

**Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 24-0435.09 Chelsea Princell x4335

**SENATE BILL 24-136**

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**SENATE SPONSORSHIP**

**Gardner and Ginal,**

**HOUSE SPONSORSHIP**

**Young and Weinberg,**

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**Senate Committees**

Judiciary  
Finance  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE "UNIFORM GUARDIANSHIP, CONSERVATORSHIP,**  
102      **AND OTHER PROTECTIVE ARRANGEMENTS ACT".**

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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/>.)*

**Colorado Commission on Uniform State Laws.** The bill repeals the "Uniform Guardianship and Protective Proceedings Act" and enacts the "Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act", drafted by the uniform law commission.

The bill provides guidance for guardians and conservators 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.*

SENATE  
Amended 2nd Reading  
May 1, 2024

guardianship or conservatorship.

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

The bill expands the procedural rights for respondents to ensure that guardianships and conservatorships are only imposed when necessary.

The bill provides for expanded monitoring of guardians and conservators to ensure compliance with fiduciary duties and prevent exploitation.

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 provides for protections to prevent exploitation of vulnerable individuals by allowing the court to restrict access to the respondent or the respondent's property by a specified person without imposing a guardianship or conservatorship.

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

The bill updates provisions concerning minors subject to guardianship and provides for involvement of a minor in decisions that involve the minor.

The bill provides guidance for property management for individuals subject to guardianship.

The bill contains model forms for petitioners and respondents to use when filing petitions and notice with the court.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 14.7 to  
3 title 15 as follows:

4 **ARTICLE 14.7**

5 **Uniform Guardianship, Conservatorship,**  
6 **and Other Protective Arrangements Act**

7 **PART 1**

1 GENERAL PROVISIONS

2 **15-14.7-101. Short title.** THIS ARTICLE 14.7 MAY BE CITED AS THE  
3 "UNIFORM GUARDIANSHIP, CONSERVATORSHIP, AND OTHER PROTECTIVE  
4 ARRANGEMENTS ACT".

5 **15-14.7-102. Definitions.** AS USED IN THIS ARTICLE 14.7, UNLESS  
6 THE CONTEXT OTHERWISE REQUIRES:

7 (1) "ADULT" MEANS AN INDIVIDUAL AT LEAST EIGHTEEN YEARS OF  
8 AGE OR AN EMANCIPATED INDIVIDUAL UNDER EIGHTEEN YEARS OF AGE.

9 (2) "ADULT SUBJECT TO CONSERVATORSHIP" MEANS AN ADULT FOR  
10 WHOM A CONSERVATOR HAS BEEN APPOINTED PURSUANT TO THIS ARTICLE  
11 14.7.

12 (3) "ADULT SUBJECT TO GUARDIANSHIP" MEANS AN ADULT FOR  
13 WHOM A GUARDIAN HAS BEEN APPOINTED PURSUANT TO THIS ARTICLE  
14 14.7.

15 (4) "CLAIM" INCLUDES A CLAIM AGAINST AN INDIVIDUAL OR  
16 CONSERVATORSHIP ESTATE, WHETHER ARISING IN CONTRACT, TORT, OR  
17 OTHERWISE.

18 (5) "CONSERVATOR" MEANS A PERSON APPOINTED BY A COURT TO  
19 MAKE DECISIONS WITH RESPECT TO THE PROPERTY OR FINANCIAL AFFAIRS  
20 OF AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP. THE TERM \_\_\_\_\_  
21 INCLUDES, BUT IS NOT LIMITED TO, A CO-CONSERVATOR OR A SPECIAL  
22 CONSERVATOR APPOINTED PURSUANT TO SECTION 15-14.7-512.

23 (6) "CONSERVATORSHIP ESTATE" MEANS THE PROPERTY SUBJECT  
24 TO CONSERVATORSHIP PURSUANT TO THIS ARTICLE 14.7.

25 (7) "DELEGATEE" MEANS A PROFESSIONAL SERVICE PROVIDER  
26 HIRED BY A GUARDIAN OR CONSERVATOR TO PERFORM A SERVICE FOR AN  
27 INDIVIDUAL SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP IN

1 ACCORDANCE WITH THE DUTIES OF THE GUARDIAN OR CONSERVATOR. THE  
2 TERM INCLUDES, BUT IS NOT LIMITED TO, AN ACCOUNTANT, ATTORNEY,  
3 MEDICAL PROFESSIONAL, OR OTHER PERSON WITH EXPERTISE OR TRAINING  
4 TO PROVIDE A SERVICE THAT ASSISTS THE GUARDIAN OR CONSERVATOR IN  
5 CARRYING OUT DUTIES ON BEHALF OF THE INDIVIDUAL SUBJECT TO  
6 GUARDIANSHIP.

7 (8) "FULL CONSERVATORSHIP" MEANS A CONSERVATORSHIP THAT  
8 GRANTS THE CONSERVATOR ALL POWERS AVAILABLE PURSUANT TO THIS  
9 ARTICLE 14.7.

10 (9) "FULL GUARDIANSHIP" MEANS A GUARDIANSHIP THAT GRANTS  
11 THE GUARDIAN ALL POWERS AVAILABLE PURSUANT TO THIS ARTICLE 14.7.

12 (10) "GUARDIAN" MEANS A PERSON APPOINTED BY THE COURT TO  
13 MAKE DECISIONS WITH RESPECT TO THE PERSONAL AFFAIRS OF AN  
14 INDIVIDUAL. THE TERM INCLUDES A CO-GUARDIAN BUT DOES NOT INCLUDE  
15 A GUARDIAN AD LITEM.

16 (11) "GUARDIAN AD LITEM" MEANS A PERSON APPOINTED TO  
17 INFORM THE COURT ABOUT, AND TO REPRESENT, THE NEEDS AND BEST  
18 INTEREST OF AN INDIVIDUAL.

19 (12) "INDIVIDUAL SUBJECT TO CONSERVATORSHIP" MEANS AN  
20 ADULT OR MINOR FOR WHOM A CONSERVATOR HAS BEEN APPOINTED  
21 PURSUANT TO THIS ARTICLE 14.7.

22 (13) "INDIVIDUAL SUBJECT TO GUARDIANSHIP" MEANS AN ADULT  
23 OR MINOR FOR WHOM A GUARDIAN HAS BEEN APPOINTED PURSUANT TO  
24 THIS ARTICLE 14.7.

25 (14) "LESS RESTRICTIVE ALTERNATIVE" MEANS AN APPROACH TO  
26 MEETING AN INDIVIDUAL'S NEEDS WHICH RESTRICTS FEWER RIGHTS OF THE  
27 INDIVIDUAL THAN WOULD THE APPOINTMENT OF A GUARDIAN OR

1 CONSERVATOR. THE TERM INCLUDES SUPPORTED DECISION-MAKING,  
2 APPROPRIATE TECHNOLOGICAL ASSISTANCE, APPOINTMENT OF A  
3 REPRESENTATIVE PAYEE, AND APPOINTMENT OF AN AGENT BY THE  
4 INDIVIDUAL, INCLUDING APPOINTMENT UNDER A POWER OF ATTORNEY FOR  
5 HEALTH CARE OR POWER OF ATTORNEY FOR FINANCES.

6 (15) "LETTERS OF OFFICE" MEANS A RECORD ISSUED BY A COURT  
7 CERTIFYING A GUARDIAN'S OR CONSERVATOR'S AUTHORITY TO ACT.

8 (16) "LIMITED CONSERVATORSHIP" MEANS A CONSERVATORSHIP  
9 THAT GRANTS THE CONSERVATOR LESS THAN ALL POWERS AVAILABLE  
10 PURSUANT TO THIS ARTICLE 14.7, GRANTS POWERS OVER ONLY CERTAIN  
11 PROPERTY, OR OTHERWISE RESTRICTS THE POWERS OF THE CONSERVATOR.

12 (17) "LIMITED GUARDIANSHIP" MEANS A GUARDIANSHIP THAT  
13 GRANTS THE GUARDIAN LESS THAN ALL POWERS AVAILABLE PURSUANT TO  
14 THIS ARTICLE 14.7 OR OTHERWISE RESTRICTS THE POWERS OF THE  
15 GUARDIAN.

16 (18) "MEMBER OF THE RESPONDENT'S SUPPORTIVE COMMUNITY"  
17 MEANS A PERSON WHO THE RESPONDENT ADULT HAS IDENTIFIED AND  
18 TRUSTS TO ENGAGE IN THE SUPPORTED DECISION-MAKING PROCESS  
19 CONCERNING THE RESPONDENT ADULT AND WHO UNDERSTANDS THE  
20 RESPONDENT ADULT'S DESIRES AND PERSONAL VALUES.

21 (19) "MINOR" MEANS AN UNEMANCIPATED INDIVIDUAL UNDER  
22 EIGHTEEN YEARS OF AGE.

23 (20) "MINOR SUBJECT TO CONSERVATORSHIP" MEANS A MINOR FOR  
24 WHOM A CONSERVATOR HAS BEEN APPOINTED PURSUANT TO THIS ARTICLE  
25 14.7.

26 (21) "MINOR SUBJECT TO GUARDIANSHIP" MEANS A MINOR FOR  
27 WHOM A GUARDIAN HAS BEEN APPOINTED PURSUANT TO THIS ARTICLE

1 14.7.

2 (22) "PARENT" MEANS A PARENT WHOSE PARENTAL RIGHTS HAVE  
3 NOT BEEN TERMINATED.

4 (23) "PERSON" MEANS AN INDIVIDUAL, ESTATE, BUSINESS OR  
5 NONPROFIT ENTITY, PUBLIC CORPORATION, GOVERNMENT OR  
6 GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY, OR OTHER  
7 LEGAL ENTITY.

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

18 (25) "PROPERTY" INCLUDES TANGIBLE AND INTANGIBLE PROPERTY.

19 (26) "PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP"  
20 MEANS A COURT ORDER ENTERED PURSUANT TO SECTION 15-14.7-503.

21 (27) "PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP"  
22 MEANS A COURT ORDER ENTERED PURSUANT TO SECTION 15-14.7-502.

23 (28) "PROTECTIVE ARRANGEMENT UNDER PART 5 OF THIS ARTICLE  
24 14.7" MEANS A COURT ORDER ENTERED PURSUANT TO SECTION  
25 15-14.7-502 OR 15-14.7-503.

26 (29) "RECORD", USED AS A NOUN, MEANS INFORMATION THAT IS  
27 INSCRIBED ON A TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC

1 OR OTHER MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

2 (30) "RESPONDENT" MEANS AN INDIVIDUAL FOR WHOM  
3 APPOINTMENT OF A GUARDIAN OR CONSERVATOR OR A PROTECTIVE  
4 ARRANGEMENT INSTEAD OF GUARDIANSHIP OR CONSERVATORSHIP IS  
5 SOUGHT.

6 (31) "SIGN" MEANS, WITH PRESENT INTENT TO AUTHENTICATE OR  
7 ADOPT A RECORD:

8 (a) TO EXECUTE OR ADOPT A TANGIBLE SYMBOL; OR

9 (b) TO ATTACH TO OR LOGICALLY ASSOCIATE WITH THE RECORD  
10 AN ELECTRONIC SYMBOL, SOUND, OR PROCESS.

11 (32) "STANDBY GUARDIAN" MEANS A PERSON APPOINTED BY THE  
12 COURT PURSUANT TO SECTION 15-14.7-207.

13 (33) "STATE" MEANS A STATE OF THE UNITED STATES, THE  
14 DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN  
15 ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE  
16 JURISDICTION OF THE UNITED STATES. THE TERM INCLUDES A FEDERALLY  
17 RECOGNIZED INDIAN TRIBE.

18 (34) "SUPPORTED DECISION MAKING" MEANS ASSISTANCE FROM  
19 ONE OR MORE PERSONS OF AN INDIVIDUAL'S CHOOSING IN UNDERSTANDING  
20 THE NATURE AND CONSEQUENCES OF POTENTIAL PERSONAL AND  
21 FINANCIAL DECISIONS, WHICH ENABLES THE INDIVIDUAL TO MAKE THE  
22 DECISIONS, AND IN COMMUNICATING A DECISION ONCE MADE IF  
23 CONSISTENT WITH THE INDIVIDUAL'S WISHES. THE TERM MAY INCLUDE  
24 SUPPORTED DECISION-MAKING AGREEMENTS, AS PROVIDED IN PART 8 OF  
25 ARTICLE 14 OF THIS TITLE15.

26 **15-14.7-103. Supplemental principles of law and equity**  
27 **applicable.** UNLESS DISPLACED BY A PARTICULAR PROVISION OF THIS

1 ARTICLE 14.7, THE PRINCIPLES OF LAW AND EQUITY SUPPLEMENT ITS  
2 PROVISIONS.

3 **15-14.7-104. Subject matter jurisdiction.** (1) EXCEPT TO THE  
4 EXTENT JURISDICTION IS PRECLUDED BY THE "UNIFORM CHILD-CUSTODY  
5 JURISDICTION AND ENFORCEMENT ACT" PURSUANT TO ARTICLE 13 OF  
6 TITLE 14, THE COURT HAS JURISDICTION OVER A GUARDIANSHIP FOR A  
7 MINOR DOMICILED OR PRESENT IN THIS STATE. THE COURT HAS  
8 JURISDICTION OVER A CONSERVATORSHIP OR PROTECTIVE ARRANGEMENT  
9 INSTEAD OF CONSERVATORSHIP FOR A MINOR DOMICILED OR HAVING  
10 PROPERTY IN THIS STATE.

11 (2) THE COURT HAS JURISDICTION OVER A GUARDIANSHIP,  
12 CONSERVATORSHIP, OR PROTECTIVE ARRANGEMENT PURSUANT TO PART  
13 5 OF THIS ARTICLE 14.7 FOR AN ADULT AS PROVIDED IN THE "UNIFORM  
14 ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION  
15 ACT" PURSUANT TO ARTICLE 14.5 OF TITLE 15.

16 (3) AFTER NOTICE IS GIVEN IN A PROCEEDING FOR A  
17 GUARDIANSHIP, CONSERVATORSHIP, OR PROTECTIVE ARRANGEMENT  
18 PURSUANT TO PART 5 OF THIS ARTICLE 14.7 AND UNTIL TERMINATION OF  
19 THE PROCEEDING, THE COURT IN WHICH THE PETITION IS FILED HAS:

20 (a) EXCLUSIVE JURISDICTION TO DETERMINE THE NEED FOR THE  
21 GUARDIANSHIP, CONSERVATORSHIP, OR PROTECTIVE ARRANGEMENT;

22 (b) EXCLUSIVE JURISDICTION TO DETERMINE HOW PROPERTY OF  
23 THE RESPONDENT MUST BE MANAGED, EXPENDED, OR DISTRIBUTED TO OR  
24 FOR THE USE OF THE RESPONDENT, AN INDIVIDUAL WHO IS DEPENDENT IN  
25 FACT ON THE RESPONDENT, OR OTHER CLAIMANT;

26 (c) NONEXCLUSIVE JURISDICTION TO DETERMINE THE VALIDITY OF  
27 A CLAIM AGAINST THE RESPONDENT OR PROPERTY OF THE RESPONDENT OR



1 A QUESTION OF TITLE CONCERNING THE PROPERTY; AND

2 (d) IF A GUARDIAN OR CONSERVATOR IS APPOINTED, EXCLUSIVE  
3 JURISDICTION OVER ISSUES RELATED TO ADMINISTRATION OF THE  
4 GUARDIANSHIP OR CONSERVATORSHIP.

5 (e) A COURT THAT APPOINTS A GUARDIAN OR CONSERVATOR, OR  
6 AUTHORIZES A PROTECTIVE ARRANGEMENT PURSUANT TO PART 5 OF THIS  
7 ARTICLE 14.7, HAS EXCLUSIVE AND CONTINUING JURISDICTION OVER THE  
8 PROCEEDING UNTIL THE COURT TERMINATES THE PROCEEDING OR THE  
9 APPOINTMENT OR PROTECTIVE ARRANGEMENT EXPIRES BY ITS TERMS.

10 **15-14.7-105. Transfer of proceeding.** (1) THIS SECTION DOES  
11 NOT APPLY TO A GUARDIANSHIP OR CONSERVATORSHIP FOR AN ADULT  
12 WHO IS SUBJECT TO THE TRANSFER PROVISIONS PURSUANT TO PART 3 OF  
13 ARTICLE 14.5 OF TITLE 15 OF THE "UNIFORM ADULT GUARDIANSHIP AND  
14 PROTECTIVE PROCEEDINGS JURISDICTION ACT".

15 (2) AFTER APPOINTMENT OF A GUARDIAN OR CONSERVATOR, THE  
16 COURT THAT MADE THE APPOINTMENT MAY TRANSFER THE PROCEEDING  
17 TO A COURT IN ANOTHER COUNTY IN THIS STATE OR ANOTHER STATE IF  
18 TRANSFER IS IN THE BEST INTEREST OF THE INDIVIDUAL SUBJECT TO THE  
19 GUARDIANSHIP OR CONSERVATORSHIP.

20 (3) IF A PROCEEDING FOR A GUARDIANSHIP OR CONSERVATORSHIP  
21 IS PENDING IN ANOTHER STATE OR A FOREIGN COUNTRY AND A PETITION  
22 FOR GUARDIANSHIP OR CONSERVATORSHIP FOR THE SAME INDIVIDUAL IS  
23 FILED IN A COURT IN THIS STATE, THE COURT SHALL NOTIFY THE COURT IN  
24 THE OTHER STATE OR FOREIGN COUNTRY AND, AFTER CONSULTATION WITH  
25 THAT COURT, ASSUME OR DECLINE JURISDICTION, WHICHEVER IS IN THE  
26 BEST INTEREST OF THE RESPONDENT.

27 (4) A GUARDIAN OR CONSERVATOR APPOINTED IN ANOTHER STATE

1 OR COUNTRY MAY PETITION THE COURT FOR APPOINTMENT AS A GUARDIAN  
2 OR CONSERVATOR IN THIS STATE FOR THE SAME INDIVIDUAL IF  
3 JURISDICTION IN THIS STATE IS OR WILL BE ESTABLISHED. THE  
4 APPOINTMENT MAY BE MADE ON PROOF OF APPOINTMENT IN THE OTHER  
5 STATE OR FOREIGN COUNTRY AND PRESENTATION OF A CERTIFIED COPY OF  
6 THE PART OF THE COURT RECORD IN THE OTHER STATE OR COUNTRY  
7 SPECIFIED BY THE COURT IN THIS STATE.

8 (5) NOTICE OF HEARING ON A PETITION PURSUANT TO SUBSECTION  
9 (4) OF THIS SECTION, TOGETHER WITH A COPY OF THE PETITION, MUST BE  
10 GIVEN TO THE RESPONDENT, IF THE RESPONDENT IS AT LEAST TWELVE  
11 YEARS OF AGE AT THE TIME OF THE HEARING, AND TO THE PERSONS THAT  
12 WOULD BE ENTITLED TO NOTICE IF THE PROCEDURES FOR APPOINTMENT OF  
13 A GUARDIAN OR CONSERVATOR PURSUANT TO THIS ARTICLE 14.7 WERE  
14 APPLICABLE. THE COURT SHALL MAKE THE APPOINTMENT UNLESS IT  
15 DETERMINES THE APPOINTMENT WOULD NOT BE IN THE BEST INTEREST OF  
16 THE RESPONDENT.

17 (6) NOT LATER THAN FOURTEEN DAYS AFTER APPOINTMENT  
18 PURSUANT TO SUBSECTION (5) OF THIS SECTION, THE GUARDIAN OR  
19 CONSERVATOR SHALL GIVE A COPY OF THE ORDER OF APPOINTMENT TO  
20 THE INDIVIDUAL SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP, IF THE  
21 INDIVIDUAL IS AT LEAST TWELVE YEARS OF AGE, AND TO ALL PERSONS  
22 GIVEN NOTICE OF THE HEARING ON THE PETITION.

23 **15-14.7-106. Venue.** (1) VENUE FOR A GUARDIANSHIP  
24 PROCEEDING FOR A MINOR IS IN:

25 (a) THE COUNTY IN WHICH THE MINOR RESIDES OR IS PRESENT AT  
26 THE TIME THE PROCEEDING COMMENCES; OR

27 (b) THE COUNTY IN WHICH ANOTHER PROCEEDING CONCERNING

1 THE CUSTODY OR PARENTAL RIGHTS OF THE MINOR IS PENDING.

2 (2) VENUE FOR A GUARDIANSHIP PROCEEDING OR PROTECTIVE  
3 ARRANGEMENT INSTEAD OF GUARDIANSHIP FOR AN ADULT IS IN:

4 (a) THE COUNTY IN WHICH THE RESPONDENT RESIDES;

5 (b) IF THE RESPONDENT HAS BEEN ADMITTED TO AN INSTITUTION  
6 BY COURT ORDER, THE COUNTY IN WHICH THE COURT IS LOCATED; OR

7 (c) IF THE PROCEEDING IS FOR APPOINTMENT OF AN EMERGENCY  
8 GUARDIAN FOR AN ADULT, THE COUNTY IN WHICH THE RESPONDENT IS  
9 PRESENT ON THE DATE THE PETITION IS FILED OR THE COUNTY IN WHICH  
10 THE RESPONDENT RESIDES IF THE COURT DETERMINES THAT THE COUNTY  
11 IN WHICH THE RESPONDENT RESIDES IS THE MOST APPROPRIATE VENUE.

12 (3) VENUE FOR A CONSERVATORSHIP PROCEEDING OR PROTECTIVE  
13 ARRANGEMENT INSTEAD OF CONSERVATORSHIP IS IN:

14 (a) THE COUNTY IN WHICH THE RESPONDENT RESIDES, WHETHER  
15 OR NOT A GUARDIAN HAS BEEN APPOINTED IN ANOTHER COUNTY OR OTHER  
16 JURISDICTION; OR

17 (b) IF THE RESPONDENT DOES NOT RESIDE IN THIS STATE, IN ANY  
18 COUNTY IN WHICH PROPERTY OF THE RESPONDENT IS LOCATED.

19 (4) IF PROCEEDINGS PURSUANT TO THIS ARTICLE 14.7 ARE  
20 BROUGHT IN MORE THAN ONE COUNTY, THE COURT OF THE COUNTY IN  
21 WHICH THE FIRST PROCEEDING IS BROUGHT HAS THE EXCLUSIVE RIGHT TO  
22 PROCEED UNLESS THE COURT DETERMINES VENUE IS PROPERLY IN  
23 ANOTHER COURT OR THE INTEREST OF JUSTICE OTHERWISE REQUIRES  
24 TRANSFER OF THE PROCEEDING.

25 **15-14.7-107. Practice in court.** (1) EXCEPT AS OTHERWISE  
26 PROVIDED IN THIS ARTICLE 14.7, THE RULES OF EVIDENCE AND CIVIL  
27 PROCEDURE, INCLUDING RULES CONCERNING APPELLATE REVIEW, GOVERN

1 A PROCEEDING PURSUANT TO THIS ARTICLE 14.7.

2 (2) IF PROCEEDINGS FOR A GUARDIANSHIP, CONSERVATORSHIP, OR  
3 PROTECTIVE ARRANGEMENT PURSUANT TO PART 5 OF THIS ARTICLE 14.7  
4 FOR THE SAME INDIVIDUAL ARE COMMENCED OR PENDING IN THE SAME  
5 COURT, THE PROCEEDINGS MAY BE CONSOLIDATED.

6 **15-14.7-108. Letters of office.** (1) THE COURT SHALL ISSUE  
7 LETTERS OF OFFICE TO A GUARDIAN ON FILING BY THE GUARDIAN OF AN  
8 ACCEPTANCE OF APPOINTMENT THAT INCLUDE:

9 (a) THE DISCLOSURES REQUIRED PURSUANT TO SECTION  
10 15-14.7-117; AND

11 (b) A STATEMENT THAT THE NOMINEE ACKNOWLEDGES AND  
12 UNDERSTANDS THAT IF THE NOMINEE FAILS TO FILE REQUIRED REPORTS  
13 WITH THE COURT, OR FAILS TO RESPOND TO AN ORDER OF THE COURT TO  
14 SHOW CAUSE WHY THE NOMINEE SHOULD NOT BE HELD IN CONTEMPT OF  
15 COURT, THE LAW OF THIS STATE AUTHORIZES THE COURT TO ACCESS DATA  
16 AND RECORDS OF STATE AGENCIES IN ORDER TO OBTAIN CONTACT  
17 INFORMATION FOR THE NOMINEE.

18 (2) THE COURT SHALL ISSUE LETTERS OF OFFICE TO A  
19 CONSERVATOR ON FILING BY THE CONSERVATOR OF AN ACCEPTANCE OF  
20 APPOINTMENT THAT INCLUDE:

21 (a) THE DISCLOSURES REQUIRED PURSUANT TO SECTION  
22 15-14.7-117;

23 (b) A STATEMENT THAT THE NOMINEE ACKNOWLEDGES AND  
24 UNDERSTANDS THAT IF THE NOMINEE FAILS TO FILE REQUIRED REPORTS  
25 WITH THE COURT, OR FAILS TO RESPOND TO AN ORDER OF THE COURT TO  
26 SHOW CAUSE WHY THE NOMINEE SHOULD NOT BE HELD IN CONTEMPT OF  
27 COURT, THE LAW OF THIS STATE AUTHORIZES THE COURT TO ACCESS DATA

1 AND RECORDS OF STATE AGENCIES IN ORDER TO OBTAIN CONTACT  
2 INFORMATION FOR THE NOMINEE; AND

3 (c) FILING ANY REQUIRED BOND OR COMPLIANCE WITH ANY OTHER  
4 ASSET PROTECTION ARRANGEMENT REQUIRED BY THE COURT.

5 (3) LIMITATIONS ON THE POWERS OF A GUARDIAN OR  
6 CONSERVATOR OR ON THE PROPERTY SUBJECT TO CONSERVATORSHIP MUST  
7 BE STATED IN THE LETTERS OF OFFICE.

8 (4) AT ANY TIME, THE COURT MAY LIMIT THE POWERS CONFERRED  
9 ON A GUARDIAN OR CONSERVATOR. THE COURT SHALL ISSUE NEW LETTERS  
10 OF OFFICE TO REFLECT THE LIMITATION. THE COURT SHALL SERVE NOTICE  
11 OF THE LIMITATION TO THE GUARDIAN OR CONSERVATOR, INDIVIDUAL  
12 SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP, EACH PARENT OF A  
13 MINOR SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP, AND ANY OTHER  
14 PERSON THE COURT DETERMINES.

15 **15-14.7-109. Effect of acceptance of appointment.** ON  
16 ACCEPTANCE OF APPOINTMENT, A GUARDIAN OR CONSERVATOR SUBMITS  
17 TO PERSONAL JURISDICTION OF THE COURT IN THIS STATE IN ANY  
18 PROCEEDING RELATING TO THE GUARDIANSHIP OR CONSERVATORSHIP.

19 **15-14.7-110. Co-guardian and co-conservator.** (1) AT ANY  
20 TIME, THE COURT MAY APPOINT A CO-GUARDIAN OR CO-CONSERVATOR TO  
21 SERVE IMMEDIATELY OR WHEN A DESIGNATED EVENT OCCURS. AT LEAST  
22 ONE OF THE CO-GUARDIANS OR CO-CONSERVATORS APPOINTED BY THE  
23 COURT MUST BE A FIDUCIARY, AS DEFINED IN SECTION 15-1-103.

24 (2) A CO-GUARDIAN OR CO-CONSERVATOR APPOINTED TO SERVE  
25 IMMEDIATELY MAY ACT WHEN THAT CO-GUARDIAN OR CO-CONSERVATOR  
26 COMPLIES WITH SECTION 15-14.7-108.

27 (3) A CO-GUARDIAN OR CO-CONSERVATOR APPOINTED TO SERVE

1 WHEN A DESIGNATED EVENT OCCURS MAY ACT WHEN:

2 (a) THE EVENT OCCURS; AND

3 (b) THE CO-GUARDIAN OR CO-CONSERVATOR COMPLIES WITH  
4 SECTION 15-14.7-108.

5 (4) UNLESS AN ORDER OF APPOINTMENT PURSUANT TO SUBSECTION  
6 (1) OF THIS SECTION OR SUBSEQUENT ORDER STATES OTHERWISE,  
7 CO-GUARDIANS OR CO-CONSERVATORS MUST MAKE DECISIONS JOINTLY.

8 **15-14.7-111. Judicial appointment of successor guardian or**  
9 **successor conservator.** (1) AT ANY TIME, THE COURT MAY APPOINT A  
10 SUCCESSOR GUARDIAN OR SUCCESSOR CONSERVATOR TO SERVE  
11 IMMEDIATELY OR WHEN A DESIGNATED EVENT OCCURS.

12 (2) A PERSON ENTITLED PURSUANT TO SECTION 15-14.7-202 OR  
13 15-14.7-302 TO PETITION THE COURT TO APPOINT A GUARDIAN MAY  
14 PETITION THE COURT TO APPOINT A SUCCESSOR GUARDIAN. A PERSON  
15 ENTITLED PURSUANT TO SECTION 15-14.7-402 TO PETITION THE COURT TO  
16 APPOINT A CONSERVATOR MAY PETITION THE COURT TO APPOINT A  
17 SUCCESSOR CONSERVATOR.

18 (3) A SUCCESSOR GUARDIAN OR SUCCESSOR CONSERVATOR  
19 APPOINTED TO SERVE WHEN A DESIGNATED EVENT OCCURS MAY ACT AS  
20 GUARDIAN OR CONSERVATOR WHEN:

21 (a) THE EVENT OCCURS; AND

22 (b) THE SUCCESSOR COMPLIES WITH SECTION 15-14.7-108.

23 (4) A SUCCESSOR GUARDIAN OR SUCCESSOR CONSERVATOR HAS  
24 THE PREDECESSOR'S POWERS UNLESS OTHERWISE PROVIDED BY THE  
25 COURT.

26 **15-14.7-112. Effect of death, removal, or resignation of**  
27 **guardian or conservator.** (1) APPOINTMENT OF A GUARDIAN OR

1 CONSERVATOR TERMINATES ON THE DEATH OR REMOVAL OF THE  
2 GUARDIAN OR CONSERVATOR, OR WHEN THE COURT APPROVES A  
3 RESIGNATION OF THE GUARDIAN OR CONSERVATOR PURSUANT TO  
4 SUBSECTION (2) OF THIS SECTION.

5 (2) A GUARDIAN OR CONSERVATOR MUST PETITION THE COURT TO  
6 RESIGN. THE PETITION MAY INCLUDE A REQUEST THAT THE COURT APPOINT  
7 A SUCCESSOR. RESIGNATION OF A GUARDIAN OR CONSERVATOR IS  
8 EFFECTIVE ON THE DATE THE RESIGNATION IS APPROVED BY THE COURT.

9 (3) DEATH, REMOVAL, OR RESIGNATION OF A GUARDIAN OR  
10 CONSERVATOR DOES NOT AFFECT LIABILITY FOR A PREVIOUS ACT OR THE  
11 OBLIGATION TO ACCOUNT FOR:

12 (a) AN ACTION TAKEN ON BEHALF OF THE INDIVIDUAL SUBJECT TO  
13 GUARDIANSHIP OR CONSERVATORSHIP; OR

14 (b) THE INDIVIDUAL'S FUNDS OR OTHER PROPERTY.

15 **15-14.7-113. Notice of hearing generally.** (1) EXCEPT AS  
16 OTHERWISE PROVIDED IN SECTIONS 15-14.7-203, 15-14.7-207,  
17 15-14.7-303, 15-14.7-403, AND 15-14.7-505, IF NOTICE OF A HEARING  
18 PURSUANT TO THIS ARTICLE 14.7 IS REQUIRED, THE MOVANT MUST GIVE  
19 NOTICE, IN ACCORDANCE WITH SECTION 15-10-401, OF THE DATE, TIME,  
20 AND PLACE OF THE HEARING TO THE PERSON TO BE NOTIFIED UNLESS  
21 OTHERWISE ORDERED BY THE COURT FOR GOOD CAUSE. EXCEPT AS  
22 OTHERWISE PROVIDED IN THIS ARTICLE 14.7, NOTICE MUST BE PROVIDED  
23 IN COMPLIANCE WITH COLORADO RULES OF PROBATE PROCEDURE AT  
24 LEAST FOURTEEN DAYS BEFORE THE HEARING.

25 (2) PROOF OF NOTICE OF A HEARING PURSUANT TO THIS ARTICLE  
26 14.7 MUST BE MADE BEFORE OR AT THE HEARING AND FILED IN THE  
27 PROCEEDING.

1 (3) NOTICE OF A HEARING PURSUANT TO THIS ARTICLE 14.7 MUST  
2 BE IN AT LEAST SIXTEEN-POINT FONT, IN PLAIN LANGUAGE, AND, TO THE  
3 EXTENT FEASIBLE, IN A LANGUAGE IN WHICH THE PERSON TO BE NOTIFIED  
4 IS PROFICIENT.

5 **15-14.7-114. Waiver of notice.** (1) EXCEPT AS OTHERWISE  
6 PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON MAY WAIVE  
7 NOTICE PURSUANT TO THIS ARTICLE 14.7 IN A RECORD SIGNED BY THE  
8 PERSON OR PERSON'S ATTORNEY AND FILED IN THE PROCEEDING.

9 (2) A RESPONDENT, INDIVIDUAL SUBJECT TO GUARDIANSHIP,  
10 INDIVIDUAL SUBJECT TO CONSERVATORSHIP, OR INDIVIDUAL SUBJECT TO  
11 A PROTECTIVE ARRANGEMENT PURSUANT TO PART 5 OF THIS ARTICLE 14.7  
12 MAY NOT WAIVE NOTICE PURSUANT TO THIS ARTICLE 14.7.

13 **15-14.7-115. Guardian ad litem.** AT ANY TIME, THE COURT MAY  
14 APPOINT A GUARDIAN AD LITEM FOR AN INDIVIDUAL IF THE COURT  
15 DETERMINES THE INDIVIDUAL'S INTEREST OTHERWISE WOULD NOT BE  
16 ADEQUATELY REPRESENTED. IF NO CONFLICT OF INTEREST EXISTS, A  
17 GUARDIAN AD LITEM MAY BE APPOINTED TO REPRESENT MULTIPLE  
18 INDIVIDUALS OR INTERESTS. THE GUARDIAN AD LITEM MAY NOT BE THE  
19 SAME INDIVIDUAL AS THE ATTORNEY REPRESENTING THE RESPONDENT.  
20 THE COURT SHALL STATE THE DUTIES OF THE GUARDIAN AD LITEM AND  
21 THE REASONS FOR THE APPOINTMENT.

22 **15-14.7-116. Request for notice.** (1) A PERSON MAY FILE A  
23 REQUEST FOR NOTICE WITH THE COURT PURSUANT TO THIS ARTICLE 14.7  
24 IF THE PERSON IS:

25 (a) NOT OTHERWISE ENTITLED TO NOTICE; AND

26 (b) INTERESTED IN THE WELFARE OF A RESPONDENT, THE  
27 INDIVIDUAL SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP, OR THE



1 INDIVIDUAL SUBJECT TO A PROTECTIVE ARRANGEMENT PURSUANT TO PART  
2 5 OF THIS ARTICLE 14.7.

3 (2) A REQUEST PURSUANT TO SUBSECTION (1) OF THIS SECTION  
4 MUST INCLUDE A STATEMENT SHOWING THE INTEREST OF THE PERSON  
5 MAKING THE REQUEST AND THE ADDRESS OF THE PERSON OR AN ATTORNEY  
6 FOR THE PERSON TO WHOM NOTICE IS TO BE GIVEN.

7 (3) IF THE COURT APPROVES A REQUEST PURSUANT TO SUBSECTION  
8 (1) OF THIS SECTION, THE COURT MUST SERVE NOTICE OF THE APPROVAL  
9 TO THE GUARDIAN OR CONSERVATOR, IF ONE HAS BEEN APPOINTED, OR THE  
10 RESPONDENT IF NO GUARDIAN OR CONSERVATOR HAS BEEN APPOINTED.

11 **15-14.7-117. Disclosure of bankruptcy or criminal history.**

12 (1) BEFORE ACCEPTING APPOINTMENT AS A GUARDIAN OR CONSERVATOR,  
13 A PERSON SHALL DISCLOSE TO THE COURT WHETHER THE PERSON:

14 (a) IS OR HAS BEEN A DEBTOR IN A BANKRUPTCY, INSOLVENCY, OR  
15 RECEIVERSHIP PROCEEDING;     

16 (b) HAS BEEN CONVICTED OF, PLED NOLO CONTENDERE TO, OR  
17 RECEIVED A DEFERRED SENTENCE FOR A FELONY OR MISDEMEANOR, AND  
18 IF SO, THE NAME OF THE STATE AND COURT ISSUING THE ORDER;

19 (c) HAS HAD A TEMPORARY CIVIL PROTECTION ORDER, TEMPORARY  
20 RESTRAINING ORDER, PERMANENT CIVIL PROTECTION ORDER, OR  
21 PERMANENT RESTRAINING ORDER ISSUED AGAINST THE PERSON IN THIS  
22 STATE OR ANOTHER STATE AT ANY TIME;

23 (d) HAS A CIVIL JUDGMENT ENTERED AGAINST THEM AND, IF SO,  
24 THE NAME OF THE COURT GRANTING THE JUDGMENT; AND

25 (e) HAS BEEN RELIEVED OF ANY COURT-APPOINTED  
26 RESPONSIBILITIES AND, IF SO, THE NAME OF THE COURT RELIEVING THE  
27 PERSON.

1           (2) IN SUPPORT OF THE STATEMENT SET FORTH IN THE ACCEPTANCE  
2           OF THE OFFICE PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE  
3           PERSON SHALL:

4           (a) OBTAIN, AND ATTACH TO THE ACCEPTANCE OF OFFICE, A  
5           NAME-BASED CRIMINAL HISTORY RECORD CHECK THROUGH THE  
6           COLORADO BUREAU OF INVESTIGATION. THE PERSON IS RESPONSIBLE FOR  
7           THE COST OF THE NAME-BASED CRIMINAL HISTORY RECORD CHECK; AND

8           (b) OBTAIN, AND ATTACH TO THE ACCEPTANCE OF OFFICE, A  
9           CURRENT CREDIT REPORT OF THE PERSON. THE PERSON IS RESPONSIBLE  
10          FOR THE COST OF THE CREDIT REPORT.

11          (3) THE REQUIREMENTS IN SUBSECTIONS (1) AND (2) OF THIS  
12          SECTION DO NOT APPLY TO THE FOLLOW PEOPLE:

13          (a) A PUBLIC ADMINISTRATOR NOMINATED AS A GUARDIAN OR  
14          CONSERVATOR;

15          (b) A TRUST COMPANY NOMINATED AS A GUARDIAN OR  
16          CONSERVATOR;

17          (c) A BANK NOMINATED AS A GUARDIAN OR CONSERVATOR;

18          (d) A CREDIT UNION, SAVINGS AND LOAN ASSOCIATION, OR OTHER  
19          FINANCIAL INSTITUTION NOMINATED AS A GUARDIAN OR CONSERVATOR  
20          PURSUANT TO STATE LAW;

21          (e) A STATE OR COUNTY AGENCY NOMINATED AS A GUARDIAN OR  
22          CONSERVATOR PURSUANT TO STATE LAW;

23          (f) A PARENT RESIDING WITH THE PARENT'S CHILD WHO IS  
24          NOMINATED AS A GUARDIAN OR CONSERVATOR OF THE PARENT'S CHILD;  
25          OR

26          (g) ANY OTHER PERSON OR ENTITY THAT THE COURT, WITH GOOD  
27          CAUSE SHOWN, DETERMINES THAT THE REQUIREMENTS DO NOT APPLY TO.

1           (4) A GUARDIAN OR CONSERVATOR THAT ENGAGES OR  
2 ANTICIPATES ENGAGING ANOTHER PERSON THE GUARDIAN OR  
3 CONSERVATOR KNOWS HAS BEEN CONVICTED OF A FELONY, A CRIME  
4 INVOLVING DISHONESTY, NEGLIGENCE, VIOLENCE, OR USE OF PHYSICAL FORCE,  
5 OR OTHER CRIME RELEVANT TO THE FUNCTIONS THE OTHER PERSON IS  
6 BEING ENGAGED TO PERFORM PROMPTLY MUST DISCLOSE THAT  
7 KNOWLEDGE TO THE COURT.

8           (5) IF A CONSERVATOR ENGAGES OR ANTICIPATES ENGAGING  
9 ANOTHER PERSON TO MANAGE FINANCES OF THE INDIVIDUAL SUBJECT TO  
10 CONSERVATORSHIP AND KNOWS THE OTHER PERSON IS OR HAS BEEN A  
11 DEBTOR IN A BANKRUPTCY, INSOLVENCY, OR RECEIVERSHIP PROCEEDING,  
12 THE CONSERVATOR PROMPTLY SHALL DISCLOSE THAT KNOWLEDGE TO THE  
13 COURT.

14           **15-14.7-118. Multiple nominations.** IF A RESPONDENT OR OTHER  
15 PERSON MAKES MORE THAN ONE NOMINATION OF A GUARDIAN OR  
16 CONSERVATOR, THE LATEST IN TIME GOVERNS.

17           **15-14.7-119. (Reserved)**

18           **15-14.7-120. (Reserved)**

19           **15-14.7-121. Liability of guardian or conservator for act of**  
20 **individual subject to guardianship or conservatorship.** A GUARDIAN  
21 OR CONSERVATOR IS NOT PERSONALLY LIABLE TO ANOTHER PERSON  
22 SOLELY BECAUSE OF THE GUARDIANSHIP OR CONSERVATORSHIP FOR AN  
23 ACT OR OMISSION OF THE INDIVIDUAL SUBJECT TO GUARDIANSHIP OR  
24 CONSERVATORSHIP.

25           **15-14.7-122. Petition after appointment for instruction or**  
26 **ratification.** (1) A GUARDIAN OR CONSERVATOR MAY PETITION THE  
27 COURT FOR INSTRUCTION CONCERNING FIDUCIARY RESPONSIBILITY OR

1 RATIFICATION OF A PARTICULAR ACT RELATED TO THE GUARDIANSHIP OR  
2 CONSERVATORSHIP.

3 (2) ON NOTICE AND HEARING ON A PETITION PURSUANT TO  
4 SUBSECTION (1) OF THIS SECTION, THE COURT MAY GIVE INSTRUCTION AND  
5 ISSUE AN APPROPRIATE ORDER.

6 **15-14.7-123. Use of delegatee by guardian. (1) A GUARDIAN**  
7 **MAY NOT DELEGATE ALL OF THE DUTIES OR POWERS TO AN DELEGATEE OR**  
8 **ANOTHER GUARDIAN, BUT A GUARDIAN MAY OTHERWISE DELEGATE THE**  
9 **PERFORMANCE OF FUNCTIONS TO A QUALIFIED PERSON OF COMPARABLE**  
10 **SKILLS.**

11 **(2) THE GUARDIAN SHALL EXERCISE REASONABLE CARE, SKILL,**  
12 **AND CAUTION IN:**

13 **(a) SELECTING A DELEGATEE;**

14 **(b) ESTABLISHING THE SCOPE AND TERMS OF A DELEGATION,**  
15 **CONSISTENT WITH THE PURPOSES AND TERMS OF THE GUARDIANSHIP;**

16 **(c) PERIODICALLY REVIEWING A DELEGATEE'S OVERALL**  
17 **PERFORMANCE AND COMPLIANCE WITH THE TERMS OF THE DELEGATION;**

18 **AND**

19 **(d) REDRESSING AN ACTION OR DECISION OF A DELEGATEE THAT**  
20 **WOULD CONSTITUTE A BREACH OF FIDUCIARY DUTY OR IMPROPER**  
21 **CONDUCT, IF PERFORMED BY THE GUARDIAN.**

22 **(3) A GUARDIAN WHO COMPLIES WITH SUBSECTIONS (1) AND (2) OF**  
23 **THIS SECTION IS NOT LIABLE TO THE INDIVIDUAL SUBJECT TO**  
24 **GUARDIANSHIP OR TO THE ESTATE OR TO THE INDIVIDUAL SUBJECT TO**  
25 **GUARDIANSHIP'S SUCCESSORS FOR THE DECISIONS OR ACTIONS OF THE**  
26 **DELEGATEE TO WHOM A FUNCTION WAS DELEGATED.**

27 **(4) IN PERFORMING A DELEGATED FUNCTION, A DELEGATEE SHALL**

1 EXERCISE REASONABLE CARE TO COMPLY WITH THE TERMS OF THE  
2 DELEGATION.

3 (5) BY ACCEPTING A DELEGATION FROM A GUARDIAN SUBJECT TO  
4 THE LAWS OF THIS STATE, A DELEGATEE SUBMITS TO THE JURISDICTION OF  
5 THE COURTS OF THIS STATE.

6 **15-14.7-124. Use of delegatee by conservator.** (1) A  
7 CONSERVATOR MAY NOT DELEGATE THE ENTIRE ADMINISTRATION OF THE  
8 ESTATE TO A DELEGATEE OR ANOTHER CONSERVATOR, BUT A  
9 CONSERVATOR MAY OTHERWISE DELEGATE THE PERFORMANCE OF  
10 FUNCTIONS THAT A PRUDENT TRUSTEE OF COMPARABLE SKILLS MAY  
11 DELEGATE UNDER SIMILAR CIRCUMSTANCES.

12 (2) THE CONSERVATOR SHALL EXERCISE REASONABLE CARE, SKILL,  
13 AND CAUTION IN:

14 (a) SELECTING A DELEGATEE;

15 (b) ESTABLISHING THE SCOPE AND TERMS OF A DELEGATION,  
16 CONSISTENT WITH THE PURPOSES AND TERMS OF A CONSERVATORSHIP;

17 (c) PERIODICALLY REVIEWING A DELEGATEE'S OVERALL  
18 PERFORMANCE AND COMPLIANCE WITH THE TERMS OF THE DELEGATION;

19 AND

20 (d) REDRESSING AN ACTION OR DECISION OF A DELEGATEE THAT  
21 WOULD CONSTITUTE A BREACH OF TRUST IF PERFORMED BY THE  
22 CONSERVATOR.

23 (3) A CONSERVATOR WHO COMPLIES WITH SUBSECTIONS (1) AND  
24 (2) OF THIS SECTION IS NOT LIABLE TO THE PROTECTED PERSON OR TO THE  
25 ESTATE OR TO THE PROTECTED PERSON'S SUCCESSORS FOR THE DECISIONS  
26 OR ACTIONS OF THE DELEGATEE TO WHOM A FUNCTION WAS DELEGATED.

27 (4) IN PERFORMING A DELEGATED FUNCTION, A DELEGATEE SHALL

1 EXERCISE REASONABLE CARE TO COMPLY WITH THE TERMS OF THE  
2 DELEGATION.

3 (5) BY ACCEPTING A DELEGATION FROM A CONSERVATOR SUBJECT  
4 TO THE LAWS OF THIS STATE, A DELEGATEE SUBMITS TO THE JURISDICTION  
5 OF THE COURTS OF THIS STATE.

6 **15-14.7-125. Temporary substitute guardian or conservator.**

7 (1) THE COURT MAY APPOINT A TEMPORARY SUBSTITUTE GUARDIAN FOR  
8 AN INDIVIDUAL SUBJECT TO GUARDIANSHIP FOR A PERIOD NOT EXCEEDING  
9 SIX MONTHS IF:

10 (a) A PROCEEDING TO REMOVE A GUARDIAN FOR THE INDIVIDUAL  
11 IS PENDING; OR

12 (b) THE COURT FINDS A GUARDIAN IS NOT EFFECTIVELY  
13 PERFORMING THE GUARDIAN'S DUTIES AND THE WELFARE OF THE  
14 INDIVIDUAL REQUIRES IMMEDIATE ACTION.

15 (2) THE COURT MAY APPOINT A TEMPORARY SUBSTITUTE  
16 CONSERVATOR FOR AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP FOR A  
17 PERIOD NOT EXCEEDING SIX MONTHS IF:

18 (a) A PROCEEDING TO REMOVE A CONSERVATOR FOR THE  
19 INDIVIDUAL IS PENDING; OR

20 (b) THE COURT FINDS THAT A CONSERVATOR FOR THE INDIVIDUAL  
21 IS NOT EFFECTIVELY PERFORMING THE CONSERVATOR'S DUTIES AND THE  
22 WELFARE OF THE INDIVIDUAL OR THE CONSERVATORSHIP ESTATE  
23 REQUIRES IMMEDIATE ACTION.

24 (3) EXCEPT AS OTHERWISE ORDERED BY THE COURT, A TEMPORARY  
25 SUBSTITUTE GUARDIAN OR TEMPORARY SUBSTITUTE CONSERVATOR  
26 APPOINTED PURSUANT TO THIS SECTION HAS THE POWERS STATED IN THE  
27 ORDER OF APPOINTMENT OF THE GUARDIAN OR CONSERVATOR. THE

1 AUTHORITY OF THE EXISTING GUARDIAN OR CONSERVATOR IS SUSPENDED  
2 FOR AS LONG AS THE TEMPORARY SUBSTITUTE GUARDIAN OR  
3 CONSERVATOR HAS AUTHORITY.

4 (4) THE COURT SHALL GIVE NOTICE, PURSUANT TO SECTION  
5 15-10-401, OF APPOINTMENT OF A TEMPORARY SUBSTITUTE GUARDIAN OR  
6 TEMPORARY SUBSTITUTE CONSERVATOR, NO LATER THAN FIVE DAYS  
7 AFTER THE APPOINTMENT, TO:

8 (a) THE INDIVIDUAL SUBJECT TO GUARDIANSHIP OR  
9 CONSERVATORSHIP;

10 (b) THE AFFECTED GUARDIAN OR CONSERVATOR; AND

11 (c) IN THE CASE OF A MINOR, EACH PARENT OF THE MINOR AND ANY  
12 PERSON CURRENTLY HAVING CARE OR CUSTODY OF THE MINOR.

13 (5) THE COURT MAY REMOVE A TEMPORARY SUBSTITUTE  
14 GUARDIAN OR TEMPORARY SUBSTITUTE CONSERVATOR AT ANY TIME. THE  
15 TEMPORARY SUBSTITUTE GUARDIAN OR TEMPORARY SUBSTITUTE  
16 CONSERVATOR SHALL MAKE ANY REPORT THE COURT REQUIRES.

17 **15-14.7-126. Registration of order - effect.** (1) IF A GUARDIAN  
18 HAS BEEN APPOINTED IN ANOTHER STATE FOR AN INDIVIDUAL, AND A  
19 PETITION FOR GUARDIANSHIP FOR THE INDIVIDUAL IS NOT PENDING IN THIS  
20 STATE, THE GUARDIAN APPOINTED IN THE OTHER STATE, AFTER GIVING  
21 NOTICE TO THE APPOINTING COURT, MAY REGISTER THE GUARDIANSHIP  
22 ORDER IN THIS STATE BY FILING AS A FOREIGN JUDGMENT, IN A COURT OF  
23 AN APPROPRIATE COUNTY OF THIS STATE, CERTIFIED COPIES OF THE ORDER  
24 AND LETTERS OF OFFICE.

25 (2) IF A CONSERVATOR HAS BEEN APPOINTED IN ANOTHER STATE  
26 FOR AN INDIVIDUAL, AND A PETITION FOR CONSERVATORSHIP FOR THE  
27 INDIVIDUAL IS NOT PENDING IN THIS STATE, THE CONSERVATOR APPOINTED

1 FOR THE INDIVIDUAL IN THE OTHER STATE, AFTER GIVING NOTICE TO THE  
2 APPOINTING COURT, MAY REGISTER THE CONSERVATORSHIP IN THIS STATE  
3 BY FILING AS A FOREIGN JUDGMENT, IN A COURT OF A COUNTY IN WHICH  
4 PROPERTY BELONGING TO THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP  
5 IS LOCATED, CERTIFIED COPIES OF THE ORDER OF CONSERVATORSHIP,  
6 LETTERS OF OFFICE, AND ANY BOND OR OTHER ASSET PROTECTION  
7 ARRANGEMENT REQUIRED BY THE COURT.

8 (3) ON REGISTRATION PURSUANT TO THIS SECTION OF A  
9 GUARDIANSHIP OR CONSERVATORSHIP ORDER FROM ANOTHER STATE, THE  
10 GUARDIAN OR CONSERVATOR MAY EXERCISE IN THIS STATE ALL POWERS  
11 AUTHORIZED IN THE ORDER EXCEPT AS PROHIBITED BY THIS ARTICLE 14.7  
12 AND LAW OF THIS STATE OTHER THAN THIS ARTICLE 14.7. IF THE  
13 GUARDIAN OR CONSERVATOR IS NOT A RESIDENT OF THIS STATE, THE  
14 GUARDIAN OR CONSERVATOR MAY MAINTAIN AN ACTION OR PROCEEDING  
15 IN THIS STATE SUBJECT TO ANY CONDITION IMPOSED BY THIS STATE ON AN  
16 ACTION OR PROCEEDING BY A NONRESIDENT PARTY.

17 (4) THE COURT MAY GRANT ANY RELIEF AVAILABLE PURSUANT TO  
18 THIS ARTICLE 14.7 AND LAW OF THIS STATE OTHER THAN THIS ARTICLE  
19 14.7 TO ENFORCE AN ORDER REGISTERED PURSUANT TO THIS SECTION.

20 **15-14.7-127. Grievance against guardian or conservator.**

21 (1) AN INDIVIDUAL WHO IS SUBJECT TO GUARDIANSHIP OR  
22 CONSERVATORSHIP, OR PERSON INTERESTED IN THE WELFARE OF AN  
23 INDIVIDUAL SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP, WHO  
24 REASONABLY BELIEVES THE GUARDIAN OR CONSERVATOR IS BREACHING  
25 THE GUARDIAN'S OR CONSERVATOR'S FIDUCIARY DUTY OR OTHERWISE  
26 ACTING IN A MANNER INCONSISTENT WITH THIS ARTICLE 14.7 MAY FILE A  
27 GRIEVANCE IN A RECORD WITH THE COURT.



1 (2) SUBJECT TO SUBSECTION (3) OF THIS SECTION, AFTER  
2 RECEIVING A GRIEVANCE PURSUANT TO SUBSECTION (1) OF THIS SECTION,  
3 THE COURT:

4 (a) SHALL REVIEW THE GRIEVANCE AND, IF NECESSARY TO  
5 DETERMINE THE APPROPRIATE RESPONSE, COURT RECORDS RELATED TO  
6 THE GUARDIANSHIP OR CONSERVATORSHIP; AND

7 ==  
8 (b) SHALL TAKE ACTION, IF APPROPRIATE, PURSUANT TO ITS  
9 AUTHORITY PURSUANT SECTION 15-10-503.

10 (3) THE INITIAL REVIEW REQUIRED PURSUANT TO SUBSECTION  
11 (2)(a) OF THIS SECTION AND ANY ACTION PURSUANT TO SUBSECTION (2)(b)  
12 OF THIS SECTION THAT DOES NOT REQUIRE A COURT ORDER FROM A JUDGE  
13 OR MAGISTRATE MAY BE CONDUCTED BY APPROPRIATE COURT STAFF.

14 (4) THE COURT MAY DECLINE TO ACT PURSUANT TO SUBSECTION  
15 (2) OF THIS SECTION IF A SIMILAR GRIEVANCE WAS FILED WITHIN THE SIX  
16 MONTHS PRECEDING THE FILING OF THE CURRENT GRIEVANCE AND THE  
17 COURT FOLLOWED THE PROCEDURES OF SUBSECTION (2) OF THIS SECTION  
18 IN CONSIDERING THE EARLIER GRIEVANCE.

19 ==

20 PART 2

21 GUARDIANSHIP OF A MINOR

22 **15-14.7-201. Basis for appointment of guardian for a minor.**

23 (1) A PERSON BECOMES A GUARDIAN FOR A MINOR ONLY UPON  
24 APPOINTMENT BY THE COURT.

25 (2) THE COURT MAY APPOINT A GUARDIAN FOR A MINOR WHO DOES  
26 NOT HAVE A GUARDIAN IF THE COURT FINDS THE APPOINTMENT IS IN THE  
27 MINOR'S BEST INTEREST AND:

1 (a) EACH PARENT OF THE MINOR, AFTER BEING FULLY INFORMED  
2 OF THE NATURE AND CONSEQUENCES OF GUARDIANSHIP, CONSENTS;

3 (b) ALL PARENTAL RIGHTS HAVE BEEN TERMINATED; OR

4 (c) THERE IS CLEAR AND CONVINCING EVIDENCE THAT NO PARENT  
5 OF THE MINOR IS WILLING OR ABLE TO EXERCISE THE POWERS THE COURT  
6 IS GRANTING THE GUARDIAN.

7 **15-14.7-202. Petition for appointment of guardian for a minor.**

8 (1) A PERSON INTERESTED IN THE WELFARE OF A MINOR, INCLUDING THE  
9 MINOR, MAY PETITION FOR APPOINTMENT OF A GUARDIAN FOR THE MINOR.

10 (2) A PETITION PURSUANT TO SUBSECTION (1) OF THIS SECTION  
11 MUST STATE THE PETITIONER'S NAME; PRINCIPAL RESIDENCE; CURRENT  
12 STREET ADDRESS, IF DIFFERENT; RELATIONSHIP TO THE MINOR; INTEREST  
13 IN THE APPOINTMENT; THE NAME AND ADDRESS OF ANY ATTORNEY  
14 REPRESENTING THE PETITIONER; AND, TO THE EXTENT KNOWN, THE  
15 FOLLOWING:

16 (a) THE MINOR'S NAME; AGE; PRINCIPAL RESIDENCE; CURRENT  
17 STREET ADDRESS, IF DIFFERENT; AND, IF DIFFERENT, ADDRESS OF THE  
18 DWELLING IN WHICH IT IS PROPOSED THE MINOR WILL RESIDE IF THE  
19 APPOINTMENT IS MADE;

20 (b) THE NAME AND CURRENT STREET ADDRESS OF EACH OF THE  
21 MINOR'S PARENTS;

22 (c) THE NAME AND ADDRESS, IF KNOWN, OF EACH PERSON THAT  
23 HAD PRIMARY CARE OR CUSTODY OF THE MINOR FOR AT LEAST SIXTY DAYS  
24 DURING THE TWO YEARS IMMEDIATELY BEFORE THE FILING OF THE  
25 PETITION OR FOR AT LEAST SEVEN HUNDRED AND THIRTY DAYS DURING  
26 THE FIVE YEARS IMMEDIATELY BEFORE THE FILING OF THE PETITION;

27 (d) THE NAME AND ADDRESS OF ANY ATTORNEY FOR THE MINOR

1 AND ANY ATTORNEY FOR EACH PARENT OF THE MINOR;

2 (e) THE REASON GUARDIANSHIP IS SOUGHT AND WOULD BE IN THE  
3 BEST INTEREST OF THE MINOR;

4 (f) THE NAME AND ADDRESS OF ANY PROPOSED GUARDIAN AND  
5 THE REASON THE PROPOSED GUARDIAN SHOULD BE SELECTED;

6 (g) IF THE MINOR HAS PROPERTY OTHER THAN PERSONAL EFFECTS,  
7 A GENERAL STATEMENT OF THE MINOR'S PROPERTY WITH AN ESTIMATE OF  
8 ITS VALUE;

9 (h) WHETHER THE MINOR NEEDS AN INTERPRETER, TRANSLATOR,  
10 OR OTHER FORM OF SUPPORT TO COMMUNICATE EFFECTIVELY WITH THE  
11 COURT OR UNDERSTAND COURT PROCEEDINGS;

12 (i) WHETHER ANY PARENT OF THE MINOR NEEDS AN INTERPRETER,  
13 TRANSLATOR, OR OTHER FORM OF SUPPORT TO COMMUNICATE  
14 EFFECTIVELY WITH THE COURT OR UNDERSTAND COURT PROCEEDINGS;  
15 AND

16 (j) WHETHER ANY OTHER PROCEEDING CONCERNING THE CARE OR  
17 CUSTODY OF THE MINOR IS PENDING IN ANY COURT IN THIS STATE OR  
18 ANOTHER JURISDICTION.

19 **15-14.7-203. Notice of hearing for appointment of guardian**  
20 **for minor.** (1) IF A PETITION IS FILED PURSUANT TO SECTION 15-14.7-202,  
21 THE COURT SHALL SCHEDULE A HEARING AND THE PETITIONER SHALL:

22 (a) SERVE NOTICE OF THE DATE, TIME, AND PLACE OF THE  
23 HEARING, TOGETHER WITH A COPY OF THE PETITION, PERSONALLY ON EACH  
24 OF THE FOLLOWING WHO IS NOT THE PETITIONER:

25 (I) THE MINOR, IF THE MINOR WILL BE TWELVE YEARS OF AGE OR  
26 OLDER AT THE TIME OF THE HEARING;

27 (II) EACH PARENT OF THE MINOR OR, IF THERE IS NONE, THE ADULT

1 NEAREST IN KINSHIP WHO CAN BE FOUND WITH REASONABLE DILIGENCE;

2 (III) ANY ADULT WITH WHOM THE MINOR RESIDES;

3 (IV) EACH PERSON WHO HAD PRIMARY CARE OR CUSTODY OF THE

4 MINOR FOR AT LEAST SIXTY DAYS DURING THE TWO YEARS IMMEDIATELY

5 BEFORE THE FILING OF THE PETITION OR FOR AT LEAST SEVEN HUNDRED

6 AND THIRTY DAYS DURING THE FIVE YEARS IMMEDIATELY BEFORE THE

7 FILING OF THE PETITION; AND

8 (V) ANY OTHER PERSON THE COURT DETERMINES SHOULD RECEIVE

9 PERSONAL SERVICE OF NOTICE; AND

10 (b) SERVE NOTICE PURSUANT TO SECTION 15-14.7-113 OF THE

11 DATE, TIME, AND PLACE OF THE HEARING, TOGETHER WITH A COPY OF THE

12 PETITION, TO:

13 (I) ANY PERSON NOMINATED FOR GUARDIANSHIP BY THE MINOR,

14 IF THE MINOR IS TWELVE YEARS OF AGE OR OLDER;

15 (II) ANY NOMINEE OF A PARENT;

16 (III) EACH GRANDPARENT AND ADULT SIBLING OF THE MINOR;

17 (IV) ANY GUARDIAN OR CONSERVATOR ACTING FOR THE MINOR IN

18 ANY JURISDICTION; AND

19 (V) ANY OTHER PERSON THE COURT DETERMINES.

20 (2) NOTICE REQUIRED BY SUBSECTION (1) OF THIS SECTION MUST

21 INCLUDE A STATEMENT OF THE RIGHT TO REQUEST APPOINTMENT OF AN

22 ATTORNEY FOR THE MINOR OR OBJECT TO APPOINTMENT OF A GUARDIAN

23 AND A DESCRIPTION OF THE NATURE, PURPOSE, AND CONSEQUENCES OF

24 APPOINTMENT OF A GUARDIAN.

25 (3) THE COURT SHALL NOT GRANT A PETITION FOR GUARDIANSHIP

26 OF A MINOR IF NOTICE SUBSTANTIALLY COMPLYING WITH SUBSECTION

27 (1)(a) OF THIS SECTION IS NOT SERVED ON:

1 (a) THE MINOR, IF THE MINOR IS TWELVE YEARS OF AGE OR OLDER;  
2 AND

3 (b) EACH PARENT OF THE MINOR, UNLESS THE COURT FINDS BY  
4 CLEAR AND CONVINCING EVIDENCE THAT THE PARENT CANNOT WITH DUE  
5 DILIGENCE BE LOCATED AND SERVED OR THE PARENT WAIVED, IN A  
6 RECORD, THE RIGHT TO NOTICE.

7 (4) IF A PETITIONER IS UNABLE TO SERVE NOTICE PURSUANT TO  
8 SUBSECTION (1)(a) OF THIS SECTION ON A PARENT OF A MINOR OR ALLEGES  
9 THAT THE PARENT WAIVED, IN A RECORD, THE RIGHT TO NOTICE PURSUANT  
10 TO THIS SECTION, THE COURT SHALL APPOINT A VISITOR WHO SHALL:

11 (a) INTERVIEW THE PETITIONER AND THE MINOR;

12 (b) IF THE PETITIONER ALLEGES THE PARENT CANNOT BE LOCATED,  
13 ASCERTAIN WHETHER THE PARENT CANNOT BE LOCATED WITH DUE  
14 DILIGENCE; AND

15 (c) INVESTIGATE ANY OTHER MATTER RELATING TO THE PETITION  
16 THE COURT DIRECTS.

17 **15-14.7-204. Attorney for minor or parent.** (1) THE COURT  
18 SHALL APPOINT AN ATTORNEY TO REPRESENT A MINOR WHO IS THE  
19 SUBJECT OF A PROCEEDING PURSUANT TO SECTION 15-14.7-202 IF:

20 (a) REQUESTED BY THE MINOR AND THE MINOR IS TWELVE YEARS  
21 OF AGE OR OLDER;

22 (b) RECOMMENDED BY A GUARDIAN AD LITEM; OR

23 (c) THE COURT DETERMINES THE MINOR NEEDS REPRESENTATION.

24 (2) AN ATTORNEY APPOINTED PURSUANT TO SUBSECTION (1) OF  
25 THIS SECTION SHALL:

26 (a) MAKE A REASONABLE EFFORT TO ASCERTAIN THE MINOR'S  
27 WISHES;

1 (b) ADVOCATE FOR THE MINOR'S WISHES TO THE EXTENT  
2 REASONABLY ASCERTAINABLE; AND

3 (c) IF THE MINOR'S WISHES ARE NOT REASONABLY ASCERTAINABLE,  
4 ADVOCATE FOR THE MINOR'S BEST INTEREST.

5 (3) A MINOR WHO IS THE SUBJECT OF A PROCEEDING PURSUANT TO  
6 SECTION 15-14.7-202 MAY RETAIN AN ATTORNEY TO REPRESENT THE  
7 MINOR IN THE PROCEEDING.

8 (4) A PARENT OF A MINOR WHO IS THE SUBJECT OF A PROCEEDING  
9 PURSUANT TO SECTION 15-14.7-202 MAY RETAIN AN ATTORNEY TO  
10 REPRESENT THE PARENT IN THE PROCEEDING.

11 **15-14.7-205. Attendance and participation at hearing for**  
12 **appointment of guardian for minor.** (1) THE COURT SHALL REQUIRE A  
13 MINOR WHO IS THE SUBJECT OF A HEARING PURSUANT TO SECTION  
14 15-14.7-203 TO ATTEND THE HEARING AND ALLOW THE MINOR TO  
15 PARTICIPATE IN THE HEARING UNLESS THE COURT DETERMINES, BY CLEAR  
16 AND CONVINCING EVIDENCE PRESENTED AT THE HEARING OR A SEPARATE  
17 HEARING, THAT:

18 (a) THE MINOR CONSISTENTLY AND REPEATEDLY REFUSED TO  
19 ATTEND THE HEARING AFTER BEING FULLY INFORMED OF THE RIGHT TO  
20 ATTEND AND, IF THE MINOR IS TWELVE YEARS OF AGE OR OLDER, THE  
21 POTENTIAL CONSEQUENCES OF FAILING TO DO SO;

22 (b) THERE IS NO PRACTICABLE WAY FOR THE MINOR TO ATTEND  
23 THE HEARING;

24 (c) THE MINOR LACKS THE ABILITY OR MATURITY TO PARTICIPATE  
25 MEANINGFULLY IN THE HEARING; OR

26 (d) ATTENDANCE WOULD BE HARMFUL TO THE MINOR.

27 (2) UNLESS EXCUSED BY THE COURT FOR GOOD CAUSE, THE

1 PERSON PROPOSED TO BE APPOINTED AS GUARDIAN FOR A MINOR SHALL  
2 ATTEND A HEARING PURSUANT TO SECTION 15-14.7-203.

3 (3) EACH PARENT OF A MINOR WHO IS THE SUBJECT OF A HEARING  
4 PURSUANT TO SECTION 15-14.7-203 HAS THE RIGHT TO ATTEND THE  
5 HEARING.

6 (4) A PERSON MAY REQUEST PERMISSION TO PARTICIPATE IN A  
7 HEARING PURSUANT TO SECTION 15-14.7-203. THE COURT MAY GRANT THE  
8 REQUEST, WITH OR WITHOUT HEARING, ON DETERMINING THAT IT IS IN THE  
9 BEST INTEREST OF THE MINOR WHO IS THE SUBJECT OF THE HEARING. THE  
10 COURT MAY IMPOSE APPROPRIATE CONDITIONS ON THE PERSON'S  
11 PARTICIPATION.

12 **15-14.7-206. Order of appointment; priority of nominee;**  
13 **limited guardianship for minor - definitions.** (1) AFTER A HEARING  
14 PURSUANT TO SECTION 15-14.7-203, THE COURT MAY APPOINT A  
15 GUARDIAN FOR A MINOR, IF APPOINTMENT IS PROPER PURSUANT TO  
16 SECTION 15-14.7-201, DISMISS THE PROCEEDING, OR TAKE OTHER  
17 APPROPRIATE ACTION CONSISTENT WITH THIS ARTICLE 14.7 OR LAW OF  
18 THIS STATE OTHER THAN THIS ARTICLE 14.7.

19 (2) IN APPOINTING A GUARDIAN PURSUANT TO SUBSECTION (1) OF  
20 THIS SECTION, THE FOLLOWING RULES APPLY:

21 (a) THE COURT SHALL APPOINT A PERSON NOMINATED AS  
22 GUARDIAN BY A PARENT OF THE MINOR IN A WILL OR OTHER RECORD  
23 UNLESS THE COURT FINDS THE APPOINTMENT IS CONTRARY TO THE BEST  
24 INTEREST OF THE MINOR;

25 (b) IF MULTIPLE PARENTS HAVE NOMINATED DIFFERENT PERSONS  
26 TO SERVE AS GUARDIAN, THE COURT SHALL APPOINT THE NOMINEE WHOSE  
27 APPOINTMENT IS IN THE BEST INTEREST OF THE MINOR, UNLESS THE COURT

1 FINDS THAT APPOINTMENT OF NONE OF THE NOMINEES IS IN THE BEST  
2 INTEREST OF THE MINOR; AND

3 (c) IF A GUARDIAN IS NOT APPOINTED PURSUANT TO SUBSECTION  
4 (2)(a) OR (2)(b) OF THIS SECTION, THE COURT SHALL APPOINT THE PERSON  
5 NOMINATED BY THE MINOR IF THE MINOR IS TWELVE YEARS OF AGE OR  
6 OLDER UNLESS THE COURT FINDS THAT APPOINTMENT IS CONTRARY TO THE  
7 BEST INTEREST OF THE MINOR. IN THAT CASE, THE COURT SHALL APPOINT  
8 AS GUARDIAN A PERSON WHOSE APPOINTMENT IS IN THE BEST INTEREST OF  
9 THE MINOR.

10 (3) IN THE INTEREST OF MAINTAINING OR ENCOURAGING  
11 INVOLVEMENT BY A MINOR'S PARENT IN THE MINOR'S LIFE, DEVELOPING  
12 SELF-RELIANCE OF THE MINOR, OR FOR OTHER GOOD CAUSE, THE COURT,  
13 AT THE TIME OF APPOINTMENT OF A GUARDIAN FOR THE MINOR OR LATER,  
14 ON ITS OWN OR ON MOTION OF THE MINOR OR OTHER INTERESTED PERSON,  
15 MAY CREATE A LIMITED GUARDIANSHIP BY LIMITING THE POWERS  
16 OTHERWISE GRANTED TO THE GUARDIAN PURSUANT TO THIS PART 2.  
17 FOLLOWING THE SAME PROCEDURE, THE COURT MAY GRANT ADDITIONAL  
18 POWERS OR WITHDRAW POWERS PREVIOUSLY GRANTED.

19 (4) THE COURT, AS PART OF AN ORDER APPOINTING A GUARDIAN  
20 FOR A MINOR, SHALL STATE RIGHTS RETAINED BY ANY PARENT OF THE  
21 MINOR, WHICH MAY INCLUDE CONTACT OR VISITATION WITH THE MINOR;  
22 DECISION-MAKING REGARDING THE MINOR'S HEALTH CARE, EDUCATION,  
23 OR OTHER MATTER; OR ACCESS TO A RECORD REGARDING THE MINOR.

24 (5) AN ORDER GRANTING A GUARDIANSHIP FOR A MINOR MUST  
25 STATE THAT EACH PARENT OF THE MINOR IS ENTITLED TO NOTICE THAT:

26 (a) THE GUARDIAN HAS DELEGATED CUSTODY OF THE MINOR  
27 SUBJECT TO GUARDIANSHIP;



1 (b) THE COURT HAS MODIFIED OR LIMITED THE POWERS OF THE  
2 GUARDIAN; OR

3 (c) THE COURT HAS REMOVED THE GUARDIAN.

4 (6) AN ORDER GRANTING A GUARDIANSHIP FOR A MINOR MUST  
5 IDENTIFY ANY PERSON IN ADDITION TO A PARENT OF THE MINOR WHO IS  
6 ENTITLED TO NOTICE OF THE EVENTS LISTED IN SUBSECTION (5) OF THIS  
7 SECTION.

8 (7) (a) FOR PURPOSES OF THIS SUBSECTION (7) ONLY, "MINOR"  
9 MEANS AN UNMARRIED INDIVIDUAL WHO HAS NOT ATTAINED TWENTY-ONE  
10 YEARS OF AGE.

11 (b) THE COURT MAY ENTER AN ORDER APPOINTING A GUARDIAN OF  
12 A MINOR, AS DEFINED IN SUBSECTION (7)(a) OF THIS SECTION, AND A  
13 DETERMINATION OF WHETHER THE MINOR SHALL BE REUNIFIED WITH A  
14 PARENT OR PARENTS, OF WHEN THE REQUIREMENTS OF SUBSECTION (2) OF  
15 THIS SECTION ARE MET, OF WHETHER THE ORDER IS IN THE MINOR'S BEST  
16 INTERESTS, AND:

17 (I) THE MINOR HAS NOT ATTAINED TWENTY-ONE YEARS OF AGE;

18 (II) THE MINOR IS RESIDING WITH AND DEPENDENT UPON A  
19 CAREGIVER; AND

20 (III) A REQUEST IS MADE FOR FINDINGS FROM THE COURT TO  
21 ESTABLISH THE MINOR'S ELIGIBILITY FOR CLASSIFICATION AS A SPECIAL  
22 IMMIGRANT JUVENILE PURSUANT TO 8 U.S.C. SEC. 1101 (a)(27)(J).

23 (c) IF A REQUEST IS MADE FOR FINDINGS ESTABLISHING THE  
24 MINOR'S ELIGIBILITY FOR CLASSIFICATION AS A SPECIAL IMMIGRANT  
25 JUVENILE UNDER FEDERAL LAW AND THE COURT DETERMINES THERE IS  
26 SUFFICIENT EVIDENCE TO SUPPORT THE FINDINGS, THE COURT SHALL  
27 ENTER AN ORDER, INCLUDING FACTUAL FINDINGS AND CONCLUSIONS OF

1 LAW, DETERMINING THAT:

2 (I) THE MINOR HAS BEEN PLACED UNDER THE CUSTODY OF AN  
3 INDIVIDUAL APPOINTED BY THE COURT THROUGH THE APPOINTMENT OF A  
4 GUARDIAN;

5 (II) REUNIFICATION OF THE MINOR WITH ONE OR BOTH PARENTS IS  
6 NOT VIABLE DUE TO ABUSE, NEGLECT, ABANDONMENT, OR A SIMILAR BASIS  
7 FOUND PURSUANT TO STATE LAW. FOR PURPOSES OF THIS SUBSECTION  
8 (7)(c)(II), "ABANDONMENT" INCLUDES, BUT IS NOT LIMITED TO, THE DEATH  
9 OF ONE OR BOTH PARENTS.

10 (III) IT IS NOT IN THE BEST INTERESTS OF THE MINOR TO BE  
11 RETURNED TO THE MINOR'S OR PARENTS' PREVIOUS COUNTRY OF  
12 NATIONALITY OR COUNTRY OF LAST HABITUAL RESIDENCE.

13 **15-14.7-207. Standby guardian for minor.** (1) A STANDBY  
14 GUARDIAN APPOINTED PURSUANT TO THIS SECTION MAY ACT AS  
15 GUARDIAN, WITH ALL DUTIES AND POWERS OF A GUARDIAN PURSUANT TO  
16 SECTIONS 15-14.7-209 AND 15-14.7-210, WHEN NO PARENT OF THE MINOR  
17 IS WILLING OR ABLE TO EXERCISE THE DUTIES AND POWERS GRANTED TO  
18 THE GUARDIAN.

19 (2) A PARENT OF A MINOR, IN A SIGNED RECORD, MAY NOMINATE  
20 A PERSON TO BE APPOINTED BY THE COURT AS STANDBY GUARDIAN FOR  
21 THE MINOR. THE PARENT, IN THE SIGNED RECORD, MAY STATE DESIRED  
22 LIMITATIONS ON THE POWERS TO BE GRANTED TO THE STANDBY  
23 GUARDIAN. THE PARENT, IN A SIGNED RECORD, MAY REVOKE OR AMEND  
24 THE NOMINATION AT ANY TIME BEFORE THE COURT APPOINTS A STANDBY  
25 GUARDIAN.

26 (3) THE COURT MAY APPOINT A STANDBY GUARDIAN FOR A MINOR  
27 ON:

1 (a) PETITION BY A PARENT OF THE MINOR OR A PERSON NOMINATED  
2 PURSUANT TO SUBSECTION (2) OF THIS SECTION; AND

3 (b) FINDING THAT NO PARENT OF THE MINOR LIKELY WILL BE ABLE  
4 OR WILLING TO CARE FOR OR MAKE DECISIONS WITH RESPECT TO THE  
5 MINOR NOT LATER THAN TWO YEARS AFTER THE APPOINTMENT.

6 (4) A PETITION PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION  
7 MUST INCLUDE THE SAME INFORMATION REQUIRED PURSUANT TO SECTION  
8 15-14.7-202 FOR THE APPOINTMENT OF A GUARDIAN FOR A MINOR.

9 (5) UPON FILING A PETITION PURSUANT TO SUBSECTION (3)(a) OF  
10 THIS SECTION, THE PETITIONER SHALL:

11 (a) SERVE A COPY OF THE PETITION PERSONALLY ON:

12 (I) THE MINOR, IF THE MINOR IS TWELVE YEARS OF AGE OR OLDER,  
13 AND THE MINOR'S ATTORNEY, IF ANY;

14 (II) EACH PARENT OF THE MINOR;

15 (III) THE PERSON NOMINATED AS STANDBY GUARDIAN; AND

16 (IV) ANY OTHER PERSON THE COURT DETERMINES; AND

17 (b) INCLUDE WITH THE COPY OF THE PETITION SERVED PURSUANT  
18 TO SUBSECTION (5)(a) OF THIS SECTION A STATEMENT OF THE RIGHT TO  
19 REQUEST APPOINTMENT OF AN ATTORNEY FOR THE MINOR OR TO OBJECT  
20 TO APPOINTMENT OF THE STANDBY GUARDIAN AND A DESCRIPTION OF THE  
21 NATURE, PURPOSE, AND CONSEQUENCES OF APPOINTMENT OF A STANDBY  
22 GUARDIAN.

23 (6) A PERSON ENTITLED TO NOTICE PURSUANT TO SUBSECTION (5)  
24 OF THIS SECTION, NOT LATER THAN SIXTY DAYS AFTER SERVICE OF THE  
25 PETITION AND STATEMENT, MAY OBJECT TO APPOINTMENT OF THE  
26 STANDBY GUARDIAN BY FILING AN OBJECTION WITH THE COURT AND  
27 GIVING NOTICE OF THE OBJECTION TO EACH OTHER PERSON ENTITLED TO

1 NOTICE PURSUANT TO SUBSECTION (5) OF THIS SECTION.

2 (7) IF AN OBJECTION IS FILED PURSUANT TO SUBSECTION (6) OF  
3 THIS SECTION, THE COURT SHALL HOLD A HEARING TO DETERMINE  
4 WHETHER A STANDBY GUARDIAN SHOULD BE APPOINTED AND, IF SO, THE  
5 PERSON WHO SHOULD BE APPOINTED. IF NO OBJECTION IS FILED, THE  
6 COURT MAY MAKE THE APPOINTMENT.

7 (8) THE COURT SHALL NOT GRANT A PETITION FOR A STANDBY  
8 GUARDIAN OF THE MINOR IF NOTICE SUBSTANTIALLY COMPLYING WITH  
9 SUBSECTION (5) OF THIS SECTION IS NOT SERVED ON:

10 (a) THE MINOR, IF THE MINOR IS TWELVE YEARS OF AGE OR OLDER;  
11 AND

12 (b) EACH PARENT OF THE MINOR, UNLESS THE COURT FINDS BY  
13 CLEAR-AND-CONVINCING EVIDENCE THAT THE PARENT, IN A RECORD,  
14 WAIVED THE RIGHT TO NOTICE OR CANNOT BE LOCATED AND SERVED WITH  
15 DUE DILIGENCE.

16 (9) IF A PETITIONER IS UNABLE TO SERVE NOTICE PURSUANT TO  
17 SUBSECTION (5) ON A PARENT OF THE MINOR OR ALLEGES THAT A PARENT  
18 OF THE MINOR WAIVED THE RIGHT TO NOTICE PURSUANT TO THIS SECTION,  
19 THE COURT SHALL APPOINT A VISITOR WHO SHALL:

20 (a) INTERVIEW THE PETITIONER AND THE MINOR;

21 (b) IF THE PETITIONER ALLEGES THE PARENT CANNOT BE LOCATED  
22 AND SERVED, ASCERTAIN WHETHER THE PARENT CANNOT BE LOCATED  
23 WITH DUE DILIGENCE; AND

24 (c) INVESTIGATE ANY OTHER MATTER RELATING TO THE PETITION  
25 THE COURT DIRECTS.

26 (10) IF THE COURT FINDS PURSUANT TO SUBSECTION (3) OF THIS  
27 SECTION THAT A STANDBY GUARDIAN SHOULD BE APPOINTED, THE

1 FOLLOWING RULES APPLY:

2 (a) THE COURT SHALL APPOINT THE PERSON NOMINATED PURSUANT  
3 TO SUBSECTION (2) OF THIS SECTION UNLESS THE COURT FINDS THE  
4 APPOINTMENT IS CONTRARY TO THE BEST INTEREST OF THE MINOR; AND

5 (b) IF THE PARENTS HAVE NOMINATED DIFFERENT PERSONS TO  
6 SERVE AS STANDBY GUARDIAN, THE COURT SHALL APPOINT THE NOMINEE  
7 WHOSE APPOINTMENT IS IN THE BEST INTEREST OF THE MINOR, UNLESS THE  
8 COURT FINDS THAT APPOINTMENT OF NONE OF THE NOMINEES IS IN THE  
9 BEST INTEREST OF THE MINOR.

10 (11) AN ORDER APPOINTING A STANDBY GUARDIAN PURSUANT TO  
11 THIS SECTION MUST STATE THAT EACH PARENT OF THE MINOR IS ENTITLED  
12 TO NOTICE, AND IDENTIFY ANY OTHER PERSON ENTITLED TO NOTICE, IF:

13 (a) THE STANDBY GUARDIAN ASSUMES THE DUTIES AND POWERS  
14 OF THE GUARDIAN;

15 (b) THE GUARDIAN DELEGATES CUSTODY OF THE MINOR;

16 (c) THE COURT MODIFIES OR LIMITS THE POWERS OF THE  
17 GUARDIAN; OR

18 (d) THE COURT REMOVES THE GUARDIAN.

19 (12) BEFORE ASSUMING THE DUTIES AND POWERS OF A GUARDIAN,  
20 A STANDBY GUARDIAN SHALL FILE WITH THE COURT AN ACCEPTANCE OF  
21 APPOINTMENT AS GUARDIAN AND GIVE NOTICE, PURSUANT TO SECTION  
22 15-10-401, OF THE ACCEPTANCE TO:

23 (a) EACH PARENT OF THE MINOR, UNLESS THE PARENT, IN A  
24 RECORD, WAIVED THE RIGHT TO NOTICE OR CANNOT BE LOCATED AND  
25 SERVED WITH DUE DILIGENCE;

26 (b) THE MINOR, IF THE MINOR IS TWELVE YEARS OF AGE OR OLDER;  
27 AND

1 (c) ANY PERSON, OTHER THAN THE PARENT, HAVING CARE OR  
2 CUSTODY OF THE MINOR.

3 (13) A PERSON THAT RECEIVES NOTICE PURSUANT TO SUBSECTION  
4 (12) OF THIS SECTION OR ANY OTHER PERSON INTERESTED IN THE WELFARE  
5 OF THE MINOR MAY FILE WITH THE COURT AN OBJECTION TO THE STANDBY  
6 GUARDIAN'S ASSUMPTION OF DUTIES AND POWERS OF A GUARDIAN. THE  
7 COURT SHALL HOLD A HEARING IF THE OBJECTION SUPPORTS A  
8 REASONABLE BELIEF THAT THE CONDITIONS FOR ASSUMPTION OF DUTIES  
9 AND POWERS HAVE NOT BEEN SATISFIED.

10 **15-14.7-208. Emergency guardian for minor.** (1) ON ITS OWN,  
11 OR ON PETITION BY A PERSON INTERESTED IN A MINOR'S WELFARE, THE  
12 COURT MAY APPOINT AN EMERGENCY GUARDIAN FOR THE MINOR IF THE  
13 COURT FINDS:

14 (a) APPOINTMENT OF AN EMERGENCY GUARDIAN IS LIKELY TO  
15 PREVENT SUBSTANTIAL HARM TO THE MINOR'S HEALTH, SAFETY, OR  
16 WELFARE; AND

17 (b) NO OTHER PERSON APPEARS TO HAVE AUTHORITY AND  
18 WILLINGNESS TO ACT IN THE CIRCUMSTANCES.

19 (2) THE DURATION OF AUTHORITY OF AN EMERGENCY GUARDIAN  
20 FOR A MINOR MUST NOT EXCEED SIXTY DAYS AND THE EMERGENCY  
21 GUARDIAN MAY EXERCISE ONLY THE POWERS SPECIFIED IN THE ORDER OF  
22 APPOINTMENT. THE EMERGENCY GUARDIAN'S AUTHORITY MAY BE  
23 EXTENDED ONCE FOR NOT MORE THAN SIXTY DAYS IF THE COURT FINDS  
24 THAT THE CONDITIONS FOR APPOINTMENT OF AN EMERGENCY GUARDIAN  
25 DESCRIBED IN SUBSECTION (1) OF THIS SECTION CONTINUE.

26 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS  
27 SECTION, REASONABLE NOTICE OF THE DATE, TIME, AND PLACE OF A

1 HEARING ON A PETITION FOR APPOINTMENT OF AN EMERGENCY GUARDIAN  
2 FOR A MINOR MUST BE GIVEN TO:

3 (a) THE MINOR, IF THE MINOR IS TWELVE YEARS OF AGE OR OLDER;

4 (b) ANY ATTORNEY APPOINTED PURSUANT TO SECTION  
5 15-14.7-204;

6 (c) EACH PARENT OF THE MINOR;

7 (d) ANY PERSON, OTHER THAN A PARENT, WHO HAS CARE OR  
8 CUSTODY OF THE MINOR; AND

9 (e) ANY OTHER PERSON THE COURT DETERMINES.

10 (4) THE COURT MAY APPOINT AN EMERGENCY GUARDIAN FOR A  
11 MINOR WITHOUT NOTICE PURSUANT TO SUBSECTION (3) OF THIS SECTION  
12 AND WITHOUT A HEARING ONLY IF THE COURT FINDS FROM AN AFFIDAVIT  
13 OR TESTIMONY THAT THE MINOR'S HEALTH, SAFETY, OR WELFARE WILL BE  
14 SUBSTANTIALLY HARMED BEFORE A HEARING WITH NOTICE ON THE  
15 APPOINTMENT CAN BE HELD. IF THE COURT APPOINTS AN EMERGENCY  
16 GUARDIAN WITHOUT NOTICE TO AN UNREPRESENTED MINOR OR THE  
17 ATTORNEY FOR A REPRESENTED MINOR, NOTICE OF THE APPOINTMENT  
18 MUST BE GIVEN NOT LATER THAN FORTY-EIGHT HOURS AFTER THE  
19 APPOINTMENT TO THE INDIVIDUALS LISTED IN SUBSECTION (3) OF THIS  
20 SECTION. NOT LATER THAN FIVE DAYS AFTER THE APPOINTMENT, THE  
21 COURT SHALL HOLD A HEARING ON THE APPROPRIATENESS OF THE  
22 APPOINTMENT.

23 (5) APPOINTMENT OF AN EMERGENCY GUARDIAN PURSUANT TO  
24 THIS SECTION, WITH OR WITHOUT NOTICE, IS NOT A DETERMINATION THAT  
25 A BASIS EXISTS FOR APPOINTMENT OF A GUARDIAN PURSUANT TO SECTION  
26 15-14.7-201.

27 (6) THE COURT MAY REMOVE AN EMERGENCY GUARDIAN

1 APPOINTED PURSUANT TO THIS SECTION AT ANY TIME. THE EMERGENCY  
2 GUARDIAN SHALL MAKE ANY REPORT THE COURT REQUIRES.

3 **15-14.7-209. Duties of guardian for minor.** (1) A GUARDIAN  
4 FOR A MINOR IS A FIDUCIARY. EXCEPT AS OTHERWISE LIMITED BY THE  
5 COURT, A GUARDIAN FOR A MINOR HAS THE DUTIES AND RESPONSIBILITIES  
6 OF A PARENT REGARDING THE MINOR'S SUPPORT, CARE, EDUCATION,  
7 HEALTH, SAFETY, AND WELFARE. A GUARDIAN SHALL ACT IN THE MINOR'S  
8 BEST INTEREST AND EXERCISE REASONABLE CARE, DILIGENCE, AND  
9 PRUDENCE.

10 (2) A GUARDIAN FOR A MINOR SHALL:

11 (a) BE PERSONALLY ACQUAINTED WITH THE MINOR AND MAINTAIN  
12 SUFFICIENT CONTACT WITH THE MINOR TO KNOW THE MINOR'S ABILITIES,  
13 LIMITATIONS, NEEDS, OPPORTUNITIES, AND PHYSICAL AND MENTAL  
14 HEALTH;

15 (b) TAKE REASONABLE CARE OF THE MINOR'S PERSONAL EFFECTS  
16 AND BRING A PROCEEDING FOR A CONSERVATORSHIP OR PROTECTIVE  
17 ARRANGEMENT INSTEAD OF CONSERVATORSHIP IF NECESSARY TO PROTECT  
18 OTHER PROPERTY OF THE MINOR;

19 (c) EXPEND FUNDS OF THE MINOR THAT HAVE BEEN RECEIVED BY  
20 THE GUARDIAN FOR THE MINOR'S CURRENT NEEDS FOR SUPPORT, CARE,  
21 EDUCATION, HEALTH, SAFETY, AND WELFARE;

22 (d) CONSERVE ANY FUNDS OF THE MINOR NOT EXPENDED  
23 PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION FOR THE MINOR'S  
24 FUTURE NEEDS, BUT IF A CONSERVATOR IS APPOINTED FOR THE MINOR, PAY  
25 THE FUNDS AT LEAST QUARTERLY TO THE CONSERVATOR TO BE  
26 CONSERVED FOR THE MINOR'S FUTURE NEEDS;

27 (e) REPORT THE CONDITION OF THE MINOR AND ACCOUNT FOR



1 FUNDS AND OTHER PROPERTY OF THE MINOR IN THE GUARDIAN'S  
2 POSSESSION OR SUBJECT TO THE GUARDIAN'S CONTROL, AS REQUIRED BY  
3 COURT RULE OR ORDERED BY THE COURT ON APPLICATION OF A PERSON  
4 INTERESTED IN THE MINOR'S WELFARE;

5 (f) INFORM THE COURT OF ANY CHANGE IN THE MINOR'S DWELLING  
6 OR ADDRESS; AND

7 (g) IN DETERMINING WHAT IS IN THE MINOR'S BEST INTEREST, TAKE  
8 INTO ACCOUNT THE MINOR'S PREFERENCES TO THE EXTENT ACTUALLY  
9 KNOWN OR REASONABLY ASCERTAINABLE BY THE GUARDIAN.

10 **15-14.7-210. Powers of guardian for minor.** (1) EXCEPT AS  
11 OTHERWISE LIMITED BY COURT ORDER, A GUARDIAN OF A MINOR HAS THE  
12 POWERS A PARENT OTHERWISE WOULD HAVE REGARDING THE MINOR'S  
13 SUPPORT, CARE, EDUCATION, HEALTH, SAFETY, AND WELFARE.

14 (2) EXCEPT AS OTHERWISE LIMITED BY COURT ORDER, A GUARDIAN  
15 FOR A MINOR MAY:

16 (a) APPLY FOR AND RECEIVE FUNDS AND BENEFITS OTHERWISE  
17 PAYABLE FOR THE SUPPORT OF THE MINOR TO THE MINOR'S PARENT,  
18 GUARDIAN, OR CUSTODIAN PURSUANT TO A STATUTORY SYSTEM OF  
19 BENEFITS OR INSURANCE OR ANY PRIVATE CONTRACT, DEVISE, TRUST,  
20 CONSERVATORSHIP, OR CUSTODIANSHIP;

21 (b) UNLESS INCONSISTENT WITH A COURT ORDER ENTITLED TO  
22 RECOGNITION IN THIS STATE, TAKE CUSTODY OF THE MINOR AND  
23 ESTABLISH THE MINOR'S PLACE OF DWELLING AND, ON AUTHORIZATION OF  
24 THE COURT, ESTABLISH OR MOVE THE MINOR'S DWELLING OUTSIDE THIS  
25 STATE;

26 (c) IF THE MINOR IS NOT SUBJECT TO CONSERVATORSHIP,  
27 COMMENCE A PROCEEDING, INCLUDING AN ADMINISTRATIVE PROCEEDING,

1 OR TAKE OTHER APPROPRIATE ACTION TO COMPEL A PERSON TO SUPPORT  
2 THE MINOR OR MAKE A PAYMENT FOR THE BENEFIT OF THE MINOR;

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

5 (e) TO THE EXTENT REASONABLE, DELEGATE TO THE MINOR  
6 RESPONSIBILITY FOR A DECISION AFFECTING THE MINOR'S WELL-BEING.

7 (3) THE COURT MAY AUTHORIZE A GUARDIAN FOR A MINOR TO  
8 CONSENT TO THE ADOPTION OF THE MINOR IF THE MINOR DOES NOT HAVE  
9 A PARENT.

10 (4) A GUARDIAN FOR A MINOR MAY CONSENT TO THE MARRIAGE OF  
11 THE MINOR IF AUTHORIZED BY THE COURT.

12 **15-14.7-211. Removal of guardian for minor; termination of**  
13 **guardianship - appointment of successor.** (1) GUARDIANSHIP  
14 PURSUANT TO THIS ARTICLE 14.7 FOR A MINOR TERMINATES:

15 (a) UPON THE MINOR'S DEATH, ADOPTION, EMANCIPATION, OR  
16 ATTAINMENT OF MAJORITY; OR

17 (b) WHEN THE COURT FINDS THAT THE STANDARD DESCRIBED IN  
18 SECTION 15-14.7-201 FOR APPOINTMENT OF A GUARDIAN IS NOT SATISFIED,  
19 UNLESS THE COURT FINDS THAT:

20 (I) TERMINATION OF THE GUARDIANSHIP WOULD BE HARMFUL TO  
21 THE MINOR; AND

22 (II) THE MINOR'S INTEREST IN THE CONTINUATION OF THE  
23 GUARDIANSHIP OUTWEIGHS THE INTEREST OF ANY PARENT OF THE MINOR  
24 IN RESTORATION OF THE PARENT'S RIGHT TO MAKE DECISIONS FOR THE  
25 MINOR.

26 (2) A MINOR SUBJECT TO GUARDIANSHIP OR A PERSON INTERESTED  
27 IN THE WELFARE OF THE MINOR MAY PETITION THE COURT TO TERMINATE

1 THE GUARDIANSHIP, MODIFY THE GUARDIANSHIP, REMOVE THE GUARDIAN  
2 AND APPOINT A SUCCESSOR GUARDIAN, OR REMOVE A STANDBY GUARDIAN  
3 AND APPOINT A DIFFERENT STANDBY GUARDIAN.

4 (3) A PETITIONER PURSUANT TO SUBSECTION (2) OF THIS SECTION  
5 SHALL GIVE NOTICE, PURSUANT TO SECTION 15-10-401, OF THE HEARING  
6 ON THE PETITION TO THE MINOR, IF THE MINOR IS TWELVE YEARS OF AGE  
7 OR OLDER AND IS NOT THE PETITIONER; THE GUARDIAN; EACH PARENT OF  
8 THE MINOR; AND ANY OTHER PERSON THE COURT DETERMINES.

9 (4) THE COURT SHALL FOLLOW THE PRIORITIES IN SECTION  
10 15-14.7-206 WHEN SELECTING A SUCCESSOR GUARDIAN FOR A MINOR.

11 (5) NO LATER THAN THIRTY DAYS AFTER APPOINTMENT OF A  
12 SUCCESSOR GUARDIAN FOR A MINOR, THE COURT SHALL GIVE NOTICE,  
13 PURSUANT TO SECTION 15-10-401, OF THE APPOINTMENT TO THE MINOR  
14 SUBJECT TO GUARDIANSHIP, IF THE MINOR IS TWELVE YEARS OF AGE OR  
15 OLDER; EACH PARENT OF THE MINOR; AND ANY OTHER PERSON THE COURT  
16 DETERMINES.

17 (6) WHEN TERMINATING A GUARDIANSHIP FOR A MINOR PURSUANT  
18 TO THIS SECTION, THE COURT MAY ISSUE AN ORDER PROVIDING FOR  
19 TRANSITIONAL ARRANGEMENTS THAT WILL ASSIST THE MINOR WITH A  
20 TRANSITION OF CUSTODY AND IS IN THE BEST INTEREST OF THE MINOR.

21 (7) A GUARDIAN FOR A MINOR WHO IS REMOVED SHALL  
22 COOPERATE WITH A SUCCESSOR GUARDIAN TO FACILITATE TRANSITION OF  
23 THE GUARDIAN'S RESPONSIBILITIES AND PROTECT THE BEST INTEREST OF  
24 THE MINOR.

25 PART 3

26 GUARDIANSHIP OF ADULT

27 **15-14.7-301. Basis for appointment of guardian for adult.**

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

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

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

10 (II) THE RESPONDENT'S IDENTIFIED NEEDS CANNOT BE MET BY A  
11 PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP OR OTHER LESS  
12 RESTRICTIVE ALTERNATIVE; OR

13 (b) WITH APPROPRIATE FINDINGS, TREAT THE PETITION AS ONE FOR  
14 A CONSERVATORSHIP PURSUANT TO PART 4 OF THIS ARTICLE 14.7 OR  
15 PROTECTIVE ARRANGEMENT PURSUANT TO PART 5 OF THIS ARTICLE 14.7,  
16 ISSUE ANY APPROPRIATE ORDER, OR DISMISS THE PROCEEDING.

17 (2) THE COURT SHALL GRANT A GUARDIAN APPOINTED PURSUANT  
18 TO SUBSECTION (1) OF THIS SECTION ONLY THOSE POWERS NECESSITATED  
19 BY THE DEMONSTRATED NEEDS AND LIMITATIONS OF THE RESPONDENT  
20 AND ISSUE ORDERS THAT WILL ENCOURAGE DEVELOPMENT OF THE  
21 RESPONDENT'S MAXIMUM SELF-DETERMINATION AND INDEPENDENCE. THE  
22 COURT MAY NOT ESTABLISH A FULL GUARDIANSHIP IF A LIMITED  
23 GUARDIANSHIP, PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP,  
24 OR OTHER LESS RESTRICTIVE ALTERNATIVES WOULD MEET THE NEEDS OF  
25 THE RESPONDENT.

26 **15-14.7-302. Petition for appointment of guardian for adult.**

27 (1) A PERSON INTERESTED IN AN ADULT'S WELFARE, INCLUDING THE

1 ADULT FOR WHOM THE ORDER IS SOUGHT, MAY PETITION FOR  
2 APPOINTMENT OF A GUARDIAN FOR THE ADULT.

3 (2) A PETITION PURSUANT TO SUBSECTION (1) OF THIS SECTION  
4 MUST STATE THE PETITIONER'S NAME; PRINCIPAL RESIDENCE; CURRENT  
5 STREET ADDRESS, IF DIFFERENT; RELATIONSHIP TO THE RESPONDENT;  
6 INTEREST IN THE APPOINTMENT; THE NAME AND ADDRESS OF ANY  
7 ATTORNEY REPRESENTING THE PETITIONER; AND, TO THE EXTENT KNOWN,  
8 THE FOLLOWING:

9 (a) THE RESPONDENT'S NAME; AGE; PRINCIPAL RESIDENCE;  
10 CURRENT STREET ADDRESS, IF DIFFERENT; AND, IF DIFFERENT, ADDRESS OF  
11 THE DWELLING IN WHICH IT IS PROPOSED THE RESPONDENT WILL RESIDE IF  
12 THE PETITION IS GRANTED;

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

14 (I) SPOUSE OR DOMESTIC PARTNER OR, IF THE RESPONDENT HAS  
15 NONE, AN ADULT WITH WHOM THE RESPONDENT HAS SHARED HOUSEHOLD  
16 RESPONSIBILITIES FOR MORE THAN SIX MONTHS IN THE TWELVE-MONTH  
17 PERIOD IMMEDIATELY BEFORE THE FILING OF THE PETITION;

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

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

24 (c) THE NAME AND CURRENT ADDRESS OF EACH OF THE  
25 FOLLOWING, IF APPLICABLE:

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

27 (II) ANY ATTORNEY CURRENTLY REPRESENTING THE RESPONDENT;

1 (III) ANY REPRESENTATIVE PAYEE APPOINTED BY THE SOCIAL  
2 SECURITY ADMINISTRATION FOR THE RESPONDENT;

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

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

7 (VI) ANY FIDUCIARY FOR THE RESPONDENT APPOINTED BY THE  
8 DEPARTMENT OF VETERANS AFFAIRS;

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

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

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

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

17 (XI) A PROPOSED GUARDIAN AND THE REASON THE PROPOSED  
18 GUARDIAN SHOULD BE SELECTED; AND

19 (XII) A MEMBER OF THE RESPONDENT'S SUPPORTIVE COMMUNITY.

20 (d) THE REASON A GUARDIANSHIP IS NECESSARY, INCLUDING A  
21 BRIEF DESCRIPTION OF:

22 (I) THE NATURE AND EXTENT OF THE RESPONDENT'S ALLEGED  
23 NEED;

24 (II) ANY PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP  
25 OR OTHER LESS RESTRICTIVE ALTERNATIVES FOR MEETING THE  
26 RESPONDENT'S ALLEGED NEED WHICH HAVE BEEN CONSIDERED OR  
27 IMPLEMENTED;

1 (III) IF NO PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP  
2 OR OTHER LESS RESTRICTIVE ALTERNATIVES HAVE BEEN CONSIDERED OR  
3 IMPLEMENTED, THE REASON THEY HAVE NOT BEEN CONSIDERED OR  
4 IMPLEMENTED; AND

5 (IV) THE REASON A PROTECTIVE ARRANGEMENT INSTEAD OF  
6 GUARDIANSHIP OR OTHER LESS RESTRICTIVE ALTERNATIVE IS INSUFFICIENT  
7 TO MEET THE RESPONDENT'S ALLEGED NEED;

8 (e) WHETHER THE PETITIONER SEEKS A LIMITED GUARDIANSHIP OR  
9 FULL GUARDIANSHIP;

10 (f) IF THE PETITIONER SEEKS A FULL GUARDIANSHIP, THE REASON  
11 A LIMITED GUARDIANSHIP OR PROTECTIVE ARRANGEMENT INSTEAD OF  
12 GUARDIANSHIP IS NOT APPROPRIATE;

13 (g) IF A LIMITED GUARDIANSHIP IS REQUESTED, THE POWERS TO BE  
14 GRANTED TO THE GUARDIAN;

15 (h) THE NAME AND CURRENT ADDRESS, IF KNOWN, OF ANY PERSON  
16 WITH WHOM THE PETITIONER SEEKS TO LIMIT THE RESPONDENT'S  
17 CONTACT;

18 (i) IF THE RESPONDENT HAS PROPERTY OTHER THAN PERSONAL  
19 EFFECTS, A GENERAL STATEMENT OF THE RESPONDENT'S PROPERTY, WITH  
20 AN ESTIMATE OF ITS VALUE, INCLUDING ANY INSURANCE OR PENSION, AND  
21 THE SOURCE AND AMOUNT OF OTHER ANTICIPATED INCOME OR RECEIPTS;  
22 AND

23 (j) WHETHER THE RESPONDENT NEEDS AN INTERPRETER,  
24 TRANSLATOR, OR OTHER FORM OF SUPPORT TO COMMUNICATE  
25 EFFECTIVELY WITH THE COURT OR UNDERSTAND COURT PROCEEDINGS.

26 **15-14.7-303. Notice of hearing for appointment of guardian**  
27 **for adult.** (1) ON FILING OF A PETITION PURSUANT TO SECTION

1 15-14.7-302 FOR APPOINTMENT OF A GUARDIAN FOR AN ADULT, THE  
2 COURT SHALL SET A DATE, TIME, AND PLACE FOR HEARING THE PETITION.

3 (2) A COPY OF A PETITION DESCRIBED IN SECTION 15-14.7-302 AND  
4 NOTICE OF A HEARING ON THE PETITION MUST BE SERVED PERSONALLY ON  
5 THE RESPONDENT. THE NOTICE MUST INFORM THE RESPONDENT OF THE  
6 RESPONDENT'S RIGHTS AT THE HEARING, INCLUDING THE RIGHT TO AN  
7 ATTORNEY AND TO ATTEND THE HEARING. THE NOTICE MUST INCLUDE A  
8 DESCRIPTION OF THE NATURE, PURPOSE, AND CONSEQUENCES OF  
9 GRANTING THE PETITION. THE COURT MAY NOT GRANT THE PETITION IF  
10 NOTICE SUBSTANTIALLY COMPLYING WITH THIS SUBSECTION (2) IS NOT  
11 SERVED ON THE RESPONDENT.

12 (3) IN A PROCEEDING ON A PETITION DESCRIBED IN SECTION  
13 15-14.7-302, THE NOTICE REQUIRED PURSUANT TO SUBSECTION (2) OF THIS  
14 SECTION MUST BE GIVEN TO THE PERSONS REQUIRED TO BE LISTED IN THE  
15 PETITION PURSUANT TO SECTION 15-14.7-302 (2)(a) TO (2)(c) AND ANY  
16 OTHER PERSON INTERESTED IN THE RESPONDENT'S WELFARE THE COURT  
17 DETERMINES. FAILURE TO GIVE NOTICE, PURSUANT TO SECTION 15-10-401,  
18 PURSUANT TO THIS SUBSECTION (3) DOES NOT PRECLUDE THE COURT FROM  
19 APPOINTING A GUARDIAN.

20 (4) IF A PETITION FILED PURSUANT TO SECTION 15-14.7-302 DOES  
21 NOT INCLUDE THE NAME OF AT LEAST ONE PERSON DESCRIBED IN SECTION  
22 15-14.7-302, THE PETITIONER MUST SEARCH WITH REASONABLE DILIGENCE  
23 FOR AN ADULT RELATIVE OF THE RESPONDENT AND, IF AN ADULT RELATIVE  
24 IS FOUND, GIVE THE ADULT RELATIVE NOTICE, IN ACCORDANCE WITH  
25 SECTION 15-10-401, THAT A PETITION FOR GUARDIANSHIP OF THE  
26 RESPONDENT HAS BEEN FILED AND GIVE NOTICE OF A HEARING ON THE  
27 PETITION. THE NOTICE SENT TO THE ADULT RELATIVE OF THE RESPONDENT



1 MUST NOT INCLUDE A COPY OF THE PETITION. FAILURE TO GIVE NOTICE  
2 PURSUANT TO THIS SUBSECTION (4) DOES NOT PRECLUDE THE COURT FROM  
3 APPOINTING A GUARDIAN.

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

- 7 (a) THE ADULT SUBJECT TO GUARDIANSHIP;  
8 (b) THE GUARDIAN; AND  
9 (c) ANY OTHER PERSON THE COURT DETERMINES.

10 **15-14.7-304. Appointment and role of visitor.** (1) ON RECEIPT  
11 OF A PETITION DESCRIBED IN SECTION 15-14.7-302 FOR APPOINTMENT OF  
12 A GUARDIAN FOR AN ADULT, THE COURT SHALL APPOINT A VISITOR. THE  
13 COURT SHALL DISCLOSE IN THE ORDER APPOINTING THE VISITOR THE  
14 SPECIFIC TRAINING OR EXPERIENCE THE VISITOR HAS WITH RESPECT TO THE  
15 TYPE OF ABILITIES, LIMITATIONS, AND NEEDS OF THE RESPONDENT  
16 ALLEGED IN THE PETITION AND THE BASIS FOR FEES TO BE PAID TO THE  
17 VISITOR.

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

21 (a) EXPLAIN TO THE RESPONDENT THE SUBSTANCE OF THE  
22 PETITION; THE NATURE, PURPOSE, AND EFFECT OF THE PROCEEDING; THE  
23 RESPONDENT'S RIGHTS AT THE HEARING ON THE PETITION; AND THE  
24 GENERAL POWERS AND DUTIES OF A GUARDIAN;

25 (b) DETERMINE THE RESPONDENT'S VIEWS ABOUT THE  
26 APPOINTMENT SOUGHT BY THE PETITIONER, INCLUDING VIEWS ABOUT A  
27 PROPOSED GUARDIAN, THE GUARDIAN'S PROPOSED POWERS AND DUTIES,

1 AND THE SCOPE AND DURATION OF THE PROPOSED GUARDIANSHIP;

2 (c) INFORM THE RESPONDENT OF THE RESPONDENT'S RIGHT TO  
3 EMPLOY AND CONSULT WITH AN ATTORNEY AT THE RESPONDENT'S  
4 EXPENSE AND THE RIGHT TO REQUEST A COURT-APPOINTED ATTORNEY;  
5 AND

6 (d) INFORM THE RESPONDENT THAT ALL COSTS AND EXPENSES OF  
7 THE PROCEEDING, INCLUDING RESPONDENT'S ATTORNEY FEES, MAY BE  
8 PAID FROM THE RESPONDENT'S ASSETS.

9 (3) THE VISITOR APPOINTED PURSUANT TO SUBSECTION (1) OF THIS  
10 SECTION SHALL:

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

12 (b) VISIT THE RESPONDENT'S PRESENT DWELLING AND ANY  
13 DWELLING IN WHICH IT IS REASONABLY BELIEVED THE RESPONDENT WILL  
14 LIVE IF THE APPOINTMENT IS MADE;

15 (c) OBTAIN INFORMATION FROM ANY PHYSICIAN OR OTHER PERSON  
16 KNOWN TO HAVE TREATED, ADVISED, OR ASSESSED THE RESPONDENT'S  
17 RELEVANT PHYSICAL OR MENTAL CONDITION; AND

18 (d) INVESTIGATE THE ALLEGATIONS IN THE PETITION AND ANY  
19 OTHER MATTER RELATING TO THE PETITION THE COURT DIRECTS.

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

23 (a) A RECOMMENDATION WHETHER AN ATTORNEY SHOULD BE  
24 APPOINTED TO REPRESENT THE RESPONDENT IF AN ATTORNEY HAS NOT  
25 ALREADY BEEN APPOINTED PURSUANT TO SECTION 15-14.7-305;

26 (b) A SUMMARY OF SELF-CARE AND INDEPENDENT-LIVING TASKS  
27 THE RESPONDENT CAN MANAGE WITHOUT ASSISTANCE OR WITH EXISTING

1 SUPPORTS; COULD MANAGE WITH THE ASSISTANCE OF APPROPRIATE  
2 SUPPORTIVE SERVICES, TECHNOLOGICAL ASSISTANCE, OR SUPPORTED  
3 DECISION-MAKING; AND CANNOT MANAGE;

4 (c) A RECOMMENDATION REGARDING THE APPROPRIATENESS OF  
5 GUARDIANSHIP, INCLUDING WHETHER A PROTECTIVE ARRANGEMENT  
6 INSTEAD OF GUARDIANSHIP OR OTHER LESS RESTRICTIVE ALTERNATIVE  
7 FOR MEETING THE RESPONDENT'S NEEDS IS AVAILABLE, AND:

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

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

12 (d) A STATEMENT OF THE QUALIFICATIONS OF THE PROPOSED  
13 GUARDIAN AND WHETHER THE RESPONDENT APPROVES OR DISAPPROVES  
14 OF THE PROPOSED GUARDIAN;

15 (e) A STATEMENT WHETHER THE PROPOSED DWELLING MEETS THE  
16 RESPONDENT'S NEEDS AND WHETHER THE RESPONDENT HAS EXPRESSED A  
17 PREFERENCE AS TO RESIDENCE;

18 (f) A RECOMMENDATION WHETHER A PROFESSIONAL EVALUATION  
19 PURSUANT TO SECTION 15-14.7-306 IS NECESSARY;

20 (g) A STATEMENT WHETHER THE RESPONDENT IS ABLE TO ATTEND  
21 A HEARING AT THE LOCATION COURT PROCEEDINGS TYPICALLY ARE HELD;

22 (h) A STATEMENT WHETHER THE RESPONDENT IS ABLE TO  
23 PARTICIPATE IN A HEARING AND WHICH IDENTIFIES ANY TECHNOLOGY OR  
24 OTHER FORM OF SUPPORT THAT WOULD ENHANCE THE RESPONDENT'S  
25 ABILITY TO PARTICIPATE; AND

26 (i) ANY OTHER MATTER THE COURT DIRECTS.

27 **15-14.7-305. Appointment and role of attorney for adult.**

1 (1) THE COURT SHALL APPOINT AN ATTORNEY TO REPRESENT THE  
2 RESPONDENT IN A PROCEEDING FOR APPOINTMENT OF A GUARDIAN FOR AN  
3 ADULT IF:

- 4 (a) THE RESPONDENT REQUESTS AN APPOINTMENT;
- 5 (b) THE VISITOR RECOMMENDS AN APPOINTMENT; OR
- 6 (c) THE COURT DETERMINES THE RESPONDENT NEEDS  
7 REPRESENTATION.

8 (2) AN ATTORNEY REPRESENTING THE RESPONDENT IN A  
9 PROCEEDING FOR APPOINTMENT OF A GUARDIAN FOR AN ADULT SHALL:

- 10 (a) MAKE REASONABLE EFFORTS TO ASCERTAIN THE RESPONDENT'S  
11 WISHES;
- 12 (b) ADVOCATE FOR THE RESPONDENT'S WISHES TO THE EXTENT  
13 REASONABLY ASCERTAINABLE; AND
- 14 (c) IF THE RESPONDENT'S WISHES ARE NOT REASONABLY  
15 ASCERTAINABLE, ADVOCATE FOR THE RESULT THAT IS THE LEAST  
16 RESTRICTIVE IN TYPE, DURATION, AND SCOPE, CONSISTENT WITH THE  
17 RESPONDENT'S INTERESTS.

18 **15-14.7-306. Professional evaluation.** (1) AT OR BEFORE A  
19 HEARING ON A PETITION FOR A GUARDIANSHIP FOR AN ADULT, THE COURT  
20 SHALL ORDER A PROFESSIONAL EVALUATION OF THE RESPONDENT:

- 21 (a) IF THE RESPONDENT REQUESTS THE EVALUATION; OR
- 22 (b) IF THE COURT FINDS THAT ADDITIONAL INFORMATION MAY  
23 ASSIST THE COURT IN DETERMINING THE RESPONDENT'S NEEDS AND  
24 ABILITIES.

25 (2) IF THE COURT ORDERS AN EVALUATION PURSUANT TO  
26 SUBSECTION (1) OF THIS SECTION, THE RESPONDENT MUST BE EXAMINED  
27 BY A LICENSED PHYSICIAN, PSYCHOLOGIST, SOCIAL WORKER, OR OTHER

1 INDIVIDUAL APPOINTED BY THE COURT WHO IS QUALIFIED TO EVALUATE  
2 THE RESPONDENT'S ALLEGED COGNITIVE AND FUNCTIONAL ABILITIES AND  
3 LIMITATIONS AND WILL NOT BE ADVANTAGED OR DISADVANTAGED BY A  
4 DECISION TO GRANT THE PETITION OR OTHERWISE HAVE A CONFLICT OF  
5 INTEREST. THE INDIVIDUAL CONDUCTING THE EVALUATION PROMPTLY  
6 SHALL FILE REPORT IN A RECORD WITH THE COURT. UNLESS OTHERWISE  
7 DIRECTED BY THE COURT, THE REPORT MUST CONTAIN:

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

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

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

15 (d) THE DATE OF THE EXAMINATION ON WHICH THE REPORT IS  
16 BASED.

17 (3) THE RESPONDENT MAY DECLINE TO PARTICIPATE IN AN  
18 EVALUATION ORDERED PURSUANT TO SUBSECTION (1) OF THIS SECTION.

19 **15-14.7-307. Attendance and rights at hearing.** (1) EXCEPT AS  
20 OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, A HEARING  
21 PURSUANT TO SECTION 15-14.7-303 MAY NOT PROCEED UNLESS THE  
22 RESPONDENT ATTENDS THE HEARING. IF IT IS NOT REASONABLY FEASIBLE  
23 FOR THE RESPONDENT TO ATTEND A HEARING AT THE LOCATION COURT  
24 PROCEEDINGS TYPICALLY ARE HELD, THE COURT SHALL               HOLD A  
25 HEARING USING REAL-TIME AUDIO-VISUAL TECHNOLOGY, OR AT THE  
26 COURT'S DISCRETION, HOLD THE HEARING AT AN ALTERNATIVE LOCATION  
27 WHERE THE RESPONDENT CAN ATTEND USING REAL-TIME AUDIO-VISUAL

1 TECHNOLOGY.

2 (2) A HEARING PURSUANT TO SECTION 15-14.7-303 MAY PROCEED  
3 WITHOUT THE RESPONDENT IN ATTENDANCE IF THE COURT FINDS BY CLEAR  
4 AND CONVINCING EVIDENCE THAT:

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

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

11 (3) THE RESPONDENT MAY BE ASSISTED IN A HEARING PURSUANT  
12 TO SECTION 15-14.7-303 BY A PERSON OR PERSONS OF THE RESPONDENT'S  
13 CHOOSING, ASSISTIVE TECHNOLOGY, OR AN INTERPRETER OR TRANSLATOR,  
14 OR A COMBINATION OF THESE SUPPORTS. IF ASSISTANCE WOULD  
15 FACILITATE THE RESPONDENT'S PARTICIPATION IN THE HEARING BUT IS NOT  
16 OTHERWISE AVAILABLE TO THE RESPONDENT, THE COURT SHALL MAKE  
17 REASONABLE EFFORTS TO PROVIDE IT.

18 (4) THE RESPONDENT HAS A RIGHT TO CHOOSE AN ATTORNEY TO  
19 REPRESENT THE RESPONDENT AT A HEARING PURSUANT TO SECTION  
20 15-14.7-303.

21 (5) AT A HEARING HELD PURSUANT TO SECTION 15-14.7.5-303, THE  
22 RESPONDENT MAY:

23 (a) PRESENT EVIDENCE AND SUBPOENA WITNESSES AND  
24 DOCUMENTS;

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

27 (c) OTHERWISE PARTICIPATE IN THE HEARING.

1 (6) UNLESS EXCUSED BY THE COURT FOR GOOD CAUSE, A  
2 PROPOSED GUARDIAN SHALL ATTEND A HEARING HELD PURSUANT TO  
3 SECTION 15-14.7-303.

4 (7) A HEARING HELD PURSUANT TO SECTION 15-14.7-303 MUST BE  
5 CLOSED ON REQUEST OF THE RESPONDENT OR A SHOWING OF GOOD CAUSE.

6 (8) ANY PERSON MAY REQUEST TO PARTICIPATE IN A HEARING  
7 HELD PURSUANT TO SECTION 15-14.7-303. THE COURT MAY GRANT THE  
8 REQUEST, WITH OR WITHOUT A HEARING, ON DETERMINING THAT THE BEST  
9 INTEREST OF THE RESPONDENT WILL BE SERVED. THE COURT SHALL  
10 CONSIDER THE PREFERENCES AND OPINIONS OF THE RESPONDENT PRIOR TO  
11 GRANTING A REQUEST TO PARTICIPATE IN THE HEARING. THE COURT MAY  
12 IMPOSE APPROPRIATE CONDITIONS ON THE PERSON'S PARTICIPATION.

13 **15-14.7-308. Confidentiality of records.** THE COURT SHALL  
14 COMPLY WITH THE ADMINISTRATIVE RULES PROMULGATED BY THE  
15 JUDICIAL DEPARTMENT CONCERNING THE CONFIDENTIALITY OF COURT  
16 RECORDS.

17 **15-14.7-309. Who may be guardian for adult - order of**  
18 **priority.** (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS  
19 SECTION, THE COURT, IN APPOINTING A GUARDIAN FOR AN ADULT, SHALL  
20 CONSIDER PERSONS QUALIFIED TO BE GUARDIAN IN THE FOLLOWING ORDER  
21 OF PRIORITY:

22 (a) A GUARDIAN, OTHER THAN A TEMPORARY OR EMERGENCY  
23 GUARDIAN, CURRENTLY ACTING FOR THE RESPONDENT IN ANOTHER  
24 JURISDICTION;

25 (b) A PERSON NOMINATED AS GUARDIAN BY THE RESPONDENT,  
26 INCLUDING THE RESPONDENT'S MOST RECENT NOMINATION MADE IN A  
27 POWER OF ATTORNEY;

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

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

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

6 (2) IF TWO OR MORE PERSONS HAVE EQUAL PRIORITY PURSUANT TO  
7 SUBSECTION (1) OF THIS SECTION, THE COURT SHALL SELECT AS GUARDIAN  
8 THE PERSON THE COURT CONSIDERS BEST QUALIFIED. IN DETERMINING THE  
9 BEST QUALIFIED PERSON, THE COURT SHALL CONSIDER THE PERSON'S  
10 RELATIONSHIP WITH THE RESPONDENT, THE PERSON'S SKILLS, THE  
11 EXPRESSED WISHES OF THE RESPONDENT, THE EXTENT TO WHICH THE  
12 PERSON AND THE RESPONDENT HAVE SIMILAR VALUES AND PREFERENCES,  
13 AND THE LIKELIHOOD THE PERSON WILL BE ABLE TO PERFORM THE DUTIES  
14 OF A GUARDIAN SUCCESSFULLY.

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

19 (4) UNLESS THE PERSON HAS PRIORITY TO SERVE PURSUANT TO  
20 SUBSECTION (1) OF THIS SECTION, A PERSON WHO PROVIDES PAID SERVICES  
21 TO THE RESPONDENT, OR AN INDIVIDUAL WHO IS EMPLOYED BY A PERSON  
22 WHO PROVIDES PAID SERVICES TO THE RESPONDENT OR IS THE SPOUSE,  
23 DOMESTIC PARTNER, PARENT, OR CHILD OF AN INDIVIDUAL WHO PROVIDES  
24 OR IS EMPLOYED TO PROVIDE PAID SERVICES TO THE RESPONDENT, MAY  
25 NOT BE APPOINTED AS GUARDIAN UNLESS:

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



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

4 (5) AN OWNER, OPERATOR, OR EMPLOYEE OF A LONG-TERM CARE  
5 FACILITY AT WHICH THE RESPONDENT IS RECEIVING CARE MAY NOT BE  
6 APPOINTED AS GUARDIAN UNLESS THE OWNER, OPERATOR, OR EMPLOYEE  
7 IS RELATED TO THE RESPONDENT BY BLOOD, MARRIAGE, OR ADOPTION.

8 **15-14.7-310. Order of appointment for guardian.** (1) A COURT  
9 ORDER APPOINTING A GUARDIAN FOR AN ADULT MUST:

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 PROTECTIVE ARRANGEMENT INSTEAD OF  
13 GUARDIANSHIP OR OTHER LESS RESTRICTIVE ALTERNATIVE, INCLUDING  
14 USE OF APPROPRIATE SUPPORTIVE SERVICES, TECHNOLOGICAL ASSISTANCE,  
15 OR SUPPORTED DECISION-MAKING;

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

19 (c) STATE WHETHER THE ADULT SUBJECT TO GUARDIANSHIP  
20 RETAINS THE RIGHT TO VOTE AND, IF THE ADULT DOES NOT RETAIN THE  
21 RIGHT TO VOTE, INCLUDE FINDINGS THAT SUPPORT REMOVING THAT RIGHT,  
22 WHICH MUST INCLUDE A FINDING THAT THE ADULT CANNOT  
23 COMMUNICATE, WITH OR WITHOUT SUPPORT, A SPECIFIC DESIRE TO  
24 PARTICIPATE IN THE VOTING PROCESS; AND

25 (d) STATE WHETHER THE ADULT SUBJECT TO GUARDIANSHIP  
26 RETAINS THE RIGHT TO MARRY AND, IF THE ADULT DOES NOT RETAIN THE  
27 RIGHT TO MARRY, INCLUDE FINDINGS THAT SUPPORT REMOVING THAT

1 RIGHT.

2 (2) AN ADULT SUBJECT TO GUARDIANSHIP RETAINS THE RIGHT TO  
3 VOTE UNLESS THE ORDER DESCRIBED IN SUBSECTION (1) OF THIS SECTION  
4 INCLUDES THE STATEMENT REQUIRED BY SUBSECTION (1)(c) OF THIS  
5 SECTION. AN ADULT SUBJECT TO GUARDIANSHIP RETAINS THE RIGHT TO  
6 MARRY UNLESS THE ORDER DESCRIBED IN SUBSECTION (1) OF THIS SECTION  
7 INCLUDES THE FINDINGS REQUIRED BY SUBSECTION (1)(d) OF THIS  
8 SECTION.

9 (3) A COURT ORDER ESTABLISHING A FULL GUARDIANSHIP FOR AN  
10 ADULT MUST STATE THE BASIS FOR GRANTING A FULL GUARDIANSHIP AND  
11 INCLUDE SPECIFIC FINDINGS THAT SUPPORT THE CONCLUSION THAT A  
12 LIMITED GUARDIANSHIP WOULD NOT MEET THE FUNCTIONAL NEEDS OF THE  
13 ADULT SUBJECT TO GUARDIANSHIP.

14 (4) A COURT ORDER ESTABLISHING A LIMITED GUARDIANSHIP FOR  
15 AN ADULT MUST STATE THE SPECIFIC POWERS GRANTED TO THE GUARDIAN.

16 (5) THE COURT, AS PART OF AN ORDER ESTABLISHING A  
17 GUARDIANSHIP FOR AN ADULT, SHALL IDENTIFY ANY PERSON THAT  
18 SUBSEQUENTLY IS ENTITLED TO:

19 (a) NOTICE OF THE RIGHTS OF THE ADULT PURSUANT TO SECTION  
20 15-14.7-311 (2);

21 (b) NOTICE OF A CHANGE IN THE PRIMARY DWELLING OF THE  
22 ADULT;

23 (c) NOTICE THAT THE GUARDIAN HAS DELEGATED:

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

25 (II) THE POWER TO MAKE DECISIONS ABOUT WHERE THE ADULT  
26 LIVES;

27 (III) THE POWER TO MAKE MAJOR MEDICAL DECISIONS ON BEHALF

1 OF THE ADULT;

2 (IV) THE POWER THAT REQUIRES COURT APPROVAL PURSUANT TO  
3 SECTION 15-14.7-315; OR

4 (V) SUBSTANTIALLY ALL POWERS OF THE GUARDIAN;

5 (d) NOTICE THAT THE GUARDIAN WILL BE UNAVAILABLE TO VISIT  
6 THE ADULT FOR MORE THAN TWO MONTHS OR UNAVAILABLE TO PERFORM  
7 THE GUARDIAN'S DUTIES FOR MORE THAN ONE MONTH;

8 (e) A COPY OF THE GUARDIAN'S PLAN DESCRIBED IN SECTION  
9 15-14.7-316 AND THE GUARDIAN'S REPORT DESCRIBED IN SECTION  
10 15-14.7-317;

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

12 (g) NOTICE OF THE DEATH OR SIGNIFICANT CHANGE IN THE  
13 CONDITION OF THE ADULT;

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

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

17 (6) A SPOUSE, DOMESTIC PARTNER, AND ADULT CHILDREN OF AN  
18 ADULT SUBJECT TO GUARDIANSHIP ARE ENTITLED TO NOTICE PURSUANT TO  
19 SUBSECTION (5) OF THIS SECTION UNLESS THE COURT DETERMINES NOTICE  
20 WOULD BE CONTRARY TO THE PREFERENCES OR PRIOR DIRECTIONS OF THE  
21 ADULT SUBJECT TO GUARDIANSHIP OR NOT IN THE BEST INTEREST OF THE  
22 ADULT.

23 **15-14.7-311. Notice of order of appointment - rights.** (1) A  
24 GUARDIAN APPOINTED PURSUANT TO SECTION 15-14.7-309 SHALL GIVE  
25 THE ADULT SUBJECT TO GUARDIANSHIP AND ALL OTHER PERSONS GIVEN  
26 NOTICE PURSUANT TO SECTION 15-14.7-303 A COPY OF THE ORDER OF  
27 APPOINTMENT, TOGETHER WITH NOTICE OF THE RIGHT TO REQUEST

1 TERMINATION OR MODIFICATION. THE ORDER AND NOTICE MUST BE GIVEN  
2 NOT LATER THAN FOURTEEN DAYS AFTER THE APPOINTMENT.

3 (2) NOT LATER THAN THIRTY DAYS AFTER APPOINTMENT OF A  
4 GUARDIAN PURSUANT TO SECTION 15-14.7-309, THE COURT SHALL GIVE TO  
5 THE ADULT SUBJECT TO GUARDIANSHIP, THE GUARDIAN, AND ANY OTHER  
6 PERSON ENTITLED TO NOTICE PURSUANT TO SECTION 15-14.7-310 (5) OR  
7 A SUBSEQUENT ORDER A STATEMENT OF THE RIGHTS OF THE ADULT  
8 SUBJECT TO GUARDIANSHIP AND PROCEDURES TO SEEK RELIEF IF THE  
9 ADULT IS DENIED THOSE RIGHTS. THE STATEMENT MUST BE IN AT LEAST  
10 SIXTEEN-POINT FONT, IN PLAIN LANGUAGE, AND, TO THE EXTENT FEASIBLE,  
11 IN A LANGUAGE IN WHICH THE ADULT SUBJECT TO GUARDIANSHIP IS  
12 PROFICIENT. THE STATEMENT MUST NOTIFY THE ADULT SUBJECT TO  
13 GUARDIANSHIP OF THE RIGHT TO:

14 (a) SEEK TERMINATION OR MODIFICATION OF THE GUARDIANSHIP,  
15 OR REMOVAL OF THE GUARDIAN, AND CHOOSE AN ATTORNEY TO  
16 REPRESENT THE ADULT IN THESE MATTERS;

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

20 (c) BE INVOLVED IN HEALTH-CARE DECISION-MAKING TO THE  
21 EXTENT REASONABLY FEASIBLE AND SUPPORTED IN UNDERSTANDING THE  
22 RISKS AND BENEFITS OF HEALTH-CARE OPTIONS TO THE EXTENT  
23 REASONABLY FEASIBLE;

24 (d) BE NOTIFIED AT LEAST FOURTEEN DAYS BEFORE A CHANGE IN  
25 THE ADULT'S PRIMARY DWELLING OR PERMANENT MOVE TO A NURSING  
26 HOME, MENTAL HEALTH INSTITUTION, OR OTHER FACILITY THAT PLACES  
27 RESTRICTIONS ON THE INDIVIDUAL'S ABILITY TO LEAVE OR HAVE VISITORS,

1 UNLESS THE CHANGE OR MOVE IS PROPOSED IN THE GUARDIAN'S PLAN  
2 PURSUANT TO SECTION 15-14.7-316 OR AUTHORIZED BY THE COURT BY  
3 SPECIFIC ORDER;

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

6 (f) COMMUNICATE, VISIT, OR INTERACT WITH OTHERS, INCLUDING  
7 RECEIVING VISITORS AND MAKING OR RECEIVING TELEPHONE CALLS,  
8 PERSONAL MAIL, OR ELECTRONIC COMMUNICATIONS, INCLUDING THROUGH  
9 SOCIAL MEDIA, UNLESS:

10 (I) THE GUARDIAN HAS BEEN AUTHORIZED BY THE COURT BY  
11 SPECIFIC ORDER TO RESTRICT COMMUNICATIONS, VISITS, OR  
12 INTERACTIONS;

13 (II) PROTECTIVE ORDER OR PROTECTIVE ARRANGEMENT INSTEAD  
14 OF GUARDIANSHIP IS IN EFFECT THAT LIMITS CONTACT BETWEEN THE  
15 ADULT AND A PERSON; OR

16 (III) THE GUARDIAN HAS GOOD CAUSE TO BELIEVE RESTRICTION IS  
17 NECESSARY BECAUSE INTERACTION WITH A SPECIFIED PERSON POSES A  
18 RISK OF SIGNIFICANT PHYSICAL, PSYCHOLOGICAL, OR FINANCIAL HARM TO  
19 THE ADULT, AND THE RESTRICTION IS:

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

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

26 (g) RECEIVE A COPY OF THE GUARDIAN'S PLAN DESCRIBED IN  
27 SECTION 15-14.7-316 AND THE GUARDIAN'S REPORT DESCRIBED IN SECTION

1 15-14.7-317; AND

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

3 **15-14.7-312. Emergency guardian for adult.** (1) ON ITS OWN  
4 AFTER A PETITION HAS BEEN FILED PURSUANT TO SECTION 15-14.7-302, OR  
5 ON PETITION BY A PERSON INTERESTED IN AN ADULT'S WELFARE, THE  
6 COURT MAY APPOINT AN EMERGENCY GUARDIAN FOR THE ADULT IF THE  
7 COURT FINDS:

8 (a) APPOINTMENT OF AN EMERGENCY GUARDIAN IS LIKELY TO  
9 PREVENT SUBSTANTIAL HARM TO THE ADULT'S   HEALTH, SAFETY, OR  
10 WELFARE;

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

13 (c) THERE IS REASON TO BELIEVE THAT A BASIS FOR APPOINTMENT  
14 OF A GUARDIAN PURSUANT TO SECTION 15-14.7-301 EXISTS.

15 (2) THE DURATION OF AUTHORITY OF AN EMERGENCY GUARDIAN  
16 FOR AN ADULT MAY NOT EXCEED SIXTY DAYS, AND THE EMERGENCY  
17 GUARDIAN MAY EXERCISE ONLY THE POWERS SPECIFIED IN THE ORDER OF  
18 APPOINTMENT. THE EMERGENCY GUARDIAN'S AUTHORITY MAY BE  
19 EXTENDED ONCE FOR NOT MORE THAN SIXTY DAYS IF THE COURT FINDS  
20 THAT THE CONDITIONS FOR APPOINTMENT OF AN EMERGENCY GUARDIAN  
21 DESCRIBED IN SUBSECTION (1) OF THIS SECTION CONTINUE.

22 (3) IMMEDIATELY ON FILING OF A PETITION FOR APPOINTMENT OF  
23 AN EMERGENCY GUARDIAN FOR AN ADULT, THE COURT SHALL APPOINT AN  
24 ATTORNEY TO REPRESENT THE RESPONDENT IN THE PROCEEDING. EXCEPT  
25 AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION,  
26 REASONABLE NOTICE OF THE DATE, TIME, AND PLACE OF A HEARING ON  
27 THE PETITION MUST BE GIVEN TO THE RESPONDENT, THE RESPONDENT'S

1 ATTORNEY, AND ANY OTHER PERSON THE COURT DETERMINES.

2 (4) THE COURT MAY APPOINT AN EMERGENCY GUARDIAN FOR AN  
3 ADULT WITHOUT NOTICE TO THE ADULT AND ANY ATTORNEY FOR THE  
4 ADULT ONLY IF THE COURT FINDS FROM AN AFFIDAVIT OR TESTIMONY  
5 THAT THE RESPONDENT'S \_\_\_\_\_ HEALTH, SAFETY, OR WELFARE MAY BE  
6 SUBSTANTIALLY HARMED BEFORE A HEARING WITH NOTICE ON THE  
7 APPOINTMENT CAN BE HELD. IF THE COURT APPOINTS AN EMERGENCY  
8 GUARDIAN WITHOUT REASONABLE NOTICE TO THE RESPONDENT OR THE  
9 RESPONDENT'S ATTORNEY AND THE RESPONDENT IS NOT PRESENT AT THE  
10 HEARING, THE COURT MUST:

11 (a) PERSONALLY SERVE NOTICE OF THE APPOINTMENT NOT LATER  
12 THAN FORTY-EIGHT HOURS AFTER THE APPOINTMENT TO:

13 (I) THE RESPONDENT;

14 (II) THE RESPONDENT'S ATTORNEY; AND

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

16 (b) HOLD A HEARING ON THE APPROPRIATENESS OF THE  
17 APPOINTMENT NOT LATER THAN SEVEN DAYS AFTER THE APPOINTMENT  
18 UPON THE REQUEST OF THE RESPONDENT, THE RESPONDENT'S ATTORNEY,  
19 A MEMBER OF THE RESPONDENT'S SUPPORTIVE COMMUNITY, OR A PERSON  
20 INTERESTED IN THE WELFARE OF AN INDIVIDUAL SUBJECT TO  
21 GUARDIANSHIP OR CONSERVATORSHIP.

22 (5) APPOINTMENT OF AN EMERGENCY GUARDIAN PURSUANT TO  
23 THIS SECTION IS NOT A DETERMINATION THAT A BASIS EXISTS FOR  
24 APPOINTMENT OF A GUARDIAN PURSUANT TO SECTION 15-14.7-301.

25 (6) THE COURT MAY TERMINATE THE APPOINTMENT OF AN  
26 EMERGENCY GUARDIAN APPOINTED PURSUANT TO THIS SECTION AT ANY  
27 TIME. THE EMERGENCY GUARDIAN SHALL MAKE ANY REPORT THE COURT

1 REQUIRES.

2           **15-14.7-313. Duties of guardian for adult.** (1) A GUARDIAN FOR  
3 AN ADULT IS A FIDUCIARY. EXCEPT AS OTHERWISE LIMITED BY THE COURT,  
4 A GUARDIAN FOR AN ADULT SHALL MAKE DECISIONS REGARDING THE  
5 SUPPORT, CARE, EDUCATION, HEALTH, AND WELFARE OF THE ADULT  
6 SUBJECT TO GUARDIANSHIP TO THE EXTENT NECESSITATED BY THE  
7 ADULT'S LIMITATIONS.

8           (2) A GUARDIAN FOR AN ADULT SHALL PROMOTE THE  
9 SELF-DETERMINATION OF THE ADULT AND, TO THE EXTENT REASONABLY  
10 FEASIBLE, ENCOURAGE THE ADULT TO PARTICIPATE IN DECISIONS, ACT ON  
11 THE ADULT'S OWN BEHALF, AND DEVELOP OR REGAIN THE CAPACITY TO  
12 MANAGE THE ADULT'S PERSONAL AFFAIRS. IN FURTHERANCE OF THIS DUTY,  
13 THE GUARDIAN SHALL:

14           (a) BECOME OR REMAIN PERSONALLY ACQUAINTED WITH THE  
15 ADULT AND MAINTAIN SUFFICIENT CONTACT WITH THE ADULT, INCLUDING  
16 THROUGH REGULAR VISITATION, TO KNOW THE ADULT'S ABILITIES,  
17 LIMITATIONS, NEEDS, OPPORTUNITIES, AND PHYSICAL AND MENTAL  
18 HEALTH;

19           (b) TO THE EXTENT REASONABLY FEASIBLE, IDENTIFY THE VALUES  
20 AND PREFERENCES OF THE ADULT AND INVOLVE THE ADULT IN DECISIONS  
21 AFFECTING THE ADULT, INCLUDING DECISIONS ABOUT THE ADULT'S CARE,  
22 DWELLING, ACTIVITIES, OR SOCIAL INTERACTIONS; AND

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

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



1 THE GUARDIAN SHALL:

2 (a) TAKE REASONABLE CARE OF THE PERSONAL EFFECTS, PETS, AND  
3 SERVICE OR SUPPORT ANIMALS OF THE ADULT AND BRING A PROCEEDING  
4 FOR A CONSERVATORSHIP OR PROTECTIVE ARRANGEMENT INSTEAD OF  
5 CONSERVATORSHIP IF NECESSARY TO PROTECT THE ADULT'S PROPERTY;

6 (b) EXPEND FUNDS AND OTHER PROPERTY OF THE ADULT RECEIVED  
7 BY THE GUARDIAN FOR THE ADULT'S CURRENT NEEDS FOR SUPPORT, CARE,  
8 EDUCATION, HEALTH, AND WELFARE;

9 (c) CONSERVE ANY FUNDS AND OTHER PROPERTY OF THE ADULT  
10 NOT EXPENDED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION FOR THE  
11 ADULT'S FUTURE NEEDS, BUT IF A CONSERVATOR HAS BEEN APPOINTED FOR  
12 THE ADULT, PAY THE FUNDS AND OTHER PROPERTY AT LEAST QUARTERLY  
13 TO THE CONSERVATOR TO BE CONSERVED FOR THE ADULT'S FUTURE  
14 NEEDS; AND

15 (d) MONITOR THE QUALITY OF SERVICES, INCLUDING LONG-TERM  
16 CARE SERVICES, PROVIDED TO THE ADULT.

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

27 (5) IF A GUARDIAN FOR AN ADULT CANNOT MAKE A DECISION

1 PURSUANT TO SUBSECTION (4) OF THIS SECTION BECAUSE THE GUARDIAN  
2 DOES NOT KNOW AND CANNOT REASONABLY DETERMINE THE DECISION  
3 THE ADULT PROBABLY WOULD MAKE IF ABLE, OR THE GUARDIAN  
4 REASONABLY BELIEVES THE DECISION THE ADULT WOULD MAKE WOULD  
5 UNREASONABLY HARM OR ENDANGER THE WELFARE OR PERSONAL OR  
6 FINANCIAL INTERESTS OF THE ADULT, THE GUARDIAN SHALL ACT IN  
7 ACCORDANCE WITH THE BEST INTEREST OF THE ADULT. IN DETERMINING  
8 THE BEST INTEREST OF THE ADULT, THE GUARDIAN SHALL CONSIDER:

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

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

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

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

19 **15-14.7-314. Powers of guardian for adult.** (1) EXCEPT AS  
20 LIMITED BY COURT ORDER, A GUARDIAN FOR AN 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;

27 (c) CONSENT TO HEALTH OR OTHER CARE, TREATMENT, OR SERVICE

1 FOR THE ADULT;

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

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

8 AND

9 (f) RECEIVE PERSONALLY IDENTIFIABLE HEALTH-CARE  
10 INFORMATION REGARDING THE ADULT.

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

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

15 (a) CONSENT OR WITHHOLD CONSENT TO THE MARRIAGE OF THE  
16 ADULT IF THE ADULT'S RIGHT TO MARRY HAS BEEN REMOVED PURSUANT  
17 TO SECTION 15-14.7-310;

18 (b) PETITION FOR DIVORCE, DISSOLUTION, OR ANNULMENT OF  
19 MARRIAGE OF THE ADULT OR A DECLARATION OF INVALIDITY OF THE  
20 ADULT'S MARRIAGE; OR

21 (c) SUPPORT OR OPPOSE A PETITION FOR DIVORCE, DISSOLUTION,  
22 OR ANNULMENT OF MARRIAGE OF THE ADULT OR A DECLARATION OF  
23 INVALIDITY OF THE ADULT'S MARRIAGE.

24 (4) IN DETERMINING WHETHER TO AUTHORIZE A POWER PURSUANT  
25 TO SUBSECTION (2) OR (3) OF THIS SECTION, THE COURT SHALL CONSIDER  
26 WHETHER THE UNDERLYING ACT WOULD BE IN ACCORDANCE WITH THE  
27 ADULT'S PREFERENCES, VALUES, AND PRIOR OR CURRENT DIRECTIONS AND

1 WHETHER THE UNDERLYING ACT WOULD BE IN THE ADULT'S BEST  
2 INTEREST.

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

6 (a) SELECT A RESIDENTIAL SETTING THE GUARDIAN BELIEVES THE  
7 ADULT WOULD SELECT IF THE ADULT WERE ABLE, IN ACCORDANCE WITH  
8 THE DECISION-MAKING STANDARD DESCRIBED IN SECTION 15-14.7-313. IF  
9 THE GUARDIAN DOES NOT KNOW AND CANNOT REASONABLY DETERMINE  
10 WHAT SETTING THE ADULT SUBJECT TO GUARDIANSHIP PROBABLY WOULD  
11 CHOOSE IF ABLE, OR THE GUARDIAN REASONABLY BELIEVES THE DECISION  
12 THE ADULT WOULD MAKE WOULD UNREASONABLY HARM OR ENDANGER  
13 THE WELFARE OR PERSONAL OR FINANCIAL INTERESTS OF THE ADULT, THE  
14 GUARDIAN SHALL CHOOSE IN ACCORDANCE WITH SECTION 15-14.7-313 A  
15 RESIDENTIAL SETTING THAT IS CONSISTENT WITH THE ADULT'S BEST  
16 INTEREST.

17 (b) IN SELECTING AMONG RESIDENTIAL SETTINGS, GIVE PRIORITY  
18 TO A RESIDENTIAL SETTING IN A LOCATION THAT WILL ALLOW THE ADULT  
19 TO INTERACT WITH PERSONS IMPORTANT TO THE ADULT AND MEET THE  
20 ADULT'S NEEDS 15-14.7-313;

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

23 (I) GIVE NOTICE, PURSUANT TO SECTION 15-10-401, OF THE  
24 CHANGE TO THE COURT, THE ADULT, AND ANY PERSON IDENTIFIED AS  
25 ENTITLED TO THE NOTICE IN THE COURT ORDER APPOINTING THE GUARDIAN  
26 OR A SUBSEQUENT ORDER; AND

27 (II) INCLUDE IN THE NOTICE THE ADDRESS AND NATURE OF THE

1 NEW DWELLING AND STATE WHETHER THE ADULT RECEIVED ADVANCE  
2 NOTICE OF THE CHANGE AND WHETHER THE ADULT OBJECTED TO THE  
3 CHANGE;

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

8 (I) THE ESTABLISHMENT OR MOVE IS IN THE GUARDIAN'S PLAN  
9 DESCRIBED IN SECTION 15-14.7-316;

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

11 (III) THE GUARDIAN GIVES NOTICE OF THE ESTABLISHMENT OR  
12 MOVE AT LEAST FOURTEEN DAYS BEFORE THE ESTABLISHMENT OR MOVE  
13 TO THE ADULT AND ALL PERSONS ENTITLED TO NOTICE PURSUANT TO  
14 SECTION 15-14.7-310 (5)(b) OR A SUBSEQUENT ORDER, AND NO OBJECTION  
15 IS FILED; AND

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

19 ==

20 (6) IN EXERCISING A GUARDIAN'S POWER PURSUANT TO SUBSECTION  
21 (1)(c) OF THIS SECTION TO MAKE HEALTH-CARE DECISIONS, THE GUARDIAN  
22 SHALL:

23 (a) INVOLVE THE ADULT IN DECISION-MAKING TO THE EXTENT  
24 REASONABLY FEASIBLE, INCLUDING, WHEN PRACTICABLE, BY  
25 ENCOURAGING AND SUPPORTING THE ADULT IN UNDERSTANDING THE RISKS  
26 AND BENEFITS OF HEALTH-CARE OPTIONS;

27 (b) DEFER TO A DECISION BY AN AGENT ACTING UNDER A POWER OF

1 ATTORNEY FOR HEALTH CARE EXECUTED BY THE ADULT AND COOPERATE  
2 TO THE EXTENT FEASIBLE WITH THE AGENT MAKING THE DECISION; AND

3 (c) TAKE INTO ACCOUNT:

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

5 (II) THE CURRENT AND PREVIOUS WISHES AND VALUES OF THE  
6 ADULT, IF KNOWN OR REASONABLY ASCERTAINABLE BY THE GUARDIAN.

7 **15-14.7-315. Special limitations on guardian's power.**

8 (1) UNLESS AUTHORIZED BY THE COURT BY SPECIFIC ORDER, A GUARDIAN  
9 FOR AN ADULT DOES NOT HAVE THE POWER TO REVOKE OR AMEND A  
10 POWER OF ATTORNEY FOR HEALTH CARE OR POWER OF ATTORNEY FOR  
11 FINANCES EXECUTED BY THE ADULT PRIOR TO THE APPOINTMENT OF THE  
12 GUARDIAN. IF A POWER OF ATTORNEY FOR HEALTH CARE IS IN EFFECT,  
13 UNLESS THERE IS A COURT ORDER TO THE CONTRARY, A HEALTH-CARE  
14 DECISION OF AN AGENT TAKES PRECEDENCE OVER THAT OF THE GUARDIAN  
15 AND THE GUARDIAN SHALL COOPERATE WITH THE AGENT TO THE EXTENT  
16 FEASIBLE. IF A POWER OF ATTORNEY FOR FINANCES IS IN EFFECT, UNLESS  
17 THERE IS A COURT ORDER TO THE CONTRARY, A DECISION BY THE AGENT  
18 WHICH THE AGENT IS AUTHORIZED TO MAKE UNDER THE POWER OF  
19 ATTORNEY FOR FINANCES TAKES PRECEDENCE OVER THAT OF THE  
20 GUARDIAN AND THE GUARDIAN SHALL COOPERATE WITH THE AGENT TO  
21 THE EXTENT FEASIBLE.

22 (2) A GUARDIAN FOR AN ADULT MAY NOT INITIATE THE  
23 COMMITMENT OF THE ADULT TO A MENTAL HEALTH INSTITUTION EXCEPT  
24 IN ACCORDANCE WITH THE STATE'S PROCEDURE FOR CIVIL COMMITMENT  
25 PURSUANT TO SECTION 27-65-106.

26 (3) A GUARDIAN FOR AN ADULT MAY NOT RESTRICT THE ABILITY OF  
27 THE ADULT TO COMMUNICATE, VISIT, OR INTERACT WITH OTHERS,

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

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

5 (b) A PROTECTIVE ORDER OR A PROTECTIVE ARRANGEMENT  
6 INSTEAD OF GUARDIANSHIP IS IN EFFECT THAT LIMITS CONTACT BETWEEN  
7 THE ADULT AND A PERSON; OR

8 (c) THE GUARDIAN HAS GOOD CAUSE TO BELIEVE RESTRICTION IS  
9 NECESSARY BECAUSE INTERACTION WITH A SPECIFIED PERSON POSES A RISK  
10 OF SUBSTANTIAL PHYSICAL, PSYCHOLOGICAL, OR FINANCIAL HARM TO THE  
11 ADULT AND THE RESTRICTION 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 MAY NOT TAKE ANY ACTION THAT  
19 WOULD RESULT IN THE SALE OR SURRENDER OF THE LEASE TO THE ADULT'S  
20 PRIMARY DWELLING WITHOUT PRIOR APPROVAL FROM THE COURT.

21 **15-14.7-316. Guardian's plan.** (1) A GUARDIAN FOR AN ADULT,  
22 NOT LATER THAN SIXTY DAYS AFTER APPOINTMENT AND WHEN THERE IS A  
23 SIGNIFICANT CHANGE IN CIRCUMSTANCES, OR THE GUARDIAN SEEKS TO  
24 DEVIATE SIGNIFICANTLY FROM THE GUARDIAN'S PLAN, SHALL FILE WITH  
25 THE COURT A PLAN FOR THE CARE OF THE ADULT. THE PLAN MUST BE  
26 BASED ON THE NEEDS OF THE ADULT AND TAKE INTO ACCOUNT THE BEST  
27 INTEREST OF THE ADULT AS WELL AS THE ADULT'S PREFERENCES, VALUES,

1 AND PRIOR DIRECTIONS, TO THE EXTENT KNOWN TO OR REASONABLY  
2 ASCERTAINABLE BY THE GUARDIAN. THE GUARDIAN SHALL INCLUDE IN THE  
3 PLAN:

4 (a) THE LIVING ARRANGEMENT, SERVICES, AND SUPPORTS THE  
5 GUARDIAN EXPECTS TO ARRANGE, FACILITATE, OR CONTINUE FOR THE  
6 ADULT;

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

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

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

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

17 (f) WHETHER THE ADULT HAS AN EXISTING PLAN AND, IF SO,  
18 WHETHER THE GUARDIAN'S PLAN IS CONSISTENT WITH THE ADULT'S PLAN;  
19 AND

20 (g) A STATEMENT OR LIST OF THE AMOUNT THE GUARDIAN  
21 PROPOSES TO CHARGE FOR EACH SERVICE THE GUARDIAN ANTICIPATES  
22 PROVIDING TO THE ADULT.

23 (2) A GUARDIAN SHALL GIVE NOTICE, PURSUANT TO SECTION  
24 15-10-401, OF THE FILING OF THE GUARDIAN'S PLAN PURSUANT TO  
25 SUBSECTION (1) OF THIS SECTION, TOGETHER WITH A COPY OF THE PLAN, TO  
26 THE ADULT SUBJECT TO GUARDIANSHIP, A PERSON ENTITLED TO NOTICE  
27 PURSUANT TO SECTION 15-14.7-310 OR A SUBSEQUENT ORDER, AND ANY



1 OTHER PERSON THE COURT DETERMINES. THE NOTICE MUST INCLUDE A  
2 STATEMENT OF THE RIGHT TO OBJECT TO THE PLAN AND BE GIVEN NOT  
3 LATER THAN FOURTEEN DAYS AFTER THE FILING.

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

7 (4) THE COURT SHALL REVIEW THE GUARDIAN'S PLAN FILED  
8 PURSUANT TO SUBSECTION (1) OF THIS SECTION AND DETERMINE WHETHER  
9 TO APPROVE THE PLAN OR REQUIRE A NEW PLAN. IN DECIDING WHETHER TO  
10 APPROVE THE PLAN, THE COURT SHALL CONSIDER AN OBJECTION PURSUANT  
11 TO SUBSECTION (3) OF THIS SECTION AND WHETHER THE PLAN IS  
12 CONSISTENT WITH THE GUARDIAN'S DUTIES AND POWERS PURSUANT TO  
13 SECTIONS 15-14.7-313 AND 15-14.7-314. THE COURT MAY NOT APPROVE  
14 THE PLAN UNTIL THIRTY DAYS AFTER ITS FILING.

15 (5) AFTER THE GUARDIAN'S PLAN FILED PURSUANT TO THIS SECTION  
16 IS APPROVED BY THE COURT, THE GUARDIAN SHALL PROVIDE A COPY OF  
17 THE PLAN TO THE ADULT SUBJECT TO GUARDIANSHIP, A PERSON ENTITLED  
18 TO NOTICE PURSUANT TO SECTION 15-14.7-310 OR A SUBSEQUENT ORDER,  
19 AND ANY OTHER PERSON THE COURT DETERMINES.

20 **15-14.7-317. Guardian's report - monitoring of guardianship.**

21 (1) A GUARDIAN FOR AN ADULT, NOT LATER THAN SIXTY DAYS AFTER  
22 APPOINTMENT AND AT LEAST ANNUALLY THEREAFTER, SHALL FILE WITH  
23 THE COURT A REPORT IN A RECORD REGARDING THE CONDITION OF THE  
24 ADULT AND ACCOUNTING FOR FUNDS AND OTHER PROPERTY IN THE  
25 GUARDIAN'S POSSESSION OR SUBJECT TO THE GUARDIAN'S CONTROL.

26 (2) A REPORT PURSUANT TO SUBSECTION (1) OF THIS SECTION MUST  
27 STATE OR CONTAIN:

- 1 (a) THE MENTAL, PHYSICAL, AND SOCIAL CONDITION OF THE ADULT;
- 2 (b) THE LIVING ARRANGEMENTS OF THE ADULT DURING THE  
3 REPORTING PERIOD;
- 4 (c) A SUMMARY OF THE SUPPORTED DECISION-MAKING,  
5 TECHNOLOGICAL ASSISTANCE, MEDICAL SERVICES, EDUCATIONAL AND  
6 VOCATIONAL SERVICES, AND OTHER SUPPORTS AND SERVICES PROVIDED TO  
7 THE ADULT AND THE GUARDIAN'S OPINION AS TO THE ADEQUACY OF THE  
8 ADULT'S CARE;
- 9 (d) A SUMMARY OF THE GUARDIAN'S VISITS WITH THE ADULT,  
10 INCLUDING THE DATES OF THE VISITS;
- 11 (e) ACTION TAKEN ON BEHALF OF THE ADULT;
- 12 (f) THE EXTENT TO WHICH THE ADULT HAS PARTICIPATED IN  
13 DECISION-MAKING;
- 14 (g) IF THE ADULT IS LIVING IN A MENTAL HEALTH INSTITUTION OR  
15 LIVING IN A FACILITY THAT PROVIDES THE ADULT WITH HEALTH-CARE OR  
16 OTHER PERSONAL SERVICES, WHETHER THE GUARDIAN CONSIDERS THE  
17 FACILITY'S CURRENT PLAN FOR SUPPORT, CARE, TREATMENT, OR  
18 HABILITATION CONSISTENT WITH THE ADULT'S PREFERENCES, VALUES,  
19 PRIOR DIRECTIONS, AND BEST INTEREST;
- 20 (h) ANYTHING OF MORE THAN DE MINIMIS VALUE WHICH THE  
21 GUARDIAN, ANY INDIVIDUAL WHO RESIDES WITH THE GUARDIAN, OR THE  
22 SPOUSE, DOMESTIC PARTNER, PARENT, CHILD, OR SIBLING OF THE  
23 GUARDIAN HAS RECEIVED FROM AN INDIVIDUAL PROVIDING GOODS OR  
24 SERVICES TO THE ADULT;
- 25 (i) IF THE GUARDIAN DELEGATED A POWER TO AN AGENT, THE  
26 POWER DELEGATED AND THE REASON FOR THE DELEGATION;
- 27 (j) ANY BUSINESS RELATION THE GUARDIAN HAS WITH A PERSON

1 THE GUARDIAN HAS PAID OR WHO HAS BENEFITTED FROM THE PROPERTY OF  
2 THE ADULT;

3 (k) A COPY OF THE GUARDIAN'S MOST RECENTLY APPROVED PLAN  
4 DESCRIBED IN SECTION 15-14.7-316 AND A STATEMENT WHETHER THE  
5 GUARDIAN HAS DEVIATED FROM THE PLAN AND, IF SO, HOW THE GUARDIAN  
6 HAS DEVIATED AND WHY;

7 (l) PLANS FOR FUTURE CARE AND SUPPORT OF THE ADULT;

8 (m) A RECOMMENDATION AS TO THE NEED FOR CONTINUED  
9 GUARDIANSHIP AND ANY RECOMMENDED CHANGE IN THE SCOPE OF THE  
10 GUARDIANSHIP; AND

11 (n) WHETHER ANY CO-GUARDIAN OR SUCCESSOR GUARDIAN  
12 APPOINTED TO SERVE WHEN A DESIGNATED EVENT OCCURS IS ALIVE AND  
13 ABLE TO SERVE.

14 (3) THE COURT MAY APPOINT A VISITOR TO REVIEW A REPORT  
15 SUBMITTED PURSUANT TO THIS SECTION OR A GUARDIAN'S PLAN SUBMITTED  
16 PURSUANT TO SECTION 15-14.7-316, INTERVIEW THE GUARDIAN OR ADULT  
17 SUBJECT TO GUARDIANSHIP, OR INVESTIGATE ANY OTHER MATTER  
18 INVOLVING THE GUARDIANSHIP.

19 (4) NOTICE OF THE FILING PURSUANT TO THIS SECTION OF A  
20 GUARDIAN'S REPORT, TOGETHER WITH A COPY OF THE REPORT, MUST BE  
21 GIVEN TO THE ADULT SUBJECT TO GUARDIANSHIP, A PERSON ENTITLED TO  
22 NOTICE PURSUANT TO SECTION 15-14.7-310 OR A SUBSEQUENT ORDER, AND  
23 ANY OTHER PERSON THE COURT DETERMINES. THE NOTICE AND REPORT  
24 MUST BE GIVEN NOT LATER THAN FOURTEEN DAYS AFTER THE 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 SHOULD CONTINUE; AND

4 (c) THE GUARDIAN'S REQUESTED FEES, IF ANY, ARE REASONABLE  
5 PURSUANT TO 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 SHOULD BE MODIFIED OR TERMINATED, THE  
9 COURT:

10 (a) SHALL NOTIFY THE ADULT, THE GUARDIAN, AND ANY OTHER  
11 PERSON ENTITLED TO NOTICE PURSUANT TO SECTION 15-14.7-310 OR A  
12 SUBSEQUENT ORDER;

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

14 (c) MAY APPOINT A VISITOR TO INTERVIEW THE ADULT OR  
15 GUARDIAN OR INVESTIGATE ANY MATTER INVOLVING THE GUARDIANSHIP;  
16 AND

17 (d) CONSISTENT WITH SECTIONS 15-14.7-318 AND 15-14.7-319,  
18 MAY HOLD A HEARING TO CONSIDER REMOVAL OF THE GUARDIAN,  
19 TERMINATION OF THE GUARDIANSHIP, OR A CHANGE IN THE POWERS  
20 GRANTED TO THE GUARDIAN OR TERMS OF THE GUARDIANSHIP.

21 (7) IF THE COURT HAS REASON TO BELIEVE FEES REQUESTED BY A  
22 GUARDIAN FOR AN ADULT ARE NOT REASONABLE, THE COURT SHALL HOLD  
23 A HEARING, PURSUANT TO SECTION 15-10-604, TO DETERMINE WHETHER  
24 TO ADJUST THE REQUESTED FEES.

25 (8) A GUARDIAN FOR AN ADULT MAY PETITION THE COURT FOR  
26 APPROVAL OF A REPORT FILED PURSUANT TO THIS SECTION. THE COURT,  
27 AFTER REVIEW, MAY APPROVE THE REPORT. IF THE COURT APPROVES THE

1 REPORT, THERE IS A REBUTTABLE PRESUMPTION THE REPORT IS ACCURATE  
2 AS TO A MATTER ADEQUATELY DISCLOSED IN THE REPORT.

3 **15-14.7-318. Removal of guardian for adult - appointment of**  
4 **successor.** (1) THE COURT MAY REMOVE A GUARDIAN FOR AN ADULT FOR  
5 FAILURE TO PERFORM THE GUARDIAN'S DUTIES OR FOR OTHER GOOD CAUSE  
6 AND APPOINT A SUCCESSOR GUARDIAN TO ASSUME THE DUTIES OF  
7 GUARDIAN AS DESCRIBED IN SECTION 15-10-503.

8 (2) THE COURT SHALL HOLD A HEARING TO DETERMINE WHETHER  
9 TO REMOVE A GUARDIAN FOR AN ADULT AND APPOINT A SUCCESSOR  
10 GUARDIAN ON:

11 (a) PETITION OF THE ADULT, GUARDIAN, OR PERSON INTERESTED IN  
12 THE WELFARE OF THE ADULT, WHICH CONTAINS ALLEGATIONS THAT, IF  
13 TRUE, WOULD SUPPORT A REASONABLE BELIEF THAT REMOVAL OF THE  
14 GUARDIAN AND APPOINTMENT OF A SUCCESSOR GUARDIAN MAY BE  
15 APPROPRIATE, BUT THE COURT MAY DECLINE TO HOLD A HEARING IF A  
16 PETITION BASED ON THE SAME OR SUBSTANTIALLY SIMILAR FACTS WAS  
17 FILED DURING THE PRECEDING SIX MONTHS;

18 (b) COMMUNICATION, PURSUANT TO SECTION 15-14.7-127, FROM  
19 THE ADULT, GUARDIAN, OR PERSON INTERESTED IN THE WELFARE OF THE  
20 ADULT WHICH SUPPORTS A REASONABLE BELIEF THAT REMOVAL OF THE  
21 GUARDIAN AND APPOINTMENT OF A SUCCESSOR GUARDIAN MAY BE  
22 APPROPRIATE; OR

23 (c) DETERMINATION BY THE COURT THAT A HEARING WOULD BE IN  
24 THE BEST INTEREST OF THE ADULT.

25 (3) NOTICE OF A HEARING PURSUANT TO SECTION 15-10-503 MUST  
26 BE PERSONALLY SERVED ON THE ADULT SUBJECT TO GUARDIANSHIP, AND  
27 GIVEN PURSUANT TO SECTION 15-10-401 TO THE GUARDIAN, AND ANY

1 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 15-14.7-305.

8 (5) IN SELECTING A SUCCESSOR GUARDIAN FOR AN ADULT, THE  
9 COURT SHALL FOLLOW THE PRIORITIES DESCRIBED IN SECTION 15-14.7-309.

10 (6) NOT LATER THAN THIRTY DAYS AFTER APPOINTING A  
11 SUCCESSOR GUARDIAN, THE COURT SHALL GIVE NOTICE, PURSUANT TO  
12 SECTION 15-10-401, OF THE APPOINTMENT TO THE ADULT SUBJECT TO  
13 GUARDIANSHIP AND ANY PERSON ENTITLED TO NOTICE PURSUANT TO  
14 SECTION 15-14.7-310 (5) OR A SUBSEQUENT ORDER.

15 **15-14.7-319. Termination or modification of guardianship for**  
16 **adult.** (1) AN ADULT SUBJECT TO GUARDIANSHIP, THE GUARDIAN FOR THE  
17 ADULT, OR A PERSON INTERESTED IN THE WELFARE OF THE ADULT MAY  
18 PETITION FOR:

19 (a) TERMINATION OF THE GUARDIANSHIP ON THE GROUNDS THAT  
20 A BASIS FOR APPOINTMENT PURSUANT TO SECTION 15-14.7-301 DOES NOT  
21 EXIST OR TERMINATION WOULD BE IN THE BEST INTEREST OF THE ADULT OR  
22 FOR OTHER GOOD CAUSE; OR

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

26 (2) THE COURT SHALL HOLD A HEARING TO DETERMINE WHETHER  
27 TERMINATION OR MODIFICATION OF A GUARDIANSHIP FOR AN ADULT IS

1 APPROPRIATE ON:

2 (a) PETITION PURSUANT TO SUBSECTION (1) OF THIS SECTION WHICH  
3 CONTAINS ALLEGATIONS THAT, IF TRUE, WOULD SUPPORT A REASONABLE  
4 BELIEF THAT TERMINATION OR MODIFICATION OF THE GUARDIANSHIP MAY  
5 BE APPROPRIATE, BUT THE COURT MAY DECLINE TO HOLD A HEARING IF A  
6 PETITION BASED ON THE SAME OR SUBSTANTIALLY SIMILAR FACTS WAS  
7 FILED DURING THE PRECEDING SIX MONTHS;

8 (b) COMMUNICATION, PURSUANT TO SECTION 15-14.7-127, FROM  
9 THE ADULT, GUARDIAN, OR PERSON INTERESTED IN THE WELFARE OF THE  
10 ADULT WHICH SUPPORTS A REASONABLE BELIEF THAT TERMINATION OR  
11 MODIFICATION OF THE GUARDIANSHIP MAY BE APPROPRIATE, INCLUDING  
12 BECAUSE THE FUNCTIONAL NEEDS OF THE ADULT OR SUPPORTS OR  
13 SERVICES AVAILABLE TO THE ADULT HAVE CHANGED;

14 (c) A REPORT FROM A GUARDIAN OR CONSERVATOR WHICH  
15 INDICATES THAT TERMINATION OR MODIFICATION MAY BE APPROPRIATE  
16 BECAUSE THE FUNCTIONAL NEEDS OF THE ADULT OR SUPPORTS OR  
17 SERVICES AVAILABLE TO THE ADULT HAVE CHANGED OR A PROTECTIVE  
18 ARRANGEMENT INSTEAD OF GUARDIANSHIP OR OTHER LESS RESTRICTIVE  
19 ALTERNATIVE FOR MEETING THE ADULT'S NEEDS IS AVAILABLE; OR

20 (d) A DETERMINATION BY THE COURT THAT A HEARING WOULD BE  
21 IN THE BEST INTEREST OF THE ADULT.

22 (3) NOTICE OF A PETITION PURSUANT TO SUBSECTION (2)(a) OF THIS  
23 SECTION MUST BE GIVEN TO THE ADULT SUBJECT TO GUARDIANSHIP, THE  
24 GUARDIAN, AND ANY OTHER PERSON THE COURT DETERMINES.

25 (4) ON PRESENTATION OF PRIMA FACIE EVIDENCE FOR TERMINATION  
26 OF A GUARDIANSHIP FOR AN ADULT, THE COURT SHALL ORDER  
27 TERMINATION UNLESS IT IS PROVEN THAT A BASIS FOR APPOINTMENT OF A

1 GUARDIAN PURSUANT TO SECTION 15-14.7-301 EXISTS.

2 (5) THE COURT SHALL MODIFY THE POWERS GRANTED TO A  
3 GUARDIAN FOR AN ADULT IF THE POWERS ARE EXCESSIVE OR INADEQUATE  
4 DUE TO A CHANGE IN THE ABILITIES OR LIMITATIONS OF THE ADULT, THE  
5 ADULT'S SUPPORTS, OR OTHER CIRCUMSTANCES.

6 (6) UNLESS THE COURT OTHERWISE ORDERS FOR GOOD CAUSE,  
7 BEFORE TERMINATING OR MODIFYING A GUARDIANSHIP FOR AN ADULT, THE  
8 COURT SHALL FOLLOW THE SAME PROCEDURES TO SAFEGUARD THE RIGHTS  
9 OF THE ADULT WHICH APPLY TO A PETITION FOR GUARDIANSHIP.

10 (7) AN ADULT SUBJECT TO GUARDIANSHIP WHO SEEKS TO  
11 TERMINATE OR MODIFY THE TERMS OF THE GUARDIANSHIP HAS THE RIGHT  
12 TO CHOOSE AN ATTORNEY TO REPRESENT THE ADULT IN THE MATTER. IF  
13 THE ADULT IS NOT REPRESENTED BY AN ATTORNEY, THE COURT SHALL  
14 APPOINT AN ATTORNEY PURSUANT TO THE SAME CONDITIONS AS SET FORTH  
15 IN SECTION 15-14.7-305.

16 PART 4

17 CONSERVATORSHIP

18 **15-14.7-401. Basis for appointment of conservator.** (1) ON  
19 PETITION AND AFTER NOTICE AND HEARING, THE COURT MAY APPOINT A  
20 CONSERVATOR FOR THE PROPERTY OR FINANCIAL AFFAIRS OF A MINOR IF  
21 THE COURT FINDS BY A PREPONDERANCE OF EVIDENCE THAT APPOINTMENT  
22 OF A CONSERVATOR IS IN THE MINOR'S BEST INTEREST, AND:

23 (a) IF THE MINOR HAS A PARENT, THE COURT GIVES WEIGHT TO ANY  
24 RECOMMENDATION OF THE PARENT WHETHER AN APPOINTMENT IS IN THE  
25 MINOR'S BEST INTEREST; AND

26 (b) EITHER:

27 (I) THE MINOR OWNS FUNDS OR OTHER PROPERTY REQUIRING



1 MANAGEMENT OR PROTECTION THAT OTHERWISE CANNOT BE PROVIDED;

2 (II) THE MINOR HAS OR MAY HAVE FINANCIAL AFFAIRS THAT MAY  
3 BE PUT AT UNREASONABLE RISK OR HINDERED BECAUSE OF THE MINOR'S  
4 AGE; OR

5 (III) APPOINTMENT IS NECESSARY OR DESIRABLE TO OBTAIN OR  
6 PROVIDE FUNDS OR OTHER PROPERTY NEEDED FOR THE SUPPORT, CARE,  
7 EDUCATION, HEALTH, OR WELFARE OF THE MINOR.

8 (2) ON PETITION AND AFTER NOTICE AND HEARING, THE COURT  
9 MAY APPOINT A CONSERVATOR FOR THE PROPERTY OR FINANCIAL AFFAIRS  
10 OF AN ADULT IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE  
11 THAT:

12 (a) THE ADULT IS UNABLE TO MANAGE PROPERTY OR FINANCIAL  
13 AFFAIRS BECAUSE:

14 (I) OF A LIMITATION IN THE ADULT'S ABILITY TO RECEIVE AND  
15 EVALUATE INFORMATION OR MAKE OR COMMUNICATE DECISIONS, EVEN  
16 WITH THE USE OF APPROPRIATE SUPPORTIVE SERVICES, TECHNOLOGICAL  
17 ASSISTANCE, OR SUPPORTED DECISION MAKING; OR

18 (II) THE ADULT IS MISSING, DETAINED, OR UNABLE TO RETURN TO  
19 THE UNITED STATES;

20 (b) APPOINTMENT IS NECESSARY TO:

21 (I) AVOID HARM TO THE ADULT OR MATERIAL DISSIPATION OF THE  
22 PROPERTY OF THE ADULT; OR

23 (II) OBTAIN OR PROVIDE FUNDS OR OTHER PROPERTY NEEDED FOR  
24 THE SUPPORT, CARE, EDUCATION, HEALTH, OR WELFARE OF THE ADULT OR  
25 OF AN INDIVIDUAL ENTITLED TO THE ADULT'S SUPPORT; AND

26 (c) THE RESPONDENT'S IDENTIFIED NEEDS CANNOT BE MET BY A  
27 PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP OR OTHER

1 LESS RESTRICTIVE ALTERNATIVE.

2 (3) THE COURT SHALL GRANT A CONSERVATOR ONLY THOSE  
3 POWERS NECESSITATED BY DEMONSTRATED LIMITATIONS AND NEEDS OF  
4 THE RESPONDENT AND ISSUE ORDERS THAT WILL ENCOURAGE  
5 DEVELOPMENT OF THE RESPONDENT'S MAXIMUM SELF-DETERMINATION  
6 AND INDEPENDENCE. THE COURT MAY NOT ESTABLISH A FULL  
7 CONSERVATORSHIP IF A LIMITED CONSERVATORSHIP, PROTECTIVE  
8 ARRANGEMENT INSTEAD OF CONSERVATORSHIP, OR OTHER LESS  
9 RESTRICTIVE ALTERNATIVE WOULD MEET THE NEEDS OF THE RESPONDENT.

10 **15-14.7-402. Petition for appointment of conservator.** (1) THE  
11 FOLLOWING MAY PETITION FOR THE APPOINTMENT OF A CONSERVATOR:

12 (a) THE INDIVIDUAL FOR WHOM THE ORDER IS SOUGHT;

13 (b) A PERSON INTERESTED IN THE ESTATE, FINANCIAL AFFAIRS, OR  
14 WELFARE OF THE INDIVIDUAL, INCLUDING A PERSON THAT WOULD BE  
15 ADVERSELY AFFECTED BY LACK OF EFFECTIVE MANAGEMENT OF PROPERTY  
16 OR FINANCIAL AFFAIRS OF THE INDIVIDUAL; OR

17 (c) THE GUARDIAN FOR THE INDIVIDUAL.

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

24 (a) THE RESPONDENT'S NAME; AGE; PRINCIPAL RESIDENCE;  
25 CURRENT STREET ADDRESS, IF DIFFERENT; AND, IF DIFFERENT, ADDRESS OF  
26 THE DWELLING IN WHICH IT IS PROPOSED THE RESPONDENT WILL RESIDE IF  
27 THE PETITION IS GRANTED;

- 1 (b) THE NAME AND ADDRESS OF THE RESPONDENT'S:
- 2 (I) SPOUSE OR DOMESTIC PARTNER OR, IF THE RESPONDENT HAS
- 3 NONE, AN ADULT WITH WHOM THE RESPONDENT HAS SHARED HOUSEHOLD
- 4 RESPONSIBILITIES FOR MORE THAN SIX MONTHS IN THE TWELVE-MONTH
- 5 PERIOD BEFORE THE FILING OF THE PETITION;
- 6 (II) ADULT CHILDREN OR, IF NONE, EACH PARENT AND ADULT
- 7 SIBLING OF THE RESPONDENT; AND
- 8 (III) ADULT STEPCHILDREN WHOM THE RESPONDENT ACTIVELY
- 9 PARENTED DURING THE STEPCHILDREN'S MINOR YEARS AND WITH WHOM
- 10 THE RESPONDENT HAD AN ONGOING RELATIONSHIP DURING THE TWO YEARS
- 11 IMMEDIATELY BEFORE THE FILING OF THE PETITION;
- 12 (c) THE NAME AND CURRENT ADDRESS OF EACH OF THE
- 13 FOLLOWING, IF APPLICABLE:
- 14 (I) A PERSON RESPONSIBLE FOR THE CARE OR CUSTODY OF THE
- 15 RESPONDENT;
- 16 (II) ANY ATTORNEY CURRENTLY REPRESENTING THE RESPONDENT;
- 17 (III) THE REPRESENTATIVE PAYEE APPOINTED BY THE SOCIAL
- 18 SECURITY ADMINISTRATION FOR THE RESPONDENT;
- 19 (IV) A GUARDIAN OR CONSERVATOR ACTING FOR THE RESPONDENT
- 20 IN THIS STATE OR ANOTHER JURISDICTION;
- 21 (V) A TRUSTEE OR CUSTODIAN OF A TRUST OR CUSTODIANSHIP OF
- 22 WHICH THE RESPONDENT IS A BENEFICIARY;
- 23 (VI) THE FIDUCIARY APPOINTED FOR THE RESPONDENT BY THE
- 24 DEPARTMENT OF VETERANS AFFAIRS;
- 25 (VII) AN AGENT DESIGNATED UNDER A POWER OF ATTORNEY FOR
- 26 HEALTH CARE IN WHICH THE RESPONDENT IS IDENTIFIED AS THE PRINCIPAL;
- 27 (VIII) AN AGENT DESIGNATED UNDER A POWER OF ATTORNEY FOR

1 FINANCES IN WHICH THE RESPONDENT IS IDENTIFIED AS THE PRINCIPAL;  
2 (IX) A MEMBER OF THE RESPONDENT'S SUPPORTIVE COMMUNITY;  
3 (X) ANY PROPOSED CONSERVATOR, INCLUDING A PERSON  
4 NOMINATED BY THE RESPONDENT, IF THE RESPONDENT IS TWELVE YEARS  
5 OF AGE OR OLDER; AND  
6 (XI) IF THE INDIVIDUAL FOR WHOM A CONSERVATOR IS SOUGHT IS  
7 A MINOR:  
8 (A) AN ADULT NOT OTHERWISE LISTED WITH WHOM THE MINOR  
9 RESIDES; AND  
10 (B) EACH PERSON NOT OTHERWISE LISTED THAT HAD PRIMARY  
11 CARE OR CUSTODY OF THE MINOR FOR AT LEAST SIXTY DAYS DURING THE  
12 TWO YEARS IMMEDIATELY BEFORE THE FILING OF THE PETITION OR FOR AT  
13 LEAST SEVEN HUNDRED AND THIRTY DAYS DURING THE FIVE YEARS  
14 IMMEDIATELY BEFORE THE FILING OF THE PETITION;  
15 (d) A GENERAL STATEMENT OF THE RESPONDENT'S PROPERTY WITH  
16 AN ESTIMATE OF ITS VALUE, INCLUDING ANY INSURANCE OR PENSION, AND  
17 THE SOURCE AND AMOUNT OF OTHER ANTICIPATED INCOME OR RECEIPTS;  
18 (e) THE REASON CONSERVATORSHIP IS NECESSARY, INCLUDING A  
19 BRIEF DESCRIPTION OF:  
20 (I) THE NATURE AND EXTENT OF THE RESPONDENT'S ALLEGED  
21 NEED;  
22 (II) IF THE PETITION ALLEGES THE RESPONDENT IS MISSING,  
23 DETAINED, OR UNABLE TO RETURN TO THE UNITED STATES, THE RELEVANT  
24 CIRCUMSTANCES, INCLUDING THE TIME AND NATURE OF THE  
25 DISAPPEARANCE OR DETENTION AND ANY SEARCH OR INQUIRY  
26 CONCERNING THE RESPONDENT'S WHEREABOUTS;  
27 (III) ANY PROTECTIVE ARRANGEMENT INSTEAD OF

1 CONSERVATORSHIP OR OTHER LESS RESTRICTIVE ALTERNATIVE FOR  
2 MEETING THE RESPONDENT'S ALLEGED NEED WHICH HAS BEEN CONSIDERED  
3 OR IMPLEMENTED;

4 (IV) IF NO PROTECTIVE ARRANGEMENT OR OTHER LESS  
5 RESTRICTIVE ALTERNATIVES HAVE BEEN CONSIDERED OR IMPLEMENTED,  
6 THE REASON IT HAS NOT BEEN CONSIDERED OR IMPLEMENTED;

7 (V) THE REASON A PROTECTIVE ARRANGEMENT OR OTHER LESS  
8 RESTRICTIVE ALTERNATIVE IS INSUFFICIENT TO MEET THE RESPONDENT'S  
9 NEED;

10 (VI) WHETHER THE PETITIONER SEEKS A LIMITED  
11 CONSERVATORSHIP OR A FULL CONSERVATORSHIP;

12 (VII) IF THE PETITIONER SEEKS A FULL CONSERVATORSHIP, THE  
13 REASON A LIMITED CONSERVATORSHIP OR PROTECTIVE ARRANGEMENT  
14 INSTEAD OF CONSERVATORSHIP IS NOT APPROPRIATE;

15 (VIII) IF THE PETITION INCLUDES THE NAME OF A PROPOSED  
16 CONSERVATOR, THE REASON THE PROPOSED CONSERVATOR SHOULD BE  
17 APPOINTED;

18 (IX) IF THE PETITION IS FOR A LIMITED CONSERVATORSHIP, A  
19 DESCRIPTION OF THE PROPERTY TO BE PLACED UNDER THE CONSERVATOR'S  
20 CONTROL AND ANY REQUESTED LIMITATION ON THE AUTHORITY OF THE  
21 CONSERVATOR;

22 (X) WHETHER THE RESPONDENT NEEDS AN INTERPRETER,  
23 TRANSLATOR, OR OTHER FORM OF SUPPORT TO COMMUNICATE EFFECTIVELY  
24 WITH THE COURT OR UNDERSTAND COURT PROCEEDINGS; AND

25 (XI) THE NAME AND ADDRESS OF AN ATTORNEY REPRESENTING THE  
26 PETITIONER, IF ANY.

27 **15-14.7-403. Notice and hearing for appointment of**

1 **conservator.** (1) ON FILING OF A PETITION PURSUANT TO SECTION  
2 15-14.7-402 FOR APPOINTMENT OF A CONSERVATOR, THE COURT SHALL SET  
3 A DATE, TIME, AND PLACE FOR A HEARING ON THE PETITION.

4 (2) A COPY OF A PETITION PURSUANT TO SECTION 15-14.7-402 AND  
5 NOTICE OF A HEARING ON THE PETITION MUST BE SERVED PERSONALLY ON  
6 THE RESPONDENT. IF THE RESPONDENT'S WHEREABOUTS ARE UNKNOWN OR  
7 PERSONAL SERVICE CANNOT BE MADE, SERVICE ON THE RESPONDENT MUST  
8 BE MADE BY SUBSTITUTED SERVICE OR PUBLICATION. THE NOTICE MUST  
9 INFORM THE RESPONDENT OF THE RESPONDENT'S RIGHTS AT THE HEARING,  
10 INCLUDING THE RIGHT TO AN ATTORNEY AND TO ATTEND THE HEARING.  
11 THE NOTICE MUST INCLUDE A DESCRIPTION OF THE NATURE, PURPOSE, AND  
12 CONSEQUENCES OF GRANTING THE PETITION. THE COURT MAY NOT GRANT  
13 A PETITION FOR APPOINTMENT OF A CONSERVATOR IF NOTICE  
14 SUBSTANTIALLY COMPLYING WITH THIS SUBSECTION (2) IS NOT SERVED ON  
15 THE RESPONDENT.

16 (3) IN A PROCEEDING ON A PETITION PURSUANT TO SECTION  
17 15-14.7-402, THE NOTICE REQUIRED PURSUANT TO SUBSECTION (2) OF THIS  
18 SECTION MUST BE GIVEN, PURSUANT TO SECTION 15-10-401, TO THE  
19 PERSONS REQUIRED TO BE LISTED IN THE PETITION PURSUANT TO SECTION  
20 15-14.7-402 (2)(a) TO 15-14.7-402 (2)(c) AND ANY OTHER PERSON  
21 INTERESTED IN THE RESPONDENT'S WELFARE THE COURT DETERMINES.  
22 FAILURE TO GIVE NOTICE, PURSUANT TO SECTION 15-10-401, PURSUANT TO  
23 THIS SUBSECTION (3) DOES NOT PRECLUDE THE COURT FROM APPOINTING  
24 A CONSERVATOR.

25 (4) IF A PETITION FILED PURSUANT TO SECTION 15-14.7-402 DOES  
26 NOT INCLUDE THE NAME OF AT LEAST ONE PERSON DESCRIBED IN SECTION  
27 15-14.7-402 (2)(b), THE PETITIONER MUST SEARCH WITH REASONABLE

1 DILIGENCE FOR AN ADULT RELATIVE OF THE RESPONDENT AND, IF AN  
2 ADULT RELATIVE IS FOUND, GIVE THE ADULT RELATIVE NOTICE, IN  
3 ACCORDANCE WITH SECTION 15-10-401, THAT A PETITION FOR  
4 CONSERVATORSHIP OF THE RESPONDENT HAS BEEN FILED AND GIVE NOTICE  
5 OF A HEARING ON THE PETITION. THE NOTICE SENT TO THE ADULT RELATIVE  
6 OF THE RESPONDENT MUST NOT INCLUDE A COPY OF THE PETITION. FAILURE  
7 TO GIVE NOTICE PURSUANT TO THIS SUBSECTION (4) DOES NOT PRECLUDE  
8 THE COURT FROM APPOINTING A CONSERVATOR.

9 (5) AFTER THE APPOINTMENT OF A CONSERVATOR, NOTICE OF A  
10 HEARING ON A PETITION FOR AN ORDER PURSUANT TO THIS PART 4,  
11 TOGETHER WITH A COPY OF THE PETITION, MUST BE GIVEN TO:

12 (a) THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP, IF THE  
13 INDIVIDUAL IS TWELVE YEARS OF AGE OR OLDER AND NOT MISSING,  
14 DETAINED, OR UNABLE TO RETURN TO THE UNITED STATES;

15 (b) THE CONSERVATOR; AND

16 (c) ANY OTHER PERSON THE COURT DETERMINES.

17 **15-14.7-404. Order to preserve or apply property while**  
18 **proceeding pending.** WHILE A PETITION PURSUANT TO SECTION  
19 15-14.7-402 IS PENDING, AFTER PRELIMINARY HEARING AND WITHOUT  
20 NOTICE TO OTHERS, THE COURT MAY ISSUE AN ORDER TO PRESERVE AND  
21 APPLY PROPERTY OF THE RESPONDENT AS REQUIRED FOR THE SUPPORT OF  
22 THE RESPONDENT OR AN INDIVIDUAL WHO IS IN FACT DEPENDENT ON THE  
23 RESPONDENT. THE COURT MAY APPOINT A SPECIAL CONSERVATOR TO  
24 ASSIST IN IMPLEMENTING THE ORDER.

25 **15-14.7-405. Appointment and role of visitor.** (1) IF THE  
26 RESPONDENT IN A PROCEEDING TO APPOINT A CONSERVATOR IS A MINOR,  
27 THE COURT MAY APPOINT A VISITOR TO INVESTIGATE A MATTER RELATED

1 TO THE PETITION OR INFORM THE MINOR OR A PARENT OF THE MINOR ABOUT  
2 THE PETITION OR A RELATED MATTER.

3 (2) IF THE RESPONDENT IN A PROCEEDING TO APPOINT A  
4 CONSERVATOR IS AN ADULT, THE COURT SHALL APPOINT A VISITOR UNLESS  
5 THE ADULT IS REPRESENTED BY AN ATTORNEY APPOINTED BY THE COURT.  
6 THE DUTIES AND REPORTING REQUIREMENTS OF THE VISITOR ARE LIMITED  
7 TO THE RELIEF REQUESTED IN THE PETITION. THE COURT SHALL  
8 DISCLOSE IN THE ORDER APPOINTING THE VISITOR THE SPECIFIC TRAINING  
9 OR EXPERIENCE THE VISITOR HAS WITH RESPECT TO THE TYPE OF ABILITIES,  
10 LIMITATIONS, AND NEEDS OF THE RESPONDENT ALLEGED IN THE PETITION  
11 AND THE BASIS FOR FEES TO BE PAID TO THE VISITOR.

12 (3) A VISITOR APPOINTED PURSUANT TO SUBSECTION (2) OF THIS  
13 SECTION FOR AN ADULT SHALL INTERVIEW THE RESPONDENT IN PERSON  
14 AND IN A MANNER THE RESPONDENT IS BEST ABLE TO UNDERSTAND:

15 (a) EXPLAIN TO THE RESPONDENT THE SUBSTANCE OF THE  
16 PETITION; THE NATURE, PURPOSE, AND EFFECT OF THE PROCEEDING; THE  
17 RESPONDENT'S RIGHTS AT THE HEARING ON THE PETITION; AND THE  
18 GENERAL POWERS AND DUTIES OF A CONSERVATOR;

19 (b) DETERMINE THE RESPONDENT'S VIEWS ABOUT THE  
20 APPOINTMENT SOUGHT BY THE PETITIONER, INCLUDING VIEWS ABOUT A  
21 PROPOSED CONSERVATOR, THE CONSERVATOR'S PROPOSED POWERS AND  
22 DUTIES, AND THE SCOPE AND DURATION OF THE PROPOSED  
23 CONSERVATORSHIP;

24 (c) INFORM THE RESPONDENT OF THE RESPONDENT'S RIGHT TO  
25 EMPLOY AND CONSULT WITH AN ATTORNEY AT THE RESPONDENT'S EXPENSE  
26 AND THE RIGHT TO REQUEST A COURT-APPOINTED ATTORNEY; AND

27 (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.

3 (4) A VISITOR APPOINTED PURSUANT TO SUBSECTION (2) OF THIS  
4 SECTION FOR AN ADULT SHALL:

5 (a) INTERVIEW THE PETITIONER AND PROPOSED CONSERVATOR, IF  
6 ANY;

7 (b) REVIEW FINANCIAL RECORDS OF THE RESPONDENT, IF RELEVANT  
8 TO THE VISITOR'S RECOMMENDATION PURSUANT TO SUBSECTION (5)(b) OF  
9 THIS SECTION;

10 (c) INVESTIGATE WHETHER THE RESPONDENT'S NEEDS COULD BE  
11 MET BY A PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP OR  
12 OTHER LESS RESTRICTIVE ALTERNATIVE AND, IF SO, IDENTIFY THE  
13 ARRANGEMENT OR OTHER LESS RESTRICTIVE ALTERNATIVE; AND

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

16 (5) A VISITOR APPOINTED PURSUANT TO SUBSECTION (2) OF THIS  
17 SECTION FOR AN ADULT PROMPTLY SHALL FILE A REPORT IN A RECORD WITH  
18 THE COURT, WHICH MUST INCLUDE:

19 (a) A RECOMMENDATION WHETHER AN ATTORNEY SHOULD BE  
20 APPOINTED TO REPRESENT THE RESPONDENT;

21 (b) A RECOMMENDATION:

22 (I) REGARDING THE APPROPRIATENESS OF CONSERVATORSHIP, OR  
23 WHETHER A PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP  
24 OR OTHER LESS RESTRICTIVE ALTERNATIVE FOR MEETING THE  
25 RESPONDENT'S NEEDS IS AVAILABLE;

26 (II) IF A CONSERVATORSHIP IS RECOMMENDED, WHETHER IT  
27 SHOULD BE FULL OR LIMITED; AND

1 (III) IF A LIMITED CONSERVATORSHIP IS RECOMMENDED, THE  
2 POWERS TO BE GRANTED TO THE CONSERVATOR, AND THE PROPERTY THAT  
3 SHOULD BE PLACED UNDER THE CONSERVATOR'S CONTROL;

4 (c) A STATEMENT OF THE QUALIFICATIONS OF THE PROPOSED  
5 CONSERVATOR AND WHETHER THE RESPONDENT APPROVES OR  
6 DISAPPROVES OF THE PROPOSED CONSERVATOR;

7 (d) A RECOMMENDATION WHETHER A PROFESSIONAL EVALUATION  
8 PURSUANT TO SECTION 15-14.7-407 IS NECESSARY;

9 (e) A STATEMENT WHETHER THE RESPONDENT IS ABLE TO ATTEND  
10 A HEARING AT THE LOCATION COURT PROCEEDINGS TYPICALLY ARE HELD;

11 (f) A STATEMENT WHETHER THE RESPONDENT IS ABLE TO  
12 PARTICIPATE IN A HEARING AND WHICH IDENTIFIES ANY TECHNOLOGY OR  
13 OTHER FORM OF SUPPORT THAT WOULD ENHANCE THE RESPONDENT'S  
14 ABILITY TO PARTICIPATE; AND

15 (g) ANY OTHER MATTER THE COURT DIRECTS.

16 **15-14.7-406. Appointment and role of attorney.** (1) THE COURT  
17 SHALL APPOINT AN ATTORNEY TO REPRESENT THE RESPONDENT IN A  
18 PROCEEDING TO APPOINT A CONSERVATOR IF:

19 (a) THE RESPONDENT REQUESTS AN APPOINTMENT;

20 (b) THE VISITOR RECOMMENDS AN APPOINTMENT; OR

21 (c) THE COURT DETERMINES THE RESPONDENT NEEDS  
22 REPRESENTATION.

23 (2) AN ATTORNEY REPRESENTING THE RESPONDENT IN A  
24 PROCEEDING FOR APPOINTMENT OF A CONSERVATOR SHALL:

25 (a) MAKE REASONABLE EFFORTS TO ASCERTAIN THE RESPONDENT'S  
26 WISHES;

27 (b) ADVOCATE FOR THE RESPONDENT'S WISHES TO THE EXTENT

1 REASONABLY ASCERTAINABLE; AND

2 (c) IF THE RESPONDENT'S WISHES ARE NOT REASONABLY  
3 ASCERTAINABLE, ADVOCATE FOR THE RESULT THAT IS THE LEAST  
4 RESTRICTIVE IN TYPE, DURATION, AND SCOPE, CONSISTENT WITH THE  
5 RESPONDENT'S INTERESTS.

6

7 **15-14.7-407. Professional evaluation.** (1) AT OR BEFORE A  
8 HEARING ON A PETITION FOR CONSERVATORSHIP FOR AN ADULT, THE COURT  
9 SHALL ORDER A PROFESSIONAL EVALUATION OF THE RESPONDENT:

10 (a) IF THE RESPONDENT REQUESTS THE EVALUATION; OR

11 (b) IF THE COURT FINDS THAT ADDITIONAL INFORMATION MAY  
12 ASSIST THE COURT IN DETERMINING THE RESPONDENT'S NEEDS AND  
13 ABILITIES.

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

24 (a) A DESCRIPTION OF THE NATURE, TYPE, AND EXTENT OF THE  
25 RESPONDENT'S COGNITIVE AND FUNCTIONAL ABILITIES AND LIMITATIONS  
26 WITH REGARD TO THE MANAGEMENT OF THE RESPONDENT'S PROPERTY AND  
27 FINANCIAL AFFAIRS;

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

4 (c) A PROGNOSIS FOR IMPROVEMENT WITH REGARD TO THE ABILITY  
5 TO MANAGE THE RESPONDENT'S PROPERTY AND FINANCIAL AFFAIRS; AND

6 (d) THE DATE OF THE EXAMINATION ON WHICH THE REPORT IS  
7 BASED.

8 (3) A RESPONDENT MAY DECLINE TO PARTICIPATE IN AN  
9 EVALUATION ORDERED PURSUANT TO SUBSECTION (1) OF THIS SECTION.

10 **15-14.7-408. Attendance and rights at hearing.** (1) EXCEPT AS  
11 OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, A HEARING  
12 PURSUANT TO SECTION 15-14.7-403 MAY NOT PROCEED UNLESS THE  
13 RESPONDENT ATTENDS THE HEARING. IF IT IS NOT REASONABLY FEASIBLE  
14 FOR THE RESPONDENT TO ATTEND A HEARING AT THE LOCATION COURT  
15 PROCEEDINGS TYPICALLY ARE HELD, THE COURT SHALL HOLD A  
16 HEARING USING REAL-TIME AUDIO-VISUAL TECHNOLOGY OR, AT THE  
17 COURT'S DISCRETION, HOLD THE HEARING AT AN ALTERNATIVE LOCATION  
18 WHERE THE RESPONDENT CAN ATTEND USING REAL-TIME AUDIO-VISUAL  
19 TECHNOLOGY.

20 (2) A HEARING PURSUANT TO SECTION 15-14.7-403 MAY PROCEED  
21 WITHOUT THE RESPONDENT IN ATTENDANCE IF THE COURT FINDS BY CLEAR  
22 AND CONVINCING EVIDENCE THAT:

23 (a) THE RESPONDENT    HAS REFUSED TO ATTEND THE HEARING  
24 AFTER HAVING BEEN FULLY INFORMED OF THE RIGHT TO ATTEND AND THE  
25 POTENTIAL CONSEQUENCES OF FAILING TO DO SO;

26 (b) THERE IS NO PRACTICABLE WAY FOR THE RESPONDENT TO  
27 ATTEND AND PARTICIPATE IN THE HEARING EVEN WITH APPROPRIATE

1 SUPPORTIVE SERVICES OR TECHNOLOGICAL ASSISTANCE; OR

2 (c) THE RESPONDENT IS A MINOR WHO HAS RECEIVED PROPER  
3 NOTICE AND ATTENDANCE WOULD BE HARMFUL TO THE MINOR.

4 (3) THE RESPONDENT MAY BE ASSISTED IN A HEARING PURSUANT  
5 TO SECTION 15-14.7-403 BY A PERSON OR PERSONS OF THE RESPONDENT'S  
6 CHOOSING, ASSISTIVE TECHNOLOGY, OR AN INTERPRETER OR TRANSLATOR,  
7 OR A COMBINATION OF THESE SUPPORTS. IF ASSISTANCE WOULD FACILITATE  
8 THE RESPONDENT'S PARTICIPATION IN THE HEARING, BUT IS NOT OTHERWISE  
9 AVAILABLE TO THE RESPONDENT, THE COURT SHALL MAKE REASONABLE  
10 EFFORTS TO PROVIDE IT.

11 (4) THE RESPONDENT HAS A RIGHT TO CHOOSE AN ATTORNEY TO  
12 REPRESENT THE RESPONDENT AT A HEARING PURSUANT TO SECTION  
13 15-14.7-403.

14 (5) AT A HEARING PURSUANT TO SECTION 15-14.7-403, THE  
15 RESPONDENT MAY:

16 (a) PRESENT EVIDENCE AND SUBPOENA WITNESSES AND  
17 DOCUMENTS;

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

20 (c) OTHERWISE PARTICIPATE IN THE HEARING.

21 (6) UNLESS EXCUSED BY THE COURT FOR GOOD CAUSE, A PROPOSED  
22 CONSERVATOR SHALL ATTEND A HEARING PURSUANT TO SECTION  
23 15-14.7-403.

24 (7) A HEARING PURSUANT TO SECTION 15-14.7-403 MUST BE  
25 CLOSED ON REQUEST OF THE RESPONDENT OR A SHOWING OF GOOD CAUSE.

26 (8) ANY PERSON MAY REQUEST TO PARTICIPATE IN A HEARING  
27 PURSUANT TO SECTION 15-14.7-403. THE COURT MAY GRANT THE

1 REQUEST, WITH OR WITHOUT A HEARING, ON DETERMINING THAT THE BEST  
2 INTEREST OF THE RESPONDENT WILL BE SERVED. THE COURT SHALL  
3 CONSIDER THE PREFERENCES AND OPINIONS OF THE RESPONDENT PRIOR TO  
4 GRANTING A REQUEST TO PARTICIPATE IN THE HEARING. THE COURT MAY  
5 IMPOSE APPROPRIATE CONDITIONS ON THE PERSON'S PARTICIPATION.

6 **15-14.7-409. Confidentiality of records.** THE COURT SHALL  
7 COMPLY WITH THE ADMINISTRATIVE RULES PROMULGATED BY THE  
8 JUDICIAL DEPARTMENT CONCERNING THE CONFIDENTIALITY OF COURT  
9 RECORDS.

10 **15-14.7-410. Who may be conservator - order of priority.**

11 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION,  
12 THE COURT IN APPOINTING A CONSERVATOR SHALL CONSIDER PERSONS  
13 QUALIFIED TO BE A CONSERVATOR IN THE FOLLOWING ORDER OF PRIORITY:

14 (a) A CONSERVATOR, OTHER THAN A TEMPORARY OR EMERGENCY  
15 CONSERVATOR, CURRENTLY ACTING FOR THE RESPONDENT IN ANOTHER  
16 JURISDICTION;

17 (b) A PERSON NOMINATED AS CONSERVATOR BY THE RESPONDENT,  
18 INCLUDING THE RESPONDENT'S MOST RECENT NOMINATION MADE IN A  
19 POWER OF ATTORNEY FOR FINANCES;

20 (c) AN AGENT APPOINTED BY THE RESPONDENT TO MANAGE THE  
21 RESPONDENT'S PROPERTY UNDER A POWER OF ATTORNEY FOR FINANCES;

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

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

25 (2) IF TWO OR MORE PERSONS HAVE EQUAL PRIORITY PURSUANT TO  
26 SUBSECTION (1) OF THIS SECTION, THE COURT SHALL SELECT AS  
27 CONSERVATOR THE PERSON THE COURT CONSIDERS BEST QUALIFIED. IN

1 DETERMINING THE BEST QUALIFIED PERSON, THE COURT SHALL CONSIDER  
2 THE PERSON'S RELATIONSHIP WITH THE RESPONDENT, THE PERSON'S SKILLS,  
3 THE EXPRESSED WISHES OF THE RESPONDENT, THE EXTENT TO WHICH THE  
4 PERSON AND THE RESPONDENT HAVE SIMILAR VALUES AND PREFERENCES,  
5 AND THE LIKELIHOOD THE PERSON WILL BE ABLE TO PERFORM THE DUTIES  
6 OF A CONSERVATOR SUCCESSFULLY.

7 (3) THE COURT, ACTING IN THE BEST INTEREST OF THE  
8 RESPONDENT, MAY DECLINE TO APPOINT AS CONSERVATOR A PERSON  
9 HAVING PRIORITY PURSUANT TO SUBSECTION (1) OF THIS SECTION AND  
10 APPOINT A PERSON HAVING A LOWER PRIORITY OR NO PRIORITY.

11 (4) UNLESS THE PERSON HAS PRIORITY TO SERVE PURSUANT TO  
12 SUBSECTION (1) OF THIS SECTION, A PERSON THAT PROVIDES PAID SERVICES  
13 TO THE RESPONDENT, OR AN INDIVIDUAL WHO IS EMPLOYED BY A PERSON  
14 THAT PROVIDES PAID SERVICES TO THE RESPONDENT OR IS THE SPOUSE,  
15 DOMESTIC PARTNER, PARENT, OR CHILD OF AN INDIVIDUAL WHO PROVIDES  
16 OR IS EMPLOYED TO PROVIDE PAID SERVICES TO THE RESPONDENT, MAY  
17 NOT BE APPOINTED AS CONSERVATOR UNLESS:

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

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

23 (5) AN OWNER, OPERATOR, OR EMPLOYEE OF A LONG-TERM CARE  
24 FACILITY AT WHICH THE RESPONDENT IS RECEIVING CARE MAY NOT BE  
25 APPOINTED AS CONSERVATOR UNLESS THE OWNER, OPERATOR, OR  
26 EMPLOYEE IS RELATED TO THE RESPONDENT BY BLOOD, MARRIAGE, OR  
27 ADOPTION.

1           **15-14.7-411. Order of appointment of conservator.** (1) A  
2 COURT ORDER APPOINTING A CONSERVATOR FOR A MINOR MUST INCLUDE  
3 FINDINGS TO SUPPORT APPOINTMENT OF A CONSERVATOR AND, IF A FULL  
4 CONSERVATORSHIP IS GRANTED, THE REASON A LIMITED  
5 CONSERVATORSHIP WOULD NOT MEET THE IDENTIFIED NEEDS OF THE  
6 MINOR.

7           (2) A COURT ORDER APPOINTING A CONSERVATOR FOR AN ADULT  
8 MUST:

9           (a) INCLUDE A SPECIFIC FINDING THAT CLEAR AND CONVINCING  
10 EVIDENCE HAS ESTABLISHED THAT THE IDENTIFIED NEEDS OF THE  
11 RESPONDENT CANNOT BE MET BY A PROTECTIVE ARRANGEMENT INSTEAD  
12 OF CONSERVATORSHIP OR OTHER LESS RESTRICTIVE ALTERNATIVE,  
13 INCLUDING USE OF APPROPRIATE SUPPORTIVE SERVICES, TECHNOLOGICAL  
14 ASSISTANCE, OR 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           (3) A COURT ORDER ESTABLISHING A FULL CONSERVATORSHIP FOR  
19 AN ADULT MUST STATE THE BASIS FOR GRANTING A FULL  
20 CONSERVATORSHIP AND INCLUDE SPECIFIC FINDINGS TO SUPPORT THE  
21 CONCLUSION THAT A LIMITED CONSERVATORSHIP WOULD NOT MEET THE  
22 FUNCTIONAL NEEDS OF THE ADULT.

23           (4) A COURT ORDER ESTABLISHING A LIMITED CONSERVATORSHIP  
24 MUST STATE THE SPECIFIC PROPERTY PLACED UNDER THE CONTROL OF THE  
25 CONSERVATOR AND THE POWERS GRANTED TO THE CONSERVATOR.

26           (5) THE COURT, AS PART OF AN ORDER ESTABLISHING A  
27 CONSERVATORSHIP, SHALL IDENTIFY ANY PERSON THAT SUBSEQUENTLY IS



1 ENTITLED TO:

2 (a) NOTICE OF THE RIGHTS OF THE INDIVIDUAL SUBJECT TO  
3 CONSERVATORSHIP PURSUANT TO SECTION 15-14.7-412 (2);

4 (b) NOTICE OF A SALE OF OR SURRENDER OF A LEASE TO THE  
5 PRIMARY DWELLING OF THE INDIVIDUAL;

6 (c) NOTICE THAT THE CONSERVATOR HAS DELEGATED A POWER  
7 THAT REQUIRES COURT APPROVAL PURSUANT TO SECTION 15-14.7-414 OR  
8 SUBSTANTIALLY ALL POWERS OF THE CONSERVATOR;

9 (d) NOTICE THAT THE CONSERVATOR WILL BE UNAVAILABLE TO  
10 PERFORM THE CONSERVATOR'S DUTIES FOR MORE THAN ONE MONTH;

11 (e) A COPY OF THE CONSERVATOR'S PLAN PURSUANT TO SECTION  
12 15-14.7-419 AND THE CONSERVATOR'S REPORT PURSUANT TO SECTION  
13 15-14.7-423;

14 (f) ACCESS TO COURT RECORDS RELATING TO THE  
15 CONSERVATORSHIP;

16 (g) NOTICE OF A TRANSACTION INVOLVING A SUBSTANTIAL  
17 CONFLICT BETWEEN THE CONSERVATOR'S FIDUCIARY DUTIES AND  
18 PERSONAL INTERESTS;

19 (h) NOTICE OF THE DEATH OR SIGNIFICANT CHANGE IN THE  
20 CONDITION OF THE INDIVIDUAL;

21 (i) NOTICE THAT THE COURT HAS LIMITED OR MODIFIED THE  
22 POWERS OF THE CONSERVATOR; AND

23 (j) NOTICE OF THE REMOVAL OF THE CONSERVATOR.

24 (6) IF AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP IS AN ADULT,  
25 THE SPOUSE, DOMESTIC PARTNER, AND ADULT CHILDREN OF THE ADULT  
26 SUBJECT TO CONSERVATORSHIP ARE ENTITLED PURSUANT TO SUBSECTION  
27 (5) OF THIS SECTION TO NOTICE UNLESS THE COURT DETERMINES NOTICE

1 WOULD BE CONTRARY TO THE PREFERENCES OR PRIOR DIRECTIONS OF THE  
2 ADULT SUBJECT TO CONSERVATORSHIP OR NOT IN THE BEST INTEREST OF  
3 THE ADULT.

4 (7) IF AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP IS A MINOR,  
5 EACH PARENT AND ADULT SIBLING OF THE MINOR IS ENTITLED PURSUANT  
6 TO SUBSECTION (5) OF THIS SECTION TO NOTICE UNLESS THE COURT  
7 DETERMINES NOTICE WOULD NOT BE IN THE BEST INTEREST OF THE MINOR.

8 **15-14.7-412. Notice of order of appointment - rights.** (1) A  
9 CONSERVATOR APPOINTED PURSUANT TO SECTION 15-14.7-411 SHALL GIVE  
10 TO THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP AND TO ALL OTHER  
11 PERSONS GIVEN NOTICE PURSUANT TO SECTION 15-14.7-403 A COPY OF THE  
12 ORDER OF APPOINTMENT, TOGETHER WITH NOTICE OF THE RIGHT TO  
13 REQUEST TERMINATION OR MODIFICATION. THE ORDER AND NOTICE MUST  
14 BE GIVEN NOT LATER THAN FOURTEEN DAYS AFTER THE APPOINTMENT.

15 (2) NOT LATER THAN THIRTY DAYS AFTER APPOINTMENT OF A  
16 CONSERVATOR PURSUANT TO SECTION 15-14.7-411, THE COURT SHALL  
17 GIVE TO THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP, THE  
18 CONSERVATOR, AND ANY OTHER PERSON ENTITLED TO NOTICE PURSUANT  
19 TO SECTION 15-14.7-411 A STATEMENT OF THE RIGHTS OF THE INDIVIDUAL  
20 SUBJECT TO CONSERVATORSHIP AND PROCEDURES TO SEEK RELIEF IF THE  
21 INDIVIDUAL IS DENIED THOSE RIGHTS. THE STATEMENT MUST BE IN PLAIN  
22 LANGUAGE, IN AT LEAST SIXTEEN-POINT FONT, AND TO THE EXTENT  
23 FEASIBLE, IN A LANGUAGE IN WHICH THE INDIVIDUAL SUBJECT TO  
24 CONSERVATORSHIP IS PROFICIENT. THE STATEMENT MUST NOTIFY THE  
25 INDIVIDUAL SUBJECT TO CONSERVATORSHIP OF THE RIGHT TO:

26 (a) SEEK TERMINATION OR MODIFICATION OF THE  
27 CONSERVATORSHIP, OR REMOVAL OF THE CONSERVATOR, AND CHOOSE AN

1 ATTORNEY TO REPRESENT THE INDIVIDUAL IN THESE MATTERS;

2 (b) PARTICIPATE IN DECISION MAKING TO THE EXTENT REASONABLY  
3 FEASIBLE;

4 (c) RECEIVE A COPY OF THE CONSERVATOR'S PLAN PURSUANT TO  
5 SECTION 15-14.7-419, THE CONSERVATOR'S INVENTORY PURSUANT TO  
6 SECTION 15-14.7-420, AND THE CONSERVATOR'S REPORT PURSUANT TO  
7 SECTION 15-14.7-423; AND

8 (d) OBJECT TO THE CONSERVATOR'S INVENTORY, PLAN, OR REPORT.

9 (3) IF A CONSERVATOR IS APPOINTED FOR THE REASONS STATED IN  
10 SECTION 15-14.7-401 (2)(a)(II) AND THE INDIVIDUAL SUBJECT TO  
11 CONSERVATORSHIP IS MISSING, NOTICE PURSUANT TO THIS SECTION TO THE  
12 INDIVIDUAL IS NOT REQUIRED.

13 **15-14.7-413. Emergency conservator.** (1) ON ITS OWN OR ON  
14 PETITION BY A PERSON INTERESTED IN AN INDIVIDUAL'S WELFARE AFTER A  
15 PETITION HAS BEEN FILED PURSUANT TO SECTION 15-14.7-402, THE COURT  
16 MAY APPOINT AN EMERGENCY CONSERVATOR FOR THE INDIVIDUAL IF THE  
17 COURT FINDS:

18 (a) APPOINTMENT OF AN EMERGENCY CONSERVATOR IS LIKELY TO  
19 PREVENT SUBSTANTIAL AND IRREPARABLE HARM TO THE INDIVIDUAL'S  
20 PROPERTY OR FINANCIAL INTERESTS;

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

23 (c) THERE IS REASON TO BELIEVE THAT A BASIS FOR APPOINTMENT  
24 OF A CONSERVATOR PURSUANT TO SECTION 15-14.7-401 EXISTS.

25 (2) THE DURATION OF AUTHORITY OF AN EMERGENCY  
26 CONSERVATOR MAY NOT EXCEED SIXTY DAYS AND THE EMERGENCY  
27 CONSERVATOR MAY EXERCISE ONLY THE POWERS SPECIFIED IN THE ORDER

1 OF APPOINTMENT. THE EMERGENCY CONSERVATOR'S AUTHORITY MAY BE  
2 EXTENDED ONCE FOR NOT MORE THAN SIXTY DAYS IF THE COURT FINDS  
3 THAT THE CONDITIONS FOR APPOINTMENT OF AN EMERGENCY  
4 CONSERVATOR PURSUANT TO SUBSECTION (1) OF THIS SECTION CONTINUE.

5 (3) IMMEDIATELY ON FILING OF A PETITION FOR AN EMERGENCY  
6 CONSERVATOR, THE COURT SHALL APPOINT AN ATTORNEY TO REPRESENT  
7 THE RESPONDENT IN THE PROCEEDING. EXCEPT AS OTHERWISE PROVIDED  
8 IN SUBSECTION (4) OF THIS SECTION, REASONABLE NOTICE OF THE DATE,  
9 TIME, AND PLACE OF A HEARING ON THE PETITION MUST BE GIVEN TO THE  
10 RESPONDENT, THE RESPONDENT'S ATTORNEY, AND ANY OTHER PERSON THE  
11 COURT DETERMINES.

12 (4) THE COURT MAY APPOINT AN EMERGENCY CONSERVATOR  
13 WITHOUT NOTICE TO THE RESPONDENT AND ANY ATTORNEY FOR THE  
14 RESPONDENT ONLY IF THE COURT FINDS FROM AN AFFIDAVIT OR TESTIMONY  
15 THAT THE RESPONDENT'S PROPERTY OR FINANCIAL INTERESTS WILL BE  
16 SUBSTANTIALLY AND IRREPARABLY HARMED BEFORE A HEARING WITH  
17 NOTICE ON THE APPOINTMENT CAN BE HELD. IF THE COURT APPOINTS AN  
18 EMERGENCY CONSERVATOR WITHOUT REASONABLE NOTICE TO THE  
19 RESPONDENT OR THE RESPONDENT'S ATTORNEY AND THE RESPONDENT IS  
20 NOT PRESENT AT THE HEARING, THE COURT MUST PERSONALLY SERVE  
21 NOTICE OF THE APPOINTMENT NOT LATER THAN FORTY-EIGHT HOURS AFTER  
22 THE APPOINTMENT TO:

- 23 (a) THE RESPONDENT;
- 24 (b) THE RESPONDENT'S ATTORNEY; AND
- 25 (c) ANY OTHER PERSON THE COURT DETERMINES.

26 (5) NOT LATER THAN SEVEN DAYS AFTER THE APPOINTMENT, THE  
27 COURT SHALL HOLD A HEARING ON THE APPROPRIATENESS OF THE

1 APPOINTMENT UPON THE REQUEST OF THE RESPONDENT, THE RESPONDENT'S  
2 ATTORNEY, A MEMBER OF THE RESPONDENT'S SUPPORTIVE COMMUNITY, OR  
3 A PERSON INTERESTED IN THE WELFARE OF AN INDIVIDUAL SUBJECT TO  
4 GUARDIANSHIP OR CONSERVATORSHIP.

5 (6) APPOINTMENT OF AN EMERGENCY CONSERVATOR PURSUANT TO  
6 THIS SECTION IS NOT A DETERMINATION THAT A BASIS EXISTS FOR  
7 APPOINTMENT OF A CONSERVATOR PURSUANT TO SECTION 15-14.7-401.

8 (7) THE COURT MAY TERMINATE THE APPOINTMENT OF AN  
9 EMERGENCY CONSERVATOR APPOINTED PURSUANT TO THIS SECTION AT  
10 ANY TIME. THE EMERGENCY CONSERVATOR SHALL MAKE ANY REPORT THE  
11 COURT REQUIRES.

12 **15-14.7-414. Powers of conservator requiring court approval.**

13 (1) EXCEPT AS OTHERWISE ORDERED BY THE COURT, A CONSERVATOR  
14 MUST GIVE NOTICE, PURSUANT TO SECTION 15-10-401, TO PERSONS  
15 ENTITLED TO NOTICE PURSUANT TO SECTION 15-14.7-403 AND RECEIVE  
16 SPECIFIC AUTHORIZATION BY THE COURT BEFORE THE CONSERVATOR MAY  
17 EXERCISE WITH RESPECT TO THE CONSERVATORSHIP THE POWER TO:

18 (a) MAKE A GIFT, EXCEPT A GIFT OF DE MINIMIS VALUE;

19 (b) SELL, ENCUMBER AN INTEREST IN, OR SURRENDER A LEASE TO  
20 THE PRIMARY DWELLING OF THE INDIVIDUAL SUBJECT TO  
21 CONSERVATORSHIP;

22 (c) CONVEY, RELEASE, OR DISCLAIM A CONTINGENT OR EXPECTANT  
23 INTEREST IN PROPERTY, INCLUDING MARITAL PROPERTY AND ANY RIGHT OF  
24 SURVIVORSHIP INCIDENT TO JOINT TENANCY OR TENANCY BY THE  
25 ENTIRETIES;

26 (d) EXERCISE OR RELEASE A POWER OF APPOINTMENT;

27 (e) CREATE A REVOCABLE OR IRREVOCABLE TRUST OF PROPERTY

1 OF THE CONSERVATORSHIP ESTATE, WHETHER OR NOT THE TRUST EXTENDS  
2 BEYOND THE DURATION OF THE CONSERVATORSHIP, OR REVOKE OR AMEND  
3 A TRUST REVOCABLE BY THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP;

4 (f) EXERCISE A RIGHT TO ELECT AN OPTION OR CHANGE A  
5 BENEFICIARY UNDER AN INSURANCE POLICY OR ANNUITY OR SURRENDER  
6 THE POLICY OR ANNUITY FOR ITS CASH VALUE;

7 (g) EXERCISE A RIGHT TO AN ELECTIVE SHARE IN THE ESTATE OF A  
8 DECEASED SPOUSE OR DOMESTIC PARTNER OF THE INDIVIDUAL SUBJECT TO  
9 CONSERVATORSHIP OR RENOUNCE OR DISCLAIM A PROPERTY INTEREST;

10 (h) GRANT A CREDITOR PRIORITY FOR PAYMENT OVER CREDITORS  
11 OF THE SAME OR HIGHER CLASS IF THE CREDITOR IS PROVIDING PROPERTY  
12 OR SERVICES USED TO MEET THE BASIC LIVING AND CARE NEEDS OF THE  
13 INDIVIDUAL SUBJECT TO CONSERVATORSHIP AND PREFERENTIAL  
14 TREATMENT OTHERWISE WOULD BE IMPERMISSIBLE PURSUANT TO SECTION  
15 15-14.7-428 (5); AND

16 (i) MAKE, MODIFY, AMEND, OR REVOKE THE WILL OF THE  
17 INDIVIDUAL SUBJECT TO CONSERVATORSHIP IN COMPLIANCE WITH PART 5  
18 OF ARTICLE 11 OF TITLE 15.

19 (2) IN APPROVING A CONSERVATOR'S EXERCISE OF A POWER LISTED  
20 IN SUBSECTION (1) OF THIS SECTION, THE COURT SHALL CONSIDER  
21 PRIMARILY THE DECISION THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP  
22 WOULD MAKE IF ABLE, TO THE EXTENT THE DECISION CAN BE  
23 ASCERTAINED.

24 (3) TO DETERMINE PURSUANT TO SUBSECTION (2) OF THIS SECTION  
25 THE DECISION THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP WOULD  
26 MAKE IF ABLE, THE COURT SHALL CONSIDER THE INDIVIDUAL'S PRIOR OR  
27 CURRENT DIRECTIONS, PREFERENCES, OPINIONS, VALUES, AND ACTIONS, TO

1 THE EXTENT ACTUALLY KNOWN OR REASONABLY ASCERTAINABLE BY THE  
2 CONSERVATOR. THE COURT ALSO SHALL CONSIDER:

3 (a) THE FINANCIAL NEEDS OF THE INDIVIDUAL SUBJECT TO  
4 CONSERVATORSHIP AND INDIVIDUALS WHO ARE IN FACT DEPENDENT ON  
5 THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP FOR SUPPORT, AND THE  
6 INTERESTS OF CREDITORS OF THE INDIVIDUAL;

7 (b) POSSIBLE REDUCTION OF INCOME, ESTATE, INHERITANCE, OR  
8 OTHER TAX LIABILITIES;

9 (c) ELIGIBILITY FOR GOVERNMENTAL ASSISTANCE;

10 (d) THE PREVIOUS PATTERN OF GIVING OR LEVEL OF SUPPORT  
11 PROVIDED BY THE INDIVIDUAL;

12 (e) ANY EXISTING ESTATE PLAN OR LACK OF ESTATE PLAN OF THE  
13 INDIVIDUAL;

14 (f) THE LIFE EXPECTANCY OF THE INDIVIDUAL AND THE  
15 PROBABILITY THE CONSERVATORSHIP WILL TERMINATE BEFORE THE  
16 INDIVIDUAL'S DEATH; AND

17 (g) ANY OTHER RELEVANT FACTOR.

18 (4) A CONSERVATOR MAY NOT REVOKE OR AMEND A POWER OF  
19 ATTORNEY FOR FINANCES EXECUTED BY THE INDIVIDUAL SUBJECT TO  
20 CONSERVATORSHIP. IF A POWER OF ATTORNEY FOR FINANCES IS IN EFFECT,  
21 A DECISION OF THE AGENT TAKES PRECEDENCE OVER THAT OF THE  
22 CONSERVATOR, UNLESS THE COURT ORDERS OTHERWISE.

23 **15-14.7-415. Petition for order after appointment.** (1) AN  
24 INDIVIDUAL SUBJECT TO CONSERVATORSHIP OR A PERSON INTERESTED IN  
25 THE WELFARE OF THE INDIVIDUAL MAY PETITION FOR AN ORDER:

26 (a) REQUIRING THE CONSERVATOR TO FURNISH A BOND OR  
27 COLLATERAL OR ADDITIONAL BOND OR COLLATERAL OR ALLOWING A

- 1 REDUCTION IN A BOND OR COLLATERAL PREVIOUSLY FURNISHED;
- 2 (b) REQUIRING AN ACCOUNTING FOR THE ADMINISTRATION OF THE
- 3 CONSERVATORSHIP ESTATE;
- 4 (c) DIRECTING DISTRIBUTION;
- 5 (d) REMOVING THE CONSERVATOR AND APPOINTING A TEMPORARY
- 6 OR SUCCESSOR CONSERVATOR;
- 7 (e) MODIFYING THE TYPE OF APPOINTMENT OR POWERS GRANTED
- 8 TO THE CONSERVATOR, IF THE EXTENT OF PROTECTION OR MANAGEMENT
- 9 PREVIOUSLY GRANTED IS EXCESSIVE OR INSUFFICIENT TO MEET THE
- 10 INDIVIDUAL'S NEEDS, INCLUDING BECAUSE THE INDIVIDUAL'S ABILITIES OR
- 11 SUPPORTS HAVE CHANGED;
- 12 (f) REJECTING OR MODIFYING THE CONSERVATOR'S PLAN PURSUANT
- 13 TO SECTION 15-14.7-419, THE CONSERVATOR'S INVENTORY PURSUANT TO
- 14 SECTION 15-14.7-420, OR THE CONSERVATOR'S REPORT PURSUANT TO
- 15 SECTION 15-14.7-423; OR
- 16 (g) GRANTING OTHER APPROPRIATE RELIEF.

17 **15-14.7-416. Bond - alternative asset protection arrangement.**

18 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION,

19 THE COURT SHALL REQUIRE A CONSERVATOR TO FURNISH A BOND WITH A

20 SURETY \_\_\_\_\_ OR REQUIRE AN ALTERNATIVE ASSET-PROTECTION

21 ARRANGEMENT, CONDITIONED ON FAITHFUL DISCHARGE OF ALL DUTIES OF

22 THE CONSERVATOR. THE COURT MAY WAIVE THE REQUIREMENT ONLY IF

23 THE COURT FINDS THAT A BOND OR OTHER ASSET-PROTECTION

24 ARRANGEMENT IS NOT NECESSARY TO PROTECT THE INTERESTS OF THE

25 INDIVIDUAL SUBJECT TO CONSERVATORSHIP. EXCEPT AS OTHERWISE

26 PROVIDED IN SUBSECTION (3) OF THIS SECTION, THE COURT MAY NOT WAIVE

27 THE REQUIREMENT IF THE CONSERVATOR IS IN THE BUSINESS OF SERVING



1 AS A CONSERVATOR AND IS BEING PAID FOR THE CONSERVATOR'S SERVICE.

2 (2) UNLESS THE COURT DIRECTS OTHERWISE, THE BOND REQUIRED  
3 PURSUANT TO THIS SECTION MUST BE IN THE AMOUNT OF THE AGGREGATE  
4 CAPITAL VALUE OF THE CONSERVATORSHIP ESTATE, PLUS ONE YEAR'S  
5 ESTIMATED INCOME, LESS THE VALUE OF PROPERTY DEPOSITED UNDER AN  
6 ARRANGEMENT REQUIRING A COURT ORDER FOR ITS REMOVAL AND REAL  
7 PROPERTY THE CONSERVATOR LACKS POWER TO SELL OR CONVEY WITHOUT  
8 SPECIFIC COURT AUTHORIZATION. THE COURT, IN PLACE OF SURETY ON A  
9 BOND, MAY ACCEPT COLLATERAL FOR THE PERFORMANCE OF THE BOND,  
10 INCLUDING A PLEDGE OF SECURITIES OR A MORTGAGE OF REAL PROPERTY.

11 (3) A REGULATED FINANCIAL-SERVICE INSTITUTION QUALIFIED TO  
12 DO TRUST BUSINESS IN THIS STATE, A PUBLIC ADMINISTRATOR NOMINATED  
13 AS A GUARDIAN OR CONSERVATOR, OR A STATE OR COUNTY AGENCY  
14 NOMINATED AS A GUARDIAN OR CONSERVATOR PURSUANT TO STATE LAW  
15 IS NOT REQUIRED TO GIVE A BOND PURSUANT TO THIS SECTION.

16 **15-14.7-417. Terms and requirements of bond.** (1) THE  
17 FOLLOWING RULES APPLY TO THE BOND REQUIRED PURSUANT TO SECTION  
18 15-14.7-416:

19 (a) EXCEPT AS OTHERWISE PROVIDED BY THE BOND, THE SURETY  
20 AND THE CONSERVATOR ARE JOINTLY AND SEVERALLY LIABLE.

21 (b) BY EXECUTING A BOND PROVIDED BY A CONSERVATOR, THE  
22 SURETY SUBMITS TO THE PERSONAL JURISDICTION OF THE COURT THAT  
23 ISSUED LETTERS OF OFFICE TO THE CONSERVATOR IN A PROCEEDING  
24 RELATING TO THE DUTIES OF THE CONSERVATOR IN WHICH THE SURETY IS  
25 NAMED AS A PARTY. NOTICE OF THE PROCEEDING MUST BE GIVEN TO THE  
26 SURETY AT THE ADDRESS SHOWN IN THE RECORDS OF THE COURT IN WHICH  
27 THE BOND IS FILED AND ANY OTHER ADDRESS OF THE SURETY THEN KNOWN

1 TO THE PERSON REQUIRED TO PROVIDE THE NOTICE.

2 (c) ON PETITION OF A SUCCESSOR CONSERVATOR OR PERSON  
3 AFFECTED BY A BREACH OF THE OBLIGATION OF THE BOND, A PROCEEDING  
4 MAY BE BROUGHT AGAINST THE SURETY FOR BREACH OF THE OBLIGATION  
5 OF THE BOND.

6 (d) A PROCEEDING AGAINST THE BOND MAY BE BROUGHT UNTIL  
7 LIABILITY UNDER THE BOND IS EXHAUSTED.

8 (2) A PROCEEDING MAY NOT BE BROUGHT PURSUANT TO THIS  
9 SECTION AGAINST A SURETY OF A BOND ON A MATTER AS TO WHICH A  
10 PROCEEDING AGAINST THE CONSERVATOR IS BARRED.

11 (3) IF A BOND PURSUANT TO SECTION 15-14.7-416 IS NOT RENEWED  
12 BY THE CONSERVATOR, THE SURETY OR SURETIES IMMEDIATELY SHALL  
13 GIVE NOTICE, PURSUANT TO SECTION 15-10-401, TO THE COURT AND THE  
14 INDIVIDUAL SUBJECT TO CONSERVATORSHIP.

15 **15-14.7-418. Duties of conservator.** (1) A CONSERVATOR IS A  
16 FIDUCIARY AND HAS DUTIES OF PRUDENCE AND LOYALTY TO THE  
17 INDIVIDUAL SUBJECT TO CONSERVATORSHIP.

18 (2) A CONSERVATOR SHALL PROMOTE THE SELF-DETERMINATION  
19 OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP AND, TO THE EXTENT  
20 FEASIBLE, ENCOURAGE THE INDIVIDUAL TO PARTICIPATE IN DECISIONS, ACT  
21 ON THE INDIVIDUAL'S OWN BEHALF, AND DEVELOP OR REGAIN THE  
22 CAPACITY TO MANAGE THE INDIVIDUAL'S PERSONAL AFFAIRS.

23 (3) IN MAKING A DECISION FOR AN INDIVIDUAL SUBJECT TO  
24 CONSERVATORSHIP, THE CONSERVATOR SHALL MAKE THE DECISION THE  
25 CONSERVATOR REASONABLY BELIEVES THE INDIVIDUAL WOULD MAKE IF  
26 ABLE, UNLESS DOING SO WOULD FAIL TO PRESERVE THE RESOURCES  
27 NEEDED TO MAINTAIN THE INDIVIDUAL'S WELL-BEING AND LIFESTYLE OR

1 OTHERWISE UNREASONABLY HARM OR ENDANGER THE WELFARE OR  
2 PERSONAL OR FINANCIAL INTERESTS OF THE INDIVIDUAL. TO DETERMINE  
3 THE DECISION THE INDIVIDUAL WOULD MAKE IF ABLE, THE CONSERVATOR  
4 SHALL CONSIDER THE INDIVIDUAL'S PRIOR OR CURRENT DIRECTIONS,  
5 PREFERENCES, OPINIONS, VALUES, AND ACTIONS, TO THE EXTENT  
6 ACTUALLY KNOWN OR REASONABLY ASCERTAINABLE BY THE  
7 CONSERVATOR.

8 (4) IF A CONSERVATOR CANNOT MAKE A DECISION PURSUANT TO  
9 SUBSECTION (3) OF THIS SECTION BECAUSE THE CONSERVATOR DOES NOT  
10 KNOW AND CANNOT REASONABLY DETERMINE THE DECISION THE  
11 INDIVIDUAL SUBJECT TO CONSERVATORSHIP PROBABLY WOULD MAKE IF  
12 ABLE, OR THE CONSERVATOR REASONABLY BELIEVES THE DECISION THE  
13 INDIVIDUAL WOULD MAKE WOULD FAIL TO PRESERVE RESOURCES NEEDED  
14 TO MAINTAIN THE INDIVIDUAL'S WELL-BEING AND LIFESTYLE OR  
15 OTHERWISE UNREASONABLY HARM OR ENDANGER THE WELFARE OR  
16 PERSONAL OR FINANCIAL INTERESTS OF THE INDIVIDUAL, THE  
17 CONSERVATOR SHALL ACT IN ACCORDANCE WITH THE BEST INTEREST OF  
18 THE INDIVIDUAL. IN DETERMINING THE BEST INTEREST OF THE INDIVIDUAL,  
19 THE CONSERVATOR SHALL CONSIDER:

20 (a) INFORMATION RECEIVED FROM PROFESSIONALS AND PERSONS  
21 THAT DEMONSTRATE SUFFICIENT INTEREST IN THE WELFARE OF THE  
22 INDIVIDUAL;

23 (b) OTHER INFORMATION THE CONSERVATOR BELIEVES THE  
24 INDIVIDUAL WOULD HAVE CONSIDERED IF THE INDIVIDUAL WERE ABLE TO  
25 ACT; AND

26 (c) OTHER FACTORS A REASONABLE PERSON IN THE  
27 CIRCUMSTANCES OF THE INDIVIDUAL WOULD CONSIDER, INCLUDING

1 CONSEQUENCES FOR OTHERS.

2 (5) EXCEPT WHEN INCONSISTENT WITH THE CONSERVATOR'S DUTIES  
3 PURSUANT TO SUBSECTIONS (1) TO (4) OF THIS SECTION, A CONSERVATOR  
4 SHALL INVEST AND MANAGE THE CONSERVATORSHIP ESTATE AS A PRUDENT  
5 INVESTOR WOULD, BY CONSIDERING:

6 (a) THE CIRCUMSTANCES OF THE INDIVIDUAL SUBJECT TO  
7 CONSERVATORSHIP AND THE CONSERVATORSHIP ESTATE;

8 (b) GENERAL ECONOMIC CONDITIONS;

9 (c) THE POSSIBLE EFFECT OF INFLATION OR DEFLATION;

10 (d) THE EXPECTED TAX CONSEQUENCES OF AN INVESTMENT  
11 DECISION OR STRATEGY;

12 (e) THE ROLE OF EACH INVESTMENT OR COURSE OF ACTION IN  
13 RELATION TO THE CONSERVATORSHIP ESTATE AS A WHOLE;

14 (f) THE EXPECTED TOTAL RETURN FROM INCOME AND  
15 APPRECIATION OF CAPITAL;

16 (g) THE NEED FOR LIQUIDITY, REGULARITY OF INCOME, AND  
17 PRESERVATION OR APPRECIATION OF CAPITAL; AND

18 (h) THE SPECIAL RELATIONSHIP OR VALUE, IF ANY, OF SPECIFIC  
19 PROPERTY TO THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP.

20 (6) THE PROPRIETY OF A CONSERVATOR'S INVESTMENT AND  
21 MANAGEMENT OF THE CONSERVATORSHIP ESTATE IS DETERMINED IN LIGHT  
22 OF THE FACTS AND CIRCUMSTANCES EXISTING WHEN THE CONSERVATOR  
23 DECIDES OR ACTS AND NOT BY HINDSIGHT.

24 (7) A CONSERVATOR SHALL MAKE A REASONABLE EFFORT TO  
25 VERIFY FACTS RELEVANT TO THE INVESTMENT AND MANAGEMENT OF THE  
26 CONSERVATORSHIP ESTATE.

27 (8) A CONSERVATOR THAT HAS SPECIAL SKILLS OR EXPERTISE, OR

1 IS NAMED CONSERVATOR IN RELIANCE ON THE CONSERVATOR'S  
2 REPRESENTATION OF SPECIAL SKILLS OR EXPERTISE, HAS A DUTY TO USE  
3 THE SPECIAL SKILLS OR EXPERTISE IN CARRYING OUT THE CONSERVATOR'S  
4 DUTIES.

5 (9) IN INVESTING, SELECTING SPECIFIC PROPERTY FOR  
6 DISTRIBUTION, AND INVOKING A POWER OF REVOCATION OR WITHDRAWAL  
7 FOR THE USE OR BENEFIT OF THE INDIVIDUAL SUBJECT TO  
8 CONSERVATORSHIP, A CONSERVATOR SHALL CONSIDER ANY ESTATE PLAN  
9 OF THE INDIVIDUAL KNOWN OR REASONABLY ASCERTAINABLE TO THE  
10 CONSERVATOR AND MAY EXAMINE THE WILL OR OTHER DONATIVE,  
11 NOMINATIVE, OR APPOINTIVE INSTRUMENT OF THE INDIVIDUAL.

12 (10) A CONSERVATOR SHALL MAINTAIN INSURANCE ON THE  
13 INSURABLE REAL AND PERSONAL PROPERTY OF THE INDIVIDUAL SUBJECT  
14 TO CONSERVATORSHIP, UNLESS THE CONSERVATORSHIP ESTATE LACKS  
15 SUFFICIENT FUNDS TO PAY FOR INSURANCE OR THE COURT FINDS:

16 (a) THE PROPERTY LACKS SUFFICIENT EQUITY; OR

17 (b) INSURING THE PROPERTY WOULD UNREASONABLY DISSIPATE  
18 THE CONSERVATORSHIP ESTATE OR OTHERWISE NOT BE IN THE BEST  
19 INTEREST OF THE INDIVIDUAL.

20 (11) IF A POWER OF ATTORNEY FOR FINANCES IS IN EFFECT, A  
21 CONSERVATOR SHALL COOPERATE WITH THE AGENT TO THE EXTENT  
22 FEASIBLE.

23 (12) A CONSERVATOR HAS ACCESS TO AND AUTHORITY OVER A  
24 DIGITAL ASSET OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP TO THE  
25 EXTENT PROVIDED BY THE "REVISED UNIFORM FIDUCIARY ACCESS TO  
26 DIGITAL ASSETS ACT" IN PART 15 OF ARTICLE 1 OF THIS TITLE 15 OR COURT  
27 ORDER.

1 (13) A CONSERVATOR FOR AN ADULT SHALL NOTIFY THE COURT IF  
2 THE CONDITION OF THE ADULT HAS CHANGED SO THAT THE ADULT IS  
3 CAPABLE OF EXERCISING RIGHTS PREVIOUSLY REMOVED. THE NOTICE MUST  
4 BE GIVEN IMMEDIATELY ON LEARNING OF THE CHANGE.

5 **15-14.7-419. Conservator's plan.** (1) A CONSERVATOR, NOT  
6 LATER THAN NINETY DAYS AFTER APPOINTMENT AND WHEN THERE IS A  
7 SIGNIFICANT CHANGE IN CIRCUMSTANCES OR THE CONSERVATOR SEEKS TO  
8 DEVIATE SIGNIFICANTLY FROM THE CONSERVATOR'S PLAN, SHALL FILE  
9 WITH THE COURT A PLAN FOR PROTECTING, MANAGING, EXPENDING, AND  
10 DISTRIBUTING THE ASSETS OF THE CONSERVATORSHIP ESTATE. THE PLAN  
11 MUST BE BASED ON THE NEEDS OF THE INDIVIDUAL SUBJECT TO  
12 CONSERVATORSHIP AND TAKE INTO ACCOUNT THE BEST INTEREST OF THE  
13 INDIVIDUAL AS WELL AS THE INDIVIDUAL'S PREFERENCES, VALUES, AND  
14 PRIOR DIRECTIONS, TO THE EXTENT KNOWN TO OR REASONABLY  
15 ASCERTAINABLE BY THE CONSERVATOR. THE CONSERVATOR SHALL  
16 INCLUDE IN THE PLAN:

17 (a) A BUDGET CONTAINING PROJECTED EXPENSES AND RESOURCES,  
18 INCLUDING AN ESTIMATE OF THE TOTAL AMOUNT OF FEES THE  
19 CONSERVATOR ANTICIPATES CHARGING PER YEAR AND A STATEMENT OR  
20 LIST OF THE AMOUNT THE CONSERVATOR PROPOSES TO CHARGE FOR EACH  
21 SERVICE THE CONSERVATOR ANTICIPATES PROVIDING TO THE INDIVIDUAL;

22 (b) HOW THE CONSERVATOR WILL INVOLVE THE INDIVIDUAL IN  
23 DECISIONS ABOUT MANAGEMENT OF THE CONSERVATORSHIP ESTATE;

24 (c) ANY STEP THE CONSERVATOR PLANS TO TAKE TO DEVELOP OR  
25 RESTORE THE ABILITY OF THE INDIVIDUAL TO MANAGE THE  
26 CONSERVATORSHIP ESTATE; AND

27 (d) AN ESTIMATE OF THE DURATION OF THE CONSERVATORSHIP.

1           (2) A CONSERVATOR SHALL GIVE NOTICE, PURSUANT TO SECTION  
2 15-10-401, OF THE FILING OF THE CONSERVATOR'S PLAN PURSUANT TO  
3 SUBSECTION (1) OF THIS SECTION, TOGETHER WITH A COPY OF THE PLAN, TO  
4 THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP, A PERSON ENTITLED TO  
5 NOTICE PURSUANT TO SECTION 15-14.7-411 OR A SUBSEQUENT ORDER, AND  
6 ANY OTHER PERSON THE COURT DETERMINES. THE NOTICE MUST INCLUDE  
7 A STATEMENT OF THE RIGHT TO OBJECT TO THE PLAN AND BE GIVEN NOT  
8 LATER THAN FOURTEEN DAYS AFTER THE FILING.

9           (3) AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP AND ANY  
10 PERSON ENTITLED PURSUANT TO SUBSECTION (2) OF THIS SECTION TO  
11 RECEIVE NOTICE AND A COPY OF THE CONSERVATOR'S PLAN MAY OBJECT  
12 TO THE PLAN.

13           (4) THE COURT SHALL REVIEW THE CONSERVATOR'S PLAN FILED  
14 PURSUANT TO SUBSECTION (1) OF THIS SECTION AND DETERMINE WHETHER  
15 TO APPROVE THE PLAN OR REQUIRE A NEW PLAN. IN DECIDING WHETHER TO  
16 APPROVE THE PLAN, THE COURT SHALL CONSIDER AN OBJECTION PURSUANT  
17 TO SUBSECTION (3) OF THIS SECTION AND WHETHER THE PLAN IS  
18 CONSISTENT WITH THE CONSERVATOR'S DUTIES AND POWERS. THE COURT  
19 MAY NOT APPROVE THE PLAN UNTIL THIRTY DAYS AFTER ITS FILING.

20           (5) AFTER A CONSERVATOR'S PLAN PURSUANT TO THIS SECTION IS  
21 APPROVED BY THE COURT, THE CONSERVATOR SHALL PROVIDE A COPY OF  
22 THE PLAN TO THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP, A PERSON  
23 ENTITLED TO NOTICE PURSUANT TO SECTION 15-14.7-411 OR A  
24 SUBSEQUENT ORDER, AND ANY OTHER PERSON THE COURT DETERMINES.

25           **15-14.7-420. Inventory - records.** (1) NOT LATER THAN NINETY  
26 DAYS AFTER APPOINTMENT, A CONSERVATOR SHALL PREPARE AND FILE  
27 WITH THE APPOINTING COURT A DETAILED INVENTORY OF THE

1 CONSERVATORSHIP ESTATE, TOGETHER WITH AN OATH OR AFFIRMATION  
2 THAT THE INVENTORY IS BELIEVED TO BE COMPLETE AND ACCURATE AS  
3 FAR AS INFORMATION PERMITS.

4 (2) A CONSERVATOR SHALL GIVE NOTICE, PURSUANT TO SECTION  
5 15-10-401, OF THE FILING OF AN INVENTORY TO THE INDIVIDUAL SUBJECT  
6 TO CONSERVATORSHIP, A PERSON ENTITLED TO NOTICE PURSUANT TO  
7 SECTION 15-14.7-411 OR A SUBSEQUENT ORDER, AND ANY OTHER PERSON  
8 THE COURT DETERMINES. THE NOTICE MUST BE GIVEN NOT LATER THAN  
9 FOURTEEN DAYS AFTER THE FILING.

10 (3) A CONSERVATOR SHALL KEEP RECORDS OF THE  
11 ADMINISTRATION OF THE CONSERVATORSHIP ESTATE AND MAKE THEM  
12 AVAILABLE FOR EXAMINATION ON REASONABLE REQUEST OF THE  
13 INDIVIDUAL SUBJECT TO CONSERVATORSHIP, A GUARDIAN FOR THE  
14 INDIVIDUAL, OR ANY OTHER PERSON THE CONSERVATOR OR THE COURT  
15 DETERMINES.

16 **15-14.7-421. Administrative powers of conservator not**  
17 **requiring court approval.** (1) EXCEPT AS OTHERWISE PROVIDED IN  
18 SECTION 15-14.7-414 OR QUALIFIED OR LIMITED IN THE COURT'S ORDER OF  
19 APPOINTMENT AND STATED IN THE LETTERS OF OFFICE, A CONSERVATOR  
20 HAS ALL POWERS GRANTED IN THIS SECTION AND ANY ADDITIONAL POWER  
21 GRANTED TO A TRUSTEE BY LAW OF THIS STATE OTHER THAN THIS ARTICLE  
22 14.7.

23 (2) A CONSERVATOR, ACTING REASONABLY AND CONSISTENT WITH  
24 THE FIDUCIARY DUTIES OF THE CONSERVATOR TO ACCOMPLISH THE  
25 PURPOSE OF THE CONSERVATORSHIP, WITHOUT SPECIFIC COURT  
26 AUTHORIZATION OR CONFIRMATION, MAY WITH RESPECT TO THE  
27 CONSERVATORSHIP ESTATE:



- 1           (a) COLLECT, HOLD, AND RETAIN PROPERTY, INCLUDING PROPERTY  
2 IN WHICH THE CONSERVATOR HAS A PERSONAL INTEREST AND REAL  
3 PROPERTY IN ANOTHER STATE, UNTIL THE CONSERVATOR DETERMINES  
4 DISPOSITION OF THE PROPERTY SHOULD BE MADE;
- 5           (b) RECEIVE ADDITIONS TO THE CONSERVATORSHIP ESTATE;
- 6           (c) CONTINUE OR PARTICIPATE IN THE OPERATION OF A BUSINESS  
7 OR OTHER ENTERPRISE;
- 8           (d) ACQUIRE AN UNDIVIDED INTEREST IN PROPERTY IN WHICH THE  
9 CONSERVATOR, IN A FIDUCIARY CAPACITY, HOLDS AN UNDIVIDED  
10 INTEREST;
- 11          (e) INVEST ASSETS;
- 12          (f) DEPOSIT FUNDS OR OTHER PROPERTY IN A FINANCIAL  
13 INSTITUTION, INCLUDING ONE OPERATED BY THE CONSERVATOR;
- 14          (g) ACQUIRE OR DISPOSE OF PROPERTY, INCLUDING REAL PROPERTY  
15 IN ANOTHER STATE, FOR CASH OR ON CREDIT, AT PUBLIC OR PRIVATE SALE,  
16 AND MANAGE, DEVELOP, IMPROVE, EXCHANGE, PARTITION, CHANGE THE  
17 CHARACTER OF, OR ABANDON PROPERTY;
- 18          (h) MAKE ORDINARY OR EXTRAORDINARY REPAIRS OR  
19 ALTERATIONS IN A BUILDING OR OTHER STRUCTURE, DEMOLISH ANY  
20 IMPROVEMENT, OR RAZE AN EXISTING OR ERECT A NEW PARTY WALL OR  
21 BUILDING;
- 22          (i) SUBDIVIDE OR DEVELOP LAND, DEDICATE LAND TO PUBLIC USE,  
23 MAKE OR OBTAIN THE VACATION OF A PLAT AND ADJUST A BOUNDARY,  
24 ADJUST A DIFFERENCE IN VALUATION OF LAND, EXCHANGE OR PARTITION  
25 LAND BY GIVING OR RECEIVING CONSIDERATION, AND DEDICATE AN  
26 EASEMENT TO PUBLIC USE WITHOUT CONSIDERATION;
- 27          (j) ENTER FOR ANY PURPOSE INTO A LEASE OF PROPERTY AS LESSOR

1 OR LESSEE, WITH OR WITHOUT AN OPTION TO PURCHASE OR RENEW, FOR A  
2 TERM WITHIN OR EXTENDING BEYOND THE TERM OF THE  
3 CONSERVATORSHIP;

4 (k) ENTER INTO A LEASE OR ARRANGEMENT FOR EXPLORATION AND  
5 REMOVAL OF MINERALS OR OTHER NATURAL RESOURCES OR A POOLING OR  
6 UNITIZATION AGREEMENT;

7 (l) GRANT AN OPTION INVOLVING DISPOSITION OF PROPERTY OR  
8 ACCEPT OR EXERCISE AN OPTION FOR THE ACQUISITION OF PROPERTY;

9 (m) VOTE A SECURITY, IN PERSON OR BY GENERAL OR LIMITED  
10 PROXY;

11 (n) PAY A CALL, ASSESSMENT, OR OTHER SUM CHARGEABLE OR  
12 ACCRUING AGAINST OR ON ACCOUNT OF A SECURITY;

13 (o) SELL OR EXERCISE A STOCK SUBSCRIPTION OR CONVERSION  
14 RIGHT;

15 (p) CONSENT, DIRECTLY OR THROUGH A COMMITTEE OR AGENT, TO  
16 THE REORGANIZATION, CONSOLIDATION, MERGER, DISSOLUTION, OR  
17 LIQUIDATION OF A CORPORATION OR OTHER BUSINESS ENTERPRISE;

18 (q) HOLD A SECURITY IN THE NAME OF A NOMINEE OR IN OTHER  
19 FORM WITHOUT DISCLOSURE OF THE CONSERVATORSHIP SO THAT TITLE TO  
20 THE SECURITY MAY PASS BY DELIVERY;

21 (r) INSURE:

22 (I) THE CONSERVATORSHIP ESTATE, IN WHOLE OR IN PART, AGAINST  
23 DAMAGE OR LOSS IN ACCORDANCE WITH SECTION 15-14.7-418 (10); AND

24 (II) THE CONSERVATOR AGAINST LIABILITY WITH RESPECT TO A  
25 THIRD PERSON;

26 (s) BORROW FUNDS, WITH OR WITHOUT SECURITY, TO BE REPAYED  
27 FROM THE CONSERVATORSHIP ESTATE OR OTHERWISE;

1           (t)     ADVANCE FUNDS FOR THE PROTECTION OF THE  
2 CONSERVATORSHIP ESTATE OR THE INDIVIDUAL SUBJECT TO  
3 CONSERVATORSHIP AND ALL EXPENSES, LOSSES, AND LIABILITY SUSTAINED  
4 IN THE ADMINISTRATION OF THE CONSERVATORSHIP ESTATE OR BECAUSE  
5 OF HOLDING ANY PROPERTY FOR WHICH THE CONSERVATOR HAS A LIEN ON  
6 THE CONSERVATORSHIP ESTATE;

7           (u)     PAY OR CONTEST A CLAIM; SETTLE A CLAIM BY OR AGAINST THE  
8 CONSERVATORSHIP ESTATE OR THE INDIVIDUAL SUBJECT TO  
9 CONSERVATORSHIP BY COMPROMISE, ARBITRATION, OR OTHERWISE; OR  
10 RELEASE, IN WHOLE OR IN PART, A CLAIM BELONGING TO THE  
11 CONSERVATORSHIP ESTATE TO THE EXTENT THE CLAIM IS UNCOLLECTIBLE;

12           (v)     PAY A TAX, ASSESSMENT, COMPENSATION OF THE  
13 CONSERVATOR OR ANY GUARDIAN, AND OTHER EXPENSE INCURRED IN THE  
14 COLLECTION, CARE, ADMINISTRATION, AND PROTECTION OF THE  
15 CONSERVATORSHIP ESTATE;

16           (w)     PAY A SUM DISTRIBUTABLE TO THE INDIVIDUAL SUBJECT TO  
17 CONSERVATORSHIP OR AN INDIVIDUAL WHO IS IN FACT DEPENDENT ON THE  
18 INDIVIDUAL SUBJECT TO CONSERVATORSHIP BY PAYING THE SUM TO THE  
19 DISTRIBUTE OR FOR THE USE OF THE DISTRIBUTE:

20           (I)     TO THE GUARDIAN FOR THE DISTRIBUTE;

21           (II)    TO THE CUSTODIAN OF THE DISTRIBUTE PURSUANT TO THE  
22 "COLORADO UNIFORM TRANSFERS TO MINORS ACT", ARTICLE 50 OF TITLE  
23 11, OR CUSTODIAL TRUSTEE PURSUANT TO THE "COLORADO UNIFORM  
24 CUSTODIAL TRUST ACT", ARTICLE 1.5 OF THIS TITLE 15; OR

25           (III)   IF THERE IS NO GUARDIAN, CUSTODIAN, OR CUSTODIAL  
26 TRUSTEE, TO A RELATIVE OR OTHER PERSON HAVING PHYSICAL CUSTODY  
27 OF THE DISTRIBUTE;

1 (x) BRING OR DEFEND AN ACTION, CLAIM, OR PROCEEDING IN ANY  
2 JURISDICTION FOR THE PROTECTION OF THE CONSERVATORSHIP ESTATE OR  
3 THE CONSERVATOR IN THE PERFORMANCE OF THE CONSERVATOR'S DUTIES;

4 (y) STRUCTURE THE FINANCES OF THE INDIVIDUAL SUBJECT TO  
5 CONSERVATORSHIP TO ESTABLISH ELIGIBILITY FOR A PUBLIC BENEFIT,       
6 CONSISTENT WITH THE INDIVIDUAL'S PREFERENCES, VALUES, AND PRIOR  
7 DIRECTIONS, IF THE CONSERVATOR'S ACTION DOES NOT JEOPARDIZE THE  
8 INDIVIDUAL'S WELFARE AND OTHERWISE IS CONSISTENT WITH THE  
9 CONSERVATOR'S DUTIES; AND

10 (z) EXECUTE AND DELIVER ANY INSTRUMENT THAT WILL  
11 ACCOMPLISH OR FACILITATE THE EXERCISE OF A POWER OF THE  
12 CONSERVATOR.

13 **15-14.7-422. Distribution from conservatorship estate.**

14 (1) EXCEPT AS OTHERWISE PROVIDED IN SECTION 15-14.7-414 OR  
15 QUALIFIED OR LIMITED IN THE COURT'S ORDER OF APPOINTMENT AND  
16 STATED IN THE LETTERS OF OFFICE, AND UNLESS CONTRARY TO A  
17 CONSERVATOR'S PLAN PURSUANT TO SECTION 15-14.7-419, THE  
18 CONSERVATOR MAY EXPEND OR DISTRIBUTE INCOME OR PRINCIPAL OF THE  
19 CONSERVATORSHIP ESTATE WITHOUT SPECIFIC COURT AUTHORIZATION OR  
20 CONFIRMATION FOR THE SUPPORT, CARE, EDUCATION, HEALTH, OR  
21 WELFARE OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP OR AN  
22 INDIVIDUAL WHO IS IN FACT DEPENDENT ON THE INDIVIDUAL SUBJECT TO  
23 CONSERVATORSHIP, INCLUDING THE PAYMENT OF CHILD OR SPOUSAL  
24 SUPPORT, IN ACCORDANCE WITH THE FOLLOWING RULES:

25 (a) THE CONSERVATOR SHALL CONSIDER A RECOMMENDATION  
26 RELATING TO THE APPROPRIATE STANDARD OF SUPPORT, CARE, EDUCATION,  
27 HEALTH, OR WELFARE FOR THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP

1 OR INDIVIDUAL WHO IS DEPENDENT ON THE INDIVIDUAL SUBJECT TO  
2 CONSERVATORSHIP, MADE BY A GUARDIAN FOR THE INDIVIDUAL SUBJECT  
3 TO CONSERVATORSHIP, IF ANY, AND, IF THE INDIVIDUAL SUBJECT TO  
4 CONSERVATORSHIP IS A MINOR, A RECOMMENDATION MADE BY A PARENT  
5 OF THE MINOR.

6 (b) THE CONSERVATOR ACTING IN COMPLIANCE WITH THE  
7 CONSERVATOR'S DUTIES PURSUANT TO SECTION 15-14.7-418 IS NOT LIABLE  
8 FOR AN EXPENDITURE OR DISTRIBUTION MADE BASED ON A  
9 RECOMMENDATION PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION  
10 UNLESS THE CONSERVATOR KNOWS THE EXPENDITURE OR DISTRIBUTION IS  
11 NOT IN THE BEST INTEREST OF THE INDIVIDUAL SUBJECT TO  
12 CONSERVATORSHIP.

13 (c) IN MAKING AN EXPENDITURE OR DISTRIBUTION PURSUANT TO  
14 THIS SECTION, THE CONSERVATOR SHALL CONSIDER:

15 (I) THE SIZE OF THE CONSERVATORSHIP ESTATE, THE ESTIMATED  
16 DURATION OF THE CONSERVATORSHIP, AND THE LIKELIHOOD THE  
17 INDIVIDUAL SUBJECT TO CONSERVATORSHIP, AT SOME FUTURE TIME, MAY  
18 BE FULLY SELF-SUFFICIENT AND ABLE TO MANAGE THE INDIVIDUAL'S  
19 FINANCIAL AFFAIRS AND THE CONSERVATORSHIP ESTATE;

20 (II) THE ACCUSTOMED STANDARD OF LIVING OF THE INDIVIDUAL  
21 SUBJECT TO CONSERVATORSHIP AND INDIVIDUAL WHO IS DEPENDENT ON  
22 THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP;

23 (III) OTHER FUNDS OR SOURCE USED FOR THE SUPPORT OF THE  
24 INDIVIDUAL SUBJECT TO CONSERVATORSHIP; AND

25 (IV) THE PREFERENCES, VALUES, AND PRIOR DIRECTIONS OF THE  
26 INDIVIDUAL SUBJECT TO CONSERVATORSHIP.

27 (d) FUNDS EXPENDED OR DISTRIBUTED PURSUANT TO THIS SECTION

1 MAY BE PAID BY THE CONSERVATOR TO ANY PERSON, INCLUDING THE  
2 INDIVIDUAL SUBJECT TO CONSERVATORSHIP, AS REIMBURSEMENT FOR  
3 EXPENDITURES THE CONSERVATOR MIGHT HAVE MADE, OR IN ADVANCE  
4 FOR SERVICES TO BE PROVIDED TO THE INDIVIDUAL SUBJECT TO  
5 CONSERVATORSHIP OR INDIVIDUAL WHO IS DEPENDENT ON THE INDIVIDUAL  
6 SUBJECT TO CONSERVATORSHIP IF IT IS REASONABLE TO EXPECT THE  
7 SERVICES WILL BE PERFORMED AND ADVANCE PAYMENT IS CUSTOMARY OR  
8 REASONABLY NECESSARY UNDER THE CIRCUMSTANCES.

9 **15-14.7-423. Conservator's report and accounting -**  
10 **monitoring.** (1) A CONSERVATOR SHALL FILE WITH THE COURT A REPORT  
11 IN A RECORD REGARDING THE ADMINISTRATION OF THE CONSERVATORSHIP  
12 ESTATE ANNUALLY UNLESS THE COURT OTHERWISE DIRECTS, ON  
13 RESIGNATION OR REMOVAL, ON TERMINATION OF THE CONSERVATORSHIP,  
14 AND AT ANY OTHER TIME THE COURT DIRECTS.

15 (2) A REPORT PURSUANT TO SUBSECTION (1) OF THIS SECTION MUST  
16 STATE OR CONTAIN:

17 (a) AN ACCOUNTING THAT LISTS PROPERTY INCLUDED IN THE  
18 CONSERVATORSHIP ESTATE AND THE RECEIPTS, DISBURSEMENTS,  
19 LIABILITIES, AND DISTRIBUTIONS DURING THE PERIOD FOR WHICH THE  
20 REPORT IS MADE;

21 (b) A LIST OF THE SERVICES PROVIDED TO THE INDIVIDUAL SUBJECT  
22 TO CONSERVATORSHIP;

23 (c) A COPY OF THE CONSERVATOR'S MOST RECENTLY APPROVED  
24 PLAN AND A STATEMENT WHETHER THE CONSERVATOR HAS DEVIATED  
25 FROM THE PLAN AND, IF SO, HOW THE CONSERVATOR HAS DEVIATED AND  
26 WHY;

27 (d) A RECOMMENDATION AS TO THE NEED FOR CONTINUED

1 CONSERVATORSHIP AND ANY RECOMMENDED CHANGE IN THE SCOPE OF THE  
2 CONSERVATORSHIP;

3 (e) TO THE EXTENT FEASIBLE, A COPY OF THE MOST RECENT  
4 REASONABLY AVAILABLE FINANCIAL STATEMENTS EVIDENCING THE  
5 STATUS OF BANK ACCOUNTS, INVESTMENT ACCOUNTS, AND MORTGAGES OR  
6 OTHER DEBTS OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP WITH ALL  
7 BUT THE LAST FOUR DIGITS OF THE ACCOUNT NUMBERS AND SOCIAL  
8 SECURITY NUMBER REDACTED;

9 (f) ANYTHING OF MORE THAN DE MINIMIS VALUE WHICH THE  
10 CONSERVATOR, ANY INDIVIDUAL WHO RESIDES WITH THE CONSERVATOR,  
11 OR THE SPOUSE, DOMESTIC PARTNER, PARENT, CHILD, OR SIBLING OF THE  
12 CONSERVATOR HAS RECEIVED FROM A PERSON PROVIDING GOODS OR  
13 SERVICES TO THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP;

14 (g) ANY BUSINESS RELATION THE CONSERVATOR HAS WITH A  
15 PERSON THE CONSERVATOR HAS PAID OR THAT HAS BENEFITTED FROM THE  
16 PROPERTY OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP; AND

17 (h) WHETHER ANY CO-CONSERVATOR OR SUCCESSOR  
18 CONSERVATOR APPOINTED TO SERVE WHEN A DESIGNATED EVENT OCCURS  
19 IS ALIVE AND ABLE TO SERVE.

20 (3) THE COURT MAY APPOINT A VISITOR TO REVIEW A REPORT  
21 PURSUANT TO THIS SECTION OR CONSERVATOR'S PLAN PURSUANT TO  
22 SECTION 15-14.7-419, INTERVIEW THE INDIVIDUAL SUBJECT TO  
23 CONSERVATORSHIP OR CONSERVATOR, OR INVESTIGATE ANY OTHER  
24 MATTER INVOLVING THE CONSERVATORSHIP. IN CONNECTION WITH THE  
25 REPORT, THE COURT MAY ORDER THE CONSERVATOR TO SUBMIT THE  
26 CONSERVATORSHIP ESTATE TO APPROPRIATE EXAMINATION IN A MANNER  
27 THE COURT DIRECTS.

1           (4) NOTICE OF THE FILING PURSUANT TO THIS SECTION OF A  
2 CONSERVATOR'S REPORT, TOGETHER WITH A COPY OF THE REPORT, MUST  
3 BE PROVIDED TO THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP, A  
4 PERSON ENTITLED TO NOTICE PURSUANT TO SECTION 15-14.7-411 OR A  
5 SUBSEQUENT ORDER, AND OTHER PERSONS THE COURT DETERMINES. THE  
6 NOTICE AND REPORT MUST BE GIVEN NOT LATER THAN FOURTEEN DAYS  
7 AFTER FILING.

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

11           (a) THE REPORTS PROVIDE SUFFICIENT INFORMATION TO ESTABLISH  
12 THE CONSERVATOR HAS COMPLIED WITH THE CONSERVATOR'S DUTIES;

13           (b) THE CONSERVATORSHIP SHOULD CONTINUE; AND

14           (c) THE CONSERVATOR'S REQUESTED FEES, IF ANY,        ARE  
15 REASONABLE PURSUANT TO SECTION 15-10-603.

16           (6) IF THE COURT DETERMINES THERE IS REASON TO BELIEVE A  
17 CONSERVATOR HAS NOT COMPLIED WITH THE CONSERVATOR'S DUTIES OR  
18 THE CONSERVATORSHIP SHOULD NOT CONTINUE, THE COURT:

19           (a) SHALL NOTIFY THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP,  
20 THE CONSERVATOR, AND ANY OTHER PERSON ENTITLED TO NOTICE  
21 PURSUANT TO SECTION 15-14.7-411 OR A SUBSEQUENT ORDER;

22           (b) MAY REQUIRE ADDITIONAL INFORMATION FROM THE  
23 CONSERVATOR;

24           (c) MAY APPOINT A VISITOR TO INTERVIEW THE INDIVIDUAL  
25 SUBJECT TO CONSERVATORSHIP OR CONSERVATOR OR INVESTIGATE ANY  
26 MATTER INVOLVING THE CONSERVATORSHIP; AND

27           (d) CONSISTENT WITH SECTIONS 15-14.7-430 AND 15-14.7-431,



1 MAY HOLD A HEARING TO CONSIDER REMOVAL OF THE CONSERVATOR,  
2 TERMINATION OF THE CONSERVATORSHIP, OR A CHANGE IN THE POWERS  
3 GRANTED TO THE CONSERVATOR OR TERMS OF THE CONSERVATORSHIP.

4 (7) IF THE COURT HAS REASON TO BELIEVE FEES REQUESTED BY A  
5 CONSERVATOR ARE NOT REASONABLE, THE COURT SHALL HOLD A HEARING  
6 PURSUANT TO SECTION 15-10-604 TO DETERMINE WHETHER TO ADJUST THE  
7 REQUESTED FEES.

8 (8) A CONSERVATOR MAY PETITION THE COURT FOR APPROVAL OF  
9 A REPORT FILED PURSUANT TO THIS SECTION. THE COURT AFTER REVIEW  
10 MAY APPROVE THE REPORT. IF THE COURT APPROVES THE REPORT, THERE  
11 IS A REBUTTABLE PRESUMPTION THE REPORT IS ACCURATE AS TO A MATTER  
12 ADEQUATELY DISCLOSED IN THE REPORT.

13 (9) AN ORDER, AFTER NOTICE AND HEARING, APPROVING AN  
14 INTERIM REPORT OF A CONSERVATOR FILED PURSUANT TO THIS SECTION  
15 ADJUDICATES LIABILITIES CONCERNING A MATTER ADEQUATELY DISCLOSED  
16 IN THE REPORT, AS TO A PERSON GIVEN NOTICE OF THE REPORT OR  
17 ACCOUNTING.

18 (10) AN ORDER, AFTER NOTICE AND HEARING, APPROVING A FINAL  
19 REPORT FILED PURSUANT TO THIS SECTION DISCHARGES THE CONSERVATOR  
20 FROM ALL LIABILITIES, CLAIMS, AND CAUSES OF ACTION BY A PERSON  
21 GIVEN NOTICE OF THE REPORT AND THE HEARING AS TO A MATTER  
22 ADEQUATELY DISCLOSED IN THE REPORT.

23 **15-14.7-424. Attempted transfer of property by individual**  
24 **subject to conservatorship.** (1) THE INTEREST OF AN INDIVIDUAL  
25 SUBJECT TO CONSERVATORSHIP IN PROPERTY INCLUDED IN THE  
26 CONSERVATORSHIP ESTATE IS NOT TRANSFERRABLE OR ASSIGNABLE BY THE  
27 INDIVIDUAL AND IS NOT SUBJECT TO LEVY, GARNISHMENT, OR SIMILAR

1 PROCESS FOR CLAIMS AGAINST THE INDIVIDUAL UNLESS ALLOWED  
2 PURSUANT TO SECTION 15-14.7-428.

3 (2) IF AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP ENTERS INTO  
4 A CONTRACT AFTER HAVING THE RIGHT TO ENTER THE CONTRACT REMOVED  
5 BY THE COURT, THE CONTRACT IS VOID AGAINST THE INDIVIDUAL AND THE  
6 INDIVIDUAL'S PROPERTY BUT IS ENFORCEABLE AGAINST THE PERSON THAT  
7 CONTRACTED WITH THE INDIVIDUAL.

8 (3) A PERSON OTHER THAN THE CONSERVATOR THAT DEALS WITH  
9 AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP WITH RESPECT TO  
10 PROPERTY INCLUDED IN THE CONSERVATORSHIP ESTATE IS ENTITLED TO  
11 PROTECTION PROVIDED BY LAW OF THIS STATE OTHER THAN THIS ARTICLE  
12 14.7.

13 **15-14.7-425. Transaction involving conflict of interest.** A  
14 TRANSACTION INVOLVING A CONSERVATORSHIP ESTATE WHICH IS  
15 AFFECTED BY A SUBSTANTIAL CONFLICT BETWEEN THE CONSERVATOR'S  
16 FIDUCIARY DUTIES AND PERSONAL INTERESTS IS VOIDABLE UNLESS THE  
17 TRANSACTION IS AUTHORIZED BY COURT ORDER AFTER NOTICE TO PERSONS  
18 ENTITLED TO NOTICE PURSUANT TO SECTION 15-14.7-411 OR A  
19 SUBSEQUENT ORDER. A TRANSACTION AFFECTED BY A SUBSTANTIAL  
20 CONFLICT INCLUDES A SALE, ENCUMBRANCE, OR OTHER TRANSACTION  
21 INVOLVING THE CONSERVATORSHIP ESTATE ENTERED INTO BY THE  
22 CONSERVATOR; AN INDIVIDUAL WITH WHOM THE CONSERVATOR RESIDES;  
23 THE SPOUSE, DOMESTIC PARTNER, DESCENDANT, SIBLING, AGENT, OR  
24 ATTORNEY OF THE CONSERVATOR; OR A CORPORATION OR OTHER  
25 ENTERPRISE IN WHICH THE CONSERVATOR HAS A SUBSTANTIAL BENEFICIAL  
26 INTEREST.

27 **15-14.7-426. Protection of person dealing with conservator.**

1 (1) A PERSON THAT ASSISTS OR DEALS WITH A CONSERVATOR IN GOOD  
2 FAITH AND FOR VALUE IN ANY TRANSACTION, OTHER THAN A TRANSACTION  
3 REQUIRING A COURT ORDER PURSUANT TO SECTION 15-14.7-414, IS  
4 PROTECTED AS THOUGH THE CONSERVATOR PROPERLY EXERCISED ANY  
5 POWER IN QUESTION. KNOWLEDGE BY A PERSON THAT THE PERSON IS  
6 DEALING WITH A CONSERVATOR ALONE DOES NOT REQUIRE THE PERSON TO  
7 INQUIRE INTO THE EXISTENCE OF AUTHORITY OF THE CONSERVATOR OR THE  
8 PROPRIETY OF THE CONSERVATOR'S EXERCISE OF AUTHORITY, BUT  
9 RESTRICTIONS ON AUTHORITY STATED IN LETTERS OF OFFICE, OR  
10 OTHERWISE PROVIDED BY LAW, ARE EFFECTIVE AS TO THE PERSON. A  
11 PERSON THAT PAYS OR DELIVERS PROPERTY TO A CONSERVATOR IS NOT  
12 RESPONSIBLE FOR PROPER APPLICATION OF THE PROPERTY.

13 (2) PROTECTION PURSUANT TO SUBSECTION (1) OF THIS SECTION  
14 EXTENDS TO A PROCEDURAL IRREGULARITY OR JURISDICTIONAL DEFECT IN  
15 THE PROCEEDING LEADING TO THE ISSUANCE OF LETTERS OF OFFICE AND  
16 DOES NOT SUBSTITUTE FOR PROTECTION FOR A PERSON THAT ASSISTS OR  
17 DEALS WITH A CONSERVATOR PROVIDED BY COMPARABLE PROVISIONS IN  
18 LAW OF THIS STATE OTHER THAN THIS ARTICLE 14.7 RELATING TO A  
19 COMMERCIAL TRANSACTION OR SIMPLIFYING A TRANSFER OF SECURITIES  
20 BY A FIDUCIARY.

21 **15-14.7-427. Death of individual subject to conservatorship.**

22 (1) IF AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP DIES, THE  
23 CONSERVATOR SHALL DELIVER TO THE COURT FOR SAFEKEEPING ANY WILL  
24 OF THE INDIVIDUAL IN THE CONSERVATOR'S POSSESSION AND INFORM THE  
25 PERSONAL REPRESENTATIVE NAMED IN THE WILL IF FEASIBLE, OR IF NOT  
26 FEASIBLE, A BENEFICIARY NAMED IN THE WILL, OF THE DELIVERY.

27 (2) IF FORTY DAYS AFTER THE DEATH OF AN INDIVIDUAL SUBJECT

1 TO CONSERVATORSHIP A PERSONAL REPRESENTATIVE HAS NOT BEEN  
2 APPOINTED AND APPLICATION OR PETITION FOR APPOINTMENT IS NOT  
3 BEFORE THE COURT, THE CONSERVATOR MAY APPLY TO EXERCISE THE  
4 POWERS AND DUTIES OF A PERSONAL REPRESENTATIVE TO ADMINISTER AND  
5 DISTRIBUTE THE DECEDENT'S ESTATE. THE CONSERVATOR SHALL GIVE  
6 NOTICE TO A PERSON NOMINATED AS PERSONAL REPRESENTATIVE BY A  
7 WILL OF THE DECEDENT OF WHICH THE CONSERVATOR IS AWARE. THE  
8 COURT MAY GRANT THE APPLICATION IF THERE IS NO OBJECTION AND  
9 ENDORSE THE LETTERS OF OFFICE TO NOTE THAT THE INDIVIDUAL  
10 FORMERLY SUBJECT TO CONSERVATORSHIP IS DECEASED AND THE  
11 CONSERVATOR HAS ACQUIRED THE POWERS AND DUTIES OF A PERSONAL  
12 REPRESENTATIVE.

13 (3) ISSUANCE OF AN ORDER PURSUANT TO THIS SECTION HAS THE  
14 EFFECT OF AN ORDER OF APPOINTMENT OF A PERSONAL REPRESENTATIVE  
15 PURSUANT TO SECTION 15-12-414.

16 (4) ON THE DEATH OF AN INDIVIDUAL SUBJECT TO  
17 CONSERVATORSHIP, THE CONSERVATOR SHALL CONCLUDE THE  
18 ADMINISTRATION OF THE CONSERVATORSHIP ESTATE AS PROVIDED IN  
19 SECTION 15-14.7-431.

20 **15-14.7-428. Presentation and allowance of claim.** (1) A  
21 CONSERVATOR MAY PAY, OR SECURE BY ENCUMBERING PROPERTY  
22 INCLUDED IN THE CONSERVATORSHIP ESTATE, A CLAIM AGAINST THE  
23 CONSERVATORSHIP ESTATE OR THE INDIVIDUAL SUBJECT TO  
24 CONSERVATORSHIP ARISING BEFORE OR DURING THE CONSERVATORSHIP,  
25 ON PRESENTATION AND ALLOWANCE IN ACCORDANCE WITH THE PRIORITIES  
26 PURSUANT TO SUBSECTION (4) OF THIS SECTION. A CLAIMANT MAY  
27 PRESENT A CLAIM BY:

1           (a) SENDING OR DELIVERING TO THE CONSERVATOR A STATEMENT  
2 IN A RECORD OF THE CLAIM, INDICATING ITS BASIS, THE NAME AND  
3 ADDRESS OF THE CLAIMANT, AND THE AMOUNT CLAIMED; OR

4           (b) FILING THE CLAIM WITH THE COURT, IN A FORM ACCEPTABLE TO  
5 THE COURT, AND SENDING OR DELIVERING A COPY OF THE CLAIM TO THE  
6 CONSERVATOR.

7           (2) A CLAIM PURSUANT TO SUBSECTION (1) OF THIS SECTION IS  
8 PRESENTED ON RECEIPT BY THE CONSERVATOR OF THE STATEMENT OF THE  
9 CLAIM OR THE FILING WITH THE COURT OF THE CLAIM, WHICHEVER FIRST  
10 OCCURS. A PRESENTED CLAIM IS ALLOWED IF IT IS NOT DISALLOWED IN  
11 WHOLE OR IN PART BY THE CONSERVATOR IN A RECORD SENT OR  
12 DELIVERED TO THE CLAIMANT NOT LATER THAN SIXTY DAYS AFTER ITS  
13 PRESENTATION. BEFORE PAYMENT, THE CONSERVATOR MAY CHANGE AN  
14 ALLOWANCE OF THE CLAIM TO A DISALLOWANCE IN WHOLE OR IN PART,  
15 BUT NOT AFTER ALLOWANCE UNDER A COURT ORDER OR ORDER DIRECTING  
16 PAYMENT OF THE CLAIM. PRESENTATION OF A CLAIM TOLLS UNTIL THIRTY  
17 DAYS AFTER DISALLOWANCE OF THE CLAIM OR THE RUNNING OF A STATUTE  
18 OF LIMITATIONS THAT HAS NOT EXPIRED RELATING TO THE CLAIM.

19           (3) A CLAIMANT WHOSE CLAIM PURSUANT TO SUBSECTION (1) OF  
20 THIS SECTION HAS NOT BEEN PAID MAY PETITION THE COURT TO DETERMINE  
21 THE CLAIM AT ANY TIME BEFORE IT IS BARRED BY A STATUTE OF  
22 LIMITATIONS, AND THE COURT MAY ORDER ITS ALLOWANCE, PAYMENT, OR  
23 SECURITY BY ENCUMBERING PROPERTY INCLUDED IN THE  
24 CONSERVATORSHIP ESTATE. IF A PROCEEDING IS PENDING AGAINST THE  
25 INDIVIDUAL SUBJECT TO CONSERVATORSHIP AT THE TIME OF APPOINTMENT  
26 OF THE CONSERVATOR OR IS INITIATED THEREAFTER, THE MOVING PARTY  
27 SHALL GIVE THE CONSERVATOR NOTICE OF THE PROCEEDING IF IT COULD

1 RESULT IN CREATING A CLAIM AGAINST THE CONSERVATORSHIP ESTATE.

2 (4) IF A CONSERVATORSHIP ESTATE IS LIKELY TO BE EXHAUSTED  
3 BEFORE ALL EXISTING CLAIMS ARE PAID, THE CONSERVATOR SHALL  
4 DISTRIBUTE THE ESTATE IN MONEY OR IN KIND IN PAYMENT OF CLAIMS IN  
5 THE FOLLOWING ORDER:

6 (a) COSTS AND EXPENSES OF ADMINISTRATION;

7 (b) A CLAIM OF THE FEDERAL OR STATE GOVERNMENT HAVING  
8 PRIORITY UNDER LAW OTHER THAN THIS ARTICLE 14.7;

9 (c) A CLAIM INCURRED BY THE CONSERVATOR FOR SUPPORT, CARE,  
10 EDUCATION, HEALTH, OR WELFARE PREVIOUSLY PROVIDED TO THE  
11 INDIVIDUAL SUBJECT TO CONSERVATORSHIP OR AN INDIVIDUAL WHO IS IN  
12 FACT DEPENDENT ON THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP;

13 (d) A CLAIM ARISING BEFORE THE CONSERVATORSHIP; AND

14 (e) ALL OTHER CLAIMS.

15 (5) PREFERENCE MAY NOT BE GIVEN IN THE PAYMENT OF A CLAIM  
16 PURSUANT TO SUBSECTION (4) OF THIS SECTION OVER ANOTHER CLAIM OF  
17 THE SAME CLASS. A CLAIM DUE AND PAYABLE MAY NOT BE PREFERRED  
18 OVER A CLAIM NOT DUE UNLESS:

19 (a) DOING SO WOULD LEAVE THE CONSERVATORSHIP ESTATE  
20 WITHOUT SUFFICIENT FUNDS TO PAY THE BASIC LIVING AND HEALTH-CARE  
21 EXPENSES OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP; AND

22 (b) THE COURT AUTHORIZES THE PREFERENCE PURSUANT TO  
23 SECTION 15-14.7-414.

24 (6) IF ASSETS OF A CONSERVATORSHIP ESTATE ARE ADEQUATE TO  
25 MEET ALL EXISTING CLAIMS, THE COURT, ACTING IN THE BEST INTEREST OF  
26 THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP, MAY ORDER THE  
27 CONSERVATOR TO GRANT A SECURITY INTEREST IN THE CONSERVATORSHIP

1 ESTATE FOR PAYMENT OF A CLAIM AT A FUTURE DATE.

2 **15-14.7-429. Personal liability of conservator.** (1) EXCEPT AS  
3 OTHERWISE AGREED BY A CONSERVATOR, THE CONSERVATOR IS NOT  
4 PERSONALLY LIABLE ON A CONTRACT PROPERLY ENTERED INTO IN A  
5 FIDUCIARY CAPACITY IN THE COURSE OF ADMINISTRATION OF THE  
6 CONSERVATORSHIP ESTATE UNLESS THE CONSERVATOR FAILS TO REVEAL  
7 THE CONSERVATOR'S REPRESENTATIVE CAPACITY IN THE CONTRACT OR  
8 BEFORE ENTERING INTO THE CONTRACT.

9 (2) A CONSERVATOR IS PERSONALLY LIABLE FOR AN OBLIGATION  
10 ARISING FROM CONTROL OF PROPERTY OF THE CONSERVATORSHIP ESTATE  
11 OR AN ACT OR OMISSION OCCURRING IN THE COURSE OF ADMINISTRATION  
12 OF THE CONSERVATORSHIP ESTATE ONLY IF THE CONSERVATOR IS  
13 PERSONALLY AT FAULT.

14 (3) A CLAIM BASED ON A CONTRACT ENTERED INTO BY A  
15 CONSERVATOR IN A FIDUCIARY CAPACITY, AN OBLIGATION ARISING FROM  
16 CONTROL OF PROPERTY INCLUDED IN THE CONSERVATORSHIP ESTATE, OR  
17 A TORT COMMITTED IN THE COURSE OF ADMINISTRATION OF THE  
18 CONSERVATORSHIP ESTATE MAY BE ASSERTED AGAINST THE  
19 CONSERVATORSHIP ESTATE IN A PROCEEDING AGAINST THE CONSERVATOR  
20 IN A FIDUCIARY CAPACITY, WHETHER OR NOT THE CONSERVATOR IS  
21 PERSONALLY LIABLE FOR THE CLAIM.

22 (4) A QUESTION OF LIABILITY BETWEEN A CONSERVATORSHIP  
23 ESTATE AND THE CONSERVATOR PERSONALLY MAY BE DETERMINED IN A  
24 PROCEEDING FOR ACCOUNTING, SURCHARGE, OR INDEMNIFICATION OR  
25 ANOTHER APPROPRIATE PROCEEDING OR ACTION.

26 **15-14.7-430. Removal of conservator - appointment of**  
27 **successor.** (1) THE COURT MAY REMOVE A CONSERVATOR FOR FAILURE TO

1 PERFORM THE CONSERVATOR'S DUTIES OR OTHER GOOD CAUSE AND  
2 APPOINT A SUCCESSOR CONSERVATOR TO ASSUME THE DUTIES OF THE  
3 CONSERVATOR, PURSUANT TO SECTION 15-10-503.

4 (2) THE COURT SHALL HOLD A HEARING TO DETERMINE WHETHER  
5 TO REMOVE A CONSERVATOR AND APPOINT A SUCCESSOR ON:

6 (a) PETITION OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP,  
7 CONSERVATOR, OR PERSON INTERESTED IN THE WELFARE OF THE  
8 INDIVIDUAL WHICH CONTAINS ALLEGATIONS THAT, IF TRUE, WOULD  
9 SUPPORT A REASONABLE BELIEF THAT REMOVAL OF THE CONSERVATOR  
10 AND APPOINTMENT OF A SUCCESSOR MAY BE APPROPRIATE, BUT THE COURT  
11 MAY DECLINE TO HOLD A HEARING IF A PETITION BASED ON THE SAME OR  
12 SUBSTANTIALLY SIMILAR FACTS WAS FILED DURING THE PRECEDING SIX  
13 MONTHS;

14 (b) COMMUNICATION, PURSUANT TO SECTION 15-14.7-127, FROM  
15 THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP, CONSERVATOR, OR  
16 PERSON INTERESTED IN THE WELFARE OF THE INDIVIDUAL WHICH SUPPORTS  
17 A REASONABLE BELIEF THAT REMOVAL OF THE CONSERVATOR AND  
18 APPOINTMENT OF A SUCCESSOR MAY BE APPROPRIATE; OR

19 (c) DETERMINATION BY THE COURT THAT A HEARING WOULD BE IN  
20 THE BEST INTEREST OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP.

21 (3) NOTICE OF A HEARING PURSUANT TO SECTION 15-10-604  
22 MUST BE PERSONALLY SERVED ON THE INDIVIDUAL SUBJECT TO  
23 CONSERVATORSHIP, AND GIVEN PURSUANT TO SECTION 15-10-401 TO THE  
24 CONSERVATOR AND ANY OTHER PERSON THE COURT DETERMINES.

25 (4) AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP WHO SEEKS TO  
26 REMOVE THE CONSERVATOR AND HAVE A SUCCESSOR APPOINTED HAS THE  
27 RIGHT TO CHOOSE AN ATTORNEY TO REPRESENT THE INDIVIDUAL IN THIS



1 MATTER. IF THE INDIVIDUAL IS NOT REPRESENTED BY AN ATTORNEY, THE  
2 COURT SHALL APPOINT AN ATTORNEY UNDER THE SAME CONDITIONS AS SET  
3 FORTH IN SECTION 15-14.7-406. ==

4 (5) IN SELECTING A SUCCESSOR CONSERVATOR, THE COURT SHALL  
5 FOLLOW THE PRIORITIES PURSUANT TO SECTION 15-14.7-410.

6 (6) NOT LATER THAN THIRTY DAYS AFTER APPOINTING A  
7 SUCCESSOR CONSERVATOR, THE COURT SHALL GIVE NOTICE, PURSUANT TO  
8 SECTION 15-10-401, OF THE APPOINTMENT TO THE INDIVIDUAL SUBJECT TO  
9 CONSERVATORSHIP AND ANY PERSON ENTITLED TO NOTICE PURSUANT TO  
10 SECTION 15-14.7-411 OR A SUBSEQUENT ORDER.

11 **15-14.7-431. Termination or modification of conservatorship.**

12 (1) A CONSERVATORSHIP FOR A MINOR TERMINATES ON THE EARLIEST OF:

- 13 (a) A COURT ORDER TERMINATING THE CONSERVATORSHIP;
- 14 (b) THE MINOR BECOMING AN ADULT OR, IF THE MINOR CONSENTS  
15 OR THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT  
16 SUBSTANTIAL HARM TO THE MINOR'S INTERESTS IS OTHERWISE LIKELY,  
17 ATTAINING TWENTY-ONE YEARS OF AGE;
- 18 (c) EMANCIPATION OF THE MINOR; OR
- 19 (d) DEATH OF THE MINOR.

20 (2) A CONSERVATORSHIP FOR AN ADULT TERMINATES ON ORDER OF  
21 THE COURT OR WHEN THE ADULT DIES.

22 (3) AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP, THE  
23 CONSERVATOR, OR A PERSON INTERESTED IN THE WELFARE OF THE  
24 INDIVIDUAL MAY PETITION FOR:

- 25 (a) TERMINATION OF THE CONSERVATORSHIP ON THE GROUND THAT  
26 A BASIS FOR APPOINTMENT PURSUANT TO SECTION 15-14.7-401 DOES NOT  
27 EXIST OR TERMINATION WOULD BE IN THE BEST INTEREST OF THE

1 INDIVIDUAL OR FOR OTHER GOOD CAUSE; OR

2 (b) MODIFICATION OF THE CONSERVATORSHIP ON THE GROUND  
3 THAT THE EXTENT OF PROTECTION OR ASSISTANCE GRANTED IS NOT  
4 APPROPRIATE OR FOR OTHER GOOD CAUSE.

5 (4) THE COURT SHALL HOLD A HEARING TO DETERMINE WHETHER  
6 TERMINATION OR MODIFICATION OF A CONSERVATORSHIP IS APPROPRIATE  
7 ON:

8 (a) PETITION PURSUANT TO SUBSECTION (3) OF THIS SECTION WHICH  
9 CONTAINS ALLEGATIONS THAT, IF TRUE, WOULD SUPPORT A REASONABLE  
10 BELIEF THAT TERMINATION OR MODIFICATION OF THE CONSERVATORSHIP  
11 MAY BE APPROPRIATE, BUT THE COURT MAY DECLINE TO HOLD A HEARING  
12 IF A PETITION BASED ON THE SAME OR SUBSTANTIALLY SIMILAR FACTS WAS  
13 FILED WITHIN THE PRECEDING SIX MONTHS;

14 (b) A COMMUNICATION, PURSUANT TO SECTION 15-14.7-127, FROM  
15 THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP, THE CONSERVATOR, OR  
16 PERSON INTERESTED IN THE WELFARE OF THE INDIVIDUAL WHICH SUPPORTS  
17 A REASONABLE BELIEF THAT TERMINATION OR MODIFICATION OF THE  
18 CONSERVATORSHIP MAY BE APPROPRIATE, INCLUDING BECAUSE THE  
19 FUNCTIONAL NEEDS OF THE INDIVIDUAL OR SUPPORTS OR SERVICES  
20 AVAILABLE TO THE INDIVIDUAL HAVE CHANGED;

21 (c) A REPORT FROM A GUARDIAN OR CONSERVATOR WHICH  
22 INDICATES THAT TERMINATION OR MODIFICATION MAY BE APPROPRIATE  
23 BECAUSE THE FUNCTIONAL NEEDS OR SUPPORTS OR SERVICES AVAILABLE  
24 TO THE INDIVIDUAL HAVE CHANGED OR A PROTECTIVE ARRANGEMENT  
25 INSTEAD OF CONSERVATORSHIP OR OTHER LESS RESTRICTIVE ALTERNATIVE  
26 IS AVAILABLE; OR

27 (d) A DETERMINATION BY THE COURT THAT A HEARING WOULD BE

1 IN THE BEST INTEREST OF THE INDIVIDUAL.

2 (5) NOTICE OF A PETITION PURSUANT TO SUBSECTION (3) OF THIS  
3 SECTION MUST BE GIVEN TO THE INDIVIDUAL SUBJECT TO  
4 CONSERVATORSHIP, THE CONSERVATOR, AND ANY SUCH OTHER PERSON  
5 THE COURT DETERMINES.

6 (6) ON PRESENTATION OF PRIMA FACIE EVIDENCE FOR TERMINATION  
7 OF A CONSERVATORSHIP, THE COURT SHALL ORDER TERMINATION UNLESS  
8 IT IS PROVEN THAT A BASIS FOR APPOINTMENT OF A CONSERVATOR  
9 PURSUANT TO SECTION 15-14.7-401 EXISTS.

10 (7) THE COURT SHALL MODIFY THE POWERS GRANTED TO A  
11 CONSERVATOR IF THE POWERS ARE EXCESSIVE OR INADEQUATE DUE TO A  
12 CHANGE IN THE ABILITIES OR LIMITATIONS OF THE INDIVIDUAL SUBJECT TO  
13 CONSERVATORSHIP, THE INDIVIDUAL'S SUPPORTS, OR OTHER  
14 CIRCUMSTANCES.

15 (8) UNLESS THE COURT OTHERWISE ORDERS FOR GOOD CAUSE,  
16 BEFORE TERMINATING A CONSERVATORSHIP, THE COURT SHALL FOLLOW  
17 THE SAME PROCEDURES TO SAFEGUARD THE RIGHTS OF THE INDIVIDUAL  
18 SUBJECT TO CONSERVATORSHIP WHICH APPLY TO A PETITION FOR  
19 CONSERVATORSHIP.

20 (9) AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP WHO SEEKS TO  
21 TERMINATE OR MODIFY THE TERMS OF THE CONSERVATORSHIP HAS THE  
22 RIGHT TO CHOOSE AN ATTORNEY TO REPRESENT THE INDIVIDUAL IN THIS  
23 MATTER. IF THE INDIVIDUAL IS NOT REPRESENTED BY AN ATTORNEY, THE  
24 COURT SHALL APPOINT AN ATTORNEY UNDER THE SAME CONDITIONS AS SET  
25 FORTH IN SECTION 15-14.7-406. ==

26 (10) ON TERMINATION OF A CONSERVATORSHIP OTHER THAN BY  
27 REASON OF THE DEATH OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP,

1 PROPERTY OF THE CONSERVATORSHIP ESTATE PASSES TO THE INDIVIDUAL.  
2 THE ORDER OF TERMINATION MUST DIRECT THE CONSERVATOR TO FILE A  
3 FINAL REPORT AND PETITION FOR DISCHARGE ON APPROVAL BY THE COURT  
4 OF THE FINAL REPORT.

5 (11) ON TERMINATION OF A CONSERVATORSHIP BY REASON OF THE  
6 DEATH OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP, THE  
7 CONSERVATOR PROMPTLY SHALL FILE A FINAL REPORT AND PETITION FOR  
8 DISCHARGE ON APPROVAL BY THE COURT OF THE FINAL REPORT. ON  
9 APPROVAL OF THE FINAL REPORT, THE CONSERVATOR SHALL PROCEED  
10 EXPEDITIOUSLY TO DISTRIBUTE THE CONSERVATORSHIP ESTATE TO THE  
11 INDIVIDUAL'S ESTATE OR AS OTHERWISE ORDERED BY THE COURT. THE  
12 CONSERVATOR MAY TAKE REASONABLE MEASURES NECESSARY TO  
13 PRESERVE THE CONSERVATORSHIP ESTATE UNTIL DISTRIBUTION CAN BE  
14 MADE.

15 (12) THE COURT SHALL ISSUE A FINAL ORDER OF DISCHARGE ON THE  
16 APPROVAL BY THE COURT OF THE FINAL REPORT AND SATISFACTION BY THE  
17 CONSERVATOR OF ANY OTHER CONDITION THE COURT IMPOSED ON THE  
18 CONSERVATOR'S DISCHARGE.

19 **15-14.7-432. Transfer for benefit of minor without**  
20 **appointment of conservator.** (1) UNLESS A PERSON REQUIRED TO  
21 TRANSFER FUNDS OR OTHER PROPERTY TO A MINOR KNOWS THAT A  
22 CONSERVATOR FOR THE MINOR HAS BEEN APPOINTED OR A PROCEEDING IS  
23 PENDING FOR CONSERVATORSHIP, THE PERSON MAY TRANSFER AN AMOUNT  
24 OR VALUE NOT EXCEEDING FIFTEEN THOUSAND DOLLARS IN A  
25 TWELVE-MONTH PERIOD TO:

26 (a) A PERSON THAT HAS CARE OR CUSTODY OF THE MINOR AND  
27 WITH WHOM THE MINOR RESIDES;

1 (b) A GUARDIAN FOR THE MINOR;

2 (c) A CUSTODIAN PURSUANT TO THE "COLORADO UNIFORM  
3 TRANSFERS TO MINORS ACT" OR "UNIFORM GIFTS TO MINORS ACT", PART  
4 1 OF ARTICLE 50 OF TITLE 11; OR

5 (d) A FINANCIAL INSTITUTION AS A DEPOSIT IN AN  
6 INTEREST-BEARING ACCOUNT OR CERTIFICATE SOLELY IN THE NAME OF THE  
7 MINOR AND SHALL GIVE NOTICE, PURSUANT TO SECTION 15-10-401, TO THE  
8 MINOR OF THE DEPOSIT.

9 (2) A PERSON THAT TRANSFERS FUNDS OR OTHER PROPERTY  
10 PURSUANT TO THIS SECTION IS NOT RESPONSIBLE FOR ITS PROPER  
11 APPLICATION.

12 (3) A PERSON THAT RECEIVES FUNDS OR OTHER PROPERTY FOR A  
13 MINOR PURSUANT TO SUBSECTION (1)(a) OR (1)(b) OF THIS SECTION MAY  
14 APPLY IT ONLY TO THE SUPPORT, CARE, EDUCATION, HEALTH, OR WELFARE  
15 OF THE MINOR, AND MAY NOT DERIVE A PERSONAL FINANCIAL BENEFIT  
16 FROM IT, EXCEPT FOR REIMBURSEMENT FOR NECESSARY EXPENSES. FUNDS  
17 NOT APPLIED FOR THESE PURPOSES MUST BE PRESERVED FOR THE FUTURE  
18 SUPPORT, CARE, EDUCATION, HEALTH, OR WELFARE OF THE MINOR, AND  
19 THE BALANCE, IF ANY, TRANSFERRED TO THE MINOR WHEN THE MINOR  
20 BECOMES AN ADULT OR OTHERWISE IS EMANCIPATED.

21 PART 5

22 OTHER PROTECTIVE ARRANGEMENTS

23 **15-14.7-501. Authority for protective arrangement.**

24 (1) PURSUANT TO THIS PART 14.7, A COURT:

25 (a) ON RECEIVING A PETITION FOR A GUARDIANSHIP FOR AN ADULT  
26 MAY ORDER A PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP AS  
27 A LESS RESTRICTIVE ALTERNATIVE TO GUARDIANSHIP; AND

1 (b) ON RECEIVING A PETITION FOR A CONSERVATORSHIP FOR AN  
2 INDIVIDUAL MAY ORDER A PROTECTIVE ARRANGEMENT INSTEAD OF  
3 CONSERVATORSHIP AS A LESS RESTRICTIVE ALTERNATIVE TO  
4 CONSERVATORSHIP.

5 (2) A PERSON INTERESTED IN AN ADULT'S WELFARE, INCLUDING THE  
6 ADULT OR A CONSERVATOR FOR THE ADULT, MAY PETITION PURSUANT TO  
7 THIS PART 14.7 FOR A PROTECTIVE ARRANGEMENT INSTEAD OF  
8 GUARDIANSHIP.

9 (3) THE FOLLOWING PERSONS MAY PETITION PURSUANT TO THIS  
10 PART 14.7 FOR A PROTECTIVE ARRANGEMENT INSTEAD OF  
11 CONSERVATORSHIP:

12 (a) THE INDIVIDUAL FOR WHOM THE PROTECTIVE ARRANGEMENT  
13 IS SOUGHT;

14 (b) A PERSON INTERESTED IN THE PROPERTY, FINANCIAL AFFAIRS,  
15 OR WELFARE OF THE INDIVIDUAL, INCLUDING A PERSON WHO WOULD BE  
16 AFFECTED ADVERSELY BY LACK OF EFFECTIVE MANAGEMENT OF PROPERTY  
17 OR FINANCIAL AFFAIRS OF THE INDIVIDUAL; AND

18 (c) THE GUARDIAN FOR THE INDIVIDUAL.

19 **15-14.7-502. Basis for protective arrangement instead of**  
20 **guardianship for adult.** (1) AFTER THE HEARING ON A PETITION HELD  
21 PURSUANT TO SECTION 15-14.7-302 FOR A GUARDIANSHIP OR HELD  
22 PURSUANT TO SECTION 15-14.7-501(2) FOR A PROTECTIVE ARRANGEMENT  
23 INSTEAD OF GUARDIANSHIP, THE COURT MAY ISSUE AN ORDER PURSUANT  
24 TO SUBSECTION (2) OF THIS SECTION FOR A PROTECTIVE ARRANGEMENT  
25 INSTEAD OF GUARDIANSHIP IF THE COURT FINDS BY CLEAR AND  
26 CONVINCING EVIDENCE THAT:

27 (a) THE RESPONDENT LACKS THE ABILITY TO MEET ESSENTIAL

1 REQUIREMENTS FOR \_\_\_\_\_ HEALTH, SAFETY, OR WELFARE BECAUSE THE  
2 RESPONDENT IS UNABLE TO RECEIVE AND EVALUATE INFORMATION OR  
3 MAKE OR COMMUNICATE DECISIONS, EVEN WITH APPROPRIATE SUPPORTIVE  
4 SERVICES, TECHNOLOGICAL ASSISTANCE, OR SUPPORTED DECISION MAKING;  
5 AND

6 (b) THE RESPONDENT'S IDENTIFIED NEEDS CANNOT BE MET BY A  
7 LESS RESTRICTIVE ALTERNATIVE.

8 (2) IF THE COURT MAKES THE FINDINGS PURSUANT TO SUBSECTION  
9 (1) OF THIS SECTION, THE COURT, INSTEAD OF APPOINTING A GUARDIAN,  
10 MAY:

11 (a) AUTHORIZE OR DIRECT A TRANSACTION NECESSARY TO MEET  
12 THE RESPONDENT'S NEED FOR HEALTH, SAFETY, OR CARE, INCLUDING:

13 (I) A PARTICULAR MEDICAL TREATMENT OR REFUSAL OF A  
14 PARTICULAR MEDICAL TREATMENT;

15 (II) A MOVE TO A SPECIFIED PLACE OF DWELLING; OR

16 (III) VISITATION OR SUPERVISED VISITATION BETWEEN THE  
17 RESPONDENT AND ANOTHER PERSON;

18 (b) RESTRICT ACCESS TO THE RESPONDENT BY A SPECIFIED PERSON  
19 WHOSE ACCESS PLACES THE RESPONDENT AT SUBSTANTIAL RISK OF  
20 PHYSICAL, PSYCHOLOGICAL, OR FINANCIAL HARM; AND

21 (c) ORDER OTHER ARRANGEMENTS ON A LIMITED BASIS THAT ARE  
22 APPROPRIATE.

23 (3) IN DECIDING WHETHER TO ISSUE AN ORDER PURSUANT TO THIS  
24 SECTION, THE COURT SHALL CONSIDER THE FACTORS DESCRIBED IN  
25 SECTIONS 15-14.7-313 AND 15-14.7-314 WHICH A GUARDIAN MUST  
26 CONSIDER WHEN MAKING A DECISION ON BEHALF OF AN ADULT SUBJECT TO  
27 GUARDIANSHIP.

1           **15-14.7-503. Basis for protective arrangement instead of**  
2 **conservatorship.** (1) AFTER THE HEARING ON A PETITION HELD PURSUANT  
3 TO SECTION 15-14.7-402 FOR CONSERVATORSHIP FOR AN ADULT OR HELD  
4 PURSUANT TO SECTION 15-14.7-501(3) FOR A PROTECTIVE ARRANGEMENT  
5 INSTEAD OF CONSERVATORSHIP FOR AN ADULT, THE COURT MAY ISSUE AN  
6 ORDER PURSUANT TO SUBSECTION (3) OF THIS SECTION FOR A PROTECTIVE  
7 ARRANGEMENT INSTEAD OF CONSERVATORSHIP FOR THE ADULT IF THE  
8 COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT:

9           (a) THE ADULT IS UNABLE TO MANAGE PROPERTY OR FINANCIAL  
10 AFFAIRS BECAUSE:

11           (I) OF A LIMITATION IN THE ABILITY TO RECEIVE AND EVALUATE  
12 INFORMATION OR MAKE OR COMMUNICATE DECISIONS, EVEN WITH  
13 APPROPRIATE SUPPORTIVE SERVICES, TECHNOLOGICAL ASSISTANCE, OR  
14 SUPPORTED DECISION MAKING; OR

15           (II) THE ADULT IS MISSING, DETAINED, OR UNABLE TO RETURN TO  
16 THE UNITED STATES;

17           (b) AN ORDER PURSUANT TO SUBSECTION (3) OF THIS SECTION IS  
18 NECESSARY TO:

19           (I) AVOID HARM TO THE ADULT OR MATERIAL DISSIPATION OF THE  
20 PROPERTY OF THE ADULT; OR

21           (II) OBTAIN OR PROVIDE FUNDS OR OTHER PROPERTY NEEDED FOR  
22 THE SUPPORT, CARE, EDUCATION, HEALTH, OR WELFARE OF THE ADULT OR  
23 AN INDIVIDUAL ENTITLED TO THE ADULT'S SUPPORT; AND

24           (c) THE RESPONDENT'S IDENTIFIED NEEDS CANNOT BE MET BY A  
25 LESS RESTRICTIVE ALTERNATIVE.

26           (2) AFTER THE HEARING ON A PETITION HELD PURSUANT TO  
27 SECTION 15-14.7-402 FOR CONSERVATORSHIP FOR A MINOR OR HELD



1 PURSUANT TO SECTION 15-14.7-501 FOR A PROTECTIVE ARRANGEMENT  
2 INSTEAD OF CONSERVATORSHIP FOR A MINOR, THE COURT MAY ISSUE AN  
3 ORDER PURSUANT TO SUBSECTION (3) OF THIS SECTION FOR A PROTECTIVE  
4 ARRANGEMENT INSTEAD OF CONSERVATORSHIP FOR THE RESPONDENT IF  
5 THE COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT THE  
6 ARRANGEMENT IS IN THE MINOR'S BEST INTEREST, AND:

7 (a) IF THE MINOR HAS A PARENT, THE COURT GIVES WEIGHT TO ANY  
8 RECOMMENDATION OF THE PARENT WHETHER AN ARRANGEMENT IS IN THE  
9 MINOR'S BEST INTEREST;

10 (b) EITHER:

11 (I) THE MINOR OWNS MONEY OR PROPERTY REQUIRING  
12 MANAGEMENT OR PROTECTION THAT OTHERWISE CANNOT BE PROVIDED;

13 (II) THE MINOR HAS OR MAY HAVE FINANCIAL AFFAIRS THAT MAY  
14 BE PUT AT UNREASONABLE RISK OR HINDERED BECAUSE OF THE MINOR'S  
15 AGE; OR

16 (III) THE ARRANGEMENT IS NECESSARY OR DESIRABLE TO OBTAIN  
17 OR PROVIDE FUNDS OR OTHER PROPERTY NEEDED FOR THE SUPPORT, CARE,  
18 EDUCATION, HEALTH, OR WELFARE OF THE MINOR; AND

19 (c) THE ORDER PURSUANT TO SUBSECTION (3) OF THIS SECTION IS  
20 NECESSARY OR DESIRABLE TO OBTAIN OR PROVIDE MONEY NEEDED FOR  
21 THE SUPPORT, CARE, EDUCATION, HEALTH, OR WELFARE OF THE MINOR.

22 (3) IF THE COURT MAKES THE FINDINGS PURSUANT TO SUBSECTION  
23 (1) OR (2) OF THIS SECTION, THE COURT, INSTEAD OF APPOINTING A  
24 CONSERVATOR, MAY:

25 (a) AUTHORIZE OR DIRECT A TRANSACTION NECESSARY TO PROTECT  
26 THE FINANCIAL INTEREST OR PROPERTY OF THE RESPONDENT, INCLUDING:

27 (I) AN ACTION TO ESTABLISH ELIGIBILITY FOR BENEFITS;

1 (II) PAYMENT, DELIVERY, DEPOSIT, OR RETENTION OF FUNDS OR  
2 PROPERTY;

3 (III) SALE, MORTGAGE, LEASE, OR OTHER TRANSFER OF PROPERTY;

4 (IV) PURCHASE OF AN ANNUITY;

5 (V) ENTRY INTO A CONTRACTUAL RELATIONSHIP, INCLUDING A  
6 CONTRACT TO PROVIDE FOR PERSONAL CARE, SUPPORTIVE SERVICES,  
7 EDUCATION, TRAINING, OR EMPLOYMENT;

8 (VI) ADDITION TO OR ESTABLISHMENT OF A TRUST;

9 (VII) RATIFICATION OR INVALIDATION OF A CONTRACT, TRUST,  
10 WILL, OR OTHER TRANSACTION, INCLUDING A TRANSACTION RELATED TO  
11 THE PROPERTY OR BUSINESS AFFAIRS OF THE RESPONDENT; OR

12 (VIII) SETTLEMENT OF A CLAIM; OR

13 (b) RESTRICT ACCESS TO THE RESPONDENT'S PROPERTY BY A  
14 SPECIFIED PERSON WHOSE ACCESS TO THE PROPERTY PLACES THE  
15 RESPONDENT AT SUBSTANTIAL RISK OF FINANCIAL HARM.

16 (4) AFTER THE HEARING ON A PETITION HELD PURSUANT TO  
17 SECTION 15-14.7-501(1) OR 15-14.7-501(3), WHETHER OR NOT THE COURT  
18 MAKES THE FINDINGS PURSUANT TO SUBSECTION (1) OR (2) OF THIS  
19 SECTION, THE COURT MAY ISSUE AN ORDER TO RESTRICT ACCESS TO THE  
20 RESPONDENT OR THE RESPONDENT'S PROPERTY BY A SPECIFIED PERSON  
21 WHO THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE:

22 (a) THROUGH FRAUD, COERCION, DURESS, OR THE USE OF  
23 DECEPTION AND CONTROL CAUSED OR ATTEMPTED TO CAUSE AN ACTION  
24 THAT WOULD HAVE RESULTED IN FINANCIAL HARM TO THE RESPONDENT OR  
25 THE RESPONDENT'S PROPERTY; AND

26 (b) POSES A SERIOUS RISK OF SUBSTANTIAL FINANCIAL HARM TO  
27 THE RESPONDENT OR THE RESPONDENT'S PROPERTY.

1 (5) BEFORE ISSUING AN ORDER PURSUANT TO SUBSECTION (3) OR  
2 (4) OF THIS SECTION, THE COURT SHALL CONSIDER THE FACTORS DESCRIBED  
3 IN SECTION 15-14.7-418 A CONSERVATOR MUST CONSIDER WHEN MAKING  
4 A DECISION ON BEHALF OF AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP.

5 (6) BEFORE ISSUING AN ORDER PURSUANT TO SUBSECTION (3) OR  
6 (4) OF THIS SECTION FOR A RESPONDENT WHO IS A MINOR, THE COURT ALSO  
7 SHALL CONSIDER THE BEST INTEREST OF THE MINOR, THE PREFERENCE OF  
8 THE PARENTS OF THE MINOR, AND THE PREFERENCE OF THE MINOR, IF THE  
9 MINOR IS TWELVE YEARS OF AGE OR OLDER.

10 **15-14.7-504. Petition for protective arrangement.** (1) A  
11 PETITION FOR A PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP OR  
12 CONSERVATORSHIP MUST STATE THE PETITIONER'S NAME, PRINCIPAL  
13 RESIDENCE, CURRENT STREET ADDRESS, IF DIFFERENT, RELATIONSHIP TO  
14 THE RESPONDENT, INTEREST IN THE PROTECTIVE ARRANGEMENT, THE NAME  
15 AND ADDRESS OF ANY ATTORNEY REPRESENTING THE PETITIONER, AND, TO  
16 THE EXTENT KNOWN, THE FOLLOWING:

17 (a) THE RESPONDENT'S NAME, AGE, PRINCIPAL RESIDENCE,  
18 CURRENT STREET ADDRESS, IF DIFFERENT, AND, IF DIFFERENT, ADDRESS OF  
19 THE DWELLING IN WHICH IT IS PROPOSED THE RESPONDENT WILL RESIDE IF  
20 THE PETITION IS GRANTED;

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

22 (I) SPOUSE OR DOMESTIC PARTNER OR, IF THE RESPONDENT HAS  
23 NONE, AN ADULT WITH WHOM THE RESPONDENT HAS SHARED HOUSEHOLD  
24 RESPONSIBILITIES FOR MORE THAN SIX MONTHS IN THE TWELVE-MONTH  
25 PERIOD BEFORE THE FILING OF THE PETITION;

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

- 1 (III) ADULT STEPCHILDREN WHOM THE RESPONDENT ACTIVELY  
2 PARENTED DURING THE STEPCHILDREN'S MINOR YEARS AND WITH WHOM  
3 THE RESPONDENT HAD AN ONGOING RELATIONSHIP IN THE TWO YEAR  
4 PERIOD IMMEDIATELY BEFORE THE FILING OF THE PETITION;
- 5 (c) THE NAME AND CURRENT ADDRESS OF EACH OF THE  
6 FOLLOWING, IF APPLICABLE:
- 7 (I) A PERSON RESPONSIBLE FOR THE CARE OR CUSTODY OF THE  
8 RESPONDENT;
- 9 (II) ANY ATTORNEY CURRENTLY REPRESENTING THE RESPONDENT;
- 10 (III) THE REPRESENTATIVE PAYEE APPOINTED BY THE SOCIAL  
11 SECURITY ADMINISTRATION FOR THE RESPONDENT;
- 12 (IV) A GUARDIAN OR CONSERVATOR ACTING FOR THE RESPONDENT  
13 IN THIS STATE OR ANOTHER JURISDICTION;
- 14 (V) A TRUSTEE OR CUSTODIAN OF A TRUST OR CUSTODIANSHIP OF  
15 WHICH THE RESPONDENT IS A BENEFICIARY;
- 16 (VI) THE FIDUCIARY APPOINTED FOR THE RESPONDENT BY THE  
17 DEPARTMENT OF VETERANS AFFAIRS;
- 18 (VII) AN AGENT DESIGNATED UNDER A POWER OF ATTORNEY FOR  
19 HEALTH CARE IN WHICH THE RESPONDENT IS IDENTIFIED AS THE PRINCIPAL;
- 20 (VIII) AN AGENT DESIGNATED UNDER A POWER OF ATTORNEY FOR  
21 FINANCES IN WHICH THE RESPONDENT IS IDENTIFIED AS THE PRINCIPAL;
- 22 (IX) A PERSON NOMINATED AS GUARDIAN OR CONSERVATOR BY  
23 THE RESPONDENT IF THE RESPONDENT IS TWELVE YEARS OF AGE OR OLDER;
- 24 (X) A PERSON NOMINATED AS GUARDIAN BY THE RESPONDENT'S  
25 PARENT, SPOUSE, OR DOMESTIC PARTNER IN A WILL OR OTHER SIGNED  
26 RECORD;
- 27 (XI) A MEMBER OF THE RESPONDENT'S SUPPORTIVE COMMUNITY;

1 AND

2 (XII) IF THE RESPONDENT IS A MINOR:

3 (A) AN ADULT NOT OTHERWISE LISTED WITH WHOM THE  
4 RESPONDENT RESIDES; AND

5 (B) EACH PERSON NOT OTHERWISE LISTED THAT HAD PRIMARY  
6 CARE OR CUSTODY OF THE RESPONDENT FOR AT LEAST SIXTY DAYS DURING  
7 THE TWO YEARS IMMEDIATELY BEFORE THE FILING OF THE PETITION OR FOR  
8 AT LEAST SEVEN HUNDRED AND THIRTY DAYS DURING THE FIVE YEARS  
9 IMMEDIATELY BEFORE THE FILING OF THE PETITION;

10 (d) THE NATURE OF THE PROTECTIVE ARRANGEMENT SOUGHT;

11 (e) THE REASON THE PROTECTIVE ARRANGEMENT SOUGHT IS  
12 NECESSARY, INCLUDING A BRIEF DESCRIPTION OF:

13 (I) THE NATURE AND EXTENT OF THE RESPONDENT'S ALLEGED  
14 NEED;

15 (II) ANY LESS RESTRICTIVE ALTERNATIVE FOR MEETING THE  
16 RESPONDENT'S ALLEGED NEED WHICH HAS BEEN CONSIDERED OR  
17 IMPLEMENTED;

18 (III) IF NO LESS RESTRICTIVE ALTERNATIVE HAS BEEN CONSIDERED  
19 OR IMPLEMENTED, THE REASON LESS RESTRICTIVE ALTERNATIVES HAVE  
20 NOT BEEN CONSIDERED OR IMPLEMENTED; AND

21 (IV) THE REASON OTHER LESS RESTRICTIVE ALTERNATIVES ARE  
22 INSUFFICIENT TO MEET THE RESPONDENT'S ALLEGED NEED;

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

25 (g) WHETHER THE RESPONDENT NEEDS AN INTERPRETER,  
26 TRANSLATOR, OR OTHER FORM OF SUPPORT TO COMMUNICATE EFFECTIVELY  
27 WITH THE COURT OR UNDERSTAND COURT PROCEEDINGS;

1 (h) IF A PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP IS  
2 SOUGHT AND THE RESPONDENT HAS PROPERTY OTHER THAN PERSONAL  
3 EFFECTS, A GENERAL STATEMENT OF THE RESPONDENT'S PROPERTY WITH  
4 AN ESTIMATE OF ITS VALUE, INCLUDING ANY INSURANCE OR PENSION, AND  
5 THE SOURCE AND AMOUNT OF ANY OTHER ANTICIPATED INCOME OR  
6 RECEIPTS; AND

7 (i) IF A PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP  
8 IS SOUGHT, A GENERAL STATEMENT OF THE RESPONDENT'S PROPERTY WITH  
9 AN ESTIMATE OF ITS VALUE, INCLUDING ANY INSURANCE OR PENSION, AND  
10 THE SOURCE AND AMOUNT OF OTHER ANTICIPATED INCOME OR RECEIPTS.

11 **15-14.7-505. Notice and hearing.** (1) ON FILING OF A PETITION  
12 PURSUANT TO SECTION 15-14.7-501, THE COURT SHALL SET A DATE, TIME,  
13 AND PLACE FOR A HEARING ON THE PETITION.

14 (2) A COPY OF A PETITION DESCRIBED IN SECTION 15-14.7-501 AND  
15 NOTICE OF A HEARING ON THE PETITION MUST BE SERVED PERSONALLY ON  
16 THE RESPONDENT. THE NOTICE MUST INFORM THE RESPONDENT OF THE  
17 RESPONDENT'S RIGHTS AT THE HEARING, INCLUDING THE RIGHT TO AN  
18 ATTORNEY AND TO ATTEND THE HEARING. THE NOTICE MUST INCLUDE A  
19 DESCRIPTION OF THE NATURE, PURPOSE, AND CONSEQUENCES OF GRANTING  
20 THE PETITION. THE COURT SHALL NOT GRANT THE PETITION IF NOTICE  
21 SUBSTANTIALLY COMPLYING WITH THIS SUBSECTION (2) IS NOT SERVED ON  
22 THE RESPONDENT.

23 (3) IN A PROCEEDING ON A PETITION HELD PURSUANT TO SECTION  
24 15-14.7-501, THE NOTICE REQUIRED PURSUANT TO SUBSECTION (2) OF THIS  
25 SECTION MUST BE GIVEN, PURSUANT TO SECTION 15-10-401, TO THE  
26 PERSONS REQUIRED TO BE LISTED IN THE PETITION PURSUANT TO SECTION  
27 15-14.7-504(1) TO 15-14.7-504(3) AND ANY OTHER PERSON INTERESTED

1 IN THE RESPONDENT'S WELFARE THE COURT DETERMINES. FAILURE TO GIVE  
2 NOTICE, PURSUANT TO SECTION 15-10-401, PURSUANT TO THIS SUBSECTION  
3 (3) DOES NOT PRECLUDE THE COURT FROM GRANTING THE PETITION.

4 (4) IF A PETITION FILED PURSUANT TO SECTION 15-14.7-504 DOES  
5 NOT INCLUDE THE NAME OF AT LEAST ONE PERSON DESCRIBED IN SECTION  
6 15-14.7-504 (1)(b), THE PETITIONER MUST SEARCH WITH REASONABLE  
7 DILIGENCE FOR AN ADULT RELATIVE OF THE RESPONDENT AND, IF AN  
8 ADULT RELATIVE IS FOUND, GIVE THE ADULT RELATIVE NOTICE, IN  
9 ACCORDANCE WITH SECTION 15-10-401, THAT A PETITION FOR A  
10 PROTECTIVE ARRANGEMENT OF THE RESPONDENT HAS BEEN FILED AND  
11 GIVE NOTICE OF A HEARING ON THE PETITION. THE NOTICE SENT TO THE  
12 ADULT RELATIVE OF THE RESPONDENT MUST NOT INCLUDE A COPY OF THE  
13 PETITION. FAILURE TO GIVE NOTICE PURSUANT TO THIS SUBSECTION (4)  
14 DOES NOT PRECLUDE THE COURT FROM APPOINTING A PROTECTIVE  
15 ARRANGEMENT.

16 (5) AFTER THE COURT HAS ORDERED A PROTECTIVE ARRANGEMENT  
17 PURSUANT TO THIS PART 5, NOTICE OF A HEARING ON A PETITION FILED  
18 PURSUANT TO THIS ARTICLE 14.7, TOGETHER WITH A COPY OF THE  
19 PETITION, MUST BE GIVEN TO THE RESPONDENT AND ANY OTHER PERSON  
20 THE COURT DETERMINES.

21 **15-14.7-506. Appointment and role of visitor.** (1) ON FILING OF  
22 A PETITION PURSUANT TO SECTION 15-14.7-501 FOR A PROTECTIVE  
23 ARRANGEMENT INSTEAD OF GUARDIANSHIP, THE COURT SHALL APPOINT A  
24 VISITOR. THE COURT SHALL DISCLOSE IN THE ORDER APPOINTING THE  
25 VISITOR THE SPECIFIC TRAINING OR EXPERIENCE THE VISITOR HAS WITH  
26 RESPECT TO THE TYPE OF ABILITIES, LIMITATIONS, AND NEEDS OF THE  
27 RESPONDENT ALLEGED IN THE PETITION AND THE BASIS FOR FEES TO BE

1 PAID TO THE VISITOR.

2 (2) ON FILING OF A PETITION PURSUANT TO SECTION 15-14.7-501  
3 FOR A PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP FOR A  
4 MINOR, THE COURT MAY APPOINT A VISITOR TO INVESTIGATE A MATTER  
5 RELATED TO THE PETITION OR INFORM THE MINOR OR A PARENT OF THE  
6 MINOR ABOUT THE PETITION OR A RELATED MATTER.

7 (3) ON FILING OF A PETITION PURSUANT TO SECTION 15-14.7-501  
8 FOR A PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP FOR AN  
9 ADULT, THE COURT SHALL APPOINT A VISITOR UNLESS THE RESPONDENT IS  
10 REPRESENTED BY AN ATTORNEY APPOINTED BY THE COURT. THE VISITOR  
11 MUST BE AN INDIVIDUAL WITH TRAINING OR EXPERIENCE IN THE TYPES OF  
12 ABILITIES, LIMITATIONS, AND NEEDS ALLEGED IN THE PETITION.

13 (4) A VISITOR APPOINTED PURSUANT TO SUBSECTION (1) OR (3) OF  
14 THIS SECTION SHALL INTERVIEW THE RESPONDENT IN PERSON AND, IN A  
15 MANNER THE RESPONDENT IS BEST ABLE TO UNDERSTAND:

16 (a) EXPLAIN TO THE RESPONDENT THE SUBSTANCE OF THE PETITION,  
17 THE NATURE, PURPOSE, AND EFFECT OF THE PROCEEDING, AND THE  
18 RESPONDENT'S RIGHTS AT THE HEARING ON THE PETITION;

19 (b) DETERMINE THE RESPONDENT'S VIEWS WITH RESPECT TO THE  
20 ORDER SOUGHT;

21 (c) INFORM THE RESPONDENT OF THE RESPONDENT'S RIGHT TO  
22 EMPLOY AND CONSULT WITH AN ATTORNEY AT THE RESPONDENT'S EXPENSE  
23 AND THE RIGHT TO REQUEST A COURT-APPOINTED ATTORNEY;

24 (d) INFORM THE RESPONDENT THAT ALL COSTS AND EXPENSES OF  
25 THE PROCEEDING, INCLUDING RESPONDENT'S ATTORNEY'S FEES, MAY BE  
26 PAID FROM THE RESPONDENT'S ASSETS;

27 (e) IF THE PETITIONER SEEKS AN ORDER RELATED TO THE DWELLING



1 OF THE RESPONDENT, VISIT THE RESPONDENT'S PRESENT DWELLING AND  
2 ANY DWELLING IN WHICH IT IS REASONABLY BELIEVED THE RESPONDENT  
3 WILL LIVE IF THE ORDER IS GRANTED;

4 (f) IF A PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP IS  
5 SOUGHT, OBTAIN INFORMATION FROM ANY PHYSICIAN OR OTHER PERSON  
6 KNOWN TO HAVE TREATED, ADVISED, OR ASSESSED THE RESPONDENT'S  
7 RELEVANT PHYSICAL OR MENTAL CONDITION;

8 (g) IF A PROTECTIVE ARRANGEMENT INSTEAD OF  
9 CONSERVATORSHIP IS SOUGHT, REVIEW FINANCIAL RECORDS OF THE  
10 RESPONDENT, IF RELEVANT TO THE VISITOR'S RECOMMENDATION  
11 PURSUANT TO SUBSECTION (5)(c) OF THIS SECTION; AND

12 (h) INVESTIGATE THE ALLEGATIONS IN THE PETITION AND ANY  
13 OTHER MATTER RELATING TO THE PETITION THE COURT DIRECTS.

14 (5) A VISITOR DESCRIBED IN THIS SECTION PROMPTLY SHALL FILE  
15 A REPORT IN A RECORD WITH THE COURT, WHICH MUST INCLUDE:

16 (a) A RECOMMENDATION WHETHER AN ATTORNEY SHOULD BE  
17 APPOINTED TO REPRESENT THE RESPONDENT;

18 (b) TO THE EXTENT RELEVANT TO THE ORDER SOUGHT, A SUMMARY  
19 OF SELF-CARE, INDEPENDENT-LIVING TASKS, AND FINANCIAL MANAGEMENT  
20 TASKS THE RESPONDENT:

21 (I) CAN MANAGE WITHOUT ASSISTANCE OR WITH EXISTING  
22 SUPPORTS;

23 (II) COULD MANAGE WITH THE ASSISTANCE OF APPROPRIATE  
24 SUPPORTIVE SERVICES, TECHNOLOGICAL ASSISTANCE, OR SUPPORTED  
25 DECISION MAKING; AND

26 (III) CANNOT MANAGE;

27 (c) A RECOMMENDATION REGARDING THE APPROPRIATENESS OF

1 THE PROTECTIVE ARRANGEMENT SOUGHT AND WHETHER A LESS  
2 RESTRICTIVE ALTERNATIVE FOR MEETING THE RESPONDENT'S NEEDS IS  
3 AVAILABLE;

4 (d) IF THE PETITION SEEKS TO CHANGE THE PHYSICAL LOCATION OF  
5 THE DWELLING OF THE RESPONDENT, A STATEMENT WHETHER THE  
6 PROPOSED DWELLING MEETS THE RESPONDENT'S NEEDS AND WHETHER THE  
7 RESPONDENT HAS EXPRESSED A PREFERENCE AS TO THE RESPONDENT'S  
8 DWELLING;

9 (e) A RECOMMENDATION WHETHER A PROFESSIONAL EVALUATION  
10 PURSUANT TO SECTION 15-14.7-508 IS NECESSARY;

11 (f) A STATEMENT WHETHER THE RESPONDENT IS ABLE TO ATTEND  
12 A HEARING AT THE LOCATION COURT PROCEEDINGS TYPICALLY ARE HELD;

13 (g) A STATEMENT WHETHER THE RESPONDENT IS ABLE TO  
14 PARTICIPATE IN A HEARING AND WHICH IDENTIFIES ANY TECHNOLOGY OR  
15 OTHER FORM OF SUPPORT THAT WOULD ENHANCE THE RESPONDENT'S  
16 ABILITY TO PARTICIPATE; AND

17 (h) ANY OTHER MATTER THE COURT DIRECTS.

18 **15-14.7-507. Appointment and role of attorney.** (1) THE COURT  
19 SHALL APPOINT AN ATTORNEY TO REPRESENT THE RESPONDENT IN A  
20 PROCEEDING PURSUANT TO THIS PART 5 IF:

21 (a) THE RESPONDENT REQUESTS THE APPOINTMENT;

22 (b) THE VISITOR RECOMMENDS THE APPOINTMENT; OR

23 (c) THE COURT DETERMINES THE RESPONDENT NEEDS  
24 REPRESENTATION.

25 (2) AN ATTORNEY REPRESENTING THE RESPONDENT IN A  
26 PROCEEDING PURSUANT TO THIS PART 5 SHALL:

27 (a) MAKE REASONABLE EFFORTS TO ASCERTAIN THE RESPONDENT'S

1 WISHES;

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

4 (c) IF THE RESPONDENT'S WISHES ARE NOT REASONABLY  
5 ASCERTAINABLE, ADVOCATE FOR THE RESULT THAT IS THE LEAST  
6 RESTRICTIVE ALTERNATIVE IN TYPE, DURATION, AND SCOPE, CONSISTENT  
7 WITH THE RESPONDENT'S INTERESTS.

8

==

9 **15-14.7-508. Professional evaluation.** (1) AT OR BEFORE A  
10 HEARING ON A PETITION HELD PURSUANT TO THIS PART 5 FOR A  
11 PROTECTIVE ARRANGEMENT, THE COURT SHALL ORDER A PROFESSIONAL  
12 EVALUATION OF THE RESPONDENT:

13 (a) IF THE RESPONDENT REQUESTS THE EVALUATION; OR

14 (b) IN OTHER CASES, UNLESS THE COURT FINDS THAT IT HAS  
15 SUFFICIENT INFORMATION TO DETERMINE THE RESPONDENT'S NEEDS AND  
16 ABILITIES WITHOUT THE EVALUATION.

17 (2) IF THE COURT ORDERS AN EVALUATION PURSUANT TO  
18 SUBSECTION (1) OF THIS SECTION, THE RESPONDENT MUST BE EXAMINED BY  
19 A LICENSED PHYSICIAN, PSYCHOLOGIST, SOCIAL WORKER, OR OTHER  
20 INDIVIDUAL APPOINTED BY THE COURT WHO IS QUALIFIED TO EVALUATE  
21 THE RESPONDENT'S ALLEGED COGNITIVE AND FUNCTIONAL ABILITIES AND  
22 LIMITATIONS AND WILL NOT BE ADVANTAGED OR DISADVANTAGED BY A  
23 DECISION TO GRANT THE PETITION OR OTHERWISE HAVE A CONFLICT OF  
24 INTEREST. THE INDIVIDUAL CONDUCTING THE EVALUATION PROMPTLY  
25 SHALL FILE A REPORT IN A RECORD WITH THE COURT. UNLESS OTHERWISE  
26 DIRECTED BY THE COURT, THE REPORT MUST CONTAIN:

27 (a) A DESCRIPTION OF THE NATURE, TYPE, AND EXTENT OF THE

1 RESPONDENT'S COGNITIVE AND FUNCTIONAL ABILITIES AND LIMITATIONS;

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

5 (c) A PROGNOSIS FOR IMPROVEMENT, INCLUDING WITH REGARD TO  
6 THE ABILITY TO MANAGE THE RESPONDENT'S PROPERTY AND FINANCIAL  
7 AFFAIRS IF A LIMITATION IN THAT ABILITY IS ALLEGED, AND  
8 RECOMMENDATION FOR THE APPROPRIATE TREATMENT, SUPPORT, OR  
9 HABILITATION PLAN; AND

10 (d) THE DATE OF THE EXAMINATION ON WHICH THE REPORT IS  
11 BASED.

12 (3) THE RESPONDENT MAY DECLINE TO PARTICIPATE IN AN  
13 EVALUATION ORDERED PURSUANT TO SUBSECTION (1) OF THIS SECTION.

14 **15-14.7-509. Attendance and rights at hearing.** (1) EXCEPT AS  
15 OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, A HEARING  
16 HELD PURSUANT TO THIS PART 5 MAY NOT PROCEED UNLESS THE  
17 RESPONDENT ATTENDS THE HEARING. IF IT IS NOT REASONABLY FEASIBLE  
18 FOR THE RESPONDENT TO ATTEND A HEARING AT THE LOCATION COURT  
19 PROCEEDINGS TYPICALLY ARE HELD, THE COURT SHALL HOLD A HEARING  
20 USING REAL-TIME AUDIO-VISUAL TECHNOLOGY OR, AT THE COURT'S  
21 DISCRETION, HOLD THE HEARING AT AN ALTERNATIVE LOCATION WHERE  
22 THE RESPONDENT CAN ATTEND USING REAL-TIME AUDIO-VISUAL  
23 TECHNOLOGY. == ==

24 (2) A HEARING HELD PURSUANT TO THIS PART 5 MAY PROCEED  
25 WITHOUT THE RESPONDENT IN ATTENDANCE IF THE COURT FINDS BY  
26 CLEAR-AND-CONVINCING EVIDENCE THAT:

27 (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;

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; OR

6 (c) THE RESPONDENT IS A MINOR WHO HAS RECEIVED PROPER  
7 NOTICE AND ATTENDANCE WOULD BE HARMFUL TO THE MINOR.

8 (3) THE RESPONDENT MAY BE ASSISTED IN A HEARING HELD  
9 PURSUANT TO THIS PART 5 BY A PERSON OR PERSONS OF THE RESPONDENT'S  
10 CHOOSING, ASSISTIVE TECHNOLOGY, OR AN INTERPRETER OR TRANSLATOR,  
11 OR A COMBINATION OF THESE SUPPORTS. IF ASSISTANCE WOULD FACILITATE  
12 THE RESPONDENT'S PARTICIPATION IN THE HEARING, BUT IS NOT OTHERWISE  
13 AVAILABLE TO THE RESPONDENT, THE COURT SHALL MAKE REASONABLE  
14 EFFORTS TO PROVIDE IT.

15 (4) THE RESPONDENT HAS A RIGHT TO CHOOSE AN ATTORNEY TO  
16 REPRESENT THE RESPONDENT AT A HEARING HELD PURSUANT TO THIS PART  
17 5.

18 (5) AT A HEARING HELD PURSUANT TO THIS PART 5, 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) A HEARING HELD PURSUANT TO THIS PART 5 MUST BE CLOSED  
26 ON REQUEST OF THE RESPONDENT AND A SHOWING OF GOOD CAUSE.

27 (7) ANY PERSON MAY REQUEST TO PARTICIPATE IN A HEARING HELD

1 PURSUANT TO THIS PART 5. THE COURT MAY GRANT THE REQUEST, WITH OR  
2 WITHOUT A HEARING, ON DETERMINING THAT THE BEST INTEREST OF THE  
3 RESPONDENT WILL BE SERVED. THE COURT MAY IMPOSE APPROPRIATE  
4 CONDITIONS ON THE PERSON'S PARTICIPATION.

5 **15-14.7-510. Notice of order.** THE COURT SHALL GIVE NOTICE,  
6 PURSUANT TO SECTION 15-10-401, OF AN ORDER PURSUANT TO THIS PART  
7 5 TO THE INDIVIDUAL WHO IS SUBJECT TO THE PROTECTIVE ARRANGEMENT  
8 INSTEAD OF GUARDIANSHIP OR CONSERVATORSHIP, A PERSON WHOSE  
9 ACCESS TO THE INDIVIDUAL IS RESTRICTED BY THE ORDER, AND ANY OTHER  
10 PERSON THE COURT DETERMINES.

11 **15-14.7-511. Confidentiality of records.** THE COURT SHALL  
12 COMPLY WITH THE ADMINISTRATIVE RULES PROMULGATED BY THE  
13 JUDICIAL DEPARTMENT CONCERNING THE CONFIDENTIALITY OF COURT  
14 RECORDS. ==

15 == ==  
16 **15-14.7-512. Appointment of special conservator.** THE COURT  
17 MAY APPOINT A SPECIAL CONSERVATOR TO ASSIST IN IMPLEMENTING A  
18 PROTECTIVE ARRANGEMENT PURSUANT TO THIS PART 5. THE SPECIAL  
19 CONSERVATOR HAS THE AUTHORITY CONFERRED BY THE ORDER OF  
20 APPOINTMENT AND SERVES UNTIL DISCHARGED BY COURT ORDER.

21 == == ==

## 22 PART 6

### 23 MISCELLANEOUS PROVISIONS

24 **15-14.7-601. Uniformity of application and construction.** IN  
25 APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION MUST BE  
26 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT  
27 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

1           **15-14.7-602. Relation to electronic signatures in global and**  
2 **national commerce act.** THIS ARTICLE 14.7 MODIFIES, LIMITS, OR  
3 SUPERSEDES THE "ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL  
4 COMMERCE ACT", 15 U.S.C. SEC 7001 ET SEQ., BUT DOES NOT MODIFY,  
5 LIMIT, OR SUPERSEDE SECTION 101(c) OF 15 U.S.C. SEC 7001(c), OR  
6 AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE NOTICES DESCRIBED IN  
7 SECTION 103(b) OF 15 U.S.C. SEC 7003(b).

8           **15-14.7-603. Applicability.** (1) THIS ARTICLE 14.7 APPLIES TO:

9           (a) A PROCEEDING FOR APPOINTMENT OF A GUARDIAN OR  
10 CONSERVATOR OR FOR A PROTECTIVE ARRANGEMENT INSTEAD OF  
11 GUARDIANSHIP OR CONSERVATORSHIP COMMENCED AFTER JULY 1, 2026;  
12 AND

13           (b) A GUARDIANSHIP, CONSERVATORSHIP, OR PROTECTIVE  
14 ARRANGEMENT INSTEAD OF GUARDIANSHIP OR CONSERVATORSHIP IN  
15 EXISTENCE ON JULY 1, 2026, UNLESS THE COURT FINDS APPLICATION OF A  
16 PARTICULAR PROVISION OF THIS ARTICLE 14.7 WOULD SUBSTANTIALLY  
17 INTERFERE WITH THE EFFECTIVE CONDUCT OF THE PROCEEDING OR  
18 PREJUDICE THE RIGHTS OF A PARTY, IN WHICH CASE THE PARTICULAR  
19 PROVISION OF THIS ARTICLE 14.7 DOES NOT APPLY AND THE SUPERSEDED  
20 LAW APPLIES.

21           (2) A GUARDIAN OR CONSERVATOR APPOINTED PRIOR TO JULY 1,  
22 2025, IS NOT REQUIRED TO PETITION A COURT TO REVIEW THE TERMS OF AN  
23 ESTABLISHED GUARDIANSHIP OR CONSERVATORSHIP IN COMPLIANCE WITH  
24 THIS ARTICLE 14.7.

25           **15-14.7-604. Severability.** IF ANY PROVISION OF THIS ARTICLE 14.7  
26 OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID,  
27 THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF

1 THIS ARTICLE 14.7 WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID  
2 PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS  
3 ARTICLE 14.7 ARE SEVERABLE.

4 **15-14.7-605. Acceptance of gifts, grants, or donations.** THE  
5 JUDICIAL DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,  
6 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF  
7 THIS ARTICLE 14.7.

8 **15-14.7-606. Effective date.** THIS ARTICLE 14.7 TAKES EFFECT  
9 JULY 1, 2026.

10 **SECTION 2.** In Colorado Revised Statutes, 7-60-132, **amend** (1)  
11 introductory portion and (1)(a) as follows:

12 **7-60-132. Dissolution by decree of court.** (1) ~~On~~ UPON  
13 application by or for a partner, the court ~~shall~~ MUST decree a dissolution  
14 if:

15 (a) A partner has been determined by the court to be mentally  
16 incompetent to such a degree that the partner is incapable of performing  
17 the partner's part of the partnership contract or a court of competent  
18 jurisdiction has made such a finding pursuant to ~~part 3 or part 4 of article~~  
19 ~~14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15 or section  
20 27-65-110 (4) or 27-65-127;

21 **SECTION 3.** In Colorado Revised Statutes, 11-50-102, **amend**  
22 the introductory portion and (5) as follows:

23 **11-50-102. Definitions.** As used in this ~~article~~ ARTICLE 50, unless  
24 the context otherwise requires:

25 (5) "Court" means the district or probate court ~~which~~ THAT would  
26 have jurisdiction of the minor's estate, if ~~he~~ THE MINOR had property other  
27 than custodial property, as provided in ~~section 15-14-108 (1),~~ C.R.S.



1 SECTION 15-14.7-106 (1).

2           **SECTION 4.** In Colorado Revised Statutes, 12-215-115, **amend**  
3 (7) as follows:

4           **12-215-115. Discipline of licensees - suspension, revocation,**  
5 **denial, and probation - grounds - definitions.** (7) In the event any  
6 person holding a license to practice chiropractic in this state is determined  
7 to be mentally incompetent or insane by a court of competent jurisdiction  
8 and a court enters, pursuant to ~~part 3 or 4 of article 14 of title 15~~ PART 3,  
9 4, OR 5 OF ARTICLE 14.7 OF TITLE 15 or section 27-65-110 (4) or  
10 27-65-127, an order specifically finding that the mental incompetency or  
11 insanity is of such a degree that the person holding a license is incapable  
12 of continuing to practice chiropractic, ~~the person's license shall~~  
13 ~~automatically be suspended by the board~~ THE BOARD MUST  
14 AUTOMATICALLY SUSPEND THE PERSON'S LICENSE, and, anything in this  
15 article 215 to the contrary notwithstanding, the suspension must continue  
16 until the licensee is found by the court to be competent to practice  
17 chiropractic.

18           **SECTION 5.** In Colorado Revised Statutes, 12-240-125, **amend**  
19 (7) as follows:

20           **12-240-125. Disciplinary action by board - rules.** (7) If any  
21 licensee is determined to be mentally incompetent or insane by a court of  
22 competent jurisdiction and a court enters, pursuant to ~~part 3 or 4 of article~~  
23 ~~14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15 or section  
24 27-65-110 (4) or 27-65-127, an order specifically finding that the mental  
25 incompetency or insanity is of such a degree that the licensee is incapable  
26 of continuing to practice medicine, practice as a physician assistant, or  
27 practice as an anesthesiologist assistant, the board ~~shall~~ MUST

1 automatically suspend the licensee's license, and, anything in this article  
2 240 to the contrary notwithstanding, the suspension must continue until  
3 the licensee is found by the court to be competent to practice medicine,  
4 practice as a physician assistant, or practice as an anesthesiologist  
5 assistant.

6 **SECTION 6.** In Colorado Revised Statutes, 12-255-119, **amend**  
7 (7) as follows:

8 **12-255-119. Disciplinary procedures of the board - inquiry and**  
9 **hearings panels - mental and physical examinations - definitions -**  
10 **rules.** (7) In case any nurse or certified midwife is determined to be  
11 mentally incompetent or insane by a court of competent jurisdiction and  
12 a court enters, pursuant to ~~part 3 or 4 of article 14 of title 15~~ PART 3, 4, OR  
13 5 OF ARTICLE 14.7 OF TITLE 15 or section 27-65-110 (4) or 27-65-127, an  
14 order specifically finding that the mental incompetency or insanity is of  
15 such a degree that the nurse or certified midwife is incapable of  
16 continuing the practice of nursing or as a certified midwife, the board ~~shall~~  
17 MUST automatically suspend the nurse's or certified midwife's license, and,  
18 notwithstanding any provision of this part 1 to the contrary, the suspension  
19 must continue until the nurse or certified midwife is found by the court to  
20 be competent to continue the practice of nursing or the practice as a  
21 certified midwife, as applicable.

22 **SECTION 7.** In Colorado Revised Statutes, 12-290-113, **amend**  
23 (8) as follows:

24 **12-290-113. Disciplinary action by board.** (8) If a person  
25 holding a license to practice podiatry in this state is determined to be  
26 mentally incompetent or insane by a court of competent jurisdiction and  
27 a court enters, pursuant to ~~part 3 or 4 of article 14 of title 15~~ PART 3, 4, OR

1 5 OF ARTICLE 14.7 OF TITLE 15 or section 27-65-110 (4) or 27-65-127, an  
2 order specifically finding that the mental incompetency or insanity is of  
3 such a degree that the person holding a license is incapable of continuing  
4 to practice podiatry, the board ~~shall~~ MUST automatically suspend the  
5 license, and, anything in this article 290 to the contrary notwithstanding,  
6 the suspension must continue until the licensee is found by the court to be  
7 competent to practice podiatry.

8 **SECTION 8.** In Colorado Revised Statutes, 12-315-112, **amend**  
9 (1)(v) as follows:

10 **12-315-112. Discipline of licensees.** (1) Upon receipt of a signed  
11 complaint by a complainant or upon its own motion, the board may  
12 proceed to a hearing in accordance with section 12-315-113. After a  
13 hearing, and by a concurrence of a majority of members, the board may  
14 take disciplinary or other action as authorized in section 12-20-404 against  
15 an applicant for a license or a licensed veterinarian for any of the  
16 following reasons:

17 (v) A determination that the individual is mentally incompetent by  
18 a court of competent jurisdiction and the court has entered, pursuant to  
19 ~~part 3 or 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE  
20 15 or section 27-65-110 (4) or 27-65-127, an order specifically finding  
21 that the mental incompetency is of such a degree that the individual is  
22 incapable of continuing to practice veterinary medicine;

23 **SECTION 9.** In Colorado Revised Statutes, 12-315-207, **amend**  
24 (1)(l) as follows:

25 **12-315-207. Discipline of a registered veterinary technician -**  
26 **repeal.** (1) Upon receipt of a signed complaint by a complainant or upon  
27 its own motion, the board may proceed to a hearing in accordance with

1 section 12-315-113. After a hearing, and by a concurrence of a majority  
2 of members, the board may take disciplinary action as authorized in  
3 section 12-20-404 against an applicant for a registration or a registered  
4 veterinary technician for any of the following reasons:

5 (l) A determination that the individual is mentally incompetent by  
6 a court of competent jurisdiction, and the court has entered, pursuant to  
7 ~~part 3 or 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE  
8 15 or section 27-65-110 (4) or 27-65-127, an order specifically finding  
9 that the mental incompetency is of such a degree that the individual is  
10 incapable of continuing to hold a registration as a veterinary technician;

11 **SECTION 10.** In Colorado Revised Statutes, 13-5-142, **amend**  
12 (1)(a), (3) introductory portion, and (3)(b)(I) as follows:

13 **13-5-142. National instant criminal background check system**  
14 **- reporting.** (1) On and after March 20, 2013, the state court administrator  
15 shall send electronically the following information to the Colorado bureau  
16 of investigation created pursuant to section 24-33.5-401, referred to in this  
17 section as the "bureau":

18 (a) The name of each person who has been found to be  
19 ~~incapacitated~~ A PERSON SUBJECT TO GUARDIANSHIP by order of the court  
20 pursuant to ~~part 3 of article 14 of title 15, C.R.S.~~ PART 3 OF ARTICLE 14.7  
21 OF TITLE 15;

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

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

26 (I) The court entered an order pursuant to ~~section 15-14-318,~~  
27 ~~C.R.S.,~~ SECTION 15-14.7-319 terminating a guardianship on a finding that

1 the person is no longer ~~an incapacitated person~~ A PERSON SUBJECT TO  
2 GUARDIANSHIP, if the record in the national instant criminal background  
3 check system is based on ~~a finding of incapacity~~ FINDING THE PERSON IS  
4 SUBJECT TO GUARDIANSHIP;

5 **SECTION 11.** In Colorado Revised Statutes, 13-5-142.5, **amend**  
6 (2)(a)(I) as follows:

7 **13-5-142.5. National instant criminal background check system**  
8 **- judicial process for awarding relief from federal prohibitions -**  
9 **legislative declaration. (2) Eligibility.** A person may petition for relief  
10 pursuant to this section if:

11 (a) (I) ~~He or she~~ THE PERSON has been found to be ~~incapacitated~~  
12 SUBJECT TO GUARDIANSHIP by order of the court pursuant to ~~part 3 of~~  
13 ~~article 14 of title 15, C.R.S. PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15;~~

14 == ==

15 **SECTION 12.** In Colorado Revised Statutes, 13-9-123, **amend**  
16 (1)(a), (3) introductory portion, and (3)(b)(I) as follows:

17 **13-9-123. National instant criminal background check system**  
18 **- reporting.** (1) On and after March 20, 2013, the state court  
19 administrator shall send electronically the following information to the  
20 Colorado bureau of investigation created pursuant to section 24-33.5-401,  
21 referred to in this section as the "bureau":

22 (a) The name of each person who has been found to be  
23 ~~incapacitated~~ SUBJECT TO GUARDIANSHIP by order of the court pursuant to  
24 ~~part 3 of article 14 of title 15, C.R.S. PART 3 OF ARTICLE 14.7 OF TITLE 15;~~

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

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

2 (I) The court entered an order pursuant to ~~section 15-14-318,~~  
3 ~~C.R.S.,~~ SECTION 15-14.7-319 terminating a guardianship on a finding that  
4 the person is no longer ~~an incapacitated person~~ A PERSON SUBJECT TO  
5 GUARDIANSHIP, if the record in the national instant criminal background  
6 check system is based on ~~a finding of incapacity~~ FINDING THE PERSON IS  
7 SUBJECT TO GUARDIANSHIP;

8 **SECTION 13.** In Colorado Revised Statutes, 13-9-124, **amend**  
9 (2)(a)(I) as follows:

10 **13-9-124. National instant criminal background check system**  
11 **- judicial process for awarding relief from federal prohibitions -**  
12 **legislative declaration. (2) Eligibility.** A person may petition for relief  
13 pursuant to this section if:

14 (a) (I) ~~He or she~~ THE PERSON has been found to be ~~incapacitated~~  
15 SUBJECT TO GUARDIANSHIP by order of the court pursuant to ~~part 3 of~~  
16 ~~article 14 of title 15, C.R.S.~~ PART 3 OF ARTICLE 14.7 OF TITLE 15;

17 **SECTION 14.** In Colorado Revised Statutes, 13-32-101, **amend**  
18 (3)(b)(I) as follows:

19 **13-32-101. Docket fees in civil actions - judicial stabilization**  
20 **cash fund - justice center cash fund - justice center maintenance fund**  
21 **- created - report - legislative declaration. (3) (b) (I) ~~No~~** A docket fee  
22 ~~shall~~ MUST NOT be charged in mental health proceedings ~~under~~ PURSUANT  
23 TO article 10 or 10.5 of title 27 ~~C.R.S.;~~ but, where an estate is thereafter  
24 probated for any mental incompetent, the committing court has a claim  
25 against ~~such~~ THE estate, as a cost of the mental health proceedings, in the  
26 sum of twenty dollars, in addition to any other expense of commitment  
27 allowed and paid by the county, to be paid by the conservator of such

1 estate as a claim pursuant to ~~section 15-14-429, C.R.S.~~ SECTION  
2 15-14.7-428.

3 **SECTION 15.** In Colorado Revised Statutes, 13-32-102, **amend**  
4 (1) introductory portion and (1)(a) as follows:

5 **13-32-102. Fees in probate proceedings.** (1) On and after July  
6 1, 2019, for services rendered by judges and clerks of district or probate  
7 courts in all counties of the state of Colorado in proceedings ~~had~~ HELD  
8 pursuant to articles 10 to 17 of title 15, the court shall charge the  
9 following fees:

10 (a) Docket fee at the time of filing first papers in any decedent's  
11 estate eligible for summary administrative procedures ~~under~~ PURSUANT TO  
12 section 15-12-1203 ~~or in any small estate of a person under disability~~  
13 ~~qualifying under section 15-14-118, which estates involve no real property~~  
14 \$ 83.00

15 **SECTION 16.** In Colorado Revised Statutes, 13-64-205, **amend**  
16 (1)(f)(I)(B) as follows:

17 **13-64-205. Determination of judgment to be entered.** (1) In  
18 order to determine what judgment is to be entered on a verdict requiring  
19 findings of special damages under this part 2, the court shall proceed as  
20 follows:

21 (f) The plaintiff who meets the criteria set forth in this subsection  
22 (1) may elect to receive the immediate payment to the plaintiff of the  
23 present value of the future damage award in a lump-sum amount in lieu  
24 of periodic payments. In order to exercise this right, the plaintiff must  
25 either:

26 (I) (B) Not be ~~an incapacitated person, as defined in section~~  
27 ~~15-14-102 (5), C.R.S.~~ A PERSON SUBJECT TO GUARDIANSHIP PURSUANT TO

1 SECTION 15-14.7-201 OR 15-14.7-301 OR A PERSON SUBJECT TO  
2 CONSERVATORSHIP PURSUANT TO SECTION 15-14.7-401; and

3

====

4 **SECTION 17.** In Colorado Revised Statutes, 13-94-103, **amend**  
5 (1) as follows:

6 **13-94-103. Definitions.** (1) Except as otherwise indicated in this  
7 section, the definitions set forth in ~~section 15-14-102~~ SECTION 15-14.7-102  
8 apply to this article 94.

9 **SECTION 18.** In Colorado Revised Statutes, 13-94-105, **amend**  
10 (1.5)(a)(II) as follows:

11 **13-94-105. Office of public guardianship - director - duties -**  
12 **memorandum of understanding - annual report - repeal.** (1.5) In  
13 addition to any other duties or responsibilities set forth in this article 94,  
14 the office:

15 (a) May:

16 (II) Take any action on behalf of an indigent PERSON and  
17 ~~incapacitated person~~ A PERSON SUBJECT TO GUARDIANSHIP PURSUANT TO  
18 SECTION 15-14.7-201 OR 15-14.7-301 OR A PERSON SUBJECT TO  
19 CONSERVATORSHIP PURSUANT TO SECTION 15-14.7-401 that a private  
20 guardian may take, except as otherwise limited by law or court order; and

21 **SECTION 19.** In Colorado Revised Statutes, 14-10-107, **amend**  
22 (3) as follows:

23 **14-10-107. Commencement - pleadings - abolition of existing**  
24 **defenses - automatic, temporary injunction - enforcement.** (3) Either  
25 or both parties to the marriage may initiate the proceeding. In addition, a  
26 legal guardian with court approval OR A GUARDIAN WITH COURT APPROVAL  
27 pursuant to ~~section 15-14-315.5, C.R.S., or a conservator, with court~~



1 approval pursuant to ~~section 15-14-425.5, C.R.S.,~~ SECTION 15-14.7-314  
2 may initiate the proceeding. If a legal guardian ~~or conservator~~ initiates the  
3 proceeding, the legal guardian ~~or conservator shall~~ MUST receive notice in  
4 the same manner as the parties to the proceeding.

5 **SECTION 20.** In Colorado Revised Statutes, 15-1-1515, amend  
6 (9) as follows:

7 **15-1-1515. Fiduciary duty and authority. (9)** A foreign  
8 conservator is not required to comply with the provisions of section  
9 ~~15-14-433~~ SECTION 15-14.5-402 as a condition to obtaining disclosure of  
10 a digital asset pursuant to this part 15.

11 =====  
12 **SECTION 21.** In Colorado Revised Statutes, 15-10-201, amend  
13 (14), (25), (26), (43), (44), and (58) as follows:

14 **15-10-201. General definitions.** Subject to additional definitions  
15 contained in this article 10 and the subsequent articles that are applicable  
16 to specific articles, parts, or sections, and unless the context otherwise  
17 requires, in this code:

18 (14) "Disability" means cause for a protective order as described  
19 in ~~section 15-14-401~~ SECTION 15-14.7-401.

20 (25) "Incapacitated person" means an individual ~~described in~~  
21 ~~section 15-14-102 (5)~~ OTHER THAN A MINOR WHO IS UNABLE TO  
22 EFFECTIVELY RECEIVE OR EVALUATE INFORMATION, OR BOTH, OR MAKE OR  
23 COMMUNICATE DECISIONS TO SUCH AN EXTENT THAT THE INDIVIDUAL  
24 LACKS THE ABILITY TO SATISFY ESSENTIAL REQUIREMENTS FOR PHYSICAL  
25 HEALTH, SAFETY, OR SELF-CARE, EVEN WITH APPROPRIATE AND  
26 REASONABLY AVAILABLE TECHNOLOGICAL ASSISTANCE.

27 (26) "Informal proceedings" means those conducted without notice

1 to interested persons by an officer of the court acting as a registrar for  
2 probate of a will, appointment of a personal representative, or  
3 determination of a guardian ~~under sections 15-14-202 and 15-14-301~~  
4 PURSUANT TO SECTIONS 15-14.7-201 AND 15-14.7-301.

5 (43) "Protected person" ~~has the same meaning as set forth in~~  
6 ~~section 15-14-102 (11)~~ MEANS A MINOR OR OTHER INDIVIDUAL FOR WHOM  
7 A CONSERVATOR HAS BEEN APPOINTED OR OTHER PROTECTIVE ORDER HAS  
8 BEEN MADE.

9 (44) "Protective proceeding" ~~has the same meaning as used in~~  
10 ~~section 15-14-401~~ MEANS THE PROCEEDING TO APPOINT A GUARDIAN  
11 PURSUANT TO PART 3 OF ARTICLE 14.7 OF THIS TITLE 15, CONSERVATOR  
12 PURSUANT PART 4 OF ARTICLE 14.7 OF THIS TITLE 15, OR PROTECTIVE  
13 ARRANGEMENT PURSUANT TO PART 5 OF ARTICLE 14.7 OF THIS TITLE 15.

14 (58) "Ward" means an individual ~~described in section 15-14-102~~  
15 ~~(15)~~ FOR WHOM A GUARDIAN HAS BEEN APPOINTED.

16 **SECTION 22.** In Colorado Revised Statutes, 15-10-601, **amend**  
17 (3)(a)(VII) as follows:

18 **15-10-601. Definitions.** As used in this part 6, unless the context  
19 otherwise requires:

20 (3) (a) "Governing instrument" means a will or a trust or a  
21 donative, appointive, or nominative instrument of any other type,  
22 including but not limited to:

23 (VII) A court order appointing a conservator as described in ~~part~~  
24 ~~4 of article 14 of this title~~ PART 4 OF ARTICLE 14.7 OF THIS TITLE 15 OR  
25 GRANTING A PROTECTIVE ARRANGEMENT PURSUANT TO PART 5 OF ARTICLE  
26 14.7 OF THIS TITLE 15.

27 **SECTION 23.** In Colorado Revised Statutes, 15-10-602, **amend**

1 (6) and (9) as follows:

2 **15-10-602. Recovery of reasonable compensation and costs.**

3 (6) Except as provided in sections 15-10-605 (2), (3), and (4); ~~15-14-318~~  
4 ~~(4); and 15-14-431 (5); 15-14.7-318; AND 15-14.7-431~~, if any fiduciary or  
5 person with priority for appointment as personal representative,  
6 conservator, guardian, agent, custodian, or trustee defends or prosecutes  
7 a proceeding in good faith, whether successful or not, the fiduciary or  
8 person is entitled to receive from the estate reimbursement for reasonable  
9 costs and disbursements, including but not limited to reasonable attorney  
10 fees.

11 (9) Every application or petition for appointment of a fiduciary  
12 filed under this code, including without limitation those required ~~under~~  
13 PURSUANT TO sections 15-12-301, 15-12-402, 15-12-614, 15-12-621,  
14 15-12-622, ~~15-14-202, 15-14-204, 15-14-304, and 15-14-403~~, shall  
15 **15-14.7-201, 15-14.7-208, 15-14.7-312, 15-14.7-402, AND 15-14.7-504,**  
16 MUST include a statement by the applicant or petitioner disclosing the  
17 basis upon which any compensation is to be charged to the estate by the  
18 fiduciary and ~~his or her or its~~ THE FIDUCIARY'S counsel or ~~shall~~ MUST state  
19 that the basis has not yet been determined. The disclosure statement ~~shall~~  
20 MUST specifically describe, as is applicable, the hourly rates to be charged,  
21 any amounts to be charged pursuant to a published fee schedule, including  
22 the rates and basis for charging fees for any extraordinary services, and  
23 any other bases upon which a fee charged to the estate will be calculated.  
24 This disclosure obligation ~~shall~~ MUST be continuing in nature so as to  
25 require supplemental disclosures if material changes to the basis for  
26 charging fees take place.

27 **SECTION 24. In Colorado Revised Statutes, 15-10-603, add (3.5)**

1 as follows:

2 **15-10-603. Factors in determining the reasonableness of**  
3 **compensation and costs. (3.5) THE COURT SHALL CONSIDER ALL OF THE**  
4 **FACTORS DESCRIBED IN THIS SUBSECTION (3.5) IN DETERMINING THE**  
5 **REASONABLENESS OF ANY COMPENSATION OR COSTS ASSESSED PURSUANT**  
6 **TO ARTICLE 14.7 OF THIS TITLE 15. THE COURT MAY DETERMINE THE**  
7 **WEIGHT TO BE GIVEN TO EACH FACTOR AND TO ANY OTHER FACTOR THE**  
8 **COURT CONSIDERS RELEVANT IN REACHING ITS DECISION:**

9 **(a) THE NECESSITY AND QUALITY OF THE SERVICE PROVIDED;**

10 **(b) THE DIFFICULTY OF THE SERVICE PROVIDED, INCLUDING THE**  
11 **DEGREE OF SKILL AND CARE REQUIRED;**

12 **(c) THE CONDITIONS AND CIRCUMSTANCES UNDER WHICH A**  
13 **SERVICE WAS PERFORMED, INCLUDING WHETHER THE SERVICE WAS**  
14 **PROVIDED OUTSIDE REGULAR BUSINESS HOURS OR UNDER DANGEROUS OR**  
15 **EXTRAORDINARY CONDITIONS;**

16 **(d) THE EFFECT OF THE SERVICE ON THE INDIVIDUAL SUBJECT TO**  
17 **GUARDIANSHIP OR CONSERVATORSHIP; AND**

18 **(e) THE EXTENT TO WHICH THE SERVICE PROVIDED WAS OR WAS**  
19 **NOT CONSISTENT WITH THE GUARDIAN'S PLAN PURSUANT TO SECTION**  
20 **15-14.7-316, THE CONSERVATOR'S PLAN PURSUANT TO SECTION**  
21 **15-14.7-419, OR THE ROLE OF A SPECIAL CONSERVATOR PURSUANT TO**  
22 **SECTION 15-14.7-512.**

23 **SECTION 25. In Colorado Revised Statutes, 15-10-605, add (5)**  
24 **as follows:**

25 **15-10-605. Compensation and costs - assessment - limitations.**  
26 **(5) IF AN INDIVIDUAL SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP**  
27 **PURSUANT TO ARTICLE 14.7 OF THIS TITLE 15 SEEKS TO MODIFY OR**

1 TERMINATE THE GUARDIANSHIP OR CONSERVATORSHIP OR TO REMOVE THE  
2 GUARDIAN OR CONSERVATOR, THE COURT MAY ORDER COMPENSATION TO  
3 THE GUARDIAN OR CONSERVATOR FOR TIME SPENT OPPOSING THE  
4 MODIFICATION, TERMINATION, OR REMOVAL ONLY TO THE EXTENT THE  
5 COURT DETERMINES THE OPPOSITION WAS REASONABLY NECESSARY TO  
6 PROTECT THE INTEREST OF THE INDIVIDUAL SUBJECT TO GUARDIANSHIP OR  
7 CONSERVATORSHIP.

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

10           **15-14-501. When power of attorney not affected by disability.**

11 (1) Whenever a principal designates another ~~his~~ AS THE PRINCIPAL'S  
12 attorney-in-fact or agent by a power of attorney in writing and the writing  
13 contains the words "This power of attorney ~~shall not be~~ IS NOT affected by  
14 disability of the principal" or "This power of attorney ~~shall become~~  
15 BECOMES effective upon the disability of the principal" or similar words  
16 showing the intent of the principal that the authority conferred ~~shall be~~ IS  
17 exercisable notwithstanding ~~his~~ THE PRINCIPAL'S disability, the authority  
18 of the attorney-in-fact or agent is exercisable by ~~him~~ THE  
19 ATTORNEY-IN-FACT OR AGENT as provided in the power on behalf of the  
20 principal notwithstanding later disability or incapacity of the principal at  
21 law or later uncertainty as to whether the principal is dead or alive. The  
22 authority of the attorney-in-fact or agent to act on behalf of the principal  
23 ~~shall be~~ IS set forth in the power and may relate to any act, power, duty,  
24 right, or obligation ~~which~~ THAT the principal has or ~~after~~ acquires LATER  
25 relating to the principal or any matter, transaction, or property, real or  
26 personal, tangible or intangible. The authority of the agent with regard to  
27 medical treatment decisions on behalf of a principal is set forth in sections

1 15-14-503 to 15-14-509. The attorney-in-fact or agent, however, is subject  
2 to the same limitations imposed upon court-appointed guardians contained  
3 in ~~section 15-14-312 (1)(a)~~ SECTION 15-14.7-312. Additionally, the  
4 principal may expressly empower ~~his~~ THE PRINCIPAL'S attorney-in-fact or  
5 agent to renounce and disclaim interests and powers; to make gifts, in trust  
6 or otherwise; and to release and exercise powers of appointment. All acts  
7 done by the attorney-in-fact or agent pursuant to the power during any  
8 period of disability or incompetence or uncertainty as to whether the  
9 principal is dead or alive have the same effect and inure to the benefit of  
10 and bind the principal or ~~his~~ THE PRINCIPAL'S heirs, devisees, and personal  
11 representative as if the principal were alive, competent, and not disabled.  
12 If a guardian or conservator thereafter is appointed for the principal, the  
13 attorney-in-fact or agent, during the continuance of the appointment, shall  
14 consult with the guardian on matters concerning the principal's personal  
15 care or account to the conservator on matters concerning the principal's  
16 financial affairs. The conservator has the same power the principal would  
17 have had if ~~he~~ THE PRINCIPAL were not disabled or incompetent to revoke,  
18 suspend, or terminate all or any part of the power of attorney or agency as  
19 it relates to financial matters. Subject to any limitation or restriction of the  
20 guardian's powers or duties set forth in the order of appointment and  
21 endorsed on the letters of guardianship, a guardian has the same power to  
22 revoke, suspend, or terminate all or any part of the power of attorney or  
23 agency as it relates to matters concerning the principal's personal care that  
24 the principal would have had if the principal were not disabled or  
25 incompetent, except with respect to medical treatment decisions made by  
26 an agent pursuant to sections 15-14-506 to 15-14-509; however, such  
27 exception ~~shall~~ MUST not preclude a court from removing an agent in the

1 event an agent becomes incapacitated or is unwilling or unable to serve as  
2 an agent.

3 **SECTION 27.** In Colorado Revised Statutes, 15-14.5-102, **amend**  
4 the introductory portion, (2), and (3) as follows:

5 **15-14.5-102. Definitions.** In this ~~article~~ ARTICLE 14.5:

6 (2) "Conservator" means a person appointed by the court to  
7 administer the property of an adult, including a person appointed ~~under~~  
8 ~~section 15-14-401~~ PURSUANT TO SECTION 15-14.7-401.

9 (3) "Guardian" means a person appointed by the court to make  
10 decisions regarding ~~the person of~~ an adult, including a person appointed  
11 ~~under section 15-14-301~~ PURSUANT TO SECTION 15-14.7-301.

12 **SECTION 28.** In Colorado Revised Statutes, 15-18.5-103, **amend**  
13 (4)(a) and (4)(b) as follows:

14 **15-18.5-103. Proxy decision-makers for medical treatment**  
15 **authorized - definitions.** (4) (a) Interested persons who are informed of  
16 the patient's lack of decisional capacity shall make reasonable efforts to  
17 reach a consensus as to who among them shall make medical treatment  
18 decisions on behalf of the patient. The person selected to act as the  
19 patient's proxy decision-maker should be the person who has a close  
20 relationship with the patient and who is most likely to be currently  
21 informed of the patient's wishes regarding medical treatment decisions. If  
22 any of the interested persons disagrees with the selection or the decision  
23 of the proxy decision-maker or, if, after reasonable efforts, the interested  
24 persons are unable to reach a consensus as to who should act as the proxy  
25 decision-maker, then any of the interested persons may seek guardianship  
26 of the patient by initiating guardianship proceedings pursuant to part 3 of  
27 ~~article 14~~ ARTICLE 14.7 of this ~~title~~ TITLE 15. Only ~~said~~ THE interested

1 persons may initiate such proceedings with regard to the patient.

2 (b) Nothing in this section precludes any interested person from  
3 initiating a guardianship proceeding pursuant to part 3 of ~~article 14~~  
4 ARTICLE 14.7 of this ~~title~~ TITLE 15 for any reason any time after ~~said~~ THE  
5 persons have conformed with ~~paragraph (a) of this subsection (4)~~  
6 SUBSECTION (4)(a) OF THIS SECTION.

7 **SECTION 29.** In Colorado Revised Statutes, 15-23-103, **amend**  
8 (13) as follows:

9 **15-23-103. Definitions.** As used in this article 23, unless the  
10 context otherwise requires:

11 (13) "Original estate planning document" and "original document"  
12 mean an original instrument in writing that is any will document,  
13 including, but not limited to, wills, as defined in section 15-10-201 (59);  
14 codicils; holographic wills; documents purporting to be wills; instruments  
15 that revoke or revise a testamentary instrument; testamentary instruments  
16 that merely appoint a personal representative; AND other testamentary  
17 instruments, such as memoranda distributing tangible personal property,  
18 as described in section 15-11-513. ~~and testamentary appointments of~~  
19 ~~guardian as described in section 15-14-202 (1).~~

20 **SECTION 30.** In Colorado Revised Statutes, 19-1-103, **amend**  
21 (49)(a) as follows:

22 **19-1-103. Definitions.** As used in this title 19 or in the specified  
23 portion of this title 19, unless the context otherwise requires:

24 (49) "Custodial adoption", as used in part 2 of article 5 of this title  
25 19, means an adoption of a child by any person and the person's spouse,  
26 as required pursuant to section 19-5-202 (3), who:

27 (a) Has been awarded custody or allocated parental responsibilities



1 by a court of law in a dissolution of marriage, custody or allocation of  
2 parental responsibilities proceeding, or has been awarded guardianship of  
3 the child by a court of law in a probate action, such as pursuant to ~~part 2~~  
4 ~~of article 14 of title 15~~ PART 2 OF ARTICLE 14.7 OF TITLE 15; and

5 **SECTION 31.** In Colorado Revised Statutes, 19-1-104, **amend**  
6 (1)(c) as follows:

7 **19-1-104. Jurisdiction.** (1) Except as otherwise provided by law,  
8 the juvenile court has exclusive original jurisdiction in proceedings:

9 (c) To determine the legal custody of any child or to appoint a  
10 guardian of the person or legal custodian of any child who comes within  
11 the juvenile court's jurisdiction ~~under provisions of~~ PURSUANT TO this  
12 section, and THE JUVENILE COURT may also enter findings and orders as  
13 described in ~~section~~ SECTIONS 14-10-123 (1.5) and ~~section 15-14-204(2.5)~~  
14 AND 15-14.7-208;

15 **SECTION 32.** In Colorado Revised Statutes, 19-3-205, **amend** (1)  
16 introductory portion and (1)(a) as follows:

17 **19-3-205. Continuing jurisdiction.** (1) Except as otherwise  
18 provided in this article 3, the jurisdiction of the court over any child or  
19 youth adjudicated as neglected or dependent ~~shall continue~~ CONTINUES  
20 until the child or youth becomes eighteen and one-half years of age, unless  
21 earlier terminated by court order; except that:

22 (a) If a determination is pending or the youth has been determined  
23 to be ~~an incapacitated person pursuant to section 15-14-102~~ A MINOR  
24 SUBJECT TO GUARDIANSHIP PURSUANT TO SECTION 15-14.7-201 OR A  
25 MINOR SUBJECT TO CONSERVATORSHIP PURSUANT TO SECTION 15-14.7-401,  
26 then jurisdiction continues until either the youth has made a complete  
27 transition into adult disability services and it is in the youth's best interests

1 for the juvenile court to terminate jurisdiction or the youth reaches  
2 twenty-one years of age or such greater age of foster care eligibility as  
3 required by federal law, whichever comes first;

4 **SECTION 33.** In Colorado Revised Statutes, **amend** 19-3-704 as  
5 follows:

6 **19-3-704. Youth with disabilities - minors subject to**  
7 **guardianship or conservatorship.** (1) A party may request the court to  
8 determine whether a youth is ~~an incapacitated person, as defined in section~~  
9 ~~15-14-102~~ A MINOR SUBJECT TO GUARDIANSHIP PURSUANT TO SECTION  
10 15-14.7-201 OR A MINOR SUBJECT TO CONSERVATORSHIP PURSUANT TO  
11 SECTION 15-14.7-401. The motion must be filed with the court prior to the  
12 youth's eighteenth birthday.

13 (2) If there has been a determination, or if a determination is  
14 pending, that a youth is ~~an incapacitated person, as defined in section~~  
15 ~~15-14-102~~ A MINOR SUBJECT TO GUARDIANSHIP PURSUANT TO SECTION  
16 15-14.7-201 OR A MINOR SUBJECT TO CONSERVATORSHIP PURSUANT TO  
17 SECTION 15-14.7-401, then jurisdiction continues as provided in section  
18 19-3-205.

19 **SECTION 34.** In Colorado Revised Statutes, 19-5-105.5, **amend**  
20 (5)(b) as follows:

21 **19-5-105.5. Termination of parent-child legal relationship**  
22 **upon a finding that the child was conceived as a result of sexual**  
23 **assault - legislative declaration - definitions.** (5) (b) The court ~~will~~  
24 SHALL work to ensure that a petitioner or a respondent who has a disability  
25 has equal access to participate in the proceeding. If the petitioner or  
26 respondent has a disability, ~~he or she~~ THE PETITIONER OR RESPONDENT has  
27 the right to request reasonable accommodations in order to participate in

1 the proceeding; except that the disability of the petitioner, the respondent,  
2 or the child must not be the cause for the unnecessary delay of the process.  
3 The court shall presume that a petitioner or a respondent with a disability  
4 is legally competent and able to understand and participate in the  
5 proceeding unless the petitioner or respondent is determined to be an  
6 ~~incapacitated person, as defined in section 15-14-102 (5), C.R.S.~~ A  
7 PERSON SUBJECT TO GUARDIANSHIP PURSUANT TO SECTION 15-14.7-301 OR  
8 A PERSON SUBJECT TO CONSERVATORSHIP PURSUANT TO SECTION  
9 15-14.7-401.

10 **SECTION 35.** In Colorado Revised Statutes, 19-5-105.7, **amend**  
11 (5)(b) as follows:

12 **19-5-105.7. Termination of parent-child legal relationship in**  
13 **a case of an allegation that a child was conceived as a result of sexual**  
14 **assault but in which no conviction occurred - legislative declaration**  
15 **- definitions.** (5) (b) The court ~~will~~ SHALL work to ensure that a petitioner  
16 or a respondent who has a disability has equal access to participate in the  
17 proceeding. If the petitioner or respondent has a disability, ~~he or she~~ THE  
18 PETITIONER OR RESPONDENT has the right to request reasonable  
19 accommodations in order to participate in the proceeding; except that the  
20 disability of the petitioner, the respondent, or the child must not be the  
21 cause for the unnecessary delay of the process. The court shall presume  
22 that a petitioner or a respondent with a disability is legally competent and  
23 able to understand and participate in the proceeding unless the petitioner  
24 or respondent is determined to be an ~~incapacitated person, as defined in~~  
25 ~~section 15-14-102 (5), C.R.S.~~ A PERSON SUBJECT TO GUARDIANSHIP  
26 PURSUANT TO SECTION 15-14.7-301 OR A PERSON SUBJECT TO  
27 CONSERVATORSHIP PURSUANT TO SECTION 15-14.7-401.

1           **SECTION 36**. In Colorado Revised Statutes, 22-31-129, **amend**  
2 (1) introductory portion and (1)(g) as follows:

3           **22-31-129. Vacancies.** (1) A school director office ~~shall be~~ IS  
4 deemed to be vacant upon the occurrence of any one of the following  
5 events prior to the expiration of the term of office:

6           (g) If a court of competent jurisdiction determines that the person  
7 duly elected or appointed is insane or otherwise mentally incompetent, but  
8 only after the right to appeal has been waived or otherwise exhausted, and  
9 a court enters, pursuant to ~~part 3 or part 4 of article 14 of title 15~~ PART 3,  
10 4, OR 5 OF ARTICLE 14.7 OF TITLE 15 or ~~section 27-65-109 (4)~~ SECTION  
11 27-65-110 (4) or 27-65-127, ~~C.R.S.~~, an order specifically finding that the  
12 insanity or mental incompetency is of such a degree that the person is  
13 incapable of serving as a school director;

14           **SECTION 37**. In Colorado Revised Statutes, 22-60.5-107, **amend**  
15 (2)(a) as follows:

16           **22-60.5-107. Grounds for denying, annulling, suspending, or**  
17 **revoking license, certificate, endorsement, or authorization -**  
18 **definitions.** (2) Any license, certificate, endorsement, or authorization  
19 may be denied, annulled, suspended, or revoked in the manner prescribed  
20 in section 22-60.5-108, notwithstanding the provisions of subsection (1)  
21 of this section:

22           (a) When the holder has been determined to be mentally  
23 incompetent by a court of competent jurisdiction and a court has entered,  
24 pursuant to ~~part 3 or part 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF  
25 ARTICLE 14.7 OF TITLE 15 or ~~section 27-65-109 (4)~~ SECTION 27-65-110 (4)  
26 or 27-65-127, ~~C.R.S.~~, an order specifically finding that the mental  
27 incompetency is of such a degree that the holder is incapable of continuing

1 to perform ~~his or her~~ THE HOLDER'S job; except that the license, certificate,  
2 endorsement, or authorization held by a person who has been determined  
3 to be mentally incompetent and for whom such an order has been entered  
4 ~~shall~~ MUST be revoked or suspended by operation of law without a  
5 hearing, notwithstanding the provisions of section 22-60.5-108;

6

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7 **SECTION 38.** In Colorado Revised Statutes, 26-3.1-104, **amend**  
8 (2) as follows:

9 **26-3.1-104. Provision of protective services for at-risk adults**  
10 **- consent - nonconsent - least restrictive intervention.** (2) If a county  
11 director or ~~his or her~~ THE COUNTY DIRECTOR'S designee determines that an  
12 at-risk adult is being or has been mistreated or self-neglected, or is at risk  
13 thereof, and if the at-risk adult appears to lack capacity to make decisions  
14 and does not consent to the receipt of protective services, the county  
15 director is urged, if no other appropriate person is able or willing, to  
16 petition the court, pursuant to ~~part 3 of article 14 of title 15, C.R.S. PART~~  
17 ~~3 OF ARTICLE 14.7 OF TITLE 15,~~ for an order authorizing the provision of  
18 specific protective services and for the appointment of a guardian, for an  
19 order authorizing the appointment of a conservator pursuant to ~~part 4 of~~  
20 ~~article 14 of title 15, C.R.S. PART 4 OF ARTICLE 14.7 OF TITLE 15,~~ FOR AN  
21 ORDER AUTHORIZING A PROTECTIVE ARRANGEMENT PURSUANT TO PART 5  
22 OF ARTICLE 14.7 OF TITLE 15, or for a court order providing for any  
23 combination of these actions.

24 **SECTION 39.** In Colorado Revised Statutes, 26-3.1-111, **amend**  
25 (8.5)(e) as follows:

26 **26-3.1-111. Access to CAPS - employment checks -**  
27 **conservatorship and guardianship checks - confidentiality - fees -**

1 **rules - legislative declaration - definitions.** (8.5) (e) Nothing in this  
2 subsection (8.5) delays or precludes the court's appointment of an  
3 emergency guardian or conservator of an at-risk adult pursuant to ~~section~~  
4 ~~15-14-312 or 15-14-412~~ SECTION 15-14.7-312, 15-14.7-413, OR  
5 15-14.7-503, regardless of the timing of the state department's notification  
6 of the CAPS check results.

7 **SECTION 40.** In Colorado Revised Statutes, **amend** 26-6-702 as  
8 follows:

9 **26-6-702. Definitions.** As used in this part 7, unless the context  
10 otherwise requires:

11 (1) "Approved temporary caregiver" means a person approved by  
12 a temporary care assistance program pursuant to this part 7 who is  
13 delegated temporary care responsibility of a minor by a parent or guardian  
14 through a power of attorney, as described in section 15-14-105.

15 (2) "Temporary care assistance program" means a program  
16 operated by a child placement agency that assists a parent or guardian with  
17 recruiting and identifying an appropriate and safe approved temporary  
18 caregiver to whom the parent or guardian can choose to delegate  
19 temporary care responsibility of a minor through a power of attorney,  
20 pursuant to section 15-14-105.

21 **SECTION 41.** In Colorado Revised Statutes, 26-6-704, **amend**  
22 (1)(a)(I) as follows:

23 **26-6-704. Temporary care assistance program - limitations on**  
24 **duration of delegation - approved temporary caregiver.** (1) (a) (I) A  
25 parent or guardian of a minor may use the assistance of a temporary care  
26 assistance program to identify an approved temporary caregiver to  
27 delegate any power regarding care, custody, or property of the minor,

1 except the power to consent to marriage or adoption, by a power of  
2 attorney. as described in section 15-14-105.

3 **SECTION 42.** In Colorado Revised Statutes, 26-6-905, **amend**  
4 (10) as follows:

5 **26-6-905. Licenses - out-of-state notices and consent -**  
6 **demonstration pilot program - report - rules - definition.** (10) The  
7 state department shall not issue a license to operate a residential or day  
8 treatment child care facility, foster care home, or child placement agency  
9 if the person applying for the license or an affiliate of the applicant, a  
10 person employed by the applicant, or a person who resides with the  
11 applicant at the facility has been determined to be insane or mentally  
12 incompetent by a court of competent jurisdiction and, if the court enters,  
13 pursuant to ~~part 3 or part 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF  
14 ARTICLE 14.7 OF TITLE 15, or section 27-65-110 (4) or 27-65-127, an order  
15 specifically finding that the mental incompetency or insanity is of such a  
16 degree that the applicant is incapable of operating a residential or day  
17 treatment child care facility, foster care home, or child placement agency.  
18 The record of ~~such~~ THE determination and entry of ~~such~~ THE order ~~being~~  
19 ARE conclusive evidence ~~thereof~~ OF THE DETERMINATION.

20 **SECTION 43.** In Colorado Revised Statutes, 26-6-914, **amend**  
21 (2)(c) and (6)(a)(I)(C) as follows:

22 **26-6-914. Denial of license - suspension - revocation -**  
23 **probation - refusal to renew license - fines - definitions.** (2) The  
24 department may deny an application, or suspend, revoke, or make  
25 probationary the license, of any facility or agency regulated and licensed  
26 pursuant to this part 9 or assess a fine against the licensee pursuant to  
27 section 26-6-921 if the licensee, an affiliate of the licensee, a person

1 employed by the licensee, or a person who resides with the licensee at the  
2 facility or agency:

3 (c) Is determined to be insane or mentally incompetent by a court  
4 of competent jurisdiction; ~~and~~, a court has entered, pursuant to ~~part 3 or~~  
5 ~~part 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15,  
6 or section 27-65-110 (4) or 27-65-127, an order specifically finding that  
7 the mental incompetency or insanity is of such a degree that the licensee  
8 is incapable of operating a facility or agency; AND the record of ~~such~~ THE  
9 determination and entry of ~~such~~ THE order ~~being~~ ARE conclusive evidence  
10 ~~thereof~~ OF THE DETERMINATION; or

11 (6) (a) (I) The state department shall deny an application for a  
12 license under the circumstances described in section 26-6-905 (8). The  
13 state department shall revoke or suspend a license previously issued if:

14 (C) The licensee, an affiliate of the licensee, a person employed by  
15 the licensee, or a person who resides with the licensee at the facility or  
16 agency has been determined to be insane or mentally incompetent by a  
17 court of competent jurisdiction and a court has entered, pursuant to ~~part~~  
18 ~~3 or part 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE  
19 15, or section 27-65-110 (4) or 27-65-127, an order specifically finding  
20 that the mental incompetency or insanity is of such a degree that the  
21 licensee is incapable of operating a facility or agency. The record of ~~such~~  
22 THE determination and entry of ~~such~~ THE order ~~being~~ ARE conclusive  
23 evidence ~~thereof~~ OF THE DETERMINATION.

24 **SECTION 44.** In Colorado Revised Statutes, 26.5-4-112, **amend**  
25 (2) as follows:

26 **26.5-4-112. Exemptions - requirements.** (2) As a prerequisite to  
27 entering into a valid CCCAP contract with a county office or to being a



1 party to any other payment agreement for the provision of care for a child  
2 whose care is funded in whole or in part with money received on the  
3 child's behalf from publicly funded state child care assistance programs,  
4 an exempt family child care home provider shall sign an attestation that  
5 affirms the provider, and any qualified adult residing in the exempt family  
6 child care home, has not been determined to be insane or mentally  
7 incompetent by a court of competent jurisdiction and a court has not  
8 entered, pursuant to ~~part 3 or 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF  
9 ARTICLE 14.7 OF TITLE 15, or section 27-65-110 (4) or 27-65-127, an order  
10 specifically finding that the mental incompetency or insanity is of such a  
11 degree that the provider cannot safely operate an exempt family child care  
12 home.

13 **SECTION 45.** In Colorado Revised Statutes, 26.5-5-309, **amend**  
14 (5) as follows:

15 **26.5-5-309. Licenses - rules - definition.** (5) The department  
16 shall not issue a license to operate an agency or facility defined in this part  
17 3 if the person applying for the license or an affiliate of the applicant, a  
18 person employed by the applicant, or a person who resides with the  
19 applicant at the facility has been determined to be insane or mentally  
20 incompetent by a court of competent jurisdiction and a court has entered,  
21 pursuant to ~~part 3 or part 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF  
22 ARTICLE 14.7 OF TITLE 15, or section 27-65-110 (4) or 27-65-127, an order  
23 specifically finding that the mental incompetency or insanity is of such a  
24 degree that the applicant is incapable of operating a family child care  
25 home or child care center. The record of the determination and entry of the  
26 order are conclusive evidence of the determination.

27 **SECTION 46.** In Colorado Revised Statutes, 26.5-5-317, **amend**

1 (2)(c), (5)(a)(I) introductory portion, and (5)(a)(I)(C) as follows:

2 **26.5-5-317. Denial of license - suspension - revocation -**  
3 **probation - refusal to renew license - fines.** (2) The department may  
4 deny an application, or suspend, revoke, or make probationary the license  
5 of any facility regulated and licensed pursuant to this part 3 or assess a  
6 fine against the licensee pursuant to section 26.5-5-323 if the licensee, an  
7 affiliate of the licensee, a person employed by the licensee, or a person  
8 who resides with the licensee at the facility:

9 (c) Is determined to be insane or mentally incompetent by a court  
10 of competent jurisdiction; ~~and, if a court enters, pursuant to part 3 or part~~  
11 ~~4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15, or  
12 section 27-65-110 (4) or 27-65-127, an order specifically finding that the  
13 mental incompetency or insanity is of such a degree that the licensee is  
14 incapable of operating a family child care home or child care center; AND  
15 the record of ~~such~~ THE determination and entry of ~~such~~ THE order ~~being~~  
16 ARE conclusive evidence ~~thereof~~ OF THE DETERMINATION; or

17 (5) (a) (I) The department shall deny an application for a license  
18 under the circumstances described in section 26.5-5-309 (4). The  
19 department ~~shall~~ MUST revoke or suspend a license previously issued if:

20 (C) The licensee, an affiliate of the licensee, a person employed by  
21 the licensee, or a person who resides with the licensee at the facility has  
22 been determined to be insane or mentally incompetent by a court of  
23 competent jurisdiction; ~~and the court has entered pursuant to part 3 or part~~  
24 ~~4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15, or  
25 ~~section 27-65-109 (4)~~ SECTION 27-65-110 (4) or 27-65-127, an order  
26 specifically finding that the mental incompetency or insanity is of such a  
27 degree that the licensee is incapable of operating a family child care home

1 or child care center; AND the record of the determination and entry of the  
2 order ~~being~~ ARE conclusive evidence ~~thereof~~ OF THE DETERMINATION.

3 **SECTION 47.** In Colorado Revised Statutes, 26.5-5-326, **amend**  
4 (4)(b) as follows:

5 **26.5-5-326. Exempt family child care home providers -**  
6 **fingerprint-based criminal history record check - child care assistance**  
7 **program money - temporary care - rules - definitions.** (4) The  
8 department or a county department shall not issue or renew a contract to  
9 provide money pursuant to the Colorado child care assistance program  
10 pursuant to part 1 of article 4 of this title 26.5 to a qualified provider if the  
11 qualified provider or a qualified adult:

12 (b) Has been determined to be insane or mentally incompetent by  
13 a court of competent jurisdiction and a court has entered, pursuant to ~~part~~  
14 ~~3 or 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15,  
15 or section 27-65-110 (4) or 27-65-127, an order specifically finding that  
16 the mental incompetency or insanity is of such a degree that the qualified  
17 provider cannot safely operate a child care home. The record of the  
18 determination and entry of the order are conclusive evidence ~~thereof~~ OF  
19 THE DETERMINATION. A qualified provider shall sign an attestation  
20 affirming the lack of such a finding prior to entering into or renewing a  
21 contract for money under the Colorado child care assistance program,  
22 pursuant to section 26.5-4-112 (2).

23 **SECTION 48.** In Colorado Revised Statutes, 27-65-103, **amend**  
24 (1) as follows:

25 **27-65-103. Voluntary applications for mental health services.**  
26 (1) Nothing in this article 65 in any way limits the right of any person to  
27 make a voluntary application at any time to any public or private agency

1 or professional person for mental health services, either by direct  
2 application in person or by referral from any other public or private  
3 agency or professional person. Subject to ~~section 15-14-316 (4), a ward,~~  
4 ~~as defined in section 15-14-102 (15)~~ SECTION 15-14.7-315, AN INDIVIDUAL  
5 WHO IS APPOINTED A GUARDIAN may be admitted to a hospital or  
6 institutional care and treatment for a mental health disorder with the  
7 guardian's consent for as long as the ~~ward~~ INDIVIDUAL agrees to ~~such~~ THE  
8 care and treatment. The guardian shall immediately notify in writing the  
9 court that appointed the guardian of the admission.

10 **SECTION 49.** In Colorado Revised Statutes, 27-65-127, **amend**  
11 (1)(a) as follows:

12 **27-65-127. Imposition of legal disability - deprivation of legal**  
13 **right - restoration - repeal.** (1) (a) When an interested person wishes to  
14 obtain a determination as to the imposition of a legal disability or the  
15 deprivation of a legal right for a person who has a mental health disorder  
16 and who is a danger to the person's self or others, is gravely disabled, or  
17 is insane, as defined in section 16-8-101, and who is not then subject to  
18 proceedings pursuant to this article 65 or ~~part 3 or part 4 of article 14 of~~  
19 ~~title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15, the interested person  
20 may petition the court for a specific finding as to the legal disability or  
21 deprivation of a legal right. Actions commenced pursuant to this  
22 subsection (1) may include but are not limited to actions to determine  
23 contractual rights and rights with regard to the operation of motor  
24 vehicles.

25 **SECTION 50.** In Colorado Revised Statutes, 30-10-105, **amend**  
26 (4)(a) as follows:

27 **30-10-105. When office becomes vacant.** (4) (a) Any county

1 officer shall be declared incapacitated when there is a judicial  
2 determination that ~~he~~ THE COUNTY OFFICER is unable to routinely and fully  
3 carry out the responsibilities of ~~his~~ THE office by virtue of mental or  
4 physical illness or disability and ~~he~~ THE COUNTY OFFICER has been ~~so~~  
5 unable TO DO SO for a continuous period of not less than six months  
6 immediately preceding the finding of incapacity. The quantum of proof  
7 required, the procedures to be followed, and the rights reserved to the  
8 subject of any determination of incapacity ~~under~~ PURSUANT TO this  
9 subsection (4) ~~shall be~~ ARE those specified for the appointment of  
10 guardians in ~~part 3 of article 14 of title 15, C.R.S.~~ PART 3 OF ARTICLE 14.7  
11 OF TITLE 15 to the extent applicable.

12

13           SECTION 51. In Colorado Revised Statutes, 42-2-116, **amend** (5)  
14 as follows:

15           **42-2-116. Restricted license.** (5) The department is authorized  
16 after examination to issue a restricted license to a person with a behavioral  
17 or mental health disorder or an intellectual and developmental disability,  
18 containing such restrictions as may be imposed upon ~~said~~ THE person by  
19 a court pursuant to ~~part 3 or part 4 of article 14 of title 15~~ PART 3, 4, OR 5  
20 OF ARTICLE 14.7 OF TITLE 15 or section 27-65-110 (4) or 27-65-127.

21           SECTION 52. In Colorado Revised Statutes, 42-2-125, **amend**  
22 (1)(h) as follows:

23           **42-2-125. Mandatory revocation of license and permit.** (1) The  
24 department shall immediately revoke the license or permit of any driver  
25 or minor driver upon receiving a record showing that the driver has:

26           (h) Been determined to be mentally incompetent by a court of  
27 competent jurisdiction and for whom a court has entered, pursuant to ~~part~~

1 ~~3 or part 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE  
2 15 or section 27-65-110 (4) or 27-65-127, an order specifically finding  
3 that the mental incompetency is of such a degree that the person is  
4 incapable of safely operating a motor vehicle;

5 **SECTION 53.** In Colorado Revised Statutes, repeal parts 1, 2, and  
6 3 of article 14 of title 15, 15-14-401, 15-14-402, 15-14-403, 15-14-404,  
7 15-14-405, 15-14-406, 15-14-406.5, 15-14-407, 15-14-408, 15-14-409,  
8 15-14-410, 15-14-411, 15-14-412, 15-14-413, 15-14-414, 15-14-415,  
9 15-14-416, 15-14-417, 15-14-418, 15-14-419, 15-14-420, 15-14-421,  
10 15-14-422, 15-14-423, 15-14-424, 15-14-425, 15-14-425.5, 15-14-426,  
11 15-14-427, 15-14-428, 15-14-429, 15-14-430, 15-14-431, 15-14-432,  
12 15-14-433, and 15-14-434.

13 **SECTION 54.** Act subject to petition - effective date. This act  
14 takes effect July 1, 2026; except that, if a referendum petition is filed  
15 pursuant to section 1 (3) of article V of the state constitution against this  
16 act or an item, section, or part of this act within the ninety-day period after  
17 final adjournment of the general assembly, then the act, item, section, or  
18 part will not take effect unless approved by the people at the general  
19 election to be held in November 2024 and, in such case, will take effect  
20 July 1, 2026, or on the date of the official declaration of the vote thereon  
21 by the governor, whichever is later.