

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0573.01 Chelsea Princell x4335

**HOUSE BILL 26-1100**

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**HOUSE SPONSORSHIP**

**Stewart R. and Espenoza,**

**SENATE SPONSORSHIP**

**Snyder,**

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**House Committees**

Judiciary  
Finance

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING UPDATES TO GUARDIANSHIP FOR INCAPACITATED**  
102 **ADULTS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill repeals provisions related to the guardianship of an incapacitated person and enacts provisions related to the guardianship of an incapacitated person drafted by the uniform law commission as part of the "Uniform Guardianship and Protective Proceedings Act".

The bill provides guidance for guardians and clarifies how appointees must make decisions on behalf of a person under

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.*

guardianship.

The bill encourages the use of protective arrangements and less restrictive alternatives instead of guardianship if a person's needs can be met with support services and technology.

The bill establishes a bill of rights for adults subject to guardianship and expands the procedural rights for respondents in guardianship proceedings.

The bill provides for visitation and communication rights for individuals subject to guardianship or conservatorship. This includes a limitation on a guardian's ability to prevent communication, visitation, or interactions between a person subject to guardianship and a third party.

The bill prohibits courts from establishing full guardianship if a limited guardianship would meet the respondent's needs, requires a petitioner seeking full guardianship to provide support to justify full guardianship, and requires courts to provide findings to support the imposition of full guardianship.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 15-14-102, **amend**  
3 (1), (4), (7.5), and (10.5); and **add** (1.3), (1.5), (3.5), (4.5), (6.5), (7.3),  
4 (10.3), and (11.5) as follows:

5 **15-14-102. Definitions.**

6 In parts 1 to 4 of this article 14:

7 (1) ~~"Claim", with respect to a protected person, includes a claim~~  
8 ~~against an individual, whether arising in contract, tort, or otherwise, and~~  
9 ~~a claim against an estate which arises at or after the appointment of a~~  
10 ~~conservator, including expenses of administration~~ "ADULT" MEANS AN  
11 INDIVIDUAL AT LEAST EIGHTEEN YEARS OLD OR AN EMANCIPATED  
12 INDIVIDUAL UNDER EIGHTEEN YEARS OLD.

13 (1.3) "ADULT SUBJECT TO GUARDIANSHIP" MEANS AN ADULT FOR  
14 WHOM A GUARDIAN HAS BEEN APPOINTED PURSUANT TO THIS ARTICLE 14.

15 (1.5) "CLAIM", WITH RESPECT TO A PROTECTED PERSON, INCLUDES  
16 A CLAIM AGAINST AN INDIVIDUAL, WHETHER ARISING IN CONTRACT, TORT,

1 OR OTHERWISE, AND A CLAIM AGAINST AN ESTATE WHICH ARISES AT OR  
2 AFTER THE APPOINTMENT OF A CONSERVATOR, INCLUDING EXPENSES OF  
3 ADMINISTRATION.

4 (3.5) "FULL GUARDIANSHIP" MEANS A GUARDIANSHIP THAT  
5 GRANTS THE GUARDIAN ALL POWERS AVAILABLE PURSUANT TO THIS  
6 ARTICLE 14.

7 (4) "Guardian" means an individual at least twenty-one years of  
8 age OLD, resident or non-resident, who has qualified as a guardian of a  
9 minor or incapacitated person pursuant to appointment by a parent or by  
10 the court. The term includes a limited, emergency, and temporary  
11 substitute guardian but not a guardian ad litem.

12 (4.5) "GUARDIAN AD LITEM" MEANS A PERSON APPOINTED TO  
13 INFORM THE COURT ABOUT, AND TO REPRESENT, THE NEEDS AND BEST  
14 INTEREST OF AN INDIVIDUAL.

15 (6.5) "LESS RESTRICTIVE ALTERNATIVE" MEANS AN APPROACH TO  
16 MEETING AN INDIVIDUAL'S NEEDS THAT RESTRICTS FEWER RIGHTS OF THE  
17 INDIVIDUAL THAN WOULD THE APPOINTMENT OF A GUARDIAN OR  
18 CONSERVATOR. THE TERM INCLUDES PROTECTIVE ARRANGEMENT OR  
19 SERVICES, SUPPORTED DECISION-MAKING, APPROPRIATE TECHNOLOGICAL  
20 ASSISTANCE, APPOINTMENT OF A REPRESENTATIVE PAYEE, AND  
21 APPOINTMENT OF AN AGENT BY THE INDIVIDUAL, INCLUDING APPOINTMENT  
22 UNDER A POWER OF ATTORNEY FOR HEALTH CARE OR POWER OF ATTORNEY  
23 FOR FINANCES.

24 (7.3) "LIMITED GUARDIANSHIP" MEANS A GUARDIANSHIP THAT  
25 GRANTS THE GUARDIAN LESS THAN ALL POWERS AVAILABLE PURSUANT TO  
26 THIS ARTICLE 14 OR OTHERWISE RESTRICTS THE POWERS OF THE  
27 GUARDIAN.

1 (7.5) "Member of the supportive community" means a person  
2 whom the respondent, ward, or protected person has trusted for the  
3 one-year period immediately preceding the filing of a petition pursuant to  
4 ~~section 15-14-304~~ SECTION 15-14-302 or 15-14-403 to engage in  
5 supported decision-making and who may have relevant information about  
6 the respondent's, ward's, or protected person's desires and personal values.

7 (10.3) "PERSON INTERESTED IN THE WELFARE OF" MEANS AN  
8 INTERESTED PERSON WITH REGARD TO THE WELL-BEING OF AN INDIVIDUAL  
9 SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP, WHO, WITH RESPECT TO  
10 THE MATTER UNDER CONSIDERATION, HAS RELEVANT CONCERN THAT THE  
11 RELIEF REQUESTED IN THE MATTER OR OUTCOME OF THE MATTER IS  
12 REQUIRED FOR THE PROTECTION OF THE INDIVIDUAL'S HEALTH, SAFETY,  
13 WELFARE, OR ESTATE, OR MAY HAVE A HARMFUL EFFECT ON THE  
14 INDIVIDUAL'S HEALTH, SAFETY, WELFARE, OR ESTATE.

15 (10.5) "Post-adjudication" means after appointment of a  
16 permanent guardian or special or permanent conservator after a hearing  
17 for which a respondent was provided notice pursuant to ~~section~~  
18 ~~15-14-309~~ SECTION 15-14-303 or section 15-14-404, or both, and at which  
19 the respondent had an opportunity to present evidence and be heard.

20 (11.5) "PROTECTIVE ARRANGEMENT" MEANS A COURT-ORDERED  
21 ALTERNATIVE TO GUARDIANSHIP DESIGNED TO PROTECT THE  
22 RESPONDENT'S PERSONAL INTERESTS AND AUTHORIZE ACTIONS NECESSARY  
23 TO MEET THE RESPONDENT'S NEED FOR HEALTH, SAFETY, OR CARE.

24 **SECTION 2.** In Colorado Revised Statutes, **add** 15-14-103 as  
25 follows:

26 **15-14-103. Guardianship bill of rights.**

27 (1) AN ADULT SUBJECT TO GUARDIANSHIP HAS THE RIGHT TO:

- 1 (a) BE TREATED WITH DIGNITY AND RESPECT;
- 2 (b) BE FREE FROM ABUSE, NEGLECT, EXPLOITATION, AND  
3 DISCRIMINATION;
- 4 (c) REMAIN AS INDEPENDENT AS POSSIBLE;
- 5 (d) EXPRESS AND PRACTICE THEIR OWN RELIGIOUS PREFERENCES;
- 6 (e) PERSONAL PRIVACY;
- 7 (f) HUMANE, SAFE, AND SANITARY LIVING, LEARNING, AND  
8 WORKING ENVIRONMENTS;
- 9 (g) SEXUAL EXPRESSION AND TO HAVE THEIR GENDER IDENTITY  
10 RESPECTED;
- 11 (h) A COMPETENT GUARDIAN WHO ADVOCATES FOR THEIR GOALS,  
12 NEEDS, AND PREFERENCES AND RESPECTS THEIR DESIRES, INCLUDING  
13 MEDICAL TREATMENT PREFERENCES, CULTURAL PRACTICES, AND  
14 RELIGIOUS BELIEFS;
- 15 (i) A COMPETENT GUARDIAN WHO MAINTAINS FREQUENT CONTACT  
16 WITH THE ADULT SUBJECT TO GUARDIANSHIP. FOR THE PURPOSES OF THIS  
17 SECTION, A GUARDIAN IS COMPETENT IF THE GUARDIAN OBTAINS  
18 NECESSARY TRAINING AND EDUCATION, UPHOLDS APPROPRIATE  
19 STANDARDS OF PRACTICE, AND IS IN COMPLIANCE WITH RELEVANT LAW  
20 AND COURT ORDERS.
- 21 (j) FULLY PARTICIPATE, TO THE EXTENT POSSIBLE, IN ALL  
22 DECISIONS, ESPECIALLY THOSE AFFECTING THEIR CARE, WHERE THEY LIVE,  
23 THEIR ACTIVITIES, AND THEIR SOCIAL INTERACTIONS, TO THE EXTENT THEY  
24 WISH TO BE INVOLVED AND ARE ABLE TO BE INVOLVED;
- 25 (k) RECEIVE NECESSARY SERVICES AND REHABILITATION, WITHIN  
26 AVAILABLE RESOURCES, THAT PROTECT THEIR PERSONAL LIBERTY AND  
27 ARE PROVIDED WITHIN THE LEAST RESTRICTIVE CONDITIONS;

1 (l) HAVE THE GUARDIAN PRUDENTLY MANAGE THEIR RESOURCES;

2 (m) FULLY PARTICIPATE, TO THE EXTENT POSSIBLE, IN DECISIONS  
3 ABOUT HOW THEIR PROPERTY IS MANAGED, TO THE EXTENT THEY WISH TO  
4 BE INVOLVED AND ARE ABLE TO BE INVOLVED;

5 (n) KEEP CONFIDENTIAL THOSE MATTERS THAT THEY WISH TO KEEP  
6 CONFIDENTIAL UNLESS THE INFORMATION IS NECESSARY TO OBTAIN  
7 SERVICES; TO PREVENT ABUSE, NEGLECT, OR EXPLOITATION; OR TO MODIFY  
8 THE GUARDIANSHIP ORDER OR OTHER ORDERS ENTERED INTO PURSUANT  
9 TO ARTICLE 14 OR 14.5 OF THIS TITLE 15;

10 (o) KEEP ALL RIGHTS THAT THE COURT HAS NOT GRANTED TO  
11 GUARDIAN OR CONSERVATOR;

12 (p) A LAWYER WHO ADVOCATES FOR THE OUTCOME THE ADULT  
13 SUBJECT TO GUARDIANSHIP WANTS;

14 (q) BE PRESENT AND PARTICIPATE IN ALL COURT HEARINGS;

15 (r) LET THE COURT KNOW CONCERNS OR COMPLAINTS ABOUT THEIR  
16 GUARDIANSHIP;

17 (s) ASK THE COURT TO REVIEW THE NEED FOR THEIR  
18 GUARDIANSHIP TO CHANGE, CONTINUE, OR END AND WHETHER THEIR  
19 GUARDIAN IS AN APPROPRIATE FIT;

20 (t) IF A QUESTION ARISES ABOUT THEIR CAPACITY TO EXERCISE A  
21 SPECIFIC RIGHT, HAVE A QUALIFIED PERSON EVALUATE WHAT THEY CAN  
22 DO AND WHETHER TO HAVE SOME OR ALL OF THEIR RIGHTS RESTORED;

23 (u) THE SUPPORT AND ACCOMMODATIONS THEY NEED TO BE ABLE  
24 TO EFFECTIVELY COMMUNICATE WITH THE COURT AND TO UNDERSTAND  
25 THE COURT PROCEEDINGS; AND

26 (v) HAVE THEIR RIGHTS EXPLAINED TO THEM IN THEIR PREFERRED  
27 METHOD OF COMMUNICATION AND IN THE LANGUAGE THEY CHOOSE.

1 (2) THE COURT MAY AUTHORIZE A GUARDIAN OR CONSERVATOR  
2 TO MAKE DECISIONS FOR THE FOLLOWING RIGHTS ON BEHALF OF THE  
3 ADULT SUBJECT TO GUARDIANSHIP IF THE AUTHORIZATION IS CONSISTENT  
4 WITH THE ADULT SUBJECT TO GUARDIANSHIP'S PREFERENCES AND VALUES:

5 (a) TO DETERMINE THE ADULT SUBJECT TO GUARDIANSHIP'S SOCIAL  
6 ENVIRONMENT AND SOCIAL ASPECTS OF THEIR PERSONAL LIFE;

7 (b) TO FILE AND DEFEND LAWSUITS;

8 (c) TO MAKE CONTRACTS;

9 (d) TO MAKE GIFTS OF THE ADULT SUBJECT TO GUARDIANSHIP'S  
10 MONEY; AND

11 (e) TO MANAGE THE ADULT SUBJECT TO GUARDIANSHIP'S MONEY  
12 AND PROPERTY.

13 (3) THE ADULT SUBJECT TO GUARDIANSHIP RETAINS THE RIGHT TO  
14 VOTE, TO MAINTAIN THEIR REPRODUCTIVE HEALTH AND ABILITY TO  
15 PROCREATE, AND TO CHANGE THE ADULT SUBJECT TO GUARDIANSHIP'S  
16 MARITAL STATUS, UNLESS THE COURT RESTRICTS THOSE RIGHTS BY  
17 STATING THE RESTRICTIONS AND THE RELEVANT FINDINGS TO SUPPORT THE  
18 RESTRICTION IN THE ORDER APPOINTING THE GUARDIAN.

19 **SECTION 3.** In Colorado Revised Statutes, **repeal and reenact,**  
20 **with amendments,** part 3 of article 14 of title 15 as follows:

21 **PART 3**

22 **GUARDIANSHIP OF ADULT**

23 **15-14-301. Basis for appointment of guardian for adult.**

24 (1) ON PETITION AND AFTER NOTICE AND HEARING, THE COURT  
25 MAY:

26 (a) APPOINT A GUARDIAN FOR AN ADULT IF THE COURT FINDS BY  
27 CLEAR AND CONVINCING EVIDENCE THAT:

1 (I) THE RESPONDENT LACKS THE ABILITY TO MEET ESSENTIAL  
2 REQUIREMENTS FOR HEALTH, SAFETY, OR WELFARE BECAUSE THE  
3 RESPONDENT IS UNABLE TO RECEIVE AND EVALUATE INFORMATION OR  
4 MAKE OR COMMUNICATE DECISIONS, EVEN WITH APPROPRIATE SUPPORTIVE  
5 SERVICES, TECHNOLOGICAL ASSISTANCE, OR SUPPORTED  
6 DECISION-MAKING; AND

7 (II) THE RESPONDENT'S IDENTIFIED NEEDS CANNOT BE MET BY A  
8 PROTECTIVE ARRANGEMENT OR OTHER LESS RESTRICTIVE ALTERNATIVE;  
9 OR

10 (b) WITH APPROPRIATE FINDINGS, TREAT THE PETITION AS ONE FOR  
11 A PROTECTIVE ARRANGEMENT OR OTHER LESS RESTRICTIVE ALTERNATIVE.

12 (2) THE COURT SHALL GRANT A GUARDIAN APPOINTED PURSUANT  
13 TO SUBSECTION (1) OF THIS SECTION ONLY THOSE POWERS NECESSITATED  
14 BY THE DEMONSTRATED NEEDS AND LIMITATIONS OF THE RESPONDENT  
15 AND ISSUE ORDERS THAT WILL ENCOURAGE DEVELOPMENT OF THE  
16 RESPONDENT'S MAXIMUM SELF-DETERMINATION AND INDEPENDENCE. THE  
17 COURT SHALL NOT ESTABLISH A FULL GUARDIANSHIP IF A LIMITED  
18 GUARDIANSHIP, PROTECTIVE ARRANGEMENT, OR OTHER LESS RESTRICTIVE  
19 ALTERNATIVE WOULD MEET THE NEEDS OF THE RESPONDENT.

20 **15-14-302. Petition for appointment of guardian for adult.**

21 (1) A PERSON INTERESTED IN THE WELFARE OF AN ADULT,  
22 INCLUDING THE ADULT FOR WHOM THE ORDER IS SOUGHT, MAY PETITION  
23 FOR APPOINTMENT OF A GUARDIAN FOR THE ADULT.

24 (2) A PETITION FILED PURSUANT TO SUBSECTION (1) OF THIS  
25 SECTION MUST STATE THE PETITIONER'S NAME; PRINCIPAL RESIDENCE;  
26 CURRENT STREET ADDRESS, IF DIFFERENT; RELATIONSHIP TO THE  
27 RESPONDENT; INTEREST IN THE APPOINTMENT; THE NAME AND ADDRESS OF

1 ANY ATTORNEY REPRESENTING THE PETITIONER; THE REASON  
2 GUARDIANSHIP IS NECESSARY; AND, TO THE EXTENT KNOWN, THE  
3 FOLLOWING:

4 (a) THE RESPONDENT'S NAME; AGE; PRINCIPAL RESIDENCE;  
5 CURRENT STREET ADDRESS, IF DIFFERENT; AND, IF DIFFERENT, THE  
6 ADDRESS OF THE DWELLING WHERE THE RESPONDENT IS PROPOSED TO  
7 RESIDE IF THE PETITION IS GRANTED;

8 (b) THE NAME AND ADDRESS OF THE RESPONDENT'S:

9 (I) SPOUSE OR DOMESTIC PARTNER OR, IF THE RESPONDENT HAS  
10 NONE, ANY ADULT WITH WHOM THE RESPONDENT HAS SHARED  
11 HOUSEHOLD RESPONSIBILITIES FOR MORE THAN SIX MONTHS IN THE  
12 TWELVE-MONTH PERIOD IMMEDIATELY BEFORE THE FILING OF THE  
13 PETITION;

14 (II) ADULT CHILDREN OR, IF NONE, EACH PARENT AND ADULT  
15 SIBLING OF THE RESPONDENT; AND

16 (III) ADULT STEPCHILDREN WHOM THE RESPONDENT ACTIVELY  
17 PARENTED DURING THE STEPCHILDREN'S MINOR YEARS AND WITH WHOM  
18 THE RESPONDENT HAD AN ONGOING RELATIONSHIP IN THE TWO-YEAR  
19 PERIOD IMMEDIATELY BEFORE THE FILING OF THE PETITION;

20 (c) THE NAME AND CURRENT ADDRESS OF EACH OF THE  
21 FOLLOWING, IF APPLICABLE:

22 (I) A PERSON RESPONSIBLE FOR CARE OF THE RESPONDENT;

23 (II) ANY ATTORNEY CURRENTLY REPRESENTING THE RESPONDENT;

24 (III) ANY REPRESENTATIVE PAYEE APPOINTED BY THE SOCIAL  
25 SECURITY ADMINISTRATION FOR THE RESPONDENT;

26 (IV) A GUARDIAN OR CONSERVATOR ACTING FOR THE RESPONDENT  
27 IN THIS STATE OR IN ANOTHER JURISDICTION;

1 (V) A TRUSTEE OR CUSTODIAN OF A TRUST OR CUSTODIANSHIP OF  
2 WHICH THE RESPONDENT IS A BENEFICIARY;

3 (VI) ANY FIDUCIARY FOR THE RESPONDENT APPOINTED BY THE  
4 DEPARTMENT OF VETERANS AFFAIRS;

5 (VII) AN AGENT DESIGNATED UNDER A POWER OF ATTORNEY FOR  
6 HEALTH CARE IN WHICH THE RESPONDENT IS IDENTIFIED AS THE PRINCIPAL;

7 (VIII) AN AGENT DESIGNATED UNDER A POWER OF ATTORNEY FOR  
8 FINANCES IN WHICH THE RESPONDENT IS IDENTIFIED AS THE PRINCIPAL;

9 (IX) A PERSON NOMINATED AS GUARDIAN BY THE RESPONDENT;

10 (X) A PERSON NOMINATED AS GUARDIAN BY THE RESPONDENT'S  
11 PARENT OR SPOUSE OR DOMESTIC PARTNER IN A WILL OR OTHER SIGNED  
12 RECORD;

13 (XI) A PROPOSED GUARDIAN AND THE REASON FOR SELECTING THE  
14 PROPOSED GUARDIAN; AND

15 (XII) A MEMBER OF THE RESPONDENT'S SUPPORTIVE COMMUNITY;

16 (d) WHETHER THE PETITIONER SEEKS A LIMITED GUARDIANSHIP OR  
17 FULL GUARDIANSHIP;

18 (e) IF THE PETITIONER SEEKS A FULL GUARDIANSHIP, THE REASON  
19 A LIMITED GUARDIANSHIP OR PROTECTIVE ARRANGEMENT INSTEAD OF  
20 GUARDIANSHIP IS NOT APPROPRIATE;

21 (f) IF A LIMITED GUARDIANSHIP IS REQUESTED, THE POWERS TO BE  
22 GRANTED TO THE GUARDIAN;

23 (g) THE NAME AND CURRENT ADDRESS, IF KNOWN, OF ANY PERSON  
24 WITH WHOM THE PETITIONER SEEKS TO LIMIT THE RESPONDENT'S  
25 CONTACT;

26 (h) IF THE RESPONDENT HAS PROPERTY OTHER THAN PERSONAL  
27 EFFECTS, A GENERAL STATEMENT OF THE RESPONDENT'S PROPERTY WITH

1 AN ESTIMATE OF ITS VALUE, INCLUDING ANY INSURANCE OR PENSION, AND  
2 THE SOURCE AND AMOUNT OF OTHER ANTICIPATED INCOME OR RECEIPTS;  
3 AND

4 (i) WHETHER THE RESPONDENT NEEDS AN INTERPRETER,  
5 TRANSLATOR, OR OTHER FORM OF SUPPORT TO COMMUNICATE  
6 EFFECTIVELY WITH THE COURT OR TO UNDERSTAND COURT PROCEEDINGS.

7 (3) THE REASON FOR WHY GUARDIANSHIP IS NECESSARY THAT IS  
8 INCLUDED IN THE PETITION PURSUANT TO SUBSECTION (2) OF THIS SECTION  
9 MUST INCLUDE A BRIEF DESCRIPTION OF:

10 (a) THE NATURE AND EXTENT OF THE RESPONDENT'S ALLEGED  
11 NEED;

12 (b) ANY PROTECTIVE ARRANGEMENT OR OTHER LESS RESTRICTIVE  
13 ALTERNATIVES FOR MEETING THE RESPONDENT'S ALLEGED NEED THAT  
14 HAVE BEEN CONSIDERED OR IMPLEMENTED;

15 (c) IF NO PROTECTIVE ARRANGEMENT OR OTHER LESS RESTRICTIVE  
16 ALTERNATIVES HAVE BEEN CONSIDERED OR IMPLEMENTED, THE REASON  
17 THEY HAVE NOT BEEN CONSIDERED OR IMPLEMENTED; AND

18 (d) THE REASON A PROTECTIVE ARRANGEMENT OR OTHER LESS  
19 RESTRICTIVE ALTERNATIVE IS INSUFFICIENT TO MEET THE RESPONDENT'S  
20 ALLEGED NEED.

21 **15-14-303. Notice of hearing for appointment of guardian for**  
22 **adult.**

23 (1) ON FILING OF A PETITION PURSUANT TO SECTION 15-14-302 FOR  
24 APPOINTMENT OF A GUARDIAN FOR AN ADULT, THE COURT SHALL SET A  
25 DATE, TIME, AND PLACE FOR HEARING THE PETITION.

26 (2) (a) A COPY OF A PETITION DESCRIBED IN SECTION 15-14-302  
27 AND NOTICE OF A HEARING ON THE PETITION MUST BE SERVED

1 PERSONALLY ON THE RESPONDENT. THE NOTICE MUST INFORM THE  
2 RESPONDENT OF THE RESPONDENT'S RIGHTS AT THE HEARING, INCLUDING  
3 THE RIGHT TO AN ATTORNEY AND TO ATTEND THE HEARING. THE NOTICE  
4 MUST INCLUDE A DESCRIPTION OF THE NATURE, PURPOSE, AND  
5 CONSEQUENCES OF GRANTING THE PETITION. THE COURT SHALL NOT  
6 GRANT THE PETITION IF NOTICE SUBSTANTIALLY COMPLYING WITH THIS  
7 SUBSECTION (2)(a) IS NOT SERVED ON THE RESPONDENT.

8 (b) AFTER A COPY OF THE PETITION AND NOTICE OF A HEARING ON  
9 THE PETITION IS SERVED ON THE RESPONDENT IN COMPLIANCE WITH  
10 SUBSECTION (2)(a) OF THIS SECTION, THE COURT SHALL APPOINT AN  
11 ATTORNEY TO REPRESENT THE RESPONDENT AT THE HEARING. THE  
12 APPOINTMENT IS AT THE STATE'S EXPENSE, PENDING A DETERMINATION OF  
13 INDIGENCE. IF THE RESPONDENT IS DETERMINED NOT TO BE INDIGENT, THE  
14 RESPONDENT MUST BE GIVEN THE OPTION TO EITHER RETAIN THE  
15 ATTORNEY APPOINTED AT THE RESPONDENT'S EXPENSE OR RETAIN AN  
16 ATTORNEY OF THEIR CHOOSING AT THE RESPONDENT'S EXPENSE. IF THE  
17 RESPONDENT WAIVES THEIR RIGHT TO COUNSEL, THE COURT MUST HEAR  
18 THE REQUEST ON THE RECORD AND DOCUMENT THE JUSTIFICATION FOR  
19 THE RESPONDENT WAIVING THEIR RIGHT TO COUNSEL.

20 (3) IN A PROCEEDING ON A PETITION DESCRIBED IN SECTION  
21 15-14-302, THE NOTICE REQUIRED PURSUANT TO SUBSECTION (2) OF THIS  
22 SECTION MUST BE GIVEN TO THE PERSONS REQUIRED TO BE LISTED IN THE  
23 PETITION PURSUANT TO SECTION 15-14-302 (2)(a) TO (2)(c), IF KNOWN,  
24 AND ANY OTHER PERSON INTERESTED IN THE WELFARE OF THE  
25 RESPONDENT THAT THE COURT DETERMINES. FAILURE TO GIVE NOTICE  
26 PURSUANT TO THIS SUBSECTION (3) DOES NOT PRECLUDE THE COURT FROM  
27 APPOINTING A GUARDIAN OR ORDERING A PROTECTIVE ARRANGEMENT.

1 (4) IF A PETITION FILED PURSUANT TO SECTION 15-14-302 DOES  
2 NOT INCLUDE THE NAME OF AT LEAST ONE PERSON DESCRIBED IN SECTION  
3 15-14-302 (2), THE PETITIONER MUST SEARCH WITH REASONABLE  
4 DILIGENCE FOR AN ADULT RELATIVE OF THE RESPONDENT AND, IF AN  
5 ADULT RELATIVE IS FOUND, GIVE THE ADULT RELATIVE NOTICE IN  
6 ACCORDANCE WITH SECTION 15-10-401 THAT A PETITION FOR  
7 GUARDIANSHIP OF THE RESPONDENT HAS BEEN FILED AND GIVE NOTICE OF  
8 A HEARING ON THE PETITION. THE NOTICE SENT TO THE ADULT RELATIVE  
9 OF THE RESPONDENT MUST NOT INCLUDE A COPY OF THE PETITION.  
10 FAILURE TO GIVE NOTICE PURSUANT TO THIS SUBSECTION (4) DOES NOT  
11 PRECLUDE THE COURT FROM APPOINTING A GUARDIAN.

12 (5) AFTER THE APPOINTMENT OF A GUARDIAN, NOTICE OF A  
13 HEARING ON A PETITION FOR AN ORDER ISSUED PURSUANT TO THIS PART 3,  
14 TOGETHER WITH A COPY OF THE PETITION, MUST BE GIVEN TO:

- 15 (a) THE ADULT SUBJECT TO GUARDIANSHIP;
- 16 (b) THE GUARDIAN; AND
- 17 (c) ANY OTHER PERSON THE COURT DETERMINES.

18 **15-14-304. Appointment and role of visitor.**

19 (1) ON RECEIPT OF A PETITION DESCRIBED IN SECTION 15-14-302  
20 FOR APPOINTMENT OF A GUARDIAN FOR AN ADULT, THE COURT SHALL  
21 APPOINT A VISITOR. THE COURT SHALL DISCLOSE IN THE ORDER  
22 APPOINTING THE VISITOR THE SPECIFIC TRAINING OR EXPERIENCE THE  
23 VISITOR HAS WITH RESPECT TO THE TYPES OF ABILITIES, LIMITATIONS, AND  
24 NEEDS OF THE RESPONDENT ALLEGED IN THE PETITION AND THE BASIS FOR  
25 FEES TO BE PAID TO THE VISITOR.

26 (2) A VISITOR APPOINTED PURSUANT TO SUBSECTION (1) OF THIS  
27 SECTION SHALL INTERVIEW THE RESPONDENT IN PERSON AND, IN A

1 MANNER THE RESPONDENT IS BEST ABLE TO UNDERSTAND:

2 (a) EXPLAIN TO THE RESPONDENT THE SUBSTANCE OF THE  
3 PETITION; THE NATURE, PURPOSE, AND EFFECT OF THE PROCEEDING; THE  
4 RESPONDENT'S RIGHTS AT THE HEARING ON THE PETITION; AND THE  
5 GENERAL POWERS AND DUTIES OF A GUARDIAN;

6 (b) DETERMINE THE RESPONDENT'S VIEWS ABOUT THE  
7 APPOINTMENT SOUGHT BY THE PETITIONER, INCLUDING VIEWS ABOUT A  
8 PROPOSED GUARDIAN, THE GUARDIAN'S PROPOSED POWERS AND DUTIES,  
9 AND THE SCOPE AND DURATION OF THE PROPOSED GUARDIANSHIP;

10 (c) EXPLAIN TO THE RESPONDENT THE RESPONDENT'S RIGHT TO  
11 EMPLOY AND CONSULT WITH AN ATTORNEY AT THE RESPONDENT'S  
12 EXPENSE AND THE RIGHT TO REQUEST REPRESENTATION BY A  
13 COURT-APPOINTED ATTORNEY AT THE RESPONDENT'S OWN EXPENSE IF THE  
14 RESPONDENT IS NOT INDIGENT; AND

15 (d) INFORM THE RESPONDENT THAT ALL COSTS AND EXPENSES OF  
16 THE PROCEEDING, INCLUDING THE RESPONDENT'S ATTORNEY FEES, MAY BE  
17 PAID FROM THE RESPONDENT'S ASSETS UNLESS THE RESPONDENT IS  
18 DETERMINED TO BE INDIGENT BY THE COURT.

19 (3) A VISITOR APPOINTED PURSUANT TO SUBSECTION (1) OF THIS  
20 SECTION SHALL:

21 (a) INTERVIEW THE PETITIONER AND PROPOSED GUARDIAN, IF ANY;

22 (b) VISIT THE RESPONDENT'S PRESENT DWELLING AND ANY  
23 DWELLING WHERE THE RESPONDENT IS PROPOSED TO RESIDE IF THE  
24 APPOINTMENT IS MADE;

25 (c) ATTEMPT TO OBTAIN INFORMATION FROM A PHYSICIAN OR  
26 OTHER PERSON KNOWN TO HAVE TREATED, ADVISED, OR ASSESSED THE  
27 RESPONDENT'S RELEVANT PHYSICAL OR MENTAL CONDITION; AND

1 (d) INVESTIGATE THE ALLEGATIONS IN THE PETITION AND ANY  
2 OTHER MATTER RELATING TO THE PETITION THAT THE COURT DIRECTS THE  
3 VISITOR MUST INVESTIGATE.

4 (4) A VISITOR APPOINTED PURSUANT TO SUBSECTION (1) OF THIS  
5 SECTION PROMPTLY SHALL FILE A REPORT IN A RECORD WITH THE COURT,  
6 WHICH MUST INCLUDE:

7 (a) A RECOMMENDATION WHETHER TO APPOINT AN ATTORNEY TO  
8 REPRESENT THE RESPONDENT IF AN ATTORNEY HAS NOT ALREADY BEEN  
9 APPOINTED PURSUANT TO SECTION 15-14-305;

10 (b) A RECOMMENDATION WHETHER TO APPOINT A GUARDIAN AD  
11 LITEM TO REPRESENT THE RESPONDENT'S INTERESTS;

12 (c) A SUMMARY OF SELF-CARE AND INDEPENDENT-LIVING TASKS  
13 THE RESPONDENT CAN MANAGE WITHOUT ASSISTANCE OR WITH EXISTING  
14 SUPPORTS; COULD MANAGE WITH THE ASSISTANCE OF APPROPRIATE  
15 SUPPORTIVE SERVICES, TECHNOLOGICAL ASSISTANCE, OR SUPPORTED  
16 DECISION-MAKING; AND CANNOT MANAGE;

17 (d) A RECOMMENDATION REGARDING THE APPROPRIATENESS OF  
18 GUARDIANSHIP, INCLUDING WHETHER A PROTECTIVE ARRANGEMENT OR  
19 OTHER LESS RESTRICTIVE ALTERNATIVE FOR MEETING THE RESPONDENT'S  
20 NEEDS IS AVAILABLE, AND:

21 (I) IF A GUARDIANSHIP IS RECOMMENDED, WHETHER IT SHOULD BE  
22 FULL OR LIMITED; AND

23 (II) IF A LIMITED GUARDIANSHIP IS RECOMMENDED, THE POWERS  
24 TO BE GRANTED TO THE GUARDIAN;

25 (e) A STATEMENT OF THE QUALIFICATIONS OF THE PROPOSED  
26 GUARDIAN AND WHETHER THE RESPONDENT APPROVES OR DISAPPROVES  
27 OF THE PROPOSED GUARDIAN;

1 (f) A STATEMENT WHETHER THE PROPOSED DWELLING MEETS THE  
2 RESPONDENT'S NEEDS AND WHETHER THE RESPONDENT HAS EXPRESSED A  
3 PREFERENCE AS TO RESIDENCE;

4 (g) A RECOMMENDATION WHETHER A PROFESSIONAL EVALUATION  
5 ORDERED PURSUANT TO SECTION 15-14-306 IS NECESSARY;

6 (h) A STATEMENT WHETHER THE RESPONDENT IS ABLE TO ATTEND  
7 A HEARING AT THE LOCATION COURT PROCEEDINGS TYPICALLY ARE HELD;

8 (i) A STATEMENT WHETHER THE RESPONDENT IS ABLE TO  
9 PARTICIPATE IN A HEARING AND A STATEMENT THAT IDENTIFIES ANY  
10 TECHNOLOGY OR OTHER FORM OF SUPPORT THAT WOULD ENHANCE THE  
11 RESPONDENT'S ABILITY TO PARTICIPATE; AND

12 (j) ANY OTHER MATTER THE COURT DETERMINES.

13 **15-14-305. Appointment and role of attorney for adult.**

14 (1) THE COURT SHALL APPOINT AN ATTORNEY TO REPRESENT THE  
15 RESPONDENT IN A PROCEEDING FOR APPOINTMENT OF A GUARDIAN FOR AN  
16 ADULT. THE APPOINTMENT MUST BE AT THE STATE'S EXPENSE, PENDING A  
17 DETERMINATION OF INDIGENCE. IF THE RESPONDENT IS DETERMINED NOT  
18 TO BE INDIGENT, THE RESPONDENT MUST BE GIVEN THE OPTION TO EITHER  
19 RETAIN THE ATTORNEY APPOINTED AT THE RESPONDENT'S EXPENSE OR  
20 RETAIN AN ATTORNEY OF THEIR CHOOSING AT THE RESPONDENT'S  
21 EXPENSE. IF THE RESPONDENT WAIVES THEIR RIGHT TO COUNSEL, THE  
22 COURT MUST HEAR THE REQUEST ON THE RECORD AND DOCUMENT THE  
23 JUSTIFICATION FOR THE RESPONDENT WAIVING THEIR RIGHT TO COUNSEL.

24 (2) IF AT ANY POINT THE RESPONDENT'S ATTORNEY EXPRESSES  
25 CONCERN TO THE COURT ABOUT THE RESPONDENT'S CAPACITY TO FORM AN  
26 ATTORNEY-CLIENT RELATIONSHIP, THE COURT MUST HOLD A HEARING TO  
27 DETERMINE WHETHER THE RESPONDENT HAS THE CAPACITY TO FORM AN

1 ATTORNEY-CLIENT RELATIONSHIP. IF THE COURT DETERMINES THAT THE  
2 RESPONDENT LACKS THE CAPACITY TO FORM AN ATTORNEY-CLIENT  
3 RELATIONSHIP, THE COURT SHALL APPOINT A GUARDIAN AD LITEM TO  
4 REPRESENT THE RESPONDENT.

5 (3) AN ATTORNEY REPRESENTING THE RESPONDENT IN A  
6 PROCEEDING FOR APPOINTMENT OF A GUARDIAN FOR AN ADULT SHALL:

7 (a) MAKE REASONABLE EFFORTS TO ASCERTAIN THE RESPONDENT'S  
8 WISHES;

9 (b) ADVOCATE FOR THE RESPONDENT'S WISHES TO THE EXTENT  
10 REASONABLY ASCERTAINABLE; AND

11 (c) IF THE RESPONDENT'S WISHES ARE NOT REASONABLY  
12 ASCERTAINABLE, ADVOCATE FOR THE RESULT THAT IS THE LEAST  
13 RESTRICTIVE IN TYPE, DURATION, AND SCOPE, CONSISTENT WITH THE  
14 RESPONDENT'S INTERESTS.

15 **15-14-306. Professional evaluation.**

16 (1) AT OR BEFORE A HEARING ON A PETITION FOR A GUARDIANSHIP  
17 FOR AN ADULT, THE COURT SHALL ORDER A PROFESSIONAL EVALUATION  
18 OF THE RESPONDENT IF:

19 (a) THE RESPONDENT REQUESTS THE EVALUATION; OR

20 (b) THE COURT FINDS THAT ADDITIONAL INFORMATION MAY ASSIST  
21 THE COURT IN DETERMINING THE RESPONDENT'S NEEDS AND ABILITIES.

22 (2) THE COURT SHALL ISSUE AN ORDER FOR AN EVALUATION AS  
23 SOON AS PRACTICABLE AFTER RECEIVING A REQUEST FROM THE  
24 RESPONDENT OR UPON FINDING THAT AN EVALUATION IS NECESSARY TO  
25 DETERMINE THE RESPONDENT'S NEEDS AND ABILITIES. IF THE EVALUATION  
26 CANNOT BE COMPLETED PRIOR TO THE DATE OF THE HEARING HELD  
27 PURSUANT TO SECTION 15-14-303, THE RESPONDENT MAY REQUEST AN

1 EXTENSION TO ALLOW TIME TO COMPLETE THE EVALUATION.

2 (3) IF THE COURT ORDERS AN EVALUATION PURSUANT TO  
3 SUBSECTION (1) OF THIS SECTION, THE RESPONDENT MUST BE EXAMINED  
4 BY A LICENSED PHYSICIAN, PSYCHOLOGIST, SOCIAL WORKER, OR OTHER  
5 INDIVIDUAL APPOINTED BY THE COURT WHO IS QUALIFIED TO EVALUATE  
6 THE RESPONDENT'S ALLEGED COGNITIVE AND FUNCTIONAL ABILITIES AND  
7 LIMITATIONS AND IS NOT ADVANTAGED OR DISADVANTAGED BY A  
8 DECISION TO GRANT THE PETITION OR OTHERWISE DOES NOT HAVE A  
9 CONFLICT OF INTEREST. THE INDIVIDUAL CONDUCTING THE EVALUATION  
10 PROMPTLY SHALL FILE A REPORT IN A RECORD WITH THE COURT. UNLESS  
11 OTHERWISE DIRECTED BY THE COURT, THE REPORT MUST CONTAIN:

12 (a) A DESCRIPTION OF THE NATURE, TYPE, AND EXTENT OF THE  
13 RESPONDENT'S COGNITIVE AND FUNCTIONAL ABILITIES AND LIMITATIONS;

14 (b) AN EVALUATION OF THE RESPONDENT'S MENTAL AND PHYSICAL  
15 CONDITION AND, IF APPROPRIATE, EDUCATIONAL POTENTIAL, ADAPTIVE  
16 BEHAVIOR, AND SOCIAL SKILLS;

17 (c) A PROGNOSIS FOR IMPROVEMENT AND A RECOMMENDATION  
18 FOR THE APPROPRIATE TREATMENT, SUPPORT, OR HABILITATION PLAN; AND

19 (d) THE DATE OF THE EXAMINATION ON WHICH THE REPORT IS  
20 BASED.

21 (4) THE RESPONDENT MAY DECLINE TO PARTICIPATE IN AN  
22 EVALUATION ORDERED PURSUANT TO THIS SECTION.

23 **15-14-307. Attendance and rights at hearing.**

24 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS  
25 SECTION, A HEARING HELD PURSUANT TO SECTION 15-14-303 MUST NOT  
26 PROCEED UNLESS THE RESPONDENT ATTENDS THE HEARING. IF IT IS NOT  
27 REASONABLY FEASIBLE FOR THE RESPONDENT TO ATTEND A HEARING AT

1 THE LOCATION COURT PROCEEDINGS TYPICALLY ARE HELD, THE COURT  
2 SHALL HOLD A HEARING USING REAL-TIME AUDIO-VISUAL TECHNOLOGY  
3 OR, AT THE COURT'S DISCRETION, HOLD THE HEARING AT AN ALTERNATIVE  
4 LOCATION WHERE THE RESPONDENT CAN ATTEND USING REAL-TIME  
5 AUDIO-VISUAL TECHNOLOGY.

6 (2) A HEARING HELD PURSUANT TO SECTION 15-14-303 MAY  
7 PROCEED WITHOUT THE RESPONDENT IN ATTENDANCE IF THE COURT FINDS  
8 BY CLEAR AND CONVINCING EVIDENCE THAT:

9 (a) THE RESPONDENT HAS REFUSED TO ATTEND THE HEARING  
10 AFTER HAVING BEEN FULLY INFORMED OF THE RIGHT TO ATTEND AND THE  
11 POTENTIAL CONSEQUENCES OF FAILING TO DO SO; OR

12 (b) THERE IS NO PRACTICABLE WAY FOR THE RESPONDENT TO  
13 ATTEND AND PARTICIPATE IN THE HEARING EVEN WITH APPROPRIATE  
14 SUPPORTIVE SERVICES AND TECHNOLOGICAL ASSISTANCE.

15 (3) THE RESPONDENT MAY BE ASSISTED IN A HEARING HELD  
16 PURSUANT TO SECTION 15-14-303 BY A PERSON OR PERSONS OF THE  
17 RESPONDENT'S CHOOSING, ASSISTIVE TECHNOLOGY, OR AN INTERPRETER  
18 OR TRANSLATOR, OR A COMBINATION OF THESE SUPPORTS. IF ASSISTANCE  
19 WOULD FACILITATE THE RESPONDENT'S PARTICIPATION IN THE HEARING  
20 HELD PURSUANT TO SECTION 15-14-303 BUT IS NOT OTHERWISE  
21 AVAILABLE TO THE RESPONDENT, THE COURT SHALL MAKE REASONABLE  
22 EFFORTS TO PROVIDE THE ASSISTANCE.

23 (4) THE RESPONDENT HAS A RIGHT TO BE REPRESENTED BY AN  
24 ATTORNEY AT A HEARING HELD PURSUANT TO SECTION 15-14-303, WHICH  
25 MAY BE A COURT-APPOINTED ATTORNEY OR AN ATTORNEY OF THE  
26 RESPONDENT'S CHOICE.

27 (5) AT A HEARING HELD PURSUANT TO SECTION 15-14-303, THE

1 RESPONDENT MAY:

2 (a) PRESENT EVIDENCE AND SUBPOENA WITNESSES AND  
3 DOCUMENTS;

4 (b) EXAMINE WITNESSES, INCLUDING ANY COURT-APPOINTED  
5 EVALUATOR AND THE VISITOR; AND

6 (c) OTHERWISE PARTICIPATE IN THE HEARING.

7 (6) UNLESS EXCUSED BY THE COURT FOR GOOD CAUSE, A  
8 PROPOSED GUARDIAN, OR THE PROPOSED GUARDIAN'S ATTORNEY, SHALL  
9 ATTEND A HEARING HELD PURSUANT TO SECTION 15-14-303.

10 (7) A HEARING HELD PURSUANT TO SECTION 15-14-303 MUST BE  
11 CLOSED ON REQUEST OF THE RESPONDENT OR ON A SHOWING OF GOOD  
12 CAUSE. IF THE HEARING HELD PURSUANT TO SECTION 15-14-303 IS NOT  
13 CLOSED, ALL RECORDS OF THE HEARING MUST BE AVAILABLE FOR  
14 NONPARTIES TO ACCESS WITH A SIGNED RELEASE OF INFORMATION.

15 (8) ANY PERSON MAY REQUEST TO PARTICIPATE IN A HEARING  
16 HELD PURSUANT TO SECTION 15-14-303. THE COURT MAY GRANT THE  
17 REQUEST, WITH OR WITHOUT A HEARING, ON DETERMINING THAT THE BEST  
18 INTEREST OF THE RESPONDENT WILL BE SERVED. THE COURT SHALL  
19 CONSIDER THE PREFERENCES AND OPINIONS OF THE RESPONDENT PRIOR TO  
20 GRANTING A REQUEST TO PARTICIPATE IN THE HEARING. THE COURT MAY  
21 IMPOSE APPROPRIATE CONDITIONS ON THE PERSON'S PARTICIPATION.

22 **15-14-308. Confidentiality of records.**

23 THE COURT SHALL COMPLY WITH THE ADMINISTRATIVE RULES  
24 ADOPTED BY THE JUDICIAL DEPARTMENT CONCERNING THE  
25 CONFIDENTIALITY OF COURT RECORDS.

26 **15-14-309. Who may be guardian for adult - order of priority.**

27 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS

1 SECTION, THE COURT, IN APPOINTING A GUARDIAN FOR AN ADULT, SHALL  
2 CONSIDER PERSONS QUALIFIED TO BE A GUARDIAN IN THE FOLLOWING  
3 ORDER OF PRIORITY:

4 (a) A GUARDIAN CURRENTLY ACTING FOR THE RESPONDENT IN  
5 ANOTHER JURISDICTION;

6 (b) A PERSON NOMINATED AS GUARDIAN BY THE RESPONDENT, IN  
7 WRITING OR ORALLY AT THE HEARING, INCLUDING THE RESPONDENT'S  
8 MOST RECENT NOMINATION MADE IN A POWER OF ATTORNEY;

9 (c) AN AGENT APPOINTED BY THE RESPONDENT UNDER A POWER OF  
10 ATTORNEY FOR HEALTH CARE;

11 (d) A SPOUSE OR DOMESTIC PARTNER OF THE RESPONDENT; AND

12 (e) A FAMILY MEMBER OR OTHER INDIVIDUAL WHO HAS SHOWN  
13 SPECIAL CARE AND CONCERN FOR THE RESPONDENT.

14 (2) IF TWO OR MORE PERSONS HAVE EQUAL PRIORITY PURSUANT TO  
15 SUBSECTION (1) OF THIS SECTION, THE COURT SHALL SELECT AS GUARDIAN  
16 THE PERSON THE COURT CONSIDERS BEST QUALIFIED. IN DETERMINING THE  
17 BEST QUALIFIED PERSON, THE COURT SHALL CONSIDER THE PERSON'S  
18 RELATIONSHIP WITH THE RESPONDENT, THE PERSON'S SKILLS, THE  
19 EXPRESSED WISHES OF THE RESPONDENT, THE EXTENT TO WHICH THE  
20 PERSON AND THE RESPONDENT HAVE SIMILAR VALUES AND PREFERENCES,  
21 AND THE LIKELIHOOD THE PERSON IS ABLE TO PERFORM THE DUTIES OF A  
22 GUARDIAN SUCCESSFULLY.

23 (3) THE COURT, ACTING IN THE BEST INTEREST OF THE  
24 RESPONDENT, MAY DECLINE TO APPOINT AS GUARDIAN A PERSON HAVING  
25 PRIORITY PURSUANT TO SUBSECTION (1) OF THIS SECTION AND APPOINT A  
26 PERSON HAVING A LOWER PRIORITY OR NO PRIORITY.

27 (4) UNLESS THE PERSON HAS PRIORITY TO SERVE PURSUANT TO

1 SUBSECTION (1) OF THIS SECTION, A PERSON WHO PROVIDES PAID SERVICES  
2 TO THE RESPONDENT, OR AN INDIVIDUAL WHO IS EMPLOYED BY A PERSON  
3 WHO PROVIDES PAID SERVICES TO THE RESPONDENT OR IS THE SPOUSE,  
4 DOMESTIC PARTNER, PARENT, OR CHILD OF AN INDIVIDUAL WHO PROVIDES  
5 OR IS EMPLOYED TO PROVIDE PAID SERVICES TO THE RESPONDENT, MUST  
6 NOT BE APPOINTED AS GUARDIAN UNLESS:

7 (a) THE INDIVIDUAL IS RELATED TO THE RESPONDENT BY BLOOD,  
8 MARRIAGE, OR ADOPTION; OR

9 (b) THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT  
10 THE PERSON IS THE BEST QUALIFIED PERSON AVAILABLE FOR APPOINTMENT  
11 AND THE APPOINTMENT IS IN THE BEST INTEREST OF THE RESPONDENT.

12 (5) THE COURT SHALL NOT APPOINT AN OWNER, OPERATOR, OR  
13 EMPLOYEE OF A LONG-TERM CARE FACILITY AT WHICH THE RESPONDENT  
14 IS RECEIVING CARE AS A GUARDIAN UNLESS THE OWNER, OPERATOR, OR  
15 EMPLOYEE IS RELATED TO THE RESPONDENT BY BLOOD, MARRIAGE, OR  
16 ADOPTION.

17 (6) AN INDIVIDUAL WHO HAS A FINANCIAL OR PROPERTY INTEREST  
18 IN THE RESPONDENT'S ESTATE MUST NOT BE APPOINTED AS A GUARDIAN  
19 UNLESS THE FINANCIAL OR PROPERTY INTEREST IS THE RESULT OF AN  
20 EXPECTED INHERITANCE.

21 **15-14-310. Order of appointment for guardian.**

22 (1) A COURT ORDER APPOINTING A GUARDIAN FOR AN ADULT  
23 SHALL:

24 (a) INCLUDE A SPECIFIC FINDING THAT CLEAR AND CONVINCING  
25 EVIDENCE ESTABLISHED THAT THE IDENTIFIED NEEDS OF THE RESPONDENT  
26 CANNOT BE MET BY A LESS RESTRICTIVE ALTERNATIVE, INCLUDING USE OF  
27 APPROPRIATE SUPPORTIVE SERVICES, TECHNOLOGICAL ASSISTANCE, OR

1 SUPPORTED DECISION-MAKING; AND

2 (b) INCLUDE A SPECIFIC FINDING THAT CLEAR AND CONVINCING  
3 EVIDENCE ESTABLISHED THE RESPONDENT WAS GIVEN PROPER NOTICE OF  
4 THE HEARING ON THE PETITION.

5 (2) A COURT ORDER ESTABLISHING A FULL GUARDIANSHIP FOR AN  
6 ADULT MUST STATE THE BASIS FOR GRANTING A FULL GUARDIANSHIP AND  
7 INCLUDE SPECIFIC FINDINGS THAT SUPPORT THE CONCLUSION THAT A  
8 LIMITED GUARDIANSHIP WOULD NOT MEET THE FUNCTIONAL NEEDS OF THE  
9 ADULT SUBJECT TO GUARDIANSHIP.

10 (3) A COURT ORDER ESTABLISHING A LIMITED GUARDIANSHIP FOR  
11 AN ADULT MUST STATE THE SPECIFIC POWERS GRANTED TO THE GUARDIAN.

12 (4) THE COURT, AS PART OF AN ORDER ESTABLISHING A  
13 GUARDIANSHIP FOR AN ADULT, SHALL IDENTIFY ANY PERSON THAT  
14 SUBSEQUENTLY IS ENTITLED TO:

15 (a) NOTICE OF THE RIGHTS OF THE ADULT GIVEN PURSUANT TO  
16 SECTION 15-14-311 (2);

17 (b) NOTICE OF A CHANGE IN THE PRIMARY DWELLING OF THE  
18 ADULT;

19 (c) NOTICE THAT THE GUARDIAN HAS DELEGATED:

20 (I) THE POWER TO MANAGE THE CARE OF THE ADULT;

21 (II) THE POWER TO MAKE DECISIONS ABOUT WHERE THE ADULT  
22 LIVES;

23 (III) THE POWER TO MAKE MAJOR MEDICAL DECISIONS ON BEHALF  
24 OF THE ADULT;

25 (IV) THE POWER THAT REQUIRES COURT APPROVAL PURSUANT TO  
26 SECTION 15-14-315; OR

27 (V) SUBSTANTIALLY ALL POWERS OF THE GUARDIAN;

1 (d) NOTICE WHEN THE GUARDIAN IS UNAVAILABLE TO VISIT THE  
2 ADULT FOR MORE THAN THREE MONTHS OR UNAVAILABLE TO PERFORM  
3 THE GUARDIAN'S DUTIES FOR MORE THAN ONE MONTH;

4 (e) A COPY OF THE GUARDIAN'S PLAN DESCRIBED IN SECTION  
5 15-14-316 AND THE GUARDIAN'S REPORT DESCRIBED IN SECTION  
6 15-14-317;

7 (f) ACCESS TO COURT RECORDS RELATING TO THE GUARDIANSHIP;

8 (g) NOTICE OF THE DEATH OR SIGNIFICANT CHANGE IN THE  
9 CONDITION OF THE ADULT;

10 (h) NOTICE THAT THE COURT HAS LIMITED OR MODIFIED THE  
11 POWERS OF THE GUARDIAN; AND

12 (i) NOTICE OF THE REMOVAL OF THE GUARDIAN.

13 (5) A SPOUSE, DOMESTIC PARTNER, AND ADULT CHILD OF AN  
14 ADULT SUBJECT TO GUARDIANSHIP ARE ENTITLED TO NOTICE PURSUANT TO  
15 SUBSECTION (4) OF THIS SECTION UNLESS THE COURT DETERMINES NOTICE  
16 IS CONTRARY TO THE PREFERENCES OR PRIOR DIRECTIONS OF THE ADULT  
17 SUBJECT TO GUARDIANSHIP OR NOT IN THE BEST INTEREST OF THE ADULT.

18 (6) (a) FOR AN ADULT SUBJECT TO GUARDIANSHIP WHO IS UNDER  
19 TWENTY-SIX YEARS OLD OR WAS UNDER TWENTY-SIX YEARS OLD WHEN  
20 THE GUARDIANSHIP BEGAN, THE COURT SHALL REVIEW THE ORDER FOR  
21 GUARDIANSHIP AT LEAST ONCE EVERY SIX MONTHS TO DETERMINE  
22 WHETHER THE GUARDIANSHIP REMAINS NECESSARY AND WHETHER A LESS  
23 RESTRICTIVE ALTERNATIVE WOULD ADEQUATELY PROTECT THE ADULT  
24 SUBJECT TO GUARDIANSHIP.

25 (b) THE SIX-MONTH REVIEW REQUIREMENT DETAILED IN THIS  
26 SUBSECTION (6) DOES NOT APPLY TO THE GUARDIANSHIP OF AN ADULT  
27 SUBJECT TO GUARDIANSHIP WHO IS UNDER TWENTY-SIX YEARS OLD IF THE

1 COURT FINDS, BASED ON CLEAR AND CONVINCING EVIDENCE, THAT:

2 (I) THE ADULT SUBJECT TO GUARDIANSHIP HAS A PERMANENT OR  
3 IRREVERSIBLE MEDICAL OR DEVELOPMENTAL CONDITION; AND

4 (II) THE CONDITION IS NOT REASONABLY EXPECTED TO  
5 MATERIALLY CHANGE IN A MANNER THAT WOULD INCREASE THE ADULT  
6 SUBJECT TO GUARDIANSHIP'S DECISION-MAKING CAPACITY.

7 (c) A COURT'S FINDINGS MADE PURSUANT TO SUBSECTION (6)(b)  
8 OF THIS SECTION MUST BE SUPPORTED BY MEDICAL OR PSYCHOLOGICAL  
9 EVIDENCE AND SPECIFIC FINDINGS OF THE COURT.

10 **15-14-311. Notice of order of appointment - rights.**

11 (1) A GUARDIAN APPOINTED PURSUANT TO SECTION 15-14-309  
12 SHALL GIVE THE ADULT SUBJECT TO GUARDIANSHIP AND ALL OTHER  
13 PERSONS GIVEN NOTICE PURSUANT TO SECTION 15-14-303 A COPY OF THE  
14 ORDER OF APPOINTMENT, TOGETHER WITH NOTICE OF THE RIGHT TO  
15 REQUEST TERMINATION OR MODIFICATION. THE ORDER AND NOTICE MUST  
16 BE GIVEN NOT LATER THAN FOURTEEN DAYS AFTER THE APPOINTMENT.

17 (2) NOT LATER THAN THIRTY DAYS AFTER APPOINTING A  
18 GUARDIAN PURSUANT TO SECTION 15-14-309, THE COURT SHALL GIVE TO  
19 THE ADULT SUBJECT TO GUARDIANSHIP, THE GUARDIAN, AND ANY OTHER  
20 PERSON ENTITLED TO NOTICE PURSUANT TO SECTION 15-14-310 (4) OR A  
21 SUBSEQUENT ORDER A STATEMENT OF THE RIGHTS OF THE ADULT SUBJECT  
22 TO GUARDIANSHIP AND PROCEDURES TO SEEK RELIEF IF THE ADULT IS  
23 DENIED THOSE RIGHTS. THE STATEMENT MUST BE IN AT LEAST  
24 SIXTEEN-POINT FONT, IN PLAIN LANGUAGE, AND, TO THE EXTENT FEASIBLE,  
25 IN A LANGUAGE IN WHICH THE ADULT SUBJECT TO GUARDIANSHIP IS  
26 PROFICIENT. THE STATEMENT MUST NOTIFY THE ADULT SUBJECT TO  
27 GUARDIANSHIP OF THE RIGHT TO:

1 (a) SEEK TERMINATION OR MODIFICATION OF THE GUARDIANSHIP,  
2 OR REMOVAL OF THE GUARDIAN, AND CHOOSE AN ATTORNEY TO  
3 REPRESENT THE ADULT IN THESE MATTERS OR USE AN ATTORNEY  
4 APPOINTED BY THE COURT;

5 (b) BE INVOLVED IN DECISIONS AFFECTING THE ADULT, INCLUDING  
6 DECISIONS ABOUT THE ADULT'S CARE, DWELLING, ACTIVITIES, OR SOCIAL  
7 INTERACTIONS, TO THE EXTENT REASONABLY FEASIBLE;

8 (c) BE INVOLVED IN HEALTH-CARE DECISION-MAKING TO THE  
9 EXTENT REASONABLY FEASIBLE AND BE SUPPORTED IN UNDERSTANDING  
10 THE RISKS AND BENEFITS OF HEALTH-CARE OPTIONS TO THE EXTENT  
11 REASONABLY FEASIBLE;

12 (d) BE NOTIFIED AT LEAST THIRTY DAYS BEFORE A CHANGE IN THE  
13 ADULT'S PRIMARY DWELLING OR PERMANENT MOVE TO A NURSING HOME,  
14 MENTAL HEALTH INSTITUTION, OR OTHER FACILITY THAT PLACES  
15 RESTRICTIONS ON THE INDIVIDUAL'S ABILITY TO LEAVE OR HAVE VISITORS,  
16 TO THE EXTENT REASONABLY FEASIBLE, UNLESS THE CHANGE OR MOVE IS  
17 PROPOSED IN THE GUARDIAN'S PLAN PURSUANT TO SECTION 15-14-316 OR  
18 AUTHORIZED BY THE COURT BY SPECIFIC ORDER;

19 (e) OBJECT TO A CHANGE OR MOVE DESCRIBED IN SUBSECTION  
20 (2)(d) OF THIS SECTION AND THE PROCESS FOR OBJECTING;

21 (f) COMMUNICATE, VISIT, OR INTERACT WITH OTHERS, INCLUDING  
22 RECEIVING OR REFUSING VISITORS; HAVING PRIVATE CONVERSATIONS WITH  
23 OTHERS; AND MAKING, RECEIVING, OR DECLINING TELEPHONE CALLS,  
24 PERSONAL MAIL, OR ELECTRONIC COMMUNICATIONS, INCLUDING THROUGH  
25 SOCIAL MEDIA, UNLESS:

26 (I) THE GUARDIAN HAS BEEN AUTHORIZED BY THE COURT BY  
27 SPECIFIC ORDER TO RESTRICT COMMUNICATIONS, VISITS, OR

1 INTERACTIONS;

2 (II) A PROTECTIVE ORDER OR PROTECTIVE ARRANGEMENT IS IN  
3 EFFECT THAT LIMITS CONTACT BETWEEN THE ADULT AND A PERSON; OR

4 (III) THE GUARDIAN HAS GOOD CAUSE TO BELIEVE THE  
5 RESTRICTION OR COMPULSION IS NECESSARY BECAUSE INTERACTION WITH  
6 A SPECIFIED PERSON POSES A RISK OF SIGNIFICANT PHYSICAL,  
7 PSYCHOLOGICAL, OR FINANCIAL HARM TO THE ADULT, AND THE  
8 RESTRICTION OR COMPULSION IS:

9 (A) FOR A PERIOD OF NOT MORE THAN SEVEN BUSINESS DAYS IF  
10 THE PERSON HAS A FAMILY OR PRE-EXISTING SOCIAL RELATIONSHIP WITH  
11 THE ADULT; OR

12 (B) FOR A PERIOD OF NOT MORE THAN SIXTY DAYS IF THE PERSON  
13 DOES NOT HAVE A FAMILY OR PRE-EXISTING SOCIAL RELATIONSHIP WITH  
14 THE ADULT;

15 (g) RECEIVE A COPY OF THE GUARDIAN'S PLAN DESCRIBED IN  
16 SECTION 15-14-316 AND THE GUARDIAN'S REPORT DESCRIBED IN SECTION  
17 15-14-317; AND

18 (h) OBJECT TO THE GUARDIAN'S PLAN OR REPORT.

19 (3) IF A RESTRICTION IS IMPOSED PURSUANT TO SUBSECTION  
20 (2)(f)(III) OF THIS SECTION, THE GUARDIAN MUST SUBMIT NOTICE OF THE  
21 RESTRICTION TO THE COURT.

22 **15-14-312. Emergency guardian for adult.**

23 (1) ON ITS OWN AFTER A PETITION HAS BEEN FILED PURSUANT TO  
24 SECTION 15-14-302, OR ON PETITION BY A PERSON INTERESTED IN THE  
25 WELFARE OF AN ADULT, THE COURT MAY APPOINT AN EMERGENCY  
26 GUARDIAN FOR THE ADULT IF THE COURT FINDS:

27 (a) APPOINTMENT OF AN EMERGENCY GUARDIAN IS LIKELY TO

1 PREVENT SUBSTANTIAL HARM TO THE ADULT'S HEALTH, SAFETY, WELFARE,  
2 OR CIVIL LIBERTIES;

3 (b) NO OTHER PERSON APPEARS TO HAVE AUTHORITY AND  
4 WILLINGNESS TO ACT IN THE CIRCUMSTANCES; AND

5 (c) THERE IS REASON TO BELIEVE THAT A BASIS FOR APPOINTING  
6 A GUARDIAN PURSUANT TO SECTION 15-14-301 EXISTS.

7 (2) THE DURATION OF AUTHORITY OF AN EMERGENCY GUARDIAN  
8 FOR AN ADULT MAY NOT EXCEED SIXTY DAYS, AND THE EMERGENCY  
9 GUARDIAN MAY EXERCISE ONLY THE POWERS SPECIFIED IN THE ORDER OF  
10 APPOINTMENT. THE EMERGENCY GUARDIAN'S AUTHORITY MAY BE  
11 EXTENDED ONCE FOR NOT MORE THAN SIXTY DAYS IF THE COURT FINDS  
12 THAT THE CONDITIONS FOR APPOINTMENT OF AN EMERGENCY GUARDIAN  
13 DESCRIBED IN SUBSECTION (1) OF THIS SECTION CONTINUE.

14 (3) IMMEDIATELY ON FILING OF A PETITION FOR APPOINTMENT OF  
15 AN EMERGENCY GUARDIAN FOR AN ADULT, THE COURT SHALL APPOINT AN  
16 ATTORNEY TO REPRESENT THE RESPONDENT IN THE PROCEEDING. EXCEPT  
17 AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION,  
18 REASONABLE NOTICE OF THE DATE, TIME, AND PLACE OF A HEARING ON  
19 THE PETITION MUST BE GIVEN TO THE RESPONDENT, THE RESPONDENT'S  
20 ATTORNEY, AND ANY OTHER PERSON THE COURT DETERMINES.

21 (4) THE COURT MAY APPOINT AN EMERGENCY GUARDIAN FOR AN  
22 ADULT WITHOUT NOTICE TO THE ADULT AND AN ATTORNEY FOR THE  
23 ADULT ONLY IF THE COURT FINDS FROM AN AFFIDAVIT OR TESTIMONY  
24 THAT THE RESPONDENT'S HEALTH, SAFETY, WELFARE, OR CIVIL LIBERTIES  
25 MAY BE SUBSTANTIALLY HARMED BEFORE A HEARING WITH NOTICE ON THE  
26 APPOINTMENT CAN BE HELD. IF THE COURT APPOINTS AN EMERGENCY  
27 GUARDIAN WITHOUT REASONABLE NOTICE TO THE RESPONDENT OR THE

1 RESPONDENT'S ATTORNEY AND THE RESPONDENT IS NOT PRESENT AT THE  
2 HEARING, THE COURT MUST:

3 (a) PERSONALLY SERVE NOTICE OF THE APPOINTMENT NOT LATER  
4 THAN FORTY-EIGHT BUSINESS HOURS AFTER THE APPOINTMENT TO:

5 (I) THE RESPONDENT;

6 (II) THE RESPONDENT'S ATTORNEY, IF APPOINTED; AND

7 (III) ANY OTHER PERSON THE COURT DETERMINES; AND

8 (b) HOLD A HEARING ON THE APPROPRIATENESS OF THE  
9 APPOINTMENT NOT LATER THAN SEVEN DAYS AFTER THE APPOINTMENT  
10 UPON THE REQUEST OF THE RESPONDENT, THE RESPONDENT'S ATTORNEY,  
11 A MEMBER OF THE RESPONDENT'S SUPPORTIVE COMMUNITY, OR A PERSON  
12 INTERESTED IN THE WELFARE OF AN ADULT SUBJECT TO GUARDIANSHIP.

13 (5) APPOINTING OF AN EMERGENCY GUARDIAN PURSUANT TO THIS  
14 SECTION IS NOT A DETERMINATION THAT A BASIS EXISTS FOR APPOINTMENT  
15 OF A GUARDIAN PURSUANT TO SECTION 15-14-301.

16 (6) THE COURT MAY TERMINATE THE APPOINTMENT OF AN  
17 EMERGENCY GUARDIAN APPOINTED PURSUANT TO THIS SECTION AT ANY  
18 TIME. THE EMERGENCY GUARDIAN SHALL MAKE ANY REPORT THE COURT  
19 REQUIRES.

20 **15-14-313. Duties of guardian for adult.**

21 (1) UNLESS A CONSERVATOR IS SPECIFICALLY APPOINTED FOR THE  
22 ADULT TO MANAGE THE ADULT'S FINANCES, A GUARDIAN FOR AN ADULT  
23 IS A FIDUCIARY. EXCEPT AS OTHERWISE LIMITED BY THE COURT, A  
24 GUARDIAN FOR AN ADULT SHALL MAKE DECISIONS REGARDING THE  
25 SUPPORT, CARE, EDUCATION, HEALTH, AND WELFARE OF THE ADULT  
26 SUBJECT TO GUARDIANSHIP TO THE EXTENT NECESSITATED BY THE  
27 ADULT'S LIMITATIONS.

1 (2) A GUARDIAN FOR AN ADULT SHALL PROMOTE THE  
2 SELF-DETERMINATION OF THE ADULT AND, TO THE EXTENT REASONABLY  
3 FEASIBLE, ENCOURAGE THE ADULT TO PARTICIPATE IN DECISIONS, ACT ON  
4 THE ADULT'S OWN BEHALF, AND DEVELOP OR REGAIN THE CAPACITY TO  
5 MANAGE THE ADULT'S PERSONAL AFFAIRS. IN FURTHERANCE OF THIS DUTY,  
6 THE GUARDIAN SHALL:

7 (a) BECOME OR REMAIN PERSONALLY ACQUAINTED WITH THE  
8 ADULT AND MAINTAIN SUFFICIENT CONTACT WITH THE ADULT, INCLUDING  
9 THROUGH REGULAR VISITATION ON AT LEAST A QUARTERLY BASIS, TO  
10 KNOW THE ADULT'S ABILITIES, LIMITATIONS, NEEDS, OPPORTUNITIES, AND  
11 PHYSICAL AND MENTAL HEALTH;

12 (b) TO THE EXTENT REASONABLY FEASIBLE, IDENTIFY THE VALUES  
13 AND PREFERENCES OF THE ADULT AND INVOLVE THE ADULT IN DECISIONS  
14 AFFECTING THE ADULT, INCLUDING DECISIONS ABOUT THE ADULT'S CARE,  
15 DWELLING, ACTIVITIES, OR SOCIAL INTERACTIONS; AND

16 (c) MAKE REASONABLE EFFORTS TO IDENTIFY AND FACILITATE  
17 SUPPORTIVE RELATIONSHIPS AND SERVICES FOR THE ADULT.

18 (3) A GUARDIAN FOR AN ADULT SHALL, AT ALL TIMES, EXERCISE  
19 REASONABLE CARE, DILIGENCE, AND PRUDENCE WHEN ACTING ON BEHALF  
20 OF OR MAKING DECISIONS FOR THE ADULT. IN FURTHERANCE OF THIS DUTY,  
21 THE GUARDIAN SHALL:

22 (a) ENSURE REASONABLE CARE OF THE PERSONAL EFFECTS, PETS,  
23 AND SERVICE OR SUPPORT ANIMALS OF THE ADULT AND BRING A  
24 PROCEEDING FOR CONSERVATORSHIP OR A PROTECTIVE ARRANGEMENT IF  
25 NECESSARY TO PROTECT THE ADULT'S PROPERTY;

26 (b) EXPEND FUNDS AND OTHER PROPERTY OF THE ADULT RECEIVED  
27 BY THE GUARDIAN FOR THE ADULT'S CURRENT NEEDS FOR SUPPORT, CARE,

1 EDUCATION, HEALTH, AND WELFARE;

2 (c) CONSERVE ANY FUNDS AND OTHER PROPERTY OF THE ADULT  
3 NOT EXPENDED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION FOR THE  
4 ADULT'S FUTURE NEEDS, BUT IF A CONSERVATOR HAS BEEN APPOINTED FOR  
5 THE ADULT, PAY THE FUNDS AND OTHER PROPERTY AT LEAST QUARTERLY  
6 TO THE CONSERVATOR TO BE CONSERVED FOR THE ADULT'S FUTURE  
7 NEEDS;

8 (d) ACCOUNT FOR ANY EXPENDITURES OF THE ADULT'S FUNDS  
9 MADE BY THE GUARDIAN ON BEHALF OF THE ADULT AND PROVIDE THE  
10 ACCOUNTING TO THE ADULT ON A QUARTERLY BASIS;

11 (e) MONITOR THE QUALITY OF SERVICES, INCLUDING LONG-TERM  
12 CARE SERVICES, PROVIDED TO THE ADULT; AND

13 (f) NOTIFY THE COURT IF THE GUARDIAN IS UNABLE TO DEVELOP  
14 OR MAINTAIN A SUPPORTIVE WORKING RELATIONSHIP WITH THE ADULT.

15 (4) IN MAKING A DECISION FOR AN ADULT SUBJECT TO  
16 GUARDIANSHIP, THE GUARDIAN SHALL MAKE THE DECISION THE GUARDIAN  
17 REASONABLY BELIEVES THE ADULT WOULD MAKE IF THE ADULT WERE  
18 ABLE, UNLESS DOING SO WOULD UNREASONABLY HARM OR ENDANGER THE  
19 WELFARE OR PERSONAL OR FINANCIAL INTERESTS OF THE ADULT. TO  
20 DETERMINE THE DECISION THE ADULT SUBJECT TO GUARDIANSHIP WOULD  
21 MAKE IF ABLE, THE GUARDIAN SHALL CONSIDER THE ADULT'S PREVIOUS OR  
22 CURRENT DIRECTIONS, PREFERENCES, OPINIONS, VALUES, AND ACTIONS, TO  
23 THE EXTENT ACTUALLY KNOWN OR REASONABLY ASCERTAINABLE BY THE  
24 GUARDIAN.

25 (5) IF A GUARDIAN FOR AN ADULT CANNOT MAKE A DECISION  
26 PURSUANT TO SUBSECTION (4) OF THIS SECTION BECAUSE THE GUARDIAN  
27 DOES NOT KNOW AND CANNOT REASONABLY DETERMINE THE DECISION

1 THE ADULT PROBABLY WOULD MAKE IF ABLE, OR THE GUARDIAN  
2 REASONABLY BELIEVES THE DECISION THE ADULT WOULD MAKE WOULD  
3 UNREASONABLY HARM OR ENDANGER THE WELFARE OR PERSONAL OR  
4 FINANCIAL INTERESTS OF THE ADULT, THE GUARDIAN SHALL ACT IN  
5 ACCORDANCE WITH THE BEST INTEREST OF THE ADULT. IN DETERMINING  
6 THE BEST INTEREST OF THE ADULT, THE GUARDIAN SHALL CONSIDER:

7 (a) INFORMATION RECEIVED FROM PROFESSIONALS AND PERSONS  
8 WHO DEMONSTRATE SUFFICIENT INTEREST IN THE WELFARE OF THE ADULT;

9 (b) OTHER INFORMATION THE GUARDIAN BELIEVES THE ADULT  
10 WOULD HAVE CONSIDERED IF THE ADULT WERE ABLE TO ACT; AND

11 (c) OTHER FACTORS A REASONABLE PERSON IN THE  
12 CIRCUMSTANCES OF THE ADULT WOULD CONSIDER, INCLUDING  
13 CONSEQUENCES FOR OTHERS.

14 (6) A GUARDIAN FOR AN ADULT IMMEDIATELY SHALL NOTIFY THE  
15 COURT IF THE CONDITION OF THE ADULT HAS CHANGED SO THAT THE  
16 ADULT IS CAPABLE OF EXERCISING RIGHTS PREVIOUSLY REMOVED.

17 (7) A GUARDIAN FOR AN ADULT SHALL IMMEDIATELY NOTIFY THE  
18 COURT IN WRITING OF THE ADULT'S DEATH AND THE TERMINATION OF THE  
19 GUARDIANSHIP PURSUANT TO SECTION 15-14-319.

20 **15-14-314. Powers of guardian for adult.**

21 (1) EXCEPT AS LIMITED BY COURT ORDER, A GUARDIAN FOR AN  
22 ADULT MAY:

23 (a) APPLY FOR AND RECEIVE FUNDS AND BENEFITS FOR THE  
24 SUPPORT OF THE ADULT, UNLESS A CONSERVATOR IS APPOINTED FOR THE  
25 ADULT AND THE APPLICATION OR RECEIPT IS WITHIN THE POWERS OF THE  
26 CONSERVATOR;

27 (b) UNLESS INCONSISTENT WITH A COURT ORDER, ESTABLISH THE

1 ADULT'S PLACE OF DWELLING THAT IS CONSISTENT WITH THE  
2 REQUIREMENTS SET FORTH IN SUBSECTION (5) OF THIS SECTION;

3 (c) CONSENT TO HEALTH OR OTHER CARE, TREATMENT, OR SERVICE  
4 FOR THE ADULT;

5 (d) IF A CONSERVATOR FOR THE ADULT HAS NOT BEEN APPOINTED,  
6 COMMENCE A PROCEEDING, INCLUDING AN ADMINISTRATIVE PROCEEDING,  
7 OR TAKE OTHER APPROPRIATE ACTION TO COMPEL ANOTHER PERSON TO  
8 SUPPORT THE ADULT OR PAY FUNDS FOR THE ADULT'S BENEFIT;

9 (e) TO THE EXTENT REASONABLE, DELEGATE TO THE ADULT  
10 RESPONSIBILITY FOR A DECISION AFFECTING THE ADULT'S WELL-BEING;

11 AND

12 (f) RECEIVE PERSONALLY IDENTIFIABLE HEALTH-CARE  
13 INFORMATION REGARDING THE ADULT.

14 (2) THE COURT BY SPECIFIC ORDER MAY AUTHORIZE A GUARDIAN  
15 FOR AN ADULT TO CONSENT TO THE ADOPTION OF THE ADULT.

16 (3) THE COURT BY SPECIFIC ORDER MAY AUTHORIZE A GUARDIAN  
17 FOR AN ADULT TO:

18 (a) CONSENT OR WITHHOLD CONSENT TO THE MARRIAGE OF THE  
19 ADULT IF THE ADULT'S RIGHT TO MARRY HAS BEEN REMOVED PURSUANT  
20 TO SECTION 15-14-310;

21 (b) PETITION FOR DIVORCE, DISSOLUTION, OR ANNULMENT OF  
22 MARRIAGE OF THE ADULT OR A DECLARATION OF INVALIDITY OF THE  
23 ADULT'S MARRIAGE; OR

24 (c) SUPPORT OR OPPOSE A PETITION FOR DIVORCE, DISSOLUTION,  
25 OR ANNULMENT OF MARRIAGE OF THE ADULT OR A DECLARATION OF  
26 INVALIDITY OF THE ADULT'S MARRIAGE.

27 (4) IN DETERMINING WHETHER TO AUTHORIZE A POWER PURSUANT

1 TO SUBSECTION (2) OR (3) OF THIS SECTION, THE COURT SHALL CONSIDER  
2 WHETHER THE UNDERLYING ACT WOULD BE IN ACCORDANCE WITH THE  
3 ADULT'S PREFERENCES, VALUES, AND PRIOR OR CURRENT DIRECTIONS AND  
4 WHETHER THE UNDERLYING ACT WOULD BE IN THE ADULT'S BEST  
5 INTEREST.

6 (5) IN EXERCISING A GUARDIAN'S POWER PURSUANT TO  
7 SUBSECTION (1)(b) OF THIS SECTION TO ESTABLISH THE ADULT'S PLACE OF  
8 DWELLING, THE GUARDIAN SHALL:

9 (a) SELECT A RESIDENTIAL SETTING THE GUARDIAN BELIEVES THE  
10 ADULT WOULD SELECT IF THE ADULT WERE ABLE, IN ACCORDANCE WITH  
11 THE DECISION-MAKING STANDARD DESCRIBED IN SECTION 15-14-313. IF  
12 THE GUARDIAN DOES NOT KNOW AND CANNOT REASONABLY DETERMINE  
13 WHAT SETTING THE ADULT SUBJECT TO GUARDIANSHIP PROBABLY WOULD  
14 CHOOSE IF ABLE, OR THE GUARDIAN REASONABLY BELIEVES THE DECISION  
15 THE ADULT WOULD MAKE WOULD UNREASONABLY HARM OR ENDANGER  
16 THE WELFARE OR PERSONAL OR FINANCIAL INTERESTS OF THE ADULT, THE  
17 GUARDIAN SHALL CHOOSE IN ACCORDANCE WITH SECTION 15-14-313 A  
18 RESIDENTIAL SETTING THAT IS CONSISTENT WITH THE ADULT'S BEST  
19 INTEREST AND IS THE LEAST RESTRICTIVE RESIDENTIAL ENVIRONMENT  
20 NECESSARY TO MEET THE ADULT'S NEEDS.

21 (b) IN SELECTING AMONG RESIDENTIAL SETTINGS, GIVE PRIORITY  
22 TO A RESIDENTIAL SETTING IN A LOCATION THAT ALLOWS THE ADULT TO  
23 INTERACT WITH PERSONS IMPORTANT TO THE ADULT AND MEETS THE  
24 ADULT'S NEEDS;

25 (c) NOT LATER THAN THIRTY DAYS AFTER A CHANGE IN THE  
26 DWELLING OF THE ADULT:

27 (I) GIVE NOTICE OF THE CHANGE TO THE COURT AND, IN THE

1 MANNER DESCRIBED IN SECTION 15-10-401, TO THE ADULT AND ANY  
2 PERSON IDENTIFIED AS ENTITLED TO THE NOTICE IN THE COURT ORDER  
3 APPOINTING THE GUARDIAN OR A SUBSEQUENT ORDER; AND

4 (II) INCLUDE IN THE NOTICE THE ADDRESS AND NATURE OF THE  
5 NEW DWELLING AND STATE WHETHER THE ADULT RECEIVED ADVANCE  
6 NOTICE OF THE CHANGE AND WHETHER THE ADULT OBJECTED TO THE  
7 CHANGE;

8 (d) ESTABLISH OR MOVE THE PERMANENT PLACE OF DWELLING OF  
9 THE ADULT TO A NURSING HOME, MENTAL HEALTH INSTITUTION, OR OTHER  
10 FACILITY THAT PLACES RESTRICTIONS ON THE ADULT'S ABILITY TO LEAVE  
11 OR HAVE VISITORS ONLY IF:

12 (I) THE ESTABLISHMENT OR MOVE IS IN THE GUARDIAN'S PLAN  
13 DESCRIBED IN SECTION 15-14-316;

14 (II) THE COURT AUTHORIZES THE ESTABLISHMENT OR MOVE; OR

15 (III) THE GUARDIAN GIVES NOTICE OF THE ESTABLISHMENT OR  
16 MOVE AT LEAST FOURTEEN DAYS BEFORE THE ESTABLISHMENT OR MOVE  
17 TO THE ADULT AND ALL PERSONS ENTITLED TO NOTICE PURSUANT TO  
18 SECTION 15-14-310 (4)(b) OR A SUBSEQUENT ORDER, AND NO OBJECTION  
19 IS FILED; AND

20 (e) ESTABLISH OR MOVE THE PLACE OF DWELLING OF THE ADULT  
21 OUTSIDE THIS STATE ONLY IF CONSISTENT WITH THE GUARDIAN'S PLAN AND  
22 AUTHORIZED BY THE COURT BY SPECIFIC ORDER.

23 (6) IN EXERCISING A GUARDIAN'S POWER PURSUANT TO  
24 SUBSECTION (1)(b) OF THIS SECTION TO ESTABLISH THE ADULT'S PLACE OF  
25 DWELLING, IF THE GUARDIAN SELECTS A MORE RESTRICTIVE OUT-OF-HOME  
26 PLACEMENT, SUCH AS A NURSING FACILITY, GROUP HOME, OR OTHER  
27 OUT-OF-HOME PLACEMENT, THE COURT MUST HOLD A HEARING AT WHICH

1 THE ADULT SUBJECT TO GUARDIANSHIP MUST ATTEND. IN ORDER FOR THE  
2 GUARDIAN TO PROCEED WITH PLACEMENT ARRANGEMENTS FOR AN  
3 OUT-OUT-HOME PLACEMENT, THE COURT MUST FIND BY CLEAR AND  
4 CONVINCING EVIDENCE THAT THE PLACEMENT IS NECESSARY FOR THE  
5 ADULT'S SAFETY, HEALTH, AND WELFARE AND THAT NO LESS RESTRICTIVE  
6 ALTERNATIVE OR IN-HOME PLACEMENT WOULD PROVIDE THE SAME  
7 SAFEGUARDS FOR THE ADULT.

8 (7) IN EXERCISING A GUARDIAN'S POWER PURSUANT TO  
9 SUBSECTION (1)(c) OF THIS SECTION TO MAKE HEALTH-CARE DECISIONS,  
10 THE GUARDIAN SHALL:

11 (a) INVOLVE THE ADULT IN DECISION-MAKING TO THE EXTENT  
12 REASONABLY FEASIBLE, INCLUDING, WHEN PRACTICABLE, BY  
13 ENCOURAGING AND SUPPORTING THE ADULT IN UNDERSTANDING THE  
14 RISKS AND BENEFITS OF HEALTH-CARE OPTIONS;

15 (b) DEFER TO A DECISION BY AN AGENT ACTING UNDER A POWER  
16 OF ATTORNEY FOR HEALTH CARE EXECUTED BY THE ADULT AND  
17 COOPERATE TO THE EXTENT FEASIBLE WITH THE AGENT MAKING THE  
18 DECISION;

19 (c) TAKE INTO ACCOUNT:

20 (I) THE RISKS AND BENEFITS OF TREATMENT OPTIONS; AND

21 (II) THE CURRENT AND PREVIOUS WISHES AND VALUES OF THE  
22 ADULT, IF KNOWN OR REASONABLY ASCERTAINABLE BY THE GUARDIAN;

23 (d) IF THE GUARDIAN DECIDES TO COMMIT THE ADULT TO A  
24 MENTAL INSTITUTION, INITIATE THE COMMITMENT IN ACCORDANCE WITH  
25 THE STATE'S PROCEDURE FOR INVOLUNTARY TREATMENT AND  
26 EVALUATION OF A MENTAL HEALTH DISORDER, AS DESCRIBED IN ARTICLE  
27 65 OF TITLE 27;

1 (e) IF THE GUARDIAN DECIDES TO OBTAIN SERVICES AND SUPPORTS  
2 FOR THE ADULT FROM AN APPROVED SERVICE AGENCY, AS DEFINED IN  
3 SECTION 25.5-10-202, PROCEED AS REQUIRED BY ARTICLE 10 OF TITLE 25.5  
4 TO OBTAIN THE SERVICES AND SUPPORTS; AND

5 (f) IF THE GUARDIAN DECIDES TO OBTAIN CARE AND TREATMENT  
6 FOR THE ADULT'S SUBSTANCE USE DISORDER, PROCEED AS PROVIDED  
7 PURSUANT TO ARTICLES 81 AND 82 OF TITLE 27 TO OBTAIN THE CARE AND  
8 TREATMENT FOR THE ADULT'S SUBSTANCE USE DISORDER.

9 (8) IN EXERCISING A GUARDIAN'S POWER PURSUANT TO  
10 SUBSECTION (1)(c) OF THIS SECTION TO MAKE HEALTH-CARE DECISIONS,  
11 THE GUARDIAN SHALL NOT CONSENT TO ANY CARE OR TREATMENT THAT  
12 IS AGAINST THE ADULT SUBJECT TO GUARDIANSHIP'S WILL.

13 **15-14-315. Special limitations on guardian's power.**

14 (1) UNLESS AUTHORIZED BY THE COURT BY SPECIFIC ORDER, A  
15 GUARDIAN FOR AN ADULT DOES NOT HAVE THE POWER TO REVOKE OR  
16 AMEND A POWER OF ATTORNEY FOR HEALTH CARE OR POWER OF  
17 ATTORNEY FOR FINANCES EXECUTED BY THE ADULT PRIOR TO THE  
18 APPOINTMENT OF THE GUARDIAN. IF A POWER OF ATTORNEY FOR HEALTH  
19 CARE IS IN EFFECT, UNLESS THERE IS A COURT ORDER TO THE CONTRARY,  
20 A HEALTH-CARE DECISION OF AN AGENT TAKES PRECEDENCE OVER THAT  
21 OF THE GUARDIAN AND THE GUARDIAN SHALL COOPERATE WITH THE  
22 AGENT TO THE EXTENT FEASIBLE. IF A POWER OF ATTORNEY FOR FINANCES  
23 IS IN EFFECT, UNLESS THERE IS A COURT ORDER TO THE CONTRARY, A  
24 DECISION BY THE AGENT WHICH THE AGENT IS AUTHORIZED TO MAKE  
25 UNDER THE POWER OF ATTORNEY FOR FINANCES TAKES PRECEDENCE OVER  
26 THAT OF THE GUARDIAN AND THE GUARDIAN SHALL COOPERATE WITH THE  
27 AGENT TO THE EXTENT FEASIBLE, EXCEPT WHEN DOING SO WOULD

1 JEOPARDIZE THE ADULT'S HEALTH, SAFETY, WELFARE, OR CIVIL LIBERTIES,  
2 IN WHICH CASE, THE COURT SHALL HOLD A HEARING NO LATER THAN  
3 SEVEN DAYS AFTER THE AGENT'S DECISION TO DETERMINE WHICH  
4 DECISION-MAKING AUTHORITY TAKES PRECEDENCE.

5 (2) IF THE GUARDIAN DECIDES TO COMMIT THE ADULT TO A  
6 MENTAL INSTITUTION, THE GUARDIAN SHALL INITIATE THE COMMITMENT  
7 IN ACCORDANCE WITH THE STATE'S PROCEDURE FOR INVOLUNTARY  
8 TREATMENT AND EVALUATION OF A MENTAL HEALTH DISORDER, AS  
9 DESCRIBED IN ARTICLE 65 OF TITLE 27;

10 (3) A GUARDIAN FOR AN ADULT MAY NOT RESTRICT OR COMPEL  
11 THE ABILITY OF THE ADULT TO COMMUNICATE, VISIT, OR INTERACT WITH  
12 OTHERS, INCLUDING RECEIVING OR REFUSING VISITORS AND MAKING,  
13 RECEIVING, OR REFUSING TELEPHONE CALLS, PERSONAL MAIL, OR  
14 ELECTRONIC COMMUNICATIONS, INCLUDING THROUGH SOCIAL MEDIA, OR  
15 PARTICIPATING IN SOCIAL ACTIVITIES, UNLESS:

16 (a) AUTHORIZED BY THE COURT BY SPECIFIC ORDER;

17 (b) A PROTECTIVE ORDER OR A PROTECTIVE ARRANGEMENT IS IN  
18 EFFECT THAT LIMITS CONTACT BETWEEN THE ADULT AND A PERSON; OR

19 (c) THE GUARDIAN HAS GOOD CAUSE TO BELIEVE RESTRICTION OR  
20 COMPULSION IS NECESSARY BECAUSE INTERACTION WITH A SPECIFIED  
21 PERSON POSES A RISK OF SUBSTANTIAL PHYSICAL, PSYCHOLOGICAL, OR  
22 FINANCIAL HARM TO THE ADULT, AND THE RESTRICTION OR COMPULSION  
23 IS:

24 (I) FOR A PERIOD OF NOT MORE THAN SEVEN BUSINESS DAYS IF THE  
25 PERSON HAS A FAMILY OR PRE-EXISTING SOCIAL RELATIONSHIP WITH THE  
26 ADULT; OR

27 (II) FOR A PERIOD OF NOT MORE THAN SIXTY DAYS IF THE PERSON

1 DOES NOT HAVE A FAMILY OR PRE-EXISTING SOCIAL RELATIONSHIP WITH  
2 THE ADULT.

3 (4) A GUARDIAN FOR AN ADULT SHALL NOT TAKE ANY ACTION  
4 THAT WOULD RESULT IN THE SALE OR SURRENDER OF THE LEASE TO THE  
5 ADULT'S PRIMARY DWELLING WITHOUT PRIOR APPROVAL FROM THE COURT.

6 **15-14-316. Guardian's plan.**

7 (1) A GUARDIAN FOR AN ADULT, NOT LATER THAN SIXTY DAYS  
8 AFTER APPOINTMENT AND WHEN THERE IS A SIGNIFICANT CHANGE IN  
9 CIRCUMSTANCES, SUCH AS A CHANGE IN THE ADULT'S MEDICAL  
10 CONDITION, CHANGE IN LIVING ARRANGEMENTS, OR A MOVE TO A  
11 DIFFERENT GEOGRAPHICAL AREA, OR THE GUARDIAN SEEKS TO DEVIATE  
12 SIGNIFICANTLY FROM THE GUARDIAN'S PLAN, SHALL FILE WITH THE COURT  
13 A PLAN FOR THE CARE OF THE ADULT, TOGETHER WITH THE GUARDIAN'S  
14 REPORT AS REQUIRED PURSUANT TO SECTION 15-14-317. THE PLAN MUST  
15 BE BASED ON THE NEEDS OF THE ADULT AND TAKE INTO ACCOUNT THE  
16 BEST INTEREST OF THE ADULT AS WELL AS THE ADULT'S PREFERENCES,  
17 VALUES, AND PRIOR DIRECTIONS, TO THE EXTENT KNOWN TO OR  
18 REASONABLY ASCERTAINABLE BY THE GUARDIAN. THE GUARDIAN SHALL  
19 INCLUDE IN THE PLAN:

20 (a) THE LIVING ARRANGEMENT, SERVICES, AND SUPPORTS THE  
21 GUARDIAN EXPECTS TO ARRANGE, FACILITATE, OR CONTINUE FOR THE  
22 ADULT;

23 (b) SOCIAL AND EDUCATIONAL ACTIVITIES THE GUARDIAN EXPECTS  
24 TO FACILITATE ON BEHALF OF THE ADULT;

25 (c) ANY PERSON WITH WHOM THE ADULT HAS A CLOSE PERSONAL  
26 RELATIONSHIP OR RELATIONSHIP INVOLVING REGULAR VISITATION AND  
27 ANY PLAN THE GUARDIAN HAS FOR FACILITATING VISITS WITH THE PERSON;

1 (d) THE ANTICIPATED NATURE AND FREQUENCY OF THE  
2 GUARDIAN'S VISITS AND COMMUNICATION WITH THE ADULT;

3 (e) GOALS FOR THE ADULT, INCLUDING ANY GOAL RELATED TO THE  
4 RESTORATION OF THE ADULT'S RIGHTS, AND HOW THE GUARDIAN  
5 ANTICIPATES ACHIEVING THE GOALS;

6 (f) WHETHER THE ADULT HAS AN EXISTING PLAN AND, IF SO,  
7 WHETHER THE GUARDIAN'S PLAN IS CONSISTENT WITH THE ADULT'S PLAN;  
8 AND

9 (g) A STATEMENT OR LIST OF THE AMOUNT THE GUARDIAN  
10 PROPOSES TO CHARGE FOR EACH SERVICE THE GUARDIAN ANTICIPATES  
11 PROVIDING TO THE ADULT.

12 (2) A GUARDIAN SHALL GIVE NOTICE, IN THE MANNER DESCRIBED  
13 IN SECTION 15-10-401, OF THE FILING OF THE GUARDIAN'S PLAN PURSUANT  
14 TO SUBSECTION (1) OF THIS SECTION, TOGETHER WITH A COPY OF THE  
15 PLAN, TO THE ADULT SUBJECT TO GUARDIANSHIP, A PERSON ENTITLED TO  
16 NOTICE PURSUANT TO SECTION 15-14-310 OR A SUBSEQUENT ORDER, AND  
17 ANY OTHER PERSON THE COURT DETERMINES. THE NOTICE MUST INCLUDE  
18 A STATEMENT OF THE RIGHT TO OBJECT TO THE PLAN AND BE GIVEN NOT  
19 LATER THAN FOURTEEN DAYS AFTER THE FILING.

20 (3) AN ADULT SUBJECT TO GUARDIANSHIP AND ANY PERSON  
21 ENTITLED PURSUANT TO SUBSECTION (2) OF THIS SECTION TO RECEIVE  
22 NOTICE AND A COPY OF THE GUARDIAN'S PLAN MAY OBJECT TO THE PLAN.

23 (4) THE COURT SHALL REVIEW THE GUARDIAN'S PLAN FILED  
24 PURSUANT TO SUBSECTION (1) OF THIS SECTION AND DETERMINE WHETHER  
25 TO APPROVE THE PLAN OR REQUIRE A NEW PLAN. IN DECIDING WHETHER  
26 TO APPROVE THE PLAN, THE COURT SHALL CONSIDER AN OBJECTION MADE  
27 PURSUANT TO SUBSECTION (3) OF THIS SECTION AND DECIDE WHETHER THE

1 PLAN IS CONSISTENT WITH THE GUARDIAN'S DUTIES AND POWERS  
2 PURSUANT TO SECTIONS 15-14-313 AND 15-14-314. THE COURT MUST NOT  
3 APPROVE THE PLAN UNTIL THIRTY DAYS AFTER ITS FILING.

4 (5) AFTER THE GUARDIAN'S PLAN FILED PURSUANT TO THIS  
5 SECTION IS APPROVED BY THE COURT, THE GUARDIAN SHALL PROVIDE A  
6 COPY OF THE APPROVED PLAN TO THE ADULT SUBJECT TO GUARDIANSHIP,  
7 A PERSON ENTITLED TO NOTICE PURSUANT TO SECTION 15-14-310 OR A  
8 SUBSEQUENT ORDER, AND ANY OTHER PERSON THE COURT DETERMINES.

9 **15-14-317. Guardian's report - monitoring of guardianship.**

10 (1) A GUARDIAN FOR AN ADULT, NOT LATER THAN SIXTY DAYS  
11 AFTER APPOINTMENT AND AT LEAST ANNUALLY THEREAFTER, SHALL FILE  
12 WITH THE COURT A REPORT IN A RECORD REGARDING THE CONDITION OF  
13 THE ADULT AND ACCOUNTING FOR FUNDS AND OTHER PROPERTY IN THE  
14 GUARDIAN'S POSSESSION OR SUBJECT TO THE GUARDIAN'S CONTROL,  
15 TOGETHER WITH THE GUARDIAN'S PLAN AS REQUIRED PURSUANT TO  
16 SECTION 15-14-316.

17 (2) A REPORT FILED PURSUANT TO SUBSECTION (1) OF THIS  
18 SECTION MUST STATE OR CONTAIN:

19 (a) THE MENTAL, PHYSICAL, AND SOCIAL CONDITION OF THE  
20 ADULT;

21 (b) THE LIVING ARRANGEMENTS OF THE ADULT DURING THE  
22 REPORTING PERIOD;

23 (c) A SUMMARY OF THE SUPPORTED DECISION-MAKING,  
24 TECHNOLOGICAL ASSISTANCE, MEDICAL SERVICES, EDUCATIONAL AND  
25 VOCATIONAL SERVICES, AND OTHER SUPPORTS AND SERVICES PROVIDED  
26 TO THE ADULT AND THE GUARDIAN'S OPINION AS TO THE ADEQUACY OF  
27 THE ADULT'S CARE;

1 (d) A SUMMARY OF THE GUARDIAN'S VISITS WITH THE ADULT,  
2 INCLUDING THE DATES OF THE VISITS;

3 (e) ACTION TAKEN ON BEHALF OF THE ADULT;

4 (f) THE EXTENT TO WHICH THE ADULT HAS PARTICIPATED IN  
5 DECISION-MAKING;

6 (g) IF THE ADULT IS LIVING IN A MENTAL HEALTH INSTITUTION OR  
7 LIVING IN A FACILITY THAT PROVIDES THE ADULT WITH HEALTH-CARE OR  
8 OTHER PERSONAL SERVICES, WHETHER THE GUARDIAN CONSIDERS THE  
9 FACILITY'S CURRENT PLAN FOR SUPPORT, CARE, TREATMENT, OR  
10 HABILITATION CONSISTENT WITH THE ADULT'S PREFERENCES, VALUES,  
11 PRIOR DIRECTIONS, AND BEST INTEREST;

12 (h) ANYTHING OF MORE THAN DE MINIMIS VALUE WHICH THE  
13 GUARDIAN, ANY INDIVIDUAL WHO RESIDES WITH THE GUARDIAN, OR THE  
14 SPOUSE, DOMESTIC PARTNER, PARENT, CHILD, OR SIBLING OF THE  
15 GUARDIAN HAS RECEIVED FROM AN INDIVIDUAL PROVIDING GOODS OR  
16 SERVICES TO THE ADULT;

17 (i) IF THE GUARDIAN DELEGATED A POWER TO AN AGENT, THE  
18 POWER DELEGATED AND THE REASON FOR THE DELEGATION;

19 (j) ANY BUSINESS RELATION THE GUARDIAN HAS WITH A PERSON  
20 THE GUARDIAN HAS PAID OR WHO HAS BENEFITTED FROM THE PROPERTY  
21 OF THE ADULT;

22 (k) A COPY OF THE GUARDIAN'S MOST RECENTLY APPROVED PLAN  
23 DESCRIBED IN SECTION 15-14-316 AND A STATEMENT WHETHER THE  
24 GUARDIAN HAS DEVIATED FROM THE PLAN AND, IF SO, HOW THE GUARDIAN  
25 HAS DEVIATED AND WHY;

26 (l) PLANS FOR FUTURE CARE AND SUPPORT OF THE ADULT, IF NOT  
27 OTHERWISE PROVIDED IN THE GUARDIAN'S MOST RECENT PLAN APPROVED

1 PURSUANT TO SECTION 15-14-316;

2 (m) A RECOMMENDATION AS TO THE NEED FOR CONTINUED  
3 GUARDIANSHIP AND ANY RECOMMENDED CHANGE IN THE SCOPE OF THE  
4 GUARDIANSHIP;

5 (n) WHETHER ANY CO-GUARDIAN OR SUCCESSOR GUARDIAN  
6 APPOINTED TO SERVE WHEN A DESIGNATED EVENT OCCURS IS ALIVE AND  
7 ABLE TO SERVE;

8 (o) THE ADULT'S EXPRESS WISHES REGARDING ANY OF THE ITEMS  
9 LISTED IN THIS SUBSECTION (2), EVEN IF THE ADULT'S EXPRESS WISHES ARE  
10 CONTRARY TO THE GUARDIAN'S ACTIONS; AND

11 (p) COPIES OF FINANCIAL ACCOUNTING STATEMENTS PROVIDED TO  
12 THE ADULT.

13 (3) THE COURT MAY APPOINT A VISITOR TO REVIEW A REPORT  
14 SUBMITTED PURSUANT TO THIS SECTION OR A GUARDIAN'S PLAN  
15 SUBMITTED PURSUANT TO SECTION 15-14-316, INTERVIEW THE GUARDIAN  
16 OR ADULT SUBJECT TO GUARDIANSHIP, OR INVESTIGATE ANY OTHER  
17 MATTER INVOLVING THE GUARDIANSHIP.

18 (4) NOTICE OF THE FILING OF A GUARDIAN'S REPORT GIVEN  
19 PURSUANT TO THIS SECTION, TOGETHER WITH A COPY OF THE REPORT,  
20 MUST BE GIVEN TO THE ADULT SUBJECT TO GUARDIANSHIP, A PERSON  
21 ENTITLED TO NOTICE PURSUANT TO SECTION 15-14-310 OR A SUBSEQUENT  
22 ORDER, AND ANY OTHER PERSON THE COURT DETERMINES. THE NOTICE  
23 AND REPORT MUST BE GIVEN NOT LATER THAN FOURTEEN DAYS AFTER THE  
24 FILING.

25 (5) THE COURT SHALL ESTABLISH PROCEDURES FOR MONITORING  
26 A REPORT SUBMITTED PURSUANT TO THIS SECTION AND REVIEW EACH  
27 REPORT AT LEAST ANNUALLY TO DETERMINE WHETHER:

1 (a) THE REPORT PROVIDES SUFFICIENT INFORMATION TO ESTABLISH  
2 THE GUARDIAN HAS COMPLIED WITH THE GUARDIAN'S DUTIES;

3 (b) THE GUARDIANSHIP NEEDS TO CONTINUE; AND

4 (c) THE GUARDIAN'S FEES, IF ANY, ARE REASONABLE PURSUANT TO  
5 SECTION 15-10-603.

6 (6) IF THE COURT DETERMINES THERE IS REASON TO BELIEVE A  
7 GUARDIAN FOR AN ADULT HAS NOT COMPLIED WITH THE GUARDIAN'S  
8 DUTIES OR THE GUARDIANSHIP REQUIRES MODIFICATION OR TERMINATION,  
9 THE COURT:

10 (a) SHALL NOTIFY THE ADULT, THE GUARDIAN, AND ANY OTHER  
11 PERSON ENTITLED TO NOTICE PURSUANT TO SECTION 15-14-310 OR A  
12 SUBSEQUENT ORDER;

13 (b) MAY REQUIRE ADDITIONAL INFORMATION FROM THE  
14 GUARDIAN;

15 (c) IF THE ADULT IS NOT REPRESENTED BY AN ATTORNEY, SHALL  
16 APPOINT AN ATTORNEY TO REPRESENT THE ADULT PURSUANT TO THE SAME  
17 CONDITIONS SET FORTH IN SECTION 15-14-305;

18 (d) MAY APPOINT A VISITOR TO INTERVIEW THE ADULT OR  
19 GUARDIAN OR INVESTIGATE ANY MATTER INVOLVING THE GUARDIANSHIP;  
20 AND

21 (e) CONSISTENT WITH SECTIONS 15-14-318 AND 15-14-319, MAY  
22 HOLD A HEARING TO CONSIDER REMOVAL OF THE GUARDIAN, TERMINATION  
23 OF THE GUARDIANSHIP, OR A CHANGE IN THE POWERS GRANTED TO THE  
24 GUARDIAN OR TERMS OF THE GUARDIANSHIP.

25 (7) IF THE COURT HAS REASON TO BELIEVE A GUARDIAN'S FEES ARE  
26 NOT REASONABLE, THE COURT SHALL HOLD A HEARING, PURSUANT TO  
27 SECTION 15-10-604, TO DETERMINE WHETHER TO ADJUST THE FEES.

1 (8) A GUARDIAN FOR AN ADULT MAY PETITION THE COURT FOR  
2 APPROVAL OF A REPORT FILED PURSUANT TO THIS SECTION. THE COURT,  
3 AFTER REVIEW, MAY APPROVE THE REPORT. AFTER THE REPORT IS  
4 APPROVED, A PERSON INTERESTED IN THE WELFARE OF THE ADULT MAY  
5 FILE AN OBJECTION ABOUT THE ACCURACY OF THE REPORT WITH THE  
6 COURT.

7 (9) IF A GUARDIAN DOES NOT COMPLY WITH THE REQUIREMENTS  
8 OF SUBSECTION (1) OF THIS SECTION, THE COURT MAY:

9 (a) HOLD THE GUARDIAN IN CONTEMPT OF COURT;

10 (b) ISSUE SANCTIONS AGAINST THE GUARDIAN;

11 (c) ISSUE A SUMMONS TO SHOW CAUSE FOR NOT SUBMITTING A  
12 REPORT AS REQUIRED BY SUBSECTION (1) OF THIS SECTION; OR

13 (d) REMOVE THE GUARDIAN.

14 **15-14-318. Removal of guardian for adult - appointment of**  
15 **successor.**

16 (1) THE COURT MAY REMOVE A GUARDIAN FOR AN ADULT FOR  
17 FAILURE TO PERFORM THE GUARDIAN'S DUTIES OR FOR OTHER GOOD CAUSE  
18 AND APPOINT A SUCCESSOR GUARDIAN TO ASSUME THE DUTIES OF A  
19 GUARDIAN AS DESCRIBED IN SECTION 15-14-313.

20 (2) THE COURT SHALL HOLD A HEARING TO DETERMINE WHETHER  
21 TO REMOVE A GUARDIAN FOR AN ADULT AND APPOINT A SUCCESSOR  
22 GUARDIAN ON:

23 (a) PETITION OF THE ADULT, GUARDIAN, OR PERSON INTERESTED  
24 IN THE WELFARE OF THE ADULT, WHICH CONTAINS ALLEGATIONS THAT, IF  
25 TRUE, WOULD SUPPORT A REASONABLE BELIEF THAT REMOVAL OF THE  
26 GUARDIAN AND APPOINTMENT OF A SUCCESSOR GUARDIAN MAY BE  
27 APPROPRIATE, BUT THE COURT MAY DECLINE TO HOLD A HEARING IF A

1 PETITION BASED ON THE SAME OR SUBSTANTIALLY SIMILAR FACTS WAS  
2 FILED DURING THE PRECEDING SIX MONTHS;

3 (b) FILING, FROM THE ADULT, GUARDIAN, OR PERSON INTERESTED  
4 IN THE WELFARE OF THE ADULT THAT SUPPORTS A REASONABLE BELIEF  
5 THAT REMOVAL OF THE GUARDIAN AND APPOINTMENT OF A SUCCESSOR  
6 GUARDIAN IS APPROPRIATE; OR

7 (c) DETERMINATION BY THE COURT THAT A HEARING IS IN THE  
8 BEST INTEREST OF THE ADULT.

9 (3) NOTICE OF A HEARING GIVEN PURSUANT TO SUBSECTION (2) OF  
10 THIS SECTION MUST BE PERSONALLY SERVED ON THE ADULT SUBJECT TO  
11 GUARDIANSHIP, AND GIVEN PURSUANT TO SECTION 15-10-401 TO THE  
12 GUARDIAN, AND ANY OTHER PERSON THE COURT DETERMINES.

13 (4) AN ADULT SUBJECT TO GUARDIANSHIP WHO SEEKS TO REMOVE  
14 THE GUARDIAN AND HAVE A SUCCESSOR GUARDIAN APPOINTED HAS THE  
15 RIGHT TO CHOOSE AN ATTORNEY TO REPRESENT THE ADULT IN THIS  
16 MATTER. IF THE ADULT IS NOT REPRESENTED BY AN ATTORNEY, THE COURT  
17 SHALL APPOINT AN ATTORNEY PURSUANT TO THE SAME CONDITIONS AS IN  
18 SECTION 15-14-305.

19 (5) IN SELECTING A SUCCESSOR GUARDIAN FOR AN ADULT, THE  
20 COURT SHALL FOLLOW THE PRIORITIES DESCRIBED IN SECTION 15-14-309.

21 (6) NOT LATER THAN THIRTY DAYS AFTER APPOINTING A  
22 SUCCESSOR GUARDIAN, THE COURT SHALL GIVE NOTICE, IN THE MANNER  
23 DESCRIBED IN SECTION 15-10-401, OF THE APPOINTMENT TO THE ADULT  
24 SUBJECT TO GUARDIANSHIP AND ANY PERSON ENTITLED TO NOTICE  
25 PURSUANT TO SECTION 15-14-310 (4) OR A SUBSEQUENT ORDER.

26 **15-14-319. Termination or modification of guardianship for**  
27 **adult.**

1 (1) AN ADULT SUBJECT TO GUARDIANSHIP, THE GUARDIAN FOR THE  
2 ADULT, OR A PERSON INTERESTED IN THE WELFARE OF THE ADULT MAY  
3 FILE A PETITION FOR:

4 (a) TERMINATION OF THE GUARDIANSHIP ON THE GROUNDS THAT  
5 A BASIS FOR APPOINTMENT DESCRIBED IN SECTION 15-14-301 DOES NOT  
6 EXIST OR TERMINATION IS IN THE BEST INTEREST OF THE ADULT OR FOR  
7 OTHER GOOD CAUSE; OR

8 (b) MODIFICATION OF THE GUARDIANSHIP ON THE GROUNDS THAT  
9 THE EXTENT OF PROTECTION OR ASSISTANCE GRANTED IS NOT  
10 APPROPRIATE OR FOR OTHER GOOD CAUSE.

11 (2) NOT LATER THAN THIRTY DAYS AFTER FILING A PETITION  
12 PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE COURT SHALL SET A  
13 DATE, TIME, AND PLACE FOR HEARING THE PETITION WITHIN SIXTY DAYS  
14 AFTER RECEIPT OF THE PETITION. THE COURT MAY EXTEND THIS DEADLINE  
15 TO NINETY DAYS UPON A FINDING OF GOOD CAUSE.

16 (3) (a) THE COURT SHALL HOLD A HEARING TO DETERMINE  
17 WHETHER TERMINATION OR MODIFICATION OF A GUARDIANSHIP FOR AN  
18 ADULT IS APPROPRIATE ON:

19 (I) PETITION PURSUANT TO SUBSECTION (1) OF THIS SECTION THAT  
20 CONTAINS ALLEGATIONS THAT, IF TRUE, WOULD SUPPORT A REASONABLE  
21 BELIEF THAT TERMINATION OR MODIFICATION OF THE GUARDIANSHIP IS  
22 APPROPRIATE, BUT THE COURT MAY DECLINE TO HOLD A HEARING IF A  
23 PETITION BASED ON THE SAME OR SUBSTANTIALLY SIMILAR FACTS WAS  
24 FILED DURING THE PRECEDING SIX MONTHS;

25 (II) FILING, FROM THE ADULT, GUARDIAN, OR PERSON INTERESTED  
26 IN THE WELFARE OF THE ADULT THAT SUPPORTS A REASONABLE BELIEF  
27 THAT TERMINATION OR MODIFICATION OF THE GUARDIANSHIP IS

1 APPROPRIATE, INCLUDING BECAUSE THE FUNCTIONAL NEEDS OF THE ADULT  
2 OR SUPPORTS OR SERVICES AVAILABLE TO THE ADULT HAVE CHANGED;

3 (III) A REPORT FROM A GUARDIAN OR CONSERVATOR THAT  
4 INDICATES THAT TERMINATION OR MODIFICATION IS APPROPRIATE  
5 BECAUSE THE FUNCTIONAL NEEDS OF THE ADULT OR SUPPORTS OR  
6 SERVICES AVAILABLE TO THE ADULT HAVE CHANGED OR A PROTECTIVE  
7 ARRANGEMENT OR OTHER LESS RESTRICTIVE ALTERNATIVE FOR MEETING  
8 THE ADULT'S NEEDS IS AVAILABLE; OR

9 (IV) A DETERMINATION BY THE COURT THAT A HEARING IS IN THE  
10 BEST INTEREST OF THE ADULT.

11 (b) A COMMUNICATION TO THE COURT FROM THE ADULT  
12 REQUESTING CHANGES TO THE ADULT'S GUARDIANSHIP PLAN OR RAISING  
13 CONCERNS ABOUT THE ADULT'S GUARDIAN OR GUARDIANSHIP MUST BE  
14 BROADLY CONSTRUED AS A PETITION TO MODIFY OR TERMINATE A  
15 GUARDIANSHIP.

16 (4) NOTICE OF A PETITION FILED PURSUANT TO SUBSECTION  
17 (3)(a)(I) OF THIS SECTION MUST BE GIVEN TO THE ADULT SUBJECT TO  
18 GUARDIANSHIP, THE GUARDIAN, AND ANY OTHER PERSON THE COURT  
19 DETERMINES.

20 (5) ON PRESENTATION OF PRIMA FACIE EVIDENCE FOR  
21 TERMINATION OF A GUARDIANSHIP FOR AN ADULT, THE COURT SHALL  
22 ORDER TERMINATION UNLESS IT IS PROVEN THAT A BASIS FOR  
23 APPOINTMENT OF A GUARDIAN PURSUANT TO SECTION 15-14-301 EXISTS.

24 (6) THE COURT SHALL MODIFY THE POWERS GRANTED TO A  
25 GUARDIAN FOR AN ADULT IF THE POWERS ARE EXCESSIVE OR INADEQUATE  
26 DUE TO A CHANGE IN THE ABILITIES OR LIMITATIONS OF THE ADULT, THE  
27 ADULT'S SUPPORTS, OR OTHER CIRCUMSTANCES.

1 (7) UNLESS THE COURT OTHERWISE ORDERS FOR GOOD CAUSE,  
2 BEFORE TERMINATING OR MODIFYING A GUARDIANSHIP FOR AN ADULT,  
3 THE COURT SHALL FOLLOW THE SAME PROCEDURES TO SAFEGUARD THE  
4 RIGHTS OF THE ADULT THAT APPLY TO A PETITION FOR GUARDIANSHIP.

5 (8) AN ADULT SUBJECT TO GUARDIANSHIP WHO SEEKS TO  
6 TERMINATE OR MODIFY THE TERMS OF THE GUARDIANSHIP HAS THE RIGHT  
7 TO CHOOSE AN ATTORNEY TO REPRESENT THE ADULT IN THE MATTER. IF  
8 THE ADULT IS NOT REPRESENTED BY AN ATTORNEY, THE COURT SHALL  
9 APPOINT AN ATTORNEY PURSUANT TO THE SAME CONDITIONS SET FORTH  
10 IN SECTION 15-14-305.

11 (9) THE FOLLOWING PROVISIONS APPLY IN A CONTESTED  
12 TERMINATION PROCEEDING:

13 (a) THE GUARDIAN MAY FILE A WRITTEN REPORT TO THE COURT  
14 REGARDING ANY MATTER RELEVANT TO THE TERMINATION PROCEEDING,  
15 AND THE GUARDIAN MAY FILE A MOTION FOR INSTRUCTIONS REGARDING  
16 ANY RELEVANT MATTER, INCLUDING, BUT NOT LIMITED TO:

17 (I) WHETHER AN ATTORNEY, GUARDIAN AD LITEM, OR VISITOR  
18 MUST BE APPOINTED FOR THE ADULT SUBJECT TO GUARDIANSHIP;

19 (II) WHETHER ANY FURTHER INVESTIGATION OR PROFESSIONAL  
20 EVALUATION OF THE ADULT SUBJECT TO GUARDIANSHIP MUST BE  
21 CONDUCTED, THE SCOPE OF THE INVESTIGATION OR PROFESSIONAL  
22 EVALUATION, AND WHEN THE INVESTIGATION OR PROFESSIONAL  
23 EVALUATION MUST BE COMPLETED; AND

24 (III) WHETHER THE GUARDIAN MUST BE INVOLVED IN THE  
25 TERMINATION PROCEEDINGS AND, IF SO, TO WHAT EXTENT;

26 (b) IF THE GUARDIAN ELECTS TO FILE A WRITTEN REPORT OR A  
27 MOTION FOR INSTRUCTIONS, THE GUARDIAN MUST FILE INITIAL PLEADINGS

1 WITHIN TWENTY-ONE DAYS AFTER THE PETITION TO TERMINATE IS FILED  
2 AND SEND A COPY OF THE WRITTEN REPORT TO THE ADULT SUBJECT TO  
3 GUARDIANSHIP. THE ADULT OR A PERSON INTERESTED IN THE WELFARE OF  
4 THE ADULT SUBJECT TO GUARDIANSHIP HAS FOURTEEN DAYS AFTER THE  
5 INITIAL PLEADINGS ARE FILED TO FILE A RESPONSE. IF A RESPONSE IS FILED,  
6 THE GUARDIAN HAS SEVEN DAYS AFTER THE RESPONSE IS FILED TO FILE A  
7 REPLY. AFTER THE FILING OF THE GUARDIAN'S INITIAL MOTION FOR  
8 INSTRUCTIONS, THE GUARDIAN MAY FILE SUBSEQUENT MOTIONS FOR  
9 INSTRUCTION, AS APPROPRIATE. THE COURT SHALL ACCEPT AND CONSIDER  
10 ADDITIONAL MOTIONS FOR INSTRUCTIONS OR OTHER PLEADINGS FILED BY  
11 A GUARDIAN AFTER THE INITIAL TWENTY-ONE-DAY PERIOD, BUT THE  
12 ADDITIONAL MOTIONS AND PLEADINGS MUST NOT IMPACT THE DEADLINES  
13 FOR HOLDING A HEARING UNLESS THE COURT DETERMINES A DELAY IS  
14 ABSOLUTELY NECESSARY. THE COURT MAY CONSIDER RECOMMENDATIONS  
15 BY THE GUARDIAN, BUT THE COURT RETAINS FINAL DECISION-MAKING  
16 AUTHORITY.

17 (c) EXCEPT FOR THE ACTIONS AUTHORIZED IN SUBSECTIONS (9)(a),  
18 (9)(b), AND (10) OF THIS SECTION, OR AS OTHERWISE ORDERED BY THE  
19 COURT, THE GUARDIAN SHALL NOT TAKE ANY ACTION TO OPPOSE OR  
20 INTERFERE IN THE TERMINATION PROCEEDING. THE FILING OF THE INITIAL  
21 OR SUBSEQUENT MOTION FOR INSTRUCTIONS BY THE GUARDIAN MUST NOT  
22 ALONE BE DEEMED OPPOSITION OR INTERFERENCE.

23 (d) UNLESS ORDERED BY THE COURT, THE GUARDIAN DOES NOT  
24 HAVE A DUTY TO PARTICIPATE IN THE TERMINATION PROCEEDING, AND THE  
25 GUARDIAN DOES NOT INCUR LIABILITY FOR FILING THE REPORT OR MOTION  
26 FOR INSTRUCTION OR FOR FAILING TO PARTICIPATE IN THE PROCEEDING;  
27 AND

1 (e) ANY INDIVIDUAL WHO HAS BEEN APPOINTED AS A GUARDIAN,  
2 AND IS ALSO A PERSON INTERESTED IN THE WELFARE OF THE ADULT  
3 SUBJECT TO GUARDIANSHIP, AND WHO WANTS TO PARTICIPATE IN THE  
4 TERMINATION PROCEEDING IN THE INDIVIDUAL'S INDIVIDUAL CAPACITY  
5 AND NOT IN THE INDIVIDUAL'S FIDUCIARY CAPACITY MAY DO SO WITHOUT  
6 RESTRICTION OR LIMITATION. THE PAYMENT OF ANY FEES AND COSTS TO  
7 THAT INDIVIDUAL RELATED TO THE INDIVIDUAL'S DECISION TO  
8 PARTICIPATE IN THE TERMINATION PROCEEDING IS GOVERNED BY SECTION  
9 15-10-602 (7) AND NOT BY SECTION 15-10-602 (1).

10 (10) NOTHING IN SUBSECTION (8) OF THIS SECTION PREVENTS:

11 (a) THE COURT, ON ITS OWN MOTION, AND REGARDLESS OF  
12 WHETHER THE GUARDIAN HAS FILED A REPORT OR MOTION FOR  
13 INSTRUCTIONS, FROM ORDERING THE GUARDIAN TO TAKE ANY ACTION  
14 THAT THE COURT DEEMS APPROPRIATE OR FROM APPOINTING AN  
15 ATTORNEY, GUARDIAN AD LITEM, VISITOR, OR PROFESSIONAL EVALUATOR;

16 (b) THE COURT FROM ORDERING THE GUARDIAN TO APPEAR AT THE  
17 TERMINATION PROCEEDING AND GIVE TESTIMONY; OR

18 (c) ANY PERSON INTERESTED IN THE WELFARE OF THE ADULT  
19 SUBJECT TO GUARDIANSHIP FROM CALLING THE GUARDIAN AS A WITNESS  
20 IN THE TERMINATION PROCEEDING.

21 (11) THE COURT MAY REMOVE A GUARDIAN PURSUANT TO SECTION  
22 15-10-503 OR PERMIT A GUARDIAN TO RESIGN PURSUANT TO SECTION  
23 15-14-112.

24 (12) GUARDIANSHIP FOR AN ADULT SUBJECT TO GUARDIANSHIP  
25 AUTOMATICALLY TERMINATES UPON THE DEATH OF THE ADULT. UPON THE  
26 DEATH OF THE ADULT, THE GUARDIAN SHALL SUBMIT WRITTEN NOTICE TO  
27 THE COURT INFORMING THE COURT OF THE ADULT'S DEATH AND THE

1 TERMINATION OF THE GUARDIANSHIP.

2 **15-14-320. Compensation for the guardian - guardian liability**  
3 **- conservator room and board.**

4 (1) A GUARDIAN IS ENTITLED TO REASONABLE COMPENSATION FOR  
5 SERVICES RENDERED TO THE ADULT SUBJECT TO GUARDIANSHIP THAT ARE  
6 PROVIDED PURSUANT TO THE GUARDIAN'S DUTIES AND POWERS AS  
7 DESCRIBED IN THIS PART 3 AS WELL AS REASONABLE ROOM AND BOARD, AS  
8 APPROVED BY THE COURT.

9 (2) IF A CONSERVATOR IS APPOINTED FOR THE ADULT SUBJECT TO  
10 GUARDIANSHIP, REASONABLE COMPENSATION AND REIMBURSEMENT FOR  
11 ROOM AND BOARD MAY BE APPROVED AND PAID BY THE CONSERVATOR  
12 WITHOUT A COURT ORDER.

13 (3) A GUARDIAN IS NOT REQUIRED TO USE THE GUARDIAN'S  
14 PERSONAL FUNDS TO PAY FOR THE EXPENSES OF THE ADULT SUBJECT TO  
15 GUARDIANSHIP.

16 (4) A GUARDIAN IS NOT LIABLE TO A THIRD PARTY FOR THE ACTS  
17 OF THE ADULT SUBJECT TO GUARDIANSHIP SOLELY BY REASON OF BEING  
18 THE ADULT'S GUARDIAN.

19 (5) A GUARDIAN WHO EXERCISES REASONABLE CARE IN CHOOSING  
20 A MEDICAL PROFESSIONAL FOR THE ADULT'S CARE OR TREATMENT IS NOT  
21 LIABLE FOR INJURY THE ADULT MAY SUFFER AS A RESULT OF THE  
22 NEGLIGENCE OR WRONGFUL CONDUCT OF THE MEDICAL PROFESSIONAL.

23 **SECTION 4.** In Colorado Revised Statutes, **repeal** 15-14-101.

24 **SECTION 5.** In Colorado Revised Statutes, 13-5-142, **amend**

25 (3)(b)(I) as follows:

26 **13-5-142. National instant criminal background check system**  
27 **- reporting.**

1 (3) The state court administrator shall take all necessary steps to  
2 cancel a record made by the state court administrator in the national  
3 instant criminal background check system if:

4 (b) No less than three years before the date of the written request:

5 (I) The court entered an order pursuant to ~~section 15-14-318,~~  
6 ~~C.R.S.~~ SECTION 15-14-319, terminating a guardianship on a finding that  
7 the person is no longer an incapacitated person, if the record in the  
8 national instant criminal background check system is based on a finding  
9 of incapacity;

10 **SECTION 6.** In Colorado Revised Statutes, 13-9-123, **amend**  
11 (3)(b)(I) as follows:

12 **13-9-123. National instant criminal background check system**  
13 **- reporting.**

14 (3) The state court administrator shall take all necessary steps to  
15 cancel a record made by the state court administrator in the national  
16 instant criminal background check system if:

17 (b) No less than three years before the date of the written request:

18 (I) The court entered an order pursuant to ~~section 15-14-318,~~  
19 ~~C.R.S.~~ SECTION 15-14-319, terminating a guardianship on a finding that  
20 the person is no longer an incapacitated person, if the record in the  
21 national instant criminal background check system is based on a finding  
22 of incapacity;

23 **SECTION 7.** In Colorado Revised Statutes, 14-10-107, **amend**  
24 (3) as follows:

25 **14-10-107. Commencement - pleadings - abolition of existing**  
26 **defenses - automatic, temporary injunction - enforcement.**

27 (3) Either ~~or both parties~~ PARTY to the marriage may initiate the

1 proceeding. In addition, a legal guardian, with court approval pursuant to  
2 ~~section 15-14-315.5, C.R.S.~~ SECTION 15-14-314(3), or a conservator, with  
3 court approval pursuant to section 15-14-425.5, ~~C.R.S.~~, may initiate the  
4 proceeding. If a legal guardian or conservator initiates the proceeding, the  
5 legal guardian or conservator ~~shall~~ MUST receive notice in the same  
6 manner as the parties to the proceeding.

7 **SECTION 8.** In Colorado Revised Statutes, 15-10-201, **amend**  
8 (26) as follows:

9 **15-10-201. General definitions.**

10 Subject to additional definitions contained in this article 10 and the  
11 subsequent articles that are applicable to specific articles, parts, or  
12 sections, and unless the context otherwise requires, in this code:

13 (26) "Informal proceedings" means those conducted without  
14 notice to interested persons by an officer of the court acting as a registrar  
15 for probate of a will, appointment of a personal representative, or  
16 determination of a guardian under ~~sections 15-14-202 and 15-14-301~~  
17 SECTIONS 15-14-202, 15-14-301, AND 15-14-302.

18 **SECTION 9.** In Colorado Revised Statutes, 15-10-602, **amend**  
19 (6) and (9) as follows:

20 **15-10-602. Recovery of reasonable compensation and costs.**

21 (6) Except as provided in sections 15-10-605 (2), (3), and (4)  
22 ~~15-14-318 (4); and 15-14-431 (5)~~, if ~~any~~ A fiduciary or person with  
23 priority for appointment as personal representative, conservator, guardian,  
24 agent, custodian, or trustee defends or prosecutes a proceeding in good  
25 faith, whether successful or not, the fiduciary or person is entitled to  
26 receive from the estate reimbursement for reasonable costs and  
27 disbursements, including ~~but not limited to~~ reasonable attorney fees.

1 (9) Every application or petition for appointment of a fiduciary  
2 filed under this code, including without limitation those required under  
3 sections 15-12-301, 15-12-402, 15-12-614, 15-12-621, 15-12-622,  
4 15-14-202, 15-14-204, ~~15-14-304~~ **15-14-302**, and 15-14-403, ~~shall~~ MUST  
5 include a statement by the applicant or petitioner disclosing the basis  
6 upon which any compensation is ~~to be~~ charged to the estate by the  
7 fiduciary and ~~his or her or its~~ THE FIDUCIARY'S counsel or ~~shall~~ MUST state  
8 that the basis has not yet been determined. The disclosure statement ~~shall~~  
9 MUST specifically describe, as ~~is~~ applicable, the hourly rates ~~to be~~  
10 charged, any amounts ~~to be~~ charged pursuant to a published fee schedule,  
11 including the rates and basis for charging fees for any extraordinary  
12 services, and any other bases upon which a fee charged to the estate will  
13 be calculated. This disclosure obligation ~~shall be~~ IS continuing in nature  
14 ~~so as to require~~ AND REQUIRES supplemental disclosures if material  
15 changes to the basis for charging fees take place.

16 **SECTION 10.** In Colorado Revised Statutes, 15-14-110, **amend**  
17 (1) introductory portion and (1)(e) as follows:

18 **15-14-110. Letters of office.**

19 (1) A nominee for guardian, emergency guardian, conservator, or  
20 special conservator shall file an acceptance of office with the court. The  
21 acceptance of office ~~shall~~ MUST be signed by the nominee and, except as  
22 otherwise provided in this section, ~~shall~~ MUST include a statement by the  
23 nominee informing the court of the following:

24 (e) That the nominee acknowledges and understands that if the  
25 nominee fails to file required reports with the court or fails to respond to  
26 an order of the court to show cause why the nominee should not be held  
27 in contempt of court, Colorado law authorizes the court to access data and

1 records of state agencies in order to obtain contact information, as defined  
2 in ~~sections 15-14-317 (4)(c) and~~ SECTION 15-14-420 (6)(c).

3 **SECTION 11.** In Colorado Revised Statutes, 15-14-113.5,  
4 **amend** (1), (2) introductory portion, (2)(a), (4) introductory portion, and  
5 (4)(c) as follows:

6 **15-14-113.5. Appointments without notice - investigation -**  
7 **report - procedures.**

8 (1) A visitor appointed pursuant to section ~~15-14-312 (5) or~~  
9 15-14-412 (3)(b) OR 15-14-905 must be a person who has ~~such~~ THE  
10 training as the court deems appropriate.

11 (2) A visitor appointed pursuant to section ~~15-14-312 (5) or~~  
12 15-14-412 (3)(b) shall interview the respondent in person and, to the  
13 extent that the respondent is able to understand:

14 (a) Explain to the respondent the substance of the petition; the  
15 nature, purpose, and effect of the proceeding; the respondent's right to a  
16 hearing pursuant to ~~section 15-14-312 (2)~~ SECTION 15-14-312 (4), if  
17 applicable; and the powers and duties of the emergency guardian or  
18 special conservator;

19 (4) The visitor shall promptly file a report in writing with the court  
20 ~~which must include~~ THAT INCLUDES:

21 (c) Recommendations on whether ~~any~~ A member of the supportive  
22 community should be granted permission to participate in the proceedings  
23 pursuant to ~~section 15-14-308 (2)~~ SECTION 15-14-307 (8) or 15-10-201  
24 (27);

25 **SECTION 12.** In Colorado Revised Statutes, 15-14-501, **amend**  
26 (1) as follows:

27 **15-14-501. When power of attorney not affected by disability.**

1 (1) ~~Whenever~~ IF a principal designates another ~~his~~ THE  
2 PRINCIPAL'S attorney-in-fact or agent by a power of attorney in writing  
3 and the writing contains the words "This power of attorney shall not be  
4 affected by disability of the principal." or "This power of attorney shall  
5 become effective upon the disability of the principal." or similar words  
6 showing the intent of the principal that the authority conferred shall be  
7 exercisable notwithstanding ~~his~~ THE PRINCIPAL'S disability, the authority  
8 of the attorney-in-fact or agent is exercisable ~~by him~~ as provided in the  
9 power on behalf of the principal notwithstanding later disability or  
10 incapacity of the principal at law or later uncertainty as to whether the  
11 principal is dead or alive. The authority of the attorney-in-fact or agent to  
12 act on behalf of the principal ~~shall~~ MUST be set forth in the power and  
13 may relate to any act, power, duty, right, or obligation ~~which~~ THAT the  
14 principal has or after acquires relating to the principal or any matter,  
15 transaction, or property, real or personal, tangible or intangible. The  
16 authority of the agent with regard to medical treatment decisions on  
17 behalf of a principal is set forth in sections 15-14-503 to 15-14-509. The  
18 attorney-in-fact or agent, however, is subject to the same limitations  
19 imposed upon court-appointed guardians contained in ~~section 15-14-312~~  
20 ~~(1)(a)~~ SECTION 15-14-315. Additionally, the principal may expressly  
21 empower ~~his~~ THE PRINCIPAL'S attorney-in-fact or agent to renounce and  
22 disclaim interests and powers, to make gifts, in trust or otherwise, and to  
23 release and exercise powers of appointment. All acts done by the  
24 attorney-in-fact or agent pursuant to the power during any period of  
25 disability or incompetence or uncertainty as to whether the principal is  
26 dead or alive have the same effect and inure to the benefit of and bind the  
27 principal or ~~his~~ THE PRINCIPAL'S heirs, devisees, and personal

1 representative as if the principal were alive, competent, and not disabled.  
2 If a guardian or conservator thereafter is appointed for the principal, the  
3 attorney-in-fact or agent, during the continuance of the appointment, shall  
4 MUST consult with the guardian on matters concerning the principal's  
5 personal care or account to the conservator on matters concerning the  
6 principal's financial affairs. The conservator has the same power the  
7 principal would have had if he THE PRINCIPAL were not disabled or  
8 incompetent to revoke, suspend, or terminate all or any part of the power  
9 of attorney or agency as it relates to financial matters. Subject to any  
10 limitation or restriction of the guardian's powers or duties set forth in the  
11 order of appointment and endorsed on the letters of guardianship, a  
12 guardian has the same power to revoke, suspend, or terminate all or any  
13 part of the power of attorney or agency as it relates to matters concerning  
14 the principal's personal care that the principal would have had if the  
15 principal were not disabled or incompetent, except with respect to  
16 medical treatment decisions made by an agent pursuant to sections  
17 15-14-506 to 15-14-509; however, such THIS exception shall DOES not  
18 preclude a court from removing an agent in the event an agent becomes  
19 incapacitated, or is unwilling or unable to serve as an agent.

20 **SECTION 13.** In Colorado Revised Statutes, 15-14.5-102,  
21 **amend** the introductory portion and (3) as follows:

22 **15-14.5-102. Definitions.**

23 AS USED in this article 14.5, UNLESS THE CONTEXT OTHERWISE  
24 REQUIRES:

25 (3) "Guardian" means a person appointed by the court to make  
26 decisions regarding the person of an adult, including a person appointed  
27 ~~under section 15-14-301~~ PURSUANT TO SECTIONS 15-14-301 AND

1 15-14-302.

2 **SECTION 14.** In Colorado Revised Statutes, 27-65-103, **amend**  
3 (1) as follows:

4 **27-65-103. Voluntary applications for mental health services.**

5 (1) Nothing in this article 65 in any way limits the right of **any A**  
6 **person to make a voluntary application at any time to any A public or**  
7 **private agency or professional person for mental health services, either by**  
8 **direct application in person or by referral from any other public or private**  
9 **agency or professional person. Subject to ~~section 15-14-316(4)~~ SECTIONS**  
10 **15-14-315 (2) AND 15-14-314 (7)(d), a ward, as defined in section**  
11 **15-14-102 (15), may be admitted to a hospital or institutional care and**  
12 **treatment for a mental health disorder with the guardian's consent for as**  
13 **long as IF the ward agrees to such THE care and treatment. The guardian**  
14 **shall immediately notify in writing the court that appointed the guardian**  
15 **of the admission.**

16 **SECTION 15. Applicability.** This act applies to guardianships  
17 established on or after the effective date of this act.

18 **SECTION 16. Act subject to petition - effective date.** This act  
19 takes effect January 1, 2028; except that, if a referendum petition is filed  
20 pursuant to section 1 (3) of article V of the state constitution against this  
21 act or an item, section, or part of this act within the ninety-day period  
22 after final adjournment of the general assembly, then the act, item,  
23 section, or part will not take effect unless approved by the people at the  
24 general election to be held in November 2026 and, in such case, will take  
25 effect on January 1, 2028.