

# INSTRUCTIONS TO FILE PETITION TO ACCEPT ADULT GUARDIANSHIP AND/OR CONSERVATORSHIP IN COLORADO FROM SENDING STATE

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 an attorney.

## GENERAL INFORMATION

- ◆ These instructions and forms accommodate a consensual, unopposed transfer of protective proceedings to Colorado from another state. Any Interested Person who objects to any aspect of these proceedings may file an objection and/or request an evidentiary hearing at any time.
- ◆ The Petition to Accept (JDF 873) **must** have attached a certified copy of the provisional order of transfer from the sending state and certified copies of documents from the sending state that support your authority to act as the Guardian and/or Conservator. It is very important that you obtain this provisional order of transfer before filing a Petition to Accept in Colorado.
- ◆ The Petition to Accept must be filed in the county where the Ward/Protected Person is physically present in the State of Colorado or where the Ward/Protected Person expects to move permanently within the State of Colorado.
- ◆ The Petition can be filed by the Guardian and/or Conservator.
- ◆ A Colorado Adult Protective Services (CAPS) – CAPS Check Written Authorization form **must** be complete and signed by the guardian and/or conservator appointed in the other state and **filed with the court**. That form can be found on the Colorado Department of Humans Services website or by clicking this link: [CAPS Check Written Authorization Form](#)

**NOTE:** Do **NOT** attempt to register an account with CAPS or Request a CAPS Check yourself. Simply download the Written Authorization Form, **complete it and file it with the court**. The court is responsible for processing the CAPS Check with the Colorado Adult Protective Services (CAPS). If you have questions, please contact the court directly.

- ◆ For additional information, please review §§15-14.5-301 - 302, 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](http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm)

## COMMON TERMS

- ☒ Guardian: A person at least 21, resident or non-resident, who has qualified as a Guardian of a minor or incapacitated person based on an appointment by the Court.
- ☒ Conservator: A person at least 21, resident or non-resident, who has been appointed to manage the financial affairs of another person.
- ☒ Interested Persons: Persons identified by Colorado Law who must be given notice of a Guardianship and/or Conservatorship proceeding.
- ☒ Letters: Formal notice identifying the authority of the Guardian and/or Conservator.
- ☒ Legal Representative: Includes a representative payee, a Guardian or Conservator acting for a respondent, a trustee or custodian of a trust of custodianship of which the respondent is a beneficiary or an agent designated under a power of attorney.

☒ Order: Official document identifying the authority of the Guardian and/or Conservator of his/her responsibilities during the Guardianship and/or Conservatorship.

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

## FEES

A \$199.00 filing fee is required. 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:

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

## FORMS

To access a form online go to [www.courts.state.co.us](http://www.courts.state.co.us) and click on the “Forms” tab. The packet/forms are available in PDF or WORD by selecting **Guardian & Conservator - New Case - Accept Guard/Cons from Sending State**.

**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.**

- |                                  |   |
|----------------------------------|---|
| <input type="checkbox"/> JDF 705 | Probate Case Information Sheet  |
| <input type="checkbox"/> JDF 712 | Notice of Hearing Without Appearance Pursuant to C.R.P.P. 24                            |
| <input type="checkbox"/> JDF 783 | Petition Requesting Colorado to Accept Guardianship/Conservatorship from Sending State  |
| <input type="checkbox"/> JDF 784 | Provisional Order to Accept Guardianship/Conservatorship in Colorado from Sending State |
| <input type="checkbox"/> JDF 785 | Final Order Accepting Guardianship/Conservatorship in Colorado from Sending State       |
| <input type="checkbox"/> JDF 805 | Acceptance of Office  |
| <input type="checkbox"/> JDF 849 | Letters of Guardianship - Adult   |
| <input type="checkbox"/> JDF 850 | Guardian’s Report - Adult   |
| <input type="checkbox"/> JDF 880 | Letters of Conservatorship - Adult  |
| <input type="checkbox"/> JDF 885 | Conservator’s Report  |

- ◆ A Colorado Adult Protective Services (CAPS) – CAPS Check Written Authorization form **must** be completed and signed by the guardian and/or conservator appointed in the other state **and filed with the court**. That form can be found on the Colorado Department of Humans Services website or by clicking this link: [CAPS Check Written Authorization Form](#)

**NOTE:** Do **NOT** attempt to register an account with CAPS or Request a CAPS Check yourself. Simply download the Written Authorization Form, **complete it and file it with the court**. The court is responsible for processing the CAPS Check with the Colorado Adult Protective Services (CAPS). If you have questions, please contact the court directly.

## STEPS TO FILING YOUR CASE

### Step 1: Complete Forms.

Before you complete any of the Colorado forms, it is important that you **obtain a certified copy of a provisional order to transfer from the sending state**. This **Order** provides notification to the Colorado Courts that the other state is aware of your intentions to transfer the Guardianship and/or Conservatorship to Colorado and is the first step to this process.

Selecting these instructions indicates that you are seeking to have the Colorado Court accept a transfer of a Guardianship and/or Conservatorship from another/sending state. The caption below needs to be completed on all forms filed. **Make sure that you make a copy for your own records of all of the forms you file with the Court.**

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

- Petition Requesting Colorado to Accept Guardianship/Conservatorship from Sending State (JDF 783)**
  - The Petitioner must complete **all** applicable sections on the form.
  - Attach to the Petition, a **certified copy of a provisional order to transfer** from the sending state.
  - Attach Order of Appointment from sending state.
  - Attach certified copies of Letters or documents supporting your authority from sending state.
  
- Provisional Order to Accept Guardianship/Conservatorship in Colorado from Sending State (JDF 784)**
  - Complete only the caption on the form.
  - The Court will complete the remainder of the form and sign it following review of the documents filed and any objections filed.
  
- Notice of Hearing Without Appearance Pursuant to C.R.P.P. 24 (JDF 712)**
  - Complete the Notice portion of the form.
  - Complete the Certificate of Service portion on **JDF 712**, listing the Ward/Protected Person and names and addresses of all interested persons listed on the Petition to Transfer and Proposed Provisional Order Re: Petition to Transfer and the date you will mail the documents.
  - Check the list below to determine the “Interested Persons” applicable to your circumstances.**
    1. The spouse of the Ward/Protected Person, if married.
    2. The partner of the Ward/Protected Person in a civil union, if the civil union has not been dissolved.
    3. The parents of the Ward/Protected Person, if any.
    4. The adult children of the Ward/Protected Person, if any.
    5. Any Guardian or Conservator currently acting for the Ward/Protected Person.
    6. Any person who has care and custody of the Ward/Protected Person, including the Ward/Protected Person’s treating physician.
    7. Any adult with whom the Ward/Protected Person has resided for more than six months within one year before the filing of the Petition. (§15-14-304(2)(b)(I)(A))
    8. Any adult relative nearest of kin, if there is no spouse, partner in a civil union, parent, or adult children.
    9. Any legal representative of the Ward/Protected Person.
    10. Any nominated person by the Ward/Protected Person.
  
- CAPS Check Written Authorization Form**
  - A Colorado Adult Protective Services (CAPS) – CAPS Check Written Authorization form must be completed and signed by the guardian and/or conservator appointed in the other state and **filed with the court**. That

form can be found on the Colorado Department of Humans Services website or by clicking this link: [CAPS Check Written Authorization Form](#)

**NOTE:** Do **NOT** attempt to register an account with CAPS or Request a CAPS Check yourself. Simply download the Written Authorization Form, **complete it and file it with the court.** The court is responsible for processing the CAPS Check with the Colorado Adult Protective Services (CAPS). If you have questions, please contact the court directly.

**Step 2: File your Documents with the Court.**

Provide the Court with the documents completed as described in **Step 1** above and pay the filing fee of \$ 199.00. The Court will issue a case number and will enter such on the documents.

**Step 3: Mail JDF 712 – Notice of Hearing Without Appearance.**

- Mail **JDF 712** and **all** completed documents filed with the Court to **all** interested persons that you are required to notify regarding the Petition to Accept Guardianship and/or Conservatorship.

**Step 4: Hearing Without Appearance.**

You have completed the forms and are requesting that this matter be set on the **hearing without appearance docket, parties are not required or expected to appear.** The Court will review the documents and any objections filed.

- If the Court approves the Petition to Accept, the Court will complete the proposed **Provisional Order to Accept Guardianship and/or Conservatorship (JDF 784).**
  - You will need a certified copy of the Provisional Order to Accept to file with the other state.
  - Copies of the Provisional Order to Accept must be provided to the Ward/Protected Person and all interested persons.

**Upon receipt of the Provisional Order to Accept issued by the Colorado Court, it is the responsibility of the Guardian and/or Conservator to file the Provisional Order to Accept issued by the Colorado Court and to file the appropriate documents to terminate the guardianship/conservatorship with the other state. The other state may not issue a Final Order Confirming the Transfer to Colorado, until such documents are filed.**

**Step 5: Finalize Process to Accept Petition.**

Once you have a **Final Order to Transfer from the sending state**, you can file the Final Order Accepting Guardianship and/or Conservatorship with the Colorado Court, along with the other documents listed below.

- Final Order Accepting Guardianship/Conservatorship in Colorado from Sending State (JDF 785).**
  - Complete caption only on the form.
  - The Court will complete the remainder of the form and sign it following the appointment of the Guardian and/or Conservator.
- Acceptance of Office (JDF 805).**
  - Complete all applicable sections on the form and attach the name-based criminal history check and current credit report for the proposed guardian and/or conservator.
    - Attach a legible copy of the proposed guardian's and/or conservator's driver's license, passport or other government-issued identification.
    - Obtain and attach a name-based criminal history record check from Colorado Bureau of Investigation (CBI). To obtain a name-based criminal history check, contact CBI at 690 Kipling Street, Suite 3000, Denver, CO 80215, (303) 239-4208, or at [www.colorado.gov/cbi](http://www.colorado.gov/cbi) and click on CBI Records Check <https://www.cbirecordscheck.com/> .

- Obtain a current credit report of the nominee. 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](http://www.equifax.com)
  - ◆ Experian, P.O. Box 2002, Allen, TX 75013, 1-888-397-3742, or at [www.experian.com](http://www.experian.com)
  - ◆ TransUnion, P.O. Box 2000, Chester, PA 19022, 1-800-916-8800, or at [www.transunion.com](http://www.transunion.com)
- Redact “strike-out” all social security numbers identified on the credit report. If account numbers are identified, only reflect the last 4 numbers of bank, credit card accounts, etc.
- The cost for all criminal history checks and credit reports must be paid by the proposed guardian and/or conservator.
- The proposed guardian and/or conservator must sign the Acceptance of Office.
- Letters of Guardianship – Adult (JDF 849) and/or Letters of Conservatorship – Adult (JDF 880).**
  - Complete only the caption on the form.
  - The Court will complete the remainder of the form and may sign it following the appointment of the Guardian and/or Conservator.
- Probate Case Information Sheet (JDF 705)**
  - Complete the form and file it with the court.

**Step 6: Requirements AFTER the Colorado Court Accepts Guardian and/or Conservator.**

- Refer to the **Final Order Accepting Guardianship/Conservatorship in Colorado (JDF 785)** to determine what is required to be filed in Colorado.
- Annual reports may be required to report to the Court and interested persons the well being of the Ward/Protected Person. The reports must be the most current version and provided to the persons listed in the Final Order.**
- Acknowledgment of Responsibilities (JDF 800)**
  - Complete, sign, and file the Acknowledgment with the court.
  - The reporting requirements including due dates can be found in the Final Order – JDF 785.
- The Ward/Protected Person may not move outside the State of Colorado without an Order from the Court.**

**The responsibilities of the Conservator continue until the Court terminates the conservatorship. The Court may terminate the conservatorship if the Protected Person no longer meets the standard for establishing the Conservatorship. Resignation of a Conservator does not terminate the conservatorship until approved by the Court.**

**The responsibilities of the Guardian terminate upon the death of the Ward or upon order of the Court. The Court may terminate the Guardianship if the Ward no longer meets the standard for establishing the Guardianship.**