CHANGING THE PLACE OF HEARING**

On this 14th day of February, 1966, this matter comes on for hearing on the petition of Jim White for change of the place of hearing. Petitioner appears in person and by his attorney, W. B. Pleader. John Doe appears by his counsel, A. B. Defender. The court finds that Apache County is the residence of John Doe; that John Doe is presently being detained in the Strong Psychiatric Hospital in Metropolis, Kanza County, Kansas, under an order of referral issued by this court on the 11th day of February, 1966, pursuant to K. S. A. Supp. 1965, 59-2918; and that it would be in the best interest of John Doe to have the place of the hearing of this matter changed to the probate court of Kanza County, Kansas.

IT IS THEREFORE BY THE COURT ORDERED that the place of the hearing of this matter is hereby changed to the probate court of Kanza County, Kansas, and that a certified copy of all pleadings and orders in this matter shall be transmitted to the probate court of Kanza County, Kansas.

A. L. Mann  
Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-3016.

Note: This form merely follows the request set out in the petition. If the court orders the change of the place of the hearing on its own motion, appropriate language should be used.

(213)

## IN THE PROBATE COURT OF KANZA COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 2003

## PRELIMINARY ORDERS

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Reference: K. S. A. Supp. 1965, 59-3010, 59-3011, and 59-3016.

Note: The order would substantially follow form 202. It need not include, however, the order for mental evaluation since it has previously been issued by the Apache County Probate Court.

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(214)

## IN THE PROBATE COURT OF KANZA COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 2003

## NOTICE AND ORDER FOR SERVICE

To:

- (1) John Doe, Strong Psychiatric Hospital, Metropolis, Kansas.
- (2) D. C. Barrister, 427 4th Street, Metropolis, Kansas.
- (3) Strong Psychiatric Hospital, Metropolis, Kansas.
- (4) Mary Ann Doe, 127 Main Street, Hometown, Kansas.

You and each of you are hereby notified of the following matters:

(A) That the hearing in this matter has been changed to the above court by an order entered on the 14th day of February, 1966, by the probate court of Apache County, Kansas.

(B) That the hearing on this matter will be held on the 25th day of February, 1966, by this court in the Strong Psychiatric Hospital, Metropolis, Kanza County, Kansas, and that John Doe is ordered to be present at such hearing.

(C) That D. C. Barrister, a qualified practicing attorney of Kanza County, is appointed to represent John Doe at all stages of the proceedings and that John Doe and D. C. Barrister are ordered to meet in Room 503 of the Strong Psychiatric Hospital on the 18th day of February, 1966, at ten o'clock a. m.

(D) That John Doe has a right, pursuant to K. S. A. Supp. 1965, 59-3013, to request in writing a hearing on the petition before a commission or a jury if such request is filed not later than ten o'clock a. m. the 23rd day of February, 1966.

(E) That Dan Short, Kanza County Mental Health Center, Metropolis, Kansas, is hereby ordered to make service of this notice by delivering a copy to John Doe personally and make due return thereof.

(F) That Ted Long, Sheriff of Kanza County, Kansas, is hereby ordered to make service of this notice by delivering a copy to D. C. Barrister personally and to serve a copy of this notice on the Strong Psychiatric Hospital and Mary Ann Doe and make due return thereof.

IN WITNESS WHEREOF, I have set my hand and seal this 16th day of February, 1966.

E. F. Good  
Probate Judge

(SEAL)

. . . . .

**RETURN**

Dan Short says that he served this notice on:

John Doe by delivering a copy to him personally on the 17th day of February, 1966, at Strong Psychiatric Hospital, Metropolis, Kansas.

Dan Short

Filed February 17, 1966. E. F. Good, Probate Judge.

. . . . .

**RETURN**

Ted Long, Sheriff of Kanza County, Kansas, says that he served this notice on:

(1) D. C. Barrister, by delivering a copy to him personally on the 17th day of February, 1966, at 427 4th Street, Metropolis, Kansas.

(2) Strong Psychiatric Hospital, by delivering a copy to John Brown, the head of the hospital, personally on the 17th day of February, 1966, at 914 Iowa Street, Metropolis, Kansas.

(3) Mary Ann Doe, by mailing, postage prepaid, on the 17th day of February, 1966, a copy of the notice to her at 127 Main Street, Hometown, Kansas.

Ted Long  
Sheriff

Filed February 14, 1966. E. F. Good, Probate Judge.



Reference: K. S. A. Supp. 1965, 59-3012 and 59-3016.

Note: This order and notice follow form 210. The preliminary orders of the Kanza Court have not been reproduced. Note that this hearing is held within 7 to 14 days after the place of hearing is changed.

(215)

**IN THE PROBATE COURT OF KANZA COUNTY, KANSAS**

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 2003

**REQUEST FOR A HEARING BEFORE A COMMISSION**

John Doe hereby requests that the hearing herein be held before a commission.

John Doe

Filed February 18, 1966. E. F. Good, Probate Judge.

Reference: K. S. A. Supp. 1965, 59-3013.

Note: The petitioner may also request a hearing before a jury. The same form will be used substituting the word jury for the word commission.

(216)

IN THE PROBATE COURT OF KANZA COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 2003

ORDER FOR A HEARING BEFORE A COMMISSION  
AND APPOINTMENT OF COMMISSIONERS

On this 18th day of February, 1966, this matter is heard on the request of John Doe for a hearing before a commission. John Doe appears by D. C. Barrister, his attorney.

The court, after consideration of the request and the statutes, finds that such request must, pursuant to K. S. A. Supp. 1965, 59-3013, be granted.

IT IS THEREFORE BY THE COURT ORDERED that John Purple, M. D., and Don Black, M. D., are appointed as the commission to hear this matter and make a final report of its findings.

E. F. Good  
Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-3013.

Note: There seemingly is a conflict in the statute in that both the petitioner and the court are allowed to choose the form of the hearing—a commission or jury. Presumably the petitioner's wishes would control.

(217)

IN THE PROBATE COURT OF     KANZA     COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of     John Doe     .

No.     2003    

REPORT OF COMMISSIONERS

We, the undersigned, having been appointed by the probate court to serve as a commission in the above entitled matter, find as follows:

- ( x ) (1) That     John Doe     is an incapacitated person.  
(   ) (2) That                      is not an incapacitated person.

Facts indicating incapacity found by us are as follows:

Witness our hands in the county and state aforesaid this 25th day  
of February, 1966.

John Purple, M. D.

Don Black, M. D.

Filed February 25, 1966. E. F. Good, Probate Judge.

Reference: K. S. A. Supp. 1965, 59-3013.

(218)

IN THE PROBATE COURT OF KANZA COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 2003

**ORDER OF TRANSMITTAL**

On this 25th day of February, 1966, this matter is heard on the petition of Jim White for the appointment of a guardian and conservator for John Doe. Petitioner appears in person and by his attorney, W. B. Pleader. John Doe appears in person and by his attorney, D. C. Barrister.

Thereupon, upon request therefor, a commission is duly appointed. The commission hears all relevant and material evidence and being fully advised makes and files the following report:

The court approves and adopts the foregoing findings and recommendations of the commission and finds that John Doe lacks capacity to make responsible decisions concerning his person and his estate and is an incapacitated person.

The court finds that, pursuant to K. S. A. Supp. 1965, 59-3016, this court is to transmit a statement of any court costs incurred and a certified copy of all pleadings and findings of fact in the above matter to the probate court having venue.

IT IS THEREFORE BY THE COURT ORDERED that a statement of the court costs incurred and a certified copy of all pleadings and findings of fact in the above matter be transmitted to the probate court of Apache County, Kansas, the court having venue in this matter.

E. F. Good  
Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-3016.

Note: If the hearing is held to a jury or to the court only, the findings should so reflect. In contrast to the Care and Treatment Act, K. S. A. Supp. 1965, 59-2922, the court holding the hearing does not render judgment, but merely returns the findings of fact to the court having venue.

(219)

## IN THE PROBATE COURT OF KANZA COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 2003

## ORDER SETTING FEES AND TAXING COSTS

On this 25th day of February, 1966, the following fees are allowed and taxed as part of the costs herein:

The following additional costs are hereby allowed:

E. F. Good  
Probate Judge

(SEAL)

---

Reference: K. S. A. Supp. 1965, 59-3016.

Note: This statement of the court costs accrued is to be transmitted to the probate court having venue. The court having venue will order the costs to be paid by the county of residence, the estate of the conservatee, or those bound by law to support him.

(220)

## IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 1003

## ORDER FOR HEARING

On this 28th day of February, 1966, this matter comes on for an order setting the time and place of hearing. The court finds that there was heretofore filed with this court on the 28th day of February, 1966, the certified copy of the pleadings and findings of fact made on February 25, 1966, by the probate court of Kanza County, Kansas, the court to which the above matter was referred for hearing.

IT IS THEREFORE BY THE COURT ORDERED that the petition filed herein by Jim White for the appointment of a guardian and conservator for John Doe be heard on the 10th day of March, 1966, at ten o'clock a. m. by this court in the Apache County Court House, Hometown, Apache County, Kansas.

A. L. Mann  
Probate Judge

(SEAL)

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Reference: K. S. A. Supp. 1965, 59-3016.

Note: The time and place of the hearing is at the court's discretion. No petition need be filed.

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(221)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 1003

NOTICE AND ORDER FOR SERVICE

Reference: K. S. A. Supp. 1965, 59-3016.

Note: The Notice and Order for Service should substantially follow form 214, except that only notice of the time and place of the hearing need be given.

(222)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 1003

ORDER APPOINTING GUARDIAN AND CONSERVATOR

On this 10th day of March, 1966, this matter is heard on the petition of Jim White for the appointment of a guardian and conservator for John Doe. Petitioner appears in person and by his attorney, W. B. Pleader. John Doe appears in person and by his attorney, A. B. Defender.

The court finds that the hearing on this matter was held in the probate court of Kanza County, Kansas; that John Doe requested a hearing before a commission; that such commission was duly appointed; and that the hearing was held.

The court further finds that the commission made its findings that John Doe is an incapacitated person; that such finding was approved by the probate court of Kanza County, Kansas; and that it has been transmitted to this court by the probate court of Kanza County, Kansas.

Thereupon, evidence is presented, and this court finds that John Doe is the owner of personal property of the value of \$10,000.00 and has probable annual income from real estate in the amount of \$1,800.00 and is in need of a guardian and conservator.

The court further finds that John Manager is a fit and proper person to be appointed guardian of and conservator for John Doe.

IT IS THEREFORE BY THE COURT ADJUDGED that John Doe is an incapacitated person and it is ORDERED that John Manager be and he is appointed guardian of and conservator for John Doe and that upon the filing of his oath as guardian and conservator, and upon the filing of his conservator's bond in the amount of fifteen thousand dollars (\$15,000.00), letters of guardianship and conservatorship issue to him.

A. L. Mann  
Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-3013, 59-3014, 59-3016. K. S. A. 1964, 59-1101.

Note: The guardian and conservator may be separate persons. If the hearing was before a jury or the court only, appropriate findings should be made. The bond is set at 125% of the value of the personal property and the probable annual income from real property. See K. S. A. 1964, 59-1101. An order fixing fees and costs (see form 243) may be entered at this time (see K. S. A. Supp. 1965, 59-3032).

(223)

(This form is illustrative and to be used only where appropriate.)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 1003

ORDER OF DISMISSAL

On this 10th day of March, 1966, this matter is heard on the petition of Jim White for the appointment of a guardian and conservator for John Doe. Petitioner appears in person and by his attorney, W. B. Pleader. John Doe appears in person and by his attorney, A. B. Defender.

The court finds that the hearing in this matter was held by the probate court of Kanza County, Kansas, on February 25, 1966; that John Doe requested a hearing before a commission; that such commission was duly appointed; and that the hearing was held.

The court further finds that the commission made its finding that John Doe is not an incapacitated person; that such finding was approved by the probate court of Kanza County, Kansas; and that it has been transmitted to this court by the probate court of Kanza County, Kansas.

IT IS THEREFORE BY THE COURT ORDERED that this matter is dismissed, and that the costs hereof including a fee in the amount of \$\_\_\_\_\_ to A. B. Defender are hereby assessed against Apache County, Kansas.

A. L. Mann  
Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-3016, 59-3032, and K. S. A. 1964, 59-301(12).

Note: If the hearing was held with a jury or to the court only, the findings should so show.



(224)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 1003

**OATH OF GUARDIAN AND CONSERVATOR**

STATE OF KANSAS, APACHE COUNTY, ss.:

I, John Manager, do solemnly swear that I will faithfully and impartially and to the best of my ability discharge all the duties of my trust according to law as guardian of and conservator for John Doe, and that I am acting on my own behalf and not on behalf of any bank or corporation organized and having its principal place of business outside this state.

John Manager

Subscribed and sworn to before me this 11th day of March, 1966.

A. L. Mann

Probate Judge

(SEAL)

---

Reference: K. S. A. Supp. 1965, 59-3014 and K. S. A. 1964, 59-1702.

Note: The form of the oath is that prescribed for any Kansas fiduciary, see K. S. A. 1964, 59-1702.

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(225)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 1003

**BOND OF CONSERVATOR**

KNOW ALL MEN BY THESE PRESENTS:

That we, John Manager as principal and N. M. Hanna as surety, are held and firmly bound unto the state of Kansas in the sum of fifteen thousand and no/100 dollars (\$15,000.00) to the payment of which, well and truly to be made, we bind ourselves, our executors, and administrators, firmly by these presents.

The condition of the above obligation is such that whereas, the above bounden John Manager has been duly appointed by the probate court of Apache County, Kansas, as conservator for John Doe.

Now if John Manager, the said conservator, shall faithfully discharge all the duties of his trust according to law, then this obligation shall be void; otherwise shall remain in full force and effect.

Dated and signed by us, this 11th day of March, 1966.

John Manager

N. M. Hanna

## VERIFICATION OF SURETY

STATE OF KANSAS, APACHE COUNTY, ss.:

N. M. Hanna, being duly sworn, says he is worth over and above all liabilities and exemptions the sum of \$30,000.00.

Subscribed and sworn to before me this 11th day of March, 1966.

N. M. Hanna

A. L. Mann

Probate Judge

(SEAL)

The above bond taken and approved by me this 11th day of March, 1966.

A. L. Mann

Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-3008 and K. S. A. 1964, 59-1101 and 59-1102.

(226)

## IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 1003

## LETTERS OF GUARDIANSHIP AND CONSERVATORSHIP

KNOW ALL MEN BY THESE PRESENTS:

That John Manager, having been appointed and having qualified as guardian and conservator for John Doe, the said John Manager is hereby granted letters of guardianship and conservatorship, with full power and authority in the premises, as provided by law.

IN TESTIMONY WHEREOF, I, the undersigned, judge of the probate court of Apache County, Kansas, have hereunto subscribed my name and affixed the seal of this court this 11th day of March, 1966.

(SEAL)

A. L. Mann

Probate Judge

Reference: K. S. A. Supp. 1965, 59-3014.

(227)

## INVENTORY AND APPRAISEMENT

Reference: K. S. A. 1964, 59-1201 et seq.

Note: Follow substantially forms 12, 13 and 14 of the Proceedings in the Estate of John Doe, Deceased, appearing in the July, 1956, issue of the Judicial Council Bulletin.

(228)

FORMS FOR THE ADMINISTRATION OF THE CONSERVATORSHIP

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Reference: K. S. A. Supp. 1965, 59-3019 through 59-3026, and 59-3029 through 59-3031.

Note: See note to form 110.

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(229)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 1003

**PETITION FOR RIGHT TO CHANGE RESIDENCE**

The Petitioner, John Manager, alleges:

- (1) I reside at and my present address is 376 Yale Road, Hometown, Kansas.
- (2) I am the duly appointed, qualified and acting guardian of John Doe, an incapacitated person.
- (3) It would be in the best interest of John Doe to have his residence established in Village, Blackfoot County, Kansas.
- (4) John Doe is presently a resident of Hometown, Apache County, Kansas.
- (5) I desire to establish the residence of John Doe in Village, Blackfoot County, Kansas.

WHEREFORE, the petitioner requests that this court grant its permission to John Manager, guardian of John Doe, to establish the residence of John Doe in Village, Blackfoot County, Kansas.

John Manager  
Petitioner

STATE OF KANSAS, APACHE COUNTY, ss.:

John Manager, of lawful age, being first duly sworn upon his oath says that he is the petitioner above named, that he has read the above and foregoing petition for permission to change residence and is familiar with the contents thereof, and that all the statements made therein are true.

Subscribed and sworn to before me this 2nd day of May, 1966.  
John Manager  
Helen H. Waters  
Notary Public

(SEAL)

My Commission expires December 7, 1966.  
Filed May 2, 1966. A. L. Mann, Probate Judge.

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Reference: K. S. A. Supp. 1965, 59-3018.

Note: Although the statute gives the guardian the right to change the residence of his ward, permission must first be obtained from the court which appointed the guardian.

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(230)

## IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 1003

**ORDER FOR HEARING AND APPOINTMENT OF GUARDIAN  
AD LITEM**

On this 2nd day of May, 1966, it is ordered that the petition filed herein of John Manager for permission to change the residence of John Doe be heard on the 12th day of May, 1966, at ten o'clock a. m. by this court in the Court House in Hometown, Apache County, Kansas. It is further ordered that A. B. Defender is hereby appointed guardian ad litem for John Doe at such hearing.

A. L. Mann  
Probate Judge

(SEAL)

---

Reference: K. S. A. Supp. 1965, 59-3018 and K. S. A. 1964, 59-2205.

Note: No time is specified in the statute for holding the hearing. Presumably the court will set it for a time to allow reasonable notice to be given.

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(231)

**NOTICE AND ORDER FOR SERVICE**

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Reference: K. S. A. Supp. 1965, 59-3018.

Note: Follow substantially form 210. Notice must be given to the conservator, if any, and to such other persons and in such manner as the court directs unless such required notice is waived in writing pursuant to K. S. A. 1964, 59-2208.

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(232)

## IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 1003

**ORDER GRANTING PERMISSION TO CHANGE RESIDENCE**

On this 12th day of May, 1966, this matter is heard on the petition of John Manager for permission to change the residence of John Doe. The petitioner appears in person and by his attorney, W. B. Pleader. John Doe appears by his guardian ad litem, A. B. Defender, heretofore appointed by this court.

The court, after hearing evidence, finds that the petitioner is the duly appointed, qualified and acting guardian of John Doe, an incapacitated person; that Apache County is the residence of John Doe; that John Manager desires

to change the residence of John Doe to Village, Blackfoot County, Kansas; and that it would be in the best interest of John Doe to have his residence changed to Village, Blackfoot County, Kansas.

IT IS THEREFORE BY THE COURT ORDERED that John Manager, guardian, is granted permission by this court to change the residence of John Doe from Hometown, Apache County, Kansas, to Village, Blackfoot County, Kansas.

A. L. Mann  
Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-3018.

(233)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 1003

PETITION FOR TRANSFER OF VENUE AND  
APPROVAL OF ACCOUNTING

The Petitioner, John Manager, alleges:

- (1) I reside at and my present address is 1726 Louisiana Street, Village, Kansas.
- (2) I am the duly appointed, qualified and acting guardian of and conservator for John Doe.
- (3) John Doe is now a resident of Village, Blackfoot County, Kansas.
- (4) It would be in the best interest of John Doe to have the venue in this matter transferred to the probate court of Blackfoot County, Kansas.
- (5) I attach hereto a true and correct accounting of my receipts and disbursements since my last accounting.

WHEREFORE, the petitioner requests that this court transfer the venue in this matter from the probate court of Apache County, Kansas, to the probate court of Blackfoot County, Kansas, and settle and allow this accounting.

John Manager  
Petitioner

STATE OF KANSAS, APACHE COUNTY, ss.:

John Manager, of lawful age, being first duly sworn upon his oath says that he is the petitioner above named, that he has read the above and foregoing petition for a transfer of venue and is familiar with the contents thereof, and that all of the statements made therein are true.

John Manager

Subscribed and sworn to before me this 6th day of June, 1966.

Helen H. Waters  
Notary Public

(SEAL)

My Commission expires December 7, 1966.

Filed June 6, 1966. A. L. Mann, Probate Judge.

. . . . .

## ACCOUNTING

---

Reference: K. S. A. Supp. 1965, 59-3017.

Note: For the form of the accounting follow substantially form 38-A of the Proceedings in the Estate of John Doe, Deceased, appearing in the July, 1956, issue of the Kansas Judicial Council Bulletin. A supplemental accounting at the date of the hearing may be necessary since K. S. A. Supp. 1965, 59-3017 provides for an accounting "to and including the time of such hearing." When the guardian and conservator is the same person, he normally will combine the petition to change residence, form 228, and the petition for transfer of venue, form 233. Both forms are here separately illustrated.

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(234)

## IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 1003

ORDER FOR HEARING AND APPOINTMENT OF GUARDIAN  
AD LITEM

On this 6th day of June, 1966, it is ordered that the petition filed herein of John Manager for the transfer of venue and approval of his accounting be heard on the 17th day of June, 1966, at ten o'clock a. m. by this court in the Court House at Hometown, Apache County, Kansas. It is further ordered that A. B. Defender is hereby appointed guardian ad litem for John Doe at such hearing.

A. L. Mann  
Probate Judge

(SEAL)

---

Reference: K. S. A. Supp. 1965, 59-3017.

Note: No time is specified in the statute for holding the hearing. Presumably the court will set it for a time to allow reasonable notice to be given.

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(235)

## NOTICE AND ORDER FOR SERVICE

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Reference: K. S. A. Supp. 1965, 59-3017 and K. S. A. 1964, 73-509.

Note: Follow substantially form 210. Notice is to be given to such persons and in such manner as the court shall direct. Good practice would indicate

that notice should be given to the regional office of the Social Security Administration when funds have been received through Federal Old Age and Survivors Insurance.

(236)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 1003

**ORDER TRANSFERRING VENUE AND APPROVING ACCOUNTING**

On this 17th day of June, 1966, this matter is heard on the petition of John Manager for transfer of venue. Petitioner appears in person and by his attorney, W. B. Pleader. John Doe appears by his guardian ad litem, A. B. Defender.

Thereupon, evidence is presented and the court being fully advised finds that John Doe is a resident of Village, Blackfoot County, Kansas; that it would be in the best interest of John Doe to have the venue in this matter transferred to the probate court of Blackfoot County, Kansas; that the accounting the conservator filed herein is true and correct and should be settled and allowed; and that the venue in this matter should be transferred to the probate court of Blackfoot County, Kansas.

The court further finds that the following fees should be allowed and taxed as part of the costs herein:

The following additional costs should be allowed:

The above costs are hereby assessed against the estate of John Doe.

IT IS THEREFORE BY THE COURT ORDERED that the above fees and costs be paid; that the acts, proceedings and accounts of the conservator are hereby approved, settled and allowed; that the venue of this matter is hereby transferred to the probate court of Blackfoot County, Kansas; and that the original file in this matter be transmitted to the probate court of Blackfoot County, Kansas.

A. L. Mann  
Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-3017.

Note: If the petitioner is not also the conservator, the accounting will be filed subsequently. In such cases appropriate changes should be made in form 236. The court should make and retain a true copy of the essential files, not previously recorded. See K. S. A. Supp. 1965, 59-3017.

(237)

## IN THE PROBATE COURT OF BLACKFOOT COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 3001

## PETITION FOR RESTORATION TO CAPACITY

The Petitioner, John Doe, alleges:

(1) I reside at and my present address is the Longview State Hospital, Village, Kansas.

(2) I was found to be an incapacitated person by the probate court of Apache County, Kansas, on March 10, 1966, but I am no longer an incapacitated person.

(3) My spouse is Mary Ann Doe who resides at 127 Main Street, Hometown, Kansas.

(4) My guardian and conservator is John Manager who resides at 1726 Louisiana Street, Village, Kansas.

(5) No petition for my restoration to capacity has been filed in any probate court during the preceding six months nor within six months from March 10, 1966.

WHEREFORE, the petitioner requests that the court make a determination that he is no longer an incapacitated person and restore him to capacity.

John Doe  
Petitioner

STATE OF KANSAS, APACHE COUNTY, ss.:

John Doe, of lawful age, being first duly sworn upon his oath says that he is the petitioner above named, that he has read the above and foregoing petition for restoration to capacity and is familiar with the contents thereof, and that all the statements therein made are true.

Subscribed and sworn to before me this 14th day of November, 1966.  
John Doe  
Helen Land  
Notary Public

(SEAL)

My Commission expires December 3, 1967.

Filed November 14, 1966. G. H. Wise, Probate Judge.

Reference: K. S. A. Supp. 1965, 59-3027.

Note: The date of the original adjudication of incapacity should be alleged. Compare note to form 55.

(238)

PRELIMINARY ORDERS



Reference: K. S. A. Supp. 1965, 59-3010, 59-3011, and 59-3027.

Note: Follow generally forms 202, 203, and 204. This form need not include, however, an order of mental evaluation since K. S. A. Supp. 1965, 59-3027 dispenses with such order. [This section refers to section 59-3010(F). This is a typographical error. The proper reference is 59-3010(A)(6).]

(239)

**NOTICE AND ORDER FOR SERVICE**

Reference: K. S. A. Supp. 1965, 59-3010, 59-3012, and 59-3027.

Note: Follow generally form 210. Good practice would indicate that notice be given to the original petitioner, Jim White.

(240)

IN THE PROBATE COURT OF BLACKFOOT COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 3001

**ORDER OF RESTORATION TO CAPACITY; TERMINATING GUARDIANSHIP AND CONSERVATORSHIP; ORDERING FINAL ACCOUNTING; FIXING TIME AND PLACE OF HEARING AND NOTICE OF HEARING ON FINAL ACCOUNTING; AND NOTICE OF ACCOUNTING**

On this 23rd day of November, 1966, this matter is heard on the petition of John Doe for an order of restoration to capacity. Petitioner appears in person and by his attorney, John Remedy. John Manager appears in person and by his attorney, John Lawman.

Thereupon, the court finds that no request for a commission or jury has been made by John Doe and that this matter is for trial to the court only. Thereupon, the court receives all relevant and material evidence and being fully advised finds that John Doe is no longer an incapacitated person.

IT IS THEREFORE BY THE COURT ADJUDGED that John Doe is no longer an incapacitated person and ORDERED that he is hereby restored to capacity; that his guardianship and conservatorship are terminated; that the guardian is discharged; that John Manager, conservator for John Doe, file his final accounting herein; that the hearing on the final accounting will be held on the 6th day of December, 1966, at ten o'clock a. m. by this court in the Blackfoot County Court House, Village, Kansas; and that notice of the time and place of the hearing be given to John Manager, the conservator for John Doe, 1726 Louisiana Street, Village, Kansas, and to the Regional Director, Social Security Administration, 4127 Princeton Avenue, Bigtown, Kansas, by mailing a copy of the notice to each of them not less than seven days prior to the date of such hearing.

IT IS FURTHER ORDERED that the above order constitute the notice in this matter.

A. L. Mann  
Probate Judge

(SEAL)

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Reference: K. S. A. Supp. 1965, 59-3027, 59-3028, 59-3029, 59-3030, 59-3031, and K. S. A. 1964, 73-509.

Note: The second paragraph should be modified to reflect whether the hearing has been to a jury, a commission, or before the court. If funds have been received from the Veterans' Administration, 15 days notice by mail should be given to the regional office having charge thereof. See K. S. A. Supp. 1965, 59-3030 and K. S. A. 1964, 73-509. Good practice would indicate that notice should be given to the regional office of the Social Security Administration when funds have been received through Federal Old Age and Survivors Insurance. Notice to others is at the court's discretion.

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(241)

(This form is illustrative and to be used only where appropriate.)

IN THE PROBATE COURT OF BLACKFOOT COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 3001

**ORDER OF DENIAL**

On this 23rd day of November, 1966, this matter is heard on the petition of John Doe for an order of restoration to capacity. Petitioner appears in person and by his attorney, John Remedy. John Manager appears by his counsel, John Lawman.

Thereupon, the court finds that no request for a commission or jury has been made by John Doe and that this matter is for trial to the court only.

Thereupon, the court receives all relevant material evidence and being fully advised finds that John Doe continues to be an incapacitated person.

IT IS THEREFORE BY THE COURT ORDERED that the petition of John Doe for restoration to capacity is denied and the costs including a fee in the amount of \$\_\_\_\_\_ to John Remedy are hereby assessed against the estate of the petitioner.

G. H. Wise  
Probate Judge

(SEAL)

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Reference: K. S. A. Supp. 1965, 59-3027.

Note: The second paragraph should be modified to reflect whether the hearing has been to a jury, a commission, or before the court.

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(242)

## ACCOUNTING

Reference: K. S. A. Supp. 1965, 59-3029.

Note: Follow substantially form 38-A of the Proceedings in the Estate of John Doe, Deceased, appearing in the July, 1956, issue of the Kansas Judicial Council Bulletin.

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(243)

## IN THE PROBATE COURT OF BLACKFOOT COUNTY, KANSAS

In the Matter of the Guardianship  
and Conservatorship of John Doe.

No. 3001

**ORDER ALLOWING FEES AND COSTS,  
APPROVING FINAL ACCOUNTING AND OF DISCHARGE**

On this 6th day of December, 1966, this matter is heard on the order of this court entered the 23rd day of November, 1966, for the final accounting and discharge of John Manager, the conservator for John Doe. John Doe appears in person and by his attorney, John Remedy. John Manager, the guardian and conservator, appears in person and by his attorney, John Lawman.

Thereupon, on evidence presented, the court finds that the accounting of the conservator filed herein is true and correct and should be settled and allowed, and that such conservator has in his possession the following personal property, to wit:

The court further finds that the following fees should be allowed and taxed as part of the costs herein:

The following additional costs should be allowed:

The above costs are hereby assessed against the estate of John Doe.

IT IS THEREFORE BY THE COURT ORDERED that the above fees and costs be paid; that the acts, proceedings and accounts of the conservator are hereby approved, settled and allowed; and that he pay the balance then in his hands, to wit: \$\_\_\_\_\_ to John Doe and deliver to John Doe all other property.

Thereupon, receipts for the payments of such amounts and delivery of the property are filed with the court.

IT IS THEREFORE BY THE COURT ORDERED that John Manager be discharged as conservator, and that he and his surety be discharged from all further liabilities herein.

G. H. Wise  
Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-3031.

Note: The statute requires the showing of the remaining personal property. The receipt from John Doe showing that he has received his property should be filed as should a receipt from John Manager for allowance of conservator fees and from John Lawman for attorney's fees. Follow substantially form 44 of the proceedings in the Estate of John Doe, Deceased, appearing in the July, 1956, issue of the Kansas Judicial Council Bulletin.

(301)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship and  
Conservatorship of Bill Young, a minor.

No. 1004

PETITION FOR THE APPOINTMENT OF A GUARDIAN  
AND CONSERVATOR

The Petitioner, Jim White, alleges:

(1) I reside at and my present address is 796 Main Street, Hometown, Kansas.

(2) Bill Young, the proposed ward and proposed conservatee, is a minor of the age of fourteen years who resides at and whose present address is 1227 Louisiana Street, Hometown, Kansas.

(3) Although I have made diligent inquiry, I have been unable to learn the names of any natural guardian, conservator, or custodian of Bill Young.

(4) Bill Young is the owner of real property of the estimated value of \$40,000.00 and of personal property of the estimated value of \$27,000.00. He is receiving an average of \$2,900.00 a year rent from his real property and \$1,200.00 a year dividends and interest from various securities.

(5) The truth of this petition may be proved by:

Mary O'Conner, 226 Main Street, Hometown, Kansas.

(6) Bill Young is in need of the appointment of a guardian and conservator since he is a minor of the age of fourteen and he owns considerable real and personal property.

(7) Jim White is a proper person to appoint as the guardian of and conservator for Bill Young. He resides at 796 Main Street, Hometown, Kansas, and is the uncle of Bill Young.

WHEREFORE, the petitioner requests that the court

- (1) determine that Bill Young is a minor;
- (2) issue the orders required by K. S. A. Supp. 1965, 59-3010;
- (3) order that the temporary custody of Bill Young be given to Jim White;
- (4) order Bill Young to appear at the time and place of the hearing;
- (5) appoint an attorney to represent Bill Young at all stages of the proceeding;
- (6) give notice as provided in K. S. A. Supp. 1965, 59-3012;
- (7) order Bill Young to submit himself for psychological tests and undergo such tests at a facility to be designated by the court;
- (8) order an investigation;

(9) make such other orders as are necessary for the best interest of Bill Young.

Jim White  
Petitioner

STATE OF KANSAS, APACHE COUNTY, ss.:

Jim White, of lawful age, being first duly sworn upon his oath says that he is the petitioner above named, that he has read the above and foregoing petition for the appointment of a guardian and conservator and is familiar with the contents thereof, and that all the statements made therein are true.

Jim White

Subscribed and sworn to before me this 4th day of January, 1966.

Helen H. Waters  
Notary Public

(SEAL)

My Commission expires December 7, 1966.

Filed January 4, 1966. A. L. Mann, Probate Judge.

---

Reference: K. S. A. Supp. 1965, 59-3009, 59-3010, and 59-3011.

Note: Unlike the petition for the appointment of a guardian and conservator for an incapacitated person, see K. S. A. Supp. 1965, 59-3010, the only mandatory order is that of setting the time and place of the hearing. The order for temporary custody, the order to appear, the order appointing an attorney, etc., are all discretionary, see K. S. A. Supp. 1965, 59-3011, and must be specifically requested, if desired. The requests for these orders or an order for an advancement or continuance may be made after the petition is filed. See form 305. In the normal situation, where a natural parent is asking to be appointed conservator for his own child, the request will be for an immediate hearing, without notice and without the appointment of an attorney to represent the minor.

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(302)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship and  
Conservatorship of Bill Young, a minor.

No. 1004

PRELIMINARY ORDERS

On this 4th day of January, 1966, there is filed herein the petition of Jim White for the appointment of a guardian and conservator for Bill Young, a minor, and for the issuance of various preliminary orders. Petitioner appears in person and by his attorney, W. B. Pleader.

Upon examination of the petition, the court finds that the following orders should issue:

(1) The petition of Jim White for the appointment of a guardian and conservator for Bill Young be heard on the 14th day of January, 1966, at ten o'clock a. m. by this court in the Apache County Court House, Hometown, Kansas;

(2) The temporary custody of Bill Young be and hereby is given to Jim White until the further order of this court;

(3) Bill Young appear at such time and place for the hearing;

(4) A. B. Defender, a qualified practicing attorney of Apache County, be appointed to represent Bill Young at all stages of the proceedings herein;

(5) Bill Young submit himself on the 7th day of January, 1966, at ten o'clock a. m. for psychological testing and undergo such testing at the Apache County Community Mental Health Center, 1421 Main Street, Hometown, Kansas.

IT IS SO ORDERED.

A. L. Mann  
Probate Judge

(SEAL)

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Reference: K. S. A. Supp. 1965, 59-3010(B); and 59-3011(B).

Note: The various discretionary orders, provided for by K. S. A. Supp. 1965, 59-3011 and found in forms 308 and 309, may be included as separate paragraphs of this form as needed. Since, however, such orders as well as an order for investigation, an order for notice and the discretionary orders found in form 302, may be obtained subsequent to the filing of the petition, separate forms have been prepared. Paragraph 3 may be changed to reflect the court's finding that the presence of the proposed ward or the proposed conservatee would be injurious to his welfare. Paragraph 4 may be omitted if the proposed ward or the proposed conservatee has employed counsel.

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(303)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship and  
Conservatorship of Bill Young, a minor.

No. 1004

**ORDER FOR REPORT OF PSYCHOLOGICAL TESTS**

On this 4th day of January, 1966, this matter is heard upon the petition of Jim White for the appointment of a guardian and conservator. Petitioner appears in person and by his attorney, W. B. Pleader.

The court finds that it has on this 4th day of January, 1966, ordered Bill Young to submit himself on the 7th day of January, 1966, at ten o'clock a. m. for psychological testing and undergo such testing at the Apache County Community Mental Health Center, 1421 Main Street, Hometown, Kansas.

IT IS THEREFORE BY THE COURT ORDERED that the Apache County Community Mental Health Center, if it undertakes to perform such psychological testing, shall report the results of such evaluation, in writing, to this court on or before the 10th day of January, 1966.

A. L. Mann  
Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-3011(B)(5).

Note: The statute makes no provision for ordering the private facility to give the psychological test. The statute provides, however, that the examiner shall submit to the court a report of the evaluation at a time designated by the court. Consequently this order is in the form of an order to report rather than an order to test and report.

(303-A)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS  
 In the Matter of the Guardianship and  
 Conservatorship of Bill Young, a minor . No. 1004

**REPORT OF PSYCHOLOGICAL EVALUATION**

We have examined the above named person and make this report: (Here set forth the facts found by the psychological tests. Attach separate sheets if necessary.)

Date: January 10, 1966

Apache Co. Comm. Mental Health Ctr.

(name)

By Roy Rossi

(name)

Psychologist

(title)

Filed January 10, 1966. A. L. Mann, Probate Judge.

Reference: K. S. A. Supp. 1965, 59-3011(B)(5).

Note: Although the proposed ward or proposed conservatee is ordered to be tested by the mental health center, the person actually giving the tests should sign the report as he may need to be called as a witness.

(304)

**ORDER FOR INVESTIGATION**

Reference: K. S. A. Supp. 1965, 59-3011(A)(1).

Note: This order should substantially follow form 204. Although the order for investigation is one of the discretionary preliminary orders requested in the petition, it deals only with an investigation and should be separate from the other preliminary orders.

(304-A)

## REPORT OF INVESTIGATION

Reference: K. S. A. Supp. 1965, 59-3011(A)(1).

Note: This form should follow substantially form 204-A.

(305)

(This form is illustrative and to be used only where appropriate.)

## IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship and  
Conservatorship of Bill Young, a minor.

No. 1004

## PETITION FOR AN ORDER OF TEMPORARY CUSTODY

The Petitioner, Jim White, alleges:

- (1) I reside at and my present address is 796 Main Street, Hometown, Kansas.
- (2) A petition for the appointment of a guardian and conservator for Bill Young, a minor, as provided for in K. S. A. Supp. 1965, 59-3009, has been filed in the probate court of Apache County, Kansas.
- (3) Although I have made diligent inquiry, I have been unable to learn the names of any natural guardian, conservator, or custodian of Bill Young.
- (4) Jim White is a fit and proper person to be given custody of Bill Young.
- (5) It would be in the best interest of Bill Young to have his temporary custody given to Jim White.

WHEREFORE, the petitioner asks that the court issue an order granting the temporary custody of Bill Young to Jim White until the further order of this court.

Jim White  
Petitioner

STATE OF KANSAS, APACHE COUNTY, ss.:

Jim White, of lawful age, being first duly sworn upon his oath says that he is the petitioner above named, that he has read the above and foregoing petition for an order of temporary custody and is familiar with the contents thereof, and that all the statements made therein are true.

Subscribed and sworn to before me this 5th day of January, 1966.  
Helen H. Waters  
Notary Public

(SEAL)

My Commission expires December 7, 1966.

Filed January 5, 1966. A. L. Mann, Probate Judge.



Reference: K. S. A. Supp. 1965, 59-3011(B)(1).

Note: The petitioner's address should be alleged, particularly if the petitioner is not also the person who filed the petition under K. S. A. Supp. 1965, 59-3009.

(306)

(This form is illustrative and to be used only where appropriate.)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship and  
Conservatorship of Bill Young, a minor.

No. 1004

ORDER OF TEMPORARY CUSTODY

On this 5th day of January, 1966, this matter is heard upon the petition of Jim White for an order of temporary custody for Bill Young, a minor. Petitioner appears in person and by his attorney, W. B. Pleader.

The court finds that this petition shall be heard forthwith and without notice pursuant to K. S. A. Supp. 1965, 59-3011.

Thereupon, evidence is presented and the court being fully advised finds that there are reasonable grounds to believe that Bill Young is a minor who is without natural guardian, conservator, or custodian; that Jim White is a fit and proper person to have the temporary custody of Bill Young; and that it would be in the best interest of Bill Young to have his temporary custody given to Jim White.

IT IS THEREFORE BY THE COURT ORDERED that the temporary custody of Bill Young be and hereby is given to Jim White until the further order of this court.

A. L. Mann  
Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-3011(B)(1).

Note: Temporary custody may be given to a stranger even though the minor has a natural guardian, conservator, or custodian. In such case, the findings of fact should be modified.

(307)

(This form is illustrative and to be used only where appropriate.)

ORDER FOR INVESTIGATION

Reference: K. S. A. Supp. 1965, 59-3011.

Note: Follow generally form 204 with modifications to show that the matter is heard on a separate petition for an order for investigation and a finding that a petition to appoint a guardian and conservator has previously been filed. A petition for this order for investigation and a petition for the other various discretionary orders (see forms 307 through 313) are not included in these sample forms. Such petitions should follow in general the form for the petition for an order of temporary custody. See form 305.

(308)

(This form is illustrative and to be used only where appropriate.)

**ORDER OF CONTINUANCE**

Reference: K. S. A. Supp. 1965, 59-3011(A)(2).

Note: This form should follow substantially form 208.

(309)

(This form is illustrative and to be used only where appropriate.)

**ORDER OF ADVANCEMENT**

Reference: K. S. A. Supp. 1965, 59-3011(A)(3).

Note: Follow substantially form 209.

(310)

(This form is illustrative and to be used only where appropriate.)

**IN THE PROBATE COURT OF APACHE COUNTY, KANSAS**

In the Matter of the Guardianship and  
Conservatorship of Bill Young, a minor.

No. 1004

**ORDER TO APPEAR**

On this 5th day of January, 1966, this matter is heard upon the petition of Jim White for an order that Bill Young, a minor, appear at the time and place of the hearing on the petition for the appointment of a guardian and conservator.

The court finds that this petition shall be heard forthwith and without notice pursuant to K. S. A. Supp. 1965, 59-3011.

Thereupon, evidence is presented and the court being fully advised finds that it would be in the best interest of Bill Young to be present at the hearing on such petition.

IT IS THEREFORE BY THE COURT ORDERED that Bill Young appear on the 14th day of January, 1966, at ten o'clock a. m. in the Apache County Court House, Hometown, Kansas.

A. L. Mann  
 Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-3011(B)(2).

Note: When the proposed ward or proposed conservatee is alleged to be an incapacitated person, he must be present at the hearing unless the court shall determine that such presence is injurious to his welfare. See K. S. A. Supp. 1965, 59-3010(A)(2). When the proposed ward or proposed conservatee is alleged to be a minor only, the order of appearance is discretionary.

(311)

(This form is illustrative and to be used only where appropriate.)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship and  
 Conservatorship of Bill Young, a minor.

No. 1004

ORDER APPOINTING ATTORNEY

On this 5th day of January, 1966, this matter is heard upon the petition of Jim White for the appointment of an attorney for Bill Young, a minor. Petitioner appears in person and by his attorney, W. B. Pleader.

The court finds that this petition shall be heard forthwith and without notice pursuant to K. S. A. Supp. 1965, 59-3011.

Thereupon, evidence is presented and the court being fully advised finds that it would be in the best interest of Bill Young to have A. B. Defender, a qualified practicing attorney of Apache County, appointed to represent him at all stages of the proceedings.

IT IS THEREFORE BY THE COURT ORDERED that A. B. Defender be and hereby is appointed to represent Bill Young at all stages of the proceedings.

A. L. Mann  
 Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-3011(B)(3).

Note: If the minor is over 14 years of age, he has the right to engage his own attorney; and in such event, the attorney appointed by the court shall be relieved of all duties.

(312)

(This form is illustrative and to be used only where appropriate.)

## IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship and  
 Conservatorship of Bill Young, a minor.

No. 1004

**ORDER FOR PSYCHOLOGICAL TESTING**

On this 5th day of January, 1966, this matter is heard upon the petition of Jim White for an order for psychological testing for Bill Young, a minor. Petitioner appears in person and by his attorney, W. B. Pleader.

The court finds that this petition shall be heard forthwith and without notice pursuant to K. S. A. Supp. 1965, 59-3011.

Thereupon, evidence is presented and the court being fully advised finds that it would be in the best interest of Bill Young that he be given psychological tests and that the Apache County Community Mental Health Center is a suitable place for such tests and has indicated its willingness to test Bill Young.

IT IS THEREFORE BY THE COURT ORDERED that Bill Young submit himself on the 7th day of January, 1966, at ten o'clock a. m. for psychological testing and undergo such testing at the Apache County Community Mental Health Center, 1421 Main Street, Hometown, Kansas.

A. L. Mann  
 Probate Judge

(SEAL)

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Reference: K. S. A. Supp. 1965, 59-3011(B)(5).

Note: This order may be served on Bill Young in the manner provided for in K. S. A. Supp. 1965, 59-3012.

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(313)

(This form is illustrative and to be used only where appropriate.)

**ORDER FOR REPORT OF PSYCHOLOGICAL TESTS**


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Reference: K. S. A. Supp. 1965, 59-3011(B)(5).

Note: Follow generally form 303.

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(313-A)

(This form is illustrative and to be used only where appropriate.)

**REPORT OF PSYCHOLOGICAL EVALUATION**

Reference: K. S. A. Supp. 1965, 59-3011(B)(5).

Note: Follow generally form 303-A.

(314)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship and  
Conservatorship of Bill Young, a minor.

No. 1004

NOTICE AND ORDER FOR SERVICE

TO: (1) Bill Young, 1227 Louisiana Street, Hometown, Kansas.

(2) A. B. Defender, Hometown State Bank Building, Hometown, Kansas.

You and each of you are hereby notified of the following matters:

(A) That a verified petition alleging that Bill Young is a minor and requesting that this court appoint a guardian and conservator has been filed in this court by Jim White, petitioner.

(B) That this petition will be heard on the 14th day of January, 1966, at ten o'clock a. m. by this court in the Apache County Court House, Hometown, Kansas.

(C) That the temporary custody of Bill Young is given to Jim White until further order of this court.

(D) That A. B. Defender, a qualified practicing attorney of Apache County, is appointed to represent John Doe at all stages of the proceedings.

(E) That Bill Young is ordered to submit himself on the 7th day of January, 1966, at ten o'clock a. m. for psychological testing and undergo such testing at the Apache County Community Mental Health Center, 1421 Main Street, Hometown, Kansas.

(F) That Bill Red, Sheriff of Apache County, Kansas, is hereby ordered to make service of this notice by delivering a copy to Bill Young personally and by delivering a copy to A. B. Defender personally and make due return thereof.

IN WITNESS WHEREOF, I have set my hand and seal this 4th day of January, 1966.

A. L. Mann  
Probate Judge

(SEAL)

RETURN

Bill Red, Sheriff of Apache County, Kansas, says that he served this notice on:

(1) Bill Young by delivering a copy to him personally on the 5th day of January, 1966, at 1227 Louisiana Street, Hometown, Kansas.

(2) A. B. Defender by delivering a copy to him personally on the 5th day of January, 1966, at Hometown State Bank Building, Hometown, Kansas.

Bill Red  
Sheriff

Filed January 6, 1966. A. L. Mann, Probate Judge.

Reference: K. S. A. Supp. 1965, 59-3011 and 59-3012.

Note: This order and notice are included together for simplicity and efficiency. Note that it is the court, not the petitioner, that gives notice. If the minor proposed ward and proposed conservatee is in the custody of someone other than the petitioner, notice should be given to him.

(315)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship and  
Conservatorship of Bill Young, a minor.

No. 1004

**ORDER APPOINTING GUARDIAN AND CONSERVATOR**

On this 14th day of January, 1966, this matter is heard on the petition of Jim White for the appointment of a guardian and conservator for Bill Young, a minor. Petitioner appears in person and by his attorney, W. B. Pleader. Bill Young appears in person and by his attorney, A. B. Defender.

Thereupon, the court receives all relevant and material evidence and being fully advised finds that Bill Young is a minor; that he has no natural guardian, conservator, or custodian; and that he has orally nominated Jim White as his guardian and conservator.

The court finds that Bill Young is the owner of personal property of the value of \$27,000.00 and has probable annual income from real estate in the amount of \$2,900.00 and is in need of a guardian and conservator.

The court finds that Jim White is a fit and proper person to be appointed guardian of and conservator for Bill Young.

IT IS THEREFORE BY THE COURT ADJUDGED that Bill Young is a minor and it is ORDERED that Jim White be and he is appointed guardian of and conservator for Bill Young and that upon the filing of his oath as guardian and conservator, and upon the filing of his conservator's bond in the amount of thirty-eight thousand dollars (\$38,000.00), letters of guardianship and conservatorship issue to him.

A. L. Mann  
Probate Judge

(SEAL)

Reference: K. S. A. Supp. 1965, 59-3013 and 59-3014. K. S. A. 1964, 59-1101.

Note: The guardian and conservator may be separate persons. The bond is set at 125% of the value of the personal property and the probable annual income from the real property. See K. S. A. 1964, 59-1101. An order fixing fees and costs (see form 333) may be entered at this time. See K. S. A. Supp. 1965, 59-3032.

(316)

(This form is illustrative and to be used only where appropriate.)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Guardianship and  
Conservatorship of Bill Young, a minor.

No. 1004

ORDER OF TERMINATION

On this 14th day of January, 1966, this matter is heard on the petition of Jim White for the appointment of a guardian and conservator for Bill Young, a minor. Petitioner appears in person and by his attorney, W. B. Pleader. Bill Young appears in person and by his attorney, A. B. Defender.

Thereupon, the court receives all relevant and material evidence and being fully advised finds that Bill Young is not a minor.

IT IS THEREFORE BY THE COURT ORDERED that this matter is terminated and the costs hereof including a fee in the amount of \$\_\_\_\_\_ to A. B. Defender are hereby assessed against the petitioner.

A. L. Mann  
Probate Judge

(SEAL)

---

Reference: K. S. A. Supp. 1965, 59-3013; 59-3032; and K. S. A. 1964, 59-301(12).

Note: Although the statute only provides for termination in the event that the court finds that the proposed ward or proposed conservatee is not a minor, presumably the court could also terminate the proceedings if it should find that although the proposed ward or proposed conservatee was a minor, he was not in need of a guardian or conservator.

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(317)

OATH OF GUARDIAN AND CONSERVATOR

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Reference: K. S. A. Supp. 1965, 59-3014, and K. S. A. 1964, 59-1702.

Note: Follow substantially form 224.

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(318)

BOND OF CONSERVATOR

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Reference: K. S. A. Supp. 1965, 59-3014, and K. S. A. 1964, 59-1101 and 59-1102.

Note: Follow substantially form 225.

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(319)

**LETTERS OF GUARDIANSHIP AND CONSERVATORSHIP**

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Reference: K. S. A. Supp. 1965, 59-3014.

Note: Follow substantially form 226.

(320)

**INVENTORY AND APPRAISEMENT**

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Reference: K. S. A. 1964, 59-1201 et seq.

Note: Follow substantially form 12, 13, and 14 in the Proceedings in the Estate of John Doe, Deceased, appearing in the July, 1956, issue of the Kansas Judicial Council Bulletin.

(321)

**FORMS FOR THE ADMINISTRATION OF THE CONSERVATORSHIP**

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Reference: K. S. A. Supp. 1965, 59-3019 through 59-3026; and 59-3029 through 59-3031.

Note: See note to form 110.

(322)

**PETITION FOR RIGHT TO CHANGE RESIDENCE**

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Reference: K. S. A. Supp. 1965, 59-3018.

Note: Follow substantially form 229.

(323)

**ORDER FOR HEARING**



Reference: K. S. A. Supp. 1965, 59-3018.

Note: Follow substantially form 230.

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(324)

**NOTICE AND ORDER FOR SERVICE**

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Reference: K. S. A. Supp. 1965, 59-3018.

Note: Follow substantially form 210. See also note to form 231.

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(325)

**ORDER GRANTING PERMISSION TO CHANGE RESIDENCE**

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Reference: K. S. A. Supp. 1965, 59-3018.

Note: Follow substantially form 232.

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(326)

**PETITION FOR TRANSFER OF VENUE  
AND APPROVAL OF ACCOUNTING**

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Reference: K. S. A. Supp. 1965, 59-3017.

Note: Follow substantially form 233. For the form of the accounting follow substantially form 38-A of the Proceedings in the Estate of John Doe, Deceased, appearing in the July, 1956, issue of the Kansas Judicial Council Bulletin.

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(327)

**ORDER FOR HEARING**

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Reference: K. S. A. Supp. 1965, 59-3017.

Note: Follow substantially form 234.

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(328)

## NOTICE AND ORDER FOR SERVICE

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Reference: K. S. A. Supp. 1965, 59-3017; and K. S. A. 1964, 73-509.

Note: Follow substantially form 210. See note to form 235.

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(329)

## ORDER TRANSFERRING VENUE AND APPROVING ACCOUNTING

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Reference: K. S. A. Supp. 1965, 59-3017.

Note: Follow substantially form 236 and see note following form 236.

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(330)

## IN THE PROBATE COURT OF BLACKFOOT COUNTY, KANSAS

In the Matter of the Guardianship and  
 Conservatorship of Bill Young, a minor.

No. 3002

**PETITION FOR TERMINATION OF GUARDIANSHIP  
 AND CONSERVATORSHIP**

The Petitioner, Bill Young, alleges:

(1) I reside at and my present address is 927 Main Street, Gotham, Kansas.

(2) I was found to be a minor and Jim White, who resides at 927 Main Street, Gotham, Kansas, was appointed my guardian and conservator by the probate court of Apache County, Kansas, on January 14, 1966, and is still qualified and acting as such.

(3) I am now of legal age, having attained the age of 21 years on December 10, 1972.

WHEREFORE, the petitioner requests that this court terminate the guardianship and conservatorship; order a final accounting by the conservator; fix the time and place of the hearing on the final accounting and give notice of such accounting.

Bill Young  
 Petitioner

STATE OF KANSAS, BLACKFOOT COUNTY, ss.:

Bill Young, of lawful age, being first duly sworn upon his oath says that he is the petitioner above named, that he has read the above and foregoing

petition for termination of guardianship and conservatorship and is familiar with the contents thereof, and that all the statements therein made are true.

Bill Young

Subscribed and sworn to before me this 15th day of December, 1972.

Helen Land

Notary Public

(SEAL)

My Commission expires December 20, 1973.

Filed December 15, 1972. G. H. Wise, Probate Judge.

---

Reference: K. S. A. Supp. 1965, 59-3028(B).

Note: Although the statute provides for automatic termination of the guardianship and conservatorship on the attainment of legal age of the ward or conservatee, a court order to that effect is desirable since the conservator must make a final accounting and the guardian should be judicially relieved of his obligation.

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(331)

IN THE PROBATE COURT OF BLACKFOOT COUNTY, KANSAS

In the Matter of the Guardianship and  
Conservatorship of Bill Young, a minor.

No. 3002

**ORDER TERMINATING GUARDIANSHIP AND CONSERVATORSHIP;  
ORDERING FINAL ACCOUNTING; FIXING TIME AND PLACE AND  
GIVING NOTICE OF HEARING ON FINAL ACCOUNTING; AND NO-  
TICE OF ACCOUNTING**

On this 15th day of December, 1972, this matter is heard on the petition of Bill Young for the termination of his guardianship and conservatorship. Petitioner appears in person and by his attorney, L. M. Law.

The court finds that this petition shall be heard forthwith and without notice pursuant to K. S. A. Supp. 1965, 59-3028(B).

The court further finds that Jim White is the duly appointed, qualified and acting guardian of and conservator for Bill Young, a minor, and that Bill Young, the ward and conservatee, has filed his verified petition stating that he has now attained legal age.

The court, upon evidence presented, further finds that Bill Young is now of legal age, having attained the age of 21 years on December 10, 1972.

IT IS THEREFORE BY THE COURT ORDERED that the guardianship and conservatorship of Bill Young be and hereby is terminated as of December 10, 1972; that the guardian is discharged; that Jim White, conservator for Bill Young, file his final accounting herein; that the hearing on the final accounting will be held on the 27th day of December, 1972, at ten o'clock a. m. by this court in the Blackfoot County Court House, Gotham, Kansas; and that notice of the time and place of the hearing be given to Jim White, the conservator for Bill Young, 927 Main Street, Gotham, Kansas, by mailing a copy of the notice to him not less than seven days prior to the day of such hearing.

IT IS FURTHER ORDERED that the above order constitute the notice in this matter.

G. H. Wise  
Probate Judge

(SEAL)

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Reference: K. S. A. Supp. 1965, 59-3028; 59-3029; 59-3030; 59-3031; and K. S. A. 1964, 73-509.

Note: If funds have been received from the Veterans' Administration, fifteen days notice by mail should be given to the regional office having charge thereof. See K. S. A. Supp. 1965, 59-3030 and K. S. A. 1964, 73-509. Good practice would indicate that notice should be given to the regional office of the Social Security Administration when funds have been received through Federal Old Age and Survivors Insurance. Notice to others is at the court's discretion.

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(332)

**ACCOUNTING**

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Reference: K. S. A. Supp. 1965, 59-3029.

Note: Follow substantially form 39-A of the proceedings in the Estate of John Doe, Deceased, appearing in the July, 1956, issue of the Kansas Judicial Council Bulletin.

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(333)

**IN THE PROBATE COURT OF BLACKFOOT COUNTY, KANSAS**

In the Matter of the Guardianship and  
Conservatorship of Bill Young, a minor.

No. 3002

**ORDER ALLOWING FEES AND COSTS,  
APPROVING FINAL ACCOUNTING AND OF DISCHARGE**

On this 27th day of December, 1972, this matter is heard on the order of this court entered the 15th day of December, 1972, for the final accounting and discharge of Jim White, the conservator for Bill Young. Bill Young appears in person and by L. M. Law, his attorney. Jim White, the conservator, appears in person and by his attorney, Bill Solicitor.

Thereupon, on evidence presented, the court finds that the accounting of the conservator filed herein is true and correct and should be settled and allowed, and that such conservator has in his possession the following personal property, to wit:

The court further finds that the following fees should be allowed and taxed as part of the costs herein:

The following additional costs should be allowed:

The above costs are hereby assessed against the estate of Bill Young.

IT IS THEREFORE BY THE COURT ORDERED that the above fees and costs be paid; that the acts, proceedings and accounts of the conservator are hereby approved, settled and allowed; and that he pay the balance then in his hands, to wit: \$\_\_\_\_\_ to Bill Young, and deliver to Bill Young all other property.

Thereupon, receipts for the payment of such amounts and delivery of the property are filed with the court.

IT IS THEREFORE BY THE COURT ORDERED that Jim White be discharged as conservator, and that he and his surety be discharged from all further liabilities herein.

G. H. Wise  
 Probate Judge

(SEAL)

---

Reference: K. S. A. Supp. 1965, 59-3031.

Note: The statute requires the showing of the remaining personal property. A receipt from Bill Young showing that he has received his property should be filed as should a receipt from Jim White for allowance of conservator fees and from Bill Solicitor for attorney's fees. Follow substantially form 44 of the proceedings in the Estate of John Doe, Deceased, appearing in the July, 1956, issue of the Kansas Judicial Council Bulletin.

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