

**394.610 Right to disclaim succession.**

- (1) As used in this section, the "legal representative of a living person" includes the person's conservator, limited conservator, guardian, limited guardian, and attorney-in-fact.
- (2) A living person, or the legal representative of a living person, who is an heir, next of kin, devisee, legatee, joint tenant, person succeeding to a disclaimed interest, beneficiary under a testamentary instrument, or appointee under a power of appointment exercised by a testamentary instrument, may disclaim in whole or in part the right of succession to any property or interest therein, including a future interest, by filing a written disclaimer under KRS 394.610 to 394.670. The right to disclaim shall survive the death of the person having it and may be exercised by the personal representative of such person's estate without authorization of the court having jurisdiction over the estate of the person. The instrument shall:
  - (a) Describe the property or interest disclaimed;
  - (b) Declare the disclaimer and extent thereof; and
  - (c) Be signed by the disclaimant.
- (3) No disclaimer by a living person's legal representative, except for the person's attorney-in-fact, shall be made unless the court having jurisdiction of the estate of the disabled, incapacitated, or protected person has authorized the disclaimer. No disclaimer by the person's attorney-in-fact shall be made unless the instrument governing the attorney-in-fact's authority expressly authorizes a disclaimer.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 267, sec. 3, effective July 15, 1998. -- Amended 1980 Ky. Acts ch. 259, sec. 17, effective July 15, 1980. -- Created 1974 Ky. Acts ch. 329, sec. 1.