***How do I get a guardian appointed for a minor (person under 18)?***

*See, generally, Colorado Revised Statutes, Sections 15-14-201 through 15-14-210*

**Is a Guardianship right for you?** Determining the rights and responsibilities regarding caring for minors can be done in more than one way and through more than one type of court case, depending on the circumstances. A guardianship may or may not be the most appropriate for your situation. A court will appoint a Guardian for a minor when it is in the best interests of the minor AND one of the following 4 factors is met:

1. The parents consent to the appointment;
2. The parents’ parental rights have been terminated by a court order;
3. The parents are unwilling or unable to exercise their parental rights (e.g. the parents are deceased or have abandoned the child); OR
4. Guardianship of the minor has been previously granted to someone else, and that person has died or become incapacitated and did not appoint a successor guardian.

If your circumstances do not fit any of the above requirements or you are not sure if they do, you may want to consider one of the alternatives to court-appointed guardianship described below. If the minor has significant income or assets that need to be managed, you may need to file for Conservatorship.

You know you need the Court to appoint a Guardian and you meet the requirements listed above.

You do not need a Court-appointed Guardian and/or you do not meet the requirements listed above.

**Alternative 1: Delegation of Power by Parent**

A parent can sign a form (**JDF 751**) that gives authority regarding care, custody, education, etc., of the child to another person. Form must be notarized. Valid for up to 12 months and can be renewed. For more information, see instructions at **JDF 750.** Not all third parties will accept this document as proof of authority to act and may require a court order.⬣⬣

**Alternative 2: Allocation of Parental Responsibilities (“APR”)**

An APR is a court action that can be brought by a non-parent who has the physical care of the child for 6 months or more, or by a non-parent when the child is not in the physical care of one of his parents. In an APR, the court will determine custody and allocate (divide): (1) decision-making authority for the child; (2) parenting time with the child; and (3) child support obligations. For more information, see instructions at **JDF 1413(I). See also Section VI.**  ⬣⬣

**Consult an attorney** to see if there are any other alternatives for your circumstances. ⬣⬣

Getting a Guardian appointed by the court (for a minor)

All other situations where it is appropriate/necessary for the Court to appoint a Guardian for a minor. See Instructions at **JDF 823.**

The minor’s parents/legal guardians are deceased or incapacitated and left a will or other writing designating a Guardian for the minor child. See Instructions at **JDF 820.**

**Before filing with the Court**, you will need a name-based criminal history check from the Colorado Bureau of Investigation and a current credit report for the proposed guardian. For more information on how to obtain the background check and credit report, see the Instructions at **JDF 823**.

**To begin**, complete and file:

(1) Filing fee or Motion for Fee Waiver;

(2) **JDF 821**—Affidavit of Acceptance of Appointment by Written Instrument as Guardian for Minor, with Certified Copy of Will or Original Writing attached;

(3) **JDF 826**—Consent or Nomination of Minor (if minor is over 12 years of age);

(4) **JDF 830**—Letters of Guardianship-Minor (complete caption only); and

(5) **JDF 822**—Petition for Confirmation of Appointment of Guardian (file within 30 days after filing JDF 821).

File in the county where the Minor resides or is present. For information on what documents to complete and file, see the Checklist—Guardian for Minor. ⬣⬣

**If you have any questions about what forms are required or are not sure about the answers to any of the above, you can contact the 12th Judicial District Probate Registrar, Bandy Lucero, at (719) 657-3394.**

**If you need help locating or completing any of the above forms, you can contact the 12th Judicial District Self-Help Coordinator, Kim Cortez, by phone at (719) 589-7652, or by e-mail at** **12SelfHelp@judicial.state.co.us**

**If you need legal advice regarding any of the above, you should talk to an attorney.**

After you file the above documents with the Court, send copies of Affidavit of Acceptance of Appointment to the interested persons identified on the Affidavit (which would include the minor if over 12 years old). ⬣⬣