

First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0436.07 Chelsea Princell x4335

SENATE BILL 25-134

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SENATE SPONSORSHIP

Snyder,

HOUSE SPONSORSHIP

Soper and Espenoza,

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Senate Committees  
Judiciary

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE "UNIFORM GUARDIANSHIP, CONSERVATORSHIP,  
102 AND OTHER PROTECTIVE ARRANGEMENTS ACT".

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

**Colorado Commission on Uniform State Laws.** The bill repeals the "Uniform Guardianship and Protective Proceedings Act" and enacts the "Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act", drafted by the uniform law commission.

The bill provides guidance for guardians and conservators and clarifies how appointees must make decisions on behalf of a person under

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

guardianship or conservatorship.

The bill encourages the use of protective arrangements and less restrictive alternatives instead of conservatorship or guardianship if a person's needs can be met with support services and technology.

The bill expands the procedural rights for respondents to ensure that guardianships and conservatorships are only imposed when necessary.

The bill provides for expanded monitoring of guardians and conservators to ensure compliance with fiduciary duties and prevent exploitation.

The bill provides for visitation and communication rights for individuals subject to guardianship or conservatorship. This includes a limitation on a guardian's ability to prevent communication, visitation, or interactions between a person subject to guardianship and a third party.

The bill provides for protections to prevent exploitation of vulnerable individuals by allowing the court to restrict access to the respondent or the respondent's property by a specified person without imposing a guardianship or conservatorship.

The bill prohibits courts from establishing full guardianship or conservatorship if a limited guardianship or conservatorship would meet the respondent's needs, requires a petitioner seeking full guardianship or conservatorship to provide support to justify full guardianship or conservatorship, and requires courts to provide findings to support the imposition of full guardianship or conservatorship.

The bill updates provisions concerning minors subject to guardianship and provides for involvement of a minor in decisions that involve the minor.

The bill provides guidance for property management for individuals subject to guardianship.

The bill contains model forms for petitioners and respondents to use when filing petitions and notice with the court.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 14.7 to  
3 title 15 as follows:

4 **ARTICLE 14.7**

5 **Uniform Guardianship, Conservatorship,**  
6 **and Other Protective Arrangements Act**

7 **PART 1**



1 IN SECTION 15-14.7-210, 15-14.7-314, 15-14.7-414, OR 15-14.7-421 AND  
2 IS SUBJECT TO THE DUTIES AND LIMITATIONS OF THE GUARDIAN OR  
3 CONSERVATOR PURSUANT TO THIS ARTICLE 14.7.

4 (8) "FULL CONSERVATORSHIP" MEANS A CONSERVATORSHIP THAT  
5 GRANTS THE CONSERVATOR ALL POWERS AVAILABLE PURSUANT TO THIS  
6 ARTICLE 14.7.

7 (9) "FULL GUARDIANSHIP" MEANS A GUARDIANSHIP THAT GRANTS  
8 THE GUARDIAN ALL POWERS AVAILABLE PURSUANT TO THIS ARTICLE 14.7.

9 (10) "GUARDIAN" MEANS A PERSON APPOINTED BY THE COURT TO  
10 MAKE DECISIONS WITH RESPECT TO THE PERSONAL AFFAIRS OF AN  
11 INDIVIDUAL. THE TERM INCLUDES A CO-GUARDIAN BUT DOES NOT INCLUDE  
12 A GUARDIAN AD LITEM.

13 (11) "GUARDIAN AD LITEM" MEANS A PERSON APPOINTED TO  
14 INFORM THE COURT ABOUT, AND TO REPRESENT, THE NEEDS AND BEST  
15 INTEREST OF AN INDIVIDUAL.

16 (12) "INDIVIDUAL SUBJECT TO CONSERVATORSHIP" MEANS AN  
17 ADULT OR MINOR FOR WHOM A CONSERVATOR HAS BEEN APPOINTED  
18 PURSUANT TO THIS ARTICLE 14.7.

19 (13) "INDIVIDUAL SUBJECT TO GUARDIANSHIP" MEANS AN ADULT  
20 OR MINOR FOR WHOM A GUARDIAN HAS BEEN APPOINTED PURSUANT TO  
21 THIS ARTICLE 14.7.

22 (14) "LESS RESTRICTIVE ALTERNATIVE" MEANS AN APPROACH TO  
23 MEETING AN INDIVIDUAL'S NEEDS WHICH RESTRICTS FEWER RIGHTS OF THE  
24 INDIVIDUAL THAN WOULD THE APPOINTMENT OF A GUARDIAN OR  
25 CONSERVATOR. THE TERM INCLUDES SUPPORTED DECISION-MAKING,  
26 APPROPRIATE TECHNOLOGICAL ASSISTANCE, APPOINTMENT OF A  
27 REPRESENTATIVE PAYEE, AND APPOINTMENT OF AN AGENT BY THE

1 INDIVIDUAL, INCLUDING APPOINTMENT UNDER A POWER OF ATTORNEY FOR  
2 HEALTH CARE OR POWER OF ATTORNEY FOR FINANCES.

3 (15) "LETTERS OF OFFICE" MEANS A RECORD ISSUED BY A COURT  
4 CERTIFYING A GUARDIAN'S OR CONSERVATOR'S AUTHORITY TO ACT.

5 (16) "LIMITED CONSERVATORSHIP" MEANS A CONSERVATORSHIP  
6 THAT GRANTS THE CONSERVATOR LESS THAN ALL POWERS AVAILABLE  
7 PURSUANT TO THIS ARTICLE 14.7, GRANTS POWERS OVER ONLY CERTAIN  
8 PROPERTY, OR OTHERWISE RESTRICTS THE POWERS OF THE CONSERVATOR.

9 (17) "LIMITED GUARDIANSHIP" MEANS A GUARDIANSHIP THAT  
10 GRANTS THE GUARDIAN LESS THAN ALL POWERS AVAILABLE PURSUANT TO  
11 THIS ARTICLE 14.7 OR OTHERWISE RESTRICTS THE POWERS OF THE  
12 GUARDIAN.

13 (18) "MEMBER OF THE RESPONDENT'S SUPPORTIVE COMMUNITY"  
14 MEANS A PERSON WHO THE RESPONDENT ADULT HAS IDENTIFIED AND  
15 TRUSTS TO ENGAGE IN THE SUPPORTED DECISION-MAKING PROCESS  
16 CONCERNING THE RESPONDENT ADULT AND WHO UNDERSTANDS THE  
17 RESPONDENT ADULT'S DESIRES AND PERSONAL VALUES.

18 (19) "MINOR" MEANS AN UNEMANCIPATED INDIVIDUAL UNDER  
19 EIGHTEEN YEARS OF AGE.

20 (20) "MINOR SUBJECT TO CONSERVATORSHIP" MEANS A MINOR FOR  
21 WHOM A CONSERVATOR HAS BEEN APPOINTED PURSUANT TO THIS ARTICLE  
22 14.7.

23 (21) "MINOR SUBJECT TO GUARDIANSHIP" MEANS A MINOR FOR  
24 WHOM A GUARDIAN HAS BEEN APPOINTED PURSUANT TO THIS ARTICLE  
25 14.7.

26 (22) "PARENT" MEANS A PARENT WHOSE PARENTAL RIGHTS HAVE  
27 NOT BEEN TERMINATED.

1           (23) "PERSON" MEANS AN INDIVIDUAL, ESTATE, BUSINESS OR  
2 NONPROFIT ENTITY, PUBLIC CORPORATION, GOVERNMENT OR  
3 GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY, OR OTHER  
4 LEGAL ENTITY.

5           (24) "PERSON INTERESTED IN THE WELFARE OF" MEANS AN  
6 INTERESTED PERSON WITH REGARD TO THE WELL-BEING OF AN INDIVIDUAL  
7 SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP, OR OF A RESPONDENT  
8 IN A GUARDIANSHIP, CONSERVATORSHIP OR PROTECTIVE ARRANGEMENT  
9 PROCEEDING, WHO, WITH RESPECT TO THE MATTER UNDER  
10 CONSIDERATION, HAS A RELEVANT CONCERN THAT THE RELIEF REQUESTED  
11 IN THE MATTER OR OUTCOME OF THE MATTER IS REQUIRED FOR THE  
12 PROTECTION OF THE INDIVIDUAL'S HEALTH, SAFETY, WELFARE, OR ESTATE,  
13 OR MAY HAVE A HARMFUL EFFECT ON THE INDIVIDUAL'S HEALTH, SAFETY,  
14 WELFARE, OR ESTATE.

15           (25) "PROPERTY" INCLUDES TANGIBLE AND INTANGIBLE PROPERTY.

16           (26) "PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP"  
17 MEANS A COURT ORDER ENTERED PURSUANT TO SECTION 15-14.7-503.

18           (27) "PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP"  
19 MEANS A COURT ORDER ENTERED PURSUANT TO SECTION 15-14.7-502.

20           (28) "PROTECTIVE ARRANGEMENT PURSUANT TO PART 5 OF THIS  
21 ARTICLE 14.7" MEANS A COURT ORDER ENTERED PURSUANT TO SECTION  
22 15-14.7-502 OR 15-14.7-503.

23           (29) "RECORD", USED AS A NOUN, MEANS INFORMATION THAT IS  
24 INSCRIBED ON A TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC  
25 OR OTHER MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

26           (30) "RESPONDENT" MEANS AN INDIVIDUAL FOR WHOM  
27 APPOINTMENT OF A GUARDIAN OR CONSERVATOR OR A PROTECTIVE

1 ARRANGEMENT INSTEAD OF GUARDIANSHIP OR CONSERVATORSHIP IS  
2 SOUGHT.

3 (31) "SIGN" MEANS, WITH PRESENT INTENT TO AUTHENTICATE OR  
4 ADOPT A RECORD:

5 (a) TO EXECUTE OR ADOPT A TANGIBLE SYMBOL; OR

6 (b) TO ATTACH TO OR LOGICALLY ASSOCIATE WITH THE RECORD  
7 AN ELECTRONIC SYMBOL, SOUND, OR PROCESS.

8 (32) "STANDBY GUARDIAN" MEANS A PERSON APPOINTED BY THE  
9 COURT PURSUANT TO SECTION 15-14.7-207.

10 (33) "STATE" MEANS A STATE OF THE UNITED STATES, THE  
11 DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN  
12 ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE  
13 JURISDICTION OF THE UNITED STATES. THE TERM INCLUDES A FEDERALLY  
14 RECOGNIZED INDIAN TRIBE.

15 (34) "SUPPORTED DECISION MAKING" MEANS ASSISTANCE FROM  
16 ONE OR MORE PERSONS OF AN INDIVIDUAL'S CHOOSING IN UNDERSTANDING  
17 THE NATURE AND CONSEQUENCES OF POTENTIAL PERSONAL AND  
18 FINANCIAL DECISIONS, WHICH ENABLES THE INDIVIDUAL TO MAKE THE  
19 DECISIONS, AND IN COMMUNICATING A DECISION ONCE MADE IF  
20 CONSISTENT WITH THE INDIVIDUAL'S WISHES. THE TERM MAY INCLUDE  
21 SUPPORTED DECISION-MAKING AGREEMENTS, AS PROVIDED IN PART 8 OF  
22 ARTICLE 14 OF THIS TITLE 15.

23 **15-14.7-103. Supplemental principles of law and equity**  
24 **applicable.** UNLESS DISPLACED BY A PARTICULAR PROVISION OF THIS  
25 ARTICLE 14.7, THE PRINCIPLES OF LAW AND EQUITY SUPPLEMENT ITS  
26 PROVISIONS.

27 **15-14.7-104. Subject matter jurisdiction.** (1) EXCEPT TO THE

1 EXTENT JURISDICTION IS PRECLUDED BY THE "UNIFORM CHILD-CUSTODY  
2 JURISDICTION AND ENFORCEMENT ACT" PURSUANT TO ARTICLE 13 OF  
3 TITLE 14, THE COURT HAS JURISDICTION OVER A GUARDIANSHIP FOR A  
4 MINOR DOMICILED OR PRESENT IN THIS STATE. THE COURT HAS  
5 JURISDICTION OVER A CONSERVATORSHIP OR PROTECTIVE ARRANGEMENT  
6 INSTEAD OF CONSERVATORSHIP FOR A MINOR DOMICILED OR HAVING  
7 PROPERTY IN THIS STATE.

8 (2) THE COURT HAS JURISDICTION OVER A GUARDIANSHIP,  
9 CONSERVATORSHIP, OR PROTECTIVE ARRANGEMENT PURSUANT TO PART  
10 5 OF THIS ARTICLE 14.7 FOR AN ADULT AS PROVIDED IN THE "UNIFORM  
11 ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION  
12 ACT" PURSUANT TO ARTICLE 14.5 OF TITLE 15.

13 (3) AFTER NOTICE IS GIVEN IN A PROCEEDING FOR A  
14 GUARDIANSHIP, CONSERVATORSHIP, OR PROTECTIVE ARRANGEMENT  
15 PURSUANT TO PART 5 OF THIS ARTICLE 14.7 AND UNTIL TERMINATION OF  
16 THE PROCEEDING, THE COURT IN WHICH THE PETITION IS FILED HAS:

17 (a) EXCLUSIVE JURISDICTION TO DETERMINE THE NEED FOR THE  
18 GUARDIANSHIP, CONSERVATORSHIP, OR PROTECTIVE ARRANGEMENT;

19 (b) EXCLUSIVE JURISDICTION TO DETERMINE HOW PROPERTY OF  
20 THE RESPONDENT MUST BE MANAGED, EXPENDED, OR DISTRIBUTED TO OR  
21 FOR THE USE OF THE RESPONDENT, AN INDIVIDUAL WHO IS DEPENDENT IN  
22 FACT ON THE RESPONDENT, OR OTHER CLAIMANT;

23 (c) NONEXCLUSIVE JURISDICTION TO DETERMINE THE VALIDITY OF  
24 A CLAIM AGAINST THE RESPONDENT OR PROPERTY OF THE RESPONDENT OR  
25 A QUESTION OF TITLE CONCERNING THE PROPERTY; AND

26 (d) IF A GUARDIAN OR CONSERVATOR IS APPOINTED, EXCLUSIVE  
27 JURISDICTION OVER ISSUES RELATED TO ADMINISTRATION OF THE



1 GUARDIANSHIP OR CONSERVATORSHIP.

2 (e) A COURT THAT APPOINTS A GUARDIAN OR CONSERVATOR, OR  
3 AUTHORIZES A PROTECTIVE ARRANGEMENT PURSUANT TO PART 5 OF THIS  
4 ARTICLE 14.7, HAS EXCLUSIVE AND CONTINUING JURISDICTION OVER THE  
5 PROCEEDING UNTIL THE COURT TERMINATES THE PROCEEDING OR THE  
6 APPOINTMENT OR PROTECTIVE ARRANGEMENT EXPIRES BY ITS TERMS.

7 **15-14.7-105. Transfer of proceeding.** (1) THIS SECTION DOES  
8 NOT APPLY TO A GUARDIANSHIP OR CONSERVATORSHIP FOR AN ADULT  
9 WHO IS SUBJECT TO THE TRANSFER PROVISIONS PURSUANT TO PART 3 OF  
10 ARTICLE 14.5 OF TITLE 15 OF THE "UNIFORM ADULT GUARDIANSHIP AND  
11 PROTECTIVE PROCEEDINGS JURISDICTION ACT".

12 (2) AFTER APPOINTMENT OF A GUARDIAN OR CONSERVATOR, THE  
13 COURT THAT MADE THE APPOINTMENT MAY TRANSFER THE PROCEEDING  
14 TO A COURT IN ANOTHER COUNTY IN THIS STATE OR ANOTHER STATE IF  
15 TRANSFER IS IN THE BEST INTEREST OF THE INDIVIDUAL SUBJECT TO THE  
16 GUARDIANSHIP OR CONSERVATORSHIP.

17 (3) IF A PROCEEDING FOR A GUARDIANSHIP OR CONSERVATORSHIP  
18 IS PENDING IN ANOTHER STATE OR A FOREIGN COUNTRY AND A PETITION  
19 FOR GUARDIANSHIP OR CONSERVATORSHIP FOR THE SAME INDIVIDUAL IS  
20 FILED IN A COURT IN THIS STATE, THE COURT SHALL NOTIFY THE COURT IN  
21 THE OTHER STATE OR FOREIGN COUNTRY AND, AFTER CONSULTATION WITH  
22 THAT COURT, ASSUME OR DECLINE JURISDICTION, WHICHEVER IS IN THE  
23 BEST INTEREST OF THE RESPONDENT.

24 (4) A GUARDIAN OR CONSERVATOR APPOINTED IN ANOTHER STATE  
25 OR COUNTRY MAY PETITION THE COURT FOR APPOINTMENT AS A GUARDIAN  
26 OR CONSERVATOR IN THIS STATE FOR THE SAME INDIVIDUAL IF  
27 JURISDICTION IN THIS STATE IS OR WILL BE ESTABLISHED. THE

1 APPOINTMENT MAY BE MADE ON PROOF OF APPOINTMENT IN THE OTHER  
2 STATE OR FOREIGN COUNTRY AND PRESENTATION OF A CERTIFIED COPY OF  
3 THE PART OF THE COURT RECORD IN THE OTHER STATE OR COUNTRY  
4 SPECIFIED BY THE COURT IN THIS STATE.

5 (5) NOTICE OF HEARING ON A PETITION PURSUANT TO SUBSECTION  
6 (4) OF THIS SECTION, TOGETHER WITH A COPY OF THE PETITION, MUST BE  
7 GIVEN TO THE RESPONDENT, IF THE RESPONDENT IS AT LEAST TWELVE  
8 YEARS OF AGE AT THE TIME OF THE HEARING, AND TO THE PERSONS THAT  
9 WOULD BE ENTITLED TO NOTICE IF THE PROCEDURES FOR APPOINTMENT OF  
10 A GUARDIAN OR CONSERVATOR PURSUANT TO THIS ARTICLE 14.7 WERE  
11 APPLICABLE. THE COURT SHALL MAKE THE APPOINTMENT UNLESS IT  
12 DETERMINES THE APPOINTMENT WOULD NOT BE IN THE BEST INTEREST OF  
13 THE RESPONDENT.

14 (6) NOT LATER THAN FOURTEEN DAYS AFTER APPOINTMENT  
15 PURSUANT TO SUBSECTION (5) OF THIS SECTION, THE GUARDIAN OR  
16 CONSERVATOR SHALL GIVE A COPY OF THE ORDER OF APPOINTMENT TO  
17 THE INDIVIDUAL SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP, IF THE  
18 INDIVIDUAL IS AT LEAST TWELVE YEARS OF AGE, AND TO ALL PERSONS  
19 GIVEN NOTICE OF THE HEARING ON THE PETITION.

20 **15-14.7-106. Venue.** (1) VENUE FOR A GUARDIANSHIP  
21 PROCEEDING FOR A MINOR IS IN:

22 (a) THE COUNTY IN WHICH THE MINOR RESIDES OR IS PRESENT AT  
23 THE TIME THE PROCEEDING COMMENCES; OR

24 (b) THE COUNTY IN WHICH ANOTHER PROCEEDING CONCERNING  
25 THE CUSTODY OR PARENTAL RIGHTS OF THE MINOR IS PENDING.

26 (2) VENUE FOR A GUARDIANSHIP PROCEEDING OR PROTECTIVE  
27 ARRANGEMENT INSTEAD OF GUARDIANSHIP FOR AN ADULT IS IN:

1 (a) THE COUNTY IN WHICH THE RESPONDENT RESIDES;

2 (b) IF THE RESPONDENT HAS BEEN ADMITTED TO AN INSTITUTION  
3 BY COURT ORDER, THE COUNTY IN WHICH THE COURT IS LOCATED; OR

4 (c) IF THE PROCEEDING IS FOR APPOINTMENT OF AN EMERGENCY  
5 GUARDIAN FOR AN ADULT, THE COUNTY IN WHICH THE RESPONDENT IS  
6 PRESENT ON THE DATE THE PETITION IS FILED OR THE COUNTY IN WHICH  
7 THE RESPONDENT RESIDES IF THE COURT DETERMINES THAT THE COUNTY  
8 IN WHICH THE RESPONDENT RESIDES IS THE MOST APPROPRIATE VENUE.

9 (3) VENUE FOR A CONSERVATORSHIP PROCEEDING OR PROTECTIVE  
10 ARRANGEMENT INSTEAD OF CONSERVATORSHIP IS IN:

11 (a) THE COUNTY IN WHICH THE RESPONDENT RESIDES, WHETHER  
12 OR NOT A GUARDIAN HAS BEEN APPOINTED IN ANOTHER COUNTY OR OTHER  
13 JURISDICTION; OR

14 (b) IF THE RESPONDENT DOES NOT RESIDE IN THIS STATE, IN ANY  
15 COUNTY IN WHICH PROPERTY OF THE RESPONDENT IS LOCATED.

16 (4) IF PROCEEDINGS PURSUANT TO THIS ARTICLE 14.7 ARE  
17 BROUGHT IN MORE THAN ONE COUNTY, THE COURT OF THE COUNTY IN  
18 WHICH THE FIRST PROCEEDING IS BROUGHT HAS THE EXCLUSIVE RIGHT TO  
19 PROCEED UNLESS THE COURT DETERMINES VENUE IS PROPERLY IN  
20 ANOTHER COURT OR THE INTEREST OF JUSTICE OTHERWISE REQUIRES  
21 TRANSFER OF THE PROCEEDING.

22 **15-14.7-107. Practice in court.** (1) EXCEPT AS OTHERWISE  
23 PROVIDED IN THIS ARTICLE 14.7, THE RULES OF EVIDENCE AND CIVIL  
24 PROCEDURE, INCLUDING RULES CONCERNING APPELLATE REVIEW, GOVERN  
25 A PROCEEDING PURSUANT TO THIS ARTICLE 14.7.

26 (2) IF PROCEEDINGS FOR A GUARDIANSHIP, CONSERVATORSHIP, OR  
27 PROTECTIVE ARRANGEMENT PURSUANT TO PART 5 OF THIS ARTICLE 14.7

1 FOR THE SAME INDIVIDUAL ARE COMMENCED OR PENDING IN THE SAME  
2 COURT, THE PROCEEDINGS MAY BE CONSOLIDATED.

3 **15-14.7-108. Letters of office.** (1) THE COURT SHALL ISSUE  
4 LETTERS OF OFFICE TO A GUARDIAN ON FILING BY THE GUARDIAN OF AN  
5 ACKNOWLEDGMENT OF RESPONSIBILITIES THAT INCLUDES A STATEMENT  
6 THAT THE NOMINEE ACKNOWLEDGES AND UNDERSTANDS THAT IF THE  
7 NOMINEE FAILS TO FILE REQUIRED REPORTS WITH THE COURT OR FAILS TO  
8 RESPOND TO AN ORDER OF THE COURT TO SHOW CAUSE WHY THE NOMINEE  
9 SHOULD NOT BE HELD IN CONTEMPT OF COURT, THE LAWS OF THIS STATE  
10 AUTHORIZE THE COURT TO ACCESS DATA AND RECORDS OF STATE  
11 AGENCIES IN ORDER TO OBTAIN CONTACT INFORMATION FOR THE NOMINEE.

12 (2) THE COURT SHALL ISSUE LETTERS OF OFFICE TO A  
13 CONSERVATOR ON FILING BY THE CONSERVATOR OF AN  
14 ACKNOWLEDGMENT OF RESPONSIBILITIES THAT INCLUDES:

15 (a) A STATEMENT THAT THE NOMINEE ACKNOWLEDGES AND  
16 UNDERSTANDS THAT IF THE NOMINEE FAILS TO FILE REQUIRED REPORTS  
17 WITH THE COURT OR FAILS TO RESPOND TO AN ORDER OF THE COURT TO  
18 SHOW CAUSE WHY THE NOMINEE SHOULD NOT BE HELD IN CONTEMPT OF  
19 COURT, THE LAWS OF THIS STATE AUTHORIZE THE COURT TO ACCESS DATA  
20 AND RECORDS OF STATE AGENCIES IN ORDER TO OBTAIN CONTACT  
21 INFORMATION FOR THE NOMINEE; AND

22 (b) FILING OF ANY REQUIRED BOND OR COMPLIANCE WITH ANY  
23 OTHER ASSET PROTECTION ARRANGEMENT REQUIRED BY THE COURT.

24 **15-14.7-109. Effect of acceptance of appointment.** UPON THE  
25 FILING OF AN ACCEPTANCE OF APPOINTMENT, A GUARDIAN OR  
26 CONSERVATOR SUBMITS TO PERSONAL JURISDICTION OF THE COURT IN THIS  
27 STATE IN ANY PROCEEDING RELATING TO THE GUARDIANSHIP OR

1 CONSERVATORSHIP.

2 **15-14.7-110. Co-guardian and co-conservator.** (1) AT ANY  
3 TIME, THE COURT MAY APPOINT A CO-GUARDIAN OR CO-CONSERVATOR TO  
4 SERVE IMMEDIATELY OR WHEN A DESIGNATED EVENT OCCURS. AT LEAST  
5 ONE OF THE CO-GUARDIANS OR CO-CONSERVATORS APPOINTED BY THE  
6 COURT MUST BE A FIDUCIARY, AS DEFINED IN SECTION 15-1-103.

7 (2) A CO-GUARDIAN OR CO-CONSERVATOR APPOINTED TO SERVE  
8 IMMEDIATELY MAY ACT WHEN THAT CO-GUARDIAN OR CO-CONSERVATOR  
9 COMPLIES WITH SECTION 15-14.7-108.

10 (3) A CO-GUARDIAN OR CO-CONSERVATOR APPOINTED TO SERVE  
11 WHEN A DESIGNATED EVENT OCCURS MAY ACT WHEN:

12 (a) THE EVENT OCCURS; AND

13 (b) THE CO-GUARDIAN OR CO-CONSERVATOR COMPLIES WITH  
14 SECTION 15-14.7-108.

15 (4) UNLESS AN ORDER OF APPOINTMENT PURSUANT TO SUBSECTION  
16 (1) OF THIS SECTION OR SUBSEQUENT ORDER STATES OTHERWISE,  
17 CO-GUARDIANS OR CO-CONSERVATORS MUST MAKE DECISIONS JOINTLY.

18 **15-14.7-111. Judicial appointment of successor guardian or**  
19 **successor conservator.** (1) AT ANY TIME, THE COURT MAY APPOINT A  
20 SUCCESSOR GUARDIAN OR SUCCESSOR CONSERVATOR TO SERVE  
21 IMMEDIATELY OR WHEN A DESIGNATED EVENT OCCURS.

22 (2) A PERSON ENTITLED PURSUANT TO SECTION 15-14.7-202 OR  
23 15-14.7-302 TO PETITION THE COURT TO APPOINT A GUARDIAN MAY  
24 PETITION THE COURT TO APPOINT A SUCCESSOR GUARDIAN. A PERSON  
25 ENTITLED PURSUANT TO SECTION 15-14.7-402 TO PETITION THE COURT TO  
26 APPOINT A CONSERVATOR MAY PETITION THE COURT TO APPOINT A  
27 SUCCESSOR CONSERVATOR.

1           (3) A SUCCESSOR GUARDIAN OR SUCCESSOR CONSERVATOR  
2 APPOINTED TO SERVE WHEN A DESIGNATED EVENT OCCURS MAY ACT AS  
3 GUARDIAN OR CONSERVATOR WHEN:

4           (a) THE EVENT OCCURS; AND

5           (b) THE SUCCESSOR COMPLIES WITH SECTION 15-14.7-108.

6           (4) A SUCCESSOR GUARDIAN OR SUCCESSOR CONSERVATOR HAS  
7 THE PREDECESSOR'S POWERS UNLESS OTHERWISE PROVIDED BY THE  
8 COURT.

9           **15-14.7-112. Effect of death, removal, or resignation of**  
10 **guardian or conservator.** (1) APPOINTMENT OF A GUARDIAN OR  
11 CONSERVATOR TERMINATES ON THE DEATH OR REMOVAL OF THE  
12 GUARDIAN OR CONSERVATOR, OR WHEN THE COURT APPROVES A  
13 RESIGNATION OF THE GUARDIAN OR CONSERVATOR PURSUANT TO  
14 SUBSECTION (2) OF THIS SECTION.

15           (2) A GUARDIAN OR CONSERVATOR MUST PETITION THE COURT TO  
16 RESIGN. THE PETITION MAY INCLUDE A REQUEST THAT THE COURT APPOINT  
17 A SUCCESSOR. RESIGNATION OF A GUARDIAN OR CONSERVATOR IS  
18 EFFECTIVE ON THE DATE THE RESIGNATION IS APPROVED BY THE COURT.

19           (3) DEATH, REMOVAL, OR RESIGNATION OF A GUARDIAN OR  
20 CONSERVATOR DOES NOT AFFECT LIABILITY FOR A PREVIOUS ACT OR THE  
21 OBLIGATION TO ACCOUNT FOR:

22           (a) AN ACTION TAKEN ON BEHALF OF THE INDIVIDUAL SUBJECT TO  
23 GUARDIANSHIP OR CONSERVATORSHIP; OR

24           (b) THE INDIVIDUAL'S FUNDS OR OTHER PROPERTY.

25           **15-14.7-113. Notice of hearing generally.** (1) EXCEPT AS  
26 OTHERWISE PROVIDED IN SECTIONS 15-14.7-203, 15-14.7-207,  
27 15-14.7-303, 15-14.7-403, AND 15-14.7-505, IF NOTICE OF A HEARING

1 PURSUANT TO THIS ARTICLE 14.7 IS REQUIRED, THE MOVANT MUST GIVE  
2 NOTICE, PURSUANT TO SECTION 15-10-401, OF THE DATE, TIME, AND PLACE  
3 OF THE HEARING TO THE PERSON TO BE NOTIFIED UNLESS OTHERWISE  
4 ORDERED BY THE COURT FOR GOOD CAUSE. EXCEPT AS OTHERWISE  
5 PROVIDED IN THIS ARTICLE 14.7, NOTICE MUST BE PROVIDED IN  
6 COMPLIANCE WITH COLORADO RULES OF PROBATE PROCEDURE AT LEAST  
7 FOURTEEN DAYS BEFORE THE HEARING.

8 (2) PROOF OF NOTICE OF A HEARING PURSUANT TO THIS ARTICLE  
9 14.7 MUST BE MADE BEFORE OR AT THE HEARING AND FILED IN THE  
10 PROCEEDING.

11 (3) NOTICE OF A HEARING PURSUANT TO THIS ARTICLE 14.7 MUST  
12 BE IN AT LEAST SIXTEEN-POINT FONT, IN PLAIN LANGUAGE, AND, TO THE  
13 EXTENT FEASIBLE, IN A LANGUAGE IN WHICH THE PERSON TO BE NOTIFIED  
14 IS PROFICIENT.

15 **15-14.7-114. Waiver of notice.** (1) EXCEPT AS OTHERWISE  
16 PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON MAY WAIVE  
17 NOTICE PURSUANT TO THIS ARTICLE 14.7 IN A RECORD SIGNED BY THE  
18 PERSON OR PERSON'S ATTORNEY AND FILED IN THE PROCEEDING.

19 (2) A RESPONDENT, INDIVIDUAL SUBJECT TO GUARDIANSHIP,  
20 INDIVIDUAL SUBJECT TO CONSERVATORSHIP, OR INDIVIDUAL SUBJECT TO  
21 A PROTECTIVE ARRANGEMENT PURSUANT TO PART 5 OF THIS ARTICLE 14.7  
22 MAY NOT WAIVE NOTICE PURSUANT TO THIS ARTICLE 14.7.

23 **15-14.7-115. Guardian ad litem.** AT ANY TIME, THE COURT MAY  
24 APPOINT A GUARDIAN AD LITEM FOR AN INDIVIDUAL IF THE COURT  
25 DETERMINES THE INDIVIDUAL'S INTEREST OTHERWISE WOULD NOT BE  
26 ADEQUATELY REPRESENTED. IF NO CONFLICT OF INTEREST EXISTS, A  
27 GUARDIAN AD LITEM MAY BE APPOINTED TO REPRESENT MULTIPLE

1 INDIVIDUALS OR INTERESTS. THE GUARDIAN AD LITEM MAY NOT BE THE  
2 SAME INDIVIDUAL AS THE ATTORNEY REPRESENTING THE RESPONDENT.  
3 THE COURT SHALL STATE THE DUTIES OF THE GUARDIAN AD LITEM AND  
4 THE REASONS FOR THE APPOINTMENT.

5 **15-14.7-116. Request for notice.** (1) A PERSON MAY FILE A  
6 REQUEST FOR NOTICE WITH THE COURT PURSUANT TO THIS ARTICLE 14.7  
7 IF THE PERSON IS:

- 8 (a) NOT OTHERWISE ENTITLED TO NOTICE; AND
- 9 (b) INTERESTED IN THE WELFARE OF A RESPONDENT, THE  
10 INDIVIDUAL SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP, OR THE  
11 INDIVIDUAL SUBJECT TO A PROTECTIVE ARRANGEMENT PURSUANT TO PART  
12 5 OF THIS ARTICLE 14.7.

13 (2) A REQUEST PURSUANT TO SUBSECTION (1) OF THIS SECTION  
14 MUST INCLUDE A STATEMENT SHOWING THE INTEREST OF THE PERSON  
15 MAKING THE REQUEST AND THE ADDRESS OF THE PERSON OR AN ATTORNEY  
16 FOR THE PERSON TO WHOM NOTICE IS TO BE GIVEN.

17 (3) IF THE COURT RECEIVES A REQUEST PURSUANT TO SUBSECTION  
18 (1) OF THIS SECTION, THE COURT MUST SERVE NOTICE OF THE RECEIPT TO  
19 THE GUARDIAN OR CONSERVATOR, IF ONE HAS BEEN APPOINTED, OR THE  
20 RESPONDENT AND THE RESPONDENT'S ATTORNEY IF NO GUARDIAN OR  
21 CONSERVATOR HAS BEEN APPOINTED, AND ANY OTHER PERSON THE COURT  
22 DETERMINES.

23 (4) IF THE COURT DOES NOT RECEIVE AN OBJECTION TO THE  
24 REQUEST FOR NOTICE WITHIN FOURTEEN DAYS AFTER THE REQUEST IS  
25 FILED, THE COURT MAY APPROVE OR DENY THE REQUEST FOR GOOD CAUSE.  
26 IF THE COURT RECEIVES AN OBJECTION TO THE REQUEST FOR NOTICE  
27 WITHIN FOURTEEN DAYS AFTER THE REQUEST IS FILED, THE COURT MUST



1 HOLD A HEARING BEFORE GRANTING APPROVAL OR DENIAL OF THE  
2 REQUEST.

3 **15-14.7-117. Disclosure of bankruptcy or criminal history.**

4 (1) A PETITION FOR APPOINTMENT OF A GUARDIAN OR CONSERVATOR  
5 MUST BE FILED WITH AN ACCEPTANCE OF APPOINTMENT SIGNED BY THE  
6 PERSON NOMINATED FOR APPOINTMENT AS A GUARDIAN OR CONSERVATOR  
7 THAT DISCLOSES TO THE COURT WHETHER THE PERSON:

8 (a) IS OR HAS BEEN A DEBTOR IN A BANKRUPTCY, INSOLVENCY, OR  
9 RECEIVERSHIP PROCEEDING;

10 (b) HAS BEEN CONVICTED OF, PLED NOLO CONTENDERE TO, OR  
11 RECEIVED A DEFERRED SENTENCE FOR A FELONY OR MISDEMEANOR, AND,  
12 IF SO, THE NAME OF THE STATE AND COURT ISSUING THE ORDER;

13 (c) HAS HAD A TEMPORARY CIVIL PROTECTION ORDER, TEMPORARY  
14 RESTRAINING ORDER, PERMANENT CIVIL PROTECTION ORDER, OR  
15 PERMANENT RESTRAINING ORDER ISSUED AGAINST THE PERSON IN THIS  
16 STATE OR ANOTHER STATE AT ANY TIME;

17 (d) HAS A CIVIL JUDGMENT ENTERED AGAINST THEM AND, IF SO,  
18 THE NAME OF THE COURT GRANTING THE JUDGMENT; AND

19 (e) HAS BEEN RELIEVED OF ANY COURT-APPOINTED  
20 RESPONSIBILITIES AND, IF SO, THE NAME OF THE COURT RELIEVING THE  
21 PERSON.

22 (2) IN SUPPORT OF THE STATEMENT SET FORTH IN THE ACCEPTANCE  
23 OF THE OFFICE PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE  
24 PERSON SHALL:

25 (a) OBTAIN, AND ATTACH TO THE ACCEPTANCE OF OFFICE, A  
26 NAME-BASED CRIMINAL HISTORY RECORD CHECK THROUGH THE  
27 COLORADO BUREAU OF INVESTIGATION. THE PERSON IS RESPONSIBLE FOR

1 THE COST OF THE NAME-BASED CRIMINAL HISTORY RECORD CHECK; AND

2 (b) OBTAIN, AND ATTACH TO THE ACCEPTANCE OF OFFICE, A  
3 CURRENT CREDIT REPORT OF THE PERSON. THE PERSON IS RESPONSIBLE  
4 FOR THE COST OF THE CREDIT REPORT.

5 (3) THE REQUIREMENTS IN SUBSECTIONS (1) AND (2) OF THIS  
6 SECTION DO NOT APPLY TO THE FOLLOW PEOPLE:

7 (a) A PUBLIC ADMINISTRATOR NOMINATED AS A GUARDIAN OR  
8 CONSERVATOR;

9 (b) A TRUST COMPANY NOMINATED AS A GUARDIAN OR  
10 CONSERVATOR;

11 (c) A BANK NOMINATED AS A GUARDIAN OR CONSERVATOR;

12 (d) A CREDIT UNION, SAVINGS AND LOAN ASSOCIATION, OR OTHER  
13 FINANCIAL INSTITUTION NOMINATED AS A GUARDIAN OR CONSERVATOR  
14 PURSUANT TO STATE LAW;

15 (e) A STATE OR COUNTY AGENCY NOMINATED AS A GUARDIAN OR  
16 CONSERVATOR PURSUANT TO STATE LAW;

17 (f) A CHILD'S PARENT WHO IS NOMINATED AS A GUARDIAN OR  
18 CONSERVATOR OF THE CHILD; OR

19 (g) ANY OTHER PERSON OR ENTITY THAT THE COURT, WITH GOOD  
20 CAUSE SHOWN, DETERMINES THAT THE REQUIREMENTS DO NOT APPLY TO.

21 (4) A GUARDIAN OR CONSERVATOR THAT ENGAGES OR  
22 ANTICIPATES ENGAGING ANOTHER PERSON THE GUARDIAN OR  
23 CONSERVATOR KNOWS HAS BEEN CONVICTED OF A FELONY, A CRIME  
24 INVOLVING DISHONESTY, NEGLIGENCE, VIOLENCE, OR USE OF PHYSICAL FORCE,  
25 OR OTHER CRIME RELEVANT TO THE FUNCTIONS THE OTHER PERSON IS  
26 BEING ENGAGED TO PERFORM PROMPTLY MUST DISCLOSE THAT  
27 KNOWLEDGE TO THE COURT.

1           (5) IF A CONSERVATOR ENGAGES OR ANTICIPATES ENGAGING  
2 ANOTHER PERSON TO MANAGE FINANCES OF THE INDIVIDUAL SUBJECT TO  
3 CONSERVATORSHIP AND KNOWS THE OTHER PERSON IS OR HAS BEEN A  
4 DEBTOR IN A BANKRUPTCY, INSOLVENCY, OR RECEIVERSHIP PROCEEDING,  
5 THE CONSERVATOR PROMPTLY SHALL DISCLOSE THAT KNOWLEDGE TO THE  
6 COURT.

7           **15-14.7-118. Multiple nominations.** IF A RESPONDENT OR OTHER  
8 PERSON MAKES MORE THAN ONE NOMINATION OF A GUARDIAN OR  
9 CONSERVATOR, THE LATEST IN TIME GOVERNS.

10           **15-14.7-119. (Reserved)**

11           **15-14.7-120. (Reserved)**

12           **15-14.7-121. Liability of guardian or conservator for act of**  
13 **individual subject to guardianship or conservatorship.** A GUARDIAN  
14 OR CONSERVATOR IS NOT PERSONALLY LIABLE TO ANOTHER PERSON  
15 SOLELY BECAUSE OF THE GUARDIANSHIP OR CONSERVATORSHIP FOR AN  
16 ACT OR OMISSION OF THE INDIVIDUAL SUBJECT TO GUARDIANSHIP OR  
17 CONSERVATORSHIP.

18           **15-14.7-122. Petition after appointment for instruction or**  
19 **ratification.** (1) A GUARDIAN OR CONSERVATOR MAY PETITION THE  
20 COURT FOR INSTRUCTION CONCERNING FIDUCIARY RESPONSIBILITY OR  
21 RATIFICATION OF A PARTICULAR ACT RELATED TO THE GUARDIANSHIP OR  
22 CONSERVATORSHIP.

23           (2) ON NOTICE AND HEARING ON A PETITION PURSUANT TO  
24 SUBSECTION (1) OF THIS SECTION, THE COURT MAY GIVE INSTRUCTION AND  
25 ISSUE AN APPROPRIATE ORDER.

26           **15-14.7-123. Use of delegatee by guardian.** (1) A GUARDIAN  
27 MAY NOT DELEGATE ALL OF THE DUTIES OR POWERS TO A DELEGATEE OR

1 ANOTHER GUARDIAN, BUT A GUARDIAN MAY OTHERWISE DELEGATE THE  
2 PERFORMANCE OF FUNCTIONS TO A QUALIFIED PERSON OF COMPARABLE  
3 SKILLS.

4 (2) THE GUARDIAN SHALL EXERCISE REASONABLE CARE, SKILL,  
5 AND CAUTION IN:

6 (a) SELECTING A DELEGATEE;

7 (b) ESTABLISHING THE SCOPE AND TERMS OF A DELEGATION,  
8 CONSISTENT WITH THE PURPOSES AND TERMS OF THE GUARDIANSHIP;

9 (c) PERIODICALLY REVIEWING A DELEGATEE'S OVERALL  
10 PERFORMANCE AND COMPLIANCE WITH THE TERMS OF THE DELEGATION;  
11 AND

12 (d) REDRESSING AN ACTION OR DECISION OF A DELEGATEE THAT  
13 WOULD CONSTITUTE A BREACH OF FIDUCIARY DUTY OR IMPROPER  
14 CONDUCT, IF PERFORMED BY THE GUARDIAN.

15 (3) A GUARDIAN WHO COMPLIES WITH SUBSECTIONS (1) AND (2) OF  
16 THIS SECTION IS NOT LIABLE TO THE INDIVIDUAL SUBJECT TO  
17 GUARDIANSHIP OR TO THE ESTATE OR TO THE INDIVIDUAL SUBJECT TO  
18 GUARDIANSHIP'S SUCCESSORS FOR THE DECISIONS OR ACTIONS OF THE  
19 DELEGATEE TO WHOM A FUNCTION WAS DELEGATED.

20 (4) IN PERFORMING A DELEGATED FUNCTION, A DELEGATEE SHALL  
21 EXERCISE REASONABLE CARE TO COMPLY WITH THE TERMS OF THE  
22 DELEGATION.

23 (5) BY ACCEPTING A DELEGATION FROM A GUARDIAN SUBJECT TO  
24 THE LAWS OF THIS STATE, A DELEGATEE SUBMITS TO THE JURISDICTION OF  
25 THE COURTS OF THIS STATE.

26 **15-14.7-124. Use of delegatee by conservator.** (1) A  
27 CONSERVATOR MAY NOT DELEGATE THE ENTIRE ADMINISTRATION OF THE

1 ESTATE TO A DELEGATEE OR ANOTHER CONSERVATOR, BUT A  
2 CONSERVATOR MAY OTHERWISE DELEGATE THE PERFORMANCE OF  
3 FUNCTIONS THAT A PRUDENT TRUSTEE OF COMPARABLE SKILLS MAY  
4 DELEGATE UNDER SIMILAR CIRCUMSTANCES.

5 (2) THE CONSERVATOR SHALL EXERCISE REASONABLE CARE, SKILL,  
6 AND CAUTION IN:

7 (a) SELECTING A DELEGATEE;

8 (b) ESTABLISHING THE SCOPE AND TERMS OF A DELEGATION,  
9 CONSISTENT WITH THE PURPOSES AND TERMS OF A CONSERVATORSHIP;

10 (c) PERIODICALLY REVIEWING A DELEGATEE'S OVERALL  
11 PERFORMANCE AND COMPLIANCE WITH THE TERMS OF THE DELEGATION;  
12 AND

13 (d) REDRESSING AN ACTION OR DECISION OF A DELEGATEE THAT  
14 WOULD CONSTITUTE A BREACH OF TRUST IF PERFORMED BY THE  
15 CONSERVATOR.

16 (3) A CONSERVATOR WHO COMPLIES WITH SUBSECTIONS (1) AND  
17 (2) OF THIS SECTION IS NOT LIABLE TO THE PROTECTED PERSON OR TO THE  
18 ESTATE OR TO THE PROTECTED PERSON'S SUCCESSORS FOR THE DECISIONS  
19 OR ACTIONS OF THE DELEGATEE TO WHOM A FUNCTION WAS DELEGATED.

20 (4) IN PERFORMING A DELEGATED FUNCTION, A DELEGATEE SHALL  
21 EXERCISE REASONABLE CARE TO COMPLY WITH THE TERMS OF THE  
22 DELEGATION.

23 (5) BY ACCEPTING A DELEGATION FROM A CONSERVATOR SUBJECT  
24 TO THE LAWS OF THIS STATE, A DELEGATEE SUBMITS TO THE JURISDICTION  
25 OF THE COURTS OF THIS STATE.

26 **15-14.7-125. Temporary substitute guardian or conservator.**

27 (1) THE COURT MAY APPOINT A TEMPORARY SUBSTITUTE GUARDIAN FOR

1 AN INDIVIDUAL SUBJECT TO GUARDIANSHIP FOR A PERIOD NOT EXCEEDING  
2 SIX MONTHS IF:

3 (a) A PROCEEDING TO REMOVE A GUARDIAN FOR THE INDIVIDUAL  
4 IS PENDING; OR

5 (b) THE COURT FINDS A GUARDIAN IS NOT EFFECTIVELY  
6 PERFORMING THE GUARDIAN'S DUTIES AND THE WELFARE OF THE  
7 INDIVIDUAL REQUIRES IMMEDIATE ACTION.

8 (2) THE COURT MAY APPOINT A TEMPORARY SUBSTITUTE  
9 CONSERVATOR FOR AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP FOR A  
10 PERIOD NOT EXCEEDING SIX MONTHS IF:

11 (a) A PROCEEDING TO REMOVE A CONSERVATOR FOR THE  
12 INDIVIDUAL IS PENDING; OR

13 (b) THE COURT FINDS THAT A CONSERVATOR FOR THE INDIVIDUAL  
14 IS NOT EFFECTIVELY PERFORMING THE CONSERVATOR'S DUTIES AND THE  
15 WELFARE OF THE INDIVIDUAL OR THE CONSERVATORSHIP ESTATE  
16 REQUIRES IMMEDIATE ACTION.

17 (3) EXCEPT AS OTHERWISE ORDERED BY THE COURT, A TEMPORARY  
18 SUBSTITUTE GUARDIAN OR TEMPORARY SUBSTITUTE CONSERVATOR  
19 APPOINTED PURSUANT TO THIS SECTION HAS THE POWERS STATED IN THE  
20 ORDER OF APPOINTMENT OF THE GUARDIAN OR CONSERVATOR. THE  
21 AUTHORITY OF THE EXISTING GUARDIAN OR CONSERVATOR IS SUSPENDED  
22 FOR AS LONG AS THE TEMPORARY SUBSTITUTE GUARDIAN OR  
23 CONSERVATOR HAS AUTHORITY.

24 (4) THE COURT SHALL GIVE NOTICE, PURSUANT TO SECTION  
25 15-10-401, OF APPOINTMENT OF A TEMPORARY SUBSTITUTE GUARDIAN OR  
26 TEMPORARY SUBSTITUTE CONSERVATOR, NO LATER THAN FIVE DAYS  
27 AFTER THE APPOINTMENT, TO:

1 (a) THE INDIVIDUAL SUBJECT TO GUARDIANSHIP OR  
2 CONSERVATORSHIP;

3 (b) THE AFFECTED GUARDIAN OR CONSERVATOR; AND

4 (c) IN THE CASE OF A MINOR, EACH PARENT OF THE MINOR AND ANY  
5 PERSON CURRENTLY HAVING CARE OR CUSTODY OF THE MINOR.

6 (5) THE COURT MAY REMOVE A TEMPORARY SUBSTITUTE  
7 GUARDIAN OR TEMPORARY SUBSTITUTE CONSERVATOR AT ANY TIME. THE  
8 TEMPORARY SUBSTITUTE GUARDIAN OR TEMPORARY SUBSTITUTE  
9 CONSERVATOR SHALL MAKE ANY REPORT THE COURT REQUIRES.

10 **15-14.7-126. Registration of order - effect.** (1) IF A GUARDIAN  
11 HAS BEEN APPOINTED IN ANOTHER STATE FOR AN INDIVIDUAL, AND A  
12 PETITION FOR GUARDIANSHIP FOR THE INDIVIDUAL IS NOT PENDING IN THIS  
13 STATE, THE GUARDIAN APPOINTED IN THE OTHER STATE, AFTER GIVING  
14 NOTICE TO THE APPOINTING COURT, MAY REGISTER THE GUARDIANSHIP  
15 ORDER IN THIS STATE BY FILING AS A FOREIGN JUDGMENT, IN A COURT OF  
16 AN APPROPRIATE COUNTY OF THIS STATE, CERTIFIED COPIES OF THE ORDER  
17 AND LETTERS OF OFFICE.

18 (2) IF A CONSERVATOR HAS BEEN APPOINTED IN ANOTHER STATE  
19 FOR AN INDIVIDUAL, AND A PETITION FOR CONSERVATORSHIP FOR THE  
20 INDIVIDUAL IS NOT PENDING IN THIS STATE, THE CONSERVATOR APPOINTED  
21 FOR THE INDIVIDUAL IN THE OTHER STATE, AFTER GIVING NOTICE TO THE  
22 APPOINTING COURT, MAY REGISTER THE CONSERVATORSHIP IN THIS STATE  
23 BY FILING AS A FOREIGN JUDGMENT, IN A COURT OF A COUNTY IN WHICH  
24 PROPERTY BELONGING TO THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP  
25 IS LOCATED, CERTIFIED COPIES OF THE ORDER OF CONSERVATORSHIP,  
26 LETTERS OF OFFICE, AND ANY BOND OR OTHER ASSET PROTECTION  
27 ARRANGEMENT REQUIRED BY THE COURT.

1           (3) ON REGISTRATION PURSUANT TO THIS SECTION OF A  
2 GUARDIANSHIP OR CONSERVATORSHIP ORDER FROM ANOTHER STATE, THE  
3 GUARDIAN OR CONSERVATOR MAY EXERCISE IN THIS STATE ALL POWERS  
4 AUTHORIZED IN THE ORDER EXCEPT AS PROHIBITED BY THIS ARTICLE 14.7  
5 AND LAW OF THIS STATE OTHER THAN THIS ARTICLE 14.7. IF THE  
6 GUARDIAN OR CONSERVATOR IS NOT A RESIDENT OF THIS STATE, THE  
7 GUARDIAN OR CONSERVATOR MAY MAINTAIN AN ACTION OR PROCEEDING  
8 IN THIS STATE SUBJECT TO ANY CONDITION IMPOSED BY THIS STATE ON AN  
9 ACTION OR PROCEEDING BY A NONRESIDENT PARTY.

10           (4) THE COURT MAY GRANT ANY RELIEF AVAILABLE PURSUANT TO  
11 THIS ARTICLE 14.7 AND LAW OF THIS STATE OTHER THAN THIS ARTICLE  
12 14.7 TO ENFORCE AN ORDER REGISTERED PURSUANT TO THIS SECTION.

13           **15-14.7-127. Grievance against guardian or conservator.**

14           (1) AN INDIVIDUAL WHO IS SUBJECT TO GUARDIANSHIP OR  
15 CONSERVATORSHIP, OR PERSON INTERESTED IN THE WELFARE OF AN  
16 INDIVIDUAL SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP, WHO  
17 REASONABLY BELIEVES THE GUARDIAN OR CONSERVATOR IS BREACHING  
18 THE GUARDIAN'S OR CONSERVATOR'S FIDUCIARY DUTY OR OTHERWISE  
19 ACTING IN A MANNER INCONSISTENT WITH THIS ARTICLE 14.7 MAY FILE A  
20 GRIEVANCE IN A RECORD WITH THE COURT.

21           (2) SUBJECT TO SUBSECTION (3) OF THIS SECTION, AFTER  
22 RECEIVING A GRIEVANCE PURSUANT TO SUBSECTION (1) OF THIS SECTION,  
23 THE COURT:

24           (a) SHALL REVIEW THE GRIEVANCE AND, IF NECESSARY TO  
25 DETERMINE THE APPROPRIATE RESPONSE, COURT RECORDS RELATED TO  
26 THE GUARDIANSHIP OR CONSERVATORSHIP; AND

27           (b) SHALL TAKE ACTION, IF APPROPRIATE, PURSUANT TO ITS



1 AUTHORITY PURSUANT SECTION 15-10-503.

2 (3) THE INITIAL REVIEW REQUIRED PURSUANT TO SUBSECTION  
3 (2)(a) OF THIS SECTION AND ANY ACTION PURSUANT TO SUBSECTION (2)(b)  
4 OF THIS SECTION THAT DOES NOT REQUIRE A COURT ORDER FROM A JUDGE  
5 OR MAGISTRATE MAY BE CONDUCTED BY APPROPRIATE COURT STAFF.

6 (4) THE COURT MAY DECLINE TO ACT PURSUANT TO SUBSECTION  
7 (2) OF THIS SECTION IF A SIMILAR GRIEVANCE WAS FILED WITHIN THE SIX  
8 MONTHS PRECEDING THE FILING OF THE CURRENT GRIEVANCE AND THE  
9 COURT FOLLOWED THE PROCEDURES OF SUBSECTION (2) OF THIS SECTION  
10 IN CONSIDERING THE EARLIER GRIEVANCE.

11 PART 2

12 GUARDIANSHIP OF A MINOR

13 **15-14.7-201. Basis for appointment of guardian for a minor.**

14 (1) A PERSON BECOMES A GUARDIAN FOR A MINOR ONLY UPON  
15 APPOINTMENT BY THE COURT.

16 (2) THE COURT MAY APPOINT A GUARDIAN FOR A MINOR WHO DOES  
17 NOT HAVE A GUARDIAN IF THE COURT FINDS THE APPOINTMENT IS IN THE  
18 MINOR'S BEST INTEREST AND:

19 (a) EACH PARENT OF THE MINOR, AFTER BEING FULLY INFORMED  
20 OF THE NATURE AND CONSEQUENCES OF GUARDIANSHIP, CONSENTS;

21 (b) ALL PARENTAL RIGHTS HAVE BEEN TERMINATED; OR

22 (c) THERE IS CLEAR AND CONVINCING EVIDENCE THAT NO PARENT  
23 OF THE MINOR IS WILLING OR ABLE TO EXERCISE THE POWERS THE COURT  
24 IS GRANTING THE GUARDIAN.

25 **15-14.7-202. Petition for appointment of guardian for a minor.**

26 (1) A PERSON INTERESTED IN THE WELFARE OF A MINOR, INCLUDING THE  
27 MINOR, MAY PETITION FOR APPOINTMENT OF A GUARDIAN FOR THE MINOR.

1           (2) A PETITION PURSUANT TO SUBSECTION (1) OF THIS SECTION  
2 MUST STATE THE PETITIONER'S NAME; PRINCIPAL RESIDENCE; CURRENT  
3 STREET ADDRESS, IF DIFFERENT; RELATIONSHIP TO THE MINOR; INTEREST  
4 IN THE APPOINTMENT; THE NAME AND ADDRESS OF ANY ATTORNEY  
5 REPRESENTING THE PETITIONER; AND, TO THE EXTENT KNOWN, THE  
6 FOLLOWING:

7           (a) THE MINOR'S NAME; AGE; PRINCIPAL RESIDENCE; CURRENT  
8 STREET ADDRESS, IF DIFFERENT; AND, IF DIFFERENT, ADDRESS OF THE  
9 DWELLING IN WHICH IT IS PROPOSED THE MINOR WILL RESIDE IF THE  
10 APPOINTMENT IS MADE;

11           (b) THE NAME AND CURRENT STREET ADDRESS OF EACH OF THE  
12 MINOR'S PARENTS;

13           (c) THE NAME AND ADDRESS, IF KNOWN, OF EACH PERSON THAT  
14 HAD PRIMARY CARE OR CUSTODY OF THE MINOR FOR AT LEAST SIXTY DAYS  
15 DURING THE TWO YEARS IMMEDIATELY BEFORE THE FILING OF THE  
16 PETITION OR FOR AT LEAST SEVEN HUNDRED AND THIRTY DAYS DURING  
17 THE FIVE YEARS IMMEDIATELY BEFORE THE FILING OF THE PETITION;

18           (d) THE NAME AND ADDRESS OF ANY ATTORNEY FOR THE MINOR  
19 AND ANY ATTORNEY FOR EACH PARENT OF THE MINOR;

20           (e) THE REASON GUARDIANSHIP IS SOUGHT AND WOULD BE IN THE  
21 BEST INTEREST OF THE MINOR;

22           (f) THE NAME AND ADDRESS OF ANY PROPOSED GUARDIAN AND  
23 THE REASON THE PROPOSED GUARDIAN SHOULD BE SELECTED;

24           (g) IF THE MINOR HAS PROPERTY OTHER THAN PERSONAL EFFECTS,  
25 A GENERAL STATEMENT OF THE MINOR'S PROPERTY WITH AN ESTIMATE OF  
26 ITS VALUE;

27           (h) WHETHER THE MINOR NEEDS AN INTERPRETER, TRANSLATOR,

1 OR OTHER FORM OF SUPPORT TO COMMUNICATE EFFECTIVELY WITH THE  
2 COURT OR UNDERSTAND COURT PROCEEDINGS;

3 (i) WHETHER ANY PARENT OF THE MINOR NEEDS AN INTERPRETER,  
4 TRANSLATOR, OR OTHER FORM OF SUPPORT TO COMMUNICATE  
5 EFFECTIVELY WITH THE COURT OR UNDERSTAND COURT PROCEEDINGS;  
6 AND

7 (j) WHETHER ANY OTHER PROCEEDING CONCERNING THE CARE OR  
8 CUSTODY OF THE MINOR IS PENDING IN ANY COURT IN THIS STATE OR  
9 ANOTHER JURISDICTION.

10 **15-14.7-203. Notice of hearing for appointment of guardian**  
11 **for minor.** (1) IF A PETITION IS FILED PURSUANT TO SECTION 15-14.7-202,  
12 THE COURT SHALL SCHEDULE A HEARING AND THE PETITIONER SHALL:

13 (a) SERVE NOTICE OF THE DATE, TIME, AND PLACE OF THE  
14 HEARING, TOGETHER WITH A COPY OF THE PETITION, PERSONALLY ON EACH  
15 OF THE FOLLOWING WHO IS NOT THE PETITIONER:

16 (I) THE MINOR, IF THE MINOR WILL BE TWELVE YEARS OF AGE OR  
17 OLDER AT THE TIME OF THE HEARING;

18 (II) EACH PARENT OF THE MINOR OR, IF THERE IS NONE, THE ADULT  
19 NEAREST IN KINSHIP WHO CAN BE FOUND WITH REASONABLE DILIGENCE;

20 (III) ANY ADULT WITH WHOM THE MINOR RESIDES;

21 (IV) EACH PERSON WHO HAD PRIMARY CARE OR CUSTODY OF THE  
22 MINOR FOR AT LEAST SIXTY DAYS DURING THE TWO YEARS IMMEDIATELY  
23 BEFORE THE FILING OF THE PETITION OR FOR AT LEAST SEVEN HUNDRED  
24 AND THIRTY DAYS DURING THE FIVE YEARS IMMEDIATELY BEFORE THE  
25 FILING OF THE PETITION; AND

26 (V) ANY OTHER PERSON THE COURT DETERMINES SHOULD RECEIVE  
27 PERSONAL SERVICE OF NOTICE; AND

1 (b) SERVE NOTICE PURSUANT TO SECTION 15-14.7-113 OF THE  
2 DATE, TIME, AND PLACE OF THE HEARING, TOGETHER WITH A COPY OF THE  
3 PETITION, TO:

4 (I) ANY PERSON NOMINATED FOR GUARDIANSHIP BY THE MINOR,  
5 IF THE MINOR IS TWELVE YEARS OF AGE OR OLDER;

6 (II) ANY NOMINEE OF A PARENT;

7 (III) EACH GRANDPARENT AND ADULT SIBLING OF THE MINOR;

8 (IV) ANY GUARDIAN OR CONSERVATOR ACTING FOR THE MINOR IN  
9 ANY JURISDICTION; AND

10 (V) ANY OTHER PERSON THE COURT DETERMINES.

11 (2) NOTICE REQUIRED BY SUBSECTION (1) OF THIS SECTION MUST  
12 INCLUDE A STATEMENT OF THE RIGHT TO REQUEST APPOINTMENT OF AN  
13 ATTORNEY FOR THE MINOR OR OBJECT TO APPOINTMENT OF A GUARDIAN  
14 AND A DESCRIPTION OF THE NATURE, PURPOSE, AND CONSEQUENCES OF  
15 APPOINTMENT OF A GUARDIAN.

16 (3) THE COURT SHALL NOT GRANT A PETITION FOR GUARDIANSHIP  
17 OF A MINOR IF NOTICE SUBSTANTIALLY COMPLYING WITH SUBSECTION  
18 (1)(a) OF THIS SECTION IS NOT SERVED ON:

19 (a) THE MINOR, IF THE MINOR IS TWELVE YEARS OF AGE OR OLDER;  
20 AND

21 (b) EACH PARENT OF THE MINOR, UNLESS THE COURT FINDS BY  
22 CLEAR AND CONVINCING EVIDENCE THAT THE PARENT CANNOT WITH DUE  
23 DILIGENCE BE LOCATED AND SERVED OR THE PARENT WAIVED, IN A  
24 RECORD, THE RIGHT TO NOTICE.

25 (4) IF A PETITIONER IS UNABLE TO SERVE NOTICE PURSUANT TO  
26 SUBSECTION (1)(a) OF THIS SECTION ON A PARENT OF A MINOR OR ALLEGES  
27 THAT THE PARENT WAIVED, IN A RECORD, THE RIGHT TO NOTICE PURSUANT

1 TO THIS SECTION, THE COURT SHALL APPOINT A VISITOR WHO SHALL:

2 (a) INTERVIEW THE PETITIONER AND THE MINOR;

3 (b) IF THE PETITIONER ALLEGES THE PARENT CANNOT BE LOCATED,  
4 ASCERTAIN WHETHER THE PARENT CANNOT BE LOCATED WITH DUE  
5 DILIGENCE; AND

6 (c) INVESTIGATE ANY OTHER MATTER RELATING TO THE PETITION  
7 THE COURT DIRECTS.

8 **15-14.7-204. Attorney for minor or parent.** (1) THE COURT  
9 SHALL APPOINT AN ATTORNEY TO REPRESENT A MINOR WHO IS THE  
10 SUBJECT OF A PROCEEDING PURSUANT TO SECTION 15-14.7-202 IF:

11 (a) REQUESTED BY THE MINOR AND THE MINOR IS TWELVE YEARS  
12 OF AGE OR OLDER;

13 (b) RECOMMENDED BY A GUARDIAN AD LITEM; OR

14 (c) THE COURT DETERMINES THE MINOR NEEDS REPRESENTATION.

15 (2) AN ATTORNEY APPOINTED PURSUANT TO SUBSECTION (1) OF  
16 THIS SECTION SHALL:

17 (a) MAKE A REASONABLE EFFORT TO ASCERTAIN THE MINOR'S  
18 WISHES;

19 (b) ADVOCATE FOR THE MINOR'S WISHES TO THE EXTENT  
20 REASONABLY ASCERTAINABLE; AND

21 (c) IF THE MINOR'S WISHES ARE NOT REASONABLY ASCERTAINABLE,  
22 ADVOCATE FOR THE MINOR'S BEST INTEREST.

23 (3) A MINOR WHO IS THE SUBJECT OF A PROCEEDING PURSUANT TO  
24 SECTION 15-14.7-202 MAY RETAIN AN ATTORNEY TO REPRESENT THE  
25 MINOR IN THE PROCEEDING.

26 (4) A PARENT OF A MINOR WHO IS THE SUBJECT OF A PROCEEDING  
27 PURSUANT TO SECTION 15-14.7-202 MAY RETAIN AN ATTORNEY TO

1 REPRESENT THE PARENT IN THE PROCEEDING.

2 **15-14.7-205. Attendance and participation at hearing for**  
3 **appointment of guardian for minor.** (1) THE COURT SHALL REQUIRE A  
4 MINOR WHO IS THE SUBJECT OF A HEARING PURSUANT TO SECTION  
5 15-14.7-203 TO ATTEND THE HEARING AND ALLOW THE MINOR TO  
6 PARTICIPATE IN THE HEARING UNLESS THE COURT DETERMINES, BY CLEAR  
7 AND CONVINCING EVIDENCE PRESENTED AT THE HEARING OR A SEPARATE  
8 HEARING, THAT:

9 (a) THE MINOR CONSISTENTLY AND REPEATEDLY REFUSED TO  
10 ATTEND THE HEARING AFTER BEING FULLY INFORMED OF THE RIGHT TO  
11 ATTEND AND, IF THE MINOR IS TWELVE YEARS OF AGE OR OLDER, THE  
12 POTENTIAL CONSEQUENCES OF FAILING TO DO SO;

13 (b) THERE IS NO PRACTICABLE WAY FOR THE MINOR TO ATTEND  
14 THE HEARING;

15 (c) THE MINOR LACKS THE ABILITY OR MATURITY TO PARTICIPATE  
16 MEANINGFULLY IN THE HEARING; OR

17 (d) ATTENDANCE WOULD BE HARMFUL TO THE MINOR.

18 (2) UNLESS EXCUSED BY THE COURT FOR GOOD CAUSE, THE  
19 PERSON PROPOSED TO BE APPOINTED AS GUARDIAN FOR A MINOR SHALL  
20 ATTEND A HEARING PURSUANT TO SECTION 15-14.7-203.

21 (3) EACH PARENT OF A MINOR WHO IS THE SUBJECT OF A HEARING  
22 PURSUANT TO SECTION 15-14.7-203 HAS THE RIGHT TO ATTEND THE  
23 HEARING.

24 (4) A PERSON MAY REQUEST PERMISSION TO PARTICIPATE IN A  
25 HEARING PURSUANT TO SECTION 15-14.7-203. THE COURT MAY GRANT THE  
26 REQUEST, WITH OR WITHOUT HEARING, ON DETERMINING THAT IT IS IN THE  
27 BEST INTEREST OF THE MINOR WHO IS THE SUBJECT OF THE HEARING. THE

1 COURT MAY IMPOSE APPROPRIATE CONDITIONS ON THE PERSON'S  
2 PARTICIPATION.

3 **15-14.7-206. Order of appointment - priority of nominee -**  
4 **limited guardianship for minor - definitions.** (1) AFTER A HEARING  
5 PURSUANT TO SECTION 15-14.7-203, THE COURT MAY APPOINT A  
6 GUARDIAN FOR A MINOR, IF APPOINTMENT IS PROPER PURSUANT TO  
7 SECTION 15-14.7-201, DISMISS THE PROCEEDING, OR TAKE OTHER  
8 APPROPRIATE ACTION CONSISTENT WITH THIS ARTICLE 14.7 OR LAW OF  
9 THIS STATE OTHER THAN THIS ARTICLE 14.7.

10 (2) IN APPOINTING A GUARDIAN PURSUANT TO SUBSECTION (1) OF  
11 THIS SECTION, THE FOLLOWING RULES APPLY:

12 (a) THE COURT SHALL APPOINT A PERSON NOMINATED AS  
13 GUARDIAN BY A PARENT OF THE MINOR IN A WILL OR OTHER RECORD  
14 UNLESS THE COURT FINDS THE APPOINTMENT IS CONTRARY TO THE BEST  
15 INTEREST OF THE MINOR;

16 (b) IF MULTIPLE PARENTS HAVE NOMINATED DIFFERENT PERSONS  
17 TO SERVE AS GUARDIAN, THE COURT SHALL APPOINT THE NOMINEE WHOSE  
18 APPOINTMENT IS IN THE BEST INTEREST OF THE MINOR, UNLESS THE COURT  
19 FINDS THAT APPOINTMENT OF NONE OF THE NOMINEES IS IN THE BEST  
20 INTEREST OF THE MINOR; AND

21 (c) IF A GUARDIAN IS NOT APPOINTED PURSUANT TO SUBSECTION  
22 (2)(a) OR (2)(b) OF THIS SECTION, THE COURT SHALL APPOINT THE PERSON  
23 NOMINATED BY THE MINOR IF THE MINOR IS TWELVE YEARS OF AGE OR  
24 OLDER UNLESS THE COURT FINDS THAT APPOINTMENT IS CONTRARY TO THE  
25 BEST INTEREST OF THE MINOR. IN THAT CASE, THE COURT SHALL APPOINT  
26 AS GUARDIAN A PERSON WHOSE APPOINTMENT IS IN THE BEST INTEREST OF  
27 THE MINOR.

1           (3) IN THE INTEREST OF MAINTAINING OR ENCOURAGING  
2 INVOLVEMENT BY A MINOR'S PARENT IN THE MINOR'S LIFE, DEVELOPING  
3 SELF-RELIANCE OF THE MINOR, OR FOR OTHER GOOD CAUSE, THE COURT,  
4 AT THE TIME OF APPOINTMENT OF A GUARDIAN FOR THE MINOR OR LATER,  
5 ON ITS OWN OR ON MOTION OF THE MINOR OR OTHER INTERESTED PERSON,  
6 MAY CREATE A LIMITED GUARDIANSHIP BY LIMITING THE POWERS  
7 OTHERWISE GRANTED TO THE GUARDIAN PURSUANT TO THIS PART 2.  
8 FOLLOWING THE SAME PROCEDURE, THE COURT MAY GRANT ADDITIONAL  
9 POWERS OR WITHDRAW POWERS PREVIOUSLY GRANTED.

10           (4) THE COURT, AS PART OF AN ORDER APPOINTING A GUARDIAN  
11 FOR A MINOR, SHALL STATE RIGHTS RETAINED BY ANY PARENT OF THE  
12 MINOR, WHICH MAY INCLUDE CONTACT OR VISITATION WITH THE MINOR;  
13 DECISION-MAKING REGARDING THE MINOR'S HEALTH CARE, EDUCATION,  
14 OR OTHER MATTER; OR ACCESS TO A RECORD REGARDING THE MINOR.

15           (5) AN ORDER GRANTING A GUARDIANSHIP FOR A MINOR MUST  
16 STATE THAT EACH PARENT OF THE MINOR IS ENTITLED TO NOTICE THAT:

17           (a) THE GUARDIAN HAS DELEGATED CUSTODY OF THE MINOR  
18 SUBJECT TO GUARDIANSHIP;

19           (b) THE COURT HAS MODIFIED OR LIMITED THE POWERS OF THE  
20 GUARDIAN; OR

21           (c) THE COURT HAS REMOVED THE GUARDIAN.

22           (6) AN ORDER GRANTING A GUARDIANSHIP FOR A MINOR MUST  
23 IDENTIFY ANY PERSON IN ADDITION TO A PARENT OF THE MINOR WHO IS  
24 ENTITLED TO NOTICE OF THE EVENTS LISTED IN SUBSECTION (5) OF THIS  
25 SECTION.

26           (7) (a) FOR PURPOSES OF THIS SUBSECTION (7) ONLY, "MINOR"  
27 MEANS AN UNMARRIED INDIVIDUAL WHO HAS NOT ATTAINED TWENTY-ONE



1 YEARS OF AGE.

2 (b) THE COURT MAY ENTER AN ORDER APPOINTING A GUARDIAN OF  
3 A MINOR AND A DETERMINATION OF WHETHER THE MINOR SHALL BE  
4 REUNIFIED WITH A PARENT OR PARENTS, OF WHEN THE REQUIREMENTS OF  
5 SUBSECTION (2) OF THIS SECTION ARE MET, OF WHETHER THE ORDER IS IN  
6 THE MINOR'S BEST INTERESTS, AND:

7 (I) THE MINOR HAS NOT ATTAINED TWENTY-ONE YEARS OF AGE;

8 (II) THE MINOR IS RESIDING WITH AND DEPENDENT UPON A  
9 CAREGIVER; AND

10 (III) A REQUEST IS MADE FOR FINDINGS FROM THE COURT TO  
11 ESTABLISH THE MINOR'S ELIGIBILITY FOR CLASSIFICATION AS A SPECIAL  
12 IMMIGRANT JUVENILE PURSUANT TO 8 U.S.C. SEC. 1101 (a)(27)(J).

13 (c) IF A REQUEST IS MADE FOR FINDINGS ESTABLISHING THE  
14 MINOR'S ELIGIBILITY FOR CLASSIFICATION AS A SPECIAL IMMIGRANT  
15 JUVENILE UNDER FEDERAL LAW AND THE COURT DETERMINES THERE IS  
16 SUFFICIENT EVIDENCE TO SUPPORT THE FINDINGS, THE COURT SHALL  
17 ENTER AN ORDER, INCLUDING FACTUAL FINDINGS AND CONCLUSIONS OF  
18 LAW, DETERMINING THAT:

19 (I) THE MINOR HAS BEEN PLACED UNDER THE CUSTODY OF AN  
20 INDIVIDUAL APPOINTED BY THE COURT THROUGH THE APPOINTMENT OF A  
21 GUARDIAN;

22 (II) REUNIFICATION OF THE MINOR WITH ONE OR BOTH PARENTS IS  
23 NOT VIABLE DUE TO ABUSE, NEGLECT, ABANDONMENT, OR A SIMILAR BASIS  
24 FOUND PURSUANT TO STATE LAW. FOR PURPOSES OF THIS SUBSECTION  
25 (7)(c)(II), "ABANDONMENT" INCLUDES, BUT IS NOT LIMITED TO, THE DEATH  
26 OF ONE OR BOTH PARENTS.

27 (III) IT IS NOT IN THE BEST INTERESTS OF THE MINOR TO BE

1 RETURNED TO THE MINOR'S OR PARENTS' PREVIOUS COUNTRY OF  
2 NATIONALITY OR COUNTRY OF LAST HABITUAL RESIDENCE.

3 **15-14.7-207. Standby guardian for minor.** (1) A STANDBY  
4 GUARDIAN APPOINTED PURSUANT TO THIS SECTION MAY ACT AS  
5 GUARDIAN, WITH ALL DUTIES AND POWERS OF A GUARDIAN PURSUANT TO  
6 SECTIONS 15-14.7-209 AND 15-14.7-210, WHEN NO PARENT OF THE MINOR  
7 IS WILLING OR ABLE TO EXERCISE THE DUTIES AND POWERS GRANTED TO  
8 THE GUARDIAN.

9 (2) A PARENT OF A MINOR, IN A SIGNED RECORD, MAY NOMINATE  
10 A PERSON TO BE APPOINTED BY THE COURT AS STANDBY GUARDIAN FOR  
11 THE MINOR. THE PARENT, IN THE SIGNED RECORD, MAY STATE DESIRED  
12 LIMITATIONS ON THE POWERS TO BE GRANTED TO THE STANDBY  
13 GUARDIAN. THE PARENT, IN A SIGNED RECORD, MAY REVOKE OR AMEND  
14 THE NOMINATION AT ANY TIME BEFORE THE COURT APPOINTS A STANDBY  
15 GUARDIAN.

16 (3) THE COURT MAY APPOINT A STANDBY GUARDIAN FOR A MINOR  
17 ON:

18 (a) PETITION BY A PARENT OF THE MINOR OR A PERSON NOMINATED  
19 PURSUANT TO SUBSECTION (2) OF THIS SECTION; AND

20 (b) FINDING THAT NO PARENT OF THE MINOR LIKELY WILL BE ABLE  
21 OR WILLING TO CARE FOR OR MAKE DECISIONS WITH RESPECT TO THE  
22 MINOR NOT LATER THAN TWO YEARS AFTER THE APPOINTMENT.

23 (4) A PETITION PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION  
24 MUST INCLUDE THE SAME INFORMATION REQUIRED PURSUANT TO SECTION  
25 15-14.7-202 FOR THE APPOINTMENT OF A GUARDIAN FOR A MINOR.

26 (5) UPON FILING A PETITION PURSUANT TO SUBSECTION (3)(a) OF  
27 THIS SECTION, THE PETITIONER SHALL:

1 (a) SERVE A COPY OF THE PETITION PERSONALLY ON:  
2 (I) THE MINOR, IF THE MINOR IS TWELVE YEARS OF AGE OR OLDER,  
3 AND THE MINOR'S ATTORNEY, IF ANY;  
4 (II) EACH PARENT OF THE MINOR;  
5 (III) THE PERSON NOMINATED AS STANDBY GUARDIAN; AND  
6 (IV) ANY OTHER PERSON THE COURT DETERMINES; AND  
7 (b) INCLUDE WITH THE COPY OF THE PETITION SERVED PURSUANT  
8 TO SUBSECTION (5)(a) OF THIS SECTION A STATEMENT OF THE RIGHT TO  
9 REQUEST APPOINTMENT OF AN ATTORNEY FOR THE MINOR OR TO OBJECT  
10 TO APPOINTMENT OF THE STANDBY GUARDIAN AND A DESCRIPTION OF THE  
11 NATURE, PURPOSE, AND CONSEQUENCES OF APPOINTMENT OF A STANDBY  
12 GUARDIAN.  
13 (6) A PERSON ENTITLED TO NOTICE PURSUANT TO SUBSECTION (5)  
14 OF THIS SECTION, NOT LATER THAN SIXTY DAYS AFTER SERVICE OF THE  
15 PETITION AND STATEMENT, MAY OBJECT TO APPOINTMENT OF THE  
16 STANDBY GUARDIAN BY FILING AN OBJECTION WITH THE COURT AND  
17 GIVING NOTICE OF THE OBJECTION TO EACH OTHER PERSON ENTITLED TO  
18 NOTICE PURSUANT TO SUBSECTION (5) OF THIS SECTION.  
19 (7) IF AN OBJECTION IS FILED PURSUANT TO SUBSECTION (6) OF  
20 THIS SECTION, THE COURT SHALL HOLD A HEARING TO DETERMINE  
21 WHETHER A STANDBY GUARDIAN SHOULD BE APPOINTED AND, IF SO, THE  
22 PERSON WHO SHOULD BE APPOINTED. IF NO OBJECTION IS FILED, THE  
23 COURT MAY MAKE THE APPOINTMENT.  
24 (8) THE COURT SHALL NOT GRANT A PETITION FOR A STANDBY  
25 GUARDIAN OF THE MINOR IF NOTICE SUBSTANTIALLY COMPLYING WITH  
26 SUBSECTION (5) OF THIS SECTION IS NOT SERVED ON:  
27 (a) THE MINOR, IF THE MINOR IS TWELVE YEARS OF AGE OR OLDER;

1 AND

2 (b) EACH PARENT OF THE MINOR, UNLESS THE COURT FINDS BY  
3 CLEAR-AND-CONVINCING EVIDENCE THAT THE PARENT, IN A RECORD,  
4 WAIVED THE RIGHT TO NOTICE OR CANNOT BE LOCATED AND SERVED WITH  
5 DUE DILIGENCE.

6 (9) IF A PETITIONER IS UNABLE TO SERVE NOTICE PURSUANT TO  
7 SUBSECTION (5) ON A PARENT OF THE MINOR OR ALLEGES THAT A PARENT  
8 OF THE MINOR WAIVED THE RIGHT TO NOTICE PURSUANT TO THIS SECTION,  
9 THE COURT SHALL APPOINT A VISITOR WHO SHALL:

10 (a) INTERVIEW THE PETITIONER AND THE MINOR;

11 (b) IF THE PETITIONER ALLEGES THE PARENT CANNOT BE LOCATED  
12 AND SERVED, ASCERTAIN WHETHER THE PARENT CANNOT BE LOCATED  
13 WITH DUE DILIGENCE; AND

14 (c) INVESTIGATE ANY OTHER MATTER RELATING TO THE PETITION  
15 THE COURT DIRECTS.

16 (10) IF THE COURT FINDS PURSUANT TO SUBSECTION (3) OF THIS  
17 SECTION THAT A STANDBY GUARDIAN SHOULD BE APPOINTED, THE  
18 FOLLOWING RULES APPLY:

19 (a) THE COURT SHALL APPOINT THE PERSON NOMINATED PURSUANT  
20 TO SUBSECTION (2) OF THIS SECTION UNLESS THE COURT FINDS THE  
21 APPOINTMENT IS CONTRARY TO THE BEST INTEREST OF THE MINOR; AND

22 (b) IF THE PARENTS HAVE NOMINATED DIFFERENT PERSONS TO  
23 SERVE AS STANDBY GUARDIAN, THE COURT SHALL APPOINT THE NOMINEE  
24 WHOSE APPOINTMENT IS IN THE BEST INTEREST OF THE MINOR, UNLESS THE  
25 COURT FINDS THAT APPOINTMENT OF NONE OF THE NOMINEES IS IN THE  
26 BEST INTEREST OF THE MINOR.

27 (11) AN ORDER APPOINTING A STANDBY GUARDIAN PURSUANT TO

1 THIS SECTION MUST STATE THAT EACH PARENT OF THE MINOR IS ENTITLED  
2 TO NOTICE, AND IDENTIFY ANY OTHER PERSON ENTITLED TO NOTICE, IF:

3 (a) THE STANDBY GUARDIAN ASSUMES THE DUTIES AND POWERS  
4 OF THE GUARDIAN;

5 (b) THE GUARDIAN DELEGATES CUSTODY OF THE MINOR;

6 (c) THE COURT MODIFIES OR LIMITS THE POWERS OF THE  
7 GUARDIAN; OR

8 (d) THE COURT REMOVES THE GUARDIAN.

9 (12) BEFORE ASSUMING THE DUTIES AND POWERS OF A GUARDIAN,  
10 A STANDBY GUARDIAN SHALL FILE WITH THE COURT AN ACCEPTANCE OF  
11 APPOINTMENT AS GUARDIAN AND GIVE NOTICE, PURSUANT TO SECTION  
12 15-10-401, OF THE ACCEPTANCE TO:

13 (a) EACH PARENT OF THE MINOR, UNLESS THE PARENT, IN A  
14 RECORD, WAIVED THE RIGHT TO NOTICE OR CANNOT BE LOCATED AND  
15 SERVED WITH DUE DILIGENCE;

16 (b) THE MINOR, IF THE MINOR IS TWELVE YEARS OF AGE OR OLDER;  
17 AND

18 (c) ANY PERSON, OTHER THAN THE PARENT, HAVING CARE OR  
19 CUSTODY OF THE MINOR.

20 (13) A PERSON THAT RECEIVES NOTICE PURSUANT TO SUBSECTION  
21 (12) OF THIS SECTION OR ANY OTHER PERSON INTERESTED IN THE WELFARE  
22 OF THE MINOR MAY FILE WITH THE COURT AN OBJECTION TO THE STANDBY  
23 GUARDIAN'S ASSUMPTION OF DUTIES AND POWERS OF A GUARDIAN. THE  
24 COURT SHALL HOLD A HEARING IF THE OBJECTION SUPPORTS A  
25 REASONABLE BELIEF THAT THE CONDITIONS FOR ASSUMPTION OF DUTIES  
26 AND POWERS HAVE NOT BEEN SATISFIED.

27 **15-14.7-208. Emergency guardian for minor.** (1) ON ITS OWN,

1 OR ON PETITION BY A PERSON INTERESTED IN A MINOR'S WELFARE, THE  
2 COURT MAY APPOINT AN EMERGENCY GUARDIAN FOR THE MINOR IF THE  
3 COURT FINDS:

4 (a) APPOINTMENT OF AN EMERGENCY GUARDIAN IS LIKELY TO  
5 PREVENT SUBSTANTIAL HARM TO THE MINOR'S HEALTH, SAFETY, OR  
6 WELFARE; AND

7 (b) NO OTHER PERSON APPEARS TO HAVE AUTHORITY AND  
8 WILLINGNESS TO ACT IN THE CIRCUMSTANCES.

9 (2) THE DURATION OF AUTHORITY OF AN EMERGENCY GUARDIAN  
10 FOR A MINOR MUST NOT EXCEED SIXTY DAYS AND THE EMERGENCY  
11 GUARDIAN MAY EXERCISE ONLY THE POWERS SPECIFIED IN THE ORDER OF  
12 APPOINTMENT. THE EMERGENCY GUARDIAN'S AUTHORITY MAY BE  
13 EXTENDED ONCE FOR NOT MORE THAN SIXTY DAYS IF THE COURT FINDS  
14 THAT THE CONDITIONS FOR APPOINTMENT OF AN EMERGENCY GUARDIAN  
15 DESCRIBED IN SUBSECTION (1) OF THIS SECTION CONTINUE.

16 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS  
17 SECTION, REASONABLE NOTICE OF THE DATE, TIME, AND PLACE OF A  
18 HEARING ON A PETITION FOR APPOINTMENT OF AN EMERGENCY GUARDIAN  
19 FOR A MINOR MUST BE GIVEN TO:

20 (a) THE MINOR, IF THE MINOR IS TWELVE YEARS OF AGE OR OLDER;

21 (b) ANY ATTORNEY APPOINTED PURSUANT TO SECTION  
22 15-14.7-204;

23 (c) EACH PARENT OF THE MINOR;

24 (d) ANY PERSON, OTHER THAN A PARENT, WHO HAS CARE OR  
25 CUSTODY OF THE MINOR; AND

26 (e) ANY OTHER PERSON THE COURT DETERMINES.

27 (4) THE COURT MAY APPOINT AN EMERGENCY GUARDIAN FOR A

1 MINOR WITHOUT NOTICE PURSUANT TO SUBSECTION (3) OF THIS SECTION  
2 AND WITHOUT A HEARING ONLY IF THE COURT FINDS FROM AN AFFIDAVIT  
3 OR TESTIMONY THAT THE MINOR'S HEALTH, SAFETY, OR WELFARE WILL BE  
4 SUBSTANTIALLY HARMED BEFORE A HEARING WITH NOTICE ON THE  
5 APPOINTMENT CAN BE HELD. IF THE COURT APPOINTS AN EMERGENCY  
6 GUARDIAN WITHOUT NOTICE TO AN UNREPRESENTED MINOR OR THE  
7 ATTORNEY FOR A REPRESENTED MINOR, NOTICE OF THE APPOINTMENT  
8 MUST BE GIVEN NOT LATER THAN FORTY-EIGHT HOURS AFTER THE  
9 APPOINTMENT TO THE INDIVIDUALS LISTED IN SUBSECTION (3) OF THIS  
10 SECTION. NOT LATER THAN FIVE DAYS AFTER THE APPOINTMENT, THE  
11 COURT SHALL HOLD A HEARING ON THE APPROPRIATENESS OF THE  
12 APPOINTMENT.

13 (5) APPOINTMENT OF AN EMERGENCY GUARDIAN PURSUANT TO  
14 THIS SECTION, WITH OR WITHOUT NOTICE, IS NOT A DETERMINATION THAT  
15 A BASIS EXISTS FOR APPOINTMENT OF A GUARDIAN PURSUANT TO SECTION  
16 15-14.7-201.

17 (6) THE COURT MAY REMOVE AN EMERGENCY GUARDIAN  
18 APPOINTED PURSUANT TO THIS SECTION AT ANY TIME. THE EMERGENCY  
19 GUARDIAN SHALL MAKE ANY REPORT THE COURT REQUIRES.

20 **15-14.7-209. Duties of guardian for minor.** (1) A GUARDIAN  
21 FOR A MINOR IS A FIDUCIARY. EXCEPT AS OTHERWISE LIMITED BY THE  
22 COURT, A GUARDIAN FOR A MINOR HAS THE DUTIES AND RESPONSIBILITIES  
23 OF A PARENT REGARDING THE MINOR'S SUPPORT, CARE, EDUCATION,  
24 HEALTH, SAFETY, AND WELFARE. A GUARDIAN SHALL ACT IN THE MINOR'S  
25 BEST INTEREST AND EXERCISE REASONABLE CARE, DILIGENCE, AND  
26 PRUDENCE.

27 (2) A GUARDIAN FOR A MINOR SHALL:

1 (a) BE PERSONALLY ACQUAINTED WITH THE MINOR AND MAINTAIN  
2 SUFFICIENT CONTACT WITH THE MINOR TO KNOW THE MINOR'S ABILITIES,  
3 LIMITATIONS, NEEDS, OPPORTUNITIES, AND PHYSICAL AND MENTAL  
4 HEALTH;

5 (b) TAKE REASONABLE CARE OF THE MINOR'S PERSONAL EFFECTS  
6 AND BRING A PROCEEDING FOR A CONSERVATORSHIP OR PROTECTIVE  
7 ARRANGEMENT INSTEAD OF CONSERVATORSHIP IF NECESSARY TO PROTECT  
8 OTHER PROPERTY OF THE MINOR;

9 (c) EXPEND FUNDS OF THE MINOR THAT HAVE BEEN RECEIVED BY  
10 THE GUARDIAN FOR THE MINOR'S CURRENT NEEDS FOR SUPPORT, CARE,  
11 EDUCATION, HEALTH, SAFETY, AND WELFARE;

12 (d) CONSERVE ANY FUNDS OF THE MINOR NOT EXPENDED  
13 PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION FOR THE MINOR'S  
14 FUTURE NEEDS, BUT IF A CONSERVATOR IS APPOINTED FOR THE MINOR, PAY  
15 THE FUNDS AT LEAST QUARTERLY TO THE CONSERVATOR TO BE  
16 CONSERVED FOR THE MINOR'S FUTURE NEEDS;

17 (e) REPORT THE CONDITION OF THE MINOR AND ACCOUNT FOR  
18 FUNDS AND OTHER PROPERTY OF THE MINOR IN THE GUARDIAN'S  
19 POSSESSION OR SUBJECT TO THE GUARDIAN'S CONTROL, AS REQUIRED BY  
20 COURT RULE OR ORDERED BY THE COURT ON APPLICATION OF A PERSON  
21 INTERESTED IN THE MINOR'S WELFARE;

22 (f) INFORM THE COURT OF ANY CHANGE IN THE MINOR'S DWELLING  
23 OR ADDRESS; AND

24 (g) IN DETERMINING WHAT IS IN THE MINOR'S BEST INTEREST, TAKE  
25 INTO ACCOUNT THE MINOR'S PREFERENCES TO THE EXTENT ACTUALLY  
26 KNOWN OR REASONABLY ASCERTAINABLE BY THE GUARDIAN.

27 **15-14.7-210. Powers of guardian for minor.** (1) EXCEPT AS



1 OTHERWISE LIMITED BY COURT ORDER, A GUARDIAN OF A MINOR HAS THE  
2 POWERS A PARENT OTHERWISE WOULD HAVE REGARDING THE MINOR'S  
3 SUPPORT, CARE, EDUCATION, HEALTH, SAFETY, AND WELFARE.

4 (2) EXCEPT AS OTHERWISE LIMITED BY COURT ORDER, A GUARDIAN  
5 FOR A MINOR MAY:

6 (a) APPLY FOR AND RECEIVE FUNDS AND BENEFITS OTHERWISE  
7 PAYABLE FOR THE SUPPORT OF THE MINOR TO THE MINOR'S PARENT,  
8 GUARDIAN, OR CUSTODIAN PURSUANT TO A STATUTORY SYSTEM OF  
9 BENEFITS OR INSURANCE OR ANY PRIVATE CONTRACT, DEVISE, TRUST,  
10 CONSERVATORSHIP, OR CUSTODIANSHIP;

11 (b) UNLESS INCONSISTENT WITH A COURT ORDER ENTITLED TO  
12 RECOGNITION IN THIS STATE, TAKE CUSTODY OF THE MINOR AND  
13 ESTABLISH THE MINOR'S PLACE OF DWELLING AND, ON AUTHORIZATION OF  
14 THE COURT, ESTABLISH OR MOVE THE MINOR'S DWELLING OUTSIDE THIS  
15 STATE;

16 (c) IF THE MINOR IS NOT SUBJECT TO CONSERVATORSHIP,  
17 COMMENCE A PROCEEDING, INCLUDING AN ADMINISTRATIVE PROCEEDING,  
18 OR TAKE OTHER APPROPRIATE ACTION TO COMPEL A PERSON TO SUPPORT  
19 THE MINOR OR MAKE A PAYMENT FOR THE BENEFIT OF THE MINOR;

20 (d) CONSENT TO HEALTH OR OTHER CARE, TREATMENT, OR  
21 SERVICE FOR THE MINOR; OR

22 (e) TO THE EXTENT REASONABLE, DELEGATE TO THE MINOR  
23 RESPONSIBILITY FOR A DECISION AFFECTING THE MINOR'S WELL-BEING.

24 (3) THE COURT MAY AUTHORIZE A GUARDIAN FOR A MINOR TO  
25 CONSENT TO THE ADOPTION OF THE MINOR IF THE MINOR DOES NOT HAVE  
26 A PARENT.

27 (4) A GUARDIAN FOR A MINOR MAY CONSENT TO THE MARRIAGE OF

1 THE MINOR IF AUTHORIZED BY THE COURT.

2 **15-14.7-211. Removal of guardian for minor; termination of**  
3 **guardianship - appointment of successor.** (1) GUARDIANSHIP  
4 PURSUANT TO THIS ARTICLE 14.7 FOR A MINOR TERMINATES:

5 (a) UPON THE MINOR'S DEATH, ADOPTION, EMANCIPATION, OR  
6 ATTAINMENT OF MAJORITY; OR

7 (b) WHEN THE COURT FINDS THAT THE STANDARD DESCRIBED IN  
8 SECTION 15-14.7-201 FOR APPOINTMENT OF A GUARDIAN IS NOT SATISFIED,  
9 UNLESS THE COURT FINDS THAT:

10 (I) TERMINATION OF THE GUARDIANSHIP WOULD BE HARMFUL TO  
11 THE MINOR; AND

12 (II) THE MINOR'S INTEREST IN THE CONTINUATION OF THE  
13 GUARDIANSHIP OUTWEIGHS THE INTEREST OF ANY PARENT OF THE MINOR  
14 IN RESTORATION OF THE PARENT'S RIGHT TO MAKE DECISIONS FOR THE  
15 MINOR.

16 (2) A MINOR SUBJECT TO GUARDIANSHIP OR A PERSON INTERESTED  
17 IN THE WELFARE OF THE MINOR MAY PETITION THE COURT TO TERMINATE  
18 THE GUARDIANSHIP, MODIFY THE GUARDIANSHIP, REMOVE THE GUARDIAN  
19 AND APPOINT A SUCCESSOR GUARDIAN, OR REMOVE A STANDBY GUARDIAN  
20 AND APPOINT A DIFFERENT STANDBY GUARDIAN.

21 (3) A PETITIONER PURSUANT TO SUBSECTION (2) OF THIS SECTION  
22 SHALL GIVE NOTICE, PURSUANT TO SECTION 15-10-401, OF THE HEARING  
23 ON THE PETITION TO THE MINOR, IF THE MINOR IS TWELVE YEARS OF AGE  
24 OR OLDER AND IS NOT THE PETITIONER; THE GUARDIAN; EACH PARENT OF  
25 THE MINOR; AND ANY OTHER PERSON THE COURT DETERMINES.

26 (4) THE COURT SHALL FOLLOW THE PRIORITIES IN SECTION  
27 15-14.7-206 WHEN SELECTING A SUCCESSOR GUARDIAN FOR A MINOR.

1 (5) NO LATER THAN THIRTY DAYS AFTER APPOINTMENT OF A  
2 SUCCESSOR GUARDIAN FOR A MINOR, THE COURT SHALL GIVE NOTICE,  
3 PURSUANT TO SECTION 15-10-401, OF THE APPOINTMENT TO THE MINOR  
4 SUBJECT TO GUARDIANSHIP, IF THE MINOR IS TWELVE YEARS OF AGE OR  
5 OLDER; EACH PARENT OF THE MINOR; AND ANY OTHER PERSON THE COURT  
6 DETERMINES.

7 (6) WHEN TERMINATING A GUARDIANSHIP FOR A MINOR PURSUANT  
8 TO THIS SECTION, THE COURT MAY ISSUE AN ORDER PROVIDING FOR  
9 TRANSITIONAL ARRANGEMENTS THAT WILL ASSIST THE MINOR WITH A  
10 TRANSITION OF CUSTODY AND IS IN THE BEST INTEREST OF THE MINOR.

11 (7) A GUARDIAN FOR A MINOR WHO IS REMOVED SHALL  
12 COOPERATE WITH A SUCCESSOR GUARDIAN TO FACILITATE TRANSITION OF  
13 THE GUARDIAN'S RESPONSIBILITIES AND PROTECT THE BEST INTEREST OF  
14 THE MINOR.

15 PART 3

16 GUARDIANSHIP OF ADULT

17 **15-14.7-301. Basis for appointment of guardian for adult.** (1) ON  
18 PETITION AND AFTER NOTICE AND HEARING, THE COURT MAY:

19 (a) APPOINT A GUARDIAN FOR AN ADULT IF THE COURT FINDS BY  
20 CLEAR AND CONVINCING EVIDENCE THAT:

21 (I) THE RESPONDENT LACKS THE ABILITY TO MEET ESSENTIAL  
22 REQUIREMENTS FOR HEALTH, SAFETY, OR WELFARE BECAUSE THE  
23 RESPONDENT IS UNABLE TO RECEIVE AND EVALUATE INFORMATION OR  
24 MAKE OR COMMUNICATE DECISIONS, EVEN WITH APPROPRIATE SUPPORTIVE  
25 SERVICES, TECHNOLOGICAL ASSISTANCE, OR SUPPORTED  
26 DECISION-MAKING; AND

27 (II) THE RESPONDENT'S IDENTIFIED NEEDS CANNOT BE MET BY A

1 PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP OR OTHER LESS  
2 RESTRICTIVE ALTERNATIVE; OR

3 (b) WITH APPROPRIATE FINDINGS, TREAT THE PETITION AS ONE FOR  
4 A CONSERVATORSHIP PURSUANT TO PART 4 OF THIS ARTICLE 14.7 OR  
5 PROTECTIVE ARRANGEMENT PURSUANT TO PART 5 OF THIS ARTICLE 14.7,  
6 ISSUE ANY APPROPRIATE ORDER, OR DISMISS THE PROCEEDING.

7 (2) THE COURT SHALL GRANT A GUARDIAN APPOINTED PURSUANT  
8 TO SUBSECTION (1) OF THIS SECTION ONLY THOSE POWERS NECESSITATED  
9 BY THE DEMONSTRATED NEEDS AND LIMITATIONS OF THE RESPONDENT  
10 AND ISSUE ORDERS THAT WILL ENCOURAGE DEVELOPMENT OF THE  
11 RESPONDENT'S MAXIMUM SELF-DETERMINATION AND INDEPENDENCE. THE  
12 COURT MAY NOT ESTABLISH A FULL GUARDIANSHIP IF A LIMITED  
13 GUARDIANSHIP, PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP,  
14 OR OTHER LESS RESTRICTIVE ALTERNATIVES WOULD MEET THE NEEDS OF  
15 THE RESPONDENT.

16 **15-14.7-302. Petition for appointment of guardian for adult.**

17 (1) A PERSON INTERESTED IN AN ADULT'S WELFARE, INCLUDING THE  
18 ADULT FOR WHOM THE ORDER IS SOUGHT, MAY PETITION FOR  
19 APPOINTMENT OF A GUARDIAN FOR THE ADULT.

20 (2) A PETITION PURSUANT TO SUBSECTION (1) OF THIS SECTION  
21 MUST STATE THE PETITIONER'S NAME; PRINCIPAL RESIDENCE; CURRENT  
22 STREET ADDRESS, IF DIFFERENT; RELATIONSHIP TO THE RESPONDENT;  
23 INTEREST IN THE APPOINTMENT; THE NAME AND ADDRESS OF ANY  
24 ATTORNEY REPRESENTING THE PETITIONER; AND, TO THE EXTENT KNOWN,  
25 THE FOLLOWING:

26 (a) THE RESPONDENT'S NAME; AGE; PRINCIPAL RESIDENCE;  
27 CURRENT STREET ADDRESS, IF DIFFERENT; AND, IF DIFFERENT, ADDRESS OF

1 THE DWELLING IN WHICH IT IS PROPOSED THE RESPONDENT WILL RESIDE IF  
2 THE PETITION IS GRANTED;

3 (b) THE NAME AND ADDRESS OF THE RESPONDENT'S:

4 (I) SPOUSE OR DOMESTIC PARTNER OR, IF THE RESPONDENT HAS  
5 NONE, AN ADULT WITH WHOM THE RESPONDENT HAS SHARED HOUSEHOLD  
6 RESPONSIBILITIES FOR MORE THAN SIX MONTHS IN THE TWELVE-MONTH  
7 PERIOD IMMEDIATELY BEFORE THE FILING OF THE PETITION;

8 (II) ADULT CHILDREN OR, IF NONE, EACH PARENT AND ADULT  
9 SIBLING OF THE RESPONDENT; AND

10 (III) ADULT STEPCHILDREN WHOM THE RESPONDENT ACTIVELY  
11 PARENTED DURING THE STEPCHILDREN'S MINOR YEARS AND WITH WHOM  
12 THE RESPONDENT HAD AN ONGOING RELATIONSHIP IN THE TWO-YEAR  
13 PERIOD IMMEDIATELY BEFORE THE FILING OF THE PETITION;

14 (c) THE NAME AND CURRENT ADDRESS OF EACH OF THE  
15 FOLLOWING, IF APPLICABLE:

16 (I) A PERSON RESPONSIBLE FOR CARE OF THE RESPONDENT;

17 (II) ANY ATTORNEY CURRENTLY REPRESENTING THE RESPONDENT;

18 (III) ANY REPRESENTATIVE PAYEE APPOINTED BY THE SOCIAL  
19 SECURITY ADMINISTRATION FOR THE RESPONDENT;

20 (IV) A GUARDIAN OR CONSERVATOR ACTING FOR THE RESPONDENT  
21 IN THIS STATE OR IN ANOTHER JURISDICTION;

22 (V) A TRUSTEE OR CUSTODIAN OF A TRUST OR CUSTODIANSHIP OF  
23 WHICH THE RESPONDENT IS A BENEFICIARY;

24 (VI) ANY FIDUCIARY FOR THE RESPONDENT APPOINTED BY THE  
25 DEPARTMENT OF VETERANS AFFAIRS;

26 (VII) AN AGENT DESIGNATED UNDER A POWER OF ATTORNEY FOR  
27 HEALTH CARE IN WHICH THE RESPONDENT IS IDENTIFIED AS THE PRINCIPAL;

1 (VIII) AN AGENT DESIGNATED UNDER A POWER OF ATTORNEY FOR  
2 FINANCES IN WHICH THE RESPONDENT IS IDENTIFIED AS THE PRINCIPAL;

3 (IX) A PERSON NOMINATED AS GUARDIAN BY THE RESPONDENT;

4 (X) A PERSON NOMINATED AS GUARDIAN BY THE RESPONDENT'S  
5 PARENT OR SPOUSE OR DOMESTIC PARTNER IN A WILL OR OTHER SIGNED  
6 RECORD;

7 (XI) A PROPOSED GUARDIAN AND THE REASON THE PROPOSED  
8 GUARDIAN SHOULD BE SELECTED; AND

9 (XII) A MEMBER OF THE RESPONDENT'S SUPPORTIVE COMMUNITY;

10 (d) THE REASON A GUARDIANSHIP IS NECESSARY, INCLUDING A  
11 BRIEF DESCRIPTION OF:

12 (I) THE NATURE AND EXTENT OF THE RESPONDENT'S ALLEGED  
13 NEED;

14 (II) ANY PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP  
15 OR OTHER LESS RESTRICTIVE ALTERNATIVES FOR MEETING THE  
16 RESPONDENT'S ALLEGED NEED WHICH HAVE BEEN CONSIDERED OR  
17 IMPLEMENTED;

18 (III) IF NO PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP  
19 OR OTHER LESS RESTRICTIVE ALTERNATIVES HAVE BEEN CONSIDERED OR  
20 IMPLEMENTED, THE REASON THEY HAVE NOT BEEN CONSIDERED OR  
21 IMPLEMENTED; AND

22 (IV) THE REASON A PROTECTIVE ARRANGEMENT INSTEAD OF  
23 GUARDIANSHIP OR OTHER LESS RESTRICTIVE ALTERNATIVE IS INSUFFICIENT  
24 TO MEET THE RESPONDENT'S ALLEGED NEED;

25 (e) WHETHER THE PETITIONER SEEKS A LIMITED GUARDIANSHIP OR  
26 FULL GUARDIANSHIP;

27 (f) IF THE PETITIONER SEEKS A FULL GUARDIANSHIP, THE REASON

1 A LIMITED GUARDIANSHIP OR PROTECTIVE ARRANGEMENT INSTEAD OF  
2 GUARDIANSHIP IS NOT APPROPRIATE;

3 (g) IF A LIMITED GUARDIANSHIP IS REQUESTED, THE POWERS TO BE  
4 GRANTED TO THE GUARDIAN;

5 (h) THE NAME AND CURRENT ADDRESS, IF KNOWN, OF ANY PERSON  
6 WITH WHOM THE PETITIONER SEEKS TO LIMIT THE RESPONDENT'S  
7 CONTACT;

8 (i) IF THE RESPONDENT HAS PROPERTY OTHER THAN PERSONAL  
9 EFFECTS, A GENERAL STATEMENT OF THE RESPONDENT'S PROPERTY, WITH  
10 AN ESTIMATE OF ITS VALUE, INCLUDING ANY INSURANCE OR PENSION, AND  
11 THE SOURCE AND AMOUNT OF OTHER ANTICIPATED INCOME OR RECEIPTS;  
12 AND

13 (j) WHETHER THE RESPONDENT NEEDS AN INTERPRETER,  
14 TRANSLATOR, OR OTHER FORM OF SUPPORT TO COMMUNICATE  
15 EFFECTIVELY WITH THE COURT OR UNDERSTAND COURT PROCEEDINGS.

16 **15-14.7-303. Notice of hearing for appointment of guardian**  
17 **for adult.** (1) ON FILING OF A PETITION PURSUANT TO SECTION  
18 15-14.7-302 FOR APPOINTMENT OF A GUARDIAN FOR AN ADULT, THE  
19 COURT SHALL SET A DATE, TIME, AND PLACE FOR HEARING THE PETITION.

20 (2) A COPY OF A PETITION DESCRIBED IN SECTION 15-14.7-302 AND  
21 NOTICE OF A HEARING ON THE PETITION MUST BE SERVED PERSONALLY ON  
22 THE RESPONDENT. THE NOTICE MUST INFORM THE RESPONDENT OF THE  
23 RESPONDENT'S RIGHTS AT THE HEARING, INCLUDING THE RIGHT TO AN  
24 ATTORNEY AND TO ATTEND THE HEARING. THE NOTICE MUST INCLUDE A  
25 DESCRIPTION OF THE NATURE, PURPOSE, AND CONSEQUENCES OF  
26 GRANTING THE PETITION. THE COURT MAY NOT GRANT THE PETITION IF  
27 NOTICE SUBSTANTIALLY COMPLYING WITH THIS SUBSECTION (2) IS NOT

1 SERVED ON THE RESPONDENT.

2 (3) IN A PROCEEDING ON A PETITION DESCRIBED IN SECTION  
3 15-14.7-302, THE NOTICE REQUIRED PURSUANT TO SUBSECTION (2) OF THIS  
4 SECTION MUST BE GIVEN TO THE PERSONS REQUIRED TO BE LISTED IN THE  
5 PETITION PURSUANT TO SECTION 15-14.7-302 (2)(a) TO (2)(c) AND ANY  
6 OTHER PERSON INTERESTED IN THE RESPONDENT'S WELFARE THE COURT  
7 DETERMINES. FAILURE TO GIVE NOTICE PURSUANT TO THIS SUBSECTION (3)  
8 DOES NOT PRECLUDE THE COURT FROM APPOINTING A GUARDIAN.

9 (4) IF A PETITION FILED PURSUANT TO SECTION 15-14.7-302 DOES  
10 NOT INCLUDE THE NAME OF AT LEAST ONE PERSON DESCRIBED IN SECTION  
11 15-14.7-302 (2), THE PETITIONER MUST SEARCH WITH REASONABLE  
12 DILIGENCE FOR AN ADULT RELATIVE OF THE RESPONDENT AND, IF AN  
13 ADULT RELATIVE IS FOUND, GIVE THE ADULT RELATIVE NOTICE, IN  
14 ACCORDANCE WITH SECTION 15-10-401, THAT A PETITION FOR  
15 GUARDIANSHIP OF THE RESPONDENT HAS BEEN FILED AND GIVE NOTICE OF  
16 A HEARING ON THE PETITION. THE NOTICE SENT TO THE ADULT RELATIVE  
17 OF THE RESPONDENT MUST NOT INCLUDE A COPY OF THE PETITION.  
18 FAILURE TO GIVE NOTICE PURSUANT TO THIS SUBSECTION (4) DOES NOT  
19 PRECLUDE THE COURT FROM APPOINTING A GUARDIAN.

20 (5) AFTER THE APPOINTMENT OF A GUARDIAN, NOTICE OF A  
21 HEARING ON A PETITION FOR AN ORDER PURSUANT TO THIS PART 3,  
22 TOGETHER WITH A COPY OF THE PETITION, MUST BE GIVEN TO:

- 23 (a) THE ADULT SUBJECT TO GUARDIANSHIP;
- 24 (b) THE GUARDIAN; AND
- 25 (c) ANY OTHER PERSON THE COURT DETERMINES.

26 **15-14.7-304. Appointment and role of visitor.** (1) ON RECEIPT  
27 OF A PETITION DESCRIBED IN SECTION 15-14.7-302 FOR APPOINTMENT OF



1 A GUARDIAN FOR AN ADULT, THE COURT SHALL APPOINT A VISITOR. THE  
2 COURT SHALL DISCLOSE IN THE ORDER APPOINTING THE VISITOR THE  
3 SPECIFIC TRAINING OR EXPERIENCE THE VISITOR HAS WITH RESPECT TO THE  
4 TYPES OF ABILITIES, LIMITATIONS, AND NEEDS OF THE RESPONDENT  
5 ALLEGED IN THE PETITION AND THE BASIS FOR FEES TO BE PAID TO THE  
6 VISITOR.

7 (2) A VISITOR APPOINTED PURSUANT TO SUBSECTION (1) OF THIS  
8 SECTION SHALL INTERVIEW THE RESPONDENT IN PERSON AND, IN A  
9 MANNER THE RESPONDENT IS BEST ABLE TO UNDERSTAND:

10 (a) EXPLAIN TO THE RESPONDENT THE SUBSTANCE OF THE  
11 PETITION; THE NATURE, PURPOSE, AND EFFECT OF THE PROCEEDING; THE  
12 RESPONDENT'S RIGHTS AT THE HEARING ON THE PETITION; AND THE  
13 GENERAL POWERS AND DUTIES OF A GUARDIAN;

14 (b) DETERMINE THE RESPONDENT'S VIEWS ABOUT THE  
15 APPOINTMENT SOUGHT BY THE PETITIONER, INCLUDING VIEWS ABOUT A  
16 PROPOSED GUARDIAN, THE GUARDIAN'S PROPOSED POWERS AND DUTIES,  
17 AND THE SCOPE AND DURATION OF THE PROPOSED GUARDIANSHIP;

18 (c) INFORM THE RESPONDENT OF THE RESPONDENT'S RIGHT TO  
19 EMPLOY AND CONSULT WITH AN ATTORNEY AT THE RESPONDENT'S  
20 EXPENSE AND THE RIGHT TO REQUEST A COURT-APPOINTED ATTORNEY;  
21 AND

22 (d) INFORM THE RESPONDENT THAT ALL COSTS AND EXPENSES OF  
23 THE PROCEEDING, INCLUDING RESPONDENT'S ATTORNEY FEES, MAY BE  
24 PAID FROM THE RESPONDENT'S ASSETS.

25 (3) THE VISITOR APPOINTED PURSUANT TO SUBSECTION (1) OF THIS  
26 SECTION SHALL:

27 (a) INTERVIEW THE PETITIONER AND PROPOSED GUARDIAN, IF ANY;

1 (b) VISIT THE RESPONDENT'S PRESENT DWELLING AND ANY  
2 DWELLING IN WHICH IT IS REASONABLY BELIEVED THE RESPONDENT WILL  
3 LIVE IF THE APPOINTMENT IS MADE;

4 (c) OBTAIN INFORMATION FROM ANY PHYSICIAN OR OTHER PERSON  
5 KNOWN TO HAVE TREATED, ADVISED, OR ASSESSED THE RESPONDENT'S  
6 RELEVANT PHYSICAL OR MENTAL CONDITION; AND

7 (d) INVESTIGATE THE ALLEGATIONS IN THE PETITION AND ANY  
8 OTHER MATTER RELATING TO THE PETITION THE COURT DIRECTS.

9 (4) A VISITOR APPOINTED PURSUANT TO SUBSECTION (1) OF THIS  
10 SECTION PROMPTLY SHALL FILE A REPORT IN A RECORD WITH THE COURT,  
11 WHICH MUST INCLUDE:

12 (a) A RECOMMENDATION WHETHER AN ATTORNEY SHOULD BE  
13 APPOINTED TO REPRESENT THE RESPONDENT IF AN ATTORNEY HAS NOT  
14 ALREADY BEEN APPOINTED PURSUANT TO SECTION 15-14.7-305;

15 (b) A SUMMARY OF SELF-CARE AND INDEPENDENT-LIVING TASKS  
16 THE RESPONDENT CAN MANAGE WITHOUT ASSISTANCE OR WITH EXISTING  
17 SUPPORTS; COULD MANAGE WITH THE ASSISTANCE OF APPROPRIATE  
18 SUPPORTIVE SERVICES, TECHNOLOGICAL ASSISTANCE, OR SUPPORTED  
19 DECISION-MAKING; AND CANNOT MANAGE;

20 (c) A RECOMMENDATION REGARDING THE APPROPRIATENESS OF  
21 GUARDIANSHIP, INCLUDING WHETHER A PROTECTIVE ARRANGEMENT  
22 INSTEAD OF GUARDIANSHIP OR OTHER LESS RESTRICTIVE ALTERNATIVE  
23 FOR MEETING THE RESPONDENT'S NEEDS IS AVAILABLE, AND:

24 (I) IF A GUARDIANSHIP IS RECOMMENDED, WHETHER IT SHOULD BE  
25 FULL OR LIMITED; AND

26 (II) IF A LIMITED GUARDIANSHIP IS RECOMMENDED, THE POWERS  
27 TO BE GRANTED TO THE GUARDIAN;

1 (d) A STATEMENT OF THE QUALIFICATIONS OF THE PROPOSED  
2 GUARDIAN AND WHETHER THE RESPONDENT APPROVES OR DISAPPROVES  
3 OF THE PROPOSED GUARDIAN;

4 (e) A STATEMENT WHETHER THE PROPOSED DWELLING MEETS THE  
5 RESPONDENT'S NEEDS AND WHETHER THE RESPONDENT HAS EXPRESSED A  
6 PREFERENCE AS TO RESIDENCE;

7 (f) A RECOMMENDATION WHETHER A PROFESSIONAL EVALUATION  
8 PURSUANT TO SECTION 15-14.7-306 IS NECESSARY;

9 (g) A STATEMENT WHETHER THE RESPONDENT IS ABLE TO ATTEND  
10 A HEARING AT THE LOCATION COURT PROCEEDINGS TYPICALLY ARE HELD;

11 (h) A STATEMENT WHETHER THE RESPONDENT IS ABLE TO  
12 PARTICIPATE IN A HEARING AND WHICH IDENTIFIES ANY TECHNOLOGY OR  
13 OTHER FORM OF SUPPORT THAT WOULD ENHANCE THE RESPONDENT'S  
14 ABILITY TO PARTICIPATE; AND

15 (i) ANY OTHER MATTER THE COURT DIRECTS.

16 **15-14.7-305. Appointment and role of attorney for adult.**

17 (1) THE COURT SHALL APPOINT AN ATTORNEY TO REPRESENT THE  
18 RESPONDENT IN A PROCEEDING FOR APPOINTMENT OF A GUARDIAN FOR AN  
19 ADULT IF:

20 (a) THE RESPONDENT REQUESTS AN APPOINTMENT;

21 (b) THE VISITOR RECOMMENDS AN APPOINTMENT; OR

22 (c) THE COURT DETERMINES THE RESPONDENT NEEDS  
23 REPRESENTATION.

24 (2) AN ATTORNEY REPRESENTING THE RESPONDENT IN A  
25 PROCEEDING FOR APPOINTMENT OF A GUARDIAN FOR AN ADULT SHALL:

26 (a) MAKE REASONABLE EFFORTS TO ASCERTAIN THE RESPONDENT'S  
27 WISHES;

1 (b) ADVOCATE FOR THE RESPONDENT'S WISHES TO THE EXTENT  
2 REASONABLY ASCERTAINABLE; AND

3 (c) IF THE RESPONDENT'S WISHES ARE NOT REASONABLY  
4 ASCERTAINABLE, ADVOCATE FOR THE RESULT THAT IS THE LEAST  
5 RESTRICTIVE IN TYPE, DURATION, AND SCOPE, CONSISTENT WITH THE  
6 RESPONDENT'S INTERESTS.

7 **15-14.7-306. Professional evaluation.** (1) AT OR BEFORE A  
8 HEARING ON A PETITION FOR A GUARDIANSHIP FOR AN ADULT, THE COURT  
9 SHALL ORDER A PROFESSIONAL EVALUATION OF THE RESPONDENT:

10 (a) IF THE RESPONDENT REQUESTS THE EVALUATION; OR

11 (b) IF THE COURT FINDS THAT ADDITIONAL INFORMATION MAY  
12 ASSIST THE COURT IN DETERMINING THE RESPONDENT'S NEEDS AND  
13 ABILITIES.

14 (2) IF THE COURT ORDERS AN EVALUATION PURSUANT TO  
15 SUBSECTION (1) OF THIS SECTION, THE RESPONDENT MUST BE EXAMINED  
16 BY A LICENSED PHYSICIAN, PSYCHOLOGIST, SOCIAL WORKER, OR OTHER  
17 INDIVIDUAL APPOINTED BY THE COURT WHO IS QUALIFIED TO EVALUATE  
18 THE RESPONDENT'S ALLEGED COGNITIVE AND FUNCTIONAL ABILITIES AND  
19 LIMITATIONS AND WILL NOT BE ADVANTAGED OR DISADVANTAGED BY A  
20 DECISION TO GRANT THE PETITION OR OTHERWISE HAVE A CONFLICT OF  
21 INTEREST. THE INDIVIDUAL CONDUCTING THE EVALUATION PROMPTLY  
22 SHALL FILE REPORT IN A RECORD WITH THE COURT. UNLESS OTHERWISE  
23 DIRECTED BY THE COURT, THE REPORT MUST CONTAIN:

24 (a) A DESCRIPTION OF THE NATURE, TYPE, AND EXTENT OF THE  
25 RESPONDENT'S COGNITIVE AND FUNCTIONAL ABILITIES AND LIMITATIONS;

26 (b) AN EVALUATION OF THE RESPONDENT'S MENTAL AND PHYSICAL  
27 CONDITION AND, IF APPROPRIATE, EDUCATIONAL POTENTIAL, ADAPTIVE

1 BEHAVIOR, AND SOCIAL SKILLS;

2 (c) A PROGNOSIS FOR IMPROVEMENT AND RECOMMENDATION FOR  
3 THE APPROPRIATE TREATMENT, SUPPORT, OR HABILITATION PLAN; AND

4 (d) THE DATE OF THE EXAMINATION ON WHICH THE REPORT IS  
5 BASED.

6 (3) THE RESPONDENT MAY DECLINE TO PARTICIPATE IN AN  
7 EVALUATION ORDERED PURSUANT TO SUBSECTION (1) OF THIS SECTION.

8 **15-14.7-307. Attendance and rights at hearing.** (1) EXCEPT AS  
9 OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, A HEARING  
10 PURSUANT TO SECTION 15-14.7-303 MAY NOT PROCEED UNLESS THE  
11 RESPONDENT ATTENDS THE HEARING. IF IT IS NOT REASONABLY FEASIBLE  
12 FOR THE RESPONDENT TO ATTEND A HEARING AT THE LOCATION COURT  
13 PROCEEDINGS TYPICALLY ARE HELD, THE COURT SHALL HOLD A HEARING  
14 USING REAL-TIME AUDIO-VISUAL TECHNOLOGY OR, AT THE COURT'S  
15 DISCRETION, HOLD THE HEARING AT AN ALTERNATIVE LOCATION WHERE  
16 THE RESPONDENT CAN ATTEND USING REAL-TIME AUDIO-VISUAL  
17 TECHNOLOGY.

18 (2) A HEARING PURSUANT TO SECTION 15-14.7-303 MAY PROCEED  
19 WITHOUT THE RESPONDENT IN ATTENDANCE IF THE COURT FINDS BY CLEAR  
20 AND CONVINCING EVIDENCE THAT:

21 (a) THE RESPONDENT HAS REFUSED TO ATTEND THE HEARING  
22 AFTER HAVING BEEN FULLY INFORMED OF THE RIGHT TO ATTEND AND THE  
23 POTENTIAL CONSEQUENCES OF FAILING TO DO SO; OR

24 (b) THERE IS NO PRACTICABLE WAY FOR THE RESPONDENT TO  
25 ATTEND AND PARTICIPATE IN THE HEARING EVEN WITH APPROPRIATE  
26 SUPPORTIVE SERVICES AND TECHNOLOGICAL ASSISTANCE.

27 (3) THE RESPONDENT MAY BE ASSISTED IN A HEARING PURSUANT

1 TO SECTION 15-14.7-303 BY A PERSON OR PERSONS OF THE RESPONDENT'S  
2 CHOOSING, ASSISTIVE TECHNOLOGY, OR AN INTERPRETER OR TRANSLATOR,  
3 OR A COMBINATION OF THESE SUPPORTS. IF ASSISTANCE WOULD  
4 FACILITATE THE RESPONDENT'S PARTICIPATION IN THE HEARING BUT IS NOT  
5 OTHERWISE AVAILABLE TO THE RESPONDENT, THE COURT SHALL MAKE  
6 REASONABLE EFFORTS TO PROVIDE IT.

7 (4) THE RESPONDENT HAS A RIGHT TO CHOOSE AN ATTORNEY TO  
8 REPRESENT THE RESPONDENT AT A HEARING PURSUANT TO SECTION  
9 15-14.7-303.

10 (5) AT A HEARING HELD PURSUANT TO SECTION 15-14.7.5-303, THE  
11 RESPONDENT MAY:

12 (a) PRESENT EVIDENCE AND SUBPOENA WITNESSES AND  
13 DOCUMENTS;

14 (b) EXAMINE WITNESSES, INCLUDING ANY COURT-APPOINTED  
15 EVALUATOR AND THE VISITOR; AND

16 (c) OTHERWISE PARTICIPATE IN THE HEARING.

17 (6) UNLESS EXCUSED BY THE COURT FOR GOOD CAUSE, A  
18 PROPOSED GUARDIAN SHALL ATTEND A HEARING HELD PURSUANT TO  
19 SECTION 15-14.7-303.

20 (7) A HEARING HELD PURSUANT TO SECTION 15-14.7-303 MUST BE  
21 CLOSED ON REQUEST OF THE RESPONDENT OR A SHOWING OF GOOD CAUSE.

22 (8) ANY PERSON MAY REQUEST TO PARTICIPATE IN A HEARING  
23 HELD PURSUANT TO SECTION 15-14.7-303. THE COURT MAY GRANT THE  
24 REQUEST, WITH OR WITHOUT A HEARING, ON DETERMINING THAT THE BEST  
25 INTEREST OF THE RESPONDENT WILL BE SERVED. THE COURT SHALL  
26 CONSIDER THE PREFERENCES AND OPINIONS OF THE RESPONDENT PRIOR TO  
27 GRANTING A REQUEST TO PARTICIPATE IN THE HEARING. THE COURT MAY

1 IMPOSE APPROPRIATE CONDITIONS ON THE PERSON'S PARTICIPATION.

2 **15-14.7-308. Confidentiality of records.** THE COURT SHALL  
3 COMPLY WITH THE ADMINISTRATIVE RULES PROMULGATED BY THE  
4 JUDICIAL DEPARTMENT CONCERNING THE CONFIDENTIALITY OF COURT  
5 RECORDS.

6 **15-14.7-309. Who may be guardian for adult - order of**  
7 **priority.** (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS  
8 SECTION, THE COURT, IN APPOINTING A GUARDIAN FOR AN ADULT, SHALL  
9 CONSIDER PERSONS QUALIFIED TO BE A GUARDIAN IN THE FOLLOWING  
10 ORDER OF PRIORITY:

11 (a) A GUARDIAN, OTHER THAN A TEMPORARY OR EMERGENCY  
12 GUARDIAN, CURRENTLY ACTING FOR THE RESPONDENT IN ANOTHER  
13 JURISDICTION;

14 (b) A PERSON NOMINATED AS GUARDIAN BY THE RESPONDENT,  
15 INCLUDING THE RESPONDENT'S MOST RECENT NOMINATION MADE IN A  
16 POWER OF ATTORNEY;

17 (c) AN AGENT APPOINTED BY THE RESPONDENT UNDER A POWER OF  
18 ATTORNEY FOR HEALTH CARE;

19 (d) A SPOUSE OR DOMESTIC PARTNER OF THE RESPONDENT; AND

20 (e) A FAMILY MEMBER OR OTHER INDIVIDUAL WHO HAS SHOWN  
21 SPECIAL CARE AND CONCERN FOR THE RESPONDENT.

22 (2) IF TWO OR MORE PERSONS HAVE EQUAL PRIORITY PURSUANT TO  
23 SUBSECTION (1) OF THIS SECTION, THE COURT SHALL SELECT AS GUARDIAN  
24 THE PERSON THE COURT CONSIDERS BEST QUALIFIED. IN DETERMINING THE  
25 BEST QUALIFIED PERSON, THE COURT SHALL CONSIDER THE PERSON'S  
26 RELATIONSHIP WITH THE RESPONDENT, THE PERSON'S SKILLS, THE  
27 EXPRESSED WISHES OF THE RESPONDENT, THE EXTENT TO WHICH THE

1 PERSON AND THE RESPONDENT HAVE SIMILAR VALUES AND PREFERENCES,  
2 AND THE LIKELIHOOD THE PERSON WILL BE ABLE TO PERFORM THE DUTIES  
3 OF A GUARDIAN SUCCESSFULLY.

4 (3) THE COURT, ACTING IN THE BEST INTEREST OF THE  
5 RESPONDENT, MAY DECLINE TO APPOINT AS GUARDIAN A PERSON HAVING  
6 PRIORITY PURSUANT TO SUBSECTION (1) OF THIS SECTION AND APPOINT A  
7 PERSON HAVING A LOWER PRIORITY OR NO PRIORITY.

8 (4) UNLESS THE PERSON HAS PRIORITY TO SERVE PURSUANT TO  
9 SUBSECTION (1) OF THIS SECTION, A PERSON WHO PROVIDES PAID SERVICES  
10 TO THE RESPONDENT, OR AN INDIVIDUAL WHO IS EMPLOYED BY A PERSON  
11 WHO PROVIDES PAID SERVICES TO THE RESPONDENT OR IS THE SPOUSE,  
12 DOMESTIC PARTNER, PARENT, OR CHILD OF AN INDIVIDUAL WHO PROVIDES  
13 OR IS EMPLOYED TO PROVIDE PAID SERVICES TO THE RESPONDENT, MAY  
14 NOT BE APPOINTED AS GUARDIAN UNLESS:

15 (a) THE INDIVIDUAL IS RELATED TO THE RESPONDENT BY BLOOD,  
16 MARRIAGE, OR ADOPTION; OR

17 (b) THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT  
18 THE PERSON IS THE BEST QUALIFIED PERSON AVAILABLE FOR APPOINTMENT  
19 AND THE APPOINTMENT IS IN THE BEST INTEREST OF THE RESPONDENT.

20 (5) AN OWNER, OPERATOR, OR EMPLOYEE OF A LONG-TERM CARE  
21 FACILITY AT WHICH THE RESPONDENT IS RECEIVING CARE MAY NOT BE  
22 APPOINTED AS GUARDIAN UNLESS THE OWNER, OPERATOR, OR EMPLOYEE  
23 IS RELATED TO THE RESPONDENT BY BLOOD, MARRIAGE, OR ADOPTION.

24 **15-14.7-310. Order of appointment for guardian.** (1) A COURT  
25 ORDER APPOINTING A GUARDIAN FOR AN ADULT MUST:

26 (a) INCLUDE A SPECIFIC FINDING THAT CLEAR AND CONVINCING  
27 EVIDENCE ESTABLISHED THAT THE IDENTIFIED NEEDS OF THE RESPONDENT



1 CANNOT BE MET BY A PROTECTIVE ARRANGEMENT INSTEAD OF  
2 GUARDIANSHIP OR OTHER LESS RESTRICTIVE ALTERNATIVE, INCLUDING  
3 USE OF APPROPRIATE SUPPORTIVE SERVICES, TECHNOLOGICAL ASSISTANCE,  
4 OR SUPPORTED DECISION-MAKING;

5 (b) INCLUDE A SPECIFIC FINDING THAT CLEAR AND CONVINCING  
6 EVIDENCE ESTABLISHED THE RESPONDENT WAS GIVEN PROPER NOTICE OF  
7 THE HEARING ON THE PETITION;

8 (c) STATE WHETHER THE ADULT SUBJECT TO GUARDIANSHIP  
9 RETAINS THE RIGHT TO VOTE AND, IF THE ADULT DOES NOT RETAIN THE  
10 RIGHT TO VOTE, INCLUDE FINDINGS THAT SUPPORT REMOVING THAT RIGHT,  
11 WHICH MUST INCLUDE A FINDING THAT THE ADULT CANNOT  
12 COMMUNICATE, WITH OR WITHOUT SUPPORT, A SPECIFIC DESIRE TO  
13 PARTICIPATE IN THE VOTING PROCESS; AND

14 (d) STATE WHETHER THE ADULT SUBJECT TO GUARDIANSHIP  
15 RETAINS THE RIGHT TO MARRY AND, IF THE ADULT DOES NOT RETAIN THE  
16 RIGHT TO MARRY, INCLUDE FINDINGS THAT SUPPORT REMOVING THAT  
17 RIGHT.

18 (2) AN ADULT SUBJECT TO GUARDIANSHIP RETAINS THE RIGHT TO  
19 VOTE UNLESS THE ORDER DESCRIBED IN SUBSECTION (1) OF THIS SECTION  
20 INCLUDES THE STATEMENT REQUIRED BY SUBSECTION (1)(c) OF THIS  
21 SECTION. AN ADULT SUBJECT TO GUARDIANSHIP RETAINS THE RIGHT TO  
22 MARRY UNLESS THE ORDER DESCRIBED IN SUBSECTION (1) OF THIS SECTION  
23 INCLUDES THE FINDINGS REQUIRED BY SUBSECTION (1)(d) OF THIS  
24 SECTION.

25 (3) A COURT ORDER ESTABLISHING A FULL GUARDIANSHIP FOR AN  
26 ADULT MUST STATE THE BASIS FOR GRANTING A FULL GUARDIANSHIP AND  
27 INCLUDE SPECIFIC FINDINGS THAT SUPPORT THE CONCLUSION THAT A

1 LIMITED GUARDIANSHIP WOULD NOT MEET THE FUNCTIONAL NEEDS OF THE  
2 ADULT SUBJECT TO GUARDIANSHIP.

3 (4) A COURT ORDER ESTABLISHING A LIMITED GUARDIANSHIP FOR  
4 AN ADULT MUST STATE THE SPECIFIC POWERS GRANTED TO THE GUARDIAN.

5 (5) THE COURT, AS PART OF AN ORDER ESTABLISHING A  
6 GUARDIANSHIP FOR AN ADULT, SHALL IDENTIFY ANY PERSON THAT  
7 SUBSEQUENTLY IS ENTITLED TO:

8 (a) NOTICE OF THE RIGHTS OF THE ADULT PURSUANT TO SECTION  
9 15-14.7-311 (2);

10 (b) NOTICE OF A CHANGE IN THE PRIMARY DWELLING OF THE  
11 ADULT;

12 (c) NOTICE THAT THE GUARDIAN HAS DELEGATED:

13 (I) THE POWER TO MANAGE THE CARE OF THE ADULT;

14 (II) THE POWER TO MAKE DECISIONS ABOUT WHERE THE ADULT  
15 LIVES;

16 (III) THE POWER TO MAKE MAJOR MEDICAL DECISIONS ON BEHALF  
17 OF THE ADULT;

18 (IV) THE POWER THAT REQUIRES COURT APPROVAL PURSUANT TO  
19 SECTION 15-14.7-315; OR

20 (V) SUBSTANTIALLY ALL POWERS OF THE GUARDIAN;

21 (d) NOTICE THAT THE GUARDIAN WILL BE UNAVAILABLE TO VISIT  
22 THE ADULT FOR MORE THAN TWO MONTHS OR UNAVAILABLE TO PERFORM  
23 THE GUARDIAN'S DUTIES FOR MORE THAN ONE MONTH;

24 (e) A COPY OF THE GUARDIAN'S PLAN DESCRIBED IN SECTION  
25 15-14.7-316 AND THE GUARDIAN'S REPORT DESCRIBED IN SECTION  
26 15-14.7-317;

27 (f) ACCESS TO COURT RECORDS RELATING TO THE GUARDIANSHIP;

1 (g) NOTICE OF THE DEATH OR SIGNIFICANT CHANGE IN THE  
2 CONDITION OF THE ADULT;

3 (h) NOTICE THAT THE COURT HAS LIMITED OR MODIFIED THE  
4 POWERS OF THE GUARDIAN; AND

5 (i) NOTICE OF THE REMOVAL OF THE GUARDIAN.

6 (6) A SPOUSE, DOMESTIC PARTNER, AND ADULT CHILDREN OF AN  
7 ADULT SUBJECT TO GUARDIANSHIP ARE ENTITLED TO NOTICE PURSUANT TO  
8 SUBSECTION (5) OF THIS SECTION UNLESS THE COURT DETERMINES NOTICE  
9 WOULD BE CONTRARY TO THE PREFERENCES OR PRIOR DIRECTIONS OF THE  
10 ADULT SUBJECT TO GUARDIANSHIP OR NOT IN THE BEST INTEREST OF THE  
11 ADULT.

12 **15-14.7-311. Notice of order of appointment - rights.** (1) A  
13 GUARDIAN APPOINTED PURSUANT TO SECTION 15-14.7-309 SHALL GIVE  
14 THE ADULT SUBJECT TO GUARDIANSHIP AND ALL OTHER PERSONS GIVEN  
15 NOTICE PURSUANT TO SECTION 15-14.7-303 A COPY OF THE ORDER OF  
16 APPOINTMENT, TOGETHER WITH NOTICE OF THE RIGHT TO REQUEST  
17 TERMINATION OR MODIFICATION. THE ORDER AND NOTICE MUST BE GIVEN  
18 NOT LATER THAN FOURTEEN DAYS AFTER THE APPOINTMENT.

19 (2) NOT LATER THAN THIRTY DAYS AFTER APPOINTMENT OF A  
20 GUARDIAN PURSUANT TO SECTION 15-14.7-309, THE COURT SHALL GIVE TO  
21 THE ADULT SUBJECT TO GUARDIANSHIP, THE GUARDIAN, AND ANY OTHER  
22 PERSON ENTITLED TO NOTICE PURSUANT TO SECTION 15-14.7-310 (5) OR  
23 A SUBSEQUENT ORDER A STATEMENT OF THE RIGHTS OF THE ADULT  
24 SUBJECT TO GUARDIANSHIP AND PROCEDURES TO SEEK RELIEF IF THE  
25 ADULT IS DENIED THOSE RIGHTS. THE STATEMENT MUST BE IN AT LEAST  
26 SIXTEEN-POINT FONT, IN PLAIN LANGUAGE, AND, TO THE EXTENT FEASIBLE,  
27 IN A LANGUAGE IN WHICH THE ADULT SUBJECT TO GUARDIANSHIP IS

1 PROFICIENT. THE STATEMENT MUST NOTIFY THE ADULT SUBJECT TO  
2 GUARDIANSHIP OF THE RIGHT TO:

3 (a) SEEK TERMINATION OR MODIFICATION OF THE GUARDIANSHIP,  
4 OR REMOVAL OF THE GUARDIAN, AND CHOOSE AN ATTORNEY TO  
5 REPRESENT THE ADULT IN THESE MATTERS;

6 (b) BE INVOLVED IN DECISIONS AFFECTING THE ADULT, INCLUDING  
7 DECISIONS ABOUT THE ADULT'S CARE, DWELLING, ACTIVITIES, OR SOCIAL  
8 INTERACTIONS, TO THE EXTENT REASONABLY FEASIBLE;

9 (c) BE INVOLVED IN HEALTH-CARE DECISION-MAKING TO THE  
10 EXTENT REASONABLY FEASIBLE AND SUPPORTED IN UNDERSTANDING THE  
11 RISKS AND BENEFITS OF HEALTH-CARE OPTIONS TO THE EXTENT  
12 REASONABLY FEASIBLE;

13 (d) BE NOTIFIED AT LEAST FOURTEEN DAYS BEFORE A CHANGE IN  
14 THE ADULT'S PRIMARY DWELLING OR PERMANENT MOVE TO A NURSING  
15 HOME, MENTAL HEALTH INSTITUTION, OR OTHER FACILITY THAT PLACES  
16 RESTRICTIONS ON THE INDIVIDUAL'S ABILITY TO LEAVE OR HAVE VISITORS,  
17 UNLESS THE CHANGE OR MOVE IS PROPOSED IN THE GUARDIAN'S PLAN  
18 PURSUANT TO SECTION 15-14.7-316 OR AUTHORIZED BY THE COURT BY  
19 SPECIFIC ORDER;

20 (e) OBJECT TO A CHANGE OR MOVE DESCRIBED IN SUBSECTION  
21 (2)(d) OF THIS SECTION AND THE PROCESS FOR OBJECTING;

22 (f) COMMUNICATE, VISIT, OR INTERACT WITH OTHERS, INCLUDING  
23 RECEIVING VISITORS AND MAKING OR RECEIVING TELEPHONE CALLS,  
24 PERSONAL MAIL, OR ELECTRONIC COMMUNICATIONS, INCLUDING THROUGH  
25 SOCIAL MEDIA, UNLESS:

26 (I) THE GUARDIAN HAS BEEN AUTHORIZED BY THE COURT BY  
27 SPECIFIC ORDER TO RESTRICT COMMUNICATIONS, VISITS, OR

1 INTERACTIONS;

2 (II) PROTECTIVE ORDER OR PROTECTIVE ARRANGEMENT INSTEAD  
3 OF GUARDIANSHIP IS IN EFFECT THAT LIMITS CONTACT BETWEEN THE  
4 ADULT AND A PERSON; OR

5 (III) THE GUARDIAN HAS GOOD CAUSE TO BELIEVE RESTRICTION IS  
6 NECESSARY BECAUSE INTERACTION WITH A SPECIFIED PERSON POSES A  
7 RISK OF SIGNIFICANT PHYSICAL, PSYCHOLOGICAL, OR FINANCIAL HARM TO  
8 THE ADULT, AND THE RESTRICTION IS:

9 (A) FOR A PERIOD OF NOT MORE THAN SEVEN BUSINESS DAYS IF  
10 THE PERSON HAS A FAMILY OR PRE-EXISTING SOCIAL RELATIONSHIP WITH  
11 THE ADULT; OR

12 (B) FOR A PERIOD OF NOT MORE THAN SIXTY DAYS IF THE PERSON  
13 DOES NOT HAVE A FAMILY OR PRE-EXISTING SOCIAL RELATIONSHIP WITH  
14 THE ADULT;

15 (g) RECEIVE A COPY OF THE GUARDIAN'S PLAN DESCRIBED IN  
16 SECTION 15-14.7-316 AND THE GUARDIAN'S REPORT DESCRIBED IN SECTION  
17 15-14.7-317; AND

18 (h) OBJECT TO THE GUARDIAN'S PLAN OR REPORT.

19 **15-14.7-312. Emergency guardian for adult.** (1) ON ITS OWN  
20 AFTER A PETITION HAS BEEN FILED PURSUANT TO SECTION 15-14.7-302, OR  
21 ON PETITION BY A PERSON INTERESTED IN AN ADULT'S WELFARE, THE  
22 COURT MAY APPOINT AN EMERGENCY GUARDIAN FOR THE ADULT IF THE  
23 COURT FINDS:

24 (a) APPOINTMENT OF AN EMERGENCY GUARDIAN IS LIKELY TO  
25 PREVENT SUBSTANTIAL HARM TO THE ADULT'S HEALTH, SAFETY, OR  
26 WELFARE;

27 (b) NO OTHER PERSON APPEARS TO HAVE AUTHORITY AND

1 WILLINGNESS TO ACT IN THE CIRCUMSTANCES; AND

2 (c) THERE IS REASON TO BELIEVE THAT A BASIS FOR APPOINTMENT  
3 OF A GUARDIAN PURSUANT TO SECTION 15-14.7-301 EXISTS.

4 (2) THE DURATION OF AUTHORITY OF AN EMERGENCY GUARDIAN  
5 FOR AN ADULT MAY NOT EXCEED SIXTY DAYS, AND THE EMERGENCY  
6 GUARDIAN MAY EXERCISE ONLY THE POWERS SPECIFIED IN THE ORDER OF  
7 APPOINTMENT. THE EMERGENCY GUARDIAN'S AUTHORITY MAY BE  
8 EXTENDED ONCE FOR NOT MORE THAN SIXTY DAYS IF THE COURT FINDS  
9 THAT THE CONDITIONS FOR APPOINTMENT OF AN EMERGENCY GUARDIAN  
10 DESCRIBED IN SUBSECTION (1) OF THIS SECTION CONTINUE.

11 (3) IMMEDIATELY ON FILING OF A PETITION FOR APPOINTMENT OF  
12 AN EMERGENCY GUARDIAN FOR AN ADULT, THE COURT SHALL APPOINT AN  
13 ATTORNEY TO REPRESENT THE RESPONDENT IN THE PROCEEDING. EXCEPT  
14 AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION,  
15 REASONABLE NOTICE OF THE DATE, TIME, AND PLACE OF A HEARING ON  
16 THE PETITION MUST BE GIVEN TO THE RESPONDENT, THE RESPONDENT'S  
17 ATTORNEY, AND ANY OTHER PERSON THE COURT DETERMINES.

18 (4) THE COURT MAY APPOINT AN EMERGENCY GUARDIAN FOR AN  
19 ADULT WITHOUT NOTICE TO THE ADULT AND ANY ATTORNEY FOR THE  
20 ADULT ONLY IF THE COURT FINDS FROM AN AFFIDAVIT OR TESTIMONY  
21 THAT THE RESPONDENT'S HEALTH, SAFETY, OR WELFARE MAY BE  
22 SUBSTANTIALLY HARMED BEFORE A HEARING WITH NOTICE ON THE  
23 APPOINTMENT CAN BE HELD. IF THE COURT APPOINTS AN EMERGENCY  
24 GUARDIAN WITHOUT REASONABLE NOTICE TO THE RESPONDENT OR THE  
25 RESPONDENT'S ATTORNEY AND THE RESPONDENT IS NOT PRESENT AT THE  
26 HEARING, THE COURT MUST:

27 (a) PERSONALLY SERVE NOTICE OF THE APPOINTMENT NOT LATER

1 THAN FORTY-EIGHT HOURS AFTER THE APPOINTMENT TO:

2 (I) THE RESPONDENT;

3 (II) THE RESPONDENT'S ATTORNEY; AND

4 (III) ANY OTHER PERSON THE COURT DETERMINES; AND

5 (b) HOLD A HEARING ON THE APPROPRIATENESS OF THE  
6 APPOINTMENT NOT LATER THAN SEVEN DAYS AFTER THE APPOINTMENT  
7 UPON THE REQUEST OF THE RESPONDENT, THE RESPONDENT'S ATTORNEY,  
8 A MEMBER OF THE RESPONDENT'S SUPPORTIVE COMMUNITY, OR A PERSON  
9 INTERESTED IN THE WELFARE OF AN INDIVIDUAL SUBJECT TO  
10 GUARDIANSHIP OR CONSERVATORSHIP.

11 (5) APPOINTMENT OF AN EMERGENCY GUARDIAN PURSUANT TO  
12 THIS SECTION IS NOT A DETERMINATION THAT A BASIS EXISTS FOR  
13 APPOINTMENT OF A GUARDIAN PURSUANT TO SECTION 15-14.7-301.

14 (6) THE COURT MAY TERMINATE THE APPOINTMENT OF AN  
15 EMERGENCY GUARDIAN APPOINTED PURSUANT TO THIS SECTION AT ANY  
16 TIME. THE EMERGENCY GUARDIAN SHALL MAKE ANY REPORT THE COURT  
17 REQUIRES.

18 **15-14.7-313. Duties of guardian for adult.** (1) A GUARDIAN FOR  
19 AN ADULT IS A FIDUCIARY. EXCEPT AS OTHERWISE LIMITED BY THE COURT,  
20 A GUARDIAN FOR AN ADULT SHALL MAKE DECISIONS REGARDING THE  
21 SUPPORT, CARE, EDUCATION, HEALTH, AND WELFARE OF THE ADULT  
22 SUBJECT TO GUARDIANSHIP TO THE EXTENT NECESSITATED BY THE  
23 ADULT'S LIMITATIONS.

24 (2) A GUARDIAN FOR AN ADULT SHALL PROMOTE THE  
25 SELF-DETERMINATION OF THE ADULT AND, TO THE EXTENT REASONABLY  
26 FEASIBLE, ENCOURAGE THE ADULT TO PARTICIPATE IN DECISIONS, ACT ON  
27 THE ADULT'S OWN BEHALF, AND DEVELOP OR REGAIN THE CAPACITY TO

1 MANAGE THE ADULT'S PERSONAL AFFAIRS. IN FURTHERANCE OF THIS DUTY,  
2 THE GUARDIAN SHALL:

3 (a) BECOME OR REMAIN PERSONALLY ACQUAINTED WITH THE  
4 ADULT AND MAINTAIN SUFFICIENT CONTACT WITH THE ADULT, INCLUDING  
5 THROUGH REGULAR VISITATION, TO KNOW THE ADULT'S ABILITIES,  
6 LIMITATIONS, NEEDS, OPPORTUNITIES, AND PHYSICAL AND MENTAL  
7 HEALTH;

8 (b) TO THE EXTENT REASONABLY FEASIBLE, IDENTIFY THE VALUES  
9 AND PREFERENCES OF THE ADULT AND INVOLVE THE ADULT IN DECISIONS  
10 AFFECTING THE ADULT, INCLUDING DECISIONS ABOUT THE ADULT'S CARE,  
11 DWELLING, ACTIVITIES, OR SOCIAL INTERACTIONS; AND

12 (c) MAKE REASONABLE EFFORTS TO IDENTIFY AND FACILITATE  
13 SUPPORTIVE RELATIONSHIPS AND SERVICES FOR THE ADULT.

14 (3) A GUARDIAN FOR AN ADULT AT ALL TIMES SHALL EXERCISE  
15 REASONABLE CARE, DILIGENCE, AND PRUDENCE WHEN ACTING ON BEHALF  
16 OF OR MAKING DECISIONS FOR THE ADULT. IN FURTHERANCE OF THIS DUTY,  
17 THE GUARDIAN SHALL:

18 (a) TAKE REASONABLE CARE OF THE PERSONAL EFFECTS, PETS, AND  
19 SERVICE OR SUPPORT ANIMALS OF THE ADULT AND BRING A PROCEEDING  
20 FOR A CONSERVATORSHIP OR PROTECTIVE ARRANGEMENT INSTEAD OF  
21 CONSERVATORSHIP IF NECESSARY TO PROTECT THE ADULT'S PROPERTY;

22 (b) EXPEND FUNDS AND OTHER PROPERTY OF THE ADULT RECEIVED  
23 BY THE GUARDIAN FOR THE ADULT'S CURRENT NEEDS FOR SUPPORT, CARE,  
24 EDUCATION, HEALTH, AND WELFARE;

25 (c) CONSERVE ANY FUNDS AND OTHER PROPERTY OF THE ADULT  
26 NOT EXPENDED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION FOR THE  
27 ADULT'S FUTURE NEEDS, BUT IF A CONSERVATOR HAS BEEN APPOINTED FOR



1 THE ADULT, PAY THE FUNDS AND OTHER PROPERTY AT LEAST QUARTERLY  
2 TO THE CONSERVATOR TO BE CONSERVED FOR THE ADULT'S FUTURE  
3 NEEDS; AND

4 (d) MONITOR THE QUALITY OF SERVICES, INCLUDING LONG-TERM  
5 CARE SERVICES, PROVIDED TO THE ADULT.

6 (4) IN MAKING A DECISION FOR AN ADULT SUBJECT TO  
7 GUARDIANSHIP, THE GUARDIAN SHALL MAKE THE DECISION THE GUARDIAN  
8 REASONABLY BELIEVES THE ADULT WOULD MAKE IF THE ADULT WERE  
9 ABLE, UNLESS DOING SO WOULD UNREASONABLY HARM OR ENDANGER THE  
10 WELFARE OR PERSONAL OR FINANCIAL INTERESTS OF THE ADULT. TO  
11 DETERMINE THE DECISION THE ADULT SUBJECT TO GUARDIANSHIP WOULD  
12 MAKE IF ABLE, THE GUARDIAN SHALL CONSIDER THE ADULT'S PREVIOUS OR  
13 CURRENT DIRECTIONS, PREFERENCES, OPINIONS, VALUES, AND ACTIONS, TO  
14 THE EXTENT ACTUALLY KNOWN OR REASONABLY ASCERTAINABLE BY THE  
15 GUARDIAN.

16 (5) IF A GUARDIAN FOR AN ADULT CANNOT MAKE A DECISION  
17 PURSUANT TO SUBSECTION (4) OF THIS SECTION BECAUSE THE GUARDIAN  
18 DOES NOT KNOW AND CANNOT REASONABLY DETERMINE THE DECISION  
19 THE ADULT PROBABLY WOULD MAKE IF ABLE, OR THE GUARDIAN  
20 REASONABLY BELIEVES THE DECISION THE ADULT WOULD MAKE WOULD  
21 UNREASONABLY HARM OR ENDANGER THE WELFARE OR PERSONAL OR  
22 FINANCIAL INTERESTS OF THE ADULT, THE GUARDIAN SHALL ACT IN  
23 ACCORDANCE WITH THE BEST INTEREST OF THE ADULT. IN DETERMINING  
24 THE BEST INTEREST OF THE ADULT, THE GUARDIAN SHALL CONSIDER:

25 (a) INFORMATION RECEIVED FROM PROFESSIONALS AND PERSONS  
26 WHO DEMONSTRATE SUFFICIENT INTEREST IN THE WELFARE OF THE ADULT;

27 (b) OTHER INFORMATION THE GUARDIAN BELIEVES THE ADULT

1 WOULD HAVE CONSIDERED IF THE ADULT WERE ABLE TO ACT; AND

2 (c) OTHER FACTORS A REASONABLE PERSON IN THE  
3 CIRCUMSTANCES OF THE ADULT WOULD CONSIDER, INCLUDING  
4 CONSEQUENCES FOR OTHERS.

5 (6) A GUARDIAN FOR AN ADULT IMMEDIATELY SHALL NOTIFY THE  
6 COURT IF THE CONDITION OF THE ADULT HAS CHANGED SO THAT THE  
7 ADULT IS CAPABLE OF EXERCISING RIGHTS PREVIOUSLY REMOVED.

8 **15-14.7-314. Powers of guardian for adult.** (1) EXCEPT AS  
9 LIMITED BY COURT ORDER, A GUARDIAN FOR AN ADULT MAY:

10 (a) APPLY FOR AND RECEIVE FUNDS AND BENEFITS FOR THE  
11 SUPPORT OF THE ADULT, UNLESS A CONSERVATOR IS APPOINTED FOR THE  
12 ADULT AND THE APPLICATION OR RECEIPT IS WITHIN THE POWERS OF THE  
13 CONSERVATOR;

14 (b) UNLESS INCONSISTENT WITH A COURT ORDER, ESTABLISH THE  
15 ADULT'S PLACE OF DWELLING;

16 (c) CONSENT TO HEALTH OR OTHER CARE, TREATMENT, OR SERVICE  
17 FOR THE ADULT;

18 (d) IF A CONSERVATOR FOR THE ADULT HAS NOT BEEN APPOINTED,  
19 COMMENCE A PROCEEDING, INCLUDING AN ADMINISTRATIVE PROCEEDING,  
20 OR TAKE OTHER APPROPRIATE ACTION TO COMPEL ANOTHER PERSON TO  
21 SUPPORT THE ADULT OR PAY FUNDS FOR THE ADULT'S BENEFIT;

22 (e) TO THE EXTENT REASONABLE, DELEGATE TO THE ADULT  
23 RESPONSIBILITY FOR A DECISION AFFECTING THE ADULT'S WELL-BEING;

24 AND

25 (f) RECEIVE PERSONALLY IDENTIFIABLE HEALTH-CARE  
26 INFORMATION REGARDING THE ADULT.

27 (2) THE COURT BY SPECIFIC ORDER MAY AUTHORIZE A GUARDIAN

1 FOR AN ADULT TO CONSENT TO THE ADOPTION OF THE ADULT.

2 (3) THE COURT BY SPECIFIC ORDER MAY AUTHORIZE A GUARDIAN  
3 FOR AN ADULT TO:

4 (a) CONSENT OR WITHHOLD CONSENT TO THE MARRIAGE OF THE  
5 ADULT IF THE ADULT'S RIGHT TO MARRY HAS BEEN REMOVED PURSUANT  
6 TO SECTION 15-14.7-310;

7 (b) PETITION FOR DIVORCE, DISSOLUTION, OR ANNULMENT OF  
8 MARRIAGE OF THE ADULT OR A DECLARATION OF INVALIDITY OF THE  
9 ADULT'S MARRIAGE; OR

10 (c) SUPPORT OR OPPOSE A PETITION FOR DIVORCE, DISSOLUTION,  
11 OR ANNULMENT OF MARRIAGE OF THE ADULT OR A DECLARATION OF  
12 INVALIDITY OF THE ADULT'S MARRIAGE.

13 (4) IN DETERMINING WHETHER TO AUTHORIZE A POWER PURSUANT  
14 TO SUBSECTION (2) OR (3) OF THIS SECTION, THE COURT SHALL CONSIDER  
15 WHETHER THE UNDERLYING ACT WOULD BE IN ACCORDANCE WITH THE  
16 ADULT'S PREFERENCES, VALUES, AND PRIOR OR CURRENT DIRECTIONS AND  
17 WHETHER THE UNDERLYING ACT WOULD BE IN THE ADULT'S BEST  
18 INTEREST.

19 (5) IN EXERCISING A GUARDIAN'S POWER PURSUANT TO  
20 SUBSECTION (1)(b) OF THIS SECTION TO ESTABLISH THE ADULT'S PLACE OF  
21 DWELLING, THE GUARDIAN SHALL:

22 (a) SELECT A RESIDENTIAL SETTING THE GUARDIAN BELIEVES THE  
23 ADULT WOULD SELECT IF THE ADULT WERE ABLE, IN ACCORDANCE WITH  
24 THE DECISION-MAKING STANDARD DESCRIBED IN SECTION 15-14.7-313. IF  
25 THE GUARDIAN DOES NOT KNOW AND CANNOT REASONABLY DETERMINE  
26 WHAT SETTING THE ADULT SUBJECT TO GUARDIANSHIP PROBABLY WOULD  
27 CHOOSE IF ABLE, OR THE GUARDIAN REASONABLY BELIEVES THE DECISION

1 THE ADULT WOULD MAKE WOULD UNREASONABLY HARM OR ENDANGER  
2 THE WELFARE OR PERSONAL OR FINANCIAL INTERESTS OF THE ADULT, THE  
3 GUARDIAN SHALL CHOOSE IN ACCORDANCE WITH SECTION 15-14.7-313 A  
4 RESIDENTIAL SETTING THAT IS CONSISTENT WITH THE ADULT'S BEST  
5 INTEREST.

6 (b) IN SELECTING AMONG RESIDENTIAL SETTINGS, GIVE PRIORITY  
7 TO A RESIDENTIAL SETTING IN A LOCATION THAT WILL ALLOW THE ADULT  
8 TO INTERACT WITH PERSONS IMPORTANT TO THE ADULT AND MEET THE  
9 ADULT'S NEEDS 15-14.7-313;

10 (c) NOT LATER THAN THIRTY DAYS AFTER A CHANGE IN THE  
11 DWELLING OF THE ADULT:

12 (I) GIVE NOTICE, PURSUANT TO SECTION 15-10-401, OF THE  
13 CHANGE TO THE COURT, THE ADULT, AND ANY PERSON IDENTIFIED AS  
14 ENTITLED TO THE NOTICE IN THE COURT ORDER APPOINTING THE  
15 GUARDIAN OR A SUBSEQUENT ORDER; AND

16 (II) INCLUDE IN THE NOTICE THE ADDRESS AND NATURE OF THE  
17 NEW DWELLING AND STATE WHETHER THE ADULT RECEIVED ADVANCE  
18 NOTICE OF THE CHANGE AND WHETHER THE ADULT OBJECTED TO THE  
19 CHANGE;

20 (d) ESTABLISH OR MOVE THE PERMANENT PLACE OF DWELLING OF  
21 THE ADULT TO A NURSING HOME, MENTAL HEALTH INSTITUTION, OR OTHER  
22 FACILITY THAT PLACES RESTRICTIONS ON THE ADULT'S ABILITY TO LEAVE  
23 OR HAVE VISITORS ONLY IF:

24 (I) THE ESTABLISHMENT OR MOVE IS IN THE GUARDIAN'S PLAN  
25 DESCRIBED IN SECTION 15-14.7-316;

26 (II) THE COURT AUTHORIZES THE ESTABLISHMENT OR MOVE; OR

27 (III) THE GUARDIAN GIVES NOTICE OF THE ESTABLISHMENT OR

1 MOVE AT LEAST FOURTEEN DAYS BEFORE THE ESTABLISHMENT OR MOVE  
2 TO THE ADULT AND ALL PERSONS ENTITLED TO NOTICE PURSUANT TO  
3 SECTION 15-14.7-310 (5)(b) OR A SUBSEQUENT ORDER, AND NO OBJECTION  
4 IS FILED; AND

5 (e) ESTABLISH OR MOVE THE PLACE OF DWELLING OF THE ADULT  
6 OUTSIDE THIS STATE ONLY IF CONSISTENT WITH THE GUARDIAN'S PLAN AND  
7 AUTHORIZED BY THE COURT BY SPECIFIC ORDER.

8 (6) IN EXERCISING A GUARDIAN'S POWER PURSUANT TO  
9 SUBSECTION (1)(c) OF THIS SECTION TO MAKE HEALTH-CARE DECISIONS,  
10 THE GUARDIAN SHALL:

11 (a) INVOLVE THE ADULT IN DECISION-MAKING TO THE EXTENT  
12 REASONABLY FEASIBLE, INCLUDING, WHEN PRACTICABLE, BY  
13 ENCOURAGING AND SUPPORTING THE ADULT IN UNDERSTANDING THE  
14 RISKS AND BENEFITS OF HEALTH-CARE OPTIONS;

15 (b) DEFER TO A DECISION BY AN AGENT ACTING UNDER A POWER  
16 OF ATTORNEY FOR HEALTH CARE EXECUTED BY THE ADULT AND  
17 COOPERATE TO THE EXTENT FEASIBLE WITH THE AGENT MAKING THE  
18 DECISION; AND

19 (c) TAKE INTO ACCOUNT:

20 (I) THE RISKS AND BENEFITS OF TREATMENT OPTIONS; AND

21 (II) THE CURRENT AND PREVIOUS WISHES AND VALUES OF THE  
22 ADULT, IF KNOWN OR REASONABLY ASCERTAINABLE BY THE GUARDIAN.

23 **15-14.7-315. Special limitations on guardian's power.**

24 (1) UNLESS AUTHORIZED BY THE COURT BY SPECIFIC ORDER, A GUARDIAN  
25 FOR AN ADULT DOES NOT HAVE THE POWER TO REVOKE OR AMEND A  
26 POWER OF ATTORNEY FOR HEALTH CARE OR POWER OF ATTORNEY FOR  
27 FINANCES EXECUTED BY THE ADULT PRIOR TO THE APPOINTMENT OF THE

1 GUARDIAN. IF A POWER OF ATTORNEY FOR HEALTH CARE IS IN EFFECT,  
2 UNLESS THERE IS A COURT ORDER TO THE CONTRARY, A HEALTH-CARE  
3 DECISION OF AN AGENT TAKES PRECEDENCE OVER THAT OF THE GUARDIAN  
4 AND THE GUARDIAN SHALL COOPERATE WITH THE AGENT TO THE EXTENT  
5 FEASIBLE. IF A POWER OF ATTORNEY FOR FINANCES IS IN EFFECT, UNLESS  
6 THERE IS A COURT ORDER TO THE CONTRARY, A DECISION BY THE AGENT  
7 WHICH THE AGENT IS AUTHORIZED TO MAKE UNDER THE POWER OF  
8 ATTORNEY FOR FINANCES TAKES PRECEDENCE OVER THAT OF THE  
9 GUARDIAN AND THE GUARDIAN SHALL COOPERATE WITH THE AGENT TO  
10 THE EXTENT FEASIBLE.

11 (2) A GUARDIAN FOR AN ADULT MAY NOT INITIATE THE  
12 COMMITMENT OF THE ADULT TO A MENTAL HEALTH INSTITUTION EXCEPT  
13 IN ACCORDANCE WITH THE STATE'S PROCEDURE FOR CIVIL COMMITMENT  
14 PURSUANT TO SECTION 27-65-106.

15 (3) A GUARDIAN FOR AN ADULT MAY NOT RESTRICT THE ABILITY  
16 OF THE ADULT TO COMMUNICATE, VISIT, OR INTERACT WITH OTHERS,  
17 INCLUDING RECEIVING VISITORS AND MAKING OR RECEIVING TELEPHONE  
18 CALLS, PERSONAL MAIL, OR ELECTRONIC COMMUNICATIONS, INCLUDING  
19 THROUGH SOCIAL MEDIA, OR PARTICIPATING IN SOCIAL ACTIVITIES,  
20 UNLESS:

21 (a) AUTHORIZED BY THE COURT BY SPECIFIC ORDER;

22 (b) A PROTECTIVE ORDER OR A PROTECTIVE ARRANGEMENT  
23 INSTEAD OF GUARDIANSHIP IS IN EFFECT THAT LIMITS CONTACT BETWEEN  
24 THE ADULT AND A PERSON; OR

25 (c) THE GUARDIAN HAS GOOD CAUSE TO BELIEVE RESTRICTION IS  
26 NECESSARY BECAUSE INTERACTION WITH A SPECIFIED PERSON POSES A  
27 RISK OF SUBSTANTIAL PHYSICAL, PSYCHOLOGICAL, OR FINANCIAL HARM TO

1 THE ADULT AND THE RESTRICTION IS:

2 (I) FOR A PERIOD OF NOT MORE THAN SEVEN BUSINESS DAYS IF THE  
3 PERSON HAS A FAMILY OR PRE-EXISTING SOCIAL RELATIONSHIP WITH THE  
4 ADULT; OR

5 (II) FOR A PERIOD OF NOT MORE THAN SIXTY DAYS IF THE PERSON  
6 DOES NOT HAVE A FAMILY OR PRE-EXISTING SOCIAL RELATIONSHIP WITH  
7 THE ADULT.

8 (4) A GUARDIAN FOR AN ADULT MAY NOT TAKE ANY ACTION THAT  
9 WOULD RESULT IN THE SALE OR SURRENDER OF THE LEASE TO THE ADULT'S  
10 PRIMARY DWELLING WITHOUT PRIOR APPROVAL FROM THE COURT.

11 **15-14.7-316. Guardian's plan.** (1) A GUARDIAN FOR AN ADULT,  
12 NOT LATER THAN SIXTY DAYS AFTER APPOINTMENT AND WHEN THERE IS  
13 A SIGNIFICANT CHANGE IN CIRCUMSTANCES, OR THE GUARDIAN SEEKS TO  
14 DEVIATE SIGNIFICANTLY FROM THE GUARDIAN'S PLAN, SHALL FILE WITH  
15 THE COURT A PLAN FOR THE CARE OF THE ADULT, TOGETHER WITH THE  
16 GUARDIAN'S REPORT AS REQUIRED PURSUANT TO SECTION 15-14.7-317.  
17 THE PLAN MUST BE BASED ON THE NEEDS OF THE ADULT AND TAKE INTO  
18 ACCOUNT THE BEST INTEREST OF THE ADULT AS WELL AS THE ADULT'S  
19 PREFERENCES, VALUES, AND PRIOR DIRECTIONS, TO THE EXTENT KNOWN  
20 TO OR REASONABLY ASCERTAINABLE BY THE GUARDIAN. THE GUARDIAN  
21 SHALL INCLUDE IN THE PLAN:

22 (a) THE LIVING ARRANGEMENT, SERVICES, AND SUPPORTS THE  
23 GUARDIAN EXPECTS TO ARRANGE, FACILITATE, OR CONTINUE FOR THE  
24 ADULT;

25 (b) SOCIAL AND EDUCATIONAL ACTIVITIES THE GUARDIAN EXPECTS  
26 TO FACILITATE ON BEHALF OF THE ADULT;

27 (c) ANY PERSON WITH WHOM THE ADULT HAS A CLOSE PERSONAL

1 RELATIONSHIP OR RELATIONSHIP INVOLVING REGULAR VISITATION AND  
2 ANY PLAN THE GUARDIAN HAS FOR FACILITATING VISITS WITH THE PERSON;

3 (d) THE ANTICIPATED NATURE AND FREQUENCY OF THE  
4 GUARDIAN'S VISITS AND COMMUNICATION WITH THE ADULT;

5 (e) GOALS FOR THE ADULT, INCLUDING ANY GOAL RELATED TO THE  
6 RESTORATION OF THE ADULT'S RIGHTS, AND HOW THE GUARDIAN  
7 ANTICIPATES ACHIEVING THE GOALS;

8 (f) WHETHER THE ADULT HAS AN EXISTING PLAN AND, IF SO,  
9 WHETHER THE GUARDIAN'S PLAN IS CONSISTENT WITH THE ADULT'S PLAN;  
10 AND

11 (g) A STATEMENT OR LIST OF THE AMOUNT THE GUARDIAN  
12 PROPOSES TO CHARGE FOR EACH SERVICE THE GUARDIAN ANTICIPATES  
13 PROVIDING TO THE ADULT.

14 (2) A GUARDIAN SHALL GIVE NOTICE, PURSUANT TO SECTION  
15 15-10-401, OF THE FILING OF THE GUARDIAN'S PLAN PURSUANT TO  
16 SUBSECTION (1) OF THIS SECTION, TOGETHER WITH A COPY OF THE PLAN,  
17 TO THE ADULT SUBJECT TO GUARDIANSHIP, A PERSON ENTITLED TO NOTICE  
18 PURSUANT TO SECTION 15-14.7-310 OR A SUBSEQUENT ORDER, AND ANY  
19 OTHER PERSON THE COURT DETERMINES. THE NOTICE MUST INCLUDE A  
20 STATEMENT OF THE RIGHT TO OBJECT TO THE PLAN AND BE GIVEN NOT  
21 LATER THAN FOURTEEN DAYS AFTER THE FILING.

22 (3) AN ADULT SUBJECT TO GUARDIANSHIP AND ANY PERSON  
23 ENTITLED PURSUANT TO SUBSECTION (2) OF THIS SECTION TO RECEIVE  
24 NOTICE AND A COPY OF THE GUARDIAN'S PLAN MAY OBJECT TO THE PLAN.

25 (4) THE COURT SHALL REVIEW THE GUARDIAN'S PLAN FILED  
26 PURSUANT TO SUBSECTION (1) OF THIS SECTION AND DETERMINE WHETHER  
27 TO APPROVE THE PLAN OR REQUIRE A NEW PLAN. IN DECIDING WHETHER



1 TO APPROVE THE PLAN, THE COURT SHALL CONSIDER AN OBJECTION  
2 PURSUANT TO SUBSECTION (3) OF THIS SECTION AND WHETHER THE PLAN  
3 IS CONSISTENT WITH THE GUARDIAN'S DUTIES AND POWERS PURSUANT TO  
4 SECTIONS 15-14.7-313 AND 15-14.7-314. THE COURT MAY NOT APPROVE  
5 THE PLAN UNTIL THIRTY DAYS AFTER ITS FILING.

6 (5) AFTER THE GUARDIAN'S PLAN FILED PURSUANT TO THIS  
7 SECTION IS APPROVED BY THE COURT, THE GUARDIAN SHALL PROVIDE A  
8 COPY OF THE PLAN TO THE ADULT SUBJECT TO GUARDIANSHIP, A PERSON  
9 ENTITLED TO NOTICE PURSUANT TO SECTION 15-14.7-310 OR A  
10 SUBSEQUENT ORDER, AND ANY OTHER PERSON THE COURT DETERMINES.

11 **15-14.7-317. Guardian's report - monitoring of guardianship.**

12 (1) A GUARDIAN FOR AN ADULT, NOT LATER THAN SIXTY DAYS AFTER  
13 APPOINTMENT AND AT LEAST ANNUALLY THEREAFTER, SHALL FILE WITH  
14 THE COURT A REPORT IN A RECORD REGARDING THE CONDITION OF THE  
15 ADULT AND ACCOUNTING FOR FUNDS AND OTHER PROPERTY IN THE  
16 GUARDIAN'S POSSESSION OR SUBJECT TO THE GUARDIAN'S CONTROL,  
17 TOGETHER WITH THE GUARDIAN'S PLAN AS REQUIRED PURSUANT TO  
18 SECTION 15-14.7-316.

19 (2) A REPORT PURSUANT TO SUBSECTION (1) OF THIS SECTION  
20 MUST STATE OR CONTAIN:

21 (a) THE MENTAL, PHYSICAL, AND SOCIAL CONDITION OF THE  
22 ADULT;

23 (b) THE LIVING ARRANGEMENTS OF THE ADULT DURING THE  
24 REPORTING PERIOD;

25 (c) A SUMMARY OF THE SUPPORTED DECISION-MAKING,  
26 TECHNOLOGICAL ASSISTANCE, MEDICAL SERVICES, EDUCATIONAL AND  
27 VOCATIONAL SERVICES, AND OTHER SUPPORTS AND SERVICES PROVIDED

1 TO THE ADULT AND THE GUARDIAN'S OPINION AS TO THE ADEQUACY OF  
2 THE ADULT'S CARE;

3 (d) A SUMMARY OF THE GUARDIAN'S VISITS WITH THE ADULT,  
4 INCLUDING THE DATES OF THE VISITS;

5 (e) ACTION TAKEN ON BEHALF OF THE ADULT;

6 (f) THE EXTENT TO WHICH THE ADULT HAS PARTICIPATED IN  
7 DECISION-MAKING;

8 (g) IF THE ADULT IS LIVING IN A MENTAL HEALTH INSTITUTION OR  
9 LIVING IN A FACILITY THAT PROVIDES THE ADULT WITH HEALTH-CARE OR  
10 OTHER PERSONAL SERVICES, WHETHER THE GUARDIAN CONSIDERS THE  
11 FACILITY'S CURRENT PLAN FOR SUPPORT, CARE, TREATMENT, OR  
12 HABILITATION CONSISTENT WITH THE ADULT'S PREFERENCES, VALUES,  
13 PRIOR DIRECTIONS, AND BEST INTEREST;

14 (h) ANYTHING OF MORE THAN DE MINIMIS VALUE WHICH THE  
15 GUARDIAN, ANY INDIVIDUAL WHO RESIDES WITH THE GUARDIAN, OR THE  
16 SPOUSE, DOMESTIC PARTNER, PARENT, CHILD, OR SIBLING OF THE  
17 GUARDIAN HAS RECEIVED FROM AN INDIVIDUAL PROVIDING GOODS OR  
18 SERVICES TO THE ADULT;

19 (i) IF THE GUARDIAN DELEGATED A POWER TO AN AGENT, THE  
20 POWER DELEGATED AND THE REASON FOR THE DELEGATION;

21 (j) ANY BUSINESS RELATION THE GUARDIAN HAS WITH A PERSON  
22 THE GUARDIAN HAS PAID OR WHO HAS BENEFITTED FROM THE PROPERTY  
23 OF THE ADULT;

24 (k) A COPY OF THE GUARDIAN'S MOST RECENTLY APPROVED PLAN  
25 DESCRIBED IN SECTION 15-14.7-316 AND A STATEMENT WHETHER THE  
26 GUARDIAN HAS DEVIATED FROM THE PLAN AND, IF SO, HOW THE GUARDIAN  
27 HAS DEVIATED AND WHY;

1 (l) PLANS FOR FUTURE CARE AND SUPPORT OF THE ADULT, IF NOT  
2 OTHERWISE PROVIDED IN THE GUARDIAN'S MOST RECENTLY APPROVED  
3 PLAN PURSUANT TO SECTION 15-14.7-316;

4 (m) A RECOMMENDATION AS TO THE NEED FOR CONTINUED  
5 GUARDIANSHIP AND ANY RECOMMENDED CHANGE IN THE SCOPE OF THE  
6 GUARDIANSHIP; AND

7 (n) WHETHER ANY CO-GUARDIAN OR SUCCESSOR GUARDIAN  
8 APPOINTED TO SERVE WHEN A DESIGNATED EVENT OCCURS IS ALIVE AND  
9 ABLE TO SERVE.

10 (3) THE COURT MAY APPOINT A VISITOR TO REVIEW A REPORT  
11 SUBMITTED PURSUANT TO THIS SECTION OR A GUARDIAN'S PLAN  
12 SUBMITTED PURSUANT TO SECTION 15-14.7-316, INTERVIEW THE  
13 GUARDIAN OR ADULT SUBJECT TO GUARDIANSHIP, OR INVESTIGATE ANY  
14 OTHER MATTER INVOLVING THE GUARDIANSHIP.

15 (4) NOTICE OF THE FILING PURSUANT TO THIS SECTION OF A  
16 GUARDIAN'S REPORT, TOGETHER WITH A COPY OF THE REPORT, MUST BE  
17 GIVEN TO THE ADULT SUBJECT TO GUARDIANSHIP, A PERSON ENTITLED TO  
18 NOTICE PURSUANT TO SECTION 15-14.7-310 OR A SUBSEQUENT ORDER,  
19 AND ANY OTHER PERSON THE COURT DETERMINES. THE NOTICE AND  
20 REPORT MUST BE GIVEN NOT LATER THAN FOURTEEN DAYS AFTER THE  
21 FILING.

22 (5) THE COURT SHALL ESTABLISH PROCEDURES FOR MONITORING  
23 A REPORT SUBMITTED PURSUANT TO THIS SECTION AND REVIEW EACH  
24 REPORT AT LEAST ANNUALLY TO DETERMINE WHETHER:

25 (a) THE REPORT PROVIDES SUFFICIENT INFORMATION TO ESTABLISH  
26 THE GUARDIAN HAS COMPLIED WITH THE GUARDIAN'S DUTIES;

27 (b) THE GUARDIANSHIP SHOULD CONTINUE; AND

1 (c) THE GUARDIAN'S REQUESTED FEES, IF ANY, ARE REASONABLE  
2 PURSUANT TO SECTION 15-10-603.

3 (6) IF THE COURT DETERMINES THERE IS REASON TO BELIEVE A  
4 GUARDIAN FOR AN ADULT HAS NOT COMPLIED WITH THE GUARDIAN'S  
5 DUTIES OR THE GUARDIANSHIP SHOULD BE MODIFIED OR TERMINATED, THE  
6 COURT:

7 (a) SHALL NOTIFY THE ADULT, THE GUARDIAN, AND ANY OTHER  
8 PERSON ENTITLED TO NOTICE PURSUANT TO SECTION 15-14.7-310 OR A  
9 SUBSEQUENT ORDER;

10 (b) MAY REQUIRE ADDITIONAL INFORMATION FROM THE  
11 GUARDIAN;

12 (c) MAY APPOINT A VISITOR TO INTERVIEW THE ADULT OR  
13 GUARDIAN OR INVESTIGATE ANY MATTER INVOLVING THE GUARDIANSHIP;  
14 AND

15 (d) CONSISTENT WITH SECTIONS 15-14.7-318 AND 15-14.7-319,  
16 MAY HOLD A HEARING TO CONSIDER REMOVAL OF THE GUARDIAN,  
17 TERMINATION OF THE GUARDIANSHIP, OR A CHANGE IN THE POWERS  
18 GRANTED TO THE GUARDIAN OR TERMS OF THE GUARDIANSHIP.

19 (7) IF THE COURT HAS REASON TO BELIEVE FEES REQUESTED BY A  
20 GUARDIAN FOR AN ADULT ARE NOT REASONABLE, THE COURT SHALL HOLD  
21 A HEARING, PURSUANT TO SECTION 15-10-604, TO DETERMINE WHETHER  
22 TO ADJUST THE REQUESTED FEES.

23 (8) A GUARDIAN FOR AN ADULT MAY PETITION THE COURT FOR  
24 APPROVAL OF A REPORT FILED PURSUANT TO THIS SECTION. THE COURT,  
25 AFTER REVIEW, MAY APPROVE THE REPORT. IF THE COURT APPROVES THE  
26 REPORT, THERE IS A REBUTTABLE PRESUMPTION THE REPORT IS ACCURATE  
27 AS TO A MATTER ADEQUATELY DISCLOSED IN THE REPORT.

1           **15-14.7-318. Removal of guardian for adult - appointment of**

2           **successor.** (1) THE COURT MAY REMOVE A GUARDIAN FOR AN ADULT FOR  
3 FAILURE TO PERFORM THE GUARDIAN'S DUTIES OR FOR OTHER GOOD CAUSE  
4 AND APPOINT A SUCCESSOR GUARDIAN TO ASSUME THE DUTIES OF A  
5 GUARDIAN AS DESCRIBED IN SECTION 15-14.7-313.

6           (2) THE COURT SHALL HOLD A HEARING TO DETERMINE WHETHER  
7 TO REMOVE A GUARDIAN FOR AN ADULT AND APPOINT A SUCCESSOR  
8 GUARDIAN ON:

9           (a) PETITION OF THE ADULT, GUARDIAN, OR PERSON INTERESTED  
10 IN THE WELFARE OF THE ADULT, WHICH CONTAINS ALLEGATIONS THAT, IF  
11 TRUE, WOULD SUPPORT A REASONABLE BELIEF THAT REMOVAL OF THE  
12 GUARDIAN AND APPOINTMENT OF A SUCCESSOR GUARDIAN MAY BE  
13 APPROPRIATE, BUT THE COURT MAY DECLINE TO HOLD A HEARING IF A  
14 PETITION BASED ON THE SAME OR SUBSTANTIALLY SIMILAR FACTS WAS  
15 FILED DURING THE PRECEDING SIX MONTHS;

16           (b) COMMUNICATION, PURSUANT TO SECTION 15-14.7-127, FROM  
17 THE ADULT, GUARDIAN, OR PERSON INTERESTED IN THE WELFARE OF THE  
18 ADULT WHICH SUPPORTS A REASONABLE BELIEF THAT REMOVAL OF THE  
19 GUARDIAN AND APPOINTMENT OF A SUCCESSOR GUARDIAN MAY BE  
20 APPROPRIATE; OR

21           (c) DETERMINATION BY THE COURT THAT A HEARING WOULD BE IN  
22 THE BEST INTEREST OF THE ADULT.

23           (3) NOTICE OF A HEARING PURSUANT TO SUBSECTION (2) OF THIS  
24 SECTION MUST BE PERSONALLY SERVED ON THE ADULT SUBJECT TO  
25 GUARDIANSHIP, AND GIVEN PURSUANT TO SECTION 15-10-401 TO THE  
26 GUARDIAN, AND ANY OTHER PERSON THE COURT DETERMINES.

27           (4) AN ADULT SUBJECT TO GUARDIANSHIP WHO SEEKS TO REMOVE

1 THE GUARDIAN AND HAVE A SUCCESSOR GUARDIAN APPOINTED HAS THE  
2 RIGHT TO CHOOSE AN ATTORNEY TO REPRESENT THE ADULT IN THIS  
3 MATTER. IF THE ADULT IS NOT REPRESENTED BY AN ATTORNEY, THE COURT  
4 SHALL APPOINT AN ATTORNEY PURSUANT TO THE SAME CONDITIONS AS IN  
5 SECTION 15-14.7-305.

6 (5) IN SELECTING A SUCCESSOR GUARDIAN FOR AN ADULT, THE  
7 COURT SHALL FOLLOW THE PRIORITIES DESCRIBED IN SECTION  
8 15-14.7-309.

9 (6) NOT LATER THAN THIRTY DAYS AFTER APPOINTING A  
10 SUCCESSOR GUARDIAN, THE COURT SHALL GIVE NOTICE, PURSUANT TO  
11 SECTION 15-10-401, OF THE APPOINTMENT TO THE ADULT SUBJECT TO  
12 GUARDIANSHIP AND ANY PERSON ENTITLED TO NOTICE PURSUANT TO  
13 SECTION 15-14.7-310 (5) OR A SUBSEQUENT ORDER.

14 **15-14.7-319. Termination or modification of guardianship for**  
15 **adult.** (1) AN ADULT SUBJECT TO GUARDIANSHIP, THE GUARDIAN FOR THE  
16 ADULT, OR A PERSON INTERESTED IN THE WELFARE OF THE ADULT MAY  
17 PETITION FOR:

18 (a) TERMINATION OF THE GUARDIANSHIP ON THE GROUNDS THAT  
19 A BASIS FOR APPOINTMENT PURSUANT TO SECTION 15-14.7-301 DOES NOT  
20 EXIST OR TERMINATION WOULD BE IN THE BEST INTEREST OF THE ADULT  
21 OR FOR OTHER GOOD CAUSE; OR

22 (b) MODIFICATION OF THE GUARDIANSHIP ON THE GROUNDS THAT  
23 THE EXTENT OF PROTECTION OR ASSISTANCE GRANTED IS NOT  
24 APPROPRIATE OR FOR OTHER GOOD CAUSE.

25 (2) THE COURT SHALL HOLD A HEARING TO DETERMINE WHETHER  
26 TERMINATION OR MODIFICATION OF A GUARDIANSHIP FOR AN ADULT IS  
27 APPROPRIATE ON:

1 (a) PETITION PURSUANT TO SUBSECTION (1) OF THIS SECTION  
2 WHICH CONTAINS ALLEGATIONS THAT, IF TRUE, WOULD SUPPORT A  
3 REASONABLE BELIEF THAT TERMINATION OR MODIFICATION OF THE  
4 GUARDIANSHIP MAY BE APPROPRIATE, BUT THE COURT MAY DECLINE TO  
5 HOLD A HEARING IF A PETITION BASED ON THE SAME OR SUBSTANTIALLY  
6 SIMILAR FACTS WAS FILED DURING THE PRECEDING SIX MONTHS;

7 (b) COMMUNICATION, PURSUANT TO SECTION 15-14.7-127, FROM  
8 THE ADULT, GUARDIAN, OR PERSON INTERESTED IN THE WELFARE OF THE  
9 ADULT WHICH SUPPORTS A REASONABLE BELIEF THAT TERMINATION OR  
10 MODIFICATION OF THE GUARDIANSHIP MAY BE APPROPRIATE, INCLUDING  
11 BECAUSE THE FUNCTIONAL NEEDS OF THE ADULT OR SUPPORTS OR  
12 SERVICES AVAILABLE TO THE ADULT HAVE CHANGED;

13 (c) A REPORT FROM A GUARDIAN OR CONSERVATOR WHICH  
14 INDICATES THAT TERMINATION OR MODIFICATION MAY BE APPROPRIATE  
15 BECAUSE THE FUNCTIONAL NEEDS OF THE ADULT OR SUPPORTS OR  
16 SERVICES AVAILABLE TO THE ADULT HAVE CHANGED OR A PROTECTIVE  
17 ARRANGEMENT INSTEAD OF GUARDIANSHIP OR OTHER LESS RESTRICTIVE  
18 ALTERNATIVE FOR MEETING THE ADULT'S NEEDS IS AVAILABLE; OR

19 (d) A DETERMINATION BY THE COURT THAT A HEARING WOULD BE  
20 IN THE BEST INTEREST OF THE ADULT.

21 (3) NOTICE OF A PETITION PURSUANT TO SUBSECTION (2)(a) OF  
22 THIS SECTION MUST BE GIVEN TO THE ADULT SUBJECT TO GUARDIANSHIP,  
23 THE GUARDIAN, AND ANY OTHER PERSON THE COURT DETERMINES.

24 (4) ON PRESENTATION OF PRIMA FACIE EVIDENCE FOR  
25 TERMINATION OF A GUARDIANSHIP FOR AN ADULT, THE COURT SHALL  
26 ORDER TERMINATION UNLESS IT IS PROVEN THAT A BASIS FOR  
27 APPOINTMENT OF A GUARDIAN PURSUANT TO SECTION 15-14.7-301 EXISTS.

1           (5) THE COURT SHALL MODIFY THE POWERS GRANTED TO A  
2 GUARDIAN FOR AN ADULT IF THE POWERS ARE EXCESSIVE OR INADEQUATE  
3 DUE TO A CHANGE IN THE ABILITIES OR LIMITATIONS OF THE ADULT, THE  
4 ADULT'S SUPPORTS, OR OTHER CIRCUMSTANCES.

5           (6) UNLESS THE COURT OTHERWISE ORDERS FOR GOOD CAUSE,  
6 BEFORE TERMINATING OR MODIFYING A GUARDIANSHIP FOR AN ADULT,  
7 THE COURT SHALL FOLLOW THE SAME PROCEDURES TO SAFEGUARD THE  
8 RIGHTS OF THE ADULT WHICH APPLY TO A PETITION FOR GUARDIANSHIP.

9           (7) AN ADULT SUBJECT TO GUARDIANSHIP WHO SEEKS TO  
10 TERMINATE OR MODIFY THE TERMS OF THE GUARDIANSHIP HAS THE RIGHT  
11 TO CHOOSE AN ATTORNEY TO REPRESENT THE ADULT IN THE MATTER. IF  
12 THE ADULT IS NOT REPRESENTED BY AN ATTORNEY, THE COURT SHALL  
13 APPOINT AN ATTORNEY PURSUANT TO THE SAME CONDITIONS AS SET  
14 FORTH IN SECTION 15-14.7-305.

15           (8) THE FOLLOWING PROVISIONS APPLY IN A CONTESTED  
16 TERMINATION PROCEEDING:

17           (a) THE GUARDIAN MAY FILE A WRITTEN REPORT TO THE COURT  
18 REGARDING ANY MATTER RELEVANT TO THE TERMINATION PROCEEDING,  
19 AND THE GUARDIAN MAY FILE A MOTION FOR INSTRUCTIONS REGARDING  
20 ANY RELEVANT MATTER, INCLUDING, BUT NOT LIMITED TO:

21           (I) WHETHER AN ATTORNEY, GUARDIAN AD LITEM, OR VISITOR  
22 MUST BE APPOINTED FOR THE ADULT SUBJECT TO GUARDIANSHIP;

23           (II) WHETHER ANY FURTHER INVESTIGATION OR PROFESSIONAL  
24 EVALUATION OF THE ADULT SUBJECT TO GUARDIANSHIP MUST BE  
25 CONDUCTED, THE SCOPE OF THE INVESTIGATION OR PROFESSIONAL  
26 EVALUATION, AND WHEN THE INVESTIGATION OR PROFESSIONAL  
27 EVALUATION MUST BE COMPLETED; AND



1 (III) WHETHER THE GUARDIAN MUST BE INVOLVED IN THE  
2 TERMINATION PROCEEDINGS AND, IF SO, TO WHAT EXTENT;

3 (b) IF THE GUARDIAN ELECTS TO FILE A WRITTEN REPORT OR A  
4 MOTION FOR INSTRUCTIONS, THE GUARDIAN MUST FILE INITIAL PLEADINGS  
5 WITHIN TWENTY-ONE DAYS AFTER THE PETITION TO TERMINATE IS FILED.  
6 ANY PERSON INTERESTED IN THE WELFARE OF THE ADULT SUBJECT TO  
7 GUARDIANSHIP HAS FOURTEEN DAYS AFTER THE INITIAL PLEADINGS ARE  
8 FILED TO FILE A RESPONSE. IF A RESPONSE IS FILED, THE GUARDIAN HAS  
9 SEVEN DAYS AFTER THE RESPONSE IS FILED TO FILE A REPLY. IF A MOTION  
10 FOR INSTRUCTIONS IS FILED BY THE GUARDIAN AS THE GUARDIAN'S INITIAL  
11 PLEADING, THE COURT MUST RULE ON THE MOTION BEFORE THE PETITION  
12 FOR TERMINATION OF THE GUARDIANSHIP IS SET FOR HEARING. UNLESS A  
13 HEARING ON THE MOTION FOR INSTRUCTIONS IS REQUESTED BY THE  
14 COURT, THE COURT MAY RULE ON THE PLEADINGS WITHOUT A HEARING  
15 AFTER THE TIME PERIOD FOR THE FILING OF THE LAST RESPONSIVE  
16 PLEADING HAS EXPIRED. AFTER THE FILING OF THE GUARDIAN'S INITIAL  
17 MOTION FOR INSTRUCTIONS, THE GUARDIAN MAY FILE SUBSEQUENT  
18 MOTIONS FOR INSTRUCTION, AS APPROPRIATE.

19 (c) EXCEPT FOR THE ACTIONS AUTHORIZED IN SUBSECTIONS (8)(a),  
20 (8)(b), AND (9) OF THIS SECTION, OR AS OTHERWISE ORDERED BY THE  
21 COURT, THE GUARDIAN SHALL NOT TAKE ANY ACTION TO OPPOSE OR  
22 INTERFERE IN THE TERMINATION PROCEEDING. THE FILING OF THE INITIAL  
23 OR SUBSEQUENT MOTION FOR INSTRUCTIONS BY THE GUARDIAN MUST NOT  
24 ALONE BE DEEMED OPPOSITION OR INTERFERENCE.

25 (d) UNLESS ORDERED BY THE COURT, THE GUARDIAN DOES NOT  
26 HAVE A DUTY TO PARTICIPATE IN THE TERMINATION PROCEEDING, AND THE  
27 GUARDIAN DOES NOT INCUR LIABILITY FOR FILING THE REPORT OR MOTION

1 FOR INSTRUCTION OR FOR FAILING TO PARTICIPATE IN THE PROCEEDING;  
2 AND

3 (e) ANY INDIVIDUAL WHO HAS BEEN APPOINTED AS A GUARDIAN,  
4 AND IS ALSO A PERSON INTERESTED IN THE WELFARE OF THE ADULT  
5 SUBJECT TO GUARDIANSHIP, AND WHO WANTS TO PARTICIPATE IN THE  
6 TERMINATION PROCEEDING IN THE INDIVIDUAL'S INDIVIDUAL CAPACITY  
7 AND NOT IN THE INDIVIDUAL'S FIDUCIARY CAPACITY MAY DO SO WITHOUT  
8 RESTRICTION OR LIMITATION. THE PAYMENT OF ANY FEES AND COSTS TO  
9 THAT INDIVIDUAL RELATED TO THE INDIVIDUAL'S DECISION TO  
10 PARTICIPATE IN THE TERMINATION PROCEEDING IS GOVERNED BY SECTION  
11 15-10-602 (7) AND NOT BY SECTION 15-10-602 (1).

12 (9) NOTHING IN SUBSECTION (8) OF THIS SECTION PREVENTS:

13 (a) THE COURT, ON ITS OWN MOTION, AND REGARDLESS OF  
14 WHETHER THE GUARDIAN HAS FILED A REPORT OR MOTION FOR  
15 INSTRUCTIONS, FROM ORDERING THE GUARDIAN TO TAKE ANY ACTION  
16 THAT THE COURT DEEMS APPROPRIATE OR FROM APPOINTING AN  
17 ATTORNEY, GUARDIAN AD LITEM, VISITOR, OR PROFESSIONAL EVALUATOR;

18 (b) THE COURT FROM ORDERING THE GUARDIAN TO APPEAR AT THE  
19 TERMINATION PROCEEDING AND GIVE TESTIMONY; OR

20 (c) ANY PERSON INTERESTED IN THE WELFARE OF THE ADULT  
21 SUBJECT TO GUARDIANSHIP FROM CALLING THE GUARDIAN AS A WITNESS  
22 IN THE TERMINATION PROCEEDING.

23 PART 4

24 CONSERVATORSHIP

25 **15-14.7-401. Basis for appointment of conservator.** (1) ON  
26 PETITION AND AFTER NOTICE AND HEARING, THE COURT MAY APPOINT A  
27 CONSERVATOR FOR THE PROPERTY OR FINANCIAL AFFAIRS OF A MINOR IF

1 THE COURT FINDS BY A PREPONDERANCE OF EVIDENCE THAT APPOINTMENT  
2 OF A CONSERVATOR IS IN THE MINOR'S BEST INTEREST, AND:

3 (a) IF THE MINOR HAS A PARENT, THE COURT GIVES WEIGHT TO ANY  
4 RECOMMENDATION OF THE PARENT WHETHER AN APPOINTMENT IS IN THE  
5 MINOR'S BEST INTEREST; AND

6 (b) EITHER:

7 (I) THE MINOR OWNS FUNDS OR OTHER PROPERTY REQUIRING  
8 MANAGEMENT OR PROTECTION THAT OTHERWISE CANNOT BE PROVIDED;

9 (II) THE MINOR HAS OR MAY HAVE FINANCIAL AFFAIRS THAT MAY  
10 BE PUT AT UNREASONABLE RISK OR HINDERED BECAUSE OF THE MINOR'S  
11 AGE; OR

12 (III) APPOINTMENT IS NECESSARY OR DESIRABLE TO OBTAIN OR  
13 PROVIDE FUNDS OR OTHER PROPERTY NEEDED FOR THE SUPPORT, CARE,  
14 EDUCATION, HEALTH, OR WELFARE OF THE MINOR.

15 (2) ON PETITION AND AFTER NOTICE AND HEARING, THE COURT  
16 MAY APPOINT A CONSERVATOR FOR THE PROPERTY OR FINANCIAL AFFAIRS  
17 OF AN ADULT IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE  
18 THAT:

19 (a) THE ADULT IS UNABLE TO MANAGE PROPERTY OR FINANCIAL  
20 AFFAIRS BECAUSE:

21 (I) OF A LIMITATION IN THE ADULT'S ABILITY TO RECEIVE AND  
22 EVALUATE INFORMATION OR MAKE OR COMMUNICATE DECISIONS, EVEN  
23 WITH THE USE OF APPROPRIATE SUPPORTIVE SERVICES, TECHNOLOGICAL  
24 ASSISTANCE, OR SUPPORTED DECISION MAKING; OR

25 (II) THE ADULT IS MISSING, DETAINED, OR UNABLE TO RETURN TO  
26 THE UNITED STATES;

27 (b) APPOINTMENT IS NECESSARY TO:

1 (I) AVOID FINANCIAL HARM TO THE ADULT OR MATERIAL  
2 DISSIPATION OF THE PROPERTY OF THE ADULT; OR

3 (II) OBTAIN OR PROVIDE FUNDS OR OTHER PROPERTY NEEDED FOR  
4 THE SUPPORT, CARE, EDUCATION, HEALTH, OR WELFARE OF THE ADULT OR  
5 OF AN INDIVIDUAL ENTITLED TO THE ADULT'S SUPPORT; AND

6 (c) THE RESPONDENT'S IDENTIFIED NEEDS CANNOT BE MET BY A  
7 PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP OR OTHER  
8 LESS RESTRICTIVE ALTERNATIVE.

9 (3) THE COURT SHALL GRANT A CONSERVATOR ONLY THOSE  
10 POWERS NECESSITATED BY DEMONSTRATED LIMITATIONS AND NEEDS OF  
11 THE RESPONDENT AND ISSUE ORDERS THAT WILL ENCOURAGE  
12 DEVELOPMENT OF THE RESPONDENT'S MAXIMUM SELF-DETERMINATION  
13 AND INDEPENDENCE. THE COURT MAY NOT ESTABLISH A FULL  
14 CONSERVATORSHIP IF A LIMITED CONSERVATORSHIP, PROTECTIVE  
15 ARRANGEMENT INSTEAD OF CONSERVATORSHIP, OR OTHER LESS  
16 RESTRICTIVE ALTERNATIVE WOULD MEET THE NEEDS OF THE RESPONDENT.

17 **15-14.7-402. Petition for appointment of conservator.** (1) THE  
18 FOLLOWING MAY PETITION FOR THE APPOINTMENT OF A CONSERVATOR:

19 (a) THE INDIVIDUAL FOR WHOM THE ORDER IS SOUGHT;

20 (b) A PERSON INTERESTED IN THE ESTATE, FINANCIAL AFFAIRS, OR  
21 WELFARE OF THE INDIVIDUAL, INCLUDING A PERSON THAT WOULD BE  
22 ADVERSELY AFFECTED BY LACK OF EFFECTIVE MANAGEMENT OF PROPERTY  
23 OR FINANCIAL AFFAIRS OF THE INDIVIDUAL; OR

24 (c) THE GUARDIAN FOR THE INDIVIDUAL.

25 (2) A PETITION PURSUANT TO SUBSECTION (1) OF THIS SECTION  
26 MUST STATE THE PETITIONER'S NAME; PRINCIPAL RESIDENCE; CURRENT  
27 STREET ADDRESS, IF DIFFERENT; RELATIONSHIP TO THE RESPONDENT;

1 INTEREST IN THE APPOINTMENT; THE NAME AND ADDRESS OF ANY  
2 ATTORNEY REPRESENTING THE PETITIONER; AND, TO THE EXTENT KNOWN,  
3 THE FOLLOWING:

4 (a) THE RESPONDENT'S NAME; AGE; PRINCIPAL RESIDENCE;  
5 CURRENT STREET ADDRESS, IF DIFFERENT; AND, IF DIFFERENT, ADDRESS OF  
6 THE DWELLING IN WHICH IT IS PROPOSED THE RESPONDENT WILL RESIDE IF  
7 THE PETITION IS GRANTED;

8 (b) THE NAME AND ADDRESS OF THE RESPONDENT'S:

9 (I) SPOUSE OR DOMESTIC PARTNER OR, IF THE RESPONDENT HAS  
10 NONE, AN ADULT WITH WHOM THE RESPONDENT HAS SHARED HOUSEHOLD  
11 RESPONSIBILITIES FOR MORE THAN SIX MONTHS IN THE TWELVE-MONTH  
12 PERIOD BEFORE THE FILING OF THE PETITION;

13 (II) ADULT CHILDREN OR, IF NONE, EACH PARENT AND ADULT  
14 SIBLING OF THE RESPONDENT; AND

15 (III) ADULT STEPCHILDREN WHOM THE RESPONDENT ACTIVELY  
16 PARENTED DURING THE STEPCHILDREN'S MINOR YEARS AND WITH WHOM  
17 THE RESPONDENT HAD AN ONGOING RELATIONSHIP DURING THE TWO  
18 YEARS IMMEDIATELY BEFORE THE FILING OF THE PETITION;

19 (c) THE NAME AND CURRENT ADDRESS OF EACH OF THE  
20 FOLLOWING, IF APPLICABLE:

21 (I) A PERSON RESPONSIBLE FOR THE CARE OR CUSTODY OF THE  
22 RESPONDENT;

23 (II) ANY ATTORNEY CURRENTLY REPRESENTING THE RESPONDENT;

24 (III) THE REPRESENTATIVE PAYEE APPOINTED BY THE SOCIAL  
25 SECURITY ADMINISTRATION FOR THE RESPONDENT;

26 (IV) A GUARDIAN OR CONSERVATOR ACTING FOR THE RESPONDENT  
27 IN THIS STATE OR ANOTHER JURISDICTION;

1 (V) A TRUSTEE OR CUSTODIAN OF A TRUST OR CUSTODIANSHIP OF  
2 WHICH THE RESPONDENT IS A BENEFICIARY;

3 (VI) THE FIDUCIARY APPOINTED FOR THE RESPONDENT BY THE  
4 DEPARTMENT OF VETERANS AFFAIRS;

5 (VII) AN AGENT DESIGNATED UNDER A POWER OF ATTORNEY FOR  
6 HEALTH CARE IN WHICH THE RESPONDENT IS IDENTIFIED AS THE PRINCIPAL;

7 (VIII) AN AGENT DESIGNATED UNDER A POWER OF ATTORNEY FOR  
8 FINANCES IN WHICH THE RESPONDENT IS IDENTIFIED AS THE PRINCIPAL;

9 (IX) A MEMBER OF THE RESPONDENT'S SUPPORTIVE COMMUNITY;

10 (X) ANY PROPOSED CONSERVATOR, INCLUDING A PERSON  
11 NOMINATED BY THE RESPONDENT, IF THE RESPONDENT IS TWELVE YEARS  
12 OF AGE OR OLDER; AND

13 (XI) IF THE INDIVIDUAL FOR WHOM A CONSERVATOR IS SOUGHT IS  
14 A MINOR:

15 (A) AN ADULT NOT OTHERWISE LISTED WITH WHOM THE MINOR  
16 RESIDES; AND

17 (B) EACH PERSON NOT OTHERWISE LISTED THAT HAD PRIMARY  
18 CARE OR CUSTODY OF THE MINOR FOR AT LEAST SIXTY DAYS DURING THE  
19 TWO YEARS IMMEDIATELY BEFORE THE FILING OF THE PETITION OR FOR AT  
20 LEAST SEVEN HUNDRED AND THIRTY DAYS DURING THE FIVE YEARS  
21 IMMEDIATELY BEFORE THE FILING OF THE PETITION;

22 (d) A GENERAL STATEMENT OF THE RESPONDENT'S PROPERTY WITH  
23 AN ESTIMATE OF ITS VALUE, INCLUDING ANY INSURANCE OR PENSION, AND  
24 THE SOURCE AND AMOUNT OF OTHER ANTICIPATED INCOME OR RECEIPTS;

25 (e) THE REASON CONSERVATORSHIP IS NECESSARY, INCLUDING A  
26 BRIEF DESCRIPTION OF:

27 (I) THE NATURE AND EXTENT OF THE RESPONDENT'S ALLEGED

1 NEED;

2 (II) IF THE PETITION ALLEGES THE RESPONDENT IS MISSING,  
3 DETAINED, OR UNABLE TO RETURN TO THE UNITED STATES, THE RELEVANT  
4 CIRCUMSTANCES, INCLUDING THE TIME AND NATURE OF THE  
5 DISAPPEARANCE OR DETENTION AND ANY SEARCH OR INQUIRY  
6 CONCERNING THE RESPONDENT'S WHEREABOUTS;

7 (III) ANY PROTECTIVE ARRANGEMENT INSTEAD OF  
8 CONSERVATORSHIP OR OTHER LESS RESTRICTIVE ALTERNATIVE FOR  
9 MEETING THE RESPONDENT'S ALLEGED NEED WHICH HAS BEEN  
10 CONSIDERED OR IMPLEMENTED;

11 (IV) IF NO PROTECTIVE ARRANGEMENT OR OTHER LESS  
12 RESTRICTIVE ALTERNATIVES HAVE BEEN CONSIDERED OR IMPLEMENTED,  
13 THE REASON IT HAS NOT BEEN CONSIDERED OR IMPLEMENTED;

14 (V) THE REASON A PROTECTIVE ARRANGEMENT OR OTHER LESS  
15 RESTRICTIVE ALTERNATIVE IS INSUFFICIENT TO MEET THE RESPONDENT'S  
16 NEED;

17 (VI) WHETHER THE PETITIONER SEEKS A LIMITED  
18 CONSERVATORSHIP OR A FULL CONSERVATORSHIP;

19 (VII) IF THE PETITIONER SEEKS A FULL CONSERVATORSHIP, THE  
20 REASON A LIMITED CONSERVATORSHIP OR PROTECTIVE ARRANGEMENT  
21 INSTEAD OF CONSERVATORSHIP IS NOT APPROPRIATE;

22 (VIII) IF THE PETITION INCLUDES THE NAME OF A PROPOSED  
23 CONSERVATOR, THE REASON THE PROPOSED CONSERVATOR SHOULD BE  
24 APPOINTED;

25 (IX) IF THE PETITION IS FOR A LIMITED CONSERVATORSHIP, A  
26 DESCRIPTION OF THE PROPERTY TO BE PLACED UNDER THE CONSERVATOR'S  
27 CONTROL AND ANY REQUESTED LIMITATION ON THE AUTHORITY OF THE

1 CONSERVATOR;

2 (X) WHETHER THE RESPONDENT NEEDS AN INTERPRETER,  
3 TRANSLATOR, OR OTHER FORM OF SUPPORT TO COMMUNICATE  
4 EFFECTIVELY WITH THE COURT OR UNDERSTAND COURT PROCEEDINGS;  
5 AND

6 (XI) THE NAME AND ADDRESS OF AN ATTORNEY REPRESENTING  
7 THE PETITIONER, IF ANY.

8 **15-14.7-403. Notice and hearing for appointment of**  
9 **conservator.** (1) ON FILING OF A PETITION PURSUANT TO SECTION  
10 15-14.7-402 FOR APPOINTMENT OF A CONSERVATOR, THE COURT SHALL  
11 SET A DATE, TIME, AND PLACE FOR A HEARING ON THE PETITION.

12 (2) A COPY OF A PETITION PURSUANT TO SECTION 15-14.7-402 AND  
13 NOTICE OF A HEARING ON THE PETITION MUST BE SERVED PERSONALLY ON  
14 THE RESPONDENT. IF THE RESPONDENT'S WHEREABOUTS ARE UNKNOWN OR  
15 PERSONAL SERVICE CANNOT BE MADE, SERVICE ON THE RESPONDENT MUST  
16 BE MADE BY SUBSTITUTED SERVICE OR PUBLICATION. THE NOTICE MUST  
17 INFORM THE RESPONDENT OF THE RESPONDENT'S RIGHTS AT THE HEARING,  
18 INCLUDING THE RIGHT TO AN ATTORNEY AND TO ATTEND THE HEARING.  
19 THE NOTICE MUST INCLUDE A DESCRIPTION OF THE NATURE, PURPOSE, AND  
20 CONSEQUENCES OF GRANTING THE PETITION. THE COURT MAY NOT GRANT  
21 A PETITION FOR APPOINTMENT OF A CONSERVATOR IF NOTICE  
22 SUBSTANTIALLY COMPLYING WITH THIS SUBSECTION (2) IS NOT SERVED ON  
23 THE RESPONDENT.

24 (3) IN A PROCEEDING ON A PETITION PURSUANT TO SECTION  
25 15-14.7-402, THE NOTICE REQUIRED PURSUANT TO SUBSECTION (2) OF THIS  
26 SECTION MUST BE GIVEN, PURSUANT TO SECTION 15-10-401, TO THE  
27 PERSONS REQUIRED TO BE LISTED IN THE PETITION PURSUANT TO SECTION



1 15-14.7-402 (2)(a) TO 15-14.7-402 (2)(c) AND ANY OTHER PERSON  
2 INTERESTED IN THE RESPONDENT'S WELFARE THE COURT DETERMINES.  
3 FAILURE TO GIVE NOTICE, PURSUANT TO SECTION 15-10-401, PURSUANT  
4 TO THIS SUBSECTION (3) DOES NOT PRECLUDE THE COURT FROM  
5 APPOINTING A CONSERVATOR.

6 (4) IF A PETITION FILED PURSUANT TO SECTION 15-14.7-402 DOES  
7 NOT INCLUDE THE NAME OF AT LEAST ONE PERSON DESCRIBED IN SECTION  
8 15-14.7-402 (2), THE PETITIONER MUST SEARCH WITH REASONABLE  
9 DILIGENCE FOR AN ADULT RELATIVE OF THE RESPONDENT AND, IF AN  
10 ADULT RELATIVE IS FOUND, THE PETITIONER MUST GIVE THE ADULT  
11 RELATIVE NOTICE, PURSUANT TO SECTION 15-10-401, THAT A PETITION  
12 FOR CONSERVATORSHIP OF THE RESPONDENT AND A HEARING ON THE  
13 PETITION HAVE BEEN FILED AND GIVE NOTICE OF A HEARING ON THE  
14 PETITION. THE NOTICE SENT TO THE ADULT RELATIVE OF THE RESPONDENT  
15 MUST NOT INCLUDE A COPY OF THE PETITION. FAILURE TO GIVE NOTICE  
16 PURSUANT TO THIS SUBSECTION (4) DOES NOT PRECLUDE THE COURT FROM  
17 APPOINTING A CONSERVATOR.

18 (5) AFTER THE APPOINTMENT OF A CONSERVATOR, NOTICE OF A  
19 HEARING ON A PETITION FOR AN ORDER PURSUANT TO THIS PART 4,  
20 TOGETHER WITH A COPY OF THE PETITION, MUST BE GIVEN TO:

21 (a) THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP, IF THE  
22 INDIVIDUAL IS TWELVE YEARS OF AGE OR OLDER AND NOT MISSING,  
23 DETAINED, OR UNABLE TO RETURN TO THE UNITED STATES;

24 (b) THE CONSERVATOR; AND

25 (c) ANY OTHER PERSON THE COURT DETERMINES.

26 **15-14.7-404. Order to preserve or apply property while**  
27 **proceeding pending.** WHILE A PETITION PURSUANT TO SECTION

1 15-14.7-402 IS PENDING, AFTER PRELIMINARY HEARING AND WITHOUT  
2 NOTICE TO OTHERS, THE COURT MAY ISSUE AN ORDER TO PRESERVE AND  
3 APPLY PROPERTY OF THE RESPONDENT AS REQUIRED FOR THE SUPPORT OF  
4 THE RESPONDENT OR AN INDIVIDUAL WHO IS IN FACT DEPENDENT ON THE  
5 RESPONDENT. THE COURT MAY APPOINT A SPECIAL CONSERVATOR TO  
6 ASSIST IN IMPLEMENTING THE ORDER.

7 **15-14.7-405. Appointment and role of visitor.** (1) IF THE  
8 RESPONDENT IN A PROCEEDING TO APPOINT A CONSERVATOR IS A MINOR,  
9 THE COURT MAY APPOINT A VISITOR TO INVESTIGATE A MATTER RELATED  
10 TO THE PETITION OR INFORM THE MINOR OR A PARENT OF THE MINOR  
11 ABOUT THE PETITION OR A RELATED MATTER.

12 (2) IF THE RESPONDENT IN A PROCEEDING TO APPOINT A  
13 CONSERVATOR IS AN ADULT, THE COURT SHALL APPOINT A VISITOR UNLESS  
14 THE ADULT IS REPRESENTED BY AN ATTORNEY APPOINTED BY THE COURT.  
15 THE DUTIES AND REPORTING REQUIREMENTS OF THE VISITOR ARE LIMITED  
16 TO THE RELIEF REQUESTED IN THE PETITION. THE COURT SHALL DISCLOSE  
17 IN THE ORDER APPOINTING THE VISITOR THE SPECIFIC TRAINING OR  
18 EXPERIENCE THE VISITOR HAS WITH RESPECT TO THE ABILITIES,  
19 LIMITATIONS, AND NEEDS OF THE RESPONDENT AS ALLEGED IN THE  
20 PETITION AND THE BASIS FOR FEES TO BE PAID TO THE VISITOR.

21 (3) A VISITOR APPOINTED PURSUANT TO SUBSECTION (2) OF THIS  
22 SECTION FOR AN ADULT SHALL INTERVIEW THE RESPONDENT IN PERSON  
23 AND IN A MANNER THE RESPONDENT IS BEST ABLE TO UNDERSTAND:

24 (a) EXPLAIN TO THE RESPONDENT THE SUBSTANCE OF THE  
25 PETITION; THE NATURE, PURPOSE, AND EFFECT OF THE PROCEEDING; THE  
26 RESPONDENT'S RIGHTS AT THE HEARING ON THE PETITION; AND THE  
27 GENERAL POWERS AND DUTIES OF A CONSERVATOR;

1 (b) DETERMINE THE RESPONDENT'S VIEWS ABOUT THE  
2 APPOINTMENT SOUGHT BY THE PETITIONER, INCLUDING VIEWS ABOUT A  
3 PROPOSED CONSERVATOR, THE CONSERVATOR'S PROPOSED POWERS AND  
4 DUTIES, AND THE SCOPE AND DURATION OF THE PROPOSED  
5 CONSERVATORSHIP;

6 (c) INFORM THE RESPONDENT OF THE RESPONDENT'S RIGHT TO  
7 EMPLOY AND CONSULT WITH AN ATTORNEY AT THE RESPONDENT'S  
8 EXPENSE AND THE RIGHT TO REQUEST A COURT-APPOINTED ATTORNEY;  
9 AND

10 (d) INFORM THE RESPONDENT THAT ALL COSTS AND EXPENSES OF  
11 THE PROCEEDING, INCLUDING THE RESPONDENT'S ATTORNEY FEES, MAY BE  
12 PAID FROM THE RESPONDENT'S ASSETS.

13 (4) A VISITOR APPOINTED PURSUANT TO SUBSECTION (2) OF THIS  
14 SECTION FOR AN ADULT SHALL:

15 (a) INTERVIEW THE PETITIONER AND PROPOSED CONSERVATOR, IF  
16 ANY;

17 (b) REVIEW FINANCIAL RECORDS OF THE RESPONDENT, IF  
18 RELEVANT TO THE VISITOR'S RECOMMENDATION PURSUANT TO  
19 SUBSECTION (5)(b) OF THIS SECTION;

20 (c) INVESTIGATE WHETHER THE RESPONDENT'S NEEDS COULD BE  
21 MET BY A PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP OR  
22 OTHER LESS RESTRICTIVE ALTERNATIVE AND, IF SO, IDENTIFY THE  
23 ARRANGEMENT OR OTHER LESS RESTRICTIVE ALTERNATIVE; AND

24 (d) INVESTIGATE THE ALLEGATIONS IN THE PETITION AND ANY  
25 OTHER MATTER RELATING TO THE PETITION THAT THE COURT DIRECTS.

26 (5) A VISITOR APPOINTED PURSUANT TO SUBSECTION (2) OF THIS  
27 SECTION FOR AN ADULT SHALL PROMPTLY FILE A REPORT IN A RECORD

1 WITH THE COURT, WHICH MUST INCLUDE:

2 (a) A RECOMMENDATION WHETHER AN ATTORNEY SHOULD BE  
3 APPOINTED TO REPRESENT THE RESPONDENT;

4 (b) A RECOMMENDATION:

5 (I) REGARDING THE APPROPRIATENESS OF CONSERVATORSHIP, OR  
6 WHETHER A PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP  
7 OR OTHER LESS RESTRICTIVE ALTERNATIVE FOR MEETING THE  
8 RESPONDENT'S NEEDS IS AVAILABLE;

9 (II) IF A CONSERVATORSHIP IS RECOMMENDED, WHETHER IT  
10 SHOULD BE FULL OR LIMITED; AND

11 (III) IF A LIMITED CONSERVATORSHIP IS RECOMMENDED, THE  
12 POWERS TO BE GRANTED TO THE CONSERVATOR AND THE PROPERTY THAT  
13 SHOULD BE PLACED UNDER THE CONSERVATOR'S CONTROL;

14 (c) A STATEMENT OF THE QUALIFICATIONS OF THE PROPOSED  
15 CONSERVATOR AND WHETHER THE RESPONDENT APPROVES OR  
16 DISAPPROVES OF THE PROPOSED CONSERVATOR;

17 (d) A RECOMMENDATION WHETHER A PROFESSIONAL EVALUATION  
18 PURSUANT TO SECTION 15-14.7-407 IS NECESSARY;

19 (e) A STATEMENT WHETHER THE RESPONDENT IS ABLE TO ATTEND  
20 A HEARING AT THE LOCATION COURT PROCEEDINGS TYPICALLY ARE HELD;

21 (f) A STATEMENT WHETHER THE RESPONDENT IS ABLE TO  
22 PARTICIPATE IN A HEARING AND WHICH IDENTIFIES ANY TECHNOLOGY OR  
23 OTHER FORM OF SUPPORT THAT WOULD ENHANCE THE RESPONDENT'S  
24 ABILITY TO PARTICIPATE; AND

25 (g) ANY OTHER MATTER THE COURT DIRECTS.

26 **15-14.7-406. Appointment and role of attorney.** (1) THE COURT  
27 SHALL APPOINT AN ATTORNEY TO REPRESENT THE RESPONDENT IN A

1 PROCEEDING TO APPOINT A CONSERVATOR IF:

2 (a) THE RESPONDENT REQUESTS AN APPOINTMENT;

3 (b) THE VISITOR RECOMMENDS AN APPOINTMENT; OR

4 (c) THE COURT DETERMINES THE RESPONDENT NEEDS  
5 REPRESENTATION.

6 (2) AN ATTORNEY REPRESENTING THE RESPONDENT IN A  
7 PROCEEDING FOR APPOINTMENT OF A CONSERVATOR SHALL:

8 (a) MAKE REASONABLE EFFORTS TO ASCERTAIN THE RESPONDENT'S  
9 WISHES;

10 (b) ADVOCATE FOR THE RESPONDENT'S WISHES TO THE EXTENT  
11 REASONABLY ASCERTAINABLE; AND

12 (c) IF THE RESPONDENT'S WISHES ARE NOT REASONABLY  
13 ASCERTAINABLE, ADVOCATE FOR THE RESULT THAT IS THE LEAST  
14 RESTRICTIVE IN TYPE, DURATION, AND SCOPE, CONSISTENT WITH THE  
15 RESPONDENT'S INTERESTS.

16 **15-14.7-407. Professional evaluation.** (1) AT OR BEFORE A  
17 HEARING ON A PETITION FOR CONSERVATORSHIP FOR AN ADULT, THE  
18 COURT SHALL ORDER A PROFESSIONAL EVALUATION OF THE RESPONDENT:

19 (a) IF THE RESPONDENT REQUESTS THE EVALUATION; OR

20 (b) IF THE COURT FINDS THAT ADDITIONAL INFORMATION MAY  
21 ASSIST THE COURT IN DETERMINING THE RESPONDENT'S NEEDS AND  
22 ABILITIES.

23 (2) IF THE COURT ORDERS AN EVALUATION PURSUANT TO  
24 SUBSECTION (1) OF THIS SECTION, THE RESPONDENT MUST BE EXAMINED  
25 BY A LICENSED PHYSICIAN, PSYCHOLOGIST, SOCIAL WORKER, OR OTHER  
26 INDIVIDUAL APPOINTED BY THE COURT WHO IS QUALIFIED TO EVALUATE  
27 THE RESPONDENT'S ALLEGED COGNITIVE AND FUNCTIONAL ABILITIES AND

1 LIMITATIONS AND WILL NOT BE ADVANTAGED OR DISADVANTAGED BY A  
2 DECISION TO GRANT THE PETITION OR OTHERWISE HAVE A CONFLICT OF  
3 INTEREST. THE INDIVIDUAL CONDUCTING THE EVALUATION PROMPTLY  
4 SHALL FILE A REPORT IN A RECORD WITH THE COURT. UNLESS OTHERWISE  
5 DIRECTED BY THE COURT, THE REPORT MUST CONTAIN:

6 (a) A DESCRIPTION OF THE NATURE, TYPE, AND EXTENT OF THE  
7 RESPONDENT'S COGNITIVE AND FUNCTIONAL ABILITIES AND LIMITATIONS  
8 WITH REGARD TO THE MANAGEMENT OF THE RESPONDENT'S PROPERTY AND  
9 FINANCIAL AFFAIRS;

10 (b) AN EVALUATION OF THE RESPONDENT'S MENTAL AND PHYSICAL  
11 CONDITION AND, IF APPROPRIATE, EDUCATIONAL POTENTIAL, ADAPTIVE  
12 BEHAVIOR, AND SOCIAL SKILLS;

13 (c) A PROGNOSIS FOR IMPROVEMENT WITH REGARD TO THE ABILITY  
14 TO MANAGE THE RESPONDENT'S PROPERTY AND FINANCIAL AFFAIRS; AND

15 (d) THE DATE OF THE EXAMINATION ON WHICH THE REPORT IS  
16 BASED.

17 (3) A RESPONDENT MAY DECLINE TO PARTICIPATE IN AN  
18 EVALUATION ORDERED PURSUANT TO SUBSECTION (1) OF THIS SECTION.

19 **15-14.7-408. Attendance and rights at hearing.** (1) EXCEPT AS  
20 OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, A HEARING  
21 PURSUANT TO SECTION 15-14.7-403 MAY NOT PROCEED UNLESS THE  
22 RESPONDENT ATTENDS THE HEARING. IF IT IS NOT REASONABLY FEASIBLE  
23 FOR THE RESPONDENT TO ATTEND A HEARING AT THE LOCATION COURT  
24 PROCEEDINGS TYPICALLY ARE HELD, THE COURT SHALL HOLD A HEARING  
25 USING REAL-TIME AUDIO-VISUAL COMMUNICATION TECHNOLOGY OR, AT  
26 THE COURT'S DISCRETION, HOLD THE HEARING AT AN ALTERNATIVE  
27 LOCATION WHERE THE RESPONDENT CAN ATTEND USING REAL-TIME

1 AUDIO-VISUAL COMMUNICATION TECHNOLOGY.

2 (2) A HEARING PURSUANT TO SECTION 15-14.7-403 MAY PROCEED  
3 WITHOUT THE RESPONDENT IN ATTENDANCE IF THE COURT FINDS BY CLEAR  
4 AND CONVINCING EVIDENCE THAT:

5 (a) THE RESPONDENT HAS REFUSED TO ATTEND THE HEARING  
6 AFTER HAVING BEEN FULLY INFORMED OF THE RIGHT TO ATTEND AND THE  
7 POTENTIAL CONSEQUENCES OF FAILING TO DO SO;

8 (b) THERE IS NO PRACTICABLE WAY FOR THE RESPONDENT TO  
9 ATTEND AND PARTICIPATE IN THE HEARING EVEN WITH APPROPRIATE  
10 SUPPORTIVE SERVICES OR TECHNOLOGICAL ASSISTANCE; OR

11 (c) THE RESPONDENT IS A MINOR WHO HAS RECEIVED PROPER  
12 NOTICE AND ATTENDANCE WOULD BE HARMFUL TO THE MINOR.

13 (3) THE RESPONDENT MAY BE ASSISTED IN A HEARING PURSUANT  
14 TO SECTION 15-14.7-403 BY A PERSON OR PERSONS OF THE RESPONDENT'S  
15 CHOOSING, ASSISTIVE TECHNOLOGY, OR AN INTERPRETER OR TRANSLATOR,  
16 OR A COMBINATION OF THESE SUPPORTS. IF ASSISTANCE WOULD  
17 FACILITATE THE RESPONDENT'S PARTICIPATION IN THE HEARING, BUT IS  
18 NOT OTHERWISE AVAILABLE TO THE RESPONDENT, THE COURT SHALL  
19 MAKE REASONABLE EFFORTS TO PROVIDE IT.

20 (4) THE RESPONDENT HAS A RIGHT TO CHOOSE AN ATTORNEY TO  
21 REPRESENT THE RESPONDENT AT A HEARING PURSUANT TO SECTION  
22 15-14.7-403.

23 (5) AT A HEARING PURSUANT TO SECTION 15-14.7-403, THE  
24 RESPONDENT MAY:

25 (a) PRESENT EVIDENCE AND SUBPOENA WITNESSES AND  
26 DOCUMENTS;

27 (b) EXAMINE WITNESSES, INCLUDING ANY COURT-APPOINTED

1 EVALUATOR AND THE VISITOR; AND

2 (c) OTHERWISE PARTICIPATE IN THE HEARING.

3 (6) UNLESS EXCUSED BY THE COURT FOR GOOD CAUSE, A  
4 PROPOSED CONSERVATOR SHALL ATTEND A HEARING PURSUANT TO  
5 SECTION 15-14.7-403.

6 (7) A HEARING PURSUANT TO SECTION 15-14.7-403 MUST BE  
7 CLOSED ON REQUEST OF THE RESPONDENT OR A SHOWING OF GOOD CAUSE.

8 (8) ANY PERSON MAY REQUEST TO PARTICIPATE IN A HEARING  
9 PURSUANT TO SECTION 15-14.7-403. THE COURT MAY GRANT THE  
10 REQUEST, WITH OR WITHOUT A HEARING, ON DETERMINING THAT THE BEST  
11 INTEREST OF THE RESPONDENT WILL BE SERVED. THE COURT SHALL  
12 CONSIDER THE PREFERENCES AND OPINIONS OF THE RESPONDENT PRIOR TO  
13 GRANTING A REQUEST TO PARTICIPATE IN THE HEARING. THE COURT MAY  
14 IMPOSE APPROPRIATE CONDITIONS ON THE PERSON'S PARTICIPATION.

15 **15-14.7-409. Confidentiality of records.** THE COURT SHALL  
16 COMPLY WITH THE ADMINISTRATIVE RULES ADOPTED BY THE JUDICIAL  
17 DEPARTMENT CONCERNING THE CONFIDENTIALITY OF COURT RECORDS.

18 **15-14.7-410. Who may be conservator - order of priority.**

19 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION,  
20 THE COURT IN APPOINTING A CONSERVATOR SHALL CONSIDER PERSONS  
21 QUALIFIED TO BE A CONSERVATOR IN THE FOLLOWING ORDER OF PRIORITY:

22 (a) A CONSERVATOR, OTHER THAN A TEMPORARY OR EMERGENCY  
23 CONSERVATOR, CURRENTLY ACTING FOR THE RESPONDENT IN ANOTHER  
24 JURISDICTION;

25 (b) A PERSON NOMINATED AS CONSERVATOR BY THE RESPONDENT,  
26 INCLUDING THE RESPONDENT'S MOST RECENT NOMINATION MADE IN A  
27 POWER OF ATTORNEY FOR FINANCES;



1 (c) AN AGENT APPOINTED BY THE RESPONDENT TO MANAGE THE  
2 RESPONDENT'S PROPERTY UNDER A POWER OF ATTORNEY FOR FINANCES;

3 (d) A SPOUSE OR DOMESTIC PARTNER OF THE RESPONDENT; AND

4 (e) A FAMILY MEMBER OR OTHER INDIVIDUAL WHO HAS SHOWN  
5 SPECIAL CARE AND CONCERN FOR THE RESPONDENT.

6 (2) IF TWO OR MORE PERSONS HAVE EQUAL PRIORITY PURSUANT TO  
7 SUBSECTION (1) OF THIS SECTION, THE COURT SHALL SELECT AS  
8 CONSERVATOR THE PERSON THE COURT CONSIDERS BEST QUALIFIED. IN  
9 DETERMINING THE BEST QUALIFIED PERSON, THE COURT SHALL CONSIDER  
10 THE PERSON'S RELATIONSHIP WITH THE RESPONDENT, THE PERSON'S  
11 SKILLS, THE EXPRESSED WISHES OF THE RESPONDENT, THE EXTENT TO  
12 WHICH THE PERSON AND THE RESPONDENT HAVE SIMILAR VALUES AND  
13 PREFERENCES, AND THE LIKELIHOOD THE PERSON WILL BE ABLE TO  
14 PERFORM THE DUTIES OF A CONSERVATOR SUCCESSFULLY.

15 (3) THE COURT, ACTING IN THE BEST INTEREST OF THE  
16 RESPONDENT, MAY DECLINE TO APPOINT AS CONSERVATOR A PERSON  
17 HAVING PRIORITY PURSUANT TO SUBSECTION (1) OF THIS SECTION AND  
18 APPOINT A PERSON HAVING A LOWER PRIORITY OR NO PRIORITY.

19 (4) UNLESS THE PERSON HAS PRIORITY TO SERVE PURSUANT TO  
20 SUBSECTION (1) OF THIS SECTION, A PERSON THAT PROVIDES PAID  
21 SERVICES TO THE RESPONDENT OR AN INDIVIDUAL WHO IS EMPLOYED BY  
22 A PERSON THAT PROVIDES PAID SERVICES TO THE RESPONDENT OR IS THE  
23 SPOUSE, DOMESTIC PARTNER, PARENT, OR CHILD OF AN INDIVIDUAL WHO  
24 PROVIDES OR IS EMPLOYED TO PROVIDE PAID SERVICES TO THE  
25 RESPONDENT, MAY NOT BE APPOINTED AS CONSERVATOR UNLESS:

26 (a) THE INDIVIDUAL IS RELATED TO THE RESPONDENT BY BLOOD,  
27 MARRIAGE, OR ADOPTION; OR

1 (b) THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT  
2 THE PERSON IS THE BEST QUALIFIED PERSON AVAILABLE FOR APPOINTMENT  
3 AND THE APPOINTMENT IS IN THE BEST INTEREST OF THE RESPONDENT.

4 (5) AN OWNER, OPERATOR, OR EMPLOYEE OF A LONG-TERM CARE  
5 FACILITY AT WHICH THE RESPONDENT IS RECEIVING CARE MAY NOT BE  
6 APPOINTED AS CONSERVATOR UNLESS THE OWNER, OPERATOR, OR  
7 EMPLOYEE IS RELATED TO THE RESPONDENT BY BLOOD, MARRIAGE, OR  
8 ADOPTION.

9 **15-14.7-411. Order of appointment of conservator.** (1) A  
10 COURT ORDER APPOINTING A CONSERVATOR FOR A MINOR MUST INCLUDE  
11 FINDINGS TO SUPPORT APPOINTMENT OF A CONSERVATOR AND, IF A FULL  
12 CONSERVATORSHIP IS GRANTED, THE REASON A LIMITED  
13 CONSERVATORSHIP WOULD NOT MEET THE IDENTIFIED NEEDS OF THE  
14 MINOR.

15 (2) A COURT ORDER APPOINTING A CONSERVATOR FOR AN ADULT  
16 MUST:

17 (a) INCLUDE A SPECIFIC FINDING THAT CLEAR AND CONVINCING  
18 EVIDENCE HAS ESTABLISHED THAT THE IDENTIFIED NEEDS OF THE  
19 RESPONDENT CANNOT BE MET BY A PROTECTIVE ARRANGEMENT INSTEAD  
20 OF CONSERVATORSHIP OR OTHER LESS RESTRICTIVE ALTERNATIVE,  
21 INCLUDING USE OF APPROPRIATE SUPPORTIVE SERVICES, TECHNOLOGICAL  
22 ASSISTANCE, OR SUPPORTED DECISION MAKING; AND

23 (b) INCLUDE A SPECIFIC FINDING THAT CLEAR AND CONVINCING  
24 EVIDENCE ESTABLISHED THE RESPONDENT WAS GIVEN PROPER NOTICE OF  
25 THE HEARING ON THE PETITION.

26 (3) A COURT ORDER ESTABLISHING A FULL CONSERVATORSHIP FOR  
27 AN ADULT MUST STATE THE BASIS FOR GRANTING A FULL

1 CONSERVATORSHIP AND INCLUDE SPECIFIC FINDINGS TO SUPPORT THE  
2 CONCLUSION THAT A LIMITED CONSERVATORSHIP WOULD NOT MEET THE  
3 FUNCTIONAL NEEDS OF THE ADULT.

4 (4) A COURT ORDER ESTABLISHING A LIMITED CONSERVATORSHIP  
5 MUST STATE THE SPECIFIC PROPERTY PLACED UNDER THE CONTROL OF THE  
6 CONSERVATOR AND THE POWERS GRANTED TO THE CONSERVATOR.

7 (5) THE COURT, AS PART OF AN ORDER ESTABLISHING A  
8 CONSERVATORSHIP, SHALL IDENTIFY ANY PERSON THAT SUBSEQUENTLY IS  
9 ENTITLED TO:

10 (a) NOTICE OF THE RIGHTS OF THE INDIVIDUAL SUBJECT TO  
11 CONSERVATORSHIP PURSUANT TO SECTION 15-14.7-412 (2);

12 (b) NOTICE OF A SALE OF OR SURRENDER OF A LEASE TO THE  
13 PRIMARY DWELLING OF THE INDIVIDUAL;

14 (c) NOTICE THAT THE CONSERVATOR HAS DELEGATED A POWER  
15 THAT REQUIRES COURT APPROVAL PURSUANT TO SECTION 15-14.7-414 OR  
16 SUBSTANTIALLY ALL POWERS OF THE CONSERVATOR;

17 (d) NOTICE THAT THE CONSERVATOR WILL BE UNAVAILABLE TO  
18 PERFORM THE CONSERVATOR'S DUTIES FOR MORE THAN ONE MONTH;

19 (e) A COPY OF THE CONSERVATOR'S PLAN PURSUANT TO SECTION  
20 15-14.7-419 AND THE CONSERVATOR'S REPORT PURSUANT TO SECTION  
21 15-14.7-423;

22 (f) ACCESS TO COURT RECORDS RELATING TO THE  
23 CONSERVATORSHIP;

24 (g) NOTICE OF A TRANSACTION INVOLVING A SUBSTANTIAL  
25 CONFLICT BETWEEN THE CONSERVATOR'S FIDUCIARY DUTIES AND  
26 PERSONAL INTERESTS;

27 (h) NOTICE OF THE DEATH OR SIGNIFICANT CHANGE IN THE

1       CONDITION OF THE INDIVIDUAL;

2               (i) NOTICE THAT THE COURT HAS LIMITED OR MODIFIED THE  
3       POWERS OF THE CONSERVATOR; AND

4               (j) NOTICE OF THE REMOVAL OF THE CONSERVATOR.

5               (6) IF AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP IS AN ADULT,  
6       THE SPOUSE, DOMESTIC PARTNER, AND ADULT CHILDREN OF THE ADULT  
7       SUBJECT TO CONSERVATORSHIP ARE ENTITLED PURSUANT TO SUBSECTION  
8       (5) OF THIS SECTION TO NOTICE UNLESS THE COURT DETERMINES NOTICE  
9       WOULD BE CONTRARY TO THE PREFERENCES OR PRIOR DIRECTIONS OF THE  
10      ADULT SUBJECT TO CONSERVATORSHIP OR NOT IN THE BEST INTEREST OF  
11      THE ADULT.

12              (7) IF AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP IS A MINOR,  
13      EACH PARENT AND ADULT SIBLING OF THE MINOR IS ENTITLED PURSUANT  
14      TO SUBSECTION (5) OF THIS SECTION TO NOTICE UNLESS THE COURT  
15      DETERMINES NOTICE WOULD NOT BE IN THE BEST INTEREST OF THE MINOR.

16              **15-14.7-412. Notice of order of appointment - rights.** (1) A  
17      CONSERVATOR APPOINTED PURSUANT TO SECTION 15-14.7-411 SHALL GIVE  
18      TO THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP AND TO ALL OTHER  
19      PERSONS GIVEN NOTICE PURSUANT TO SECTION 15-14.7-403 A COPY OF  
20      THE ORDER OF APPOINTMENT, TOGETHER WITH NOTICE OF THE RIGHT TO  
21      REQUEST TERMINATION OR MODIFICATION. THE ORDER AND NOTICE MUST  
22      BE GIVEN NOT LATER THAN FOURTEEN DAYS AFTER THE APPOINTMENT.

23              (2) NOT LATER THAN THIRTY DAYS AFTER APPOINTMENT OF A  
24      CONSERVATOR PURSUANT TO SECTION 15-14.7-411, THE COURT SHALL  
25      GIVE TO THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP, THE  
26      CONSERVATOR, AND ANY OTHER PERSON ENTITLED TO NOTICE PURSUANT  
27      TO SECTION 15-14.7-411 A STATEMENT OF THE RIGHTS OF THE INDIVIDUAL

1 SUBJECT TO CONSERVATORSHIP AND PROCEDURES TO SEEK RELIEF IF THE  
2 INDIVIDUAL IS DENIED THOSE RIGHTS. THE STATEMENT MUST BE IN PLAIN  
3 LANGUAGE, IN AT LEAST SIXTEEN-POINT FONT, AND TO THE EXTENT  
4 FEASIBLE, IN A LANGUAGE IN WHICH THE INDIVIDUAL SUBJECT TO  
5 CONSERVATORSHIP IS PROFICIENT. THE STATEMENT MUST NOTIFY THE  
6 INDIVIDUAL SUBJECT TO CONSERVATORSHIP OF THE RIGHT TO:

7 (a) SEEK TERMINATION OR MODIFICATION OF THE  
8 CONSERVATORSHIP, OR REMOVAL OF THE CONSERVATOR, AND CHOOSE AN  
9 ATTORNEY TO REPRESENT THE INDIVIDUAL IN THESE MATTERS;

10 (b) PARTICIPATE IN DECISION MAKING TO THE EXTENT  
11 REASONABLY FEASIBLE;

12 (c) RECEIVE A COPY OF THE CONSERVATOR'S PLAN PURSUANT TO  
13 SECTION 15-14.7-419, THE CONSERVATOR'S INVENTORY PURSUANT TO  
14 SECTION 15-14.7-420, AND THE CONSERVATOR'S REPORT PURSUANT TO  
15 SECTION 15-14.7-423; AND

16 (d) OBJECT TO THE CONSERVATOR'S INVENTORY, PLAN, OR REPORT.

17 (3) IF A CONSERVATOR IS APPOINTED FOR THE REASONS STATED IN  
18 SECTION 15-14.7-401 (2)(a)(II) AND THE INDIVIDUAL SUBJECT TO  
19 CONSERVATORSHIP IS MISSING, NOTICE PURSUANT TO THIS SECTION TO THE  
20 INDIVIDUAL IS NOT REQUIRED.

21 **15-14.7-413. Emergency conservator.** (1) ON ITS OWN OR ON  
22 PETITION BY A PERSON INTERESTED IN AN INDIVIDUAL'S WELFARE AFTER  
23 A PETITION HAS BEEN FILED PURSUANT TO SECTION 15-14.7-402, THE  
24 COURT MAY APPOINT AN EMERGENCY CONSERVATOR FOR THE INDIVIDUAL  
25 IF THE COURT FINDS:

26 (a) APPOINTMENT OF AN EMERGENCY CONSERVATOR IS LIKELY TO  
27 PREVENT SUBSTANTIAL AND IRREPARABLE HARM TO THE INDIVIDUAL'S

1 PROPERTY OR FINANCIAL INTERESTS;

2 (b) NO OTHER PERSON APPEARS TO HAVE AUTHORITY AND  
3 WILLINGNESS TO ACT IN THE CIRCUMSTANCES; AND

4 (c) THERE IS REASON TO BELIEVE THAT A BASIS FOR APPOINTMENT  
5 OF A CONSERVATOR PURSUANT TO SECTION 15-14.7-401 EXISTS.

6 (2) THE DURATION OF AUTHORITY OF AN EMERGENCY  
7 CONSERVATOR MAY NOT EXCEED SIXTY DAYS AND THE EMERGENCY  
8 CONSERVATOR MAY EXERCISE ONLY THE POWERS SPECIFIED IN THE ORDER  
9 OF APPOINTMENT. THE EMERGENCY CONSERVATOR'S AUTHORITY MAY BE  
10 EXTENDED ONCE FOR NOT MORE THAN SIXTY DAYS IF THE COURT FINDS  
11 THAT THE CONDITIONS FOR APPOINTMENT OF AN EMERGENCY  
12 CONSERVATOR PURSUANT TO SUBSECTION (1) OF THIS SECTION CONTINUE.

13 (3) IMMEDIATELY ON FILING OF A PETITION FOR AN EMERGENCY  
14 CONSERVATOR, THE COURT SHALL APPOINT AN ATTORNEY TO REPRESENT  
15 THE RESPONDENT IN THE PROCEEDING. EXCEPT AS OTHERWISE PROVIDED  
16 IN SUBSECTION (4) OF THIS SECTION, REASONABLE NOTICE OF THE DATE,  
17 TIME, AND PLACE OF A HEARING ON THE PETITION MUST BE GIVEN TO THE  
18 RESPONDENT, THE RESPONDENT'S ATTORNEY, AND ANY OTHER PERSON THE  
19 COURT DETERMINES.

20 (4) THE COURT MAY APPOINT AN EMERGENCY CONSERVATOR  
21 WITHOUT NOTICE TO THE RESPONDENT AND ANY ATTORNEY FOR THE  
22 RESPONDENT ONLY IF THE COURT FINDS FROM AN AFFIDAVIT OR  
23 TESTIMONY THAT THE RESPONDENT'S PROPERTY OR FINANCIAL INTERESTS  
24 WILL BE SUBSTANTIALLY AND IRREPARABLY HARMED BEFORE A HEARING  
25 WITH NOTICE ON THE APPOINTMENT CAN BE HELD. IF THE COURT APPOINTS  
26 AN EMERGENCY CONSERVATOR WITHOUT REASONABLE NOTICE TO THE  
27 RESPONDENT OR THE RESPONDENT'S ATTORNEY AND THE RESPONDENT IS

1 NOT PRESENT AT THE HEARING, THE COURT MUST PERSONALLY SERVE  
2 NOTICE OF THE APPOINTMENT NOT LATER THAN FORTY-EIGHT HOURS  
3 AFTER THE APPOINTMENT TO:

- 4 (a) THE RESPONDENT;
- 5 (b) THE RESPONDENT'S ATTORNEY; AND
- 6 (c) ANY OTHER PERSON THE COURT DETERMINES.

7 (5) NOT LATER THAN SEVEN DAYS AFTER THE APPOINTMENT, THE  
8 COURT SHALL HOLD A HEARING ON THE APPROPRIATENESS OF THE  
9 APPOINTMENT UPON THE REQUEST OF THE RESPONDENT, THE  
10 RESPONDENT'S ATTORNEY, A MEMBER OF THE RESPONDENT'S SUPPORTIVE  
11 COMMUNITY, OR A PERSON INTERESTED IN THE WELFARE OF AN  
12 INDIVIDUAL SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP.

13 (6) APPOINTMENT OF AN EMERGENCY CONSERVATOR PURSUANT  
14 TO THIS SECTION IS NOT A DETERMINATION THAT A BASIS EXISTS FOR  
15 APPOINTMENT OF A CONSERVATOR PURSUANT TO SECTION 15-14.7-401.

16 (7) THE COURT MAY TERMINATE THE APPOINTMENT OF AN  
17 EMERGENCY CONSERVATOR APPOINTED PURSUANT TO THIS SECTION AT  
18 ANY TIME. THE EMERGENCY CONSERVATOR SHALL MAKE ANY REPORT THE  
19 COURT REQUIRES.

20 **15-14.7-414. Powers of conservator requiring court approval.**

21 (1) EXCEPT AS OTHERWISE ORDERED BY THE COURT, A CONSERVATOR  
22 MUST GIVE NOTICE, PURSUANT TO SECTION 15-10-401, TO PERSONS  
23 ENTITLED TO NOTICE PURSUANT TO SECTION 15-14.7-403 AND RECEIVE  
24 SPECIFIC AUTHORIZATION BY THE COURT BEFORE THE CONSERVATOR MAY  
25 EXERCISE WITH RESPECT TO THE CONSERVATORSHIP THE POWER TO:

- 26 (a) MAKE A GIFT, EXCEPT A GIFT OF DE MINIMIS VALUE;
- 27 (b) SELL, ENCUMBER AN INTEREST IN, OR SURRENDER A LEASE TO

1 THE PRIMARY DWELLING OF THE INDIVIDUAL SUBJECT TO  
2 CONSERVATORSHIP;

3 (c) CONVEY, RELEASE, OR DISCLAIM A CONTINGENT OR EXPECTANT  
4 INTEREST IN PROPERTY, INCLUDING MARITAL PROPERTY AND ANY RIGHT  
5 OF SURVIVORSHIP INCIDENT TO JOINT TENANCY OR TENANCY BY THE  
6 ENTIRETIES;

7 (d) EXERCISE OR RELEASE A POWER OF APPOINTMENT;

8 (e) CREATE A REVOCABLE OR IRREVOCABLE TRUST OF PROPERTY  
9 OF THE CONSERVATORSHIP ESTATE, WHETHER OR NOT THE TRUST EXTENDS  
10 BEYOND THE DURATION OF THE CONSERVATORSHIP, OR REVOKE OR AMEND  
11 A TRUST REVOCABLE BY THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP;

12 (f) EXERCISE A RIGHT TO ELECT AN OPTION OR CHANGE A  
13 BENEFICIARY UNDER AN INSURANCE POLICY OR ANNUITY OR SURRENDER  
14 THE POLICY OR ANNUITY FOR ITS CASH VALUE;

15 (g) EXERCISE A RIGHT TO AN ELECTIVE SHARE IN THE ESTATE OF A  
16 DECEASED SPOUSE OR DOMESTIC PARTNER OF THE INDIVIDUAL SUBJECT TO  
17 CONSERVATORSHIP OR RENOUNCE OR DISCLAIM A PROPERTY INTEREST;

18 (h) GRANT A CREDITOR PRIORITY FOR PAYMENT OVER CREDITORS  
19 OF THE SAME OR HIGHER CLASS IF THE CREDITOR IS PROVIDING PROPERTY  
20 OR SERVICES USED TO MEET THE BASIC LIVING AND CARE NEEDS OF THE  
21 INDIVIDUAL SUBJECT TO CONSERVATORSHIP AND PREFERENTIAL  
22 TREATMENT OTHERWISE WOULD BE IMPERMISSIBLE PURSUANT TO SECTION  
23 15-14.7-428 (5); AND

24 (i) MAKE, MODIFY, AMEND, OR REVOKE THE WILL OF THE  
25 INDIVIDUAL SUBJECT TO CONSERVATORSHIP IN COMPLIANCE WITH PART 5  
26 OF ARTICLE 11 OF TITLE 15.

27 (2) IN APPROVING A CONSERVATOR'S EXERCISE OF A POWER LISTED



1 IN SUBSECTION (1) OF THIS SECTION, THE COURT SHALL CONSIDER  
2 PRIMARILY THE DECISION THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP  
3 WOULD MAKE IF ABLE, TO THE EXTENT THE DECISION CAN BE  
4 ASCERTAINED.

5 (3) TO DETERMINE PURSUANT TO SUBSECTION (2) OF THIS SECTION  
6 THE DECISION THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP WOULD  
7 MAKE IF ABLE, THE COURT SHALL CONSIDER THE INDIVIDUAL'S PRIOR OR  
8 CURRENT DIRECTIONS, PREFERENCES, OPINIONS, VALUES, AND ACTIONS, TO  
9 THE EXTENT ACTUALLY KNOWN OR REASONABLY ASCERTAINABLE BY THE  
10 CONSERVATOR. THE COURT ALSO SHALL CONSIDER:

11 (a) THE FINANCIAL NEEDS OF THE INDIVIDUAL SUBJECT TO  
12 CONSERVATORSHIP AND INDIVIDUALS WHO ARE IN FACT DEPENDENT ON  
13 THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP FOR SUPPORT, AND THE  
14 INTERESTS OF CREDITORS OF THE INDIVIDUAL;

15 (b) POSSIBLE REDUCTION OF INCOME, ESTATE, INHERITANCE, OR  
16 OTHER TAX LIABILITIES;

17 (c) ELIGIBILITY FOR GOVERNMENTAL ASSISTANCE;

18 (d) THE PREVIOUS PATTERN OF GIVING OR LEVEL OF SUPPORT  
19 PROVIDED BY THE INDIVIDUAL;

20 (e) ANY EXISTING ESTATE PLAN OR LACK OF ESTATE PLAN OF THE  
21 INDIVIDUAL;

22 (f) THE LIFE EXPECTANCY OF THE INDIVIDUAL AND THE  
23 PROBABILITY THE CONSERVATORSHIP WILL TERMINATE BEFORE THE  
24 INDIVIDUAL'S DEATH; AND

25 (g) ANY OTHER RELEVANT FACTOR.

26 (4) A CONSERVATOR MAY NOT REVOKE OR AMEND A POWER OF  
27 ATTORNEY FOR FINANCES EXECUTED BY THE INDIVIDUAL SUBJECT TO

1 CONSERVATORSHIP. IF A POWER OF ATTORNEY FOR FINANCES IS IN EFFECT,  
2 A DECISION OF THE AGENT TAKES PRECEDENCE OVER THAT OF THE  
3 CONSERVATOR, UNLESS THE COURT ORDERS OTHERWISE.

4 **15-14.7-415. Petition for order after appointment.** (1) AN  
5 INDIVIDUAL SUBJECT TO CONSERVATORSHIP OR A PERSON INTERESTED IN  
6 THE WELFARE OF THE INDIVIDUAL MAY PETITION FOR AN ORDER:

7 (a) REQUIRING THE CONSERVATOR TO FURNISH A BOND OR  
8 COLLATERAL OR ADDITIONAL BOND OR COLLATERAL OR ALLOWING A  
9 REDUCTION IN A BOND OR COLLATERAL PREVIOUSLY FURNISHED;

10 (b) REQUIRING AN ACCOUNTING FOR THE ADMINISTRATION OF THE  
11 CONSERVATORSHIP ESTATE;

12 (c) DIRECTING DISTRIBUTION;

13 (d) REMOVING THE CONSERVATOR AND APPOINTING A TEMPORARY  
14 OR SUCCESSOR CONSERVATOR;

15 (e) MODIFYING THE TYPE OF APPOINTMENT OR POWERS GRANTED  
16 TO THE CONSERVATOR, IF THE EXTENT OF PROTECTION OR MANAGEMENT  
17 PREVIOUSLY GRANTED IS EXCESSIVE OR INSUFFICIENT TO MEET THE  
18 INDIVIDUAL'S NEEDS, INCLUDING BECAUSE THE INDIVIDUAL'S ABILITIES OR  
19 SUPPORTS HAVE CHANGED;

20 (f) REJECTING OR MODIFYING THE CONSERVATOR'S PLAN  
21 PURSUANT TO SECTION 15-14.7-419, THE CONSERVATOR'S INVENTORY  
22 PURSUANT TO SECTION 15-14.7-420, OR THE CONSERVATOR'S REPORT  
23 PURSUANT TO SECTION 15-14.7-423; OR

24 (g) GRANTING OTHER APPROPRIATE RELIEF.

25 **15-14.7-416. Bond - alternative asset protection arrangement.**

26 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION,  
27 THE COURT SHALL REQUIRE A CONSERVATOR TO FURNISH A BOND WITH A

1 SURETY OR REQUIRE AN ALTERNATIVE ASSET-PROTECTION ARRANGEMENT,  
2 CONDITIONED ON FAITHFUL DISCHARGE OF ALL DUTIES OF THE  
3 CONSERVATOR. THE COURT MAY WAIVE THE REQUIREMENT ONLY IF THE  
4 COURT FINDS THAT A BOND OR OTHER ASSET-PROTECTION ARRANGEMENT  
5 IS NOT NECESSARY TO PROTECT THE INTERESTS OF THE INDIVIDUAL  
6 SUBJECT TO CONSERVATORSHIP. EXCEPT AS OTHERWISE PROVIDED IN  
7 SUBSECTION (3) OF THIS SECTION, THE COURT MAY NOT WAIVE THE  
8 REQUIREMENT IF THE CONSERVATOR IS IN THE BUSINESS OF SERVING AS A  
9 CONSERVATOR AND IS BEING PAID FOR THE CONSERVATOR'S SERVICE.

10 (2) UNLESS THE COURT DIRECTS OTHERWISE, THE BOND REQUIRED  
11 PURSUANT TO THIS SECTION MUST BE IN THE AMOUNT OF THE AGGREGATE  
12 CAPITAL VALUE OF THE CONSERVATORSHIP ESTATE, PLUS ONE YEAR'S  
13 ESTIMATED INCOME, LESS THE VALUE OF PROPERTY DEPOSITED UNDER AN  
14 ARRANGEMENT REQUIRING A COURT ORDER FOR ITS REMOVAL AND REAL  
15 PROPERTY THE CONSERVATOR LACKS POWER TO SELL OR CONVEY  
16 WITHOUT SPECIFIC COURT AUTHORIZATION. THE COURT, IN PLACE OF  
17 SURETY ON A BOND, MAY ACCEPT COLLATERAL FOR THE PERFORMANCE OF  
18 THE BOND, INCLUDING A PLEDGE OF SECURITIES OR A MORTGAGE OF REAL  
19 PROPERTY.

20 (3) A REGULATED FINANCIAL-SERVICE INSTITUTION QUALIFIED TO  
21 DO TRUST BUSINESS IN THIS STATE, A PUBLIC ADMINISTRATOR NOMINATED  
22 AS A GUARDIAN OR CONSERVATOR, OR A STATE OR COUNTY AGENCY  
23 NOMINATED AS A GUARDIAN OR CONSERVATOR PURSUANT TO STATE LAW  
24 IS NOT REQUIRED TO GIVE A BOND PURSUANT TO THIS SECTION.

25 **15-14.7-417. Terms and requirements of bond.** (1) THE  
26 FOLLOWING RULES APPLY TO THE BOND REQUIRED PURSUANT TO SECTION  
27 15-14.7-416:

1 (a) EXCEPT AS OTHERWISE PROVIDED BY THE BOND, THE SURETY  
2 AND THE CONSERVATOR ARE JOINTLY AND SEVERALLY LIABLE.

3 (b) BY EXECUTING A BOND PROVIDED BY A CONSERVATOR, THE  
4 SURETY SUBMITS TO THE PERSONAL JURISDICTION OF THE COURT THAT  
5 ISSUED LETTERS OF OFFICE TO THE CONSERVATOR IN A PROCEEDING  
6 RELATING TO THE DUTIES OF THE CONSERVATOR IN WHICH THE SURETY IS  
7 NAMED AS A PARTY. NOTICE OF THE PROCEEDING MUST BE GIVEN TO THE  
8 SURETY AT THE ADDRESS SHOWN IN THE RECORDS OF THE COURT IN WHICH  
9 THE BOND IS FILED AND ANY OTHER ADDRESS OF THE SURETY THEN  
10 KNOWN TO THE PERSON REQUIRED TO PROVIDE THE NOTICE.

11 (c) ON PETITION OF A SUCCESSOR CONSERVATOR OR PERSON  
12 AFFECTED BY A BREACH OF THE OBLIGATION OF THE BOND, A PROCEEDING  
13 MAY BE BROUGHT AGAINST THE SURETY FOR BREACH OF THE OBLIGATION  
14 OF THE BOND.

15 (d) A PROCEEDING AGAINST THE BOND MAY BE BROUGHT UNTIL  
16 LIABILITY UNDER THE BOND IS EXHAUSTED.

17 (2) A PROCEEDING MAY NOT BE BROUGHT PURSUANT TO THIS  
18 SECTION AGAINST A SURETY OF A BOND ON A MATTER AS TO WHICH A  
19 PROCEEDING AGAINST THE CONSERVATOR IS BARRED.

20 (3) IF A BOND PURSUANT TO SECTION 15-14.7-416 IS NOT RENEWED  
21 BY THE CONSERVATOR, THE SURETY OR SURETIES IMMEDIATELY SHALL  
22 GIVE NOTICE, PURSUANT TO SECTION 15-10-401, TO THE COURT AND THE  
23 INDIVIDUAL SUBJECT TO CONSERVATORSHIP.

24 **15-14.7-418. Duties of conservator.** (1) A CONSERVATOR IS A  
25 FIDUCIARY AND HAS DUTIES OF PRUDENCE AND LOYALTY TO THE  
26 INDIVIDUAL SUBJECT TO CONSERVATORSHIP.

27 (2) A CONSERVATOR SHALL PROMOTE THE SELF-DETERMINATION

1 OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP AND, TO THE EXTENT  
2 FEASIBLE, ENCOURAGE THE INDIVIDUAL TO PARTICIPATE IN DECISIONS, ACT  
3 ON THE INDIVIDUAL'S OWN BEHALF, AND DEVELOP OR REGAIN THE  
4 CAPACITY TO MANAGE THE INDIVIDUAL'S PERSONAL AFFAIRS.

5 (3) IN MAKING A DECISION FOR AN INDIVIDUAL SUBJECT TO  
6 CONSERVATORSHIP, THE CONSERVATOR SHALL MAKE THE DECISION THE  
7 CONSERVATOR REASONABLY BELIEVES THE INDIVIDUAL WOULD MAKE IF  
8 ABLE, UNLESS DOING SO WOULD FAIL TO PRESERVE THE RESOURCES  
9 NEEDED TO MAINTAIN THE INDIVIDUAL'S WELL-BEING AND LIFESTYLE OR  
10 OTHERWISE UNREASONABLY HARM OR ENDANGER THE WELFARE OR  
11 PERSONAL OR FINANCIAL INTERESTS OF THE INDIVIDUAL. TO DETERMINE  
12 THE DECISION THE INDIVIDUAL WOULD MAKE IF ABLE, THE CONSERVATOR  
13 SHALL CONSIDER THE INDIVIDUAL'S PRIOR OR CURRENT DIRECTIONS,  
14 PREFERENCES, OPINIONS, VALUES, AND ACTIONS, TO THE EXTENT  
15 ACTUALLY KNOWN OR REASONABLY ASCERTAINABLE BY THE  
16 CONSERVATOR.

17 (4) IF A CONSERVATOR CANNOT MAKE A DECISION PURSUANT TO  
18 SUBSECTION (3) OF THIS SECTION BECAUSE THE CONSERVATOR DOES NOT  
19 KNOW AND CANNOT REASONABLY DETERMINE THE DECISION THE  
20 INDIVIDUAL SUBJECT TO CONSERVATORSHIP PROBABLY WOULD MAKE IF  
21 ABLE, OR THE CONSERVATOR REASONABLY BELIEVES THE DECISION THE  
22 INDIVIDUAL WOULD MAKE WOULD FAIL TO PRESERVE RESOURCES NEEDED  
23 TO MAINTAIN THE INDIVIDUAL'S WELL-BEING AND LIFESTYLE OR  
24 OTHERWISE UNREASONABLY HARM OR ENDANGER THE WELFARE OR  
25 PERSONAL OR FINANCIAL INTERESTS OF THE INDIVIDUAL, THE  
26 CONSERVATOR SHALL ACT IN ACCORDANCE WITH THE BEST INTEREST OF  
27 THE INDIVIDUAL. IN DETERMINING THE BEST INTEREST OF THE INDIVIDUAL,

1 THE CONSERVATOR SHALL CONSIDER:

2 (a) INFORMATION RECEIVED FROM PROFESSIONALS AND PERSONS  
3 THAT DEMONSTRATE SUFFICIENT INTEREST IN THE WELFARE OF THE  
4 INDIVIDUAL;

5 (b) OTHER INFORMATION THE CONSERVATOR BELIEVES THE  
6 INDIVIDUAL WOULD HAVE CONSIDERED IF THE INDIVIDUAL WERE ABLE TO  
7 ACT; AND

8 (c) OTHER FACTORS A REASONABLE PERSON IN THE  
9 CIRCUMSTANCES OF THE INDIVIDUAL WOULD CONSIDER, INCLUDING  
10 CONSEQUENCES FOR OTHERS.

11 (5) EXCEPT WHEN INCONSISTENT WITH THE CONSERVATOR'S  
12 DUTIES PURSUANT TO SUBSECTIONS (1) TO (4) OF THIS SECTION, A  
13 CONSERVATOR SHALL INVEST AND MANAGE THE CONSERVATORSHIP  
14 ESTATE AS A PRUDENT INVESTOR WOULD, BY CONSIDERING:

15 (a) THE CIRCUMSTANCES OF THE INDIVIDUAL SUBJECT TO  
16 CONSERVATORSHIP AND THE CONSERVATORSHIP ESTATE;

17 (b) GENERAL ECONOMIC CONDITIONS;

18 (c) THE POSSIBLE EFFECT OF INFLATION OR DEFLATION;

19 (d) THE EXPECTED TAX CONSEQUENCES OF AN INVESTMENT  
20 DECISION OR STRATEGY;

21 (e) THE ROLE OF EACH INVESTMENT OR COURSE OF ACTION IN  
22 RELATION TO THE CONSERVATORSHIP ESTATE AS A WHOLE;

23 (f) THE EXPECTED TOTAL RETURN FROM INCOME AND  
24 APPRECIATION OF CAPITAL;

25 (g) THE NEED FOR LIQUIDITY, REGULARITY OF INCOME, AND  
26 PRESERVATION OR APPRECIATION OF CAPITAL; AND

27 (h) THE SPECIAL RELATIONSHIP OR VALUE, IF ANY, OF SPECIFIC

1 PROPERTY TO THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP.

2 (6) THE PROPRIETY OF A CONSERVATOR'S INVESTMENT AND  
3 MANAGEMENT OF THE CONSERVATORSHIP ESTATE IS DETERMINED IN LIGHT  
4 OF THE FACTS AND CIRCUMSTANCES EXISTING WHEN THE CONSERVATOR  
5 DECIDES OR ACTS AND NOT BY HINDSIGHT.

6 (7) A CONSERVATOR SHALL MAKE A REASONABLE EFFORT TO  
7 VERIFY FACTS RELEVANT TO THE INVESTMENT AND MANAGEMENT OF THE  
8 CONSERVATORSHIP ESTATE.

9 (8) A CONSERVATOR THAT HAS SPECIAL SKILLS OR EXPERTISE, OR  
10 IS NAMED CONSERVATOR IN RELIANCE ON THE CONSERVATOR'S  
11 REPRESENTATION OF SPECIAL SKILLS OR EXPERTISE, HAS A DUTY TO USE  
12 THE SPECIAL SKILLS OR EXPERTISE IN CARRYING OUT THE CONSERVATOR'S  
13 DUTIES.

14 (9) IN INVESTING, SELECTING SPECIFIC PROPERTY FOR  
15 DISTRIBUTION, AND INVOKING A POWER OF REVOCATION OR WITHDRAWAL  
16 FOR THE USE OR BENEFIT OF THE INDIVIDUAL SUBJECT TO  
17 CONSERVATORSHIP, A CONSERVATOR SHALL CONSIDER ANY ESTATE PLAN  
18 OF THE INDIVIDUAL KNOWN OR REASONABLY ASCERTAINABLE TO THE  
19 CONSERVATOR AND MAY EXAMINE THE WILL OR OTHER DONATIVE,  
20 NOMINATIVE, OR APPOINTIVE INSTRUMENT OF THE INDIVIDUAL.

21 (10) A CONSERVATOR SHALL MAINTAIN INSURANCE ON THE  
22 INSURABLE REAL AND PERSONAL PROPERTY OF THE INDIVIDUAL SUBJECT  
23 TO CONSERVATORSHIP, UNLESS THE CONSERVATORSHIP ESTATE LACKS  
24 SUFFICIENT FUNDS TO PAY FOR INSURANCE OR THE COURT FINDS:

25 (a) THE PROPERTY LACKS SUFFICIENT EQUITY; OR

26 (b) INSURING THE PROPERTY WOULD UNREASONABLY DISSIPATE  
27 THE CONSERVATORSHIP ESTATE OR OTHERWISE NOT BE IN THE BEST

1 INTEREST OF THE INDIVIDUAL.

2 (11) IF A POWER OF ATTORNEY FOR FINANCES IS IN EFFECT, A  
3 CONSERVATOR SHALL COOPERATE WITH THE AGENT TO THE EXTENT  
4 FEASIBLE.

5 (12) A CONSERVATOR HAS ACCESS TO AND AUTHORITY OVER A  
6 DIGITAL ASSET OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP TO THE  
7 EXTENT PROVIDED BY THE "REVISED UNIFORM FIDUCIARY ACCESS TO  
8 DIGITAL ASSETS ACT" IN PART 15 OF ARTICLE 1 OF THIS TITLE 15 OR  
9 COURT ORDER.

10 (13) A CONSERVATOR FOR AN ADULT SHALL NOTIFY THE COURT IF  
11 THE CONDITION OF THE ADULT HAS CHANGED SO THAT THE ADULT IS  
12 CAPABLE OF EXERCISING RIGHTS PREVIOUSLY REMOVED. THE NOTICE  
13 MUST BE GIVEN IMMEDIATELY ON LEARNING OF THE CHANGE.

14 **15-14.7-419. Conservator's plan.** (1) A CONSERVATOR, NOT  
15 LATER THAN NINETY DAYS AFTER APPOINTMENT AND WHEN THERE IS A  
16 SIGNIFICANT CHANGE IN CIRCUMSTANCES OR THE CONSERVATOR SEEKS TO  
17 DEVIATE SIGNIFICANTLY FROM THE CONSERVATOR'S PLAN, SHALL FILE  
18 WITH THE COURT A PLAN FOR PROTECTING, MANAGING, EXPENDING, AND  
19 DISTRIBUTING THE ASSETS OF THE CONSERVATORSHIP ESTATE. THE PLAN  
20 MUST BE BASED ON THE NEEDS OF THE INDIVIDUAL SUBJECT TO  
21 CONSERVATORSHIP AND TAKE INTO ACCOUNT THE BEST INTEREST OF THE  
22 INDIVIDUAL AS WELL AS THE INDIVIDUAL'S PREFERENCES, VALUES, AND  
23 PRIOR DIRECTIONS, TO THE EXTENT KNOWN TO OR REASONABLY  
24 ASCERTAINABLE BY THE CONSERVATOR. THE CONSERVATOR SHALL  
25 INCLUDE IN THE PLAN:

26 (a) A BUDGET CONTAINING PROJECTED EXPENSES AND RESOURCES,  
27 INCLUDING AN ESTIMATE OF THE TOTAL AMOUNT OF FEES THE



1 CONSERVATOR ANTICIPATES CHARGING PER YEAR AND A STATEMENT OR  
2 LIST OF THE AMOUNT THE CONSERVATOR PROPOSES TO CHARGE FOR EACH  
3 SERVICE THE CONSERVATOR ANTICIPATES PROVIDING TO THE INDIVIDUAL;

4 (b) HOW THE CONSERVATOR WILL INVOLVE THE INDIVIDUAL IN  
5 DECISIONS ABOUT MANAGEMENT OF THE CONSERVATORSHIP ESTATE;

6 (c) ANY STEP THE CONSERVATOR PLANS TO TAKE TO DEVELOP OR  
7 RESTORE THE ABILITY OF THE INDIVIDUAL TO MANAGE THE  
8 CONSERVATORSHIP ESTATE; AND

9 (d) AN ESTIMATE OF THE DURATION OF THE CONSERVATORSHIP.

10 (2) A CONSERVATOR SHALL GIVE NOTICE, PURSUANT TO SECTION  
11 15-10-401, OF THE FILING OF THE CONSERVATOR'S PLAN PURSUANT TO  
12 SUBSECTION (1) OF THIS SECTION, TOGETHER WITH A COPY OF THE PLAN,  
13 TO THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP, A PERSON ENTITLED  
14 TO NOTICE PURSUANT TO SECTION 15-14.7-411 OR A SUBSEQUENT ORDER,  
15 AND ANY OTHER PERSON THE COURT DETERMINES. THE NOTICE MUST  
16 INCLUDE A STATEMENT OF THE RIGHT TO OBJECT TO THE PLAN AND BE  
17 GIVEN NOT LATER THAN FOURTEEN DAYS AFTER THE FILING.

18 (3) AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP AND ANY  
19 PERSON ENTITLED PURSUANT TO SUBSECTION (2) OF THIS SECTION TO  
20 RECEIVE NOTICE AND A COPY OF THE CONSERVATOR'S PLAN MAY OBJECT  
21 TO THE PLAN.

22 (4) THE COURT SHALL REVIEW THE CONSERVATOR'S PLAN FILED  
23 PURSUANT TO SUBSECTION (1) OF THIS SECTION AND DETERMINE WHETHER  
24 TO APPROVE THE PLAN OR REQUIRE A NEW PLAN. IN DECIDING WHETHER  
25 TO APPROVE THE PLAN, THE COURT SHALL CONSIDER AN OBJECTION  
26 PURSUANT TO SUBSECTION (3) OF THIS SECTION AND WHETHER THE PLAN  
27 IS CONSISTENT WITH THE CONSERVATOR'S DUTIES AND POWERS. THE

1 COURT MAY NOT APPROVE THE PLAN UNTIL THIRTY DAYS AFTER ITS FILING.

2 (5) AFTER A CONSERVATOR'S PLAN PURSUANT TO THIS SECTION IS  
3 APPROVED BY THE COURT, THE CONSERVATOR SHALL PROVIDE A COPY OF  
4 THE PLAN TO THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP, A PERSON  
5 ENTITLED TO NOTICE PURSUANT TO SECTION 15-14.7-411 OR A  
6 SUBSEQUENT ORDER, AND ANY OTHER PERSON THE COURT DETERMINES.

7 **15-14.7-420. Inventory - records.** (1) NOT LATER THAN  
8 NINETY-ONE DAYS AFTER APPOINTMENT, A CONSERVATOR SHALL PREPARE  
9 AND FILE WITH THE APPOINTING COURT A DETAILED INVENTORY OF THE  
10 CONSERVATORSHIP ESTATE, TOGETHER WITH AN OATH OR AFFIRMATION  
11 THAT THE INVENTORY IS BELIEVED TO BE COMPLETE AND ACCURATE AS  
12 FAR AS INFORMATION PERMITS.

13 (2) A CONSERVATOR SHALL GIVE NOTICE, PURSUANT TO SECTION  
14 15-10-401, OF THE FILING OF AN INVENTORY TO THE INDIVIDUAL SUBJECT  
15 TO CONSERVATORSHIP, A PERSON ENTITLED TO NOTICE PURSUANT TO  
16 SECTION 15-14.7-411 OR A SUBSEQUENT ORDER, AND ANY OTHER PERSON  
17 THE COURT DETERMINES. THE NOTICE MUST BE GIVEN NOT LATER THAN  
18 FOURTEEN DAYS AFTER THE FILING.

19 (3) A CONSERVATOR SHALL KEEP RECORDS OF THE  
20 ADMINISTRATION OF THE CONSERVATORSHIP ESTATE AND MAKE THEM  
21 AVAILABLE FOR EXAMINATION ON REASONABLE REQUEST OF THE  
22 INDIVIDUAL SUBJECT TO CONSERVATORSHIP, A GUARDIAN FOR THE  
23 INDIVIDUAL, OR ANY OTHER PERSON THE CONSERVATOR OR THE COURT  
24 DETERMINES.

25 **15-14.7-421. Administrative powers of conservator not**  
26 **requiring court approval.** (1) EXCEPT AS OTHERWISE PROVIDED IN  
27 SECTION 15-14.7-414 OR QUALIFIED OR LIMITED IN THE COURT'S ORDER OF

1 APPOINTMENT AND STATED IN THE LETTERS OF OFFICE, A CONSERVATOR  
2 HAS ALL POWERS GRANTED IN THIS SECTION AND ANY ADDITIONAL POWER  
3 GRANTED TO A TRUSTEE BY LAW OF THIS STATE OTHER THAN THIS ARTICLE  
4 14.7.

5 (2) A CONSERVATOR, ACTING REASONABLY AND CONSISTENT WITH  
6 THE FIDUCIARY DUTIES OF THE CONSERVATOR TO ACCOMPLISH THE  
7 PURPOSE OF THE CONSERVATORSHIP, WITHOUT SPECIFIC COURT  
8 AUTHORIZATION OR CONFIRMATION, MAY WITH RESPECT TO THE  
9 CONSERVATORSHIP ESTATE:

10 (a) COLLECT, HOLD, AND RETAIN PROPERTY, INCLUDING PROPERTY  
11 IN WHICH THE CONSERVATOR HAS A PERSONAL INTEREST AND REAL  
12 PROPERTY IN ANOTHER STATE, UNTIL THE CONSERVATOR DETERMINES  
13 DISPOSITION OF THE PROPERTY SHOULD BE MADE;

14 (b) RECEIVE ADDITIONS TO THE CONSERVATORSHIP ESTATE;

15 (c) CONTINUE OR PARTICIPATE IN THE OPERATION OF A BUSINESS  
16 OR OTHER ENTERPRISE;

17 (d) ACQUIRE AN UNDIVIDED INTEREST IN PROPERTY IN WHICH THE  
18 CONSERVATOR, IN A FIDUCIARY CAPACITY, HOLDS AN UNDIVIDED  
19 INTEREST;

20 (e) INVEST ASSETS;

21 (f) DEPOSIT FUNDS OR OTHER PROPERTY IN A FINANCIAL  
22 INSTITUTION, INCLUDING ONE OPERATED BY THE CONSERVATOR;

23 (g) ACQUIRE OR DISPOSE OF PROPERTY, INCLUDING REAL  
24 PROPERTY IN ANOTHER STATE, FOR CASH OR ON CREDIT, AT PUBLIC OR  
25 PRIVATE SALE, AND MANAGE, DEVELOP, IMPROVE, EXCHANGE, PARTITION,  
26 CHANGE THE CHARACTER OF, OR ABANDON PROPERTY;

27 (h) MAKE ORDINARY OR EXTRAORDINARY REPAIRS OR

1 ALTERATIONS IN A BUILDING OR OTHER STRUCTURE, DEMOLISH ANY  
2 IMPROVEMENT, OR RAZE AN EXISTING OR ERECT A NEW PARTY WALL OR  
3 BUILDING;

4 (i) SUBDIVIDE OR DEVELOP LAND, DEDICATE LAND TO PUBLIC USE,  
5 MAKE OR OBTAIN THE VACATION OF A PLAT AND ADJUST A BOUNDARY,  
6 ADJUST A DIFFERENCE IN VALUATION OF LAND, EXCHANGE OR PARTITION  
7 LAND BY GIVING OR RECEIVING CONSIDERATION, AND DEDICATE AN  
8 EASEMENT TO PUBLIC USE WITHOUT CONSIDERATION;

9 (j) ENTER FOR ANY PURPOSE INTO A LEASE OF PROPERTY AS LESSOR  
10 OR LESSEE, WITH OR WITHOUT AN OPTION TO PURCHASE OR RENEW, FOR A  
11 TERM WITHIN OR EXTENDING BEYOND THE TERM OF THE  
12 CONSERVATORSHIP;

13 (k) ENTER INTO A LEASE OR ARRANGEMENT FOR EXPLORATION  
14 AND REMOVAL OF MINERALS OR OTHER NATURAL RESOURCES OR A  
15 POOLING OR UNITIZATION AGREEMENT;

16 (l) GRANT AN OPTION INVOLVING DISPOSITION OF PROPERTY OR  
17 ACCEPT OR EXERCISE AN OPTION FOR THE ACQUISITION OF PROPERTY;

18 (m) VOTE A SECURITY, IN PERSON OR BY GENERAL OR LIMITED  
19 PROXY;

20 (n) PAY A CALL, ASSESSMENT, OR OTHER SUM CHARGEABLE OR  
21 ACCRUING AGAINST OR ON ACCOUNT OF A SECURITY;

22 (o) SELL OR EXERCISE A STOCK SUBSCRIPTION OR CONVERSION  
23 RIGHT;

24 (p) CONSENT, DIRECTLY OR THROUGH A COMMITTEE OR AGENT, TO  
25 THE REORGANIZATION, CONSOLIDATION, MERGER, DISSOLUTION, OR  
26 LIQUIDATION OF A CORPORATION OR OTHER BUSINESS ENTERPRISE;

27 (q) HOLD A SECURITY IN THE NAME OF A NOMINEE OR IN OTHER

1 FORM WITHOUT DISCLOSURE OF THE CONSERVATORSHIP SO THAT TITLE TO  
2 THE SECURITY MAY PASS BY DELIVERY;

3 (r) INSURE:

4 (I) THE CONSERVATORSHIP ESTATE, IN WHOLE OR IN PART,  
5 AGAINST DAMAGE OR LOSS IN ACCORDANCE WITH SECTION 15-14.7-418  
6 (10); AND

7 (II) THE CONSERVATOR AGAINST LIABILITY WITH RESPECT TO A  
8 THIRD PERSON;

9 (s) BORROW FUNDS, WITH OR WITHOUT SECURITY, TO BE REPAID  
10 FROM THE CONSERVATORSHIP ESTATE OR OTHERWISE;

11 (t) ADVANCE FUNDS FOR THE PROTECTION OF THE  
12 CONSERVATORSHIP ESTATE OR THE INDIVIDUAL SUBJECT TO  
13 CONSERVATORSHIP AND ALL EXPENSES, LOSSES, AND LIABILITY SUSTAINED  
14 IN THE ADMINISTRATION OF THE CONSERVATORSHIP ESTATE OR BECAUSE  
15 OF HOLDING ANY PROPERTY FOR WHICH THE CONSERVATOR HAS A LIEN ON  
16 THE CONSERVATORSHIP ESTATE;

17 (u) PAY OR CONTEST A CLAIM; SETTLE A CLAIM BY OR AGAINST THE  
18 CONSERVATORSHIP ESTATE OR THE INDIVIDUAL SUBJECT TO  
19 CONSERVATORSHIP BY COMPROMISE, ARBITRATION, OR OTHERWISE; OR  
20 RELEASE, IN WHOLE OR IN PART, A CLAIM BELONGING TO THE  
21 CONSERVATORSHIP ESTATE TO THE EXTENT THE CLAIM IS UNCOLLECTIBLE;

22 (v) PAY A TAX, ASSESSMENT, COMPENSATION OF THE  
23 CONSERVATOR OR ANY GUARDIAN, AND OTHER EXPENSE INCURRED IN THE  
24 COLLECTION, CARE, ADMINISTRATION, AND PROTECTION OF THE  
25 CONSERVATORSHIP ESTATE;

26 (w) PAY A SUM DISTRIBUTABLE TO THE INDIVIDUAL SUBJECT TO  
27 CONSERVATORSHIP OR AN INDIVIDUAL WHO IS IN FACT DEPENDENT ON THE

1 INDIVIDUAL SUBJECT TO CONSERVATORSHIP BY PAYING THE SUM TO THE  
2 DISTRIBUTE OR FOR THE USE OF THE DISTRIBUTE:

3 (I) TO THE GUARDIAN FOR THE DISTRIBUTE;

4 (II) TO THE CUSTODIAN OF THE DISTRIBUTE PURSUANT TO THE  
5 "COLORADO UNIFORM TRANSFERS TO MINORS ACT", ARTICLE 50 OF TITLE  
6 11, OR CUSTODIAL TRUSTEE PURSUANT TO THE "COLORADO UNIFORM  
7 CUSTODIAL TRUST ACT", ARTICLE 1.5 OF THIS TITLE 15; OR

8 (III) IF THERE IS NO GUARDIAN, CUSTODIAN, OR CUSTODIAL  
9 TRUSTEE, TO A RELATIVE OR OTHER PERSON HAVING PHYSICAL CUSTODY  
10 OF THE DISTRIBUTE;

11 (x) BRING OR DEFEND AN ACTION, CLAIM, OR PROCEEDING IN ANY  
12 JURISDICTION FOR THE PROTECTION OF THE CONSERVATORSHIP ESTATE OR  
13 THE CONSERVATOR IN THE PERFORMANCE OF THE CONSERVATOR'S DUTIES;

14 (y) STRUCTURE THE FINANCES OF THE INDIVIDUAL SUBJECT TO  
15 CONSERVATORSHIP TO ESTABLISH ELIGIBILITY FOR A PUBLIC BENEFIT,  
16 CONSISTENT WITH THE INDIVIDUAL'S PREFERENCES, VALUES, AND PRIOR  
17 DIRECTIONS, IF THE CONSERVATOR'S ACTION DOES NOT JEOPARDIZE THE  
18 INDIVIDUAL'S WELFARE AND OTHERWISE IS CONSISTENT WITH THE  
19 CONSERVATOR'S DUTIES; AND

20 (z) EXECUTE AND DELIVER ANY INSTRUMENT THAT WILL  
21 ACCOMPLISH OR FACILITATE THE EXERCISE OF A POWER OF THE  
22 CONSERVATOR.

23 **15-14.7-422. Distribution from conservatorship estate.**

24 (1) EXCEPT AS OTHERWISE PROVIDED IN SECTION 15-14.7-414 OR  
25 QUALIFIED OR LIMITED IN THE COURT'S ORDER OF APPOINTMENT AND  
26 STATED IN THE LETTERS OF OFFICE, AND UNLESS CONTRARY TO A  
27 CONSERVATOR'S PLAN PURSUANT TO SECTION 15-14.7-419, THE

1 CONSERVATOR MAY EXPEND OR DISTRIBUTE INCOME OR PRINCIPAL OF THE  
2 CONSERVATORSHIP ESTATE WITHOUT SPECIFIC COURT AUTHORIZATION OR  
3 CONFIRMATION FOR THE SUPPORT, CARE, EDUCATION, HEALTH, OR  
4 WELFARE OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP OR AN  
5 INDIVIDUAL WHO IS IN FACT DEPENDENT ON THE INDIVIDUAL SUBJECT TO  
6 CONSERVATORSHIP, INCLUDING THE PAYMENT OF CHILD OR SPOUSAL  
7 SUPPORT, IN ACCORDANCE WITH THE FOLLOWING RULES:

8 (a) THE CONSERVATOR SHALL CONSIDER A RECOMMENDATION  
9 RELATING TO THE APPROPRIATE STANDARD OF SUPPORT, CARE,  
10 EDUCATION, HEALTH, OR WELFARE FOR THE INDIVIDUAL SUBJECT TO  
11 CONSERVATORSHIP OR INDIVIDUAL WHO IS DEPENDENT ON THE INDIVIDUAL  
12 SUBJECT TO CONSERVATORSHIP, MADE BY A GUARDIAN FOR THE  
13 INDIVIDUAL SUBJECT TO CONSERVATORSHIP, IF ANY, AND, IF THE  
14 INDIVIDUAL SUBJECT TO CONSERVATORSHIP IS A MINOR, A  
15 RECOMMENDATION MADE BY A PARENT OF THE MINOR.

16 (b) THE CONSERVATOR ACTING IN COMPLIANCE WITH THE  
17 CONSERVATOR'S DUTIES PURSUANT TO SECTION 15-14.7-418 IS NOT LIABLE  
18 FOR AN EXPENDITURE OR DISTRIBUTION MADE BASED ON A  
19 RECOMMENDATION PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION  
20 UNLESS THE CONSERVATOR KNOWS THE EXPENDITURE OR DISTRIBUTION  
21 IS NOT IN THE BEST INTEREST OF THE INDIVIDUAL SUBJECT TO  
22 CONSERVATORSHIP.

23 (c) IN MAKING AN EXPENDITURE OR DISTRIBUTION PURSUANT TO  
24 THIS SECTION, THE CONSERVATOR SHALL CONSIDER:

25 (I) THE SIZE OF THE CONSERVATORSHIP ESTATE, THE ESTIMATED  
26 DURATION OF THE CONSERVATORSHIP, AND THE LIKELIHOOD THE  
27 INDIVIDUAL SUBJECT TO CONSERVATORSHIP, AT SOME FUTURE TIME, MAY

1 BE FULLY SELF-SUFFICIENT AND ABLE TO MANAGE THE INDIVIDUAL'S  
2 FINANCIAL AFFAIRS AND THE CONSERVATORSHIP ESTATE;

3 (II) THE ACCUSTOMED STANDARD OF LIVING OF THE INDIVIDUAL  
4 SUBJECT TO CONSERVATORSHIP AND INDIVIDUAL WHO IS DEPENDENT ON  
5 THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP;

6 (III) OTHER FUNDS OR SOURCE USED FOR THE SUPPORT OF THE  
7 INDIVIDUAL SUBJECT TO CONSERVATORSHIP; AND

8 (IV) THE PREFERENCES, VALUES, AND PRIOR DIRECTIONS OF THE  
9 INDIVIDUAL SUBJECT TO CONSERVATORSHIP.

10 (d) FUNDS EXPENDED OR DISTRIBUTED PURSUANT TO THIS SECTION  
11 MAY BE PAID BY THE CONSERVATOR TO ANY PERSON, INCLUDING THE  
12 INDIVIDUAL SUBJECT TO CONSERVATORSHIP, AS REIMBURSEMENT FOR  
13 EXPENDITURES THE CONSERVATOR MIGHT HAVE MADE, OR IN ADVANCE  
14 FOR SERVICES TO BE PROVIDED TO THE INDIVIDUAL SUBJECT TO  
15 CONSERVATORSHIP OR INDIVIDUAL WHO IS DEPENDENT ON THE INDIVIDUAL  
16 SUBJECT TO CONSERVATORSHIP IF IT IS REASONABLE TO EXPECT THE  
17 SERVICES WILL BE PERFORMED AND ADVANCE PAYMENT IS CUSTOMARY OR  
18 REASONABLY NECESSARY UNDER THE CIRCUMSTANCES.

19 **15-14.7-423. Conservator's report and accounting -**  
20 **monitoring.** (1) A CONSERVATOR SHALL FILE WITH THE COURT A REPORT  
21 IN A RECORD REGARDING THE ADMINISTRATION OF THE CONSERVATORSHIP  
22 ESTATE ANNUALLY UNLESS THE COURT OTHERWISE DIRECTS, ON  
23 RESIGNATION OR REMOVAL, ON TERMINATION OF THE CONSERVATORSHIP,  
24 AND AT ANY OTHER TIME THE COURT DIRECTS.

25 (2) A REPORT PURSUANT TO SUBSECTION (1) OF THIS SECTION  
26 MUST STATE OR CONTAIN:

27 (a) AN ACCOUNTING THAT LISTS PROPERTY INCLUDED IN THE



1 CONSERVATORSHIP ESTATE AND THE RECEIPTS, DISBURSEMENTS,  
2 LIABILITIES, AND DISTRIBUTIONS DURING THE PERIOD FOR WHICH THE  
3 REPORT IS MADE;

4 (b) A LIST OF THE SERVICES PROVIDED TO THE INDIVIDUAL SUBJECT  
5 TO CONSERVATORSHIP;

6 (c) A COPY OF THE CONSERVATOR'S MOST RECENTLY APPROVED  
7 PLAN AND A STATEMENT WHETHER THE CONSERVATOR HAS DEVIATED  
8 FROM THE PLAN AND, IF SO, HOW THE CONSERVATOR HAS DEVIATED AND  
9 WHY;

10 (d) A RECOMMENDATION AS TO THE NEED FOR CONTINUED  
11 CONSERVATORSHIP AND ANY RECOMMENDED CHANGE IN THE SCOPE OF  
12 THE CONSERVATORSHIP;

13 (e) TO THE EXTENT FEASIBLE, A COPY OF THE MOST RECENT  
14 REASONABLY AVAILABLE FINANCIAL STATEMENTS EVIDENCING THE  
15 STATUS OF BANK ACCOUNTS, INVESTMENT ACCOUNTS, AND MORTGAGES  
16 OR OTHER DEBTS OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP WITH  
17 ALL BUT THE LAST FOUR DIGITS OF THE ACCOUNT NUMBERS AND SOCIAL  
18 SECURITY NUMBER REDACTED;

19 (f) ANYTHING OF MORE THAN DE MINIMIS VALUE WHICH THE  
20 CONSERVATOR, ANY INDIVIDUAL WHO RESIDES WITH THE CONSERVATOR,  
21 OR THE SPOUSE, DOMESTIC PARTNER, PARENT, CHILD, OR SIBLING OF THE  
22 CONSERVATOR HAS RECEIVED FROM A PERSON PROVIDING GOODS OR  
23 SERVICES TO THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP;

24 (g) ANY BUSINESS RELATION THE CONSERVATOR HAS WITH A  
25 PERSON THE CONSERVATOR HAS PAID OR THAT HAS BENEFITTED FROM THE  
26 PROPERTY OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP; AND

27 (h) WHETHER ANY CO-CONSERVATOR OR SUCCESSOR

1 CONSERVATOR APPOINTED TO SERVE WHEN A DESIGNATED EVENT OCCURS  
2 IS ALIVE AND ABLE TO SERVE.

3 (3) THE COURT MAY APPOINT A VISITOR TO REVIEW A REPORT  
4 PURSUANT TO THIS SECTION OR CONSERVATOR'S PLAN PURSUANT TO  
5 SECTION 15-14.7-419, INTERVIEW THE INDIVIDUAL SUBJECT TO  
6 CONSERVATORSHIP OR CONSERVATOR, OR INVESTIGATE ANY OTHER  
7 MATTER INVOLVING THE CONSERVATORSHIP. IN CONNECTION WITH THE  
8 REPORT, THE COURT MAY ORDER THE CONSERVATOR TO SUBMIT THE  
9 CONSERVATORSHIP ESTATE TO APPROPRIATE EXAMINATION IN A MANNER  
10 THE COURT DIRECTS.

11 (4) NOTICE OF THE FILING PURSUANT TO THIS SECTION OF A  
12 CONSERVATOR'S REPORT, TOGETHER WITH A COPY OF THE REPORT, MUST  
13 BE PROVIDED TO THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP, A  
14 PERSON ENTITLED TO NOTICE PURSUANT TO SECTION 15-14.7-411 OR A  
15 SUBSEQUENT ORDER, AND OTHER PERSONS THE COURT DETERMINES. THE  
16 NOTICE AND REPORT MUST BE GIVEN NOT LATER THAN FOURTEEN DAYS  
17 AFTER FILING.

18 (5) THE COURT SHALL ESTABLISH PROCEDURES FOR MONITORING  
19 A REPORT SUBMITTED PURSUANT TO THIS SECTION AND REVIEW EACH  
20 REPORT AT LEAST ANNUALLY TO DETERMINE WHETHER:

21 (a) THE REPORTS PROVIDE SUFFICIENT INFORMATION TO ESTABLISH  
22 THE CONSERVATOR HAS COMPLIED WITH THE CONSERVATOR'S DUTIES;

23 (b) THE CONSERVATORSHIP SHOULD CONTINUE; AND

24 (c) THE CONSERVATOR'S REQUESTED FEES, IF ANY, ARE  
25 REASONABLE PURSUANT TO SECTION 15-10-603.

26 (6) IF THE COURT DETERMINES THERE IS REASON TO BELIEVE A  
27 CONSERVATOR HAS NOT COMPLIED WITH THE CONSERVATOR'S DUTIES OR

1 THE CONSERVATORSHIP SHOULD NOT CONTINUE, THE COURT:

2 (a) SHALL NOTIFY THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP,  
3 THE CONSERVATOR, AND ANY OTHER PERSON ENTITLED TO NOTICE  
4 PURSUANT TO SECTION 15-14.7-411 OR A SUBSEQUENT ORDER;

5 (b) MAY REQUIRE ADDITIONAL INFORMATION FROM THE  
6 CONSERVATOR;

7 (c) MAY APPOINT A VISITOR TO INTERVIEW THE INDIVIDUAL  
8 SUBJECT TO CONSERVATORSHIP OR CONSERVATOR OR INVESTIGATE ANY  
9 MATTER INVOLVING THE CONSERVATORSHIP; AND

10 (d) CONSISTENT WITH SECTIONS 15-14.7-430 AND 15-14.7-431,  
11 MAY HOLD A HEARING TO CONSIDER REMOVAL OF THE CONSERVATOR,  
12 TERMINATION OF THE CONSERVATORSHIP, OR A CHANGE IN THE POWERS  
13 GRANTED TO THE CONSERVATOR OR TERMS OF THE CONSERVATORSHIP.

14 (7) IF THE COURT HAS REASON TO BELIEVE FEES REQUESTED BY A  
15 CONSERVATOR ARE NOT REASONABLE, THE COURT SHALL HOLD A HEARING  
16 PURSUANT TO SECTION 15-14.7-113 TO DETERMINE WHETHER TO ADJUST  
17 THE REQUESTED FEES.

18 (8) A CONSERVATOR MAY PETITION THE COURT FOR APPROVAL OF  
19 A REPORT FILED PURSUANT TO THIS SECTION. THE COURT AFTER REVIEW  
20 MAY APPROVE THE REPORT. IF THE COURT APPROVES THE REPORT, THERE  
21 IS A REBUTTABLE PRESUMPTION THE REPORT IS ACCURATE AS TO A  
22 MATTER ADEQUATELY DISCLOSED IN THE REPORT.

23 (9) AN ORDER, AFTER NOTICE AND HEARING, APPROVING AN  
24 INTERIM REPORT OF A CONSERVATOR FILED PURSUANT TO THIS SECTION  
25 ADJUDICATES LIABILITIES CONCERNING A MATTER ADEQUATELY  
26 DISCLOSED IN THE REPORT, AS TO A PERSON GIVEN NOTICE OF THE REPORT  
27 OR ACCOUNTING.

1 (10) AN ORDER, AFTER NOTICE AND HEARING, APPROVING A FINAL  
2 REPORT FILED PURSUANT TO THIS SECTION DISCHARGES THE  
3 CONSERVATOR FROM ALL LIABILITIES, CLAIMS, AND CAUSES OF ACTION BY  
4 A PERSON GIVEN NOTICE OF THE REPORT AND THE HEARING AS TO A  
5 MATTER ADEQUATELY DISCLOSED IN THE REPORT.

6 **15-14.7-424. Attempted transfer of property by individual**  
7 **subject to conservatorship.** (1) THE INTEREST OF AN INDIVIDUAL  
8 SUBJECT TO CONSERVATORSHIP IN PROPERTY INCLUDED IN THE  
9 CONSERVATORSHIP ESTATE IS NOT TRANSFERRABLE OR ASSIGNABLE BY  
10 THE INDIVIDUAL AND IS NOT SUBJECT TO LEVY, GARNISHMENT, OR SIMILAR  
11 PROCESS FOR CLAIMS AGAINST THE INDIVIDUAL UNLESS ALLOWED  
12 PURSUANT TO SECTION 15-14.7-428.

13 (2) IF AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP ENTERS INTO  
14 A CONTRACT AFTER HAVING THE RIGHT TO ENTER THE CONTRACT  
15 REMOVED BY THE COURT, THE CONTRACT IS VOID AGAINST THE  
16 INDIVIDUAL AND THE INDIVIDUAL'S PROPERTY BUT IS ENFORCEABLE  
17 AGAINST THE PERSON THAT CONTRACTED WITH THE INDIVIDUAL.

18 (3) A PERSON OTHER THAN THE CONSERVATOR THAT DEALS WITH  
19 AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP WITH RESPECT TO  
20 PROPERTY INCLUDED IN THE CONSERVATORSHIP ESTATE IS ENTITLED TO  
21 PROTECTION PROVIDED BY LAW OF THIS STATE OTHER THAN THIS ARTICLE  
22 14.7.

23 **15-14.7-425. Transaction involving conflict of interest.** A  
24 TRANSACTION INVOLVING A CONSERVATORSHIP ESTATE WHICH IS  
25 AFFECTED BY A SUBSTANTIAL CONFLICT BETWEEN THE CONSERVATOR'S  
26 FIDUCIARY DUTIES AND PERSONAL INTERESTS IS VOIDABLE UNLESS THE  
27 TRANSACTION IS AUTHORIZED BY COURT ORDER AFTER NOTICE TO

1 PERSONS ENTITLED TO NOTICE PURSUANT TO SECTION 15-14.7-411 OR A  
2 SUBSEQUENT ORDER. A TRANSACTION AFFECTED BY A SUBSTANTIAL  
3 CONFLICT INCLUDES A SALE, ENCUMBRANCE, OR OTHER TRANSACTION  
4 INVOLVING THE CONSERVATORSHIP ESTATE ENTERED INTO BY THE  
5 CONSERVATOR; AN INDIVIDUAL WITH WHOM THE CONSERVATOR RESIDES;  
6 THE SPOUSE, DOMESTIC PARTNER, DESCENDANT, SIBLING, AGENT, OR  
7 ATTORNEY OF THE CONSERVATOR; OR A CORPORATION OR OTHER  
8 ENTERPRISE IN WHICH THE CONSERVATOR HAS A SUBSTANTIAL BENEFICIAL  
9 INTEREST.

10 **15-14.7-426. Protection of person dealing with conservator.**

11 (1) A PERSON THAT ASSISTS OR DEALS WITH A CONSERVATOR IN GOOD  
12 FAITH AND FOR VALUE IN ANY TRANSACTION, OTHER THAN A  
13 TRANSACTION REQUIRING A COURT ORDER PURSUANT TO SECTION  
14 15-14.7-414, IS PROTECTED AS THOUGH THE CONSERVATOR PROPERLY  
15 EXERCISED ANY POWER IN QUESTION. KNOWLEDGE BY A PERSON THAT THE  
16 PERSON IS DEALING WITH A CONSERVATOR ALONE DOES NOT REQUIRE THE  
17 PERSON TO INQUIRE INTO THE EXISTENCE OF AUTHORITY OF THE  
18 CONSERVATOR OR THE PROPRIETY OF THE CONSERVATOR'S EXERCISE OF  
19 AUTHORITY, BUT RESTRICTIONS ON AUTHORITY STATED IN LETTERS OF  
20 OFFICE, OR OTHERWISE PROVIDED BY LAW, ARE EFFECTIVE AS TO THE  
21 PERSON. A PERSON THAT PAYS OR DELIVERS PROPERTY TO A  
22 CONSERVATOR IS NOT RESPONSIBLE FOR PROPER APPLICATION OF THE  
23 PROPERTY.

24 (2) PROTECTION PURSUANT TO SUBSECTION (1) OF THIS SECTION  
25 EXTENDS TO A PROCEDURAL IRREGULARITY OR JURISDICTIONAL DEFECT IN  
26 THE PROCEEDING LEADING TO THE ISSUANCE OF LETTERS OF OFFICE AND  
27 DOES NOT SUBSTITUTE FOR PROTECTION FOR A PERSON THAT ASSISTS OR

1 DEALS WITH A CONSERVATOR PROVIDED BY COMPARABLE PROVISIONS IN  
2 LAW OF THIS STATE OTHER THAN THIS ARTICLE 14.7 RELATING TO A  
3 COMMERCIAL TRANSACTION OR SIMPLIFYING A TRANSFER OF SECURITIES  
4 BY A FIDUCIARY.

5 **15-14.7-427. Death of individual subject to conservatorship.**

6 (1) IF AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP DIES, THE  
7 CONSERVATOR SHALL DELIVER TO THE COURT FOR SAFEKEEPING ANY WILL  
8 OF THE INDIVIDUAL IN THE CONSERVATOR'S POSSESSION AND INFORM THE  
9 PERSONAL REPRESENTATIVE NAMED IN THE WILL IF FEASIBLE, OR IF NOT  
10 FEASIBLE, A BENEFICIARY NAMED IN THE WILL, OF THE DELIVERY.

11 (2) IF FORTY DAYS AFTER THE DEATH OF AN INDIVIDUAL SUBJECT  
12 TO CONSERVATORSHIP A PERSONAL REPRESENTATIVE HAS NOT BEEN  
13 APPOINTED AND APPLICATION OR PETITION FOR APPOINTMENT IS NOT  
14 BEFORE THE COURT, THE CONSERVATOR MAY APPLY TO EXERCISE THE  
15 POWERS AND DUTIES OF A PERSONAL REPRESENTATIVE TO ADMINISTER  
16 AND DISTRIBUTE THE DECEDENT'S ESTATE. THE CONSERVATOR SHALL GIVE  
17 NOTICE TO A PERSON NOMINATED AS PERSONAL REPRESENTATIVE BY A  
18 WILL OF THE DECEDENT OF WHICH THE CONSERVATOR IS AWARE. THE  
19 COURT MAY GRANT THE APPLICATION IF THERE IS NO OBJECTION AND  
20 ENDORSE THE LETTERS OF OFFICE TO NOTE THAT THE INDIVIDUAL  
21 FORMERLY SUBJECT TO CONSERVATORSHIP IS DECEASED AND THE  
22 CONSERVATOR HAS ACQUIRED THE POWERS AND DUTIES OF A PERSONAL  
23 REPRESENTATIVE.

24 (3) ISSUANCE OF AN ORDER PURSUANT TO THIS SECTION HAS THE  
25 EFFECT OF AN ORDER OF APPOINTMENT OF A PERSONAL REPRESENTATIVE  
26 PURSUANT TO SECTION 15-12-414.

27 (4) ON THE DEATH OF AN INDIVIDUAL SUBJECT TO

1 CONSERVATORSHIP, THE CONSERVATOR SHALL CONCLUDE THE  
2 ADMINISTRATION OF THE CONSERVATORSHIP ESTATE AS PROVIDED IN  
3 SECTION 15-14.7-431.

4 **15-14.7-428. Presentation and allowance of claim.** (1) A  
5 CONSERVATOR MAY PAY, OR SECURE BY ENCUMBERING PROPERTY  
6 INCLUDED IN THE CONSERVATORSHIP ESTATE, A CLAIM AGAINST THE  
7 CONSERVATORSHIP ESTATE OR THE INDIVIDUAL SUBJECT TO  
8 CONSERVATORSHIP ARISING BEFORE OR DURING THE CONSERVATORSHIP,  
9 ON PRESENTATION AND ALLOWANCE IN ACCORDANCE WITH THE PRIORITIES  
10 PURSUANT TO SUBSECTION (4) OF THIS SECTION. A CLAIMANT MAY  
11 PRESENT A CLAIM BY:

12 (a) SENDING OR DELIVERING TO THE CONSERVATOR A STATEMENT  
13 IN A RECORD OF THE CLAIM, INDICATING ITS BASIS, THE NAME AND  
14 ADDRESS OF THE CLAIMANT, AND THE AMOUNT CLAIMED; OR

15 (b) FILING THE CLAIM WITH THE COURT, IN A FORM ACCEPTABLE TO  
16 THE COURT, AND SENDING OR DELIVERING A COPY OF THE CLAIM TO THE  
17 CONSERVATOR.

18 (2) A CLAIM PURSUANT TO SUBSECTION (1) OF THIS SECTION IS  
19 PRESENTED ON RECEIPT BY THE CONSERVATOR OF THE STATEMENT OF THE  
20 CLAIM OR THE FILING WITH THE COURT OF THE CLAIM, WHICHEVER FIRST  
21 OCCURS. A PRESENTED CLAIM IS ALLOWED IF IT IS NOT DISALLOWED IN  
22 WHOLE OR IN PART BY THE CONSERVATOR IN A RECORD SENT OR  
23 DELIVERED TO THE CLAIMANT NOT LATER THAN SIXTY DAYS AFTER ITS  
24 PRESENTATION. BEFORE PAYMENT, THE CONSERVATOR MAY CHANGE AN  
25 ALLOWANCE OF THE CLAIM TO A DISALLOWANCE IN WHOLE OR IN PART,  
26 BUT NOT AFTER ALLOWANCE UNDER A COURT ORDER OR ORDER DIRECTING  
27 PAYMENT OF THE CLAIM. PRESENTATION OF A CLAIM TOLLS UNTIL THIRTY

1 DAYS AFTER DISALLOWANCE OF THE CLAIM OR THE RUNNING OF A  
2 STATUTE OF LIMITATIONS THAT HAS NOT EXPIRED RELATING TO THE  
3 CLAIM.

4 (3) A CLAIMANT WHOSE CLAIM PURSUANT TO SUBSECTION (1) OF  
5 THIS SECTION HAS NOT BEEN PAID MAY PETITION THE COURT TO  
6 DETERMINE THE CLAIM AT ANY TIME BEFORE IT IS BARRED BY A STATUTE  
7 OF LIMITATIONS, AND THE COURT MAY ORDER ITS ALLOWANCE, PAYMENT,  
8 OR SECURITY BY ENCUMBERING PROPERTY INCLUDED IN THE  
9 CONSERVATORSHIP ESTATE. IF A PROCEEDING IS PENDING AGAINST THE  
10 INDIVIDUAL SUBJECT TO CONSERVATORSHIP AT THE TIME OF APPOINTMENT  
11 OF THE CONSERVATOR OR IS INITIATED THEREAFTER, THE MOVING PARTY  
12 SHALL GIVE THE CONSERVATOR NOTICE OF THE PROCEEDING IF IT COULD  
13 RESULT IN CREATING A CLAIM AGAINST THE CONSERVATORSHIP ESTATE.

14 (4) IF A CONSERVATORSHIP ESTATE IS LIKELY TO BE EXHAUSTED  
15 BEFORE ALL EXISTING CLAIMS ARE PAID, THE CONSERVATOR SHALL  
16 DISTRIBUTE THE ESTATE IN MONEY OR IN KIND IN PAYMENT OF CLAIMS IN  
17 THE FOLLOWING ORDER:

- 18 (a) COSTS AND EXPENSES OF ADMINISTRATION;
- 19 (b) A CLAIM OF THE FEDERAL OR STATE GOVERNMENT HAVING  
20 PRIORITY UNDER LAW OTHER THAN THIS ARTICLE 14.7;
- 21 (c) A CLAIM INCURRED BY THE CONSERVATOR FOR SUPPORT, CARE,  
22 EDUCATION, HEALTH, OR WELFARE PREVIOUSLY PROVIDED TO THE  
23 INDIVIDUAL SUBJECT TO CONSERVATORSHIP OR AN INDIVIDUAL WHO IS IN  
24 FACT DEPENDENT ON THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP;
- 25 (d) A CLAIM ARISING BEFORE THE CONSERVATORSHIP; AND
- 26 (e) ALL OTHER CLAIMS.

27 (5) PREFERENCE MAY NOT BE GIVEN IN THE PAYMENT OF A CLAIM



1 PURSUANT TO SUBSECTION (4) OF THIS SECTION OVER ANOTHER CLAIM OF  
2 THE SAME CLASS. A CLAIM DUE AND PAYABLE MAY NOT BE PREFERRED  
3 OVER A CLAIM NOT DUE UNLESS:

4 (a) DOING SO WOULD LEAVE THE CONSERVATORSHIP ESTATE  
5 WITHOUT SUFFICIENT FUNDS TO PAY THE BASIC LIVING AND HEALTH-CARE  
6 EXPENSES OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP; AND

7 (b) THE COURT AUTHORIZES THE PREFERENCE PURSUANT TO  
8 SECTION 15-14.7-414.

9 (6) IF ASSETS OF A CONSERVATORSHIP ESTATE ARE ADEQUATE TO  
10 MEET ALL EXISTING CLAIMS, THE COURT, ACTING IN THE BEST INTEREST OF  
11 THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP, MAY ORDER THE  
12 CONSERVATOR TO GRANT A SECURITY INTEREST IN THE CONSERVATORSHIP  
13 ESTATE FOR PAYMENT OF A CLAIM AT A FUTURE DATE.

14 **15-14.7-429. Personal liability of conservator.** (1) EXCEPT AS  
15 OTHERWISE AGREED BY A CONSERVATOR, THE CONSERVATOR IS NOT  
16 PERSONALLY LIABLE ON A CONTRACT PROPERLY ENTERED INTO IN A  
17 FIDUCIARY CAPACITY IN THE COURSE OF ADMINISTRATION OF THE  
18 CONSERVATORSHIP ESTATE UNLESS THE CONSERVATOR FAILS TO REVEAL  
19 THE CONSERVATOR'S REPRESENTATIVE CAPACITY IN THE CONTRACT OR  
20 BEFORE ENTERING INTO THE CONTRACT.

21 (2) A CONSERVATOR IS PERSONALLY LIABLE FOR AN OBLIGATION  
22 ARISING FROM CONTROL OF PROPERTY OF THE CONSERVATORSHIP ESTATE  
23 OR AN ACT OR OMISSION OCCURRING IN THE COURSE OF ADMINISTRATION  
24 OF THE CONSERVATORSHIP ESTATE ONLY IF THE CONSERVATOR IS  
25 PERSONALLY AT FAULT.

26 (3) A CLAIM BASED ON A CONTRACT ENTERED INTO BY A  
27 CONSERVATOR IN A FIDUCIARY CAPACITY, AN OBLIGATION ARISING FROM

1 CONTROL OF PROPERTY INCLUDED IN THE CONSERVATORSHIP ESTATE, OR  
2 A TORT COMMITTED IN THE COURSE OF ADMINISTRATION OF THE  
3 CONSERVATORSHIP ESTATE MAY BE ASSERTED AGAINST THE  
4 CONSERVATORSHIP ESTATE IN A PROCEEDING AGAINST THE CONSERVATOR  
5 IN A FIDUCIARY CAPACITY, WHETHER OR NOT THE CONSERVATOR IS  
6 PERSONALLY LIABLE FOR THE CLAIM.

7 (4) A QUESTION OF LIABILITY BETWEEN A CONSERVATORSHIP  
8 ESTATE AND THE CONSERVATOR PERSONALLY MAY BE DETERMINED IN A  
9 PROCEEDING FOR ACCOUNTING, SURCHARGE, OR INDEMNIFICATION OR  
10 ANOTHER APPROPRIATE PROCEEDING OR ACTION.

11 **15-14.7-430. Removal of conservator - appointment of**  
12 **successor.** (1) THE COURT MAY REMOVE A CONSERVATOR FOR FAILURE  
13 TO PERFORM THE CONSERVATOR'S DUTIES OR OTHER GOOD CAUSE AND  
14 APPOINT A SUCCESSOR CONSERVATOR TO ASSUME THE DUTIES OF THE  
15 CONSERVATOR PURSUANT TO SECTION 15-14.7-418.

16 (2) THE COURT SHALL HOLD A HEARING TO DETERMINE WHETHER  
17 TO REMOVE A CONSERVATOR AND APPOINT A SUCCESSOR ON:

18 (a) PETITION OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP,  
19 CONSERVATOR, OR PERSON INTERESTED IN THE WELFARE OF THE  
20 INDIVIDUAL WHICH CONTAINS ALLEGATIONS THAT, IF TRUE, WOULD  
21 SUPPORT A REASONABLE BELIEF THAT REMOVAL OF THE CONSERVATOR  
22 AND APPOINTMENT OF A SUCCESSOR MAY BE APPROPRIATE, BUT THE  
23 COURT MAY DECLINE TO HOLD A HEARING IF A PETITION BASED ON THE  
24 SAME OR SUBSTANTIALLY SIMILAR FACTS WAS FILED DURING THE  
25 PRECEDING SIX MONTHS;

26 (b) COMMUNICATION, PURSUANT TO SECTION 15-14.7-127, FROM  
27 THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP, CONSERVATOR, OR

1 PERSON INTERESTED IN THE WELFARE OF THE INDIVIDUAL WHICH SUPPORTS  
2 A REASONABLE BELIEF THAT REMOVAL OF THE CONSERVATOR AND  
3 APPOINTMENT OF A SUCCESSOR MAY BE APPROPRIATE; OR

4 (c) DETERMINATION BY THE COURT THAT A HEARING WOULD BE IN  
5 THE BEST INTEREST OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP.

6 (3) NOTICE OF A HEARING PURSUANT TO SECTION 15-14.7-113  
7 MUST BE PERSONALLY SERVED ON THE INDIVIDUAL SUBJECT TO  
8 CONSERVATORSHIP AND GIVEN PURSUANT TO SECTION 15-10-401 TO THE  
9 CONSERVATOR AND ANY OTHER PERSON THE COURT DETERMINES.

10 (4) AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP WHO SEEKS TO  
11 REMOVE THE CONSERVATOR AND HAVE A SUCCESSOR APPOINTED HAS THE  
12 RIGHT TO CHOOSE AN ATTORNEY TO REPRESENT THE INDIVIDUAL IN THIS  
13 MATTER. IF THE INDIVIDUAL IS NOT REPRESENTED BY AN ATTORNEY, THE  
14 COURT SHALL APPOINT AN ATTORNEY UNDER THE SAME CONDITIONS AS  
15 SET FORTH IN SECTION 15-14.7-406.

16 (5) IN SELECTING A SUCCESSOR CONSERVATOR, THE COURT SHALL  
17 FOLLOW THE PRIORITIES PURSUANT TO SECTION 15-14.7-410.

18 (6) NOT LATER THAN THIRTY DAYS AFTER APPOINTING A  
19 SUCCESSOR CONSERVATOR, THE COURT SHALL GIVE NOTICE, PURSUANT TO  
20 SECTION 15-10-401, OF THE APPOINTMENT TO THE INDIVIDUAL SUBJECT TO  
21 CONSERVATORSHIP AND ANY PERSON ENTITLED TO NOTICE PURSUANT TO  
22 SECTION 15-14.7-411 OR A SUBSEQUENT ORDER.

23 **15-14.7-431. Termination or modification of conservatorship.**

24 (1) A CONSERVATORSHIP FOR A MINOR TERMINATES ON THE EARLIEST OF:

25 (a) A COURT ORDER TERMINATING THE CONSERVATORSHIP;

26 (b) THE MINOR BECOMING AN ADULT OR, IF THE MINOR CONSENTS  
27 OR THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT

1 SUBSTANTIAL HARM TO THE MINOR'S INTERESTS IS OTHERWISE LIKELY,  
2 ATTAINING TWENTY-ONE YEARS OF AGE;

3 (c) EMANCIPATION OF THE MINOR; OR

4 (d) DEATH OF THE MINOR.

5 (2) A CONSERVATORSHIP FOR AN ADULT TERMINATES ON ORDER  
6 OF THE COURT OR WHEN THE ADULT DIES.

7 (3) AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP, THE  
8 CONSERVATOR, OR A PERSON INTERESTED IN THE WELFARE OF THE  
9 INDIVIDUAL MAY PETITION FOR:

10 (a) TERMINATION OF THE CONSERVATORSHIP ON THE GROUND  
11 THAT A BASIS FOR APPOINTMENT PURSUANT TO SECTION 15-14.7-401 DOES  
12 NOT EXIST OR TERMINATION WOULD BE IN THE BEST INTEREST OF THE  
13 INDIVIDUAL OR FOR OTHER GOOD CAUSE; OR

14 (b) MODIFICATION OF THE CONSERVATORSHIP ON THE GROUND  
15 THAT THE EXTENT OF PROTECTION OR ASSISTANCE GRANTED IS NOT  
16 APPROPRIATE OR FOR OTHER GOOD CAUSE.

17 (4) THE COURT SHALL HOLD A HEARING TO DETERMINE WHETHER  
18 TERMINATION OR MODIFICATION OF A CONSERVATORSHIP IS APPROPRIATE  
19 ON:

20 (a) PETITION PURSUANT TO SUBSECTION (3) OF THIS SECTION  
21 WHICH CONTAINS ALLEGATIONS THAT, IF TRUE, WOULD SUPPORT A  
22 REASONABLE BELIEF THAT TERMINATION OR MODIFICATION OF THE  
23 CONSERVATORSHIP MAY BE APPROPRIATE, BUT THE COURT MAY DECLINE  
24 TO HOLD A HEARING IF A PETITION BASED ON THE SAME OR  
25 SUBSTANTIALLY SIMILAR FACTS WAS FILED WITHIN THE PRECEDING SIX  
26 MONTHS;

27 (b) A COMMUNICATION, PURSUANT TO SECTION 15-14.7-127, FROM

1 THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP, THE CONSERVATOR, OR  
2 PERSON INTERESTED IN THE WELFARE OF THE INDIVIDUAL WHICH SUPPORTS  
3 A REASONABLE BELIEF THAT TERMINATION OR MODIFICATION OF THE  
4 CONSERVATORSHIP MAY BE APPROPRIATE, INCLUDING BECAUSE THE  
5 FUNCTIONAL NEEDS OF THE INDIVIDUAL OR SUPPORTS OR SERVICES  
6 AVAILABLE TO THE INDIVIDUAL HAVE CHANGED;

7 (c) A REPORT FROM A GUARDIAN OR CONSERVATOR WHICH  
8 INDICATES THAT TERMINATION OR MODIFICATION MAY BE APPROPRIATE  
9 BECAUSE THE FUNCTIONAL NEEDS OR SUPPORTS OR SERVICES AVAILABLE  
10 TO THE INDIVIDUAL HAVE CHANGED OR A PROTECTIVE ARRANGEMENT  
11 INSTEAD OF CONSERVATORSHIP OR OTHER LESS RESTRICTIVE ALTERNATIVE  
12 IS AVAILABLE; OR

13 (d) A DETERMINATION BY THE COURT THAT A HEARING WOULD BE  
14 IN THE BEST INTEREST OF THE INDIVIDUAL.

15 (5) NOTICE OF A PETITION PURSUANT TO SUBSECTION (3) OF THIS  
16 SECTION MUST BE GIVEN TO THE INDIVIDUAL SUBJECT TO  
17 CONSERVATORSHIP, THE CONSERVATOR, AND ANY SUCH OTHER PERSON  
18 THE COURT DETERMINES.

19 (6) ON PRESENTATION OF PRIMA FACIE EVIDENCE FOR  
20 TERMINATION OF A CONSERVATORSHIP, THE COURT SHALL ORDER  
21 TERMINATION UNLESS IT IS PROVEN THAT A BASIS FOR APPOINTMENT OF A  
22 CONSERVATOR PURSUANT TO SECTION 15-14.7-401 EXISTS.

23 (7) THE COURT SHALL MODIFY THE POWERS GRANTED TO A  
24 CONSERVATOR IF THE POWERS ARE EXCESSIVE OR INADEQUATE DUE TO A  
25 CHANGE IN THE ABILITIES OR LIMITATIONS OF THE INDIVIDUAL SUBJECT TO  
26 CONSERVATORSHIP, THE INDIVIDUAL'S SUPPORTS, OR OTHER  
27 CIRCUMSTANCES.

1 (8) UNLESS THE COURT OTHERWISE ORDERS FOR GOOD CAUSE,  
2 BEFORE TERMINATING A CONSERVATORSHIP, THE COURT SHALL FOLLOW  
3 THE SAME PROCEDURES TO SAFEGUARD THE RIGHTS OF THE INDIVIDUAL  
4 SUBJECT TO CONSERVATORSHIP WHICH APPLY TO A PETITION FOR  
5 CONSERVATORSHIP.

6 (9) AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP WHO SEEKS TO  
7 TERMINATE OR MODIFY THE TERMS OF THE CONSERVATORSHIP HAS THE  
8 RIGHT TO CHOOSE AN ATTORNEY TO REPRESENT THE INDIVIDUAL IN THIS  
9 MATTER. IF THE INDIVIDUAL IS NOT REPRESENTED BY AN ATTORNEY, THE  
10 COURT SHALL APPOINT AN ATTORNEY UNDER THE SAME CONDITIONS AS  
11 SET FORTH IN SECTION 15-14.7-406.

12 (10) ON TERMINATION OF A CONSERVATORSHIP OTHER THAN BY  
13 REASON OF THE DEATH OF THE INDIVIDUAL SUBJECT TO  
14 CONSERVATORSHIP, PROPERTY OF THE CONSERVATORSHIP ESTATE PASSES  
15 TO THE INDIVIDUAL. THE ORDER OF TERMINATION MUST DIRECT THE  
16 CONSERVATOR TO FILE A FINAL REPORT AND PETITION FOR DISCHARGE ON  
17 APPROVAL BY THE COURT OF THE FINAL REPORT.

18 (11) ON TERMINATION OF A CONSERVATORSHIP BY REASON OF THE  
19 DEATH OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP, THE  
20 CONSERVATOR PROMPTLY SHALL FILE A FINAL REPORT AND PETITION FOR  
21 DISCHARGE ON APPROVAL BY THE COURT OF THE FINAL REPORT. ON  
22 APPROVAL OF THE FINAL REPORT, THE CONSERVATOR SHALL PROCEED  
23 EXPEDITIOUSLY TO DISTRIBUTE THE CONSERVATORSHIP ESTATE TO THE  
24 INDIVIDUAL'S ESTATE OR AS OTHERWISE ORDERED BY THE COURT. THE  
25 CONSERVATOR MAY TAKE REASONABLE MEASURES NECESSARY TO  
26 PRESERVE THE CONSERVATORSHIP ESTATE UNTIL DISTRIBUTION CAN BE  
27 MADE.

1           (12) THE COURT SHALL ISSUE A FINAL ORDER OF DISCHARGE ON  
2 THE APPROVAL BY THE COURT OF THE FINAL REPORT AND SATISFACTION  
3 BY THE CONSERVATOR OF ANY OTHER CONDITION THE COURT IMPOSED ON  
4 THE CONSERVATOR'S DISCHARGE.

5           (13) THE FOLLOWING PROVISIONS APPLY IN A CONTESTED  
6 TERMINATION PROCEEDING CONCERNING A MINOR:

7           (a) THE CONSERVATOR MAY FILE A WRITTEN REPORT TO THE  
8 COURT REGARDING ANY MATTER RELEVANT TO THE TERMINATION  
9 PROCEEDING, AND THE CONSERVATOR MAY FILE A MOTION FOR  
10 INSTRUCTIONS REGARDING ANY RELEVANT MATTER, INCLUDING, BUT NOT  
11 LIMITED TO:

12           (I) WHETHER AN ATTORNEY, GUARDIAN AD LITEM, OR VISITOR  
13 MUST BE APPOINTED FOR THE MINOR;

14           (II) WHETHER ANY FURTHER INVESTIGATION OR PROFESSIONAL  
15 EVALUATION OF THE MINOR MUST BE CONDUCTED, THE SCOPE OF THE  
16 INVESTIGATION OR PROFESSIONAL EVALUATION, AND WHEN THE  
17 INVESTIGATION OR PROFESSIONAL EVALUATION MUST BE COMPLETED; AND

18           (III) WHETHER THE CONSERVATOR MUST BE INVOLVED IN THE  
19 TERMINATION PROCEEDINGS AND, IF SO, TO WHAT EXTENT;

20           (b) IF THE CONSERVATOR ELECTS TO FILE A WRITTEN REPORT OR  
21 A MOTION FOR INSTRUCTIONS, THE CONSERVATOR SHALL FILE INITIAL  
22 PLEADINGS WITHIN TWENTY-ONE DAYS AFTER THE PETITION TO  
23 TERMINATE IS FILED. ANY PERSON INTERESTED IN THE WELFARE OF THE  
24 MINOR HAS FOURTEEN DAYS AFTER THE INITIAL PLEADINGS ARE FILED TO  
25 FILE A RESPONSE. IF A RESPONSE IS FILED, THE CONSERVATOR HAS SEVEN  
26 DAYS AFTER THE RESPONSE IS FILED TO FILE A REPLY. IF A MOTION FOR  
27 INSTRUCTIONS IS FILED BY THE CONSERVATOR AS THE CONSERVATOR'S

1 INITIAL PLEADING, THE COURT MUST RULE ON THE MOTION BEFORE THE  
2 PETITION FOR TERMINATION OF THE CONSERVATORSHIP IS SET FOR  
3 HEARING. UNLESS A HEARING ON THE MOTION FOR INSTRUCTIONS IS  
4 REQUESTED BY THE COURT, THE COURT MAY RULE ON THE PLEADINGS  
5 WITHOUT A HEARING AFTER THE TIME PERIOD FOR THE FILING OF THE LAST  
6 RESPONSIVE PLEADING HAS EXPIRED. AFTER THE FILING OF THE  
7 CONSERVATOR'S INITIAL MOTION FOR INSTRUCTIONS, THE CONSERVATOR  
8 MAY FILE SUBSEQUENT MOTIONS FOR INSTRUCTION, AS APPROPRIATE.

9 (c) EXCEPT FOR THE ACTIONS AUTHORIZED IN SUBSECTION (13)(a),  
10 (13)(b), OR (13)(e) OF THIS SECTION, OR AS OTHERWISE ORDERED BY THE  
11 COURT, THE CONSERVATOR SHALL NOT TAKE ANY ACTION TO OPPOSE OR  
12 INTERFERE IN THE TERMINATION PROCEEDING. THE FILING OF THE INITIAL  
13 OR SUBSEQUENT MOTION FOR INSTRUCTIONS BY THE CONSERVATOR MUST  
14 NOT ALONE BE DEEMED OPPOSITION OR INTERFERENCE.

15 (d) UNLESS ORDERED BY THE COURT, THE CONSERVATOR DOES  
16 NOT HAVE A DUTY TO PARTICIPATE IN THE TERMINATION PROCEEDING,  
17 AND THE CONSERVATOR DOES NOT INCUR LIABILITY FOR FILING THE  
18 REPORT OR MOTION FOR INSTRUCTION OR FOR FAILING TO PARTICIPATE IN  
19 THE PROCEEDING;

20 (e) NOTHING IN THIS SUBSECTION (13) PREVENTS:

21 (I) THE COURT, ON ITS OWN MOTION, AND REGARDLESS OF  
22 WHETHER THE CONSERVATOR HAS FILED A REPORT OR MOTION FOR  
23 INSTRUCTIONS, FROM ORDERING THE CONSERVATOR TO TAKE ANY ACTION  
24 THAT THE COURT DEEMS APPROPRIATE OR FROM APPOINTING AN  
25 ATTORNEY, GUARDIAN AD LITEM, VISITOR, OR PROFESSIONAL EVALUATOR;

26 (II) THE COURT FROM ORDERING THE CONSERVATOR TO APPEAR AT  
27 THE TERMINATION PROCEEDING AND GIVE TESTIMONY; OR



1 (III) ANY PERSON INTERESTED IN THE WELFARE OF THE MINOR  
2 FROM CALLING THE CONSERVATOR AS A WITNESS IN THE TERMINATION  
3 PROCEEDING; AND

4 (f) ANY INDIVIDUAL WHO HAS BEEN APPOINTED AS A  
5 CONSERVATOR, AND IS ALSO A PERSON INTERESTED IN THE WELFARE OF  
6 THE MINOR, AND WHO WANTS TO PARTICIPATE IN THE TERMINATION  
7 PROCEEDING IN THE INDIVIDUAL'S INDIVIDUAL CAPACITY AND NOT IN THE  
8 INDIVIDUAL'S FIDUCIARY CAPACITY, MAY DO SO WITHOUT RESTRICTION OR  
9 LIMITATION. THE PAYMENT OF ANY FEES AND COSTS TO THAT INDIVIDUAL  
10 RELATED TO THE INDIVIDUAL'S DECISION TO PARTICIPATE IN THE  
11 TERMINATION PROCEEDING IS GOVERNED BY SECTION 15-10-602 (7) AND  
12 NOT BY SECTION 15-10-602 (1).

13 **15-14.7-432. Transfer for benefit of minor without**  
14 **appointment of conservator.** (1) UNLESS A PERSON REQUIRED TO  
15 TRANSFER FUNDS OR OTHER PROPERTY TO A MINOR KNOWS THAT A  
16 CONSERVATOR FOR THE MINOR HAS BEEN APPOINTED OR A PROCEEDING IS  
17 PENDING FOR CONSERVATORSHIP, THE PERSON MAY TRANSFER AN AMOUNT  
18 OR VALUE NOT EXCEEDING FIFTEEN THOUSAND DOLLARS IN A  
19 TWELVE-MONTH PERIOD TO:

20 (a) A PERSON THAT HAS CARE OR CUSTODY OF THE MINOR AND  
21 WITH WHOM THE MINOR RESIDES;

22 (b) A GUARDIAN FOR THE MINOR;

23 (c) A CUSTODIAN PURSUANT TO THE "COLORADO UNIFORM  
24 TRANSFERS TO MINORS ACT" OR "UNIFORM GIFTS TO MINORS ACT", PART  
25 1 OF ARTICLE 50 OF TITLE 11; OR

26 (d) A FINANCIAL INSTITUTION AS A DEPOSIT IN AN  
27 INTEREST-BEARING ACCOUNT OR CERTIFICATE SOLELY IN THE NAME OF

1 THE MINOR AND SHALL GIVE NOTICE, PURSUANT TO SECTION 15-10-401, TO  
2 THE MINOR OF THE DEPOSIT.

3 (2) A PERSON THAT TRANSFERS FUNDS OR OTHER PROPERTY  
4 PURSUANT TO THIS SECTION IS NOT RESPONSIBLE FOR ITS PROPER  
5 APPLICATION.

6 (3) A PERSON THAT RECEIVES FUNDS OR OTHER PROPERTY FOR A  
7 MINOR PURSUANT TO SUBSECTION (1)(a) OR (1)(b) OF THIS SECTION MAY  
8 APPLY IT ONLY TO THE SUPPORT, CARE, EDUCATION, HEALTH, OR WELFARE  
9 OF THE MINOR, AND MAY NOT DERIVE A PERSONAL FINANCIAL BENEFIT  
10 FROM IT, EXCEPT FOR REIMBURSEMENT FOR NECESSARY EXPENSES. FUNDS  
11 NOT APPLIED FOR THESE PURPOSES MUST BE PRESERVED FOR THE FUTURE  
12 SUPPORT, CARE, EDUCATION, HEALTH, OR WELFARE OF THE MINOR, AND  
13 THE BALANCE, IF ANY, TRANSFERRED TO THE MINOR WHEN THE MINOR  
14 BECOMES AN ADULT OR OTHERWISE IS EMANCIPATED.

15 **15-14.7-433. Effect of conservator's action on third parties.** A  
16 CONSERVATOR'S RATIFICATION OR INVALIDATION OF A CONTRACT, TRUST,  
17 WILL, OR OTHER TRANSACTION, INCLUDING A TRANSACTION RELATED TO  
18 THE PROPERTY OR BUSINESS AFFAIRS OF THE RESPONDENT PURSUANT TO  
19 THIS ARTICLE 14.7, IS NOT BINDING ON AN INTERESTED PERSON, AS  
20 DEFINED IN SECTION 15-10-201, WITHOUT NOTICE.

21 PART 5

22 OTHER PROTECTIVE ARRANGEMENTS

23 **15-14.7-501. Authority for protective arrangement.**

24 (1) PURSUANT TO THIS PART 14.7, A COURT:

25 (a) ON RECEIVING A PETITION FOR A GUARDIANSHIP FOR AN ADULT  
26 MAY ORDER A PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP AS  
27 A LESS RESTRICTIVE ALTERNATIVE TO GUARDIANSHIP; AND

1 (b) ON RECEIVING A PETITION FOR A CONSERVATORSHIP FOR AN  
2 INDIVIDUAL MAY ORDER A PROTECTIVE ARRANGEMENT INSTEAD OF  
3 CONSERVATORSHIP AS A LESS RESTRICTIVE ALTERNATIVE TO  
4 CONSERVATORSHIP.

5 (2) A PERSON INTERESTED IN AN ADULT'S WELFARE, INCLUDING  
6 THE ADULT OR A CONSERVATOR FOR THE ADULT, MAY PETITION PURSUANT  
7 TO THIS PART 14.7 FOR A PROTECTIVE ARRANGEMENT INSTEAD OF  
8 GUARDIANSHIP.

9 (3) THE FOLLOWING PERSONS MAY PETITION PURSUANT TO THIS  
10 PART 14.7 FOR A PROTECTIVE ARRANGEMENT INSTEAD OF  
11 CONSERVATORSHIP:

12 (a) THE INDIVIDUAL FOR WHOM THE PROTECTIVE ARRANGEMENT  
13 IS SOUGHT;

14 (b) A PERSON INTERESTED IN THE PROPERTY, FINANCIAL AFFAIRS,  
15 OR WELFARE OF THE INDIVIDUAL, INCLUDING A PERSON WHO WOULD BE  
16 AFFECTED ADVERSELY BY LACK OF EFFECTIVE MANAGEMENT OF PROPERTY  
17 OR FINANCIAL AFFAIRS OF THE INDIVIDUAL; AND

18 (c) THE GUARDIAN FOR THE INDIVIDUAL.

19 **15-14.7-502. Basis for protective arrangement instead of**  
20 **guardianship for adult.** (1) AFTER THE HEARING ON A PETITION HELD  
21 PURSUANT TO SECTION 15-14.7-302 FOR A GUARDIANSHIP OR HELD  
22 PURSUANT TO SECTION 15-14.7-501(2) FOR A PROTECTIVE ARRANGEMENT  
23 INSTEAD OF GUARDIANSHIP, THE COURT MAY ISSUE AN ORDER PURSUANT  
24 TO SUBSECTION (2) OF THIS SECTION FOR A PROTECTIVE ARRANGEMENT  
25 INSTEAD OF GUARDIANSHIP IF THE COURT FINDS BY CLEAR AND  
26 CONVINCING EVIDENCE THAT:

27 (a) THE RESPONDENT LACKS THE ABILITY TO MEET ESSENTIAL

1 REQUIREMENTS FOR HEALTH, SAFETY, OR WELFARE BECAUSE THE  
2 RESPONDENT IS UNABLE TO RECEIVE AND EVALUATE INFORMATION OR  
3 MAKE OR COMMUNICATE DECISIONS, EVEN WITH APPROPRIATE SUPPORTIVE  
4 SERVICES, TECHNOLOGICAL ASSISTANCE, OR SUPPORTED DECISION-  
5 MAKING; AND

6 (b) THE RESPONDENT'S IDENTIFIED NEEDS CANNOT BE MET BY A  
7 LESS RESTRICTIVE ALTERNATIVE.

8 (2) IF THE COURT MAKES THE FINDINGS PURSUANT TO SUBSECTION  
9 (1) OF THIS SECTION, THE COURT, INSTEAD OF APPOINTING A GUARDIAN,  
10 MAY:

11 (a) AUTHORIZE OR DIRECT A TRANSACTION NECESSARY TO MEET  
12 THE RESPONDENT'S NEED FOR HEALTH, SAFETY, OR CARE, INCLUDING:

13 (I) A PARTICULAR MEDICAL TREATMENT OR REFUSAL OF A  
14 PARTICULAR MEDICAL TREATMENT;

15 (II) A MOVE TO A SPECIFIED PLACE OF DWELLING; OR

16 (III) VISITATION OR SUPERVISED VISITATION BETWEEN THE  
17 RESPONDENT AND ANOTHER PERSON;

18 (b) RESTRICT ACCESS TO THE RESPONDENT BY A SPECIFIED PERSON  
19 WHOSE ACCESS PLACES THE RESPONDENT AT SUBSTANTIAL RISK OF  
20 PHYSICAL, PSYCHOLOGICAL, OR FINANCIAL HARM; AND

21 (c) ORDER OTHER ARRANGEMENTS ON A LIMITED BASIS THAT ARE  
22 APPROPRIATE.

23 (3) IN DECIDING WHETHER TO ISSUE AN ORDER PURSUANT TO THIS  
24 SECTION, THE COURT SHALL CONSIDER THE FACTORS DESCRIBED IN  
25 SECTIONS 15-14.7-313 AND 15-14.7-314 WHICH A GUARDIAN MUST  
26 CONSIDER WHEN MAKING A DECISION ON BEHALF OF AN ADULT SUBJECT TO  
27 GUARDIANSHIP.

1           **15-14.7-503. Basis for protective arrangement instead of**

2           **conservatorship.** (1) AFTER THE HEARING ON A PETITION HELD  
3 PURSUANT TO SECTION 15-14.7-402 FOR CONSERVATORSHIP FOR AN ADULT  
4 OR HELD PURSUANT TO SECTION 15-14.7-501(3) FOR A PROTECTIVE  
5 ARRANGEMENT INSTEAD OF CONSERVATORSHIP FOR AN ADULT, THE COURT  
6 MAY ISSUE AN ORDER PURSUANT TO SUBSECTION (3) OF THIS SECTION FOR  
7 A PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP FOR THE  
8 ADULT IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT:

9           (a) THE ADULT IS UNABLE TO MANAGE PROPERTY OR FINANCIAL  
10 AFFAIRS BECAUSE:

11           (I) OF A LIMITATION IN THE ABILITY TO RECEIVE AND EVALUATE  
12 INFORMATION OR MAKE OR COMMUNICATE DECISIONS, EVEN WITH  
13 APPROPRIATE SUPPORTIVE SERVICES, TECHNOLOGICAL ASSISTANCE, OR  
14 SUPPORTED DECISION-MAKING; OR

15           (II) THE ADULT IS MISSING, DETAINED, OR UNABLE TO RETURN TO  
16 THE UNITED STATES;

17           (b) AN ORDER PURSUANT TO SUBSECTION (3) OF THIS SECTION IS  
18 NECESSARY TO:

19           (I) AVOID FINANCIAL HARM TO THE ADULT OR MATERIAL  
20 DISSIPATION OF THE PROPERTY OF THE ADULT; OR

21           (II) OBTAIN OR PROVIDE FUNDS OR OTHER PROPERTY NEEDED FOR  
22 THE SUPPORT, CARE, EDUCATION, HEALTH, OR WELFARE OF THE ADULT OR  
23 AN INDIVIDUAL ENTITLED TO THE ADULT'S SUPPORT; AND

24           (c) THE RESPONDENT'S IDENTIFIED NEEDS CANNOT BE MET BY A  
25 LESS RESTRICTIVE ALTERNATIVE.

26           (2) AFTER THE HEARING ON A PETITION HELD PURSUANT TO  
27 SECTION 15-14.7-402 FOR CONSERVATORSHIP FOR A MINOR OR HELD

1 PURSUANT TO SECTION 15-14.7-501 FOR A PROTECTIVE ARRANGEMENT  
2 INSTEAD OF CONSERVATORSHIP FOR A MINOR, THE COURT MAY ISSUE AN  
3 ORDER PURSUANT TO SUBSECTION (3) OF THIS SECTION FOR A PROTECTIVE  
4 ARRANGEMENT INSTEAD OF CONSERVATORSHIP FOR THE RESPONDENT IF  
5 THE COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT THE  
6 ARRANGEMENT IS IN THE MINOR'S BEST INTEREST, AND:

7 (a) IF THE MINOR HAS A PARENT, THE COURT GIVES WEIGHT TO ANY  
8 RECOMMENDATION OF THE PARENT WHETHER AN ARRANGEMENT IS IN THE  
9 MINOR'S BEST INTEREST;

10 (b) EITHER:

11 (I) THE MINOR OWNS MONEY OR PROPERTY REQUIRING  
12 MANAGEMENT OR PROTECTION THAT OTHERWISE CANNOT BE PROVIDED;

13 (II) THE MINOR HAS OR MAY HAVE FINANCIAL AFFAIRS THAT MAY  
14 BE PUT AT UNREASONABLE RISK OR HINDERED BECAUSE OF THE MINOR'S  
15 AGE; OR

16 (III) THE ARRANGEMENT IS NECESSARY OR DESIRABLE TO OBTAIN  
17 OR PROVIDE FUNDS OR OTHER PROPERTY NEEDED FOR THE SUPPORT, CARE,  
18 EDUCATION, HEALTH, OR WELFARE OF THE MINOR; AND

19 (c) THE ORDER PURSUANT TO SUBSECTION (3) OF THIS SECTION IS  
20 NECESSARY OR DESIRABLE TO OBTAIN OR PROVIDE MONEY NEEDED FOR  
21 THE SUPPORT, CARE, EDUCATION, HEALTH, OR WELFARE OF THE MINOR.

22 (3) IF THE COURT MAKES THE FINDINGS PURSUANT TO SUBSECTION  
23 (1) OR (2) OF THIS SECTION, THE COURT, INSTEAD OF APPOINTING A  
24 CONSERVATOR, MAY:

25 (a) AUTHORIZE OR DIRECT A TRANSACTION NECESSARY TO  
26 PROTECT THE FINANCIAL INTEREST OR PROPERTY OF THE RESPONDENT,  
27 INCLUDING:

- 1 (I) AN ACTION TO ESTABLISH ELIGIBILITY FOR BENEFITS;
- 2 (II) PAYMENT, DELIVERY, DEPOSIT, OR RETENTION OF FUNDS OR
- 3 PROPERTY;
- 4 (III) SALE, MORTGAGE, LEASE, OR OTHER TRANSFER OF PROPERTY;
- 5 (IV) PURCHASE OF AN ANNUITY;
- 6 (V) ENTRY INTO A CONTRACTUAL RELATIONSHIP, INCLUDING A
- 7 CONTRACT TO PROVIDE FOR PERSONAL CARE, SUPPORTIVE SERVICES,
- 8 EDUCATION, TRAINING, OR EMPLOYMENT;
- 9 (VI) ADDITION TO OR ESTABLISHMENT OF A TRUST;
- 10 (VII) RATIFICATION OR INVALIDATION OF A CONTRACT, TRUST,
- 11 WILL, OR OTHER TRANSACTION, INCLUDING A TRANSACTION RELATED TO
- 12 THE PROPERTY OR BUSINESS AFFAIRS OF THE RESPONDENT; OR
- 13 (VIII) SETTLEMENT OF A CLAIM; OR
- 14 (b) RESTRICT ACCESS TO THE RESPONDENT'S PROPERTY BY A
- 15 SPECIFIED PERSON WHOSE ACCESS TO THE PROPERTY PLACES THE
- 16 RESPONDENT AT SUBSTANTIAL RISK OF FINANCIAL HARM.
- 17 (4) AFTER THE HEARING ON A PETITION HELD PURSUANT TO
- 18 SECTION 15-14.7-501(1) OR 15-14.7-501(3), WHETHER OR NOT THE COURT
- 19 MAKES THE FINDINGS PURSUANT TO SUBSECTION (1) OR (2) OF THIS
- 20 SECTION, THE COURT MAY ISSUE AN ORDER TO RESTRICT ACCESS TO THE
- 21 RESPONDENT OR THE RESPONDENT'S PROPERTY BY A SPECIFIED PERSON
- 22 WHO THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE:
- 23 (a) THROUGH FRAUD, COERCION, DURESS, OR THE USE OF
- 24 DECEPTION AND CONTROL CAUSED OR ATTEMPTED TO CAUSE AN ACTION
- 25 THAT WOULD HAVE RESULTED IN FINANCIAL HARM TO THE RESPONDENT
- 26 OR THE RESPONDENT'S PROPERTY; AND
- 27 (b) POSES A SERIOUS RISK OF SUBSTANTIAL FINANCIAL HARM TO

1 THE RESPONDENT OR THE RESPONDENT'S PROPERTY.

2 (5) BEFORE ISSUING AN ORDER PURSUANT TO SUBSECTION (3) OR  
3 (4) OF THIS SECTION, THE COURT SHALL CONSIDER THE FACTORS  
4 DESCRIBED IN SECTION 15-14.7-418 A CONSERVATOR MUST CONSIDER  
5 WHEN MAKING A DECISION ON BEHALF OF AN INDIVIDUAL SUBJECT TO  
6 CONSERVATORSHIP.

7 (6) BEFORE ISSUING AN ORDER PURSUANT TO SUBSECTION (3) OR  
8 (4) OF THIS SECTION FOR A RESPONDENT WHO IS A MINOR, THE COURT ALSO  
9 SHALL CONSIDER THE BEST INTEREST OF THE MINOR, THE PREFERENCE OF  
10 THE PARENTS OF THE MINOR, AND THE PREFERENCE OF THE MINOR, IF THE  
11 MINOR IS TWELVE YEARS OF AGE OR OLDER.

12 **15-14.7-504. Petition for protective arrangement.** (1) A  
13 PETITION FOR A PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP  
14 OR CONSERVATORSHIP MUST STATE THE PETITIONER'S NAME, PRINCIPAL  
15 RESIDENCE, CURRENT STREET ADDRESS, IF DIFFERENT, RELATIONSHIP TO  
16 THE RESPONDENT, INTEREST IN THE PROTECTIVE ARRANGEMENT, THE  
17 NAME AND ADDRESS OF ANY ATTORNEY REPRESENTING THE PETITIONER,  
18 AND, TO THE EXTENT KNOWN, THE FOLLOWING:

19 (a) THE RESPONDENT'S NAME, AGE, PRINCIPAL RESIDENCE,  
20 CURRENT STREET ADDRESS, IF DIFFERENT, AND, IF DIFFERENT, ADDRESS OF  
21 THE DWELLING IN WHICH IT IS PROPOSED THE RESPONDENT WILL RESIDE IF  
22 THE PETITION IS GRANTED;

23 (b) THE NAME AND ADDRESS OF THE RESPONDENT'S:

24 (I) SPOUSE OR DOMESTIC PARTNER OR, IF THE RESPONDENT HAS  
25 NONE, AN ADULT WITH WHOM THE RESPONDENT HAS SHARED HOUSEHOLD  
26 RESPONSIBILITIES FOR MORE THAN SIX MONTHS IN THE TWELVE-MONTH  
27 PERIOD BEFORE THE FILING OF THE PETITION;



1           (II) ADULT CHILDREN OR, IF NONE, EACH PARENT AND ADULT  
2 SIBLING OF THE RESPONDENT; AND

3           (III) ADULT STEPCHILDREN WHOM THE RESPONDENT ACTIVELY  
4 PARENTED DURING THE STEPCHILDRENS' MINOR YEARS AND WITH WHOM  
5 THE RESPONDENT HAD AN ONGOING RELATIONSHIP IN THE TWO YEAR  
6 PERIOD IMMEDIATELY BEFORE THE FILING OF THE PETITION;

7           (c) THE NAME AND CURRENT ADDRESS OF EACH OF THE  
8 FOLLOWING, IF APPLICABLE:

9           (I) A PERSON RESPONSIBLE FOR THE CARE OR CUSTODY OF THE  
10 RESPONDENT;

11           (II) ANY ATTORNEY CURRENTLY REPRESENTING THE RESPONDENT;

12           (III) THE REPRESENTATIVE PAYEE APPOINTED BY THE SOCIAL  
13 SECURITY ADMINISTRATION FOR THE RESPONDENT;

14           (IV) A GUARDIAN OR CONSERVATOR ACTING FOR THE RESPONDENT  
15 IN THIS STATE OR ANOTHER JURISDICTION;

16           (V) A TRUSTEE OR CUSTODIAN OF A TRUST OR CUSTODIANSHIP OF  
17 WHICH THE RESPONDENT IS A BENEFICIARY;

18           (VI) THE FIDUCIARY APPOINTED FOR THE RESPONDENT BY THE  
19 DEPARTMENT OF VETERANS AFFAIRS;

20           (VII) AN AGENT DESIGNATED UNDER A POWER OF ATTORNEY FOR  
21 HEALTH CARE IN WHICH THE RESPONDENT IS IDENTIFIED AS THE PRINCIPAL;

22           (VIII) AN AGENT DESIGNATED UNDER A POWER OF ATTORNEY FOR  
23 FINANCES IN WHICH THE RESPONDENT IS IDENTIFIED AS THE PRINCIPAL;

24           (IX) A PERSON NOMINATED AS GUARDIAN OR CONSERVATOR BY  
25 THE RESPONDENT IF THE RESPONDENT IS TWELVE YEARS OF AGE OR OLDER;

26           (X) A PERSON NOMINATED AS GUARDIAN BY THE RESPONDENT'S  
27 PARENT, SPOUSE, OR DOMESTIC PARTNER IN A WILL OR OTHER SIGNED

1 RECORD;

2 (XI) A MEMBER OF THE RESPONDENT'S SUPPORTIVE COMMUNITY;

3 AND

4 (XII) IF THE RESPONDENT IS A MINOR:

5 (A) AN ADULT NOT OTHERWISE LISTED WITH WHOM THE  
6 RESPONDENT RESIDES; AND

7 (B) EACH PERSON NOT OTHERWISE LISTED THAT HAD PRIMARY  
8 CARE OR CUSTODY OF THE RESPONDENT FOR AT LEAST SIXTY DAYS DURING  
9 THE TWO YEARS IMMEDIATELY BEFORE THE FILING OF THE PETITION OR  
10 FOR AT LEAST SEVEN HUNDRED AND THIRTY DAYS DURING THE FIVE YEARS  
11 IMMEDIATELY BEFORE THE FILING OF THE PETITION;

12 (d) THE NATURE OF THE PROTECTIVE ARRANGEMENT SOUGHT;

13 (e) THE REASON THE PROTECTIVE ARRANGEMENT SOUGHT IS  
14 NECESSARY, INCLUDING A BRIEF DESCRIPTION OF:

15 (I) THE NATURE AND EXTENT OF THE RESPONDENT'S ALLEGED  
16 NEED;

17 (II) ANY LESS RESTRICTIVE ALTERNATIVE FOR MEETING THE  
18 RESPONDENT'S ALLEGED NEED WHICH HAS BEEN CONSIDERED OR  
19 IMPLEMENTED;

20 (III) IF NO LESS RESTRICTIVE ALTERNATIVE HAS BEEN CONSIDERED  
21 OR IMPLEMENTED, THE REASON LESS RESTRICTIVE ALTERNATIVES HAVE  
22 NOT BEEN CONSIDERED OR IMPLEMENTED; AND

23 (IV) THE REASON OTHER LESS RESTRICTIVE ALTERNATIVES ARE  
24 INSUFFICIENT TO MEET THE RESPONDENT'S ALLEGED NEED;

25 (f) THE NAME AND CURRENT ADDRESS, IF KNOWN, OF ANY PERSON  
26 WITH WHOM THE PETITIONER SEEKS TO LIMIT THE RESPONDENT'S  
27 CONTACT;

1 (g) WHETHER THE RESPONDENT NEEDS AN INTERPRETER,  
2 TRANSLATOR, OR OTHER FORM OF SUPPORT TO COMMUNICATE  
3 EFFECTIVELY WITH THE COURT OR UNDERSTAND COURT PROCEEDINGS;

4 (h) IF A PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP IS  
5 SOUGHT AND THE RESPONDENT HAS PROPERTY OTHER THAN PERSONAL  
6 EFFECTS, A GENERAL STATEMENT OF THE RESPONDENT'S PROPERTY WITH  
7 AN ESTIMATE OF ITS VALUE, INCLUDING ANY INSURANCE OR PENSION, AND  
8 THE SOURCE AND AMOUNT OF ANY OTHER ANTICIPATED INCOME OR  
9 RECEIPTS; AND

10 (i) IF A PROTECTIVE ARRANGEMENT INSTEAD OF  
11 CONSERVATORSHIP IS SOUGHT, A GENERAL STATEMENT OF THE  
12 RESPONDENT'S PROPERTY WITH AN ESTIMATE OF ITS VALUE, INCLUDING  
13 ANY INSURANCE OR PENSION, AND THE SOURCE AND AMOUNT OF OTHER  
14 ANTICIPATED INCOME OR RECEIPTS.

15 **15-14.7-505. Notice and hearing.** (1) ON FILING OF A PETITION  
16 PURSUANT TO SECTION 15-14.7-501, THE COURT SHALL SET A DATE, TIME,  
17 AND PLACE FOR A HEARING ON THE PETITION.

18 (2) A COPY OF A PETITION DESCRIBED IN SECTION 15-14.7-501 AND  
19 NOTICE OF A HEARING ON THE PETITION MUST BE SERVED PERSONALLY ON  
20 THE RESPONDENT. THE NOTICE MUST INFORM THE RESPONDENT OF THE  
21 RESPONDENT'S RIGHTS AT THE HEARING, INCLUDING THE RIGHT TO AN  
22 ATTORNEY AND TO ATTEND THE HEARING. THE NOTICE MUST INCLUDE A  
23 DESCRIPTION OF THE NATURE, PURPOSE, AND CONSEQUENCES OF  
24 GRANTING THE PETITION. THE COURT SHALL NOT GRANT THE PETITION IF  
25 NOTICE SUBSTANTIALLY COMPLYING WITH THIS SUBSECTION (2) IS NOT  
26 SERVED ON THE RESPONDENT.

27 (3) IN A PROCEEDING ON A PETITION HELD PURSUANT TO SECTION

1 15-14.7-501, THE NOTICE REQUIRED PURSUANT TO SUBSECTION (2) OF THIS  
2 SECTION MUST BE GIVEN, PURSUANT TO SECTION 15-10-401, TO THE  
3 PERSONS REQUIRED TO BE LISTED IN THE PETITION PURSUANT TO SECTION  
4 15-14.7-504 (1) TO 15-14.7-504 (3) AND ANY OTHER PERSON INTERESTED  
5 IN THE RESPONDENT'S WELFARE THE COURT DETERMINES. FAILURE TO GIVE  
6 NOTICE, AS DESCRIBED IN SECTION 15-10-401, PURSUANT TO THIS  
7 SUBSECTION (3) DOES NOT PRECLUDE THE COURT FROM GRANTING THE  
8 PETITION.

9 (4) IF A PETITION FILED PURSUANT TO SECTION 15-14.7-504 DOES  
10 NOT INCLUDE THE NAME OF AT LEAST ONE PERSON DESCRIBED IN SECTION  
11 15-14.7-504 (1)(b), THE PETITIONER MUST SEARCH WITH REASONABLE  
12 DILIGENCE FOR AN ADULT RELATIVE OF THE RESPONDENT AND, IF AN  
13 ADULT RELATIVE IS FOUND, GIVE THE ADULT RELATIVE NOTICE, IN  
14 ACCORDANCE WITH SECTION 15-10-401, THAT A PETITION FOR A  
15 PROTECTIVE ARRANGEMENT OF THE RESPONDENT HAS BEEN FILED AND  
16 GIVE NOTICE OF A HEARING ON THE PETITION. THE NOTICE SENT TO THE  
17 ADULT RELATIVE OF THE RESPONDENT MUST NOT INCLUDE A COPY OF THE  
18 PETITION. FAILURE TO GIVE NOTICE PURSUANT TO THIS SUBSECTION (4)  
19 DOES NOT PRECLUDE THE COURT FROM APPOINTING A PROTECTIVE  
20 ARRANGEMENT.

21 (5) AFTER THE COURT HAS ORDERED A PROTECTIVE ARRANGEMENT  
22 PURSUANT TO THIS PART 5, NOTICE OF A HEARING ON A PETITION FILED  
23 PURSUANT TO THIS ARTICLE 14.7, TOGETHER WITH A COPY OF THE  
24 PETITION, MUST BE GIVEN TO THE RESPONDENT AND ANY OTHER PERSON  
25 THE COURT DETERMINES.

26 **15-14.7-506. Appointment and role of visitor.** (1) ON FILING OF  
27 A PETITION PURSUANT TO SECTION 15-14.7-501 FOR A PROTECTIVE

1 ARRANGEMENT INSTEAD OF GUARDIANSHIP, THE COURT SHALL APPOINT A  
2 VISITOR. THE COURT SHALL DISCLOSE IN THE ORDER APPOINTING THE  
3 VISITOR THE SPECIFIC TRAINING OR EXPERIENCE THE VISITOR HAS WITH  
4 RESPECT TO THE TYPE OF ABILITIES, LIMITATIONS, AND NEEDS OF THE  
5 RESPONDENT ALLEGED IN THE PETITION AND THE BASIS FOR FEES TO BE  
6 PAID TO THE VISITOR.

7 (2) ON FILING OF A PETITION PURSUANT TO SECTION 15-14.7-501  
8 FOR A PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP FOR A  
9 MINOR, THE COURT MAY APPOINT A VISITOR TO INVESTIGATE A MATTER  
10 RELATED TO THE PETITION OR INFORM THE MINOR OR A PARENT OF THE  
11 MINOR ABOUT THE PETITION OR A RELATED MATTER.

12 (3) ON FILING OF A PETITION PURSUANT TO SECTION 15-14.7-501  
13 FOR A PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP FOR AN  
14 ADULT, THE COURT SHALL APPOINT A VISITOR UNLESS THE RESPONDENT IS  
15 REPRESENTED BY AN ATTORNEY APPOINTED BY THE COURT. THE VISITOR  
16 MUST BE AN INDIVIDUAL WITH TRAINING OR EXPERIENCE IN THE TYPES OF  
17 ABILITIES, LIMITATIONS, AND NEEDS ALLEGED IN THE PETITION.

18 (4) A VISITOR APPOINTED PURSUANT TO SUBSECTION (1) OR (3) OF  
19 THIS SECTION SHALL INTERVIEW THE RESPONDENT IN PERSON AND, IN A  
20 MANNER THE RESPONDENT IS BEST ABLE TO UNDERSTAND:

21 (a) EXPLAIN TO THE RESPONDENT THE SUBSTANCE OF THE  
22 PETITION, THE NATURE, PURPOSE, AND EFFECT OF THE PROCEEDING, AND  
23 THE RESPONDENT'S RIGHTS AT THE HEARING ON THE PETITION;

24 (b) DETERMINE THE RESPONDENT'S VIEWS WITH RESPECT TO THE  
25 ORDER SOUGHT;

26 (c) INFORM THE RESPONDENT OF THE RESPONDENT'S RIGHT TO  
27 EMPLOY AND CONSULT WITH AN ATTORNEY AT THE RESPONDENT'S

1 EXPENSE AND THE RIGHT TO REQUEST A COURT-APPOINTED ATTORNEY;

2 (d) INFORM THE RESPONDENT THAT ALL COSTS AND EXPENSES OF  
3 THE PROCEEDING, INCLUDING RESPONDENT'S ATTORNEY FEES, MAY BE  
4 PAID FROM THE RESPONDENT'S ASSETS;

5 (e) IF THE PETITIONER SEEKS AN ORDER RELATED TO THE  
6 DWELLING OF THE RESPONDENT, VISIT THE RESPONDENT'S PRESENT  
7 DWELLING AND ANY DWELLING IN WHICH IT IS REASONABLY BELIEVED THE  
8 RESPONDENT WILL LIVE IF THE ORDER IS GRANTED;

9 (f) IF A PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP IS  
10 SOUGHT, OBTAIN INFORMATION FROM ANY PHYSICIAN OR OTHER PERSON  
11 KNOWN TO HAVE TREATED, ADVISED, OR ASSESSED THE RESPONDENT'S  
12 RELEVANT PHYSICAL OR MENTAL CONDITION;

13 (g) IF A PROTECTIVE ARRANGEMENT INSTEAD OF  
14 CONSERVATORSHIP IS SOUGHT, REVIEW FINANCIAL RECORDS OF THE  
15 RESPONDENT, IF RELEVANT TO THE VISITOR'S RECOMMENDATION  
16 PURSUANT TO SUBSECTION (5)(c) OF THIS SECTION; AND

17 (h) INVESTIGATE THE ALLEGATIONS IN THE PETITION AND ANY  
18 OTHER MATTER RELATING TO THE PETITION THE COURT DIRECTS.

19 (5) A VISITOR DESCRIBED IN THIS SECTION PROMPTLY SHALL FILE  
20 A REPORT IN A RECORD WITH THE COURT, WHICH MUST INCLUDE:

21 (a) A RECOMMENDATION WHETHER AN ATTORNEY SHOULD BE  
22 APPOINTED TO REPRESENT THE RESPONDENT;

23 (b) TO THE EXTENT RELEVANT TO THE ORDER SOUGHT, A  
24 SUMMARY OF SELF-CARE, INDEPENDENT-LIVING TASKS, AND FINANCIAL  
25 MANAGEMENT TASKS THE RESPONDENT:

26 (I) CAN MANAGE WITHOUT ASSISTANCE OR WITH EXISTING  
27 SUPPORTS;

1 (II) COULD MANAGE WITH THE ASSISTANCE OF APPROPRIATE  
2 SUPPORTIVE SERVICES, TECHNOLOGICAL ASSISTANCE, OR SUPPORTED  
3 DECISION MAKING; AND

4 (III) CANNOT MANAGE;

5 (c) A RECOMMENDATION REGARDING THE APPROPRIATENESS OF  
6 THE PROTECTIVE ARRANGEMENT SOUGHT AND WHETHER A LESS  
7 RESTRICTIVE ALTERNATIVE FOR MEETING THE RESPONDENT'S NEEDS IS  
8 AVAILABLE;

9 (d) IF THE PETITION SEEKS TO CHANGE THE PHYSICAL LOCATION OF  
10 THE DWELLING OF THE RESPONDENT, A STATEMENT WHETHER THE  
11 PROPOSED DWELLING MEETS THE RESPONDENT'S NEEDS AND WHETHER THE  
12 RESPONDENT HAS EXPRESSED A PREFERENCE AS TO THE RESPONDENT'S  
13 DWELLING;

14 (e) A RECOMMENDATION WHETHER A PROFESSIONAL EVALUATION  
15 PURSUANT TO SECTION 15-14.7-508 IS NECESSARY;

16 (f) A STATEMENT WHETHER THE RESPONDENT IS ABLE TO ATTEND  
17 A HEARING AT THE LOCATION COURT PROCEEDINGS TYPICALLY ARE HELD;

18 (g) A STATEMENT WHETHER THE RESPONDENT IS ABLE TO  
19 PARTICIPATE IN A HEARING AND WHICH IDENTIFIES ANY TECHNOLOGY OR  
20 OTHER FORM OF SUPPORT THAT WOULD ENHANCE THE RESPONDENT'S  
21 ABILITY TO PARTICIPATE; AND

22 (h) ANY OTHER MATTER THE COURT DIRECTS.

23 **15-14.7-507. Appointment and role of attorney.** (1) THE COURT  
24 SHALL APPOINT AN ATTORNEY TO REPRESENT THE RESPONDENT IN A  
25 PROCEEDING PURSUANT TO THIS PART 5 IF:

26 (a) THE RESPONDENT REQUESTS THE APPOINTMENT;

27 (b) THE VISITOR RECOMMENDS THE APPOINTMENT; OR

1 (c) THE COURT DETERMINES THE RESPONDENT NEEDS  
2 REPRESENTATION.

3 (2) AN ATTORNEY REPRESENTING THE RESPONDENT IN A  
4 PROCEEDING PURSUANT TO THIS PART 5 SHALL:

5 (a) MAKE REASONABLE EFFORTS TO ASCERTAIN THE RESPONDENT'S  
6 WISHES;

7 (b) ADVOCATE FOR THE RESPONDENT'S WISHES TO THE EXTENT  
8 REASONABLY ASCERTAINABLE; AND

9 (c) IF THE RESPONDENT'S WISHES ARE NOT REASONABLY  
10 ASCERTAINABLE, ADVOCATE FOR THE RESULT THAT IS THE LEAST  
11 RESTRICTIVE ALTERNATIVE IN TYPE, DURATION, AND SCOPE, CONSISTENT  
12 WITH THE RESPONDENT'S INTERESTS.

13 **15-14.7-508. Professional evaluation.** (1) AT OR BEFORE A  
14 HEARING ON A PETITION HELD PURSUANT TO THIS PART 5 FOR A  
15 PROTECTIVE ARRANGEMENT, THE COURT SHALL ORDER A PROFESSIONAL  
16 EVALUATION OF THE RESPONDENT:

17 (a) IF THE RESPONDENT REQUESTS THE EVALUATION; OR

18 (b) IN OTHER CASES, UNLESS THE COURT FINDS THAT IT HAS  
19 SUFFICIENT INFORMATION TO DETERMINE THE RESPONDENT'S NEEDS AND  
20 ABILITIES WITHOUT THE EVALUATION.

21 (2) IF THE COURT ORDERS AN EVALUATION PURSUANT TO  
22 SUBSECTION (1) OF THIS SECTION, THE RESPONDENT MUST BE EXAMINED  
23 BY A LICENSED PHYSICIAN, PSYCHOLOGIST, SOCIAL WORKER, OR OTHER  
24 INDIVIDUAL APPOINTED BY THE COURT WHO IS QUALIFIED TO EVALUATE  
25 THE RESPONDENT'S ALLEGED COGNITIVE AND FUNCTIONAL ABILITIES AND  
26 LIMITATIONS AND WILL NOT BE ADVANTAGED OR DISADVANTAGED BY A  
27 DECISION TO GRANT THE PETITION OR OTHERWISE HAVE A CONFLICT OF



1 INTEREST. THE INDIVIDUAL CONDUCTING THE EVALUATION PROMPTLY  
2 SHALL FILE A REPORT IN A RECORD WITH THE COURT. UNLESS OTHERWISE  
3 DIRECTED BY THE COURT, THE REPORT MUST CONTAIN:

4 (a) A DESCRIPTION OF THE NATURE, TYPE, AND EXTENT OF THE  
5 RESPONDENT'S COGNITIVE AND FUNCTIONAL ABILITIES AND LIMITATIONS;

6 (b) AN EVALUATION OF THE RESPONDENT'S MENTAL AND PHYSICAL  
7 CONDITION AND, IF APPROPRIATE, EDUCATIONAL POTENTIAL, ADAPTIVE  
8 BEHAVIOR, AND SOCIAL SKILLS;

9 (c) A PROGNOSIS FOR IMPROVEMENT, INCLUDING WITH REGARD TO  
10 THE ABILITY TO MANAGE THE RESPONDENT'S PROPERTY AND FINANCIAL  
11 AFFAIRS IF A LIMITATION IN THAT ABILITY IS ALLEGED, AND  
12 RECOMMENDATION FOR THE APPROPRIATE TREATMENT, SUPPORT, OR  
13 HABILITATION PLAN; AND

14 (d) THE DATE OF THE EXAMINATION ON WHICH THE REPORT IS  
15 BASED.

16 (3) THE RESPONDENT MAY DECLINE TO PARTICIPATE IN AN  
17 EVALUATION ORDERED PURSUANT TO SUBSECTION (1) OF THIS SECTION.

18 **15-14.7-509. Attendance and rights at hearing.** (1) EXCEPT AS  
19 OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, A HEARING  
20 HELD PURSUANT TO THIS PART 5 MAY NOT PROCEED UNLESS THE  
21 RESPONDENT ATTENDS THE HEARING. IF IT IS NOT REASONABLY FEASIBLE  
22 FOR THE RESPONDENT TO ATTEND A HEARING AT THE LOCATION COURT  
23 PROCEEDINGS TYPICALLY ARE HELD, THE COURT SHALL HOLD A HEARING  
24 USING REAL-TIME AUDIO-VISUAL TECHNOLOGY OR, AT THE COURT'S  
25 DISCRETION, HOLD THE HEARING AT AN ALTERNATIVE LOCATION WHERE  
26 THE RESPONDENT CAN ATTEND USING REAL-TIME AUDIO-VISUAL  
27 TECHNOLOGY.

1 (2) A HEARING HELD PURSUANT TO THIS PART 5 MAY PROCEED  
2 WITHOUT THE RESPONDENT IN ATTENDANCE IF THE COURT FINDS BY CLEAR  
3 AND CONVINCING EVIDENCE THAT:

4 (a) THE RESPONDENT HAS REFUSED TO ATTEND THE HEARING  
5 AFTER HAVING BEEN FULLY INFORMED OF THE RIGHT TO ATTEND AND THE  
6 POTENTIAL CONSEQUENCES OF FAILING TO DO SO;

7 (b) THERE IS NO PRACTICABLE WAY FOR THE RESPONDENT TO  
8 ATTEND AND PARTICIPATE IN THE HEARING EVEN WITH APPROPRIATE  
9 SUPPORTIVE SERVICES AND TECHNOLOGICAL ASSISTANCE; OR

10 (c) THE RESPONDENT IS A MINOR WHO HAS RECEIVED PROPER  
11 NOTICE AND ATTENDANCE WOULD BE HARMFUL TO THE MINOR.

12 (3) THE RESPONDENT MAY BE ASSISTED IN A HEARING HELD  
13 PURSUANT TO THIS PART 5 BY A PERSON OR PERSONS OF THE RESPONDENT'S  
14 CHOOSING, ASSISTIVE TECHNOLOGY, OR AN INTERPRETER OR TRANSLATOR,  
15 OR A COMBINATION OF THESE SUPPORTS. IF ASSISTANCE WOULD  
16 FACILITATE THE RESPONDENT'S PARTICIPATION IN THE HEARING, BUT IS  
17 NOT OTHERWISE AVAILABLE TO THE RESPONDENT, THE COURT SHALL  
18 MAKE REASONABLE EFFORTS TO PROVIDE IT.

19 (4) THE RESPONDENT HAS A RIGHT TO CHOOSE AN ATTORNEY TO  
20 REPRESENT THE RESPONDENT AT A HEARING HELD PURSUANT TO THIS PART  
21 5.

22 (5) AT A HEARING HELD PURSUANT TO THIS PART 5, THE  
23 RESPONDENT MAY:

24 (a) PRESENT EVIDENCE AND SUBPOENA WITNESSES AND  
25 DOCUMENTS;

26 (b) EXAMINE WITNESSES, INCLUDING ANY COURT-APPOINTED  
27 EVALUATOR AND THE VISITOR; AND

1 (c) OTHERWISE PARTICIPATE IN THE HEARING.

2 (6) A HEARING HELD PURSUANT TO THIS PART 5 MUST BE CLOSED  
3 ON REQUEST OF THE RESPONDENT AND A SHOWING OF GOOD CAUSE.

4 (7) ANY PERSON MAY REQUEST TO PARTICIPATE IN A HEARING  
5 HELD PURSUANT TO THIS PART 5. THE COURT MAY GRANT THE REQUEST,  
6 WITH OR WITHOUT A HEARING, ON DETERMINING THAT THE BEST INTEREST  
7 OF THE RESPONDENT WILL BE SERVED. THE COURT MAY IMPOSE  
8 APPROPRIATE CONDITIONS ON THE PERSON'S PARTICIPATION.

9 **15-14.7-510. Notice of order.** THE COURT SHALL GIVE NOTICE,  
10 PURSUANT TO SECTION 15-10-401, OF AN ORDER PURSUANT TO THIS PART  
11 5 TO THE INDIVIDUAL WHO IS SUBJECT TO THE PROTECTIVE ARRANGEMENT  
12 INSTEAD OF GUARDIANSHIP OR CONSERVATORSHIP, A PERSON WHOSE  
13 ACCESS TO THE INDIVIDUAL IS RESTRICTED BY THE ORDER, AND ANY  
14 OTHER PERSON THE COURT DETERMINES.

15 **15-14.7-511. Confidentiality of records.** THE COURT SHALL  
16 COMPLY WITH THE ADMINISTRATIVE RULES ADOPTED BY THE JUDICIAL  
17 DEPARTMENT CONCERNING THE CONFIDENTIALITY OF COURT RECORDS.

18 **15-14.7-512. Appointment of special conservator.** THE COURT  
19 MAY APPOINT A SPECIAL CONSERVATOR TO ASSIST IN IMPLEMENTING A  
20 PROTECTIVE ARRANGEMENT PURSUANT TO THIS PART 5. THE SPECIAL  
21 CONSERVATOR HAS THE AUTHORITY CONFERRED BY THE ORDER OF  
22 APPOINTMENT AND SERVES UNTIL DISCHARGED BY COURT ORDER.

23 PART 6

24 MISCELLANEOUS PROVISIONS

25 **15-14.7-601. Uniformity of application and construction.** IN  
26 APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION MUST BE  
27 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT

1 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

2 **15-14.7-602. Relation to electronic signatures in global and**  
3 **national commerce act.** THIS ARTICLE 14.7 MODIFIES, LIMITS, OR  
4 SUPERSEDES THE "ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL  
5 COMMERCE ACT", 15 U.S.C. SEC 7001 ET SEQ., BUT DOES NOT MODIFY,  
6 LIMIT, OR SUPERSEDE SECTION 101 (c) OF 15 U.S.C. SEC 7001(c), OR  
7 AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE NOTICES DESCRIBED IN  
8 SECTION 103 (b) OF 15 U.S.C. SEC 7003(b).

9 **15-14.7-603. Applicability.** (1) THIS ARTICLE 14.7 APPLIES TO:

10 (a) A PROCEEDING FOR APPOINTMENT OF A GUARDIAN OR  
11 CONSERVATOR OR FOR A PROTECTIVE ARRANGEMENT INSTEAD OF  
12 GUARDIANSHIP OR CONSERVATORSHIP COMMENCED AFTER JULY 1, 2026;  
13 AND

14 (b) A GUARDIANSHIP, CONSERVATORSHIP, OR PROTECTIVE  
15 ARRANGEMENT INSTEAD OF GUARDIANSHIP OR CONSERVATORSHIP IN  
16 EXISTENCE ON JULY 1, 2026, UNLESS THE COURT FINDS APPLICATION OF A  
17 PARTICULAR PROVISION OF THIS ARTICLE 14.7 WOULD SUBSTANTIALLY  
18 INTERFERE WITH THE EFFECTIVE CONDUCT OF THE PROCEEDING OR  
19 PREJUDICE THE RIGHTS OF A PARTY, IN WHICH CASE THE PARTICULAR  
20 PROVISION OF THIS ARTICLE 14.7 DOES NOT APPLY AND THE SUPERSEDED  
21 LAW APPLIES.

22 (2) A GUARDIAN OR CONSERVATOR APPOINTED PRIOR TO JULY 1,  
23 2026, IS NOT REQUIRED TO PETITION A COURT TO REVIEW THE TERMS OF AN  
24 ESTABLISHED GUARDIANSHIP OR CONSERVATORSHIP IN COMPLIANCE WITH  
25 THIS ARTICLE 14.7.

26 **15-14.7-604. Severability.** IF ANY PROVISION OF THIS ARTICLE  
27 14.7 OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD

1 INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR  
2 APPLICATIONS OF THIS ARTICLE 14.7 WHICH CAN BE GIVEN EFFECT  
3 WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE  
4 PROVISIONS OF THIS ARTICLE 14.7 ARE SEVERABLE.

5 **15-14.7-605. Acceptance of gifts, grants, or donations.** THE  
6 JUDICIAL DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,  
7 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF  
8 THIS ARTICLE 14.7.

9 **15-14.7-606. Effective date.** THIS ARTICLE 14.7 TAKES EFFECT  
10 JULY 1, 2026.

11 **SECTION 2.** In Colorado Revised Statutes, 7-60-132, **amend** (1)  
12 introductory portion and (1)(a) as follows:

13 **7-60-132. Dissolution by decree of court.** (1) ~~On~~ UPON  
14 application by or for a partner, the court ~~shall~~ MUST decree a dissolution  
15 if:

16 (a) A partner has been determined by the court to be mentally  
17 incompetent to such a degree that the partner is incapable of performing  
18 the partner's part of the partnership contract or a court of competent  
19 jurisdiction has made such a finding pursuant to ~~part 3 or part 4 of article~~  
20 ~~14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15 or section  
21 27-65-110 (4) or 27-65-127;

22 **SECTION 3.** In Colorado Revised Statutes, 11-50-102, **amend**  
23 the introductory portion and (5) as follows:

24 **11-50-102. Definitions.** As used in this ~~article~~ ARTICLE 50, unless  
25 the context otherwise requires:

26 (5) "Court" means the district or probate court ~~which~~ THAT would  
27 have jurisdiction of the minor's estate, if ~~he~~ THE MINOR had property other

1 than custodial property, as provided in ~~section 15-14-108 (1), C.R.S.~~  
2 SECTION 15-14.7-106 (1).

3 **SECTION 4.** In Colorado Revised Statutes, 12-215-115, **amend**  
4 (7) as follows:

5 **12-215-115. Discipline of licensees - suspension, revocation,**  
6 **denial, and probation - grounds - definitions.** (7) In the event any  
7 person holding a license to practice chiropractic in this state is determined  
8 to be mentally incompetent or insane by a court of competent jurisdiction  
9 and a court enters, pursuant to ~~part 3 or 4 of article 14 of title 15~~ PART 3,  
10 4, OR 5 OF ARTICLE 14.7 OF TITLE 15 or section 27-65-110 (4) or  
11 27-65-127, an order specifically finding that the mental incompetency or  
12 insanity is of such a degree that the person holding a license is incapable  
13 of continuing to practice chiropractic, ~~the person's license shall~~  
14 ~~automatically be suspended by the board~~ THE BOARD MUST  
15 AUTOMATICALLY SUSPEND THE PERSON'S LICENSE, and, anything in this  
16 article 215 to the contrary notwithstanding, the suspension must continue  
17 until the licensee is found by the court to be competent to practice  
18 chiropractic.

19 **SECTION 5.** In Colorado Revised Statutes, 12-240-125, **amend**  
20 (7) as follows:

21 **12-240-125. Disciplinary action by board - rules.** (7) If any  
22 licensee is determined to be mentally incompetent or insane by a court of  
23 competent jurisdiction and a court enters, pursuant to ~~part 3 or 4 of article~~  
24 ~~14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15 or section  
25 27-65-110 (4) or 27-65-127, an order specifically finding that the mental  
26 incompetency or insanity is of such a degree that the licensee is incapable  
27 of continuing to practice medicine, practice as a physician assistant, or

1 practice as an anesthesiologist assistant, the board ~~shall~~ MUST  
2 automatically suspend the licensee's license, and, anything in this article  
3 240 to the contrary notwithstanding, the suspension must continue until  
4 the licensee is found by the court to be competent to practice medicine,  
5 practice as a physician assistant, or practice as an anesthesiologist  
6 assistant.

7 **SECTION 6.** In Colorado Revised Statutes, 12-255-119, **amend**  
8 (7) as follows:

9 **12-255-119. Disciplinary procedures of the board - inquiry**  
10 **and hearings panels - mental and physical examinations - definitions**  
11 **- rules.** (7) In case any nurse or certified midwife is determined to be  
12 mentally incompetent or insane by a court of competent jurisdiction and  
13 a court enters, pursuant to ~~part 3 or 4 of article 14 of title 15~~ PART 3, 4, OR  
14 5 OF ARTICLE 14.7 OF TITLE 15 or section 27-65-110 (4) or 27-65-127, an  
15 order specifically finding that the mental incompetency or insanity is of  
16 such a degree that the nurse or certified midwife is incapable of  
17 continuing the practice of nursing or as a certified midwife, the board  
18 ~~shall~~ MUST automatically suspend the nurse's or certified midwife's  
19 license, and, notwithstanding any provision of this part 1 to the contrary,  
20 the suspension must continue until the nurse or certified midwife is found  
21 by the court to be competent to continue the practice of nursing or the  
22 practice as a certified midwife, as applicable.

23 **SECTION 7.** In Colorado Revised Statutes, 12-290-113, **amend**  
24 (8) as follows:

25 **12-290-113. Disciplinary action by board.** (8) If a person  
26 holding a license to practice podiatry in this state is determined to be  
27 mentally incompetent or insane by a court of competent jurisdiction and

1 a court enters, pursuant to ~~part 3 or 4 of article 14 of title 15~~ PART 3, 4, OR  
2 5 OF ARTICLE 14.7 OF TITLE 15 or section 27-65-110 (4) or 27-65-127, an  
3 order specifically finding that the mental incompetency or insanity is of  
4 such a degree that the person holding a license is incapable of continuing  
5 to practice podiatry, the board ~~shall~~ MUST automatically suspend the  
6 license, and, anything in this article 290 to the contrary notwithstanding,  
7 the suspension must continue until the licensee is found by the court to be  
8 competent to practice podiatry.

9 **SECTION 8.** In Colorado Revised Statutes, 12-315-112, **amend**  
10 (1)(v) as follows:

11 **12-315-112. Discipline of licensees.** (1) Upon receipt of a signed  
12 complaint by a complainant or upon its own motion, the board may  
13 proceed to a hearing in accordance with section 12-315-113. After a  
14 hearing, and by a concurrence of a majority of members, the board may  
15 take disciplinary or other action as authorized in section 12-20-404  
16 against an applicant for a license or a licensed veterinarian for any of the  
17 following reasons:

18 (v) A determination that the individual is mentally incompetent by  
19 a court of competent jurisdiction and the court has entered, pursuant to  
20 ~~part 3 or 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF  
21 TITLE 15 or section 27-65-110 (4) or 27-65-127, an order specifically  
22 finding that the mental incompetency is of such a degree that the  
23 individual is incapable of continuing to practice veterinary medicine;

24 **SECTION 9.** In Colorado Revised Statutes, 12-315-207, **amend**  
25 **as it exists until January 1, 2026,** (1)(l) as follows:

26 **12-315-207. Discipline of a registered veterinary technician -**  
27 **repeal.** (1) Upon receipt of a signed complaint by a complainant or upon



1 its own motion, the board may proceed to a hearing in accordance with  
2 section 12-315-113. After a hearing, and by a concurrence of a majority  
3 of members, the board may take disciplinary action as authorized in  
4 section 12-20-404 against an applicant for a registration, a registered  
5 veterinary technician, or a veterinary technician specialist for any of the  
6 following reasons:

7 (l) A determination that the individual is mentally incompetent by  
8 a court of competent jurisdiction, and the court has entered, pursuant to  
9 ~~part 3 or 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF  
10 TITLE 15 or section 27-65-110 (4) or 27-65-127, an order specifically  
11 finding that the mental incompetency is of such a degree that the  
12 individual is incapable of continuing to hold a registration as a veterinary  
13 technician;

14 **SECTION 10.** In Colorado Revised Statutes, 12-315-207, **amend**  
15 **as it will become effective January 1, 2026,** (1)(l) as follows

16 **12-315-207. Discipline - registered veterinary technician -**  
17 **veterinary technician specialist - registered veterinary professional**  
18 **associate - definition - repeal.** (1) Upon receipt of a signed complaint  
19 by a complainant or upon its own motion, the board may proceed to a  
20 hearing in accordance with section 12-315-113. After a hearing, and by  
21 a concurrence of a majority of members, the board may take disciplinary  
22 action as authorized in section 12-20-404 against an applicant for a  
23 registration, a registered veterinary technician or veterinary professional  
24 associate, or a veterinary technician specialist for any of the following  
25 reasons:

26 (l) A determination that the individual is mentally incompetent by  
27 a court of competent jurisdiction, and the court has entered, pursuant to

1 ~~part 3 or 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF  
2 TITLE 15 or section 27-65-110 (4) or 27-65-127, an order specifically  
3 finding that the mental incompetency is of such a degree that the  
4 individual is incapable of continuing to hold a registration as a veterinary  
5 professional associate or veterinary technician;

6 **SECTION 11.** In Colorado Revised Statutes, 13-5-142, **amend**  
7 (1)(a), (3) introductory portion, and (3)(b)(I) as follows:

8 **13-5-142. National instant criminal background check system**  
9 **- reporting.** (1) On and after March 20, 2013, the state court  
10 administrator shall send electronically the following information to the  
11 Colorado bureau of investigation created pursuant to section 24-33.5-401,  
12 referred to in this section as the "bureau":

13 (a) The name of each person who has been found to be  
14 ~~incapacitated~~ A PERSON SUBJECT TO GUARDIANSHIP by order of the court  
15 pursuant to ~~part 3 of article 14 of title 15, C.R.S.~~ PART 3, 4, OR 5, OF  
16 ARTICLE 14.7 OF TITLE 15;

17 (3) The state court administrator ~~shall~~ MUST take all necessary  
18 steps to cancel a record made by the state court administrator in the  
19 national instant criminal background check system if:

20 (b) No less than three years before the date of the written request:

21 (I) The court entered an order pursuant to ~~section 15-14-318,~~  
22 ~~C.R.S.,~~ SECTION 15-14.7-319 terminating a guardianship on a finding that  
23 the person is no longer ~~an incapacitated person~~ A PERSON SUBJECT TO  
24 GUARDIANSHIP, if the record in the national instant criminal background  
25 check system is based on a ~~finding of incapacity~~ FINDING THE PERSON IS  
26 SUBJECT TO GUARDIANSHIP;

27 **SECTION 12.** In Colorado Revised Statutes, 13-5-142.5, **amend**

1 (2)(a)(I) as follows:

2 **13-5-142.5. National instant criminal background check**  
3 **system - judicial process for awarding relief from federal**  
4 **prohibitions - legislative declaration. (2) Eligibility.** A person may  
5 petition for relief pursuant to this section if:

6 (a) (I) ~~He or she~~ THE PERSON has been found to be ~~incapacitated~~  
7 SUBJECT TO GUARDIANSHIP by order of the court pursuant to ~~part 3 of~~  
8 ~~article 14 of title 15, C.R.S. PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15;~~

9 **SECTION 13.** In Colorado Revised Statutes, 13-9-123, **amend**  
10 (1)(a), (3) introductory portion, and (3)(b)(I) as follows:

11 **13-9-123. National instant criminal background check system**  
12 **- reporting. (1)** On and after March 20, 2013, the state court  
13 administrator shall send electronically the following information to the  
14 Colorado bureau of investigation created pursuant to section 24-33.5-401,  
15 referred to in this section as the "bureau":

16 (a) The name of each person who has been found to be  
17 ~~incapacitated~~ SUBJECT TO GUARDIANSHIP by order of the court pursuant  
18 to ~~part 3 of article 14 of title 15, C.R.S. PART 3, 4, OR 5 OF ARTICLE 14.7~~  
19 OF TITLE 15;

20 (3) The state court administrator ~~shall~~ MUST take all necessary  
21 steps to cancel a record made by the state court administrator in the  
22 national instant criminal background check system if:

23 (b) No less than three years before the date of the written request:

24 (I) The court entered an order pursuant to ~~section 15-14-318,~~  
25 ~~C.R.S.,~~ SECTION 15-14.7-319 terminating a guardianship on a finding that  
26 the person is no longer ~~an incapacitated person~~ A PERSON SUBJECT TO  
27 GUARDIANSHIP, if the record in the national instant criminal background

1 check system is based on a ~~finding of incapacity~~ FINDING THE PERSON IS  
2 SUBJECT TO GUARDIANSHIP;

3 **SECTION 14.** In Colorado Revised Statutes, 13-9-124, **amend**  
4 (2)(a)(I) as follows:

5 **13-9-124. National instant criminal background check system**  
6 **- judicial process for awarding relief from federal prohibitions -**  
7 **legislative declaration. (2) Eligibility.** A person may petition for relief  
8 pursuant to this section if:

9 (a) (I) ~~He or she~~ THE PERSON has been found to be ~~incapacitated~~  
10 SUBJECT TO GUARDIANSHIP by order of the court pursuant to ~~part 3 of~~  
11 ~~article 14 of title 15, C.R.S.~~ PART 3 OF ARTICLE 14.7 OF TITLE 15;

12 **SECTION 15.** In Colorado Revised Statutes, 13-32-101, **amend**  
13 (3)(b)(I) as follows:

14 **13-32-101. Docket fees in civil actions - judicial stabilization**  
15 **cash fund - justice center cash fund - justice center maintenance fund**  
16 **- created - report - legislative declaration. (3) (b) (I) No** A docket fee  
17 ~~shall~~ MUST NOT be charged in mental health proceedings ~~under~~ PURSUANT  
18 TO article 10 or 10.5 of title 27 ~~C.R.S.~~; but, where an estate is thereafter  
19 probated for any mental incompetent, the committing court has a claim  
20 against ~~such~~ THE estate, as a cost of the mental health proceedings, in the  
21 sum of twenty dollars, in addition to any other expense of commitment  
22 allowed and paid by the county, to be paid by the conservator of such  
23 estate as a claim pursuant to ~~section 15-14-429, C.R.S.~~ SECTION  
24 15-14.7-428.

25 **SECTION 16.** In Colorado Revised Statutes, 13-32-102, **amend**  
26 (1) introductory portion and (1)(a) as follows:

27 **13-32-102. Fees in probate proceedings. (1)** On and after July

1 1, 2019, for services rendered by judges and clerks of district or probate  
2 courts in all counties of the state of Colorado in proceedings ~~had~~ HELD  
3 pursuant to articles 10 to 17 of title 15, the court shall charge the  
4 following fees:

5 (a) Docket fee at the time of filing first papers in any decedent's  
6 estate eligible for summary administrative procedures ~~under~~ PURSUANT  
7 TO section 15-12-1203 ~~or in any small estate of a person under disability~~  
8 ~~qualifying under section 15-14-118, which estates involve no real~~  
9 ~~property~~ \$ 83.00

10 **SECTION 17.** In Colorado Revised Statutes, 13-64-205, **amend**  
11 (1)(f)(I)(B) as follows:

12 **13-64-205. Determination of judgment to be entered.** (1) In  
13 order to determine what judgment is to be entered on a verdict requiring  
14 findings of special damages under this part 2, the court shall proceed as  
15 follows:

16 (f) The plaintiff who meets the criteria set forth in this subsection  
17 (1) may elect to receive the immediate payment to the plaintiff of the  
18 present value of the future damage award in a lump-sum amount in lieu  
19 of periodic payments. In order to exercise this right, the plaintiff must  
20 either:

21 (I) (B) ~~Not be an incapacitated person, as defined in section~~  
22 ~~15-14-102 (5), C.R.S. A PERSON SUBJECT TO GUARDIANSHIP PURSUANT TO~~  
23 SECTION 15-14.7-201 OR 15-14.7-301 OR A PERSON SUBJECT TO  
24 CONSERVATORSHIP PURSUANT TO SECTION 15-14.7-401; and

25 **SECTION 18.** In Colorado Revised Statutes, 13-94-103, **amend**  
26 (1) as follows:

27 **13-94-103. Definitions.** (1) Except as otherwise indicated in this

1 section, the definitions set forth in ~~section 15-14-102~~ SECTION  
2 15-14.7-102 apply to this article 94.

3 **SECTION 19.** In Colorado Revised Statutes, 13-94-105, **amend**  
4 (1.5)(a)(II) as follows:

5 **13-94-105. Office of public guardianship - director - duties -**  
6 **memorandum of understanding - annual report - repeal.** (1.5) In  
7 addition to any other duties or responsibilities set forth in this article 94,  
8 the office:

9 (a) May:

10 (II) Take any action on behalf of an indigent PERSON and  
11 ~~incapacitated person~~ A PERSON SUBJECT TO GUARDIANSHIP PURSUANT TO  
12 SECTION 15-14.7-201 OR 15-14.7-301 OR A PERSON SUBJECT TO  
13 CONSERVATORSHIP PURSUANT TO SECTION 15-14.7-401 that a private  
14 guardian may take, except as otherwise limited by law or court order; and

15 **SECTION 20.** In Colorado Revised Statutes, 14-10-107, **amend**  
16 (3) as follows:

17 **14-10-107. Commencement - pleadings - abolition of existing**  
18 **defenses - automatic, temporary injunction - enforcement.** (3) Either  
19 or both parties to the marriage may initiate the proceeding. In addition, a  
20 legal guardian with court approval OR A GUARDIAN WITH COURT  
21 APPROVAL pursuant to ~~section 15-14-315.5, C.R.S., or a conservator, with~~  
22 ~~court approval pursuant to section 15-14-425.5, C.R.S.,~~ SECTION  
23 15-14.7-314 may initiate the proceeding. If a legal guardian ~~or~~  
24 ~~conservator~~ initiates the proceeding, the legal guardian ~~or conservator~~  
25 ~~shall~~ MUST receive notice in the same manner as the parties to the  
26 proceeding.

27 **SECTION 21.** In Colorado Revised Statutes, 15-1-1515, **amend**

1 (9) as follows:

2 **15-1-1515. Fiduciary duty and authority.** (9) A foreign  
3 conservator is not required to comply with the provisions of ~~section~~  
4 ~~15-14-433~~ SECTION 15-14.7-402 as a condition to obtaining disclosure of  
5 a digital asset pursuant to this part 15.

6 **SECTION 22.** In Colorado Revised Statutes, 15-10-201, **amend**  
7 (14), (25), (26), (27), (43), (44), and (58) as follows:

8 **15-10-201. General definitions.** Subject to additional definitions  
9 contained in this article 10 and the subsequent articles that are applicable  
10 to specific articles, parts, or sections, and unless the context otherwise  
11 requires, in this code:

12 (14) "Disability" means cause for a protective order as described  
13 in ~~section 15-14-401~~ SECTION 15-14.7-401.

14 (25) "Incapacitated person" means an individual ~~described in~~  
15 ~~section 15-14-102 (5)~~ OTHER THAN A MINOR WHO LACKS THE ABILITY TO  
16 MEET ESSENTIAL REQUIREMENTS FOR HEALTH, SAFETY, OR WELFARE  
17 BECAUSE THE INDIVIDUAL IS UNABLE TO RECEIVE AND EVALUATE  
18 INFORMATION OR MAKE OR COMMUNICATE DECISIONS, EVEN WITH  
19 APPROPRIATE SUPPORTIVE SERVICES, TECHNOLOGICAL ASSISTANCE, OR  
20 SUPPORTED DECISION-MAKING, EXCEPT AS OTHERWISE DEFINED BY THE  
21 TERMS OF A GOVERNING INSTRUMENT. A DETERMINATION BY A COURT  
22 UNDER SECTIONS 15-14.7-301, 15-14.7-502, AND 15-14.7-503 IS NOT A  
23 DETERMINATION THAT A PERSON IS OR IS NOT AN INCAPACITATED PERSON  
24 FOR ANY OTHER PURPOSES UNDER THE LAWS OF THIS STATE UNLESS  
25 SPECIFICALLY ORDERED BY THE COURT IN THOSE PROCEEDINGS. A  
26 PROCEEDING TO DETERMINE WHETHER A PERSON IS OR IS NOT AN  
27 INCAPACITATED PERSON FOR ANY OTHER PURPOSE UNDER THE LAWS OF

1 THIS STATE MAY BE BROUGHT UNDER ANY APPLICABLE PROVISIONS OR  
2 PROCEDURES OF THE LAWS OF THIS STATE.

3 (26) "Informal proceedings" means those conducted without  
4 notice to interested persons by an officer of the court acting as a registrar  
5 for probate of a will, appointment of a personal representative, or  
6 determination of a guardian ~~under sections 15-14-202 and 15-14-301~~  
7 PURSUANT TO SECTIONS 15-14.7-201 AND 15-14.7-301.

8 (27) "Interested person" includes heirs, devisees, children,  
9 spouses, creditors, beneficiaries, trust directors, and any others having a  
10 property right in or claim against a trust estate or the estate of a decedent,  
11 ~~ward, or protected person, which~~ PERSON SUBJECT TO GUARDIANSHIP  
12 PURSUANT TO SECTION 15-14.7-201 OR 15-14.7-301, PERSON SUBJECT TO  
13 CONSERVATORSHIP PURSUANT TO SECTION 15-14.7-401, OR PERSON  
14 SUBJECT TO A PROTECTIVE ARRANGEMENT PURSUANT TO PART 5 OF  
15 ARTICLE 14.7 OF THIS TITLE 15 WHO may be affected by the proceeding.  
16 It also includes persons having priority for an appointment as a personal  
17 representative and other fiduciaries representing the interested person.  
18 The meaning as it relates to particular persons may vary from time to time  
19 and is determined according to the particular purposes of, and matter  
20 involved in, any proceeding.

21 (43) "Protected person" ~~has the same meaning as set forth in~~  
22 ~~section 15-14-102(11)~~ MEANS A MINOR OR OTHER INDIVIDUAL FOR WHOM  
23 A CONSERVATOR HAS BEEN APPOINTED OR OTHER PROTECTIVE ORDER HAS  
24 BEEN MADE.

25 (44) "Protective proceeding" ~~has the same meaning as used in~~  
26 ~~section 15-14-401~~ MEANS THE PROCEEDING TO APPOINT A GUARDIAN  
27 PURSUANT TO PART 3 OF ARTICLE 14.7 OF THIS TITLE 15, CONSERVATOR



1 PURSUANT TO PART 4 OF ARTICLE 14.7 OF THIS TITLE 15, OR PROTECTIVE  
2 ARRANGEMENT PURSUANT TO PART 5 OF ARTICLE 14.7 OF THIS TITLE 15.

3 (58) "Ward" means an individual ~~described in section 15-14-102~~  
4 ~~(15)~~ FOR WHOM A GUARDIAN HAS BEEN APPOINTED.

5 **SECTION 23.** In Colorado Revised Statutes, 15-10-601, **amend**  
6 (3)(a)(VI) and (3)(a)(VII) as follows:

7 **15-10-601. Definitions.** As used in this part 6, unless the context  
8 otherwise requires:

9 (3) (a) "Governing instrument" means a will or a trust or a  
10 donative, appointive, or nominative instrument of any other type,  
11 including, but not limited to:

12 (VI) A court order appointing a guardian as described in ~~parts 2~~  
13 ~~and 3 of article 14 of this title~~ PARTS 2 AND 3 OF ARTICLE 14.7 OF THIS  
14 TITLE 15; and

15 (VII) A court order appointing a conservator as described in ~~part~~  
16 ~~4 of article 14 of this title~~ PART 4 OF ARTICLE 14.7 OF THIS TITLE 15 OR  
17 GRANTING A PROTECTIVE ARRANGEMENT PURSUANT TO PART 5 OF ARTICLE  
18 14.7 OF THIS TITLE 15.

19 **SECTION 24.** In Colorado Revised Statutes, 15-10-602, **amend**  
20 (6) and (9) as follows:

21 **15-10-602. Recovery of reasonable compensation and costs.**

22 (6) Except as provided in sections 15-10-605 (2), (3), and (4); ~~15-14-318~~  
23 ~~(4); and 15-14-431 (5); 15-14.7-318; AND 15-14.7-431,~~ if any fiduciary  
24 or person with priority for appointment as personal representative,  
25 conservator, guardian, agent, custodian, or trustee defends or prosecutes  
26 a proceeding in good faith, whether successful or not, the fiduciary or  
27 person is entitled to receive from the estate reimbursement for reasonable

1 costs and disbursements, including, but not limited to, reasonable attorney  
2 fees.

3 (9) Every application or petition for appointment of a fiduciary  
4 filed under this code, including without limitation those required ~~under~~  
5 PURSUANT TO sections 15-12-301, 15-12-402, 15-12-614, 15-12-621,  
6 15-12-622, ~~15-14-202, 15-14-204, 15-14-304, and 15-14-403, shall~~  
7 **15-14.7-201, 15-14.7-208, 15-14.7-312, 15-14.7-402, AND 15-14.7-504,**  
8 MUST include a statement by the applicant or petitioner disclosing the  
9 basis upon which any compensation is to be charged to the estate by the  
10 fiduciary and ~~his or her or its~~ THE FIDUCIARY'S counsel or ~~shall~~ MUST state  
11 that the basis has not yet been determined. The disclosure statement ~~shall~~  
12 MUST specifically describe, as is applicable, the hourly rates to be  
13 charged, any amounts to be charged pursuant to a published fee schedule,  
14 including the rates and basis for charging fees for any extraordinary  
15 services, and any other bases upon which a fee charged to the estate will  
16 be calculated. This disclosure obligation ~~shall~~ MUST be continuing in  
17 nature so as to require supplemental disclosures if material changes to the  
18 basis for charging fees take place.

19 **SECTION 25.** In Colorado Revised Statutes, 15-10-603, **add**  
20 (3.5) as follows:

21 **15-10-603. Factors in determining the reasonableness of**  
22 **compensation and costs.** (3.5) THE COURT SHALL CONSIDER ALL OF THE  
23 FACTORS DESCRIBED IN THIS SUBSECTION (3.5) IN DETERMINING THE  
24 REASONABLENESS OF ANY COMPENSATION OR COSTS ASSESSED PURSUANT  
25 TO ARTICLE 14.7 OF THIS TITLE 15. THE COURT MAY DETERMINE THE  
26 WEIGHT TO BE GIVEN TO EACH FACTOR AND TO ANY OTHER FACTOR THE  
27 COURT CONSIDERS RELEVANT IN REACHING ITS DECISION:

- 1 (a) THE NECESSITY AND QUALITY OF THE SERVICE PROVIDED;
- 2 (b) THE DIFFICULTY OF THE SERVICE PROVIDED, INCLUDING THE  
3 DEGREE OF SKILL AND CARE REQUIRED;
- 4 (c) THE CONDITIONS AND CIRCUMSTANCES UNDER WHICH A  
5 SERVICE WAS PERFORMED, INCLUDING WHETHER THE SERVICE WAS  
6 PROVIDED OUTSIDE REGULAR BUSINESS HOURS OR UNDER DANGEROUS OR  
7 EXTRAORDINARY CONDITIONS;
- 8 (d) THE EFFECT OF THE SERVICE ON THE INDIVIDUAL SUBJECT TO  
9 GUARDIANSHIP OR CONSERVATORSHIP; AND
- 10 (e) THE EXTENT TO WHICH THE SERVICE PROVIDED WAS OR WAS  
11 NOT CONSISTENT WITH THE GUARDIAN'S PLAN PURSUANT TO SECTION  
12 15-14.7-316, THE CONSERVATOR'S PLAN PURSUANT TO SECTION  
13 15-14.7-419, OR THE ROLE OF A SPECIAL CONSERVATOR PURSUANT TO  
14 SECTION 15-14.7-512.

15 **SECTION 26.** In Colorado Revised Statutes, 15-14-501, **amend**  
16 (1) as follows:

17 **15-14-501. When power of attorney not affected by disability.**  
18 (1) Whenever a principal designates another ~~his~~ AS THE PRINCIPAL'S  
19 attorney-in-fact or agent by a power of attorney in writing and the writing  
20 contains the words "This power of attorney ~~shall not be~~ IS NOT affected  
21 by disability of the principal" or "This power of attorney ~~shall become~~  
22 BECOMES effective upon the disability of the principal" or similar words  
23 showing the intent of the principal that the authority conferred ~~shall be~~ IS  
24 exercisable notwithstanding ~~his~~ THE PRINCIPAL'S disability, the authority  
25 of the attorney-in-fact or agent is exercisable by ~~him~~ THE  
26 ATTORNEY-IN-FACT OR AGENT as provided in the power on behalf of the  
27 principal notwithstanding later disability or incapacity of the principal at

1 law or later uncertainty as to whether the principal is dead or alive. The  
2 authority of the attorney-in-fact or agent to act on behalf of the principal  
3 ~~shall be~~ IS set forth in the power and may relate to any act, power, duty,  
4 right, or obligation ~~which~~ THAT the principal has or ~~after~~ acquires LATER  
5 relating to the principal or any matter, transaction, or property, real or  
6 personal, tangible or intangible. The authority of the agent with regard to  
7 medical treatment decisions on behalf of a principal is set forth in  
8 sections 15-14-503 to 15-14-509. The attorney-in-fact or agent, however,  
9 is subject to the same limitations imposed upon court-appointed guardians  
10 contained in ~~section 15-14-312(1)(a)~~ SECTION 15-14.7-312. Additionally,  
11 the principal may expressly empower ~~his~~ THE PRINCIPAL'S attorney-in-fact  
12 or agent to renounce and disclaim interests and powers; to make gifts, in  
13 trust or otherwise; and to release and exercise powers of appointment. All  
14 acts done by the attorney-in-fact or agent pursuant to the power during  
15 any period of disability or incompetence or uncertainty as to whether the  
16 principal is dead or alive have the same effect and inure to the benefit of  
17 and bind the principal or ~~his~~ THE PRINCIPAL'S heirs, devisees, and personal  
18 representative as if the principal were alive, competent, and not disabled.  
19 If a guardian or conservator thereafter is appointed for the principal, the  
20 attorney-in-fact or agent, during the continuance of the appointment, shall  
21 consult with the guardian on matters concerning the principal's personal  
22 care or account to the conservator on matters concerning the principal's  
23 financial affairs. The conservator has the same power the principal would  
24 have had if ~~he~~ THE PRINCIPAL were not disabled or incompetent to revoke,  
25 suspend, or terminate all or any part of the power of attorney or agency  
26 as it relates to financial matters. Subject to any limitation or restriction of  
27 the guardian's powers or duties set forth in the order of appointment and

1 endorsed on the letters of guardianship, a guardian has the same power to  
2 revoke, suspend, or terminate all or any part of the power of attorney or  
3 agency as it relates to matters concerning the principal's personal care that  
4 the principal would have had if the principal were not disabled or  
5 incompetent, except with respect to medical treatment decisions made by  
6 an agent pursuant to sections 15-14-506 to 15-14-509; however, such  
7 exception ~~shall~~ MUST not preclude a court from removing an agent in the  
8 event an agent becomes incapacitated or is unwilling or unable to serve  
9 as an agent.

10 **SECTION 27.** In Colorado Revised Statutes, 15-14-607, **amend**  
11 (2) as follows:

12 **15-14-607. Reliance on an agency instrument.** (2) Any person  
13 to whom the agent, operating under a duly notarized agency instrument,  
14 communicates a direction that is in accordance with the terms of the  
15 agency instrument shall comply with such direction. Any person who  
16 arbitrarily or without reasonable cause fails to comply with such direction  
17 ~~shall be~~ IS subject to the costs, expenses, and reasonable attorney fees  
18 required to appoint a conservator for the principal, to obtain a declaratory  
19 judgment, or to obtain an order pursuant to ~~section 15-14-412~~ SECTION  
20 15-14.7-503. This subsection (2) ~~shall~~ DOES not apply to the sale, transfer,  
21 encumbrance, or conveyance of real property.

22 **SECTION 28.** In Colorado Revised Statutes, 15-14.5-102,  
23 **amend** the introductory portion, (2), and (3) as follows:

24 **15-14.5-102. Definitions.** In this ~~article~~ ARTICLE 14.5:

25 (2) "Conservator" means a person appointed by the court to  
26 administer the property of an adult, including a person appointed ~~under~~  
27 ~~section 15-14-401~~ PURSUANT TO SECTION 15-14.7-401.

1 (3) "Guardian" means a person appointed by the court to make  
2 decisions regarding ~~the person of~~ an adult, including a person appointed  
3 ~~under section 15-14-301~~ PURSUANT TO SECTION 15-14.7-301.

4 **SECTION 29.** In Colorado Revised Statutes, 15-18.5-103,  
5 **amend** (4)(a), (4)(b), and (8) as follows:

6 **15-18.5-103. Proxy decision-makers for medical treatment**  
7 **authorized - definitions.** (4) (a) Interested persons who are informed of  
8 the patient's lack of decisional capacity shall make reasonable efforts to  
9 reach a consensus as to who among them shall make medical treatment  
10 decisions on behalf of the patient. The person selected to act as the  
11 patient's proxy decision-maker should be the person who has a close  
12 relationship with the patient and who is most likely to be currently  
13 informed of the patient's wishes regarding medical treatment decisions.  
14 If any of the interested persons disagrees with the selection or the  
15 decision of the proxy decision-maker or, if, after reasonable efforts, the  
16 interested persons are unable to reach a consensus as to who should act  
17 as the proxy decision-maker, then any of the interested persons may seek  
18 guardianship of the patient by initiating guardianship proceedings  
19 pursuant to part 3 of ~~article 14~~ ARTICLE 14.7 of this ~~title~~ TITLE 15. Only  
20 ~~said~~ THE interested persons may initiate such proceedings with regard to  
21 the patient.

22 (b) Nothing in this section precludes any interested person from  
23 initiating a guardianship proceeding pursuant to part 3 of ~~article 14~~  
24 ARTICLE 14.7 of this ~~title~~ TITLE 15 for any reason any time after ~~said~~ THE  
25 persons have conformed with ~~paragraph (a) of this subsection (4)~~  
26 SUBSECTION (4)(a) OF THIS SECTION.

27 (8) Except for a court acting on its own motion, a governmental

1 entity, including the state department of human services and the county  
2 departments of human or social services, may not petition the court as an  
3 interested person pursuant to ~~part 3 of article 14~~ PART 3 OF ARTICLE 14.7  
4 of this title 15. In addition, nothing in this article 18.5 authorizes the  
5 county director of any county department of human or social services, or  
6 designee of such director, to petition the court pursuant to section  
7 26-3.1-104 in regard to any patient subject to the provisions of this article  
8 18.5.

9 **SECTION 30.** In Colorado Revised Statutes, 15-23-103, **amend**  
10 (13) as follows:

11 **15-23-103. Definitions.** As used in this article 23, unless the  
12 context otherwise requires:

13 (13) "Original estate planning document" and "original document"  
14 mean an original instrument in writing that is any will document,  
15 including, but not limited to, wills, as defined in section 15-10-201 (59);  
16 codicils; holographic wills; documents purporting to be wills; instruments  
17 that revoke or revise a testamentary instrument; testamentary instruments  
18 that merely appoint a personal representative; AND other testamentary  
19 instruments, such as memoranda distributing tangible personal property,  
20 as described in section 15-11-513. ~~and testamentary appointments of~~  
21 ~~guardian as described in section 15-14-202 (1).~~

22 **SECTION 31.** In Colorado Revised Statutes, 19-1-103, **amend**  
23 (49)(a) as follows:

24 **19-1-103. Definitions.** As used in this title 19 or in the specified  
25 portion of this title 19, unless the context otherwise requires:

26 (49) "Custodial adoption", as used in part 2 of article 5 of this title  
27 19, means an adoption of a child by any person and the person's spouse,

1 as required pursuant to section 19-5-202 (3), who:

2 (a) Has been awarded custody or allocated parental  
3 responsibilities by a court of law in a dissolution of marriage, custody or  
4 allocation of parental responsibilities proceeding, or has been awarded  
5 guardianship of the child by a court of law in a probate action, such as  
6 pursuant to ~~part 2 of article 14 of title 15~~ PART 2 OF ARTICLE 14.7 OF TITLE  
7 15; and

8 **SECTION 32.** In Colorado Revised Statutes, 19-1-104, **amend**  
9 (1)(c) as follows:

10 **19-1-104. Jurisdiction.** (1) Except as otherwise provided by law,  
11 the juvenile court has exclusive original jurisdiction in proceedings:

12 (c) To determine the legal custody of any child or to appoint a  
13 guardian of the person or legal custodian of any child who comes within  
14 the juvenile court's jurisdiction ~~under provisions of~~ PURSUANT TO this  
15 section, and THE JUVENILE COURT may also enter findings and orders as  
16 described in ~~section~~ SECTIONS 14-10-123 (1.5) and ~~section 15-14-204~~  
17 ~~(2.5)~~ AND 15-14.7-208;

18 **SECTION 33.** In Colorado Revised Statutes, 19-3-205, **amend**  
19 (1) introductory portion and (1)(a) as follows:

20 **19-3-205. Continuing jurisdiction.** (1) Except as otherwise  
21 provided in this article 3, the jurisdiction of the court over any child or  
22 youth adjudicated as neglected or dependent ~~shall continue~~ CONTINUES  
23 until the child or youth becomes eighteen and one-half years of age,  
24 unless earlier terminated by court order; except that:

25 (a) If a determination is pending or the youth has been determined  
26 to be ~~an incapacitated person pursuant to section 15-14-102~~ A MINOR  
27 SUBJECT TO GUARDIANSHIP PURSUANT TO SECTION 15-14.7-201 OR A



1 MINOR SUBJECT TO CONSERVATORSHIP PURSUANT TO SECTION  
2 15-14.7-401, then jurisdiction continues until either the youth has made  
3 a complete transition into adult disability services and it is in the youth's  
4 best interests for the juvenile court to terminate jurisdiction or the youth  
5 reaches twenty-one years of age or such greater age of foster care  
6 eligibility as required by federal law, whichever comes first;

7 **SECTION 34.** In Colorado Revised Statutes, **amend** 19-3-704 as  
8 follows:

9 **19-3-704. Youth with disabilities - minors subject to**  
10 **guardianship or conservatorship.** (1) A party may request the court to  
11 determine whether a youth is ~~an incapacitated person, as defined in~~  
12 ~~section 15-14-102~~ A MINOR SUBJECT TO GUARDIANSHIP PURSUANT TO  
13 SECTION 15-14.7-201 OR A MINOR SUBJECT TO CONSERVATORSHIP  
14 PURSUANT TO SECTION 15-14.7-401. The motion must be filed with the  
15 court prior to the youth's eighteenth birthday.

16 (2) If there has been a determination, or if a determination is  
17 pending, that a youth is ~~an incapacitated person, as defined in section~~  
18 ~~15-14-102~~ A MINOR SUBJECT TO GUARDIANSHIP PURSUANT TO SECTION  
19 15-14.7-201 OR A MINOR SUBJECT TO CONSERVATORSHIP PURSUANT TO  
20 SECTION 15-14.7-401, then jurisdiction continues as provided in section  
21 19-3-205.

22 **SECTION 35.** In Colorado Revised Statutes, 19-5-105.5, **amend**  
23 (5)(b) as follows:

24 **19-5-105.5. Termination of parent-child legal relationship**  
25 **upon a finding that the child was conceived as a result of sexual**  
26 **assault - legislative declaration - definitions.** (5) (b) The court will  
27 SHALL work to ensure that a petitioner or a respondent who has a

1 disability has equal access to participate in the proceeding. If the  
2 petitioner or respondent has a disability, ~~he or she~~ THE PETITIONER OR  
3 RESPONDENT has the right to request reasonable accommodations in order  
4 to participate in the proceeding; except that the disability of the petitioner,  
5 the respondent, or the child must not be the cause for the unnecessary  
6 delay of the process. The court shall presume that a petitioner or a  
7 respondent with a disability is legally competent and able to understand  
8 and participate in the proceeding unless the petitioner or respondent is  
9 determined to be ~~an incapacitated person, as defined in section 15-14-102~~  
10 ~~(5), C.R.S.~~ A PERSON SUBJECT TO GUARDIANSHIP PURSUANT TO SECTION  
11 15-14.7-301 OR A PERSON SUBJECT TO CONSERVATORSHIP PURSUANT TO  
12 SECTION 15-14.7-401.

13 **SECTION 36.** In Colorado Revised Statutes, 19-5-105.7, **amend**  
14 (5)(b) as follows:

15 **19-5-105.7. Termination of parent-child legal relationship in**  
16 **a case of an allegation that a child was conceived as a result of sexual**  
17 **assault but in which no conviction occurred - legislative declaration**  
18 **- definitions.** (5) (b) The court ~~will~~ SHALL work to ensure that a  
19 petitioner or a respondent who has a disability has equal access to  
20 participate in the proceeding. If the petitioner or respondent has a  
21 disability, ~~he or she~~ THE PETITIONER OR RESPONDENT has the right to  
22 request reasonable accommodations in order to participate in the  
23 proceeding; except that the disability of the petitioner, the respondent, or  
24 the child must not be the cause for the unnecessary delay of the process.  
25 The court shall presume that a petitioner or a respondent with a disability  
26 is legally competent and able to understand and participate in the  
27 proceeding unless the petitioner or respondent is determined to be an

1    ~~incapacitated person, as defined in section 15-14-102 (5), C.R.S.~~ A  
2    PERSON SUBJECT TO GUARDIANSHIP PURSUANT TO SECTION 15-14.7-301  
3    OR A PERSON SUBJECT TO CONSERVATORSHIP PURSUANT TO SECTION  
4    15-14.7-401.

5            **SECTION 37.** In Colorado Revised Statutes, 22-31-129, **amend**  
6    (1) introductory portion and (1)(g) as follows:

7            **22-31-129. Vacancies.** (1) A school director office ~~shall be~~ IS  
8    deemed to be vacant upon the occurrence of any one of the following  
9    events prior to the expiration of the term of office:

10           (g) If a court of competent jurisdiction determines that the person  
11    duly elected or appointed is insane or otherwise mentally incompetent,  
12    but only after the right to appeal has been waived or otherwise exhausted,  
13    and a court enters, pursuant to ~~part 3 or part 4 of article 14 of title 15 or~~  
14    ~~section 27-65-109 (4)~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15 OR  
15    SECTION 27-65-110(4) or 27-65-127 C.R.S., an order specifically finding  
16    that the insanity or mental incompetency is of such a degree that the  
17    person is incapable of serving as a school director;

18            **SECTION 38.** In Colorado Revised Statutes, 22-60.5-107,  
19    **amend** (2)(a) as follows:

20            **22-60.5-107. Grounds for denying, annulling, suspending, or**  
21    **revoking license, certificate, endorsement, or authorization -**  
22    **definitions.** (2) Any license, certificate, endorsement, or authorization  
23    may be denied, annulled, suspended, or revoked in the manner prescribed  
24    in section 22-60.5-108, notwithstanding the provisions of subsection (1)  
25    of this section:

26            (a) When the holder has been determined to be mentally  
27    incompetent by a court of competent jurisdiction and a court has entered,

1 pursuant to ~~part 3 or part 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF  
2 ARTICLE 14.7 OF TITLE 15 or ~~section 27-65-109 (4)~~ SECTION 27-65-110 (4)  
3 or 27-65-127, ~~C.R.S.~~, an order specifically finding that the mental  
4 incompetency is of such a degree that the holder is incapable of  
5 continuing to perform ~~his or her~~ THE HOLDER'S job; except that the  
6 license, certificate, endorsement, or authorization held by a person who  
7 has been determined to be mentally incompetent and for whom such an  
8 order has been entered ~~shall~~ MUST be revoked or suspended by operation  
9 of law without a hearing, notwithstanding the provisions of section  
10 22-60.5-108;

11 **SECTION 39.** In Colorado Revised Statutes, 26-3.1-104, **amend**  
12 (2) as follows:

13 **26-3.1-104. Provision of protective services for at-risk adults**  
14 **- consent - nonconsent - least restrictive intervention.** (2) If a county  
15 director or ~~his or her~~ THE COUNTY DIRECTOR'S designee determines that  
16 an at-risk adult is being or has been mistreated or self-neglected, or is at  
17 risk thereof, and if the at-risk adult appears to lack capacity to make  
18 decisions and does not consent to the receipt of protective services, the  
19 county director is urged, if no other appropriate person is able or willing,  
20 to petition the court, pursuant to ~~part 3 of article 14 of title 15, C.R.S.~~  
21 PART 3 OF ARTICLE 14.7 OF TITLE 15, for an order authorizing the  
22 provision of specific protective services and for the appointment of a  
23 guardian, for an order authorizing the appointment of a conservator  
24 pursuant to ~~part 4 of article 14 of title 15, C.R.S.~~ PART 4 OF ARTICLE 14.7  
25 OF TITLE 15, FOR AN ORDER AUTHORIZING A PROTECTIVE ARRANGEMENT  
26 PURSUANT TO PART 5 OF ARTICLE 14.7 OF TITLE 15, or for a court order  
27 providing for any combination of these actions.

1           **SECTION 40.** In Colorado Revised Statutes, 26-3.1-111, **amend**  
2 (8.5)(e) as follows:

3           **26-3.1-111. Access to CAPS - employment checks -**  
4 **conservatorship and guardianship checks - confidentiality - fees -**  
5 **rules - legislative declaration - definitions.** (8.5) (e) Nothing in this  
6 subsection (8.5) delays or precludes the court's appointment of an  
7 emergency guardian or conservator of an at-risk adult pursuant to ~~section~~  
8 ~~15-14-312 or 15-14-412~~ SECTION 15-14.7-312, 15-14.7-413, OR  
9 15-14.7-503, regardless of the timing of the state department's notification  
10 of the CAPS check results.

11           **SECTION 41.** In Colorado Revised Statutes, **amend** 26-6-702 as  
12 follows:

13           **26-6-702. Definitions.** As used in this part 7, unless the context  
14 otherwise requires:

15           (1) "Approved temporary caregiver" means a person approved by  
16 a temporary care assistance program pursuant to this part 7 who is  
17 delegated temporary care responsibility of a minor by a parent or guardian  
18 through a power of attorney. ~~as described in section 15-14-105.~~

19           (2) "Temporary care assistance program" means a program  
20 operated by a child placement agency that assists a parent or guardian  
21 with recruiting and identifying an appropriate and safe approved  
22 temporary caregiver to whom the parent or guardian can choose to  
23 delegate temporary care responsibility of a minor through a power of  
24 attorney. ~~pursuant to section 15-14-105.~~

25           **SECTION 42.** In Colorado Revised Statutes, 26-6-704, **amend**  
26 (1)(a)(I) as follows:

27           **26-6-704. Temporary care assistance program - limitations on**

1 **duration of delegation - approved temporary caregiver.** (1) (a) (I) A  
2 parent or guardian of a minor may use the assistance of a temporary care  
3 assistance program to identify an approved temporary caregiver to  
4 delegate any power regarding care, custody, or property of the minor,  
5 except the power to consent to marriage or adoption, by a power of  
6 attorney. ~~as described in section 15-14-105.~~

7 **SECTION 43.** In Colorado Revised Statutes, 26-6-905, **amend**  
8 (10) as follows:

9 **26-6-905. Licenses - out-of-state notices and consent -**  
10 **demonstration pilot program - report - rules - definition.** (10) The  
11 state department shall not issue a license to operate a residential or day  
12 treatment child care facility, foster care home, or child placement agency  
13 if the person applying for the license or an affiliate of the applicant, a  
14 person employed by the applicant, or a person who resides with the  
15 applicant at the facility has been determined to be insane or mentally  
16 incompetent by a court of competent jurisdiction and, if the court enters,  
17 pursuant to ~~part 3 or part 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF  
18 ARTICLE 14.7 OF TITLE 15, or section 27-65-110 (4) or 27-65-127, an order  
19 specifically finding that the mental incompetency or insanity is of such a  
20 degree that the applicant is incapable of operating a residential or day  
21 treatment child care facility, foster care home, or child placement agency.  
22 The record of ~~such~~ THE determination and entry of ~~such~~ THE order ~~being~~  
23 ARE conclusive evidence ~~thereof~~ OF THE DETERMINATION.

24 **SECTION 44.** In Colorado Revised Statutes, 26-6-914, **amend**  
25 (2)(c) and (6)(a)(I)(C) as follows:

26 **26-6-914. Denial of license - suspension - revocation -**  
27 **probation - refusal to renew license - fines - definitions.** (2) The

1 department may deny an application, or suspend, revoke, or make  
2 probationary the license, of any facility or agency regulated and licensed  
3 pursuant to this part 9 or assess a fine against the licensee pursuant to  
4 section 26-6-921 if the licensee, an affiliate of the licensee, a person  
5 employed by the licensee, or a person who resides with the licensee at the  
6 facility or agency:

7 (c) Is determined to be insane or mentally incompetent by a court  
8 of competent jurisdiction; ~~and~~, a court has entered, pursuant to ~~part 3 or~~  
9 ~~part 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15,  
10 or section 27-65-110 (4) or 27-65-127, an order specifically finding that  
11 the mental incompetency or insanity is of such a degree that the licensee  
12 is incapable of operating a facility or agency; AND the record of ~~such~~ THE  
13 determination and entry of ~~such~~ THE order ~~being~~ ARE conclusive evidence  
14 ~~thereof~~ OF THE DETERMINATION; or

15 (6) (a) (I) The state department shall deny an application for a  
16 license under the circumstances described in section 26-6-905 (8). The  
17 state department shall revoke or suspend a license previously issued if:

18 (C) The licensee, an affiliate of the licensee, a person employed  
19 by the licensee, or a person who resides with the licensee at the facility or  
20 agency has been determined to be insane or mentally incompetent by a  
21 court of competent jurisdiction and a court has entered, pursuant to ~~part~~  
22 ~~3 or part 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF  
23 TITLE 15, or section 27-65-110 (4) or 27-65-127, an order specifically  
24 finding that the mental incompetency or insanity is of such a degree that  
25 the licensee is incapable of operating a facility or agency. The record of  
26 ~~such~~ THE determination and entry of ~~such~~ THE order ~~being~~ ARE conclusive  
27 evidence ~~thereof~~ OF THE DETERMINATION.

1           **SECTION 45.** In Colorado Revised Statutes, 26.5-4-112, **amend**  
2 (2) as follows:

3           **26.5-4-112. Exemptions - requirements.** (2) As a prerequisite  
4 to entering into a valid CCCAP contract with a county office or to being  
5 a party to any other payment agreement for the provision of care for a  
6 child whose care is funded in whole or in part with money received on the  
7 child's behalf from publicly funded state child care assistance programs,  
8 an exempt family child care home provider shall sign an attestation that  
9 affirms the provider, and any qualified adult residing in the exempt family  
10 child care home, has not been determined to be insane or mentally  
11 incompetent by a court of competent jurisdiction and a court has not  
12 entered, pursuant to ~~part 3 or 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF  
13 ARTICLE 14.7 OF TITLE 15, or section 27-65-110 (4) or 27-65-127, an order  
14 specifically finding that the mental incompetency or insanity is of such a  
15 degree that the provider cannot safely operate an exempt family child care  
16 home.

17           **SECTION 46.** In Colorado Revised Statutes, 26.5-5-309, **amend**  
18 (5) as follows:

19           **26.5-5-309. Licenses - rules - definition.** (5) The department  
20 shall not issue a license to operate an agency or facility defined in this  
21 part 3 if the person applying for the license or an affiliate of the applicant,  
22 a person employed by the applicant, or a person who resides with the  
23 applicant at the facility has been determined to be insane or mentally  
24 incompetent by a court of competent jurisdiction and a court has entered,  
25 pursuant to ~~part 3 or part 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF  
26 ARTICLE 14.7 OF TITLE 15, or section 27-65-110 (4) or 27-65-127, an order  
27 specifically finding that the mental incompetency or insanity is of such a



1 degree that the applicant is incapable of operating a family child care  
2 home or child care center. The record of the determination and entry of  
3 the order are conclusive evidence of the determination.

4 **SECTION 47.** In Colorado Revised Statutes, 26.5-5-317, **amend**  
5 (2)(c), (5)(a)(I) introductory portion, and (5)(a)(I)(C) as follows:

6 **26.5-5-317. Denial of license - suspension - revocation -**  
7 **probation - refusal to renew license - fines.** (2) The department may  
8 deny an application, or suspend, revoke, or make probationary the license  
9 of any facility regulated and licensed pursuant to this part 3 or assess a  
10 fine against the licensee pursuant to section 26.5-5-323 if the licensee, an  
11 affiliate of the licensee, a person employed by the licensee, or a person  
12 who resides with the licensee at the facility:

13 (c) Is determined to be insane or mentally incompetent by a court  
14 of competent jurisdiction; ~~and, if a court enters, pursuant to part 3 or part~~  
15 ~~4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15, or  
16 section 27-65-110 (4) or 27-65-127, an order specifically finding that the  
17 mental incompetency or insanity is of such a degree that the licensee is  
18 incapable of operating a family child care home or child care center; AND  
19 the record of ~~such~~ THE determination and entry of ~~such~~ THE order ~~being~~  
20 ARE conclusive evidence ~~thereof~~ OF THE DETERMINATION; or

21 (5) (a) (I) The department shall deny an application for a license  
22 under the circumstances described in section 26.5-5-309 (4). The  
23 department ~~shall~~ MUST revoke or suspend a license previously issued if:

24 (C) The licensee, an affiliate of the licensee, a person employed  
25 by the licensee, or a person who resides with the licensee at the facility  
26 has been determined to be insane or mentally incompetent by a court of  
27 competent jurisdiction; ~~and~~ the court has entered pursuant to ~~part 3 or part~~

1 ~~4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15, or  
2 section 27-65-110 (4) or 27-65-127, an order specifically finding that the  
3 mental incompetency or insanity is of such a degree that the licensee is  
4 incapable of operating a family child care home or child care center; AND  
5 the record of the determination and entry of the order ~~being~~ ARE  
6 conclusive evidence ~~thereof~~ OF THE DETERMINATION.

7 **SECTION 48.** In Colorado Revised Statutes, 26.5-5-326, **amend**  
8 (4)(b) as follows:

9 **26.5-5-326. Exempt family child care home providers -**  
10 **fingerprint-based criminal history record check - child care**  
11 **assistance program money - temporary care - rules - definitions.**

12 (4) The department or a county department shall not issue or renew a  
13 contract to provide money pursuant to the Colorado child care assistance  
14 program pursuant to part 1 of article 4 of this title 26.5 to a qualified  
15 provider if the qualified provider or a qualified adult:

16 (b) Has been determined to be insane or mentally incompetent by  
17 a court of competent jurisdiction and a court has entered, pursuant to ~~part~~  
18 ~~3 or 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15,  
19 or section 27-65-110 (4) or 27-65-127, an order specifically finding that  
20 the mental incompetency or insanity is of such a degree that the qualified  
21 provider cannot safely operate a child care home. The record of the  
22 determination and entry of the order are conclusive evidence ~~thereof~~ OF  
23 THE DETERMINATION. A qualified provider shall sign an attestation  
24 affirming the lack of such a finding prior to entering into or renewing a  
25 contract for money under the Colorado child care assistance program,  
26 pursuant to section 26.5-4-112 (2).

27 **SECTION 49.** In Colorado Revised Statutes, 27-65-103, **amend**

1 (1) as follows:

2 **27-65-103. Voluntary applications for mental health services.**

3 (1) Nothing in this article 65 in any way limits the right of any person to  
4 make a voluntary application at any time to any public or private agency  
5 or professional person for mental health services, either by direct  
6 application in person or by referral from any other public or private  
7 agency or professional person. Subject to ~~section 15-14-316 (4), a ward,~~  
8 ~~as defined in section 15-14-102 (15)~~ SECTION 15-14.7-315, AN  
9 INDIVIDUAL WHO IS APPOINTED A GUARDIAN may be admitted to a hospital  
10 or institutional care and treatment for a mental health disorder with the  
11 guardian's consent for as long as the ~~ward~~ INDIVIDUAL agrees to ~~such~~ THE  
12 care and treatment. The guardian shall immediately notify in writing the  
13 court that appointed the guardian of the admission.

14 **SECTION 50.** In Colorado Revised Statutes, 27-65-127, **amend**  
15 (1)(a) as follows:

16 **27-65-127. Imposition of legal disability - deprivation of legal**  
17 **right - restoration - repeal.** (1) (a) When an interested person wishes to  
18 obtain a determination as to the imposition of a legal disability or the  
19 deprivation of a legal right for a person who has a mental health disorder  
20 and who is a danger to the person's self or others, is gravely disabled, or  
21 is insane, as defined in section 16-8-101, and who is not then subject to  
22 proceedings pursuant to this article 65 or ~~part 3 or part 4 of article 14 of~~  
23 ~~title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15, the interested person  
24 may petition the court for a specific finding as to the legal disability or  
25 deprivation of a legal right. Actions commenced pursuant to this  
26 subsection (1) may include, but are not limited to, actions to determine  
27 contractual rights and rights with regard to the operation of motor

1 vehicles.

2 **SECTION 51.** In Colorado Revised Statutes, 30-10-105, **amend**  
3 (4)(a) as follows:

4 **30-10-105. When office becomes vacant.** (4) (a) Any county  
5 officer shall be declared incapacitated when there is a judicial  
6 determination that ~~he~~ THE COUNTY OFFICER is unable to routinely and  
7 fully carry out the responsibilities of ~~his~~ THE office by virtue of mental or  
8 physical illness or disability and ~~he~~ THE COUNTY OFFICER has been ~~so~~  
9 unable TO DO SO for a continuous period of not less than six months  
10 immediately preceding the finding of incapacity. The quantum of proof  
11 required, the procedures to be followed, and the rights reserved to the  
12 subject of any determination of incapacity ~~under~~ PURSUANT TO this  
13 subsection (4) ~~shall be~~ ARE those specified for the appointment of  
14 guardians in ~~part 3 of article 14 of title 15, C.R.S.~~ PART 3 OF ARTICLE 14.7  
15 OF TITLE 15 to the extent applicable.

16 **SECTION 52.** In Colorado Revised Statutes, 42-2-116, **amend**  
17 (5) as follows:

18 **42-2-116. Restricted license.** (5) The department is authorized  
19 after examination to issue a restricted license to a person with a  
20 behavioral or mental health disorder or an intellectual and developmental  
21 disability, containing such restrictions as may be imposed upon ~~said~~ THE  
22 person by a court pursuant to ~~part 3 or part 4 of article 14 of title 15~~ PART  
23 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15 or section 27-65-110 (4) or  
24 27-65-127.

25 **SECTION 53.** In Colorado Revised Statutes, 42-2-125, **amend**  
26 (1)(h) as follows:

27 **42-2-125. Mandatory revocation of license and permit.** (1) The

1 department shall immediately revoke the license or permit of any driver  
2 or minor driver upon receiving a record showing that the driver has:

3 (h) Been determined to be mentally incompetent by a court of  
4 competent jurisdiction and for whom a court has entered, pursuant to ~~part~~  
5 ~~3 or part 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF  
6 TITLE 15 or section 27-65-110 (4) or 27-65-127, an order specifically  
7 finding that the mental incompetency is of such a degree that the person  
8 is incapable of safely operating a motor vehicle;

9 **SECTION 54.** In Colorado Revised Statutes, **repeal** parts 1, 2,  
10 and 3 of article 14 of title 15, 15-14-401, 15-14-402, 15-14-403,  
11 15-14-404, 15-14-405, 15-14-406, 15-14-406.5, 15-14-407, 15-14-408,  
12 15-14-409, 15-14-410, 15-14-411, 15-14-412, 15-14-413, 15-14-414,  
13 15-14-415, 15-14-416, 15-14-417, 15-14-418, 15-14-419, 15-14-420,  
14 15-14-421, 15-14-422, 15-14-423, 15-14-424, 15-14-425, 15-14-425.5,  
15 15-14-426, 15-14-427, 15-14-428, 15-14-429, 15-14-430, 15-14-431,  
16 15-14-432, 15-14-433, and 15-14-434.

17 **SECTION 55. Act subject to petition - effective date.** This act  
18 takes effect at 12:01 a.m. on the day following the expiration of the  
19 ninety-day period after final adjournment of the general assembly; except  
20 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
21 of the state constitution against this act or an item, section, or part of this  
22 act within such period, then the act, item, section, or part will not take  
23 effect unless approved by the people at the general election to be held in  
24 November 2026 and, in such case, will take effect on the date of the  
25 official declaration of the vote thereon by the governor.