

INSTRUCTIONS TO FILE A PETITION TO TERMINATE CONSERVATORSHIP

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

- ◆ A conservatorship may be terminated under the following circumstances.
 1. The Protected Person attains the age of 21 years.
 2. The death of the Protected Person.
 3. The Protected Person's inability to manage property or business affairs has been resolved.
 4. The assets of the conservatorship are insufficient to warrant continued administration.
- ◆ If funds of the Minor were ordered to be placed in a restricted account and no other assets exist and the minor is now 21, the filing of a Petition to Terminate a Conservatorship may not be necessary.
- ◆ The Protected Person seeking termination is entitled to the same rights and procedures as in an original proceeding for a protective order.
- ◆ Upon receiving an Order terminating the conservatorship or upon receiving notice of the death of a protected person, the Conservator shall conclude the administration of the conservatorship by filing a Conservator's Final Report (JDF 885), receipt and release forms, and a proposed Decree of Final Discharge within 63 days after distribution, unless otherwise directed by the Court.
- ◆ For additional information, please review § 15-14-431, 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 Termination a Conservatorship. |
| <input checked="" type="checkbox"/> Conservator: | A person at least 21 years of age, resident or non-resident, who has been appointed to manage the business affairs of another person. |
| <input checked="" type="checkbox"/> Letters: | Official document identifying the authority of the Conservator. |
| <input checked="" type="checkbox"/> Interested Persons: | Persons identified by Colorado Law who must be given notice of a court proceeding. |
| <input checked="" type="checkbox"/> Order: | Official document identifying the authority/termination of the conservatorship. |

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

FEES

No filing fee is required. Other fees that a party to the case may encounter are:

- | | |
|--|-----------------|
| <input type="checkbox"/> Certification of Orders and Letters | \$ 20.00 |
| <input type="checkbox"/> Copy of Documents | \$.75 per page |

FORMS

To access a form online go to www.courts.state.co.us and click on the "Forms" tab. The packet/forms are available in PDF or WORD by selecting **Probate – Protective Proceedings – Termination – Conservatorship (Minor and Adult)**. You may complete a form online or you may print it and type or print legibly in black ink.

Read these instructions carefully to determine what forms you may need, as you may need all or some of the listed forms. Check with the Court where you plan to file your case to determine if they have any special requirements.

- JDF 712 Notice of Non-Appearance Hearing Pursuant to C.R.P.P. 8.8
- JDF 730 Decree of Final Discharge
- JDF 731 Receipt and Release
- JDF 806 Notice of Hearing to Interested Persons
- JDF 853 Notice of Death
- JDF 885 Conservator's Final Report
- JDF 888 Petition for Termination of Conservatorship
- JDF 889 Waiver of Hearing, Waiver of Final Conservator's Report, Waiver of Audit and Approval of Schedule of Distribution
- JDF 890 Order Terminating Conservatorship

STEPS TO FILING YOUR CASE

Step 1: Complete Forms.

Selecting these instructions indicates that you plan to terminate a conservatorship. The caption below must be completed on all forms filed. **Be sure to make a copy for your own records of all forms you file with the Court.**

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Probate Court _____ County, Colorado Court Address:	▲ COURT USE ONLY ▲
In the Interests of: Protected Person Attorney or Party Without Attorney (Name and Address):	
Phone Number: _____ Email: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division: _____ Courtroom: _____
NAME OF FORM	

- Petition for Termination of Conservatorship JDF 888).**
 - This form can be completed by the Protected Person, Conservator or interested person.
 - The Petitioner must complete **all** applicable sections on the form.
 - The Schedule of Distribution (sections six and seven) should describe the assets and value of each and who will be getting the assets.
 - Upon termination of a conservatorship and whether or not formally distributed by the Conservator, title of the assets passes to the formerly Protected Person, the former Protected Person's successor, the Personal Representative or as ordered by the Court.

- Notice of Death (JDF 853).**
 - Only complete this form upon death of the Protected Person.
 - Complete all sections on the form.

- Waiver of Hearing, Waiver of Final Conservator's Report, Waiver of Audit and Approval of Schedule of Distribution (JDF 889).**
 - The Protected Person or his/her successor may complete this form if they agree to the information contained in the form.
 - This form must be signed in the presence of a Court Clerk or Notary Public.

- Conservator's Final Report (JDF 885).**
 - Only complete this form if all required waivers (JDF 889) are not completed when filing the Petition with the Court.
 - You are completing the Conservator's Final Report. Make sure you include all financial information.
 - The Conservator should complete **all** applicable sections on this form.

- Order Terminating Conservatorship and Schedule of Distribution (JDF 890).**
 - Complete the caption on the form.
 - The Court will complete the remainder of the form and sign it following review of the documents filed with the Court and/or a hearing to terminate the Conservatorship.

- Final Decree of Discharge (JDF 730).**
 - Only complete the caption on the form.
 - The Court will complete the remainder of the form and sign it following review of the documents filed with the Court verifying that the Conservator has met all conditions set by the Court.

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. You may set this matter on the non-appearance docket. If you are requesting to terminate the conservatorship, because it is believed that the Protected Person's inability to manage their affairs has been resolved, an evidentiary hearing is required and must be set.

- Complete JDF 712 - Notice of Non-Appearance Hearing and file along with **all** the completed documents to terminate the conservatorship.
 - Complete the Certificate of Service portion on JDF 712, listing the names and addresses of all interested persons to whom you sent the notice and the date you sent it.
 - Mail JDF 712 and **all** completed documents filed with the Court to **all** interested persons that you are required to notify regarding the termination of the conservatorship.

or

- You may request to have an evidentiary hearing. You may receive a hearing date from the clerk at the time of filing the Petition. The date and time of this hearing is important because you will need to complete the Notice of Hearing form (JDF 806), see **Step 3**.

Step 3: Send Copies of all Documents Filed with the Court and the Notice of Hearing (JDF 806) to Interested Persons.

Depending on the number of interested persons you must notify regarding the termination of the conservatorship, you may need to make several copies of the documents filed with the Court.

JDF 806 must also be provided to the Protected Person unless he/she or their successor has signed JDF 889.

- Mail copies of **all** documents (including the Petition for Termination and Conservator's Report) filed with the Court **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. List the names and addresses of all interested persons and the formerly Protected Person or the former Protected Persons' successor to whom you sent the notice and the date you sent it and file it with the Court on or before the hearing date.

Step 4: Non-Appearance Docket or Evidentiary Hearing

- ◆ If you have completed the forms and are requesting that this matter be set on the **non-appearance docket**, **parties are not expected to appear**, the Court will review the documents and any objections if filed.
- ◆ The Petitioner who may be the Protected Person or Conservator **must appear at the evidentiary hearing** and should be prepared to present evidence showing why the conservatorship should be terminated.
 - If the Court approves the termination, the Court will complete the proposed Order Terminating Conservatorship (JDF 890).
 - You may need certified copies of the Order depending on your circumstances.
 - Copies of the Order must be provided to all interested persons identified in the Order.
 - Upon receiving an Order, the Conservator shall conclude the administration of the conservatorship.

Step 5: Obtain a signed copy of the Decree of Final Discharge from the Court.

The Court shall enter the Decree upon being fully satisfied that the Conservator has met all conditions required by the Court for the Conservator's discharge.

- Upon the filing of the Receipt and Release (JDF 731) by the formerly protected person/minor and/or other interested persons to support that the assets have been transferred/title changed, etc. as identified in the Schedule of Distribution, the Court will issue a Decree of Final Discharge (JDF 730).
- The Court will not issue a Decree of Final Discharge until a Receipt and Release is filed by all individuals as identified in the Schedule of Distribution.
- If you need certified copies, please provide the appropriate fees.