

What It Means For You When A Request For Appointment Of A Conservator Has Been Filed.

Information Sheet

When someone requests appointment of a Conservator for you . . .

. . . the Court wants to know whether you are impaired or unable to manage your financial affairs and whether your property needs to be protected either for your own benefit or for the benefit of others entitled to your support.

A Court Visitor may be appointed to interview you and the proposed Conservator.

. . . to help the Court determine if a Conservator is needed, and if so, whether there should be any limitations on the Conservator's powers. If appointed, the Court Visitor will help explain the specific request for a Conservatorship, the powers and duties of a Conservator, and any limitations on powers that were requested.

To determine whether a Conservator is needed . . .

. . . a hearing is held and the party filing the Petition for Appointment of a Conservator has the burden of proving the need for the Conservatorship. People who may testify at the hearing include a doctor or other professional person, the proposed Conservator, you, and other interested persons.

The Court will appoint a Conservator if it determines that for reasons other than age

. . . an individual "is unable to manage property and business affairs because the individual is unable to effectively receive or evaluate information or both or to make or communicate decisions, even with the use of appropriate and reasonably available technological assistance, or because the individual is missing, detained, or unable to return to the United States; and . . . the individual has property that will be wasted or dissipated unless management is provided or money is needed for the support, care, education, health, and welfare of the individual or of individuals who are entitled to the individual's support and that protection is necessary or desirable to obtain or provide money." (§15-14-401(1)(b), C.R.S.)

The powers of a Conservator . . .

. . . are, unless restricted by the Court's order of appointment, all the powers over your estate and business affairs that you, as an adult, would have if present or not subject to Conservatorship or other protective order. Court approval is required prior to the exercise of some powers.

A Conservator is a fiduciary. . .

. . . and must observe the standards of care applicable to a trustee. A Conservator also has the duty to consider your limitations and, to the extent possible, to encourage your participation in decisions and your development of the ability to manage your own affairs.

Within 60 days after appointment a Conservator must file with the court for approval . . .

. . . an inventory of your property that is subject to the Conservatorship and a financial plan for how your income and assets will be distributed and managed. The financial plan must be based upon your actual needs and your best interest; must include steps, if any, which can be taken to restore your ability to manage your property; and must estimate how long the Conservatorship will be needed and what expenses and resources are projected.

A Conservatorship can be terminated or modified . . .

. . . by you, the Conservator, or other interested person filing with the Court a petition asserting that your condition has changed and the statutory requirements for the Conservatorship as originally established no longer exist.