

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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April 1, 2026  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB26-1100 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:
- 3 "SECTION 1. In Colorado Revised Statutes, 15-14-102, **amend**  
4 (1), (4), (7.5), and (10.5); and **add** (1.3), (1.5), (3.5), (4.5), (6.5), (7.3),  
5 (10.3), and (11.5) as follows:
- 6 **15-14-102. Definitions.**
- 7 In parts 1 to 4 of this article 14:
- 8 (1) ~~"Claim", with respect to a protected person, includes a claim~~  
9 ~~against an individual, whether arising in contract, tort, or otherwise, and~~  
10 ~~a claim against an estate which arises at or after the appointment of a~~  
11 ~~conservator, including expenses of administration~~ "ADULT" MEANS AN  
12 INDIVIDUAL AT LEAST EIGHTEEN YEARS OLD OR AN EMANCIPATED  
13 INDIVIDUAL UNDER EIGHTEEN YEARS OLD.
- 14 (1.3) "ADULT SUBJECT TO GUARDIANSHIP" MEANS AN ADULT FOR  
15 WHOM A GUARDIAN HAS BEEN APPOINTED PURSUANT TO THIS ARTICLE 14.
- 16 (1.5) "CLAIM", WITH RESPECT TO A PROTECTED PERSON, INCLUDES  
17 A CLAIM AGAINST AN INDIVIDUAL, WHETHER ARISING IN CONTRACT, TORT,  
18 OR OTHERWISE, AND A CLAIM AGAINST AN ESTATE WHICH ARISES AT OR  
19 AFTER THE APPOINTMENT OF A CONSERVATOR, INCLUDING EXPENSES OF  
20 ADMINISTRATION.
- 21 (3.5) "FULL GUARDIANSHIP" MEANS A GUARDIANSHIP THAT  
22 GRANTS THE GUARDIAN ALL POWERS AVAILABLE PURSUANT TO THIS  
23 ARTICLE 14.
- 24 (4) "Guardian" means an individual at least twenty-one years ~~of~~  
25 ~~age~~ OLD, resident or non-resident, who has qualified as a guardian of a  
26 minor or incapacitated person pursuant to appointment by a parent or by  
27 the court. The term includes a limited, emergency, and temporary  
28 substitute guardian but not a guardian ad litem.

1 (4.5) "GUARDIAN AD LITEM" MEANS A PERSON APPOINTED TO  
2 INFORM THE COURT ABOUT, AND TO REPRESENT, THE NEEDS AND BEST  
3 INTEREST OF AN INDIVIDUAL.

4 (6.5) "LESS RESTRICTIVE ALTERNATIVE" MEANS AN APPROACH TO  
5 MEETING AN INDIVIDUAL'S NEEDS THAT RESTRICTS FEWER RIGHTS OF THE  
6 INDIVIDUAL THAN WOULD THE APPOINTMENT OF A GUARDIAN OR  
7 CONSERVATOR. THE TERM INCLUDES PROTECTIVE ARRANGEMENT OR  
8 SERVICES, SUPPORTED DECISION-MAKING, APPROPRIATE TECHNOLOGICAL  
9 ASSISTANCE, APPOINTMENT OF A REPRESENTATIVE PAYEE, AND  
10 APPOINTMENT OF AN AGENT BY THE INDIVIDUAL, INCLUDING APPOINTMENT  
11 UNDER A POWER OF ATTORNEY FOR HEALTH CARE OR POWER OF ATTORNEY  
12 FOR FINANCES.

13 (7.3) "LIMITED GUARDIANSHIP" MEANS A GUARDIANSHIP THAT  
14 GRANTS THE GUARDIAN LESS THAN ALL POWERS AVAILABLE PURSUANT TO  
15 THIS ARTICLE 14 OR OTHERWISE RESTRICTS THE POWERS OF THE  
16 GUARDIAN.

17 (7.5) "Member of the supportive community" means a person  
18 whom the respondent, ward, or protected person has trusted for the  
19 one-year period immediately preceding the filing of a petition pursuant to  
20 ~~section 15-14-304~~ SECTION 15-14-302 or 15-14-403 to engage in  
21 supported decision-making and who may have relevant information about  
22 the respondent's, ward's, or protected person's desires and personal values.

23 (10.3) "PERSON INTERESTED IN THE WELFARE OF" MEANS AN  
24 INTERESTED PERSON WITH REGARD TO THE WELL-BEING OF AN INDIVIDUAL  
25 SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP, WHO, WITH RESPECT TO  
26 THE MATTER UNDER CONSIDERATION, HAS RELEVANT CONCERN THAT THE  
27 RELIEF REQUESTED IN THE MATTER OR OUTCOME OF THE MATTER IS  
28 REQUIRED FOR THE PROTECTION OF THE INDIVIDUAL'S HEALTH, SAFETY,  
29 WELFARE, OR ESTATE, OR MAY HAVE A HARMFUL EFFECT ON THE  
30 INDIVIDUAL'S HEALTH, SAFETY, WELFARE, OR ESTATE.

31 (10.5) "Post-adjudication" means after appointment of a  
32 permanent guardian or special or permanent conservator after a hearing  
33 for which a respondent was provided notice pursuant to ~~section~~  
34 ~~15-14-309~~ SECTION 15-14-303 or section 15-14-404, or both, and at which  
35 the respondent had an opportunity to present evidence and be heard.

36 (11.5) "PROTECTIVE ARRANGEMENT" MEANS A COURT-ORDERED  
37 ALTERNATIVE TO GUARDIANSHIP DESIGNED TO PROTECT THE  
38 RESPONDENT'S PERSONAL INTERESTS AND AUTHORIZE ACTIONS NECESSARY  
39 TO MEET THE RESPONDENT'S NEED FOR HEALTH, SAFETY, OR CARE.

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

42 **15-14-103. Guardianship bill of rights.**

43 (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;
- 28 (l) HAVE THE GUARDIAN PRUDENTLY MANAGE THEIR RESOURCES;
- 29 (m) FULLY PARTICIPATE, TO THE EXTENT POSSIBLE, IN DECISIONS  
30 ABOUT HOW THEIR PROPERTY IS MANAGED, TO THE EXTENT THEY WISH TO  
31 BE INVOLVED AND ARE ABLE TO BE INVOLVED;
- 32 (n) KEEP CONFIDENTIAL THOSE MATTERS THAT THEY WISH TO KEEP  
33 CONFIDENTIAL UNLESS THE INFORMATION IS NECESSARY TO OBTAIN  
34 SERVICES; TO PREVENT ABUSE, NEGLECT, OR EXPLOITATION; OR TO MODIFY  
35 THE GUARDIANSHIP ORDER OR OTHER ORDERS ENTERED INTO PURSUANT  
36 TO ARTICLE 14 OR 14.5 OF THIS TITLE 15;
- 37 (o) KEEP ALL RIGHTS THAT THE COURT HAS NOT GRANTED TO  
38 GUARDIAN OR CONSERVATOR;
- 39 (p) A LAWYER WHO ADVOCATES FOR THE OUTCOME THE ADULT  
40 SUBJECT TO GUARDIANSHIP WANTS;
- 41 (q) BE PRESENT AND PARTICIPATE IN ALL COURT HEARINGS;
- 42 (r) LET THE COURT KNOW CONCERNS OR COMPLAINTS ABOUT THEIR  
43 GUARDIANSHIP;

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

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

7 (u) THE SUPPORT AND ACCOMMODATIONS THEY NEED TO BE ABLE  
8 TO EFFECTIVELY COMMUNICATE WITH THE COURT AND TO UNDERSTAND  
9 THE COURT PROCEEDINGS; AND

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

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

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

18 (b) TO FILE AND DEFEND LAWSUITS;

19 (c) TO MAKE CONTRACTS;

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

22 (e) TO MANAGE THE ADULT SUBJECT TO GUARDIANSHIP'S MONEY  
23 AND PROPERTY.

24 (3) THE ADULT SUBJECT TO GUARDIANSHIP RETAINS THE RIGHT TO  
25 VOTE, TO MAINTAIN THEIR REPRODUCTIVE HEALTH AND ABILITY TO  
26 PROCREATE, AND TO CHANGE THE ADULT SUBJECT TO GUARDIANSHIP'S  
27 MARITAL STATUS, UNLESS THE COURT RESTRICTS THOSE RIGHTS BY  
28 STATING THE RESTRICTIONS AND THE RELEVANT FINDINGS TO SUPPORT THE  
29 RESTRICTION IN THE ORDER APPOINTING THE GUARDIAN.

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

32 PART 3

33 GUARDIANSHIP OF ADULT

34 **15-14-301. Basis for appointment of guardian for adult.**

35 (1) ON PETITION AND AFTER NOTICE AND HEARING, THE COURT  
36 MAY:

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

39 (I) THE RESPONDENT LACKS THE ABILITY TO MEET ESSENTIAL  
40 REQUIREMENTS FOR HEALTH, SAFETY, OR WELFARE BECAUSE THE  
41 RESPONDENT IS UNABLE TO RECEIVE AND EVALUATE INFORMATION OR  
42 MAKE OR COMMUNICATE DECISIONS, EVEN WITH APPROPRIATE SUPPORTIVE  
43 SERVICES, TECHNOLOGICAL ASSISTANCE, OR SUPPORTED

1 DECISION-MAKING; AND

2 (II) THE RESPONDENT'S IDENTIFIED NEEDS CANNOT BE MET BY A  
3 PROTECTIVE ARRANGEMENT OR OTHER LESS RESTRICTIVE ALTERNATIVE;  
4 OR

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

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

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

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

19 (2) A PETITION FILED PURSUANT TO SUBSECTION (1) OF THIS  
20 SECTION MUST STATE THE PETITIONER'S NAME; PRINCIPAL RESIDENCE;  
21 CURRENT STREET ADDRESS, IF DIFFERENT; RELATIONSHIP TO THE  
22 RESPONDENT; INTEREST IN THE APPOINTMENT; THE NAME AND ADDRESS OF  
23 ANY ATTORNEY REPRESENTING THE PETITIONER; THE REASON  
24 GUARDIANSHIP IS NECESSARY; AND, TO THE EXTENT KNOWN, THE  
25 FOLLOWING:

26 (a) THE RESPONDENT'S NAME; AGE; PRINCIPAL RESIDENCE;  
27 CURRENT STREET ADDRESS, IF DIFFERENT; AND, IF DIFFERENT, THE  
28 ADDRESS OF THE DWELLING WHERE THE RESPONDENT IS PROPOSED TO  
29 RESIDE IF THE PETITION IS GRANTED;

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

31 (I) SPOUSE OR DOMESTIC PARTNER OR, IF THE RESPONDENT HAS  
32 NONE, ANY ADULT WITH WHOM THE RESPONDENT HAS SHARED  
33 HOUSEHOLD RESPONSIBILITIES FOR MORE THAN SIX MONTHS IN THE  
34 TWELVE-MONTH PERIOD IMMEDIATELY BEFORE THE FILING OF THE  
35 PETITION;

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

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

42 (c) THE NAME AND CURRENT ADDRESS OF EACH OF THE  
43 FOLLOWING, IF APPLICABLE:

- 1 (I) A PERSON RESPONSIBLE FOR CARE OF THE RESPONDENT;  
2 (II) ANY ATTORNEY CURRENTLY REPRESENTING THE RESPONDENT;  
3 (III) ANY REPRESENTATIVE PAYEE APPOINTED BY THE SOCIAL  
4 SECURITY ADMINISTRATION FOR THE RESPONDENT;  
5 (IV) A GUARDIAN OR CONSERVATOR ACTING FOR THE RESPONDENT  
6 IN THIS STATE OR IN ANOTHER JURISDICTION;  
7 (V) A TRUSTEE OR CUSTODIAN OF A TRUST OR CUSTODIANSHIP OF  
8 WHICH THE RESPONDENT IS A BENEFICIARY;  
9 (VI) ANY FIDUCIARY FOR THE RESPONDENT APPOINTED BY THE  
10 DEPARTMENT OF VETERANS AFFAIRS;  
11 (VII) AN AGENT DESIGNATED UNDER A POWER OF ATTORNEY FOR  
12 HEALTH CARE IN WHICH THE RESPONDENT IS IDENTIFIED AS THE PRINCIPAL;  
13 (VIII) AN AGENT DESIGNATED UNDER A POWER OF ATTORNEY FOR  
14 FINANCES IN WHICH THE RESPONDENT IS IDENTIFIED AS THE PRINCIPAL;  
15 (IX) A PERSON NOMINATED AS GUARDIAN BY THE RESPONDENT;  
16 (X) A PERSON NOMINATED AS GUARDIAN BY THE RESPONDENT'S  
17 PARENT OR SPOUSE OR DOMESTIC PARTNER IN A WILL OR OTHER SIGNED  
18 RECORD;  
19 (XI) A PROPOSED GUARDIAN AND THE REASON FOR SELECTING THE  
20 PROPOSED GUARDIAN; AND  
21 (XII) A MEMBER OF THE RESPONDENT'S SUPPORTIVE COMMUNITY;  
22 (d) WHETHER THE PETITIONER SEEKS A LIMITED GUARDIANSHIP OR  
23 FULL GUARDIANSHIP;  
24 (e) IF THE PETITIONER SEEKS A FULL GUARDIANSHIP, THE REASON  
25 A LIMITED GUARDIANSHIP OR PROTECTIVE ARRANGEMENT INSTEAD OF  
26 GUARDIANSHIP IS NOT APPROPRIATE;  
27 (f) IF A LIMITED GUARDIANSHIP IS REQUESTED, THE POWERS TO BE  
28 GRANTED TO THE GUARDIAN;  
29 (g) THE NAME AND CURRENT ADDRESS, IF KNOWN, OF ANY PERSON  
30 WITH WHOM THE PETITIONER SEEKS TO LIMIT THE RESPONDENT'S  
31 CONTACT;  
32 (h) IF THE RESPONDENT HAS PROPERTY OTHER THAN PERSONAL  
33 EFFECTS, A GENERAL STATEMENT OF THE RESPONDENT'S PROPERTY WITH  
34 AN ESTIMATE OF ITS VALUE, INCLUDING ANY INSURANCE OR PENSION, AND  
35 THE SOURCE AND AMOUNT OF OTHER ANTICIPATED INCOME OR RECEIPTS;  
36 AND  
37 (i) WHETHER THE RESPONDENT NEEDS AN INTERPRETER,  
38 TRANSLATOR, OR OTHER FORM OF SUPPORT TO COMMUNICATE  
39 EFFECTIVELY WITH THE COURT OR TO UNDERSTAND COURT PROCEEDINGS.  
40 (3) THE REASON FOR WHY GUARDIANSHIP IS NECESSARY THAT IS  
41 INCLUDED IN THE PETITION PURSUANT TO SUBSECTION (2) OF THIS SECTION  
42 MUST INCLUDE A BRIEF DESCRIPTION OF:  
43 (a) THE NATURE AND EXTENT OF THE RESPONDENT'S ALLEGED

1 NEED;  
2 (b) ANY PROTECTIVE ARRANGEMENT OR OTHER LESS RESTRICTIVE  
3 ALTERNATIVES FOR MEETING THE RESPONDENT'S ALLEGED NEED THAT  
4 HAVE BEEN CONSIDERED OR IMPLEMENTED;  
5 (c) IF NO PROTECTIVE ARRANGEMENT OR OTHER LESS RESTRICTIVE  
6 ALTERNATIVES HAVE BEEN CONSIDERED OR IMPLEMENTED, THE REASON  
7 THEY HAVE NOT BEEN CONSIDERED OR IMPLEMENTED; AND  
8 (d) THE REASON A PROTECTIVE ARRANGEMENT OR OTHER LESS  
9 RESTRICTIVE ALTERNATIVE IS INSUFFICIENT TO MEET THE RESPONDENT'S  
10 ALLEGED NEED.

11 **15-14-303. Notice of hearing for appointment of guardian for**  
12 **adult.**

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

16 (2) (a) A COPY OF A PETITION DESCRIBED IN SECTION 15-14-302  
17 AND NOTICE OF A HEARING ON THE PETITION MUST BE SERVED  
18 PERSONALLY ON THE RESPONDENT. THE NOTICE MUST INFORM THE  
19 RESPONDENT OF THE RESPONDENT'S RIGHTS AT THE HEARING, INCLUDING  
20 THE RIGHT TO AN ATTORNEY AND TO ATTEND THE HEARING. THE NOTICE  
21 MUST INCLUDE A DESCRIPTION OF THE NATURE, PURPOSE, AND  
22 CONSEQUENCES OF GRANTING THE PETITION. THE COURT SHALL NOT  
23 GRANT THE PETITION IF NOTICE SUBSTANTIALLY COMPLYING WITH THIS  
24 SUBSECTION (2)(a) IS NOT SERVED ON THE RESPONDENT.

25 (b) AFTER A COPY OF THE PETITION AND NOTICE OF A HEARING ON  
26 THE PETITION IS SERVED ON THE RESPONDENT IN COMPLIANCE WITH  
27 SUBSECTION (2)(a) OF THIS SECTION, THE COURT SHALL APPOINT AN  
28 ATTORNEY TO REPRESENT THE RESPONDENT AT THE HEARING. THE  
29 APPOINTMENT IS AT THE STATE'S EXPENSE, PENDING A DETERMINATION OF  
30 INDIGENCE. IF THE RESPONDENT IS DETERMINED NOT TO BE INDIGENT, THE  
31 RESPONDENT MUST BE GIVEN THE OPTION TO EITHER RETAIN THE  
32 ATTORNEY APPOINTED AT THE RESPONDENT'S EXPENSE OR RETAIN AN  
33 ATTORNEY OF THEIR CHOOSING AT THE RESPONDENT'S EXPENSE. IF THE  
34 RESPONDENT WAIVES THEIR RIGHT TO COUNSEL, THE COURT MUST HEAR  
35 THE REQUEST ON THE RECORD AND DOCUMENT THE JUSTIFICATION FOR  
36 THE RESPONDENT WAIVING THEIR RIGHT TO COUNSEL.

37 (3) IN A PROCEEDING ON A PETITION DESCRIBED IN SECTION  
38 15-14-302, THE NOTICE REQUIRED PURSUANT TO SUBSECTION (2) OF THIS  
39 SECTION MUST BE GIVEN TO THE PERSONS REQUIRED TO BE LISTED IN THE  
40 PETITION PURSUANT TO SECTION 15-14-302 (2)(a) TO (2)(c), IF KNOWN,  
41 AND ANY OTHER PERSON INTERESTED IN THE WELFARE OF THE  
42 RESPONDENT THAT THE COURT DETERMINES. FAILURE TO GIVE NOTICE  
43 PURSUANT TO THIS SUBSECTION (3) DOES NOT PRECLUDE THE COURT FROM

1 APPOINTING A GUARDIAN OR ORDERING A PROTECTIVE ARRANGEMENT.

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

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

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

19 **15-14-304. Appointment and role of visitor.**

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

27 (2) A VISITOR APPOINTED PURSUANT TO SUBSECTION (1) OF THIS  
28 SECTION SHALL INTERVIEW THE RESPONDENT IN PERSON AND, IN A  
29 MANNER THE RESPONDENT IS BEST ABLE TO UNDERSTAND:

30 (a) EXPLAIN TO THE RESPONDENT THE SUBSTANCE OF THE  
31 PETITION; THE NATURE, PURPOSE, AND EFFECT OF THE PROCEEDING; THE  
32 RESPONDENT'S RIGHTS AT THE HEARING ON THE PETITION; AND THE  
33 GENERAL POWERS AND DUTIES OF A GUARDIAN;

34 (b) DETERMINE THE RESPONDENT'S VIEWS ABOUT THE  
35 APPOINTMENT SOUGHT BY THE PETITIONER, INCLUDING VIEWS ABOUT A  
36 PROPOSED GUARDIAN, THE GUARDIAN'S PROPOSED POWERS AND DUTIES,  
37 AND THE SCOPE AND DURATION OF THE PROPOSED GUARDIANSHIP;

38 (c) EXPLAIN TO THE RESPONDENT THE RESPONDENT'S RIGHT TO  
39 EMPLOY AND CONSULT WITH AN ATTORNEY AT THE RESPONDENT'S  
40 EXPENSE AND THE RIGHT TO REQUEST REPRESENTATION BY A  
41 COURT-APPOINTED ATTORNEY AT THE RESPONDENT'S OWN EXPENSE IF THE  
42 RESPONDENT IS NOT INDIGENT; AND

43 (d) INFORM THE RESPONDENT THAT ALL COSTS AND EXPENSES OF

1 THE PROCEEDING, INCLUDING THE RESPONDENT'S ATTORNEY FEES, MAY BE  
2 PAID FROM THE RESPONDENT'S ASSETS UNLESS THE RESPONDENT IS  
3 DETERMINED TO BE INDIGENT BY THE COURT.

4 (3) A VISITOR APPOINTED PURSUANT TO SUBSECTION (1) OF THIS  
5 SECTION SHALL:

6 (a) INTERVIEW THE PETITIONER AND PROPOSED GUARDIAN, IF ANY;  
7 (b) VISIT THE RESPONDENT'S PRESENT DWELLING AND ANY  
8 DWELLING WHERE THE RESPONDENT IS PROPOSED TO RESIDE IF THE  
9 APPOINTMENT IS MADE;

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

13 (d) INVESTIGATE THE ALLEGATIONS IN THE PETITION AND ANY  
14 OTHER MATTER RELATING TO THE PETITION THAT THE COURT DIRECTS THE  
15 VISITOR MUST INVESTIGATE.

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

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

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

24 (c) A SUMMARY OF SELF-CARE AND INDEPENDENT-LIVING TASKS  
25 THE RESPONDENT CAN MANAGE WITHOUT ASSISTANCE OR WITH EXISTING  
26 SUPPORTS; COULD MANAGE WITH THE ASSISTANCE OF APPROPRIATE  
27 SUPPORTIVE SERVICES, TECHNOLOGICAL ASSISTANCE, OR SUPPORTED  
28 DECISION-MAKING; AND CANNOT MANAGE;

29 (d) A RECOMMENDATION REGARDING THE APPROPRIATENESS OF  
30 GUARDIANSHIP, INCLUDING WHETHER A PROTECTIVE ARRANGEMENT OR  
31 OTHER LESS RESTRICTIVE ALTERNATIVE FOR MEETING THE RESPONDENT'S  
32 NEEDS IS AVAILABLE, AND:

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

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

37 (e) A STATEMENT OF THE QUALIFICATIONS OF THE PROPOSED  
38 GUARDIAN AND WHETHER THE RESPONDENT APPROVES OR DISAPPROVES  
39 OF THE PROPOSED GUARDIAN;

40 (f) A STATEMENT WHETHER THE PROPOSED DWELLING MEETS THE  
41 RESPONDENT'S NEEDS AND WHETHER THE RESPONDENT HAS EXPRESSED A  
42 PREFERENCE AS TO RESIDENCE;

43 (g) A RECOMMENDATION WHETHER A PROFESSIONAL EVALUATION

- 1 ORDERED PURSUANT TO SECTION 15-14-306 IS NECESSARY;  
2 (h) A STATEMENT WHETHER THE RESPONDENT IS ABLE TO ATTEND  
3 A HEARING AT THE LOCATION COURT PROCEEDINGS TYPICALLY ARE HELD;  
4 (i) A STATEMENT WHETHER THE RESPONDENT IS ABLE TO  
5 PARTICIPATE IN A HEARING AND A STATEMENT THAT IDENTIFIES ANY  
6 TECHNOLOGY OR OTHER FORM OF SUPPORT THAT WOULD ENHANCE THE  
7 RESPONDENT'S ABILITY TO PARTICIPATE; AND  
8 (j) ANY OTHER MATTER THE COURT DETERMINES.

9 **15-14-305. Appointment and role of attorney for adult.**

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

20 (2) IF AT ANY POINT THE RESPONDENT'S ATTORNEY EXPRESSES  
21 CONCERN TO THE COURT ABOUT THE RESPONDENT'S CAPACITY TO FORM AN  
22 ATTORNEY-CLIENT RELATIONSHIP, THE COURT MUST HOLD A HEARING TO  
23 DETERMINE WHETHER THE RESPONDENT HAS THE CAPACITY TO FORM AN  
24 ATTORNEY-CLIENT RELATIONSHIP. IF THE COURT DETERMINES THAT THE  
25 RESPONDENT LACKS THE CAPACITY TO FORM AN ATTORNEY-CLIENT  
26 RELATIONSHIP, THE COURT SHALL APPOINT A GUARDIAN AD LITEM TO  
27 REPRESENT THE RESPONDENT.

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

30 (a) MAKE REASONABLE EFFORTS TO ASCERTAIN THE RESPONDENT'S  
31 WISHES;

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

34 (c) IF THE RESPONDENT'S WISHES ARE NOT REASONABLY  
35 ASCERTAINABLE, ADVOCATE FOR THE RESULT THAT IS THE LEAST  
36 RESTRICTIVE IN TYPE, DURATION, AND SCOPE, CONSISTENT WITH THE  
37 RESPONDENT'S INTERESTS.

38 **15-14-306. Professional evaluation.**

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

42 (a) THE RESPONDENT REQUESTS THE EVALUATION; OR

43 (b) THE COURT FINDS THAT ADDITIONAL INFORMATION MAY ASSIST

1 THE COURT IN DETERMINING THE RESPONDENT'S NEEDS AND ABILITIES.

2 (2) THE COURT SHALL ISSUE AN ORDER FOR AN EVALUATION AS  
3 SOON AS PRACTICABLE AFTER RECEIVING A REQUEST FROM THE  
4 RESPONDENT OR UPON FINDING THAT AN EVALUATION IS NECESSARY TO  
5 DETERMINE THE RESPONDENT'S NEEDS AND ABILITIES. IF THE EVALUATION  
6 CANNOT BE COMPLETED PRIOR TO THE DATE OF THE HEARING HELD  
7 PURSUANT TO SECTION 15-14-303, THE RESPONDENT MAY REQUEST AN  
8 EXTENSION TO ALLOW TIME TO COMPLETE THE EVALUATION.

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

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

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

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

26 (d) THE DATE OF THE EXAMINATION ON WHICH THE REPORT IS  
27 BASED.

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

30 **15-14-307. Attendance and rights at hearing.**

31 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS  
32 SECTION, A HEARING HELD PURSUANT TO SECTION 15-14-303 MUST NOT  
33 PROCEED UNLESS THE RESPONDENT ATTENDS THE HEARING. IF IT IS NOT  
34 REASONABLY FEASIBLE FOR THE RESPONDENT TO ATTEND A HEARING AT  
35 THE LOCATION COURT PROCEEDINGS TYPICALLY ARE HELD, THE COURT  
36 SHALL HOLD A HEARING USING REAL-TIME AUDIO-VISUAL TECHNOLOGY  
37 OR, AT THE COURT'S DISCRETION, HOLD THE HEARING AT AN ALTERNATIVE  
38 LOCATION WHERE THE RESPONDENT CAN ATTEND USING REAL-TIME  
39 AUDIO-VISUAL TECHNOLOGY.

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

43 (a) THE RESPONDENT HAS REFUSED TO ATTEND THE HEARING

1 AFTER HAVING BEEN FULLY INFORMED OF THE RIGHT TO ATTEND AND THE  
2 POTENTIAL CONSEQUENCES OF FAILING TO DO SO; OR

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

6 (3) THE RESPONDENT MAY BE ASSISTED IN A HEARING HELD  
7 PURSUANT TO SECTION 15-14-303 BY A PERSON OR PERSONS OF THE  
8 RESPONDENT'S CHOOSING, ASSISTIVE TECHNOLOGY, OR AN INTERPRETER  
9 OR TRANSLATOR, OR A COMBINATION OF THESE SUPPORTS. IF ASSISTANCE  
10 WOULD FACILITATE THE RESPONDENT'S PARTICIPATION IN THE HEARING  
11 HELD PURSUANT TO SECTION 15-14-303 BUT IS NOT OTHERWISE  
12 AVAILABLE TO THE RESPONDENT, THE COURT SHALL MAKE REASONABLE  
13 EFFORTS TO PROVIDE THE ASSISTANCE.

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

18 (5) AT A HEARING HELD PURSUANT TO SECTION 15-14-303, THE  
19 RESPONDENT MAY:

20 (a) PRESENT EVIDENCE AND SUBPOENA WITNESSES AND  
21 DOCUMENTS;

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

24 (c) OTHERWISE PARTICIPATE IN THE HEARING.

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

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

33 (8) ANY PERSON MAY REQUEST TO PARTICIPATE IN A HEARING  
34 HELD PURSUANT TO SECTION 15-14-303. THE COURT MAY GRANT THE  
35 REQUEST, WITH OR WITHOUT A HEARING, ON DETERMINING THAT THE BEST  
36 INTEREST OF THE RESPONDENT WILL BE SERVED. THE COURT SHALL  
37 CONSIDER THE PREFERENCES AND OPINIONS OF THE RESPONDENT PRIOR TO  
38 GRANTING A REQUEST TO PARTICIPATE IN THE HEARING. THE COURT MAY  
39 IMPOSE APPROPRIATE CONDITIONS ON THE PERSON'S PARTICIPATION.

40 **15-14-308. Confidentiality of records.**

41 THE COURT SHALL COMPLY WITH THE ADMINISTRATIVE RULES  
42 ADOPTED BY THE JUDICIAL DEPARTMENT CONCERNING THE  
43 CONFIDENTIALITY OF COURT RECORDS.

1           **15-14-309. Who may be guardian for adult - order of priority.**  
2           (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS  
3 SECTION, THE COURT, IN APPOINTING A GUARDIAN FOR AN ADULT, SHALL  
4 CONSIDER PERSONS QUALIFIED TO BE A GUARDIAN IN THE FOLLOWING  
5 ORDER OF PRIORITY:  
6           (a) A GUARDIAN CURRENTLY ACTING FOR THE RESPONDENT IN  
7 ANOTHER JURISDICTION;  
8           (b) A PERSON NOMINATED AS GUARDIAN BY THE RESPONDENT, IN  
9 WRITING OR ORALLY AT THE HEARING, INCLUDING THE RESPONDENT'S  
10 MOST RECENT NOMINATION MADE IN A POWER OF ATTORNEY;  
11           (c) AN AGENT APPOINTED BY THE RESPONDENT UNDER A POWER OF  
12 ATTORNEY FOR HEALTH CARE;  
13           (d) A SPOUSE OR DOMESTIC PARTNER OF THE RESPONDENT; AND  
14           (e) A FAMILY MEMBER OR OTHER INDIVIDUAL WHO HAS SHOWN  
15 SPECIAL CARE AND CONCERN FOR THE RESPONDENT.  
16           (2) IF TWO OR MORE PERSONS HAVE EQUAL PRIORITY PURSUANT TO  
17 SUBSECTION (1) OF THIS SECTION, THE COURT SHALL SELECT AS GUARDIAN  
18 THE PERSON THE COURT CONSIDERS BEST QUALIFIED. IN DETERMINING THE  
19 BEST QUALIFIED PERSON, THE COURT SHALL CONSIDER THE PERSON'S  
20 RELATIONSHIP WITH THE RESPONDENT, THE PERSON'S SKILLS, THE  
21 EXPRESSED WISHES OF THE RESPONDENT, THE EXTENT TO WHICH THE  
22 PERSON AND THE RESPONDENT HAVE SIMILAR VALUES AND PREFERENCES,  
23 AND THE LIKELIHOOD THE PERSON IS ABLE TO PERFORM THE DUTIES OF A  
24 GUARDIAN SUCCESSFULLY.  
25           (3) THE COURT, ACTING IN THE BEST INTEREST OF THE  
26 RESPONDENT, MAY DECLINE TO APPOINT AS GUARDIAN A PERSON HAVING  
27 PRIORITY PURSUANT TO SUBSECTION (1) OF THIS SECTION AND APPOINT A  
28 PERSON HAVING A LOWER PRIORITY OR NO PRIORITY.  
29           (4) UNLESS THE PERSON HAS PRIORITY TO SERVE PURSUANT TO  
30 SUBSECTION (1) OF THIS SECTION, A PERSON WHO PROVIDES PAID SERVICES  
31 TO THE RESPONDENT, OR AN INDIVIDUAL WHO IS EMPLOYED BY A PERSON  
32 WHO PROVIDES PAID SERVICES TO THE RESPONDENT OR IS THE SPOUSE,  
33 DOMESTIC PARTNER, PARENT, OR CHILD OF AN INDIVIDUAL WHO PROVIDES  
34 OR IS EMPLOYED TO PROVIDE PAID SERVICES TO THE RESPONDENT, MUST  
35 NOT BE APPOINTED AS GUARDIAN UNLESS:  
36           (a) THE INDIVIDUAL IS RELATED TO THE RESPONDENT BY BLOOD,  
37 MARRIAGE, OR ADOPTION; OR  
38           (b) THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT  
39 THE PERSON IS THE BEST QUALIFIED PERSON AVAILABLE FOR APPOINTMENT  
40 AND THE APPOINTMENT IS IN THE BEST INTEREST OF THE RESPONDENT.  
41           (5) THE COURT SHALL NOT APPOINT AN OWNER, OPERATOR, OR  
42 EMPLOYEE OF A LONG-TERM CARE FACILITY AT WHICH THE RESPONDENT  
43 IS RECEIVING CARE AS A GUARDIAN UNLESS THE OWNER, OPERATOR, OR

1 EMPLOYEE IS RELATED TO THE RESPONDENT BY BLOOD, MARRIAGE, OR  
2 ADOPTION.

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

7 **15-14-310. Order of appointment for guardian.**

8 (1) A COURT ORDER APPOINTING A GUARDIAN FOR AN ADULT  
9 SHALL:

10 (a) INCLUDE A SPECIFIC FINDING THAT CLEAR AND CONVINCING  
11 EVIDENCE ESTABLISHED THAT THE IDENTIFIED NEEDS OF THE RESPONDENT  
12 CANNOT BE MET BY A LESS RESTRICTIVE ALTERNATIVE, INCLUDING USE OF  
13 APPROPRIATE SUPPORTIVE SERVICES, TECHNOLOGICAL ASSISTANCE, OR  
14 SUPPORTED DECISION-MAKING; AND

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

18 (2) A COURT ORDER ESTABLISHING A FULL GUARDIANSHIP FOR AN  
19 ADULT MUST STATE THE BASIS FOR GRANTING A FULL GUARDIANSHIP AND  
20 INCLUDE SPECIFIC FINDINGS THAT SUPPORT THE CONCLUSION THAT A  
21 LIMITED GUARDIANSHIP WOULD NOT MEET THE FUNCTIONAL NEEDS OF THE  
22 ADULT SUBJECT TO GUARDIANSHIP.

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

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

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

30 (b) NOTICE OF A CHANGE IN THE PRIMARY DWELLING OF THE  
31 ADULT;

32 (c) NOTICE THAT THE GUARDIAN HAS DELEGATED:

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

34 (II) THE POWER TO MAKE DECISIONS ABOUT WHERE THE ADULT  
35 LIVES;

36 (III) THE POWER TO MAKE MAJOR MEDICAL DECISIONS ON BEHALF  
37 OF THE ADULT;

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

40 (V) SUBSTANTIALLY ALL POWERS OF THE GUARDIAN;

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

1 (e) A COPY OF THE GUARDIAN'S PLAN DESCRIBED IN SECTION  
2 15-14-316 AND THE GUARDIAN'S REPORT DESCRIBED IN SECTION  
3 15-14-317;

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

5 (g) NOTICE OF THE DEATH OR SIGNIFICANT CHANGE IN THE  
6 CONDITION OF THE ADULT;

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

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

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

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

22 (b) THE SIX-MONTH REVIEW REQUIREMENT DETAILED IN THIS  
23 SUBSECTION (6) DOES NOT APPLY TO THE GUARDIANSHIP OF AN ADULT  
24 SUBJECT TO GUARDIANSHIP WHO IS UNDER TWENTY-SIX YEARS OLD IF THE  
25 COURT FINDS, BASED ON CLEAR AND CONVINCING EVIDENCE, THAT:

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

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

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

34 **15-14-311. Notice of order of appointment - rights.**

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

41 (2) NOT LATER THAN THIRTY DAYS AFTER APPOINTING A  
42 GUARDIAN PURSUANT TO SECTION 15-14-309, THE COURT SHALL GIVE TO  
43 THE ADULT SUBJECT TO GUARDIANSHIP, THE GUARDIAN, AND ANY OTHER

1 PERSON ENTITLED TO NOTICE PURSUANT TO SECTION 15-14-310 (4) OR A  
2 SUBSEQUENT ORDER A STATEMENT OF THE RIGHTS OF THE ADULT SUBJECT  
3 TO GUARDIANSHIP AND PROCEDURES TO SEEK RELIEF IF THE ADULT IS  
4 DENIED THOSE RIGHTS. THE STATEMENT MUST BE IN AT LEAST  
5 SIXTEEN-POINT FONT, IN PLAIN LANGUAGE, AND, TO THE EXTENT FEASIBLE,  
6 IN A LANGUAGE IN WHICH THE ADULT SUBJECT TO GUARDIANSHIP IS  
7 PROFICIENT. THE STATEMENT MUST NOTIFY THE ADULT SUBJECT TO  
8 GUARDIANSHIP OF THE RIGHT TO:

9 (a) SEEK TERMINATION OR MODIFICATION OF THE GUARDIANSHIP,  
10 OR REMOVAL OF THE GUARDIAN, AND CHOOSE AN ATTORNEY TO  
11 REPRESENT THE ADULT IN THESE MATTERS OR USE AN ATTORNEY  
12 APPOINTED BY THE COURT;

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

16 (c) BE INVOLVED IN HEALTH-CARE DECISION-MAKING TO THE  
17 EXTENT REASONABLY FEASIBLE AND BE SUPPORTED IN UNDERSTANDING  
18 THE RISKS AND BENEFITS OF HEALTH-CARE OPTIONS TO THE EXTENT  
19 REASONABLY FEASIBLE;

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

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

29 (f) COMMUNICATE, VISIT, OR INTERACT WITH OTHERS, INCLUDING  
30 RECEIVING OR REFUSING VISITORS; HAVING PRIVATE CONVERSATIONS WITH  
31 OTHERS; AND MAKING, RECEIVING, OR DECLINING TELEPHONE CALLS,  
32 PERSONAL MAIL, OR ELECTRONIC COMMUNICATIONS, INCLUDING THROUGH  
33 SOCIAL MEDIA, UNLESS:

34 (I) THE GUARDIAN HAS BEEN AUTHORIZED BY THE COURT BY  
35 SPECIFIC ORDER TO RESTRICT COMMUNICATIONS, VISITS, OR  
36 INTERACTIONS;

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

39 (III) THE GUARDIAN HAS GOOD CAUSE TO BELIEVE THE  
40 RESTRICTION OR COMPULSION IS NECESSARY BECAUSE INTERACTION WITH  
41 A SPECIFIED PERSON POSES A RISK OF SIGNIFICANT PHYSICAL,  
42 PSYCHOLOGICAL, OR FINANCIAL HARM TO THE ADULT, AND THE  
43 RESTRICTION OR COMPULSION IS:

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

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

7 (g) RECEIVE A COPY OF THE GUARDIAN'S PLAN DESCRIBED IN  
8 SECTION 15-14-316 AND THE GUARDIAN'S REPORT DESCRIBED IN SECTION  
9 15-14-317; AND

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

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

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

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

19 (a) APPOINTMENT OF AN EMERGENCY GUARDIAN IS LIKELY TO  
20 PREVENT SUBSTANTIAL HARM TO THE ADULT'S HEALTH, SAFETY, WELFARE,  
21 OR CIVIL LIBERTIES;

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

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

26 (2) THE DURATION OF AUTHORITY OF AN EMERGENCY GUARDIAN  
27 FOR AN ADULT MAY NOT EXCEED SIXTY DAYS, AND THE EMERGENCY  
28 GUARDIAN MAY EXERCISE ONLY THE POWERS SPECIFIED IN THE ORDER OF  
29 APPOINTMENT. THE EMERGENCY GUARDIAN'S AUTHORITY MAY BE  
30 EXTENDED ONCE FOR NOT MORE THAN SIXTY DAYS IF THE COURT FINDS  
31 THAT THE CONDITIONS FOR APPOINTMENT OF AN EMERGENCY GUARDIAN  
32 DESCRIBED IN SUBSECTION (1) OF THIS SECTION CONTINUE.

33 (3) IMMEDIATELY ON FILING OF A PETITION FOR APPOINTMENT OF  
34 AN EMERGENCY GUARDIAN FOR AN ADULT, THE COURT SHALL APPOINT AN  
35 ATTORNEY TO REPRESENT THE RESPONDENT IN THE PROCEEDING. EXCEPT  
36 AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION,  
37 REASONABLE NOTICE OF THE DATE, TIME, AND PLACE OF A HEARING ON  
38 THE PETITION MUST BE GIVEN TO THE RESPONDENT, THE RESPONDENT'S  
39 ATTORNEY, AND ANY OTHER PERSON THE COURT DETERMINES.

40 (4) THE COURT MAY APPOINT AN EMERGENCY GUARDIAN FOR AN  
41 ADULT WITHOUT NOTICE TO THE ADULT AND AN ATTORNEY FOR THE  
42 ADULT ONLY IF THE COURT FINDS FROM AN AFFIDAVIT OR TESTIMONY  
43 THAT THE RESPONDENT'S HEALTH, SAFETY, WELFARE, OR CIVIL LIBERTIES

1 MAY BE SUBSTANTIALLY HARMED BEFORE A HEARING WITH NOTICE ON THE  
2 APPOINTMENT CAN BE HELD. IF THE COURT APPOINTS AN EMERGENCY  
3 GUARDIAN WITHOUT REASONABLE NOTICE TO THE RESPONDENT OR THE  
4 RESPONDENT'S ATTORNEY AND THE RESPONDENT IS NOT PRESENT AT THE  
5 HEARING, THE COURT MUST:

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

- 8 (I) THE RESPONDENT;  
9 (II) THE RESPONDENT'S ATTORNEY, IF APPOINTED; AND  
10 (III) ANY OTHER PERSON THE COURT DETERMINES; AND

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

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

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

23 **15-14-313. Duties of guardian for adult.**

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

31 (2) A GUARDIAN FOR AN ADULT SHALL PROMOTE THE  
32 SELF-DETERMINATION OF THE ADULT AND, TO THE EXTENT REASONABLY  
33 FEASIBLE, ENCOURAGE THE ADULT TO PARTICIPATE IN DECISIONS, ACT ON  
34 THE ADULT'S OWN BEHALF, AND DEVELOP OR REGAIN THE CAPACITY TO  
35 MANAGE THE ADULT'S PERSONAL AFFAIRS. IN FURTHERANCE OF THIS DUTY,  
36 THE GUARDIAN SHALL:

37 (a) BECOME OR REMAIN PERSONALLY ACQUAINTED WITH THE  
38 ADULT AND MAINTAIN SUFFICIENT CONTACT WITH THE ADULT, INCLUDING  
39 THROUGH REGULAR VISITATION ON AT LEAST A QUARTERLY BASIS, TO  
40 KNOW THE ADULT'S ABILITIES, LIMITATIONS, NEEDS, OPPORTUNITIES, AND  
41 PHYSICAL AND MENTAL HEALTH;

42 (b) TO THE EXTENT REASONABLY FEASIBLE, IDENTIFY THE VALUES  
43 AND PREFERENCES OF THE ADULT AND INVOLVE THE ADULT IN DECISIONS

1 AFFECTING THE ADULT, INCLUDING DECISIONS ABOUT THE ADULT'S CARE,  
2 DWELLING, ACTIVITIES, OR SOCIAL INTERACTIONS; AND  
3 (c) MAKE REASONABLE EFFORTS TO IDENTIFY AND FACILITATE  
4 SUPPORTIVE RELATIONSHIPS AND SERVICES FOR THE ADULT.  
5 (3) A GUARDIAN FOR AN ADULT SHALL, AT ALL TIMES, EXERCISE  
6 REASONABLE CARE, DILIGENCE, AND PRUDENCE WHEN ACTING ON BEHALF  
7 OF OR MAKING DECISIONS FOR THE ADULT. IN FURTHERANCE OF THIS DUTY,  
8 THE GUARDIAN SHALL:  
9 (a) ENSURE REASONABLE CARE OF THE PERSONAL EFFECTS, PETS,  
10 AND SERVICE OR SUPPORT ANIMALS OF THE ADULT AND BRING A  
11 PROCEEDING FOR CONSERVATORSHIP OR A PROTECTIVE ARRANGEMENT IF  
12 NECESSARY TO PROTECT THE ADULT'S PROPERTY;  
13 (b) EXPEND FUNDS AND OTHER PROPERTY OF THE ADULT RECEIVED  
14 BY THE GUARDIAN FOR THE ADULT'S CURRENT NEEDS FOR SUPPORT, CARE,  
15 EDUCATION, HEALTH, AND WELFARE;  
16 (c) CONSERVE ANY FUNDS AND OTHER PROPERTY OF THE ADULT  
17 NOT EXPENDED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION FOR THE  
18 ADULT'S FUTURE NEEDS, BUT IF A CONSERVATOR HAS BEEN APPOINTED FOR  
19 THE ADULT, PAY THE FUNDS AND OTHER PROPERTY AT LEAST QUARTERLY  
20 TO THE CONSERVATOR TO BE CONSERVED FOR THE ADULT'S FUTURE  
21 NEEDS;  
22 (d) ACCOUNT FOR ANY EXPENDITURES OF THE ADULT'S FUNDS  
23 MADE BY THE GUARDIAN ON BEHALF OF THE ADULT AND PROVIDE THE  
24 ACCOUNTING TO THE ADULT ON A QUARTERLY BASIS;  
25 (e) MONITOR THE QUALITY OF SERVICES, INCLUDING LONG-TERM  
26 CARE SERVICES, PROVIDED TO THE ADULT; AND  
27 (f) NOTIFY THE COURT IF THE GUARDIAN IS UNABLE TO DEVELOP  
28 OR MAINTAIN A SUPPORTIVE WORKING RELATIONSHIP WITH THE ADULT.  
29 (4) IN MAKING A DECISION FOR AN ADULT SUBJECT TO  
30 GUARDIANSHIP, THE GUARDIAN SHALL MAKE THE DECISION THE GUARDIAN  
31 REASONABLY BELIEVES THE ADULT WOULD MAKE IF THE ADULT WERE  
32 ABLE, UNLESS DOING SO WOULD UNREASONABLY HARM OR ENDANGER THE  
33 WELFARE OR PERSONAL OR FINANCIAL INTERESTS OF THE ADULT. TO  
34 DETERMINE THE DECISION THE ADULT SUBJECT TO GUARDIANSHIP WOULD  
35 MAKE IF ABLE, THE GUARDIAN SHALL CONSIDER THE ADULT'S PREVIOUS OR  
36 CURRENT DIRECTIONS, PREFERENCES, OPINIONS, VALUES, AND ACTIONS, TO  
37 THE EXTENT ACTUALLY KNOWN OR REASONABLY ASCERTAINABLE BY THE  
38 GUARDIAN.  
39 (5) IF A GUARDIAN FOR AN ADULT CANNOT MAKE A DECISION  
40 PURSUANT TO SUBSECTION (4) OF THIS SECTION BECAUSE THE GUARDIAN  
41 DOES NOT KNOW AND CANNOT REASONABLY DETERMINE THE DECISION  
42 THE ADULT PROBABLY WOULD MAKE IF ABLE, OR THE GUARDIAN  
43 REASONABLY BELIEVES THE DECISION THE ADULT WOULD MAKE WOULD

1 UNREASONABLY HARM OR ENDANGER THE WELFARE OR PERSONAL OR  
2 FINANCIAL INTERESTS OF THE ADULT, THE GUARDIAN SHALL ACT IN  
3 ACCORDANCE WITH THE BEST INTEREST OF THE ADULT. IN DETERMINING  
4 THE BEST INTEREST OF THE ADULT, THE GUARDIAN SHALL CONSIDER:

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

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

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

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

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

18 **15-14-314. Powers of guardian for adult.**

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

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

25 (b) UNLESS INCONSISTENT WITH A COURT ORDER, ESTABLISH THE  
26 ADULT'S PLACE OF DWELLING THAT IS CONSISTENT WITH THE  
27 REQUIREMENTS SET FORTH IN SUBSECTION (5) OF THIS SECTION;

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

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

34 (e) TO THE EXTENT REASONABLE, DELEGATE TO THE ADULT  
35 RESPONSIBILITY FOR A DECISION AFFECTING THE ADULT'S WELL-BEING;  
36 AND

37 (f) RECEIVE PERSONALLY IDENTIFIABLE HEALTH-CARE  
38 INFORMATION REGARDING THE ADULT.

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

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

43 (a) CONSENT OR WITHHOLD CONSENT TO THE MARRIAGE OF THE

1 ADULT IF THE ADULT'S RIGHT TO MARRY HAS BEEN REMOVED PURSUANT  
2 TO SECTION 15-14-310;

3 (b) PETITION FOR DIVORCE, DISSOLUTION, OR ANNULMENT OF  
4 MARRIAGE OF THE ADULT OR A DECLARATION OF INVALIDITY OF THE  
5 ADULT'S MARRIAGE; OR

6 (c) SUPPORT OR OPPOSE A PETITION FOR DIVORCE, DISSOLUTION,  
7 OR ANNULMENT OF MARRIAGE OF THE ADULT OR A DECLARATION OF  
8 INVALIDITY OF THE ADULT'S MARRIAGE.

9 (4) IN DETERMINING WHETHER TO AUTHORIZE A POWER PURSUANT  
10 TO SUBSECTION (2) OR (3) OF THIS SECTION, THE COURT SHALL CONSIDER  
11 WHETHER THE UNDERLYING ACT WOULD BE IN ACCORDANCE WITH THE  
12 ADULT'S PREFERENCES, VALUES, AND PRIOR OR CURRENT DIRECTIONS AND  
13 WHETHER THE UNDERLYING ACT WOULD BE IN THE ADULT'S BEST  
14 INTEREST.

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

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

30 (b) IN SELECTING AMONG RESIDENTIAL SETTINGS, GIVE PRIORITY  
31 TO A RESIDENTIAL SETTING IN A LOCATION THAT ALLOWS THE ADULT TO  
32 INTERACT WITH PERSONS IMPORTANT TO THE ADULT AND MEETS THE  
33 ADULT'S NEEDS;

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

36 (I) GIVE NOTICE OF THE CHANGE TO THE COURT AND, IN THE  
37 MANNER DESCRIBED IN SECTION 15-10-401, TO THE ADULT AND ANY  
38 PERSON IDENTIFIED AS ENTITLED TO THE NOTICE IN THE COURT ORDER  
39 APPOINTING THE GUARDIAN OR A SUBSEQUENT ORDER; AND

40 (II) INCLUDE IN THE NOTICE THE ADDRESS AND NATURE OF THE  
41 NEW DWELLING AND STATE WHETHER THE ADULT RECEIVED ADVANCE  
42 NOTICE OF THE CHANGE AND WHETHER THE ADULT OBJECTED TO THE  
43 CHANGE;

1 (d) ESTABLISH OR MOVE THE PERMANENT PLACE OF DWELLING OF  
2 THE ADULT TO A NURSING HOME, MENTAL HEALTH INSTITUTION, OR OTHER  
3 FACILITY THAT PLACES RESTRICTIONS ON THE ADULT'S ABILITY TO LEAVE  
4 OR HAVE VISITORS ONLY IF:  
5 (I) THE ESTABLISHMENT OR MOVE IS IN THE GUARDIAN'S PLAN  
6 DESCRIBED IN SECTION 15-14-316;  
7 (II) THE COURT AUTHORIZES THE ESTABLISHMENT OR MOVE; OR  
8 (III) THE GUARDIAN GIVES NOTICE OF THE ESTABLISHMENT OR  
9 MOVE AT LEAST FOURTEEN DAYS BEFORE THE ESTABLISHMENT OR MOVE  
10 TO THE ADULT AND ALL PERSONS ENTITLED TO NOTICE PURSUANT TO  
11 SECTION 15-14-310 (4)(b) OR A SUBSEQUENT ORDER, AND NO OBJECTION  
12 IS FILED; AND  
13 (e) ESTABLISH OR MOVE THE PLACE OF DWELLING OF THE ADULT  
14 OUTSIDE THIS STATE ONLY IF CONSISTENT WITH THE GUARDIAN'S PLAN AND  
15 AUTHORIZED BY THE COURT BY SPECIFIC ORDER.  
16 (6) IN EXERCISING A GUARDIAN'S POWER PURSUANT TO  
17 SUBSECTION (1)(b) OF THIS SECTION TO ESTABLISH THE ADULT'S PLACE OF  
18 DWELLING, IF THE GUARDIAN SELECTS A MORE RESTRICTIVE OUT-OF-HOME  
19 PLACEMENT, SUCH AS A NURSING FACILITY, GROUP HOME, OR OTHER  
20 OUT-OF-HOME PLACEMENT, THE COURT MUST HOLD A HEARING AT WHICH  
21 THE ADULT SUBJECT TO GUARDIANSHIP MUST ATTEND. IN ORDER FOR THE  
22 GUARDIAN TO PROCEED WITH PLACEMENT ARRANGEMENTS FOR AN  
23 OUT-OUT-HOME PLACEMENT, THE COURT MUST FIND BY CLEAR AND  
24 CONVINCING EVIDENCE THAT THE PLACEMENT IS NECESSARY FOR THE  
25 ADULT'S SAFETY, HEALTH, AND WELFARE AND THAT NO LESS RESTRICTIVE  
26 ALTERNATIVE OR IN-HOME PLACEMENT WOULD PROVIDE THE SAME  
27 SAFEGUARDS FOR THE ADULT.  
28 (7) IN EXERCISING A GUARDIAN'S POWER PURSUANT TO  
29 SUBSECTION (1)(c) OF THIS SECTION TO MAKE HEALTH-CARE DECISIONS,  
30 THE GUARDIAN SHALL:  
31 (a) INVOLVE THE ADULT IN DECISION-MAKING TO THE EXTENT  
32 REASONABLY FEASIBLE, INCLUDING, WHEN PRACTICABLE, BY  
33 ENCOURAGING AND SUPPORTING THE ADULT IN UNDERSTANDING THE  
34 RISKS AND BENEFITS OF HEALTH-CARE OPTIONS;  
35 (b) DEFER TO A DECISION BY AN AGENT ACTING UNDER A POWER  
36 OF ATTORNEY FOR HEALTH CARE EXECUTED BY THE ADULT AND  
37 COOPERATE TO THE EXTENT FEASIBLE WITH THE AGENT MAKING THE  
38 DECISION;  
39 (c) TAKE INTO ACCOUNT:  
40 (I) THE RISKS AND BENEFITS OF TREATMENT OPTIONS; AND  
41 (II) THE CURRENT AND PREVIOUS WISHES AND VALUES OF THE  
42 ADULT, IF KNOWN OR REASONABLY ASCERTAINABLE BY THE GUARDIAN;  
43 (d) IF THE GUARDIAN DECIDES TO COMMIT THE ADULT TO A

1 MENTAL INSTITUTION, INITIATE THE COMMITMENT IN ACCORDANCE WITH  
2 THE STATE'S PROCEDURE FOR INVOLUNTARY TREATMENT AND  
3 EVALUATION OF A MENTAL HEALTH DISORDER, AS DESCRIBED IN ARTICLE  
4 65 OF TITLE 27;

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

9 (f) IF THE GUARDIAN DECIDES TO OBTAIN CARE AND TREATMENT  
10 FOR THE ADULT'S SUBSTANCE USE DISORDER, PROCEED AS PROVIDED  
11 PURSUANT TO ARTICLES 81 AND 82 OF TITLE 27 TO OBTAIN THE CARE AND  
12 TREATMENT FOR THE ADULT'S SUBSTANCE USE DISORDER.

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

17 **15-14-315. Special limitations on guardian's power.**

18 (1) UNLESS AUTHORIZED BY THE COURT BY SPECIFIC ORDER, A  
19 GUARDIAN FOR AN ADULT DOES NOT HAVE THE POWER TO REVOKE OR  
20 AMEND A POWER OF ATTORNEY FOR HEALTH CARE OR POWER OF  
21 ATTORNEY FOR FINANCES EXECUTED BY THE ADULT PRIOR TO THE  
22 APPOINTMENT OF THE GUARDIAN. IF A POWER OF ATTORNEY FOR HEALTH  
23 CARE IS IN EFFECT, UNLESS THERE IS A COURT ORDER TO THE CONTRARY,  
24 A HEALTH-CARE DECISION OF AN AGENT TAKES PRECEDENCE OVER THAT  
25 OF THE GUARDIAN AND THE GUARDIAN SHALL COOPERATE WITH THE  
26 AGENT TO THE EXTENT FEASIBLE. IF A POWER OF ATTORNEY FOR FINANCES  
27 IS IN EFFECT, UNLESS THERE IS A COURT ORDER TO THE CONTRARY, A  
28 DECISION BY THE AGENT WHICH THE AGENT IS AUTHORIZED TO MAKE  
29 UNDER THE POWER OF ATTORNEY FOR FINANCES TAKES PRECEDENCE OVER  
30 THAT OF THE GUARDIAN AND THE GUARDIAN SHALL COOPERATE WITH THE  
31 AGENT TO THE EXTENT FEASIBLE, EXCEPT WHEN DOING SO WOULD  
32 JEOPARDIZE THE ADULT'S HEALTH, SAFETY, WELFARE, OR CIVIL LIBERTIES,  
33 IN WHICH CASE, THE COURT SHALL HOLD A HEARING NO LATER THAN  
34 SEVEN DAYS AFTER THE AGENT'S DECISION TO DETERMINE WHICH  
35 DECISION-MAKING AUTHORITY TAKES PRECEDENCE.

36 (2) IF THE GUARDIAN DECIDES TO COMMIT THE ADULT TO A  
37 MENTAL INSTITUTION, THE GUARDIAN SHALL INITIATE THE COMMITMENT  
38 IN ACCORDANCE WITH THE STATE'S PROCEDURE FOR INVOLUNTARY  
39 TREATMENT AND EVALUATION OF A MENTAL HEALTH DISORDER, AS  
40 DESCRIBED IN ARTICLE 65 OF TITLE 27;

41 (3) A GUARDIAN FOR AN ADULT MAY NOT RESTRICT OR COMPEL  
42 THE ABILITY OF THE ADULT TO COMMUNICATE, VISIT, OR INTERACT WITH  
43 OTHERS, INCLUDING RECEIVING OR REFUSING VISITORS AND MAKING,

1 RECEIVING, OR REFUSING TELEPHONE CALLS, PERSONAL MAIL, OR  
2 ELECTRONIC COMMUNICATIONS, INCLUDING THROUGH SOCIAL MEDIA, OR  
3 PARTICIPATING IN SOCIAL ACTIVITIES, UNLESS:

- 4 (a) AUTHORIZED BY THE COURT BY SPECIFIC ORDER;
- 5 (b) A PROTECTIVE ORDER OR A PROTECTIVE ARRANGEMENT IS IN  
6 EFFECT THAT LIMITS CONTACT BETWEEN THE ADULT AND A PERSON; OR
- 7 (c) THE GUARDIAN HAS GOOD CAUSE TO BELIEVE RESTRICTION OR  
8 COMPULSION IS NECESSARY BECAUSE INTERACTION WITH A SPECIFIED  
9 PERSON POSES A RISK OF SUBSTANTIAL PHYSICAL, PSYCHOLOGICAL, OR  
10 FINANCIAL HARM TO THE ADULT, AND THE RESTRICTION OR COMPULSION  
11 IS:

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

15 (II) FOR A PERIOD OF NOT MORE THAN SIXTY DAYS IF THE PERSON  
16 DOES NOT HAVE A FAMILY OR PRE-EXISTING SOCIAL RELATIONSHIP WITH  
17 THE ADULT.

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

21 **15-14-316. Guardian's plan.**

22 (1) A GUARDIAN FOR AN ADULT, NOT LATER THAN SIXTY DAYS  
23 AFTER APPOINTMENT AND WHEN THERE IS A SIGNIFICANT CHANGE IN  
24 CIRCUMSTANCES, SUCH AS A CHANGE IN THE ADULT'S MEDICAL  
25 CONDITION, CHANGE IN LIVING ARRANGEMENTS, OR A MOVE TO A  
26 DIFFERENT GEOGRAPHICAL AREA, OR THE GUARDIAN SEEKS TO DEVIATE  
27 SIGNIFICANTLY FROM THE GUARDIAN'S PLAN, SHALL FILE WITH THE COURT  
28 A PLAN FOR THE CARE OF THE ADULT, TOGETHER WITH THE GUARDIAN'S  
29 REPORT AS REQUIRED PURSUANT TO SECTION 15-14-317. THE PLAN MUST  
30 BE BASED ON THE NEEDS OF THE ADULT AND TAKE INTO ACCOUNT THE  
31 BEST INTEREST OF THE ADULT AS WELL AS THE ADULT'S PREFERENCES,  
32 VALUES, AND PRIOR DIRECTIONS, TO THE EXTENT KNOWN TO OR  
33 REASONABLY ASCERTAINABLE BY THE GUARDIAN. THE GUARDIAN SHALL  
34 INCLUDE IN THE PLAN:

35 (a) THE LIVING ARRANGEMENT, SERVICES, AND SUPPORTS THE  
36 GUARDIAN EXPECTS TO ARRANGE, FACILITATE, OR CONTINUE FOR THE  
37 ADULT;

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

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

43 (d) THE ANTICIPATED NATURE AND FREQUENCY OF THE

1 GUARDIAN'S VISITS AND COMMUNICATION WITH THE ADULT;  
2 (e) GOALS FOR THE ADULT, INCLUDING ANY GOAL RELATED TO THE  
3 RESTORATION OF THE ADULT'S RIGHTS, AND HOW THE GUARDIAN  
4 ANTICIPATES ACHIEVING THE GOALS;  
5 (f) WHETHER THE ADULT HAS AN EXISTING PLAN AND, IF SO,  
6 WHETHER THE GUARDIAN'S PLAN IS CONSISTENT WITH THE ADULT'S PLAN;  
7 AND  
8 (g) A STATEMENT OR LIST OF THE AMOUNT THE GUARDIAN  
9 PROPOSES TO CHARGE FOR EACH SERVICE THE GUARDIAN ANTICIPATES  
10 PROVIDING TO THE ADULT.

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

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

22 (4) THE COURT SHALL REVIEW THE GUARDIAN'S PLAN FILED  
23 PURSUANT TO SUBSECTION (1) OF THIS SECTION AND DETERMINE WHETHER  
24 TO APPROVE THE PLAN OR REQUIRE A NEW PLAN. IN DECIDING WHETHER  
25 TO APPROVE THE PLAN, THE COURT SHALL CONSIDER AN OBJECTION MADE  
26 PURSUANT TO SUBSECTION (3) OF THIS SECTION AND DECIDE WHETHER THE  
27 PLAN IS CONSISTENT WITH THE GUARDIAN'S DUTIES AND POWERS  
28 PURSUANT TO SECTIONS 15-14-313 AND 15-14-314. THE COURT MUST NOT  
29 APPROVE THE PLAN UNTIL THIRTY DAYS AFTER ITS FILING.

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

35 **15-14-317. Guardian's report - monitoring of guardianship.**

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

43 (2) A REPORT FILED PURSUANT TO SUBSECTION (1) OF THIS

1 SECTION MUST STATE OR CONTAIN:  
2 (a) THE MENTAL, PHYSICAL, AND SOCIAL CONDITION OF THE  
3 ADULT;  
4 (b) THE LIVING ARRANGEMENTS OF THE ADULT DURING THE  
5 REPORTING PERIOD;  
6 (c) A SUMMARY OF THE SUPPORTED DECISION-MAKING,  
7 TECHNOLOGICAL ASSISTANCE, MEDICAL SERVICES, EDUCATIONAL AND  
8 VOCATIONAL SERVICES, AND OTHER SUPPORTS AND SERVICES PROVIDED  
9 TO THE ADULT AND THE GUARDIAN'S OPINION AS TO THE ADEQUACY OF  
10 THE ADULT'S CARE;  
11 (d) A SUMMARY OF THE GUARDIAN'S VISITS WITH THE ADULT,  
12 INCLUDING THE DATES OF THE VISITS;  
13 (e) ACTION TAKEN ON BEHALF OF THE ADULT;  
14 (f) THE EXTENT TO WHICH THE ADULT HAS PARTICIPATED IN  
15 DECISION-MAKING;  
16 (g) IF THE ADULT IS LIVING IN A MENTAL HEALTH INSTITUTION OR  
17 LIVING IN A FACILITY THAT PROVIDES THE ADULT WITH HEALTH-CARE OR  
18 OTHER PERSONAL SERVICES, WHETHER THE GUARDIAN CONSIDERS THE  
19 FACILITY'S CURRENT PLAN FOR SUPPORT, CARE, TREATMENT, OR  
20 HABILITATION CONSISTENT WITH THE ADULT'S PREFERENCES, VALUES,  
21 PRIOR DIRECTIONS, AND BEST INTEREST;  
22 (h) ANYTHING OF MORE THAN DE MINIMIS VALUE WHICH THE  
23 GUARDIAN, ANY INDIVIDUAL WHO RESIDES WITH THE GUARDIAN, OR THE  
24 SPOUSE, DOMESTIC PARTNER, PARENT, CHILD, OR SIBLING OF THE  
25 GUARDIAN HAS RECEIVED FROM AN INDIVIDUAL PROVIDING GOODS OR  
26 SERVICES TO THE ADULT;  
27 (i) IF THE GUARDIAN DELEGATED A POWER TO AN AGENT, THE  
28 POWER DELEGATED AND THE REASON FOR THE DELEGATION;  
29 (j) ANY BUSINESS RELATION THE GUARDIAN HAS WITH A PERSON  
30 THE GUARDIAN HAS PAID OR WHO HAS BENEFITTED FROM THE PROPERTY  
31 OF THE ADULT;  
32 (k) A COPY OF THE GUARDIAN'S MOST RECENTLY APPROVED PLAN  
33 DESCRIBED IN SECTION 15-14-316 AND A STATEMENT WHETHER THE  
34 GUARDIAN HAS DEVIATED FROM THE PLAN AND, IF SO, HOW THE GUARDIAN  
35 HAS DEVIATED AND WHY;  
36 (l) PLANS FOR FUTURE CARE AND SUPPORT OF THE ADULT, IF NOT  
37 OTHERWISE PROVIDED IN THE GUARDIAN'S MOST RECENT PLAN APPROVED  
38 PURSUANT TO SECTION 15-14-316;  
39 (m) A RECOMMENDATION AS TO THE NEED FOR CONTINUED  
40 GUARDIANSHIP AND ANY RECOMMENDED CHANGE IN THE SCOPE OF THE  
41 GUARDIANSHIP;  
42 (n) WHETHER ANY CO-GUARDIAN OR SUCCESSOR GUARDIAN  
43 APPOINTED TO SERVE WHEN A DESIGNATED EVENT OCCURS IS ALIVE AND

1 ABLE TO SERVE;

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

5 (p) COPIES OF FINANCIAL ACCOUNTING STATEMENTS PROVIDED TO  
6 THE ADULT.

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

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

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

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

24 (b) THE GUARDIANSHIP NEEDS TO CONTINUE; AND

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

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

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

34 (b) MAY REQUIRE ADDITIONAL INFORMATION FROM THE  
35 GUARDIAN;

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

39 (d) MAY APPOINT A VISITOR TO INTERVIEW THE ADULT OR  
40 GUARDIAN OR INVESTIGATE ANY MATTER INVOLVING THE GUARDIANSHIP;  
41 AND

42 (e) CONSISTENT WITH SECTIONS 15-14-318 AND 15-14-319, MAY  
43 HOLD A HEARING TO CONSIDER REMOVAL OF THE GUARDIAN, TERMINATION

1 OF THE GUARDIANSHIP, OR A CHANGE IN THE POWERS GRANTED TO THE  
2 GUARDIAN OR TERMS OF THE GUARDIANSHIP.

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

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

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

- 14 (a) HOLD THE GUARDIAN IN CONTEMPT OF COURT;
- 15 (b) ISSUE SANCTIONS AGAINST THE GUARDIAN;
- 16 (c) ISSUE A SUMMONS TO SHOW CAUSE FOR NOT SUBMITTING A  
17 REPORT AS REQUIRED BY SUBSECTION (1) OF THIS SECTION; OR
- 18 (d) REMOVE THE GUARDIAN.

19 **15-14-318. Removal of guardian for adult - appointment of**  
20 **successor.**

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

25 (2) THE COURT SHALL HOLD A HEARING TO DETERMINE WHETHER  
26 TO REMOVE A GUARDIAN FOR AN ADULT AND APPOINT A SUCCESSOR  
27 GUARDIAN ON:

28 (a) PETITION OF THE ADULT, GUARDIAN, OR PERSON INTERESTED  
29 IN THE WELFARE OF THE ADULT, WHICH CONTAINS ALLEGATIONS THAT, IF  
30 TRUE, WOULD SUPPORT A REASONABLE BELIEF THAT REMOVAL OF THE  
31 GUARDIAN AND APPOINTMENT OF A SUCCESSOR GUARDIAN MAY BE  
32 APPROPRIATE, BUT THE COURT MAY DECLINE TO HOLD A HEARING IF A  
33 PETITION BASED ON THE SAME OR SUBSTANTIALLY SIMILAR FACTS WAS  
34 FILED DURING THE PRECEDING SIX MONTHS;

35 (b) FILING, FROM THE ADULT, GUARDIAN, OR PERSON INTERESTED  
36 IN THE WELFARE OF THE ADULT THAT SUPPORTS A REASONABLE BELIEF  
37 THAT REMOVAL OF THE GUARDIAN AND APPOINTMENT OF A SUCCESSOR  
38 GUARDIAN IS APPROPRIATE; OR

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

41 (3) NOTICE OF A HEARING GIVEN PURSUANT TO SUBSECTION (2) OF  
42 THIS SECTION MUST BE PERSONALLY SERVED ON THE ADULT SUBJECT TO  
43 GUARDIANSHIP, AND GIVEN PURSUANT TO SECTION 15-10-401 TO THE

1 GUARDIAN, AND ANY OTHER PERSON THE COURT DETERMINES.

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

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

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

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

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

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

24 (b) MODIFICATION OF THE GUARDIANSHIP ON THE GROUNDS THAT  
25 THE EXTENT OF PROTECTION OR ASSISTANCE GRANTED IS NOT  
26 APPROPRIATE OR FOR OTHER GOOD CAUSE.

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

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

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

41 (II) FILING, FROM THE ADULT, GUARDIAN, OR PERSON INTERESTED  
42 IN THE WELFARE OF THE ADULT THAT SUPPORTS A REASONABLE BELIEF  
43 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.

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

32 (8) AN ADULT SUBJECT TO GUARDIANSHIP WHO SEEKS TO  
33 TERMINATE OR MODIFY THE TERMS OF THE GUARDIANSHIP HAS THE RIGHT  
34 TO CHOOSE AN ATTORNEY TO REPRESENT THE ADULT IN THE MATTER. IF  
35 THE ADULT IS NOT REPRESENTED BY AN ATTORNEY, THE COURT SHALL  
36 APPOINT AN ATTORNEY PURSUANT TO THE SAME CONDITIONS SET FORTH  
37 IN SECTION 15-14-305.

38 (9) THE FOLLOWING PROVISIONS APPLY IN A CONTESTED  
39 TERMINATION PROCEEDING:

40 (a) THE GUARDIAN MAY FILE A WRITTEN REPORT TO THE COURT  
41 REGARDING ANY MATTER RELEVANT TO THE TERMINATION PROCEEDING,  
42 AND THE GUARDIAN MAY FILE A MOTION FOR INSTRUCTIONS REGARDING  
43 ANY RELEVANT MATTER, INCLUDING, BUT NOT LIMITED TO:

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

3 (II) WHETHER ANY FURTHER INVESTIGATION OR PROFESSIONAL  
4 EVALUATION OF THE ADULT SUBJECT TO GUARDIANSHIP MUST BE  
5 CONDUCTED, THE SCOPE OF THE INVESTIGATION OR PROFESSIONAL  
6 EVALUATION, AND WHEN THE INVESTIGATION OR PROFESSIONAL  
7 EVALUATION MUST BE COMPLETED; AND

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

10 (b) IF THE GUARDIAN ELECTS TO FILE A WRITTEN REPORT OR A  
11 MOTION FOR INSTRUCTIONS, THE GUARDIAN MUST FILE INITIAL PLEADINGS  
12 WITHIN TWENTY-ONE DAYS AFTER THE PETITION TO TERMINATE IS FILED  
13 AND SEND A COPY OF THE WRITTEN REPORT TO THE ADULT SUBJECT TO  
14 GUARDIANSHIP. THE ADULT OR A PERSON INTERESTED IN THE WELFARE OF  
15 THE ADULT SUBJECT TO GUARDIANSHIP HAS FOURTEEN DAYS AFTER THE  
16 INITIAL PLEADINGS ARE FILED TO FILE A RESPONSE. IF A RESPONSE IS FILED,  
17 THE GUARDIAN HAS SEVEN DAYS AFTER THE RESPONSE IS FILED TO FILE A  
18 REPLY. AFTER THE FILING OF THE GUARDIAN'S INITIAL MOTION FOR  
19 INSTRUCTIONS, THE GUARDIAN MAY FILE SUBSEQUENT MOTIONS FOR  
20 INSTRUCTION, AS APPROPRIATE. THE COURT SHALL ACCEPT AND CONSIDER  
21 ADDITIONAL MOTIONS FOR INSTRUCTIONS OR OTHER PLEADINGS FILED BY  
22 A GUARDIAN AFTER THE INITIAL TWENTY-ONE-DAY PERIOD, BUT THE  
23 ADDITIONAL MOTIONS AND PLEADINGS MUST NOT IMPACT THE DEADLINES  
24 FOR HOLDING A HEARING UNLESS THE COURT DETERMINES A DELAY IS  
25 ABSOLUTELY NECESSARY. THE COURT MAY CONSIDER RECOMMENDATIONS  
26 BY THE GUARDIAN, BUT THE COURT RETAINS FINAL DECISION-MAKING  
27 AUTHORITY.

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

34 (d) UNLESS ORDERED BY THE COURT, THE GUARDIAN DOES NOT  
35 HAVE A DUTY TO PARTICIPATE IN THE TERMINATION PROCEEDING, AND THE  
36 GUARDIAN DOES NOT INCUR LIABILITY FOR FILING THE REPORT OR MOTION  
37 FOR INSTRUCTION OR FOR FAILING TO PARTICIPATE IN THE PROCEEDING;  
38 AND

39 (e) ANY INDIVIDUAL WHO HAS BEEN APPOINTED AS A GUARDIAN,  
40 AND IS ALSO A PERSON INTERESTED IN THE WELFARE OF THE ADULT  
41 SUBJECT TO GUARDIANSHIP, AND WHO WANTS TO PARTICIPATE IN THE  
42 TERMINATION PROCEEDING IN THE INDIVIDUAL'S INDIVIDUAL CAPACITY  
43 AND NOT IN THE INDIVIDUAL'S FIDUCIARY CAPACITY MAY DO SO WITHOUT

1 RESTRICTION OR LIMITATION. THE PAYMENT OF ANY FEES AND COSTS TO  
2 THAT INDIVIDUAL RELATED TO THE INDIVIDUAL'S DECISION TO  
3 PARTICIPATE IN THE TERMINATION PROCEEDING IS GOVERNED BY SECTION  
4 15-10-602 (7) AND NOT BY SECTION 15-10-602 (1).

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

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

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

13 (c) ANY PERSON INTERESTED IN THE WELFARE OF THE ADULT  
14 SUBJECT TO GUARDIANSHIP FROM CALLING THE GUARDIAN AS A WITNESS  
15 IN THE TERMINATION PROCEEDING.

16 (11) THE COURT MAY REMOVE A GUARDIAN PURSUANT TO SECTION  
17 15-10-503 OR PERMIT A GUARDIAN TO RESIGN PURSUANT TO SECTION  
18 15-14-112.

19 (12) GUARDIANSHIP FOR AN ADULT SUBJECT TO GUARDIANSHIP  
20 AUTOMATICALLY TERMINATES UPON THE DEATH OF THE ADULT. UPON THE  
21 DEATH OF THE ADULT, THE GUARDIAN SHALL SUBMIT WRITTEN NOTICE TO  
22 THE COURT INFORMING THE COURT OF THE ADULT'S DEATH AND THE  
23 TERMINATION OF THE GUARDIANSHIP.

24 **15-14-320. Compensation for the guardian - guardian liability**  
25 **- conservator room and board.**

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

31 (2) IF A CONSERVATOR IS APPOINTED FOR THE ADULT SUBJECT TO  
32 GUARDIANSHIP, REASONABLE COMPENSATION AND REIMBURSEMENT FOR  
33 ROOM AND BOARD MAY BE APPROVED AND PAID BY THE CONSERVATOR  
34 WITHOUT A COURT ORDER.

35 (3) A GUARDIAN IS NOT REQUIRED TO USE THE GUARDIAN'S  
36 PERSONAL FUNDS TO PAY FOR THE EXPENSES OF THE ADULT SUBJECT TO  
37 GUARDIANSHIP.

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

41 (5) A GUARDIAN WHO EXERCISES REASONABLE CARE IN CHOOSING  
42 A MEDICAL PROFESSIONAL FOR THE ADULT'S CARE OR TREATMENT IS NOT  
43 LIABLE FOR INJURY THE ADULT MAY SUFFER AS A RESULT OF THE

1 NEGLIGENT OR WRONGFUL CONDUCT OF THE MEDICAL PROFESSIONAL.  
2       **SECTION 4.** In Colorado Revised Statutes, **repeal** 15-14-101.  
3       **SECTION 5.** In Colorado Revised Statutes, 13-5-142, **amend**  
4 (3)(b)(I) as follows:  
5       **13-5-142. National instant criminal background check system**  
6 **- reporting.**  
7       (3) The state court administrator shall take all necessary steps to  
8 cancel a record made by the state court administrator in the national  
9 instant criminal background check system if:  
10       (b) No less than three years before the date of the written request:  
11       (I) The court entered an order pursuant to ~~section 15-14-318,~~  
12 ~~C.R.S.~~ SECTION 15-14-319, terminating a guardianship on a finding that  
13 the person is no longer an incapacitated person, if the record in the  
14 national instant criminal background check system is based on a finding  
15 of incapacity;  
16       **SECTION 6.** In Colorado Revised Statutes, 13-9-123, **amend**  
17 (3)(b)(I) as follows:  
18       **13-9-123. National instant criminal background check system**  
19 **- reporting.**  
20       (3) The state court administrator shall take all necessary steps to  
21 cancel a record made by the state court administrator in the national  
22 instant criminal background check system if:  
23       (b) No less than three years before the date of the written request:  
24       (I) The court entered an order pursuant to ~~section 15-14-318,~~  
25 ~~C.R.S.~~ SECTION 15-14-319, terminating a guardianship on a finding that  
26 the person is no longer an incapacitated person, if the record in the  
27 national instant criminal background check system is based on a finding  
28 of incapacity;  
29       **SECTION 7.** In Colorado Revised Statutes, 14-10-107, **amend**  
30 (3) as follows:  
31       **14-10-107. Commencement - pleadings - abolition of existing**  
32 **defenses - automatic, temporary injunction - enforcement.**  
33       (3) Either ~~or both parties~~ PARTY to the marriage may initiate the  
34 proceeding. In addition, a legal guardian, with court approval pursuant to  
35 ~~section 15-14-315.5, C.R.S.~~ SECTION 15-14-314(3), or a conservator, with  
36 court approval pursuant to section 15-14-425.5, ~~C.R.S.~~, may initiate the  
37 proceeding. If a legal guardian or conservator initiates the proceeding, the  
38 legal guardian or conservator ~~shall~~ **MUST** receive notice in the same  
39 manner as the parties to the proceeding.  
40       **SECTION 8.** In Colorado Revised Statutes, 15-10-201, **amend**  
41 (26) as follows:  
42       **15-10-201. General definitions.**  
43       Subject to additional definitions contained in this article 10 and the

1 subsequent articles that are applicable to specific articles, parts, or  
2 sections, and unless the context otherwise requires, in this code:

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

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

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

11 (6) Except as provided in sections 15-10-605 (2), (3), and (4)  
12 ~~15-14-318 (4);~~ and 15-14-431 (5), if any A fiduciary or person with  
13 priority for appointment as personal representative, conservator, guardian,  
14 agent, custodian, or trustee defends or prosecutes a proceeding in good  
15 faith, whether successful or not, the fiduciary or person is entitled to  
16 receive from the estate reimbursement for reasonable costs and  
17 disbursements, including ~~but not limited to~~ reasonable attorney fees.

18 (9) Every application or petition for appointment of a fiduciary  
19 filed under this code, including without limitation those required under  
20 sections 15-12-301, 15-12-402, 15-12-614, 15-12-621, 15-12-622,  
21 15-14-202, 15-14-204, ~~15-14-304~~ **15-14-302**, and 15-14-403, ~~shall~~ MUST  
22 include a statement by the applicant or petitioner disclosing the basis  
23 upon which any compensation is ~~to be~~ charged to the estate by the  
24 fiduciary and ~~his or her or its~~ THE FIDUCIARY'S counsel or ~~shall~~ MUST state  
25 that the basis has not yet been determined. The disclosure statement ~~shall~~  
26 MUST specifically describe, as is applicable, the hourly rates ~~to be~~  
27 charged, any amounts ~~to be~~ charged pursuant to a published fee schedule,  
28 including the rates and basis for charging fees for any extraordinary  
29 services, and any other bases upon which a fee charged to the estate will  
30 be calculated. This disclosure obligation ~~shall be~~ IS continuing in nature  
31 ~~so as to require~~ AND REQUIRES supplemental disclosures if material  
32 changes to the basis for charging fees take place.

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

35 **15-14-110. Letters of office.**

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

41 (e) That the nominee acknowledges and understands that if the  
42 nominee fails to file required reports with the court or fails to respond to  
43 an order of the court to show cause why the nominee should not be held

1 in contempt of court, Colorado law authorizes the court to access data and  
2 records of state agencies in order to obtain contact information, as defined  
3 in ~~sections 15-14-317 (4)(c) and~~ SECTION 15-14-420 (6)(c).

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

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

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

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

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

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

22 (c) Recommendations on whether ~~any~~ A member of the supportive  
23 community should be granted permission to participate in the proceedings  
24 pursuant to ~~section 15-14-308 (2)~~ SECTION 15-14-307 (8) or 15-10-201  
25 (27);

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

28 **15-14-501. When power of attorney not affected by disability.**

29 (1) ~~Whenever~~ IF a principal designates another ~~his~~ THE  
30 PRINCIPAL'S attorney-in-fact or agent by a power of attorney in writing  
31 and the writing contains the words "This power of attorney shall not be  
32 affected by disability of the principal." or "This power of attorney shall  
33 become effective upon the disability of the principal." or similar words  
34 showing the intent of the principal that the authority conferred shall be  
35 exercisable notwithstanding ~~his~~ THE PRINCIPAL'S disability, the authority  
36 of the attorney-in-fact or agent is exercisable ~~by him~~ as provided in the  
37 power on behalf of the principal notwithstanding later disability or  
38 incapacity of the principal at law or later uncertainty as to whether the  
39 principal is dead or alive. The authority of the attorney-in-fact or agent to  
40 act on behalf of the principal ~~shall~~ MUST be set forth in the power and  
41 may relate to any act, power, duty, right, or obligation ~~which~~ THAT the  
42 principal has or after acquires relating to the principal or any matter,  
43 transaction, or property, real or personal, tangible or intangible. The

1 authority of the agent with regard to medical treatment decisions on  
2 behalf of a principal is set forth in sections 15-14-503 to 15-14-509. The  
3 attorney-in-fact or agent, however, is subject to the same limitations  
4 imposed upon court-appointed guardians contained in ~~section 15-14-312~~  
5 ~~(1)(a)~~ SECTION 15-14-315. Additionally, the principal may expressly  
6 empower ~~his~~ THE PRINCIPAL'S attorney-in-fact or agent to renounce and  
7 disclaim interests and powers, to make gifts, in trust or otherwise, and to  
8 release and exercise powers of appointment. All acts done by the  
9 attorney-in-fact or agent pursuant to the power during any period of  
10 disability or incompetence or uncertainty as to whether the principal is  
11 dead or alive have the same effect and inure to the benefit of and bind the  
12 principal or ~~his~~ THE PRINCIPAL'S heirs, devisees, and personal  
13 representative as if the principal were alive, competent, and not disabled.  
14 If a guardian or conservator thereafter is appointed for the principal, the  
15 attorney-in-fact or agent, during the continuance of the appointment, ~~shall~~  
16 MUST consult with the guardian on matters concerning the principal's  
17 personal care or account to the conservator on matters concerning the  
18 principal's financial affairs. The conservator has the same power the  
19 principal would have had if ~~he~~ THE PRINCIPAL were not disabled or  
20 incompetent to revoke, suspend, or terminate all or any part of the power  
21 of attorney or agency as it relates to financial matters. Subject to any  
22 limitation or restriction of the guardian's powers or duties set forth in the  
23 order of appointment and endorsed on the letters of guardianship, a  
24 guardian has the same power to revoke, suspend, or terminate all or any  
25 part of the power of attorney or agency as it relates to matters concerning  
26 the principal's personal care that the principal would have had if the  
27 principal were not disabled or incompetent, except with respect to  
28 medical treatment decisions made by an agent pursuant to sections  
29 15-14-506 to 15-14-509; however, ~~such~~ THIS exception ~~shall~~ DOES not  
30 preclude a court from removing an agent in the event an agent becomes  
31 incapacitated, or is unwilling or unable to serve as an agent.

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

34 **15-14.5-102. Definitions.**

35 AS USED in this article 14.5, UNLESS THE CONTEXT OTHERWISE  
36 REQUIRES:

37 (3) "Guardian" means a person appointed by the court to make  
38 decisions regarding the person of an adult, including a person appointed  
39 ~~under section 15-14-301~~ PURSUANT TO SECTIONS 15-14-301 AND  
40 15-14-302.

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

43 **27-65-103. Voluntary applications for mental health services.**

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

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

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

\*\* \*\*\* \*\* \*\*\* \*\*