

INSTRUCTIONS FOR APPOINTMENT OF A CONSERVATOR - MINOR

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as you would be if you were represented by an attorney.

GENERAL INFORMATION

- ◆ The Minor child must be a resident in the county in which you are filing the petition whether or not a guardian has been appointed in another place or if the Minor does not reside in this state, in any county of this state in which property of the Minor is located.
- ◆ The Minor or a person interested in the welfare of the minor may file the case.
- ◆ A name-based criminal history record check from the Colorado Bureau of Investigation (CBI) and a current credit report of the proposed conservator must be filed with the Court.
- ◆ The Court may appoint a conservator for a Minor, if the Court finds the appointment to be in the best interest of the Minor and if the Court determines that for reasons other than age the minor is unable to manage money or property.
- ◆ For additional information, please review §15-14-401 through §15-14-433, C.R.S.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website:
http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm

COMMON TERMS

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| <input checked="" type="checkbox"/> Petitioner: | A person who files a Petition for the Appointment of a Conservator |
| <input checked="" type="checkbox"/> Conservator: | A person at least 21 years of age, resident or non-resident, who has been appointed to manage the financial affairs of another person. |
| <input checked="" type="checkbox"/> Interested Person: | Persons identified by Colorado Law who must be given notice of a court proceeding. See Step 2 for a complete list. |
| <input checked="" type="checkbox"/> Letters: | Official document identifying the authority of the Conservator. |
| <input checked="" type="checkbox"/> Minor: | An unemancipated person who is under the age of 18. |
| <input checked="" type="checkbox"/> Conservator Nominee: | A person named in the petition to serve as the Conservator. |
| <input checked="" type="checkbox"/> Order: | Official document identifying the authority of the Conservator and his/her responsibilities during the Conservatorship. |

If you do not understand this information, please contact an attorney.

FEES

A filing fee of \$ 199.00 is required. If you have a family situation that requires you to file a conservatorship for more than one child, only one filing fee is required, if the Petitions are filed on the same day. If you are unable to pay, you must complete the Motion to File without Payment and Supporting Financial Affidavit (JDF 205) and submit it to the Court. Once you submit the completed JDF 205 form and a blank Order (JDF 206), the Court will decide whether you need to pay the filing fee.

Other fees that a party to the case may encounter are as follows:

- Certification of Orders and Letters \$ 20.00
- Service Fees Varies
- Copy of Documents \$.75 per page
- The Court may appoint a Guardian ad Litem (GAL) to investigate and report back to the Court, for the purpose of determining if the Conservatorship is in the best interest of the minor.
- The Court may appoint an Attorney to represent the Minor if the Court believes the minors interests are not adequately represented pursuant to §15-14-405, C.R.S.

- Petition for Appointment of Conservator for Minor (JDF 861).**
 - The Petitioner must complete **all** applicable sections on the form.
 - If the child's father is not known (no name appears on the birth certificate), then a copy of the birth certificate of the child should be attached to the Petition. If the parental rights have been terminated or the parents are deceased, copies of the termination papers or the death certificates should be attached to the Petition.
 - The Petitioner must sign this form in the presence of a Court Clerk or Notary Public.

- Acceptance of Office (JDF 805).**
 - Complete all applicable sections on the form and attach the name-based criminal history check and current report for the proposed conservator.
 - Attach a legible copy of the proposed conservator's driver's license, passport or other government-issued identification.
 - Obtain and attach a name-based criminal history record check for the proposed conservator from Colorado Bureau of Investigation (CBI). To obtain a name-based criminal history check, contact CBI at 690 Kipling Street Denver, CO 80215, (303) 239-4300, or at www.cbi.state.co.us and click on CBI Records Check.
 - Obtain and attach a current credit report of the proposed conservator. Below are a few credit reporting agencies:
 - ◆ Equifax, Inc., P.O. Box 740241, Atlanta, GA 30374, 1-800-685-1111, or at www.equifax.com
 - ◆ Experian, P.O. Box 2002, Allen, TX 75013, 1-888-397-3742, or at www.experian.com
 - ◆ TransUnion, P.O. Box 2000, Chester, PA 19022, 1-800-916-8800, or at www.transunion.com
 - Redact (strikeout) all social security numbers identified on the credit report and all but the last four digits of account numbers.
 - The costs for all criminal history checks and credit reports must be paid by the proposed conservator.
 - The proposed conservator must sign the Acceptance of Office in the presence of a Court Clerk or Notary Public.

- Waiver of Notice (JDF 719).**
 - This form can be completed by any interested person (except the Minor) who wishes to waive notice of any hearings or matters before the Court.
 - This form cannot be completed by the Minor. See Notice requirements in **Step 4**.
 - If this form is used, it must be signed in the presence of a Court Clerk or Notary Public.

- Irrevocable Power of Attorney (JDF 721).**
 - This form is required **only** if the proposed conservator lives out-of-state.
 - The proposed out-of-state conservator must complete this form and sign it before a Court Clerk of Notary Public.

- Consent or Nomination of Minor (JDF 826).**
 - The Minor who is the subject of the appointment, if 12 years of age or older, has the right to nominate a conservator. JDF 826 can be completed by the Minor to identify his/her nominee.
 - If the Minor signs this form, it must be done in the presence of a Court Clerk or Notary Public

Note: This is not a substitute for personal service. Step 4 - Notice of Hearing to Minor must still be completed.

- Letters of Conservatorship - Minor (JDF 863).**
 - Complete only the caption on the form.
 - The Court will complete the remainder of the form and sign it following the appointment of the Conservator.

- Proposed Order (JDF 862 or JDF 877).**
 - Select the appropriate Order based on the type of conservatorship you are requesting. The proposed order should match your selection from number 1 on the Petition – JDF 861.
 - Complete only the caption on the form.

Step 2: You are ready to file your Papers with the Court.

Provide the Court with the documents completed as described in Step 1 above, and pay the \$ 199.00 filing fee. You will need to make copies of the documents for each of the following persons:

1. Any person alleged to have had the primary care and custody of the Minor 60 days before the filing of the Petition.
2. Each living parent of the Minor or, if there is none, the adult nearest in kinship that can be found.
3. Any person nominated as Conservator by the Minor if the Minor has attained 12 years of age.
4. Any appointee of a parent whose appointment has not been prevented or terminated.
5. Any Guardian or Conservator currently acting for the Minor in this state or elsewhere.

You may receive a hearing date from the clerk at the time of filing your paperwork or you may need to contact the clerk later to obtain the hearing date. The date and time of this hearing is important because you will need it to complete the Notice of Hearing or publication forms described in **Step 3 and Step 4.**

Step 3: Notice to Parents and Other Interested Persons, if any. (By Mail or Publication)

All person listed in Step 2 must be given notice of the upcoming hearing. **Unless they are the Petitioners, both parents must be given notice of the hearing.)**

Service by Mail.

- If you know the address of the person to whom you are giving notice,** complete the Notice of Hearing to Interested Persons (JDF 806).
- Mail copies of **all** documents filed with the Court (including the Petition for Conservatorship) **and** the completed Notice of Hearing to Interested Persons (JDF 806), at least 14 days before the hearing.
- Complete the Certificate of Service portion on the form, listing the names and addresses of all persons to whom you sent the notice and the date you sent it and file the form with the Court at or before your hearing.
- If the address of either parent or any interested person is unknown, you **must** publish the notice of the hearing in the newspaper. See Service by Publication instructions below.

Service by Publication.

If you do not have a current address for the parents or other interested persons, or if their identity is not known and cannot be ascertained with reasonable diligence, you must publish the notice of hearing in the newspaper. Before doing this you may wish to search the Internet, contact prior employers, friends, etc. to locate a current address.

Notice of Hearing by Publication (JDF 716).

- Complete this form and have it published in a newspaper of general circulation in the county where the hearing is to be held.
- The notice must be published once a week for three consecutive weeks, with the last date of publication being at least 14 days before the hearing date.
- The Petitioner must request a publisher's affidavit from the newspaper after publication is completed. This publisher's affidavit, prepared by the newspaper, will serve as proof that the Notice of Hearing by Publication (JDF 716) was published. This publisher's affidavit must be attached to the Affidavit Regarding Due Diligence and Proof of Publication (JDF 714). See form identified below.

Affidavit Regarding Due Diligence and Proof of Publication (JDF 714).

- Complete all sections on this form. The purpose of this form is to describe to the Court your efforts to locate the individuals listed in the Notice of Hearing by Publication (JDF 716).
- The Petitioner must sign this form in the presence of a Court Clerk or Notary Public.

Step 4: Notice of Hearing to Minor with Personal Service Affidavit.

This step only applies when the Minor is 12 or older. You must personally serve the Minor at least 14 days prior to the hearing. **Helpful Hints to complete personal service:**

- Select the Sheriff's Department, a private process server, or someone you know who is 18 years or older, who is not involved in the case, and who knows the rules of service.
- Request the sheriff, private process server, or other person serving the documents to deliver personally to the Minor the Notice of Hearing (JDF 807) and copies of all documents filed with the Court.
- Request that the sheriff, private process server, or other person serving the documents complete the Personal Service Affidavit on the second page of the Notice of Hearing (JDF 807) and return it to the Petitioner.
- The Petitioner should then file with the Court, the Notice of Hearing to Respondent (Adult or Minor) (JDF 807) with the completed Personal Service Affidavit.

Step 5: Hearing

The Petitioner must appear at the hearing and should be prepared to present evidence showing why the conservatorship is in the child's best interest.

- Be prepared to present evidence to showing that the parents are aware of the proceedings and that they consent to the conservatorship. If the Petitioner cannot prove that the parents consent to the conservatorship then he/she must be prepared to present evidence showing that the parents are either unwilling or unable to manage the child's financial affairs.
- If the Minor is 12 years of age or older he/she should appear at the hearing.
- If the Minor cannot attend the hearing for medical or other reasons, the Petitioner must file a Motion to Excuse the Minor and attach appropriate documentation to support the motion, such as a physician's letter.
- If the Court appoints a conservator, the Court will issue Letters (JDF 863) as a formal notice of the appointment and provide you with a copy of the Order Appointing Conservator.
 - You may need certified copies of the Letters and Order. The number needed will vary, depending on your circumstances.
 - Copies of the Order must be provided to all interested persons identified in the Order.

Step 6: Requirements After the Court Appoints a Conservator.

Refer to the Order Appointing Conservator for a Minor to determine if/when the Conservator's Inventory with Financial Plan and Motion for Approval and Conservator's Report are due. If ordered to complete, both forms must be provided to the persons listed in the Order of Appointment. The Conservator is required to maintain supporting documentation for all receipts and all disbursements during the duration of the appointment.

- Complete and sign the Acknowledgment of Responsibilities (JDF 800). Letters of Appointment will not be issued until this form is submitted.
- Complete a Conservator's Inventory with Financial Plan and Motion for Approval (JDF 882), if required.
 - The Conservator's Inventory with Financial plan and Motion for Approval (JDF 882) is normally required 60 days following the appointment.
 - Complete only the caption on the Order Regarding Conservator's Financial Plan (JDF 883).
 - The Court will complete the remainder of the form following review of JDF 882.
- Refer to the Order Appointing Conservator - Minor (JDF 862) to determine if the Conservator is required to submit an annual Conservator's Report (JDF 885). The purpose of this report is to give details to the Court and interested person regarding management of the Minor's financial affairs.
- Refer to the Order Appointing Conservator for Minor regarding completing the Notice of Appointment of Guardian and/or Conservator (JDF 812). The purpose of this form is to notify the Minor, if 12 years or older, and persons given notice of the Petition that they have the right to request termination or modification of the Conservatorship.

Note:

A Conservator's Manual is available to assist the newly appointed Conservator. This manual identifies general responsibilities and important Conservatorship issues, along with completed sample forms to assist the preparer.

The responsibilities of the conservator continue until the Court terminates the conservatorship. Resignation of a conservator does not terminate the conservatorship until approved by the Court.