

PROTECTIVE PROCEEDINGS

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Conservatorship - Adult

10/03/2011

1. GENERAL INFORMATION - §15-14-401 through 433, C.R.S.

- A conservator (who must be at least 21 years of age) is appointed by the court to manage the estate (financial affairs) of a protected person.
- Grounds for appointment: A conservator may be appointed for an adult person who is unable to manage his/her 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. §15-14-401, C.R.S.
- Petition for Appointment of Conservator - Adult - [JDF 876](#) may be filed by the person to be protected; any person who is interested in the estate, affairs, or welfare of the person to be protected; or any person who would be adversely affected by lack of effective management of the person's property and affairs. §15-14-403, C.R.S.
- Venue: A Petition for Appointment of Conservator may be filed in the Colorado county where the respondent resides, or if the respondent does not reside in Colorado, in any county of this state where he/she has property. §15-14-108, C.R.S.
- Priority: For priority of appointment, see §15-14-413, C.R.S.
- For foreign conservatorship, see §15-14-433, C.R.S. and §15-14.5-402, C.R.S.
- Required [filing fee](#).
- Instructions and forms are available to the public on the [judicial branch website](#). The instructions include a list of required forms.
 - Instructions for Appointment of a Conservator - Adult - [JDF 875](#).
 - Instructions to File a Petition to Terminate Conservatorship - [JDF 887](#).

2. CREATE NEW CASE

- Open new case.
 - Assign a PR case number.
 - Enter case type as CA – Conservatorship/Adult.
 - Enter PETC - Petition for Conservatorship as the originating event, unless the party filed a Motion to File In Forma Pauperis, then MIFP becomes the originating event and PETC is entered as an event.
- Receipt [filing fee](#).
- Enter party information with name, address, and other contact information. Add the respondent's and the nominee's date of birth (D.O.B.)
 - PET – Petitioner. If co-petitioners, enter PET for both persons.
 - RSP – Respondent.

- OTH - Interested Person.
 - OTH – Nominee. (If the nominee is not the petitioner or co-petitioner).
 - VIS - Court Visitor. (Entered when the visitor is appointed).
- Enter data for additional documents filed.
- Enter event code AOFC - Acceptance of Office upon the filing of Acceptance of Office - [JDF 805](#). Relate event to CSV.
 - The Acceptance of Office must be filed using the most current version of JDF 805.
 - Conservator nominee must provide the court with a copy of his/her driver's license, passport or other government-issued identification. Enter personal identifying information, including date of birth, at this time.
 - A CBI name-based criminal history record check and a current credit report must be included with the Acceptance of Office as separate documents, unless this requirement is waived by the court or by statute. (See Acceptance of Office for more information.)
 - Enter event code RPRT – Report for each report and seal each document.
- Appoint visitor.
- Issue Order Appointing Visitor - [JDF 809](#).
 - Enter event code ORDR - Order and relate to VIS party.
 - If this is an Informa Pauperis case or another type of case without fees, enter the court visitor into the CAC system.
 - When the visitor's report is received, enter event code RPRT. Enter in comments: Visitor's Report.
- Obtain hearing date and enter scheduled event - HCON - Hearing on Conservatorship.
- Enter event code NTHR – Notice of Hearing when petitioner files the Notice of Hearing to Interested Person - [JDF 806](#) and Notice of Hearing to Respondent/Minor - [JDF 807](#). See Notice requirements. Enter in comments: Certificate of Service, service completed on xx date and by xx person, by mail, by hand delivery or however the interested person was notified.
- If the address or identity of an interested person is not known, service by publication is required. A Notice of Hearing by Publication - [JDF 716](#) and an Affidavit Regarding Due Diligence and Proof of Publication - [JDF 714](#) must be completed by the petitioner.
 - Enter event code NTHR - Notice of Hearing. Enter in comments: Service by Publication.
 - Enter PRFP - Proof of Publication. Enter in comments: Publication completed on xx date and by xx newspaper.
- A physician's letter or professional evaluation may be filed. Enter as appropriate.

- Enter event code RPRT - Report. File under seal.

3. HEARING AND INFORMATION TO THE NEWLY APPOINTED CONSERVATOR

- The court will conduct a hearing and upon finding that a basis for the appointment of conservator has been established, enter an Order Appointing Conservator [JDF 878](#).
 - Enter event code MINC - Minute Order. Include the following regarding the appointment: Who appeared, who was appointed, basis of appointment, exhibits, report due dates.
- If the court also appointed a guardian, and a separate case was not opened, change case type from CA to CG.
- The court may issue an Order for Deposit of Funds to Restricted Account - [JDF 866](#) thereby reducing the bond or eliminating the need for a bond entirely.
 - Enter ORDR - Order.
- Enter BSET – Bond Set, if applicable.
 - Unless the court makes specific findings as to the reason a bond is not required, the court must require the conservator to furnish a bond.
 - The court may defer the setting of the bond amount until the filing of the Conservator’s Inventory with Financial Plan. If so, enter review reminder REVW.
 - The bond is to be in the amount of the aggregate capital value of the property of the estate in the conservator’s control plus the estimated income for one year.
 - The court may reduce the amount of bond by restricting the conservator’s access to all or part of the property. The Order and Letters must be endorsed accordingly.
 - When the bond is received, enter event code BOND. Enter comment Bond Received.
- Update scheduled event with HELD - Held.
- Enter event code CLAD - Closed Administratively.
- Set review dates on the “review docket”, using the scheduled event code REVW.
 - Enter a review for the return of the Acknowledgment of Deposit of Funds to Restricted Account - [JDF 867](#), if one was ordered.
 - Enter a review for filing of the Inventory with Financial Plan.
 - Enter a review for filing of the Conservator’s Report.
 - For the review of reports/plan, please see section [Monitoring of Plans and Reports](#).
- Issue Acknowledgement of Responsibilities - [JDF 800](#) and Conservator’s Manual. Provide a hard copy of the Conservator’s Manual or refer the conservator to the [judicial website link](#).

- The purpose of JDF 800 is to inform the newly appointed conservator of the due date for the return of the Acknowledgment of Deposit of Funds to Restricted Account, the Conservator's Inventory and Financial Plan, the Conservator's Report, and any other due dates.
- The purpose of the Conservator's Manual is to inform the conservator of his/her general responsibilities and to answer the most common questions.

4. ISSUE ORDER, LETTERS AND UPDATE PARTY ROLES

- Order Appointing Conservator - Adult [JDF 878](#).
 - Enter event code ORDR - Order.
 - The Order Appointing Conservator will identify all "interested persons". These persons must be given notice of hearing on any subsequent petition, motion, or reports/plans.
- Issue Letters of Conservatorship - Adult [JDF 880](#). Letters must not be issued until JDF 805 (Acceptance of Office) and any required bond are received.
 - Any limitations or restrictions imposed by the court must be endorsed on the Letters.
 - Enter event code LTRI - Letters Issued
- Update party information, as appropriate.
 - If the petitioner(s) (PET) was appointed as conservator, enter party role as CSV.
 - If the nominee (OTH) was appointed, enter party role as CSV.
 - Enter party role for respondent as PPR - Protected Person.

5. MONITORING THE CONSERVATORSHIP

- See [Monitoring of Plan and Reports](#) for detailed information.

6. TERMINATING THE CONSERVATORSHIP - §15-14-431, C.R.S.

- The case should be in closed status. If not, enter CLAD - Closed Administratively.
- The protected person, the conservator or any other interested person may file a Petition for Termination of Conservatorship and Schedule of Distribution [JDF 888](#). The conservatorship may be terminated because the protected person has regained his/her ability to manage the estate, because the protected person has died, or because the estate has diminished to the degree that a conservator is no longer needed.
 - Enter event PTCV - Petition to Terminate Conservatorship.
 - Enter scheduled event HTRM - Petition to Terminate Hearing or REVD - Non-Appearance Hearing.

- If termination is based on protected person's death, the conservator must promptly file a Notice of Death [JDF 853](#).
 - Enter event code NOTC - Notice. Enter in comments: Notice of Death
- A final report is to be prepared by the conservator. Upon approval by the court, an Order Terminating Conservatorship and Schedule of Distribution [JDF 890](#) will be issued.
 - Enter event code ORDR - Order. Enter in comments: To Terminate Conservatorship
 - Upon filing a Receipt and Release [JDF 731](#) for assets received pursuant to the Schedule of Distribution, the court will issue a Decree of Final Discharge [JDF 730](#).
 - Enter event code RPRL - Receipt and Release.
 - Enter event code DC - Decree when the court signs the decree of final discharge. The date of this event is the date the courts signs the decree.
- Enter event code POST - Closed after Post Judgment, if hearing was set.
- Enter event code TERM - Guardianship/Conservatorship Terminated. If the case is a CG, do not TERM unless both the conservatorship and guardianship are terminated.

Conservatorship - Minor

10/03/2011

1. GENERAL INFORMATION - §15-14-401 through 433, C.R.S.

- A conservator (who must be at least 21 years of age) is appointed by the court to manage the estate (financial affairs) of a minor who has not attained 18 years of age.
- Grounds for Appointment: A conservator may be appointed for a minor who owns money or property requiring management or protection that cannot otherwise be provided; or who has or may have business affairs that may be put at risk or prevented because of the minor's age; or who needs money for support and education and that protection is necessary or desirable to obtain or provide money. A conservator may also be appointed for a disabled minor who meets the criteria for appointment of a conservator for an adult. §15-14-401, C.R.S.
- Petition for Appointment of a Conservator - Minor [JDF 861](#) may be filed by the minor; any person who is interested in the estate, affairs, or welfare of the minor; or any person who would be adversely affected by lack of effective management of the minor's property and affairs. §15-14-403, C.R.S.
- Venue: A Petition for Appointment of Conservator may be filed in the Colorado county where the minor resides, or if the minor does not reside in Colorado, in any county of this state where he/she has property. §15-14-108 C.R.S.
- Priority: For priority of appointment, see §15-14-410, C.R.S.
- For foreign conservatorship, see §15-14-433, C.R.S. and §15-14.5-402, C.R.S.
- Required [filing fee](#).
- Instructions and forms are available to the public on the [judicial branch website](#). The instructions include a list of required forms.
 - Instructions for Appointment of a Conservator - Minor [JDF 860](#).
 - Instructions to File a Petition to Terminate Conservatorship [JDF 887](#).

2. CREATE NEW CASE

- Open new Case.
 - Assign a PR case number.
 - Enter case type as CM - Conservatorship/Minor.
 - Enter PETC - Petition for Conservatorship as the originating event, unless the party filed a Motion to File In Forma Pauperis, then MIFP becomes the originating event and PETC is entered as an event.
- Receipt [filing fee](#).
- Enter party information with name, address, and other contact information. Add the minor's and the nominee's date of birth (DOB).

- PET – Petitioner. If co-petitioners, enter PET for both persons.
 - MIN – Minor.
 - OTH - Interested Persons.
 - OTH – Nominee. (If the nominee is not the petitioner or co-petitioner).
- Enter data for additional documents filed.
- Enter event code AOFC - Acceptance of Office upon the filing of Acceptance of Office [JDF 805](#). Relate event to CSV.
 - The Acceptance of Office must be filed using the most current version of JDF 805.
 - Conservator nominee must provide the court with a copy of his/her driver's license, passport or other government-issued identification. Enter personal identifying information, including the date of birth, at this time.
 - A CBI name-based criminal history record check and a current credit report must be included with the Acceptance of Office as separate documents, unless this requirement is waived by the court or by statute. (See [Acceptance of Office](#) for more information).
 - Enter event code RPRT - Report for each report and seal each document.
 - Enter event code CONS - Consent upon the filing of the Nomination or Consent of Minor [JDF 826](#). Relate the event to the minor.
 - A minor who is 12 years of age or older may nominate a conservator.
- There is no statutory provision of a visitor if the conservatorship is based solely on minority. The court may choose to appoint a guardian ad litem to represent the interest of a minor, if the court determines that representation of the interest otherwise would be inadequate. The court shall state on the record the duties of the guardian ad litem and its reasons for the appointment. §15-14-115, C.R.S. The court may appoint a lawyer to represent the minor if it determines that the minor needs representation. §15-14-406(2)(c), C.R.S.
- Obtain hearing date and enter scheduled event - HCON - Hearing on Conservatorship.
- Enter event code NTHR – Notice of Hearing when petitioner files the Notice of Hearing to Interested Person JDF 806 and Notice of Hearing to Respondent/Minor JDF 807. See [Notice requirements](#). Enter in comments: Certificate of Service, service completed on xx date and by xx person, by mail, by hand delivery or however the interested person was notified.
- If the address or identity of an interested person is not known, service by publication is required. A Notice of Hearing by Publication [JDF 716](#) and an Affidavit Regarding Due Diligence and Proof of Publication [JDF 714](#) must be completed by the petitioner.

- Enter event code NTHR - Notice of Hearing. Enter in comments: Service by Publication.
 - Enter PRFP - Proof of Publication. Enter in comments: Publication completed on xx date and by xx newspaper.
- A physician's letter or professional evaluation may be filed if the conservatorship is based on reasons other than minority. Enter as appropriate.
- Enter event code RPRT - Report. File under seal.

3. HEARING AND INFORMATION TO THE NEWLY APPOINTED CONSERVATOR

- The Court conducts a hearing and upon finding that a basis for the appointment of conservator has been established, enters an Order Appointing Conservator [JDF 862](#).
- Enter event code MINC - Minute Order. Include the following regarding the appointment: Who appeared, who was appointed, basis of appointment, exhibits, report due dates.
- If the court also appointed a guardian, and a separate case was not opened, change case type from CM to CG.
- The court may issue an Order for Deposit of Funds to Restricted Account [JDF 866](#) thereby reducing the bond or eliminating the need for a bond entirely.
- Enter event code ORDR - Order.
- Enter BSET - Bond Set, if applicable.
- Unless the court makes specific findings as to the reasons a bond is not required, the court must require the conservator to furnish a bond.
 - The court may defer the setting of the bond amount until the filing of the Conservator's Inventory with Financial Plan. If so, enter review reminder REVW.
 - The bond is to be in the amount of the aggregate capital value of the property of the estate in the conservator's control plus the estimated income for one year.
 - The court may reduce the amount of bond by restricting the conservator's access to all or part of the property. The Order and Letters must be endorsed accordingly.
 - When the bond is received, enter event code BOND. Enter comment Bond Received.
- Update scheduled event with HELD - Held.
- Enter event code CLAD - Closed Administratively.
- Set review dates on the "review docket", using the scheduled event code REVW.
- Enter a review for the return of the Acknowledgment of Deposit of Funds to Restricted Account [JDF 867](#), if one was ordered.

- Enter a review on the minor's 21st birthday so that the court can monitor whether the conservator has filed proper paperwork to terminate the conservatorship.
- For the review of reports/plan, please see section [Monitoring of Plans and Reports](#).
- Issue Acknowledgement of Responsibilities [JDF 800](#) and Conservator's Manual. Provide a hard copy of the Conservator's Manual or refer the conservator to the [judicial website link](#).
 - The purpose of JDF 800 is to inform the newly appointed conservator of the due date for the return of the Acknowledgment of Deposit of Funds to Restricted Account, the Conservator's Inventory and Financial Plan, the Conservator's Report, and any other due dates.
 - The purpose of the Conservator's Manual is to inform the conservator of his/her general responsibilities and to answer the most common questions.

4. ISSUE ORDER, LETTERS AND UPDATING PARTY ROLES

- Order Appointing Conservator - Minor [JDF 862](#)
 - Enter event code ORDR - Order.
 - The Order Appointing Conservator will identify all "interested persons". These persons must be given notice of hearing on any subsequent petition, motion, or reports/plans.
- Issue Letters of Conservatorship - Minor [JDF 863](#). Letters must not be issued until JDF 805 (Acceptance of Office) and any required bond are received.
 - Any limitations or restrictions imposed by the Court must be endorsed on the Letters.
 - Enter event code LTRI - Letters Issued
- Update party information, as appropriate.
 - If the petitioner(s) (PET) was appointed as conservator, enter party role as CSV.
 - If the nominee (OTH) was appointed, enter party role as CSV.
 - Enter party role for minor as PPR - Protected Person.

5. MONITORING THE CONSERVATORSHIP

- See Monitoring of Plans and Reports for detailed information.

6. TERMINATING THE CONSERVATORSHIP - §15-14-431, C.R.S.

- The case should be in closed status. If not, enter CLAD - Closed Administratively.

- The minor, the conservator or any other interested person may file a Petition for Termination of Conservatorship and Schedule of Distribution [JDF 888](#). The conservatorship may be terminated because the minor has reached age 21 or has died, or because the estate has diminished to the degree that a conservator is no longer needed.
 - Enter event code PTCV - Petition to Terminate Conservatorship.
 - Obtain a hearing date and enter scheduled event HTRM - Petition to Terminate Hearing or REVD - Non-Appearance Hearing.
 - If termination is based on protected person's death, the conservator must promptly file a Notice of Death [JDF 853](#).
 - Enter event code NOTC - Notice. Enter in comments: Notice of Death.
- A final report is to be prepared by the Conservator. Upon approval, an Order Terminating Conservatorship and Schedule of Distribution [JDF 890](#) will be issued.
 - Enter event code ORDR - Order. Enter in comments: To Terminate Conservatorship.
 - Upon filing a Receipt and Release [JDF 731](#) for assets received pursuant to the Schedule of Distribution, the court will issue a Decree of Final Discharge [JDF 730](#) .
 - Enter event code RPRL - Receipt and Release.
 - Enter event code DC - Decree when the Court signs decree of final discharge. The date of this event is the date the courts signs the decree.
- Enter event code POST - Closed after Post Judgment, if hearing was set.
- Enter event code TERM - Guardianship/Conservatorship Terminated. If the case is a CG, do not TERM unless both the conservatorship and guardianship are terminated.

Court Visitors

09/30/2011

1. GENERAL INFORMATION - § 15-14-305 AND § 15-14-406

- A court visitor is appointed in every adult guardianship and conservatorship case. A visitor is not needed if the petition does not request the appointment of a conservator and the respondent is represented by an attorney. A visitor is not appointed in UVGA (Uniform Veterans' Guardianship Act) cases.
- A visitor is an independent person who acts as the eyes and ears of the court. They are not court employees.
- The visitor's duties and reporting requirements are limited to the relief requested in the petition. For example, if the petition requests limited conservatorship the visitor is only to investigate based on a limited conservatorship.
- The maintenance of a list of qualified visitors is the responsibility of the court.
- If the respondent is indigent the visitor fee is submitted to the State for payment at the rate of \$25/hr, with a maximum of \$500.00.
- Visitors are not considered interested persons for notice purposes.
- Visitors can be appointed subsequent to the appointment of a guardian or conservator, to perform additional investigations as the court may direct.

2. APPOINT COURT VISITOR

- Upon receipt of a new adult guardianship or conservatorship case, prepare form Order Appointing Court Visitor [JDF 809](#). This order can be signed by a deputy clerk, magistrate or judge.
- Enter event code ORDR. In comments: Order Appointing Court Visitor _____ (name of visitor).
- Send a copy of the order to the petitioner (or petitioner's attorney).
- Send a copy of the order, a copy of the petition, and a copy of the doctor's letter to the visitor.
 - You may provide a blank Visitor's Report form to the visitor or refer them to the [judicial branch website](#). If you provide a copy, always use the most current version of the form.
- Enter visitor as party type VIS.
- If it is an indigent case, enter the visitor as an attorney for the respondent using the bar # 900016 and VIS for the role. Click on "Create Appointment" to enter the appointment into the CAC system. If the visitor's name and SSN do not appear on the list of people available for state-pay appointments, contact SCAO to add them. Complete the applicable sections on the 2 screens and click on submit at the bottom of each screen until you get the screen "Appointment Successfully Created."

3. COURT VISITOR ACTIONS

- The visitor will make appointment(s) to interview the respondent, the nominated guardian/conservator, and other persons.
- The visitor is required to provide the respondent with form [JDF 797](#) which describes to the respondent his/her rights in the matter.
- The visitor is required to complete and file form [JDF 810](#). He/she must provide a copy of the report to the petitioner or petitioner's attorney and to the respondent or respondent's attorney.
- It is the visitor's responsibility to bill the appropriate party.

4. RECEIVING THE REPORT

- The Visitor's Report must be filed using the most current version of JDF 810. All sections must be complete. Please do not accept an incomplete report or an outdated form.
- Enter event code RPRT. Enter comment: Court visitor's report.
- Review the report or route to person responsible for doing so.
- If recommended or requested by the Court Visitor, appoint a lawyer or GAL. See [Appointment of Lawyer to Represent Respondent](#).

Data Entry Information & Filing Fees Guardianship and Conservatorship Cases

9/30/2011

1. CASE FILINGS AND REQUIRED FILING FEES

- Open one case if a conservatorship and guardianship (adult or minor) petition is filed the same day. Only one filing fee is required. If the petitions are filed on separate days, but are scheduled to be heard on the same day, two fees are required, but they may be consolidated into one case.
- If a guardianship petition is filed after a conservator has been appointed (or vice versa), a new case number and another hearing are required. Relate the two cases. Two filing fees are required. Once separate case numbers have been assigned, maintain that structure, i.e. do not combine the cases.
- Open a separate guardianship and/or conservatorship case for each minor, even if they are siblings. A fee is charged for each case.

2. DATA ENTRY CODES

Type:	Conservatorship/Adult (CA)
Parties:	Petitioner (PET) Co-petitioner (PET) Respondent (RSP) Court visitor (VIS) Nominee (OTH), if the nominee is not the petitioner or co-petitioner Interested persons (OTH)
Originating Event	Petition for Conservatorship (PETC)
Scheduled Event	Hearing on Conservatorship (HCON)
Type:	Conservator/Guardian (CG)
Parties	Petitioner (PET)

	Co-petitioner (PET)
	Respondent (RSP)
	Court visitor (VIS)
	Nominee (OTH), if the nominee is not the petitioner or co-petitioner
	Interested person (OTH)
Originating Event	Petition for Conservatorship (PETC) Petition for Appointment Guardian/Adult (PTGA) or Petition for Appointment Guardian/Minor (PTGM)
Scheduled Event	Conservator/Guardianship Hearing (HGCN)

Type: Conservator/Minor (CM)

Parties	Petitioner (PET) Co-petitioner (PET) Minor (MIN) Nominee (OTH), if the nominee is not the petitioner or co-petitioner Interested person (OTH)
Originating Event	Petition for Conservatorship (PETC)
Scheduled Event	Hearing on Conservatorship (HCON)

Type: Conservator/Adult (GA)

Parties	Petitioner (PET) Co-petitioner (PET) Respondent (RSP) Court visitor (VIS) Nominee (OTH), if the nominee is not the petitioner or co-petitioner Interested person (OTH)
Originating Event	Petition for Appointment Guardian/Adult (PTGA)
Scheduled Event	Hearing on Guardianship (HGDN)

Type:	Conservator/Minor (GM)
Parties	Petitioner (PET) Co-petitioner (PET) Minor (MIN) Nominee (OTH), if the nominee is not the petitioner or co-petitioner Interested person (OTH)
Originating Event	Petition for Appointment Guardian/Minor (PTGM)
Scheduled Event	Hearing on Guardianship (HGDN)

Grandparent Visitation

9/30/2011

Grandparent Visitation Best Business Practice

1. GENERAL INFORMATION - §19-1-117, C.R.S.

- This is a request by the maternal or paternal grandparent(s) for visitation rights with grandchildren who are the subject of a guardianship case.
- A hearing shall be set by the court upon the filing of the Motion/Affidavit for Grandparent Visitation.
- Courts may request that the parties participate in mediation prior to the hearing date.
- The petitioning grandparent(s) may file a motion only once every two years unless there is a showing of good cause.
- No filing fee.
- Instructions and forms are available to the public on the [judicial branch website](#). The instructions include a list of required forms.
- Instructions to file for Grandparent Visitation JDF1700.

2. FILING OF MOTION

- A Motion to Intervene and Motion/Affidavit for Grandparent Visitation may be filed in the existing guardianship case.
- Enter party information with name, address, and other contact information.
 - INV - Intervenor.
 - GAL - Guardian ad Litem, if appointed.
- Enter data for additional documents filed.
 - Enter event code MOTN. Enter in comments: name of motion and relate to party who filed document.
- The court will provide the party with a hearing date and/or information regarding mediation. If the court requires mediation, the hearing may need to be set further out in order for the parties to complete the mediation prior to the hearing.
- Obtain hearing date and enter scheduled event HGDN - Hearing on Guardianship.
- The party filing the motion is responsible for completing Notice of Hearing [JDF 711](#) and sending the notice and motion to all interested persons in the case and others as appropriate, e.g. therapists, teachers, etc.

3. HEARING

- If the parties completed mediation and reached a stipulation the hearing should be vacated.
 - Update scheduled event with VACT - Vacated.
 - Enter event code STIP - Stipulation.

- Enter event code ORDR - Order and relate to STIP.
- If the parties did not reach an agreement on all issues, the court will hold the hearing.
 - Enter event code MINC - Minute Order. Briefly identify the key elements.
- Update scheduled event with HELD - Held.
- Enter event code POST – Closed after Reopened Activity.

Guardian - Out of State Filing

9/30/2011

An out-of-state guardian may register their guardianship in Colorado pursuant to 15-14.5-401, if no petition for appointment is pending here. They must give notice to the appointing court of their intent to register (there is no form for giving notice). They should file a copy of the notice along with a certified copy of the guardianship order and letters. We would charge a fee and assign a case number, just like with ancillary decedent's estates cases.

[Ancillary Guardianship Certificate](#)

Guardianship - Adult

10/01/2011

1. GENERAL INFORMATION - §15-14-301 through 318, C.R.S.

- A guardian (who must be at least 21 years of age) is appointed by the court to make decisions regarding the health, safety and welfare of an incapacitated person.
- Grounds for appointment: A guardian may be appointed for an adult person (age 18 or older) who is unable to effectively receive or evaluate information or both or make or communicate decisions to such an extent that the individual lacks the ability to satisfy essential requirements for physical health, safety, or self-care, even with appropriate and reasonably available technological assistance. §15-14-102(5), C.R.S.
- Petition for Appointment of Guardian for Adult [JDF 841](#) may be filed by the respondent or a person interested in the person's welfare. §15-14-304, C.R.S.
- Venue: A Petition for Appointment of Guardian may be filed in in the Colorado county where the respondent resides. If the respondent has been admitted to an institution by a court order, venue is also in the county in which the court is located. §15-14-108, C.R.S.
- Priority: For priority of appointment, see §15-14-310, C.R.S.
- The court may appoint an emergency guardian for a period of no more than 60 days. §15-14-312, C.R.S.
- The court may appoint a temporary substitute guardian for a period of no more than six months. §15-14-313, C.R.S.
- Required [filing fee](#).
- Instructions and forms are available to the public on the [judicial branch website](#). The instructions include a list of required forms.
 - Instructions for Appointment of a Guardian - Adult [JDF 840](#).

2. CREATE NEW CASE

- Open new Case.
 - Assign a PR case number.
 - Enter case type as GA - Guardianship/Adult.
 - Enter PTGA - Petition for Guardianship for Adult as the originating event, unless the party filed a Motion to File In Forma Pauperis, then MIFP becomes the originating event and PTGA is entered as an event.
- Receipt [filing fee](#).
- Enter party information with name, address, and other contact information. Add the respondent's and the nominee's date of birth (D.O.B.)
 - PET - Petitioner. If co-petitioners, enter PET.
 - RSP – Respondent.
 - OTH - Interested Persons.

- OTH - Nominee. (If the nominee is not the petitioner or co-petitioner).
- VIS - Court Visitor. (Entered when the visitor is appointed.)
- Data entry for additional documents filed.
 - Enter event code AOFC - Acceptance of Office upon the filing of Acceptance of Office [JDF 805](#). Relate event to GRD.
 - The Acceptance of Office must be filed using the most current version of JDF 805.
 - Guardian nominee must provide the court with a copy of his/her driver's license, passport or other government-issued identification. Enter personal identifying information, including date of birth, at this time.
 - A CBI name-based criminal history record check and a current credit report must be included with the Acceptance of Office as separate documents, unless this requirement is waived by the court or by statute (See [Acceptance of Office](#) for more information.)
 - Enter event code RPRT – Report for each report and seal each document.
- Appoint visitor.
 - Issue Order Appointing Visitor [JDF 809](#).
 - Enter event code ORDR - Order and relate to VIS party.
 - If this is an Informa Pauperis case or another type of case without fees, enter the court visitor into the CAC system.
 - When the visitor's report is received, enter event code RPRT. Enter in comments: Visitor's Report.
- Obtain hearing date and enter scheduled event - HGDN - Hearing on Guardianship.
- Enter event code NTHR – Notice of Hearing when petitioner files the Notice of Hearing to Interested Person [JDF 806](#) and Notice of Hearing to Respondent/Minor [JDF 807](#). See [Notice requirements](#). Enter in comments: Certificate of Service, service completed on xx date and by xx person, by mail, by hand delivery or however the interested person was notified.
 - If the address or identity of an interested person is not known, service by publication is required. A Notice of Hearing by Publication [JDF 716](#) and an Affidavit Regarding Due Diligence and Proof of Publication [JDF 714](#) must be completed by the petitioner.
 - Enter event code NTHR - Notice of Hearing. Enter in comments: Service by Publication.
 - Enter PRFP - Proof of Publication. Enter in comments: Publication completed on xx date and by xx newspaper.
- A physician's letter or professional evaluation may be filed. Enter as appropriate.
 - Enter event code RPRT - Report. File under seal.

3. HEARING AND INFORMATION TO THE NEWLY APPOINTED GUARDIAN

- The court will conduct a hearing and upon finding that a basis for the appointment of guardian has been established, enter an Order Appointing Guardian [JDF 843](#) or [JDF 846](#) or [JDF 848](#).
 - Enter event code MINC - Minute Order. Include the following regarding the appointment: Who appeared, who was appointed, basis of appointment, exhibits, report due dates.
- If the court also appointed a conservator, and a separate case was not opened, change case type from GA to CG.
- Update scheduled event with HELD - Held.
- Enter event code MHCM – Mental Health Incapacity Finding.
 - Double check that the D.O.B. is entered. State Judicial is required under §13-5-142, C.R.S. and §13-9-123, C.R.S. to report to the NICS index each person who has been found to be incapacitated. Without the D.O.B., NICS cannot properly identify the person.
- Enter event code CLAD - Closed Administratively.
- Set review dates on the “review docket”, using the scheduled event code REVW.
 - Enter review date for the initial and the annual Guardian’s Reports.
 - For the review of reports/plan, please see section [Monitoring of Reports and Plans](#).
- Issue Acknowledgement of Responsibilities [JDF 800](#) and Guardian’s Manual. Provide a hard copy of the Guardian’s Manual or refer the guardian to the [judicial website link](#).
 - The purpose of JDF 800 is to inform the newly appointed guardian of the due date for the initial and annual Guardian Reports and any other due dates.
 - The purpose of the Guardian’s Manual is to inform the guardian of his/her general responsibilities and to answer the most common questions.

4. ISSUE ORDER, LETTERS AND UPDATE PARTY ROLES

- Order Appointing Guardian [JDF 843](#) or [JDF 846](#) or [JDF 848](#), as appropriate.
 - Enter event code ORDR - Order.
 - The Order Appointing Guardian will identify all “interested persons”. These persons must be given notice of hearing on any subsequent petition, motion, or reports/plans.
- Issue Letters of Guardianship - Adult [JDF 849](#). Letters must not be issued until JDF 805 (Acceptance of Office) is received.

- Any limitations or restrictions imposed by the court must be endorsed on the Letters.
- Enter event code LTRI - Letters Issued.
- Update party information, as appropriate.
 - If the petitioner(s) (PET) was appointed as guardian, enter party role as GRD.
 - If the nominee (OTH) was appointed, enter party role as GRD.
 - Enter party role for respondent as INC – Incapacitated Person.

5. MONITORING THE GUARDIANSHIP

- See [Monitoring of Plan and Reports](#) for detailed information.

6. TERMINATING THE GUARDIANSHIP - §15-14-318, C.R.S.

- The case should be in closed status. If not, enter CLAD - Closed Administratively.
- A guardianship terminates upon the death of the ward. A petition for termination is not required. The guardian should file a Notice of Death [JDF 853](#), but notification by letter or in the Guardian's Report will suffice.
 - Enter event code TERM – Guardianship/Conservatorship Terminated, using the date the notification is received. If the case is a CG, do not TERM unless both the conservatorship and guardianship are terminated.
- The ward, the guardian or any other interested person may file a Petition for Termination of Guardianship [JDF 852](#) if the ward no longer meets the standard for establishing the guardianship. §15-14-318, C.R.S.
 - Enter event code PTGD - Petition to Termination Guardianship.
 - Obtain a hearing date and enter scheduled event HTRM - Petition to Terminate Hearing.
- Upon approval by the court, an Order for Termination of Guardianship - Adult [JDF 854](#) will be issued.
- Enter event code ORDR - Order. Identify in comments: To Terminate Guardianship. Enter event code POST - Closed after Post Judgment, if hearing was set.
- Enter event code TERM – Guardianship/Conservatorship Terminated. If the case is a CG, do not TERM unless both the conservatorship and guardianship are terminated.

Note: To cancel a record made in the NICS system based on our entry of the MHCM event code, the former ward must file a written request with the clerk of court. The request can be filed after at least 3 years have elapsed since the guardianship was terminated. Once approved, submit a copy of the order to the SCAO/JBITS interagency coordinator, currently stacey.kirk@judicial.state.co.us

Guardianship - Minor

09/30/2011

1. GENERAL INFORMATION - §15-14-201 through 210, C.R.S.

- A guardian (who must be at least 21 years of age) is appointed by the court to exercise the powers of a parent regarding a minor's support, care, education, health, and welfare. (A guardian can also be appointed by a parent or guardian by will or written instrument.) §15-14-208, C.R.S.
- Grounds for appointment: A guardian may be appointed for a minor (an unemancipated individual who has not attained the age of 18) if the court finds it would be in the minor's best interest to do so and the parents consent, or all parental rights have been terminated, or the parents are unwilling or unable to exercise their parental rights, or a previously appointed guardian has died or become incapacitated and the guardian has not appointed another guardian by will or other written instrument. §15-14-201, C.R.S.
- Petition for Appointment of Guardian for Minor [JDF 824](#) may be filed by the minor or a person interested in the minor's welfare. §15-14-204, C.R.S.
- Venue: A Petition for Appointment of Guardian for Minor may be filed in the Colorado county where the minor resides or is present at the time the proceeding is commenced. §15-14-108, C.R.S.
- Priority: For priority of appointment, see §15-14-206, C.R.S.
- The court may appoint an emergency guardian for a period of no more than 60 days. §15-14-204, C.R.S.
- The court may appoint a temporary guardian for a period of not more than six months. §15-14-204, C.R.S.
- Required [filing fee](#).
- Instructions and forms are available to the public on the [judicial branch website](#). The instructions include a list of required forms.
 - Instructions for Appointment of a Guardian - Minor [JDF 823](#).

2. CREATE NEW CASE

- Open new Case.
 - Assign a PR case number.
 - Enter case type as GM - Guardianship/Minor.
 - Enter PTGM - Petition for Guardianship - Minor as the originating event, unless the party filed a Motion to File In Forma Pauperis, then MIFP becomes the originating event and PTGM is entered as an event.
- Receipt [filing fee](#).
- Enter party information with name, address, and other contact information. Add the minor's and the nominee's date of birth (D.O.B.).
 - PET - Petitioner. If co-petitioners, enter PET.

- MIN - Minor.
 - OTH - Interested Persons.
 - OTH - Nominee. (If the nominee is not the petitioner or co-petitioner).
- Data entry for additional documents filed.
- Enter event code AOFC - Acceptance of Office upon the filing of Acceptance of Office [JDF 805](#). Relate event to GRD.
 - The Acceptance of Office must be filed using the most current version of JDF 805.
 - Guardian nominee must provide the court with a copy of his/her driver's license, passport or other government-issued identification. Enter personal identifying information, including date of birth, at this time.
 - A CBI name-based criminal history record check and a current credit report must be included with the Acceptance of Office as separate documents, unless this requirement is waived by the court or by statute. (See [Acceptance of Office](#) for more information.)
 - Enter event code RPRT – Report for each report and seal each document.
 - There is no statutory provision for appointment of a visitor in a guardianship for a minor. The court may choose to appoint a guardian ad litem to represent the interest of a minor, if the court determines that representation of the interest otherwise would be inadequate. The court shall state on the record the duties of the guardian ad litem and its reasons for the appointment. §15-14-115, C.R.S. The court may appoint a lawyer to represent the minor if it determines that the minor's interests are or may be inadequately represented. §15-14-205(3), C.R.S.
- Obtain hearing date and enter scheduled event - HGDN - Hearing on Guardianship.
- Enter event code NTHR – Notice of Hearing when petitioner files the Notice of Hearing to Interested Person [JDF 806](#) and Notice of Hearing to Respondent/Minor [JDF 807](#). See [Notice requirements](#). Enter in comments: Certificate of Service, service completed on xx date and by xx person, by mail, by hand delivery or however the interested person was notified.
- If the address or identity of an interested person is not known, service by publication is required. A Notice of Hearing by Publication [JDF 716](#) and an Affidavit Regarding Due Diligence and Proof of Publication [JDF 714](#) must be completed by the petitioner.
 - Enter event code NTHR - Notice of Hearing. Enter in comments: Service by Publication.
 - Enter PRFP - Proof of Publication. Enter in comments: Publication completed on xx date and by xx newspaper.

3. HEARING AND INFORMATION TO THE NEWLY APPOINTED GUARDIAN

- The court will conduct a hearing and upon finding that a basis for the appointment of guardian has been established, enter an Order Appointing Guardian for Minor [JDF 827](#) or [JDF 828](#) or [JDF 829](#).
 - Enter event code MINC - Minute Order. Include the following regarding the appointment: Who appeared, who was appointed, basis of appointment, exhibits, report due dates.
- If the court also appointed a conservator, and a separate case was not opened, change case type from GM to CG.
- Update scheduled event with HELD - Held.
- Enter event code CLAD - Closed Administratively.
- Set review dates on the “review docket”, using the scheduled event code REVW.
 - The court may require the guardian to file reports on the condition of a minor, but it is not mandatory.
 - Enter a review for the minor’s 18th birthday so that the guardianship can be terminated at that time.
 - For the review of reports, please see section [Monitoring of Plans and Reports](#).
- Issue Acknowledgement of Responsibilities [JDF 800](#) and Guardian’s Manual. Provide a hard copy of the Guardian’s Manual or refer the guardian to the [judicial website link](#).
 - The purpose of JDF 800 is to inform the newly appointed guardian of due dates for filings.
 - The purpose of the Guardian’s Manual is to inform the guardian of his/her general responsibilities and to answer the most common questions.

4. ISSUE ORDER, LETTERS AND UPDATE PARTY ROLES

- Order Appointing Guardian - Minor [JDF 827](#) or [JDF 828](#) or [JDF 829](#), as appropriate.
 - Enter event code ORDR - Order.
 - The Order Appointing Guardian will identify all “interested persons”. These persons must be given notice of hearing on any subsequent petition, motion, or reports must be given.
- Issue Letters of Guardianship - Minor [JDF 830](#). Letters must not be issued until JDF 805 (Acceptance of Office) is received.
 - Any limitations or restrictions imposed by the court shall be endorsed on the Letters.
 - Enter event code LTRI - Letters Issued.
- Update party information, as appropriate.

- If the petitioner or co-petitioner (PET) was appointed, enter party role as GRD.
- If the nominee (OTH) was appointed, enter party role as GRD.

5. MONITORING THE GUARDIANSHIP

- See [Monitoring of Plan and Reports](#) for detailed information.

6. TERMINATING THE GUARDIANSHIP - §15-14-210, C.R.S.

- The case should be in closed status. If not, enter CLAD - Closed Administratively.
- A guardianship terminates upon the minor's death, adoption, emancipation, or when minor turns age 18. §15-14-210, C.R.S.
 - A petition for termination is not required for termination based on death or reaching the age of majority.
 - If the minor has died, the guardian should file a Notice of Death [JDF 853](#), but notification by letter or in the Guardian's Report will suffice.
 - Enter event code TERM - Guardianship/Conservatorship Terminated, using the date the notification is received. If the case is a CG, do not TERM unless both the conservatorship and guardianship are terminated.
- The minor, the guardian or any other interested person may file a Petition for Termination of Guardianship - Minor [JDF 835](#).
 - Enter event code PTGD - Petition to Termination Guardianship.
 - Obtain a hearing date and enter scheduled event HTRM - Petition to Terminate Hearing.
- Issue Order for Termination of Guardianship - Minor [JDF 836](#).
 - Enter event code ORDR - Order. Identify in comments: To Terminate Guardianship.
- Enter event code POST - Closed after Post Judgment.
- Enter event code TERM - Guardianship/Conservatorship Terminated. If the case is a CG, do not TERM unless both the conservatorship and guardianship are terminated.

Monitoring of Plans and Reports – Conservatorship and Guardianship

9/30/20110

1. GENERAL INFORMATION

- **Checklists are available to assist with the review/approval.**
 - [JDF 776](#) - Conservator's Report Review Checklist.
 - [JDF 778](#) - Inventory with Financial Plan Review Checklist.
- **Standard forms are available.**
 - [JDF 801](#) - Delay Prevention Order
 - [JDF 802](#) - Order to Show Cause
 - [JDF 804](#) - Monitoring Criteria Checklist (For Court use only – Sealed Document)
 - [JDF 882](#) - Conservator's Inventory with Financial Plan and Motion for Approval
 - [JDF 883](#) - Order Regarding Conservator's Financial Plan
- No additional filing fee is required.

2. COURT PROCEDURE

- Conservator's Inventory with Financial Plan: Enter scheduled event code REVW using the due date contained in the order and the time your district has designated for such reviews.
 - Enter in comments: Csv Inv w/Fin Plan due.
- Conservator's Report: Enter scheduled event code REVW using the due date contained in the order and a time of 2:00 a.m. Schedule another REVW for the following year's Conservator's Report.
 - The reason for entering two reminders is to help prevent cases from "slipping through the cracks".
 - The reason for scheduling the reviews at 2:00 a.m. instead of your normal review time is to distinguish these reports from all other reminders, for statistical and other purposes.
 - Enter in comments: Csv Rpt and the year (e.g., Csv Rpt 2012).
- For conservatorships for minors, enter an additional scheduled event REVW for the minor's 21st birthday so that the court can monitor whether the conservator has filed proper paperwork to terminate the conservatorship.
 - Enter in comments: Minor's 21st birthday Petition to Terminate due
- Guardian's Initial Report: Enter scheduled event code REVW using the due date contained in the order and the time your district has designated for such reviews.
 - Enter in comments: Gdn Initial Rpt due.

- Guardian's Annual Report: Enter scheduled event code REVW using the due date contained in the order and a time of 2:00 a.m. Schedule another REVW for the following year's Guardian's Report.
 - The reason for entering two reminders is to help prevent cases from "slipping through the cracks".
 - The reason for scheduling the reviews at 2:00 a.m. instead of your normal review time is to distinguish these reports from all other reminders, for statistical and other purposes.
 - Enter in comments: Gdn Rpt and the year (e.g., Gdn Rpt 2012).
- For guardianships for minors, enter an additional scheduled event REVW for the minor's 18th birthday so that the case can be TERM'd at that time.
 - Enter in comments: Minor's 18th birthday. Terminate case.

3. FILING OF PLANS AND REPORTS

- Enter event code, as appropriate
 - FRPT - Conservator's Inventory with Financial Plan
 - CRPT- Conservator's Report.
 - GRPT - Guardian's Report
- Update scheduled event REVW with HELD, to indicate that the review date was monitored and the plan or report was received.
- Enter new scheduled event REVW for the report due the next year and the year after, so that there are two years scheduled. The reports are due on the due date as originally ordered, regardless of the actual filing date of any previous reports. Use a review time of 2:00 a.m. for Conservator's Reports and Guardian's Reports.

4. REVIEW OF CONSERVATOR'S FINANCIAL PLAN

- A [checklist](#) is available as a tool to help review the Financial Plan.
- A Motion for Approval of Inventory with Financial Plan is included in [JDF 882](#). The Order Appointing Conservator lists those persons who must be sent copies of motions, plans, reports, etc. Verify that they are listed on the Certificate of Service.
- The conservator must either set the approval of the plan for non-appearance hearing or for an appearance hearing and shall indicate which by checking the appropriate box on pg. 1
 - If non-appearance is checked, form [JDF 712](#) should accompany the plan.
 - Enter a new scheduled event REVD. Enter comment: 8:00 a.m. FP approval per Rule 8.8, C.R.P.P.
 - If appearance is checked, set hearing and enter scheduled event HMON – Monitoring Hearing.
- Route plan to the person assigned to conduct such reviews.

- Upon completion of review enter event FPRV - Financial Plan Reviewed and relate to FRPT. Enter in comments any concerns that are identified and what steps were taken to address them.
- Enter event code ODR - Order Regarding Conservator's Financial Plan [JDF 883](#).
- Enter additional scheduled events, if an amended financial plan is due or an additional hearing is set.
- If an additional hearing is necessary. Set hearing and enter scheduled event HMON - Monitoring Hearing.

5. REVIEW OF CONSERVATOR'S/GUARDIAN'S REPORT

- A [checklist](#) is available as a tool to help review the Conservator's Report.
- The Order Appointing Conservator/Guardian lists those persons who must be sent copies of motions, plans, reports, etc. Verify that they are listed on the Certificate of Service.
- A conservator may file a motion requesting the court to "allow" an interim/final report of a conservator. If this motion is filed, the conservator must give notice and set for a non-appearance or appearance hearing.
 - Enter scheduled event REVD - Non-appearance Rule 8.8. or HMON – Monitoring Hearing.
 - If any objections are filed prior to the non-appearance hearing, the objector must set an appearance hearing within ten days of filing the objection. If the objector is pro se, assist the objector with setting the hearing based on local practice.
- Route the report to the person assigned to conduct such reviews.
 - Upon completion of review enter CRRV – Conservator's Report Reviewed or GRRV – Guardian's Report Reviewed. Relate to CRPT or GRPT. Enter in comments any concerns that are identified and what steps were taken to address them.
- If unusual issues are identified, the judge may require an appearance hearing and may appoint of a GAL, visitor, or CPA, etc

6. FAILURE TO FILE PLANS/REPORTS TIMELY

- If the plan/report is not filed, within approximately 30 business days after the due date issue Delay Prevention Order [JDF 801](#) requiring the conservator/guardian to file the plan/report within 20 days. Enter event DPOP.
- Update prior scheduled event REVW with HCNT – Held and Continued.
- Enter new scheduled event REVW with the extended due date. Set this review for 3 a.m. Enter comment: DPO follow-up, Conservator Plan/Report due.
- Enter new scheduled event REVW for the conservator's report due the next year and the year after, so that there are two years scheduled. The

reports are due on the due date as originally ordered, regardless of the date the DPO is issued or responded to. Use a review time of 2:00 a.m. for Conservator's Reports.

7. DELAY PREVENTION ORDER FOLLOW-UP

- If following the issuance of the DPO, the court does not receive the required plan/reports, issue Order to Show Cause [JDF 802](#).
 - Obtain hearing date and enter scheduled event SCAS with the show cause hearing date and time.
 - The Order to Show Cause must be personally served. This may be done by the sheriff's office or a private process server.
 - If the DPO was returned because we do not have the conservator's current address, skip this step
- Update the 3:00 a.m. DPO follow-up REVW with HCNT-Held and Continued.
- Enter another scheduled event REVW for 01/01/2050 at 2:00 a.m. with comments describing why the show cause order was necessary.
 - 1/1/2050 is the date used for the non-compliance docket. The non-compliance docket collects together all cases in which conservators have not filed their required plans/reports and have not responded to the DPO.
 - This REVW event must remain until one of two things happens:
 - Compliance has been achieved. Update the REVW with VACT.
 - The judge terminates the case. Update the REVW with VACT.
 - The non-compliance docket should be reviewed regularly. Document any efforts to obtain compliance.

Power of Attorney - Adult

9/30/2011

1. GENERAL INFORMATION - §15-1-1301 - §15-1-1320, C.R.S.

- A power of attorney is an instrument by which an individual may authorize an agent to act for the individual in dealing with the individual's property, financial and other affairs.
- No filing fee is required.

2. PROCEDURE

- Delegation of powers by parent or guardian provides that a parent or a guardian of an incapacitated person, by a properly executed power of attorney, may delegate to another person, for a period not exceeding 12 months, any of his or her powers regarding care, custody or property of the incapacitated person, except his or her power to consent to marriage or adoption of the incapacitated person, pursuant to §15-14-105, C.R.S.
- A form is available - JDF 751 – Special Power of Attorney.
- A power of attorney is not filed with the court nor do the courts notarize it.
- The power of attorney may be recorded at the Clerk and Recorder's Office.
- A medical durable power of attorney made pursuant to §15-14-506 C.R.S. takes precedence over guardianship powers, absent a court order to the contrary.

Power of Attorney - Minor

09/30/2011

1. GENERAL INFORMATION - §15-1-1301 - §15-1-1320, C.R.S.

- A power of attorney is a document, executed by the parties involved, authorizing another to act as agent or attorney.
- A minor is a person under the age of 18, who is unmarried.
- No filing fee is required.

2. PROCEDURE

- Delegation of powers by parent or guardian provides that a parent or a guardian of a minor, by a properly executed power of attorney, may delegate to another person, for a period not exceeding 12 months, any of his or her powers regarding care, custody or property of the minor child, except his or her power to consent to marriage or adoption of the minor, pursuant to §15-14-105 C.R.S.
- A form is available - [JDF 751](#) – Special Power of Attorney.
- The power of attorney relates only to the person of the minor. It may be as specific as the parents want it to be, but it generally includes the right to obtain and consent to medical care, to enroll the child in school, authorize employment, application for driver's license and the like.
- If the minor is in the custody of both parents, both must sign the power. If the parents are separated, only the parent with legal custody should sign.
- The power of attorney does not contemplate control of the minor's property, authority to enter into contracts or otherwise obligate the minor. Authority over the property of a minor or the addition of the minor to health insurance requires the opening of a formal guardianship and/or conservatorship estate and appointment, by the court, of a guardian/conservator.
- A power of attorney is not filed with the court nor do the courts notarize it.
- The power of attorney may be recorded at the Clerk and Recorder's Office.
- This power of attorney may be changed or modified as the facts or circumstances require. The form need not be obtained from the court nor does the court require notification of a power having been executed.

Single Transaction

9/30/2010

1. GENERAL INFORMATION - §15-14-412, C.R.S.

- The court, without appointing a conservator, may enter an order to authorize, direct or ratify any transaction necessary or desirable for the best interests of the protected person.
- Required filing fee.

2. CREATE NEW CASE

- Open a new case.
 - Assign a PR case number.
 - Enter case type as ST - Single Transaction
 - Enter PETN - Petition as the originating event unless the party filed a Motion to File In Forma Pauperis, then MIFP becomes the originating event and PETN is entered as an event.
- Receipt filing fee.
- Enter party information with name, address, and other contact information. For Minor, add the Date of birth (D.O.B.).
 - PET – Petitioner. If co-petitioners, enter PET.
 - MIN – Minor or RSP - Respondent.
- Case is set for a hearing. Enter scheduled event.
 - Enter scheduled event HEAR - Hearing.

3. FINAL ORDERS

- The court must find that continued court supervision (i.e., a conservatorship) is not necessary. At any point in the proceeding the court may appoint a guardian ad litem (GAL) for the respondent or minor.
- The matter is closed after entry of an order.
- Update scheduled event as appropriate.
- Enter event code CLAD.

Miscellaneous Information - Protective Proceedings

Tuesday, September 27, 2011

Acceptance of Office

Appointment of Lawyer to Represent Respondent

Reporting Requirements - Guardian/Conservator

Review of Credit and CBI Reports - Red Flags...What to Look for

Acceptance of Office

Thursday, August 25, 2011

Acceptance of Office (JDF 805)

- An *Acceptance of Office – Guardianships and Conservatorships* (JDF 805) must be filed in every Emergency Guardianship and permanent Guardianship case and in every Special Conservatorship and permanent Conservatorship case. **There are no exceptions.** (The statutes are silent regarding Temporary and Substitute appointments, but they should be required in those circumstances, as well.)
- Every *Acceptance* must be signed by the nominee and notarized.
- Although they are required to file an *Acceptance*, the following persons/entities are not required to complete items 5-8 of the *Acceptance*, nor are they required to submit a CBI name-based criminal history record check or current credit report:
 - Public administrators
 - Trust companies
 - Credit unions, savings and loans, or other financial institutions
 - State or County agencies
 - Respondent's parent who resides with respondent
- Except for those persons noted directly above, all sections of the *Acceptance* must be completed unless the court waives the requirement to complete items 5-8, for good cause. The court may also waive the requirement to attach a CBI name-based criminal history record check or current credit report, for good cause. The finding of good cause should be documented.
- Do not issue *Letters* until the *Acceptance* has been filed. It is recommended that judges/magistrates insert language to that effect in the standard appointment orders when the *Acceptance* has not been received by the time of the hearing. For example:

The Court directs the issuance of Letters of Conservatorship ***upon the filing of the Acceptance of Office.***

The *Acceptance of Office* must be filed using the most current version of JDF 805. As of 8/25/11, the most current version carries a revision date of 7/10. This is important because the form contains statements required by statute. Older versions may not contain required language.

Appointment of Lawyer to Represent Respondent

09/21/2011

- The court is required to appoint a lawyer to represent the respondent in the following circumstances. **There are no exceptions.**
 - In adult guardianship cases, where the respondent requests a lawyer. 15-14-305(2), C.R.S.
 - In adult guardianship cases, where the court visitor recommends that a lawyer be appointed. 15-14-305(2), C.R.S.
 - In conservatorships established for reasons other than minority, where the respondent requests a lawyer. 15-14-406(2), C.R.S.
 - In conservatorships established for reasons other than minority, where the court visitor recommends that a lawyer be appointed. 15-14-406(2), C.R.S.
 - Immediately upon appointment of an emergency guardian for an adult. 15-14-312(1), C.R.S. Please note that it is a better practice to appoint a lawyer before the appointment hearing, whenever possible.
- In emergency adult guardianship cases, the requirement of a lawyer extends only to representation throughout the emergency guardianship. In order to reduce expenses, judges may wish to consider terminating the lawyer's appointment immediately upon termination of the temporary guardian's appointment (usually at the permanent appointment hearing).

Reporting Requirements - Guardian/Conservator

Wednesday, August 10, 2011

Guardian/Conservator Reporting Requirements

- **Minor guardianships:** The court may require the guardian to file reports on the condition of a minor, but it is not mandatory. The report should be filed using the most current version of JDF 834.
- **Adult guardianships:** The guardian for an adult is required to file two reports:
 - Initial report/care plan: The initial report/care plan must be filed within sixty days after appointment unless the court sets a different due date. **This report is mandatory** and its filing should not be waived. (See §15-14-317(1), C.R.S.) The report should be filed using the most current version of [JDF 850](#).
 - Annual report: The annual report must be filed at least once a year. The court may order more frequent reports to be filed. **This report is mandatory** and its filing should not be waived. (See §15-14-317(1), C.R.S.) The report should be filed using the most current version of [JDF 850](#).
- **Conservatorships (minor and adult):** Whether the protected person is a minor or an adult, the conservator is required to file:
 - Financial plan: A financial plan must be filed within ninety days after appointment. The court may set an earlier filing date. **This report is mandatory** and its filing should not be waived. (See §15-14-418(3), C.R.S.) The report should be filed using the most current version of [JDF 882](#).
 - Inventory: An inventory must be filed within ninety days after appointment. The court may set an earlier filing date. **This report is mandatory** and its filing should not be waived. (See §15-14-418(3), C.R.S.) The report should be filed using the most current version of [JDF 882](#). For convenience, the inventory and the financial plan have been combined into one form ([JDF 882](#)).
 - Annual report: The annual report must be filed once a year, unless the court directs more or less frequent reports. **This report is mandatory** and its filing should not be waived. (See §15-14-420(1), C.R.S.) The report should be filed using the most current version of [JDF 885](#).
Note: Effective August 10, 2011, the court may enter an order altering the statutorily required conservator's report contents. (See §15-14-402(2), C.R.S.) Therefore, in cases where the full conservatorship report is too detailed for the case, another form of report that satisfies

the court can be substituted. For example, in cases where a minor's assets are deposited into a restricted account or were used to purchase an annuity, filing an annual copy of the most current financial institution statement, confirming that the funds remain on deposit, would be an option. The long form (JDF 885) remains the default and should be required unless the court has entered an order to the contrary.

- **UVGA guardians:** A guardian appointed pursuant to the Uniform Veterans' Guardianship Act is required to file an annual accounting on the anniversary date of his/her appointment. The court may order more frequent reports to be filed. **This report is mandatory** and its filing should not be waived. (See §28-5-211(1), C.R.S.) There is not a standard form for filing this report.

Review of Credit and CBI Reports - Red Flags...What to Look For

10/03/2011

1. GENERAL INFORMATION - §15-14-110, C.R.S.

- A nominee for guardian, emergency guardian, conservator or special conservator shall file with the court an Acceptance of Office ([JDF 805](#)). The most current version of this form must be used.
- The Acceptance of Office shall be accompanied by a name-based criminal history record check from the Colorado Bureau of Investigation and a current credit report, unless the nominee is a public administrator, a trust company, a credit union, savings and loan or other financial institution, a State or County agency, or the respondent's parent who resides with respondent.
 - §15-14-110(4)(a-g), C.R.S., provides the list of persons and entities exempted from providing criminal history record checks and credit reports. The court has the authority to exempt any person or entity from providing these records, but such exemption must be based on good cause and should be made in writing, either in an order or as memorialized in a minute order.
- It is reasonable to require that the credit report be no older than 30 days, although the probate judge may impose a different requirement in your district.
- Three of the most common credit reporting agencies are Equifax, Inc., Experian, and TransUnion.
- Any social security numbers identified on the credit report should be redacted. If account numbers are identified, redact all but the last 4 numbers.

2. WHAT TO LOOK FOR ON CBI REPORTS

- Crimes against persons, elder abuse, assaults, child abuse and theft should be carefully scrutinized.
- Identify any felony and misdemeanor convictions, including petty offenses and dates of the offense and compare to self-disclosures contained in [JDF 805](#).
- Review for any current or past civil protection orders and compare to self-disclosures contained in [JDF 805](#).
- Bring any omissions and negative information to the attention of the Judge/Magistrate.
- The Judge/Magistrate will determine whether the dates of any conviction(s) and the severity of the offense(s) should prevent the nominee's appointment as guardian or conservator.

3. WHAT TO LOOK FOR ON CREDIT REPORTS

- Identify any civil judgments and compare to self-disclosures contained in [JDF 805](#).
- Review for accounts sent to collections, bankruptcy filings, past-due accounts, and child support judgments and compare to self-disclosures contained in [JDF 805](#).
- Review for multiple/unusual names, addresses, etc.
- Bring any omissions and negative information to the attention of the Judge/Magistrate.
- The Judge/Magistrate will determine whether the dates and severity of any negative information should prevent the nominee's appointment as guardian or conservator.

4. ADDITIONAL INFORMATION TO REQUEST, IF NECESSARY

- The court may require additional documents from the nominee, including:
 - A fingerprint-based criminal history check from the CBI and/or FBI. For example, an applicant from another state or one who moves frequently may be asked to provide this additional information.
 - A credit score is not part of a routine credit report, but one can be requested separately for an additional fee.