**DUTIES OF A GUARDIAN FOR AN ADULT**

**C.R.S. § 15-14-314. Duties of guardian**
**(1)** Except as otherwise limited by the court, a guardian shall make decisions regarding the ward's support, care, education, health, and welfare. A guardian shall exercise authority only as necessitated by the ward's limitations and, to the extent possible, shall encourage the ward to participate in decisions, act on the ward's own behalf, and develop or regain the capacity to manage the ward's personal affairs. A guardian, in making decisions, shall consider the expressed desires and personal values of the ward to the extent known to the guardian. A guardian, at all times, shall act in the ward's best interest and exercise reasonable care, diligence, and prudence.

**(2)**  A guardian shall:

**(a)**  Become or remain personally acquainted with the ward and maintain sufficient contact with the ward to know of the ward's capacities, limitations, needs, opportunities, and physical and mental health;

**(b)**  Take reasonable care of the ward's personal effects and bring protective proceedings if necessary to protect the property of the ward;

**(c)**  Expend money of the ward that has been received by the guardian for the ward's current needs for support, care, education, health, and welfare;

**(d)**  Conserve any excess money of the ward for the ward's future needs, but if a conservator has been appointed for the estate of the ward, the guardian shall pay the money to the conservator, at least quarterly, to be conserved for the ward's future needs;

**(e)**  Immediately notify the court if the ward's condition has changed so that the ward is capable of exercising rights previously removed;

**(f)**  Inform the court of any change in the ward's custodial dwelling or address; and

**(g)**  Immediately notify the court in writing of the ward's death.

**C.R.S. §15-14-315. Powers of guardian**
**(1)** Subject to the limitations set forth in section 15-14-316 and except as otherwise limited by the court, a guardian may:

**(a)**  Apply for and receive money payable to the ward or the ward's guardian or custodian for the support of the ward under the terms of any statutory system of benefits or insurance or any private contract, devise, trust, conservatorship, or custodianship;

**(b)**  If otherwise consistent with the terms of any order by a court of competent jurisdiction relating to custody of the ward, take custody of the ward and establish the ward's place of custodial dwelling, but may only establish or move the ward's place of dwelling outside this state upon express authorization of the court;

**(c)**  If a conservator for the estate of the ward has not been appointed with existing authority, commence a proceeding, including an administrative proceeding, or take other appropriate action to compel a person to support the ward or to pay money for the benefit of the ward;

**(d)**  Consent to medical or other care, treatment, or service for the ward; and

**(e)**  If reasonable under all of the circumstances, delegate to the ward certain responsibilities for decisions affecting the ward's well-being.

**(2)**  The court may specifically authorize or direct the guardian to consent to the adoption or marriage of the ward.

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**C.R.S. §15-14-316. Rights and immunities of guardian - limitations
(1)** A guardian is entitled to reasonable compensation for services as guardian and to reimbursement for room and board provided by the guardian or one who is affiliated with the guardian, but only as approved by order of the court. If a conservator, other than the guardian or one who is affiliated with the guardian, has been appointed for the estate of the ward, reasonable compensation and reimbursement to the guardian may be approved and paid by the conservator without order of the court.

**(2)**  A guardian need not use the guardian's personal funds for the ward's expenses. A guardian is not liable to a third person for acts of the ward solely by reason of the relationship. A guardian who exercises reasonable care in choosing a third person providing medical or other care, treatment, or service for the ward is not liable for injury to the ward resulting from the negligent or wrongful conduct of the third party.

**(3)**  A guardian, without authorization of the court, may not revoke a medical durable power of attorney made pursuant to section 15-14-506 of which the ward is the principal. If a medical durable power of attorney made pursuant to section 15-14-506 is in effect, absent an order of the court to the contrary, a health-care decision of the agent takes precedence over that of a guardian.

**(4)**  A guardian may not initiate certification of a ward to a mental health care institution or facility except in accordance with the state's procedure for involuntary treatment and evaluation of a mental health disorder pursuant to article 65 of title 27. To obtain hospital or institutional care and treatment for a ward's mental health disorder, a guardian shall proceed as provided under article 65 of title 27. To obtain services and supports from an approved service agency as defined in section 25.5-10-202 for a ward with intellectual and developmental disabilities, a guardian shall proceed as provided pursuant to article 10 of title 25.5. To obtain care and treatment for a ward's substance use disorder, a guardian shall proceed as provided pursuant to articles 81 and 82 of title 27. A guardian shall not have the authority to consent to any such care or treatment against the ward's will.

**C.R.S. §15-14-317. Reports - monitoring of guardianship - court access to records
(1)**  Within sixty days after appointment or as otherwise directed by the court, a guardian shall report to the court in writing on the condition of the ward, the guardian's personal care plan for the ward, and account for money and other assets in the guardian's possession or subject to the guardian's control. A guardian shall report at least annually thereafter and whenever ordered by the court. The annual report must state or contain:

**(a)**  The current mental, physical, and social condition of the ward;

**(b)**  The living arrangements for all addresses of the ward during the reporting period;

**(c)**  The medical, educational, vocational, and other services provided to the ward and the guardian's opinion as to the adequacy of the ward's care;

**(d)**  A summary of the guardian's visits with the ward and activities on the ward's behalf and the extent to which the ward has participated in decision-making;

**(e)**  Whether the guardian considers the current plan for care, treatment, or habilitation to be in the ward's best interest;

**(f)**  Plans for future care; and

**(g)**  A recommendation as to the need for continued guardianship and any recommended changes in the scope of the guardianship.

**(2)**  The court may appoint a visitor or other suitable person to review a report, interview the ward or guardian, and make any other investigation the court directs.

**(3)**  The court shall establish a system for monitoring guardianships, including the filing and review of annual reports.

**(4)**  (a) Whenever a guardian fails to file a report or fails to respond to an order of the court to show cause why the guardian should not be held in contempt of court, the clerk of the court or his or her designee may research the whereabouts and contact information of the guardian and the ward. To facilitate this research, the clerk of the court or his or her designee shall have access to data maintained by other state agencies, including but not limited to vital statistics information maintained by the department of public health and environment, wage and employment data maintained by the department of labor and employment, lists of licensed drivers and income tax data maintained by the department of revenue and provided pursuant to section 13-71-107, C.R.S., and voter registration information obtained annually by the state court administrator pursuant to section 13-71-107, C.R.S. The court may access the data only to obtain contact information for the guardian or the ward. Notwithstanding any provision of law to the contrary, the judicial department and the other state agencies listed in this paragraph (a) may enter into agreements for the sharing of this data. The judicial department and the courts shall not access data maintained pursuant to the "Address Confidentiality Program Act", part 21 of article 30 of title 24, C.R.S.

**(b)**  The court shall preserve the confidentiality of the data obtained from other state agencies and use the data only for the purposes set forth in this subsection (4). Notwithstanding the provisions of article 72 of title 24, C.R.S., documents and information obtained by the court pursuant to this subsection (4) are not public records and shall be open to public inspection only upon an order of the court based on a finding of good cause, except to the extent they would otherwise be open to inspection from the providing state agency.

**(c)**  For purposes of this subsection (4), "contact information" means name, residential address, business address, date of birth, date of death, phone number, e-mail address, or other identifying information as directed by the court.

**DUTIES OF A GUARDIAN FOR A CHILD**

**C.R.S. §15-14-207. Duties of guardian**
**(1)** Except as otherwise limited by the court, a guardian of a minor ward has the duties and responsibilities of a parent regarding the ward's support, care, education, health, and welfare. A guardian shall act at all times in the ward's best interest and exercise reasonable care, diligence, and prudence.

**(2)**  A guardian shall:

**(a)**  Become or remain personally acquainted with the ward and maintain sufficient contact with the ward to know of the ward's capacities, limitations, needs, opportunities, and physical and mental health;

**(b)**  Take reasonable care of the ward's personal effects and bring a protective proceeding if necessary to protect other property of the ward;

**(c)**  Expend money of the ward which has been received by the guardian for the ward's current needs for support, care, education, health, and welfare;

**(d)**  Conserve any excess money of the ward for the ward's future needs, but if a conservator has been appointed for the estate of the ward, the guardian shall pay the money at least quarterly to the conservator to be conserved for the ward's future needs;

**(e)**  Report the condition of the ward and account for money and other assets in the guardian's possession or subject to the guardian's control, as ordered by the court on application of any person interested in the ward's welfare or as required by court rule; and

**(f)**  Inform the court of any change in the ward's custodial dwelling or address.

**C.R.S. §15-14-208. Powers of guardian**
**(1)** Except as otherwise limited by the court, a guardian of a minor ward has the powers of a parent regarding the ward's support, care, education, health, and welfare.

**(2)**  A guardian may:

**(a)**  Apply for and receive money for the support of the ward otherwise payable to the ward's parent, guardian, or custodian under the terms of any statutory system of benefits or insurance or any private contract, devise, trust, conservatorship, or custodianship;

**(b)**  If otherwise consistent with the terms of any order by a court of competent jurisdiction relating to custody of the ward, take custody of the ward and establish the ward's place of custodial dwelling, but may only establish or move the ward's custodial dwelling outside the state upon express authorization of the court;

**(c)**  If a conservator for the estate of a ward has not been appointed with existing authority, commence a proceeding, including an administrative proceeding, or take other appropriate action to compel a person to support the ward or to pay money for the benefit of the ward;

**(d)**  Consent to medical or other care, treatment, or service for the ward;

**(e)**  Consent to the marriage of the ward; and

**(f)**  If reasonable under all of the circumstances, delegate to the ward certain responsibilities for decisions affecting the ward's well-being.

**(3)**  The court may specifically authorize the guardian to consent to the adoption of the ward.

**C.R.S. §15-14-209. Rights and immunities of a guardian**
**(1)** A guardian is entitled to reasonable compensation for services as guardian and to reimbursement for room and board provided by the guardian or one who is affiliated with the guardian, but only as approved by the court. If a conservator, other than the guardian or a person who is affiliated with the guardian, has been appointed for the estate of the ward, reasonable compensation and reimbursement to the guardian may be approved and paid by the conservator without order of the court.

**(2)**  A guardian need not use the guardian's personal funds for the ward's expenses. A guardian is not liable to a third person for acts of the ward solely by reason of the guardianship. A guardian is not liable for injury to the ward resulting from the negligence or act of a third person providing medical or other care, treatment, or service for the ward except to the extent that a parent would be liable under the circumstances.

**DUTIES OF A CONSERVATOR**

**C.R.S. §15-14-418. General duties of conservator - financial plan
(1)**  A conservator, in relation to powers conferred by this part 4 or implicit in the title acquired by virtue of the proceeding, is a fiduciary and shall observe the standards of care applicable to a trustee.

**(2)**  A conservator shall take into account the limitations of the protected person, and to the extent possible, as directed by the order of appointment or the financial plan, encourage the person to participate in decisions, act in the person's own behalf, and develop or regain the ability to manage the person's estate and business affairs.

**(3)**  Within a time set by the court, but no later than ninety days after appointment, a conservator shall file for approval with the appointing court a financial plan for protecting, managing, expending, and distributing the income and assets of the protected person's estate. The financial plan shall be based upon a comparison of the projected income and expenses of the protected person and shall set forth a plan to address the needs of the person and how the assets and income of the protected person shall be managed to meet those needs. The financial plan must be based on the actual needs of the person and take into consideration the best interest of the person. The conservator shall include in the financial plan steps to the extent possible to develop or restore the person's ability to manage the person's property, an estimate of the duration of the conservatorship, and projections of expenses and resources.

**(4)**  In investing an estate, selecting assets of the estate for distribution, and invoking powers of revocation or withdrawal available for the use and benefit of the protected person and exercisable by the conservator, a conservator shall take into account any estate plan of the person known to the conservator. The conservator may examine the will and any other donative, nominative, or other appointive instrument of the person.

**(5)**  A conservator shall file an amended financial plan whenever there is a change in circumstances that requires a substantial deviation from the existing financial plan.

**C.R.S. §15-14-419. Inventory**
**(1)**  Within a time set by the court, but no later than ninety days after appointment, a conservator shall prepare and file with the appointing court a detailed inventory of the estate subject to the conservatorship, together with an oath or affirmation that the inventory is believed to be complete and accurate as far as information permits.

**(2)**  If any property not included in the original inventory comes to the knowledge of a conservator or if the conservator learns that the value or description indicated in the original inventory for any item is erroneous or misleading, he or she shall prepare an amended inventory and file it with the court and provide copies to interested parties as directed by prior court orders.

**C.R.S. §15-14-420. Reports - appointment of monitor - monitoring - records - court access to records**
**(1)**  A conservator shall report to the court about the administration of the estate annually unless the court otherwise directs. Upon filing a petition or motion and after notice, a conservator shall be entitled to a hearing to settle all matters covered in an intermediate or final report. An order, after notice and hearing, allowing an intermediate report of a conservator adjudicates all of the conservator's, his or her other counsel's, and his or her other agent's liabilities concerning all matters adequately disclosed in the report. An order, after notice and hearing, allowing a final report adjudicates all previously unsettled liabilities of the conservator, his or her counsel, and that of his or her agents relating to the conservatorship, the protected person, or the protected person's successors.

**(2)**  Unless the court orders otherwise, a report must:

**(a)**  Contain a list of the assets of the estate under the conservator's control and a list of the receipts, disbursements, and distributions during the period for which the report is made;

**(b)**  Reflect the services provided to the protected person; and

**(c)**  State any recommended changes in the plan for the conservatorship as well as a recommendation as to the continued need for conservatorship and any recommended changes in the scope of the conservatorship.

**(3)**  The court may appoint a visitor or other suitable person to review a report or plan, interview the protected person or conservator, and make any other investigation the court directs. In connection with a report, the court may order a conservator to submit the assets of the estate to an appropriate examination to be made in a manner the court directs.

**(4)**  The court shall establish a system for monitoring conservatorships, including the filing and review of conservators' reports and plans.

**(5)**  A conservator shall keep records of the administration of the estate and make them available for examination on reasonable request of an interested person within thirty days unless the court otherwise directs.

**(6)**  (a) Whenever a conservator fails to file a report or fails to respond to an order of the court to show cause why the conservator should not be held in contempt of court, the clerk of the court or his or her designee may research the whereabouts and contact information of the conservator and the protected person. To facilitate this research, the clerk of the court or his or her designee shall have access to data maintained by other state agencies, including but not limited to vital statistics information maintained by the department of public health and environment, wage and employment data maintained by the department of labor and employment, lists of licensed drivers and income tax data maintained by the department of revenue and provided pursuant to section 13-71-107, C.R.S., and voter registration information obtained annually by the state court administrator pursuant to section 13-71-107, C.R.S. The court may access the data only to obtain contact information for the conservator or the ward. Notwithstanding any provision of law to the contrary, the judicial department and the other state agencies listed in this paragraph (a) may enter into agreements for the sharing of this data. The judicial department and the courts shall not access data maintained pursuant to the "Address Confidentiality Program Act", part 21 of article 30 of title 24, C.R.S.

**(b)**  The court shall preserve the confidentiality of the data obtained from the other state agencies and use the data only for the purposes set forth in this subsection (6). Notwithstanding the provisions of article 72 of title 24, C.R.S., documents and information obtained by the court pursuant to this subsection (6) are not public records and shall be open to public inspection only upon an order of the court based on a finding of good cause, except to the extent they would otherwise be open to inspection from the providing state agency.

**(c)**  For purposes of this subsection (6), "contact information" means name, residential address, business address, date of birth, date of death, phone number, e-mail address, or other identifying information as directed by the court.

**C.R.S. §15-14-425. Powers of conservator in administration
(1)**  Except as otherwise qualified or limited by the court in its order of appointment and endorsed on the letters, a conservator has all of the powers granted in this section and any additional powers granted by law to a trustee in this state.

**(2)**  A conservator, acting reasonably and in an effort to accomplish the purpose of the appointment, and without further court authorization or confirmation, may:

**(a)**  Collect, hold, and retain assets of the estate, including assets in which the conservator has a personal interest and real property in another state, until the conservator considers that disposition of an asset should be made;

**(b)**  Receive additions to the estate;

**(c)**  Continue or participate in the operation of any business or other enterprise;

**(d)**  Acquire an undivided interest in an asset of the estate in which the conservator, in any fiduciary capacity, holds an undivided interest;

**(e)**  Invest assets of the estate as though the conservator were a trustee;

**(f)**  Deposit money of the estate in a financial institution, including one operated by the conservator;

**(g)**  Acquire or dispose of an asset of the estate, including real property in another state, for cash or on credit, at public or private sale, and manage, develop, improve, exchange, partition, change the character of, or abandon an asset of the estate;

**(h)**  Make ordinary or extraordinary repairs or alterations in buildings or other structures, demolish any improvements, and raze existing or erect new party walls or buildings;

**(i)**  Subdivide, develop, or dedicate land to public use, make or obtain the vacation of plats and adjust boundaries, adjust differences in valuation or exchange or partition by giving or receiving considerations, and dedicate easements to public use without consideration;

**(j)**  Enter for any purpose into a lease as lessor or lessee, with or without option to purchase or renew, for a term within or extending beyond the term of the conservatorship;

**(k)**  Enter into a lease or arrangement for exploration and removal of minerals or other natural resources or enter into a pooling or unitization agreement;

**(l)**  Grant an option involving disposition of an asset of the estate and take an option for the acquisition of any asset;

**(m)**  Vote a security, in person or by general or limited proxy;

**(n)**  Pay calls, assessments, and any other sums chargeable or accruing against or on account of securities;

**(o)**  Sell or exercise stock subscription or conversion rights;

**(p)**  Consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise;

**(q)**  Hold a security in the name of a nominee or in other form without disclosure of the conservatorship so that title to the security may pass by delivery;

**(r)**  Insure the assets of the estate against damage or loss and the conservator against liability with respect to a third person;

**(s)**  Borrow money, with or without security, to be repaid from the estate or otherwise and advance money for the protection of the estate or the protected person and for all expenses, losses, and liability sustained in the administration of the estate or because of the holding or ownership of any assets, for which the conservator has a lien on the estate as against the protected person for advances so made;

**(t)**  Pay or contest any claim, settle a claim by or against the estate or the protected person by compromise, arbitration, or otherwise, and release, in whole or in part, any claim belonging to the estate to the extent the claim is uncollectible;

**(u)**  Pay taxes, assessments, compensation of the conservator and any guardian, and other expenses incurred in the collection, care, administration, and protection of the estate;

**(v)**  Allocate items of income or expense to income or principal of the estate, as provided by other law, including creation of reserves out of income for depreciation, obsolescence, or amortization or for depletion of minerals or other natural resources;

**(w)**  Pay any sum distributable to a protected person or individual who is in fact dependent on the protected person by paying the sum to the distributee or by paying the sum for the use of the distributee:

**(I)**  To the guardian of the distributee;

**(II)**  To a distributee's custodian under the "Colorado Uniform Transfers to Minors Act", article 50 of title 11, C.R.S., or custodial trustee under the "Colorado Uniform Custodial Trust Act", article 1.5 of this title; or

**(III)**  If there is no guardian, custodian, or custodial trustee, to a relative or other person having physical custody of the distributee;

**(x)**  Prosecute or defend actions, claims, or proceedings in any jurisdiction for the protection of assets of the estate and of the conservator in the performance of fiduciary duties; and

**(y)**  Execute and deliver all instruments that will accomplish or facilitate the exercise of the powers vested in the conservator.

**(3)**  Except as otherwise qualified or limited by the court in its order of appointment and endorsed on the letters, a conservator may exercise any of the powers enumerated in the "Colorado Fiduciaries' Powers Act", part 8 of article 1 of this title.

**(4)**  The court may confer on a conservator at the time of appointment or later, in addition to the powers conferred by sections **15-14-425**, 15-14-426, and 15-14-427, any power that the court itself could exercise under section 15-14-410. The court may, at the time of appointment or later, limit the powers of a conservator otherwise conferred by sections **15-14-425**, 15-14-426, and 15-14-427, or previously conferred by the court, and may at any time relieve the conservator of any limitation. If the court limits any power conferred on the conservator by section **15-14-425**, 15-14-426, or 15-14-427 or specifies, as provided in section 15-14-421 (1) that title to some but not all assets of the protected person vest in the conservator, the limitation shall be endorsed upon the conservator's letters of appointment.

**(5)**  In investing the estate, and in selecting assets of the estate for distribution under section 15-14-427, in utilizing powers of revocation or withdrawal available for the support of the protected person and exercisable by the conservator or the court, and in exercising any other powers vested in them, the conservator and the court should take into account any known estate plan of the protected person, including his or her will, any revocable trust of which he or she is settlor, and any contract, transfer, or joint ownership arrangement with provisions for payment or transfer of benefits or interests at his or her death to another or others which he or she may have originated. The conservator may examine the will of the protected person.

**C.R.S. §15-14-430. Personal liability of conservator
(1)**  Except as otherwise provided in the contract, a conservator is not personally liable on a contract properly entered into in a fiduciary capacity in the course of administration of the estate unless the conservator fails to reveal in the contract the representative capacity and identify the estate.

**(2)**  A conservator is personally liable for obligations arising from ownership or control of property of the estate or for other acts or omissions occurring in the course of administration of the estate only if personally at fault.

**(3)**  Claims based on contracts entered into by a conservator in a fiduciary capacity, obligations arising from ownership or control of the estate, and claims based on torts committed in the course of administration of the estate may be asserted against the estate by proceeding against the conservator in a fiduciary capacity, whether or not the conservator is personally liable therefor.

**(4)**  A question of liability between the estate and the conservator personally may be determined:

**(a)**  In a proceeding pursuant to section 15-10-504;

**(b)**  In a proceeding for accounting, surcharge, indemnification, sanctions, or removal; or

**(c)**  In another appropriate proceeding or action.

**(5)**  A conservator is not personally liable for any environmental condition on or injury resulting from any environmental condition on land solely by reason of an acquisition of title under section 15-14-421.

**C.R.S. §15-14-411. Required court approval
(1)**  After notice to interested persons and upon express authorization of the court, a conservator may:

**(a)**  Make gifts, except as otherwise provided in section 15-14-427 (2);

**(b)**  Convey, release, or disclaim contingent and expectant interests in property, including marital property rights and any right of survivorship incident to joint tenancy or tenancy by the entireties;

**(c)**  Exercise or release a power of appointment;

**(d)**  Create a revocable or irrevocable trust of property of the estate, whether or not the trust extends beyond the duration of the conservatorship, or revoke or amend a trust revocable by the protected person;

**(e)**  Exercise rights to elect options and change beneficiaries under retirement plans, insurance policies, and annuities or surrender the plans, policies, and annuities for their cash value;

**(f)**  Exercise any right to an elective share in the estate of the protected person's deceased spouse and to renounce or disclaim any interest by testate or intestate succession or by transfer inter vivos; and

**(g)**  Make, amend, or revoke the protected person's will.

**(2)**  A conservator, in making, amending, or revoking the protected person's will, shall comply with section 15-11-502 or 15-11-507.

**(3)**  The court, in exercising or in approving a conservator's exercise of the powers listed in subsection (1) of this section, shall consider primarily the decision that the protected person would have made, to the extent that the decision can be ascertained. To the extent the decision cannot be ascertained, the court shall consider the best interestof the protected person. The court shall also consider:

**(a)**  The financial needs of the protected person and the needs of individuals who are in fact dependent on the protected person for support and the interest of creditors;

**(b)**  Possible reduction of income, estate, inheritance, or other tax liabilities;

**(c)**  Eligibility for governmental assistance;

**(d)**  The protected person's previous pattern of giving or level of support;

**(e)**  The existing estate plan;

**(f)**  The protected person's life expectancy and the probability that the conservatorship will terminate before the protected person's death; and

**(g)**  Any other factors the court considers relevant, including the best interest of the protected person.

**C.R.S. §15-14-414. Petition for order subsequent to appointment
(1)**  A protected person or a person interested in the welfare of a protected person may file a petition in the appointing court for an order:

**(a)**  Requiring bond or collateral or additional bond or collateral, or reducing bond or collateral;

**(b)**  Requiring an accounting for the administration of the protected person's estate;

**(c)**  Directing distribution;

**(d)**  Removing the conservator pursuant to section 15-10-503 and appointing a special or successor conservator;

**(e)**  Modifying the type of appointment or powers granted to the conservator if the extent of protection or management previously granted is currently excessive or insufficient or the protected person's ability to manage the estate and business affairs has so changed as to warrant the action; or

**(f)**  Granting other appropriate relief.

**(2)**  A conservator may petition the appointing court for instructions concerning fiduciary responsibility.

**(3)**  Upon notice and hearing the petition, the court may give appropriate instructions and make any appropriate order.

**(4)**  At the conclusion of the hearings authorized by this section, the court may review the motions and petitions filed by a party under this section to determine if they were substantially warranted and brought in good faith. If, after the hearing, the court determines that the motions and petitions filed under this section were not substantially warranted or were brought in bad faith, the court may award fees and costs against the movant or petitioner including, but not limited to, the attorney fees and costs incurred by the conservatorship, or the affected parties, in responding to the motions and petitions.