

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

PREAMENDED

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

LLS NO. 24-0435.09 Chelsea Princell x4335

SENATE BILL 24-136

SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

(None),

Senate Committees

Judiciary
Finance
Appropriations

House Committees

A BILL FOR AN ACT

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

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.

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.

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 INCLUDES,
21 BUT IS NOT LIMITED TO, A CO-CONSERVATOR.

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

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

27 (8) "FULL GUARDIANSHIP" MEANS A GUARDIANSHIP THAT GRANTS

1 THE GUARDIAN ALL POWERS AVAILABLE PURSUANT TO THIS ARTICLE 14.7.

2 (9) "GUARDIAN" MEANS A PERSON APPOINTED BY THE COURT TO
3 MAKE DECISIONS WITH RESPECT TO THE PERSONAL AFFAIRS OF AN
4 INDIVIDUAL. THE TERM INCLUDES A CO-GUARDIAN BUT DOES NOT INCLUDE
5 A GUARDIAN AD LITEM.

6 (10) "GUARDIAN AD LITEM" MEANS A PERSON APPOINTED TO
7 INFORM THE COURT ABOUT, AND TO REPRESENT, THE NEEDS AND BEST
8 INTEREST OF AN INDIVIDUAL.

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

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

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

23 (14) "LETTERS OF OFFICE" MEANS A RECORD ISSUED BY A COURT
24 CERTIFYING A GUARDIAN'S OR CONSERVATOR'S AUTHORITY TO ACT.

25 (15) "LIMITED CONSERVATORSHIP" MEANS A CONSERVATORSHIP
26 THAT GRANTS THE CONSERVATOR LESS THAN ALL POWERS AVAILABLE
27 PURSUANT TO THIS ARTICLE 14.7, GRANTS POWERS OVER ONLY CERTAIN

1 PROPERTY, OR OTHERWISE RESTRICTS THE POWERS OF THE CONSERVATOR.

2 (16) "LIMITED GUARDIANSHIP" MEANS A GUARDIANSHIP THAT
3 GRANTS THE GUARDIAN LESS THAN ALL POWERS AVAILABLE PURSUANT TO
4 THIS ARTICLE 14.7 OR OTHERWISE RESTRICTS THE POWERS OF THE
5 GUARDIAN.

6 (17) "MEMBER OF THE RESPONDENT'S SUPPORTIVE COMMUNITY"
7 MEANS A PERSON WHO THE RESPONDENT ADULT HAS IDENTIFIED AND
8 TRUSTS TO ENGAGE IN THE SUPPORTED DECISION-MAKING PROCESS
9 CONCERNING THE RESPONDENT ADULT AND WHO UNDERSTANDS THE
10 RESPONDENT ADULT'S DESIRES AND PERSONAL VALUES.

11 (18) "MINOR" MEANS AN UNEMANCIPATED INDIVIDUAL UNDER
12 EIGHTEEN YEARS OF AGE.

13 (19) "MINOR SUBJECT TO CONSERVATORSHIP" MEANS A MINOR FOR
14 WHOM A CONSERVATOR HAS BEEN APPOINTED PURSUANT TO THIS ARTICLE
15 14.7.

16 (20) "MINOR SUBJECT TO GUARDIANSHIP" MEANS A MINOR FOR
17 WHOM A GUARDIAN HAS BEEN APPOINTED PURSUANT TO THIS ARTICLE
18 14.7.

19 (21) "PARENT" MEANS A PARENT WHOSE PARENTAL RIGHTS HAVE
20 NOT BEEN TERMINATED.

21 (22) "PERSON" MEANS AN INDIVIDUAL, ESTATE, BUSINESS OR
22 NONPROFIT ENTITY, PUBLIC CORPORATION, GOVERNMENT OR
23 GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY, OR OTHER
24 LEGAL ENTITY.

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

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

1 (25) "PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP"
2 MEANS A COURT ORDER ENTERED PURSUANT TO SECTION 15-14.7-502.

3 (26) "PROTECTIVE ARRANGEMENT UNDER PART 5 OF THIS ARTICLE
4 14.7" MEANS A COURT ORDER ENTERED PURSUANT TO SECTION
5 15-14.7-502 OR 15-14.7-503.

6 (27) "RECORD", USED AS A NOUN, MEANS INFORMATION THAT IS
7 INSCRIBED ON A TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC
8 OR OTHER MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

9 (28) "RESPONDENT" MEANS AN INDIVIDUAL FOR WHOM
10 APPOINTMENT OF A GUARDIAN OR CONSERVATOR OR A PROTECTIVE
11 ARRANGEMENT INSTEAD OF GUARDIANSHIP OR CONSERVATORSHIP IS
12 SOUGHT.

13 (29) "SIGN" MEANS, WITH PRESENT INTENT TO AUTHENTICATE OR
14 ADOPT A RECORD:

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

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

18 (30) "STANDBY GUARDIAN" MEANS A PERSON APPOINTED BY THE
19 COURT PURSUANT TO SECTION 15-14.7-207.

20 (31) "STATE" MEANS A STATE OF THE UNITED STATES, THE
21 DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN
22 ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE
23 JURISDICTION OF THE UNITED STATES. THE TERM INCLUDES A FEDERALLY
24 RECOGNIZED INDIAN TRIBE.

25 (32) "SUPPORTED DECISION MAKING" MEANS ASSISTANCE FROM
26 ONE OR MORE PERSONS OF AN INDIVIDUAL'S CHOOSING IN UNDERSTANDING
27 THE NATURE AND CONSEQUENCES OF POTENTIAL PERSONAL AND

1 FINANCIAL DECISIONS, WHICH ENABLES THE INDIVIDUAL TO MAKE THE
2 DECISIONS, AND IN COMMUNICATING A DECISION ONCE MADE IF
3 CONSISTENT WITH THE INDIVIDUAL'S WISHES. THE TERM MAY INCLUDE
4 SUPPORTED DECISION-MAKING AGREEMENTS, AS PROVIDED IN PART 8 OF
5 ARTICLE 14 OF THIS TITLE15.

6 **15-14.7-103. Supplemental principles of law and equity**
7 **applicable.** UNLESS DISPLACED BY A PARTICULAR PROVISION OF THIS
8 ARTICLE 14.7, THE PRINCIPLES OF LAW AND EQUITY SUPPLEMENT ITS
9 PROVISIONS.

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

18 (2) THE COURT HAS JURISDICTION OVER A GUARDIANSHIP,
19 CONSERVATORSHIP, OR PROTECTIVE ARRANGEMENT PURSUANT TO PART
20 5 OF THIS ARTICLE 14.7 FOR AN ADULT AS PROVIDED IN THE "UNIFORM
21 ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION
22 ACT" PURSUANT TO ARTICLE 14.5 OF TITLE 15.

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

27 (a) EXCLUSIVE JURISDICTION TO DETERMINE THE NEED FOR THE

1 GUARDIANSHIP, CONSERVATORSHIP, OR PROTECTIVE ARRANGEMENT;

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

6 (c) NONEXCLUSIVE JURISDICTION TO DETERMINE THE VALIDITY OF
7 A CLAIM AGAINST THE RESPONDENT OR PROPERTY OF THE RESPONDENT OR
8 A QUESTION OF TITLE CONCERNING THE PROPERTY; AND

9 (d) IF A GUARDIAN OR CONSERVATOR IS APPOINTED, EXCLUSIVE
10 JURISDICTION OVER ISSUES RELATED TO ADMINISTRATION OF THE
11 GUARDIANSHIP OR CONSERVATORSHIP.

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

17 **15-14.7-105. Transfer of proceeding.** (1) THIS SECTION DOES
18 NOT APPLY TO A GUARDIANSHIP OR CONSERVATORSHIP FOR AN ADULT
19 WHO IS SUBJECT TO THE TRANSFER PROVISIONS PURSUANT TO PART 3 OF
20 ARTICLE 14.5 OF TITLE 15 OF THE "UNIFORM ADULT GUARDIANSHIP AND
21 PROTECTIVE PROCEEDINGS JURISDICTION ACT".

22 (2) AFTER APPOINTMENT OF A GUARDIAN OR CONSERVATOR, THE
23 COURT THAT MADE THE APPOINTMENT MAY TRANSFER THE PROCEEDING
24 TO A COURT IN ANOTHER COUNTY IN THIS STATE OR ANOTHER STATE IF
25 TRANSFER IS IN THE BEST INTEREST OF THE INDIVIDUAL SUBJECT TO THE
26 GUARDIANSHIP OR CONSERVATORSHIP.

27 (3) IF A PROCEEDING FOR A GUARDIANSHIP OR CONSERVATORSHIP

1 IS PENDING IN ANOTHER STATE OR A FOREIGN COUNTRY AND A PETITION
2 FOR GUARDIANSHIP OR CONSERVATORSHIP FOR THE SAME INDIVIDUAL IS
3 FILED IN A COURT IN THIS STATE, THE COURT SHALL NOTIFY THE COURT IN
4 THE OTHER STATE OR FOREIGN COUNTRY AND, AFTER CONSULTATION WITH
5 THAT COURT, ASSUME OR DECLINE JURISDICTION, WHICHEVER IS IN THE
6 BEST INTEREST OF THE RESPONDENT.

7 (4) A GUARDIAN OR CONSERVATOR APPOINTED IN ANOTHER STATE
8 OR COUNTRY MAY PETITION THE COURT FOR APPOINTMENT AS A GUARDIAN
9 OR CONSERVATOR IN THIS STATE FOR THE SAME INDIVIDUAL IF
10 JURISDICTION IN THIS STATE IS OR WILL BE ESTABLISHED. THE
11 APPOINTMENT MAY BE MADE ON PROOF OF APPOINTMENT IN THE OTHER
12 STATE OR FOREIGN COUNTRY AND PRESENTATION OF A CERTIFIED COPY OF
13 THE PART OF THE COURT RECORD IN THE OTHER STATE OR COUNTRY
14 SPECIFIED BY THE COURT IN THIS STATE.

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

24 (6) NOT LATER THAN FOURTEEN DAYS AFTER APPOINTMENT
25 PURSUANT TO SUBSECTION (5) OF THIS SECTION, THE GUARDIAN OR
26 CONSERVATOR SHALL GIVE A COPY OF THE ORDER OF APPOINTMENT TO
27 THE INDIVIDUAL SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP, IF THE

1 INDIVIDUAL IS AT LEAST TWELVE YEARS OF AGE, AND TO ALL PERSONS
2 GIVEN NOTICE OF THE HEARING ON THE PETITION.

3 **15-14.7-106. Venue.** (1) VENUE FOR A GUARDIANSHIP
4 PROCEEDING FOR A MINOR IS IN:

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

7 (b) THE COUNTY IN WHICH ANOTHER PROCEEDING CONCERNING
8 THE CUSTODY OR PARENTAL RIGHTS OF THE MINOR IS PENDING.

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

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

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

14 (c) IF THE PROCEEDING IS FOR APPOINTMENT OF AN EMERGENCY
15 GUARDIAN FOR AN ADULT, THE COUNTY IN WHICH THE RESPONDENT IS
16 PRESENT.

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

19 (a) THE COUNTY IN WHICH THE RESPONDENT RESIDES, WHETHER
20 OR NOT A GUARDIAN HAS BEEN APPOINTED IN ANOTHER COUNTY OR OTHER
21 JURISDICTION; OR

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

24 (4) IF PROCEEDINGS PURSUANT TO THIS ARTICLE 14.7 ARE
25 BROUGHT IN MORE THAN ONE COUNTY, THE COURT OF THE COUNTY IN
26 WHICH THE FIRST PROCEEDING IS BROUGHT HAS THE EXCLUSIVE RIGHT TO
27 PROCEED UNLESS THE COURT DETERMINES VENUE IS PROPERLY IN

1 ANOTHER COURT OR THE INTEREST OF JUSTICE OTHERWISE REQUIRES
2 TRANSFER OF THE PROCEEDING.

3 **15-14.7-107. Practice in court.** (1) EXCEPT AS OTHERWISE
4 PROVIDED IN THIS ARTICLE 14.7, THE RULES OF EVIDENCE AND CIVIL
5 PROCEDURE, INCLUDING RULES CONCERNING APPELLATE REVIEW, GOVERN
6 A PROCEEDING PURSUANT TO THIS ARTICLE 14.7.

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

11 **15-14.7-108. Letters of office.** (1) THE COURT SHALL ISSUE
12 LETTERS OF OFFICE TO A GUARDIAN ON FILING BY THE GUARDIAN OF AN
13 ACCEPTANCE OF APPOINTMENT.

14 (2) THE COURT SHALL ISSUE LETTERS OF OFFICE TO A
15 CONSERVATOR ON FILING BY THE CONSERVATOR OF AN ACCEPTANCE OF
16 APPOINTMENT AND FILING OF ANY REQUIRED BOND OR COMPLIANCE WITH
17 ANY OTHER ASSET PROTECTION ARRANGEMENT REQUIRED BY THE COURT.

18 (3) LIMITATIONS ON THE POWERS OF A GUARDIAN OR
19 CONSERVATOR OR ON THE PROPERTY SUBJECT TO CONSERVATORSHIP MUST
20 BE STATED IN THE LETTERS OF OFFICE.

21 (4) AT ANY TIME, THE COURT MAY LIMIT THE POWERS CONFERRED
22 ON A GUARDIAN OR CONSERVATOR. THE COURT SHALL ISSUE NEW LETTERS
23 OF OFFICE TO REFLECT THE LIMITATION. THE COURT SHALL SERVE NOTICE
24 OF THE LIMITATION TO THE GUARDIAN OR CONSERVATOR, INDIVIDUAL
25 SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP, EACH PARENT OF A
26 MINOR SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP, AND ANY OTHER
27 PERSON THE COURT DETERMINES.

1 **15-14.7-109. Effect of acceptance of appointment.** ON
2 ACCEPTANCE OF APPOINTMENT, A GUARDIAN OR CONSERVATOR SUBMITS
3 TO PERSONAL JURISDICTION OF THE COURT IN THIS STATE IN ANY
4 PROCEEDING RELATING TO THE GUARDIANSHIP OR CONSERVATORSHIP.

5 **15-14.7-110. Co-guardian and co-conservator.** (1) AT ANY
6 TIME, THE COURT MAY APPOINT A CO-GUARDIAN OR CO-CONSERVATOR TO
7 SERVE IMMEDIATELY OR WHEN A DESIGNATED EVENT OCCURS. AT LEAST
8 ONE OF THE CO-GUARDIANS OR CO-CONSERVATORS APPOINTED BY THE
9 COURT MUST BE A FIDUCIARY, AS DEFINED IN SECTION 15-1-103.

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

13 (3) A CO-GUARDIAN OR CO-CONSERVATOR APPOINTED TO SERVE
14 WHEN A DESIGNATED EVENT OCCURS MAY ACT WHEN:

- 15 (a) THE EVENT OCCURS; AND
- 16 (b) THE CO-GUARDIAN OR CO-CONSERVATOR COMPLIES WITH
17 SECTION 15-14.7-108.

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

21 **15-14.7-111. Judicial appointment of successor guardian or**
22 **successor conservator.** (1) AT ANY TIME, THE COURT MAY APPOINT A
23 SUCCESSOR GUARDIAN OR SUCCESSOR CONSERVATOR TO SERVE
24 IMMEDIATELY OR WHEN A DESIGNATED EVENT OCCURS.

25 (2) A PERSON ENTITLED PURSUANT TO SECTION 15-14.7-202 OR
26 15-14.7-302 TO PETITION THE COURT TO APPOINT A GUARDIAN MAY
27 PETITION THE COURT TO APPOINT A SUCCESSOR GUARDIAN. A PERSON

1 ENTITLED PURSUANT TO SECTION 15-14.7-402 TO PETITION THE COURT TO
2 APPOINT A CONSERVATOR MAY PETITION THE COURT TO APPOINT A
3 SUCCESSOR CONSERVATOR.

4 (3) A SUCCESSOR GUARDIAN OR SUCCESSOR CONSERVATOR
5 APPOINTED TO SERVE WHEN A DESIGNATED EVENT OCCURS MAY ACT AS
6 GUARDIAN OR CONSERVATOR WHEN:

7 (a) THE EVENT OCCURS; AND

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

9 (4) A SUCCESSOR GUARDIAN OR SUCCESSOR CONSERVATOR HAS
10 THE PREDECESSOR'S POWERS UNLESS OTHERWISE PROVIDED BY THE
11 COURT.

12 **15-14.7-112. Effect of death, removal, or resignation of**
13 **guardian or conservator.** (1) APPOINTMENT OF A GUARDIAN OR
14 CONSERVATOR TERMINATES ON THE DEATH OR REMOVAL OF THE
15 GUARDIAN OR CONSERVATOR, OR WHEN THE COURT APPROVES A
16 RESIGNATION OF THE GUARDIAN OR CONSERVATOR PURSUANT TO
17 SUBSECTION (2) OF THIS SECTION.

18 (2) A GUARDIAN OR CONSERVATOR MUST PETITION THE COURT TO
19 RESIGN. THE PETITION MAY INCLUDE A REQUEST THAT THE COURT APPOINT
20 A SUCCESSOR. RESIGNATION OF A GUARDIAN OR CONSERVATOR IS
21 EFFECTIVE ON THE DATE THE RESIGNATION IS APPROVED BY THE COURT.

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

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

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

1 **15-14.7-113. Notice of hearing generally.** (1) EXCEPT AS
2 OTHERWISE PROVIDED IN SECTIONS 15-14.7-203, 15-14.7-207,
3 15-14.7-303, 15-14.7-403, AND 15-14.7-505, IF NOTICE OF A HEARING
4 PURSUANT TO THIS ARTICLE 14.7 IS REQUIRED, THE MOVANT MUST GIVE
5 NOTICE OF THE DATE, TIME, AND PLACE OF THE HEARING TO THE PERSON
6 TO BE NOTIFIED UNLESS OTHERWISE ORDERED BY THE COURT FOR GOOD
7 CAUSE. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE 14.7, NOTICE
8 MUST BE PROVIDED IN COMPLIANCE WITH COLORADO RULES OF PROBATE
9 PROCEDURE AT LEAST FOURTEEN DAYS BEFORE THE HEARING.

10 (2) PROOF OF NOTICE OF A HEARING PURSUANT TO THIS ARTICLE
11 14.7 MUST BE MADE BEFORE OR AT THE HEARING AND FILED IN THE
12 PROCEEDING.

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

17 **15-14.7-114. Waiver of notice.** (1) EXCEPT AS OTHERWISE
18 PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON MAY WAIVE
19 NOTICE PURSUANT TO THIS ARTICLE 14.7 IN A RECORD SIGNED BY THE
20 PERSON OR PERSON'S ATTORNEY AND FILED IN THE PROCEEDING.

21 (2) A RESPONDENT, INDIVIDUAL SUBJECT TO GUARDIANSHIP,
22 INDIVIDUAL SUBJECT TO CONSERVATORSHIP, OR INDIVIDUAL SUBJECT TO
23 A PROTECTIVE ARRANGEMENT PURSUANT TO PART 5 OF THIS ARTICLE 14.7
24 MAY NOT WAIVE NOTICE PURSUANT TO THIS ARTICLE 14.7.

25 **15-14.7-115. Guardian ad litem.** AT ANY TIME, THE COURT MAY
26 APPOINT A GUARDIAN AD LITEM FOR AN INDIVIDUAL IF THE COURT
27 DETERMINES THE INDIVIDUAL'S INTEREST OTHERWISE WOULD NOT BE

1 ADEQUATELY REPRESENTED. IF NO CONFLICT OF INTEREST EXISTS, A
2 GUARDIAN AD LITEM MAY BE APPOINTED TO REPRESENT MULTIPLE
3 INDIVIDUALS OR INTERESTS. THE GUARDIAN AD LITEM MAY NOT BE THE
4 SAME INDIVIDUAL AS THE ATTORNEY REPRESENTING THE RESPONDENT.
5 THE COURT SHALL STATE THE DUTIES OF THE GUARDIAN AD LITEM AND
6 THE REASONS FOR THE APPOINTMENT.

7 **15-14.7-116. Request for notice.** (1) A PERSON MAY FILE A
8 REQUEST FOR NOTICE WITH THE COURT PURSUANT TO THIS ARTICLE 14.7
9 IF THE PERSON IS:

10 (a) NOT OTHERWISE ENTITLED TO NOTICE; AND

11 (b) INTERESTED IN THE WELFARE OF A RESPONDENT, THE
12 INDIVIDUAL SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP, OR THE
13 INDIVIDUAL SUBJECT TO A PROTECTIVE ARRANGEMENT PURSUANT TO PART
14 5 OF THIS ARTICLE 14.7.

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

19 (3) IF THE COURT APPROVES A REQUEST PURSUANT TO SUBSECTION
20 (1) OF THIS SECTION, THE COURT MUST SERVE NOTICE OF THE APPROVAL
21 TO THE GUARDIAN OR CONSERVATOR, IF ONE HAS BEEN APPOINTED, OR THE
22 RESPONDENT IF NO GUARDIAN OR CONSERVATOR HAS BEEN APPOINTED.

23 **15-14.7-117. Disclosure of bankruptcy or criminal history.**

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

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

1 (b) HAS BEEN CONVICTED OF:
2 (I) A FELONY;
3 (II) A CRIME INVOLVING DISHONESTY, NEGLIGENCE, VIOLENCE, OR USE
4 OF PHYSICAL FORCE; OR
5 (III) OTHER CRIME RELEVANT TO THE FUNCTIONS THE INDIVIDUAL
6 WOULD ASSUME AS GUARDIAN OR CONSERVATOR.

7 (2) A GUARDIAN OR CONSERVATOR THAT ENGAGES OR
8 ANTICIPATES ENGAGING AN AGENT THE GUARDIAN OR CONSERVATOR
9 KNOWS HAS BEEN CONVICTED OF A FELONY, A CRIME INVOLVING
10 DISHONESTY, NEGLIGENCE, VIOLENCE, OR USE OF PHYSICAL FORCE, OR OTHER
11 CRIME RELEVANT TO THE FUNCTIONS THE AGENT IS BEING ENGAGED TO
12 PERFORM PROMPTLY MUST DISCLOSE THAT KNOWLEDGE TO THE COURT.

13 (3) IF A CONSERVATOR ENGAGES OR ANTICIPATES ENGAGING AN
14 AGENT TO MANAGE FINANCES OF THE INDIVIDUAL SUBJECT TO
15 CONSERVATORSHIP AND KNOWS THE AGENT IS OR HAS BEEN A DEBTOR IN
16 A BANKRUPTCY, INSOLVENCY, OR RECEIVERSHIP PROCEEDING, THE
17 CONSERVATOR PROMPTLY SHALL DISCLOSE THAT KNOWLEDGE TO THE
18 COURT.

19 **15-14.7-118. Multiple nominations.** IF A RESPONDENT OR OTHER
20 PERSON MAKES MORE THAN ONE NOMINATION OF A GUARDIAN OR
21 CONSERVATOR, THE LATEST IN TIME GOVERNS.

22 **15-14.7-119. Compensation and expenses - in general.**

23 (1) UNLESS OTHERWISE COMPENSATED OR REIMBURSED, AN ATTORNEY
24 FOR A RESPONDENT IN A PROCEEDING PURSUANT TO THIS ARTICLE 14.7 IS
25 ENTITLED TO REASONABLE COMPENSATION FOR SERVICES AND
26 REIMBURSEMENT OF REASONABLE EXPENSES FROM THE PROPERTY OF THE
27 RESPONDENT.

1 (2) UNLESS OTHERWISE COMPENSATED OR REIMBURSED, AN
2 ATTORNEY OR OTHER PERSON WHOSE SERVICES RESULTED IN AN ORDER
3 BENEFICIAL TO AN INDIVIDUAL SUBJECT TO GUARDIANSHIP OR
4 CONSERVATORSHIP OR FOR WHOM A PROTECTIVE ARRANGEMENT
5 PURSUANT TO PART 5 OF THIS ARTICLE 14.7 WAS ORDERED IS ENTITLED TO
6 REASONABLE COMPENSATION FOR SERVICES AND REIMBURSEMENT OF
7 REASONABLE EXPENSES FROM THE PROPERTY OF THE INDIVIDUAL.

8 (3) THE COURT MUST APPROVE COMPENSATION AND EXPENSES
9 PAYABLE PURSUANT TO THIS SECTION BEFORE PAYMENT. APPROVAL IS NOT
10 REQUIRED BEFORE A SERVICE IS PROVIDED OR AN EXPENSE IS INCURRED.

11 (4) IF THE COURT DISMISSES A PETITION PURSUANT TO THIS
12 ARTICLE 14.7 AND DETERMINES THE PETITION WAS FILED IN BAD FAITH,
13 THE COURT MAY ASSESS THE COST OF ANY COURT-ORDERED PROFESSIONAL
14 EVALUATION OR VISITOR AGAINST THE PETITIONER.

15 **15-14.7-120. Compensation of guardian or conservator.**

16 (1) SUBJECT TO COURT APPROVAL, A GUARDIAN IS ENTITLED TO
17 REASONABLE COMPENSATION FOR SERVICES AS GUARDIAN AND TO
18 REIMBURSEMENT FOR ROOM, BOARD, CLOTHING, AND OTHER APPROPRIATE
19 EXPENSES ADVANCED FOR THE BENEFIT OF THE INDIVIDUAL SUBJECT TO
20 GUARDIANSHIP. IF A CONSERVATOR, OTHER THAN THE GUARDIAN OR A
21 PERSON AFFILIATED WITH THE GUARDIAN, IS APPOINTED FOR THE
22 INDIVIDUAL, REASONABLE COMPENSATION AND REIMBURSEMENT TO THE
23 GUARDIAN MAY BE APPROVED AND PAID BY THE CONSERVATOR WITHOUT
24 COURT APPROVAL.

25 (2) SUBJECT TO COURT APPROVAL, A CONSERVATOR IS ENTITLED
26 TO REASONABLE COMPENSATION FOR SERVICES AND REIMBURSEMENT FOR
27 APPROPRIATE EXPENSES FROM THE PROPERTY OF THE INDIVIDUAL SUBJECT

1 TO CONSERVATORSHIP.

2 (3) IN DETERMINING REASONABLE COMPENSATION FOR A
3 GUARDIAN OR CONSERVATOR, THE COURT, OR A CONSERVATOR IN
4 DETERMINING REASONABLE COMPENSATION FOR A GUARDIAN AS
5 PROVIDED IN SUBSECTION (1) OF THIS SECTION, SHALL CONSIDER:

6 (a) THE NECESSITY AND QUALITY OF THE SERVICES PROVIDED;

7 (b) THE EXPERIENCE, TRAINING, PROFESSIONAL STANDING, AND
8 SKILLS OF THE GUARDIAN OR CONSERVATOR;

9 (c) THE DIFFICULTY OF THE SERVICES PERFORMED, INCLUDING THE
10 DEGREE OF SKILL AND CARE REQUIRED;

11 (d) THE CONDITIONS AND CIRCUMSTANCES UNDER WHICH A
12 SERVICE WAS PERFORMED, INCLUDING WHETHER THE SERVICE WAS
13 PROVIDED OUTSIDE REGULAR BUSINESS HOURS OR UNDER DANGEROUS OR
14 EXTRAORDINARY CONDITIONS;

15 (e) THE EFFECT OF THE SERVICES ON THE INDIVIDUAL SUBJECT TO
16 GUARDIANSHIP OR CONSERVATORSHIP;

17 (f) THE EXTENT TO WHICH THE SERVICES PROVIDED WERE OR WERE
18 NOT CONSISTENT WITH THE GUARDIAN'S PLAN PURSUANT TO SECTION
19 15-14.7-316 OR CONSERVATOR'S PLAN PURSUANT TO SECTION
20 15-14.7-419; AND

21 (g) THE FEES CUSTOMARILY PAID TO A PERSON THAT PERFORMS A
22 LIKE SERVICE IN THE COMMUNITY.

23 (4) A GUARDIAN OR CONSERVATOR NEED NOT USE PERSONAL
24 FUNDS OF THE GUARDIAN OR CONSERVATOR FOR THE EXPENSES OF THE
25 INDIVIDUAL SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP.

26 (5) IF AN INDIVIDUAL SUBJECT TO GUARDIANSHIP OR
27 CONSERVATORSHIP SEEKS TO MODIFY OR TERMINATE THE GUARDIANSHIP

1 OR CONSERVATORSHIP OR REMOVE THE GUARDIAN OR CONSERVATOR, THE
2 COURT MAY ORDER COMPENSATION TO THE GUARDIAN OR CONSERVATOR
3 FOR TIME SPENT OPPOSING MODIFICATION, TERMINATION, OR REMOVAL
4 ONLY TO THE EXTENT THE COURT DETERMINES THE OPPOSITION WAS
5 REASONABLY NECESSARY TO PROTECT THE INTEREST OF THE INDIVIDUAL
6 SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP.

7 **15-14.7-121. Liability of guardian or conservator for act of**
8 **individual subject to guardianship or conservatorship.** A GUARDIAN
9 OR CONSERVATOR IS NOT PERSONALLY LIABLE TO ANOTHER PERSON
10 SOLELY BECAUSE OF THE GUARDIANSHIP OR CONSERVATORSHIP FOR AN
11 ACT OR OMISSION OF THE INDIVIDUAL SUBJECT TO GUARDIANSHIP OR
12 CONSERVATORSHIP.

13 **15-14.7-122. Petition after appointment for instruction or**
14 **ratification.** (1) A GUARDIAN OR CONSERVATOR MAY PETITION THE
15 COURT FOR INSTRUCTION CONCERNING FIDUCIARY RESPONSIBILITY OR
16 RATIFICATION OF A PARTICULAR ACT RELATED TO THE GUARDIANSHIP OR
17 CONSERVATORSHIP.

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

21 **15-14.7-123. Third-party acceptance of authority of guardian**
22 **or conservator.** (1) A PERSON MUST NOT RECOGNIZE THE AUTHORITY OF
23 A GUARDIAN OR CONSERVATOR TO ACT ON BEHALF OF AN INDIVIDUAL
24 SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP IF:

25 (a) THE PERSON HAS ACTUAL KNOWLEDGE OR A REASONABLE
26 BELIEF THAT THE LETTERS OF OFFICE OF THE GUARDIAN OR CONSERVATOR
27 ARE INVALID OR THAT THE CONSERVATOR OR GUARDIAN IS EXCEEDING OR

1 IMPROPERLY EXERCISING AUTHORITY GRANTED BY THE COURT; OR

2 (b) THE PERSON HAS ACTUAL KNOWLEDGE THAT THE INDIVIDUAL
3 SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP IS SUBJECT TO
4 PHYSICAL OR FINANCIAL ABUSE, NEGLECT, EXPLOITATION, OR
5 ABANDONMENT BY THE GUARDIAN OR CONSERVATOR OR A PERSON ACTING
6 FOR OR WITH THE GUARDIAN OR CONSERVATOR.

7 (2) A PERSON MAY REFUSE TO RECOGNIZE THE AUTHORITY OF A
8 GUARDIAN OR CONSERVATOR TO ACT ON BEHALF OF AN INDIVIDUAL
9 SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP IF:

10 (a) THE GUARDIAN'S OR CONSERVATOR'S PROPOSED ACTION
11 WOULD BE INCONSISTENT WITH THIS ARTICLE 14.7; OR

12 (b) THE PERSON MAKES, OR HAS ACTUAL KNOWLEDGE THAT
13 ANOTHER PERSON HAS MADE, A REPORT TO THE STATE DEPARTMENT OF
14 HUMAN SERVICES STATING A GOOD-FAITH BELIEF THAT THE INDIVIDUAL
15 SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP IS SUBJECT TO
16 PHYSICAL OR FINANCIAL ABUSE, NEGLECT, EXPLOITATION, OR
17 ABANDONMENT BY THE GUARDIAN OR CONSERVATOR OR A PERSON ACTING
18 FOR OR WITH THE GUARDIAN OR CONSERVATOR.

19 (3) A PERSON THAT REFUSES TO ACCEPT THE AUTHORITY OF A
20 GUARDIAN OR CONSERVATOR IN ACCORDANCE WITH SUBSECTION (2) OF
21 THIS SECTION MAY REPORT THE REFUSAL AND THE REASON FOR REFUSAL
22 TO THE COURT. THE COURT, ON RECEIVING THE REPORT, SHALL CONSIDER
23 WHETHER REMOVAL OF THE GUARDIAN OR CONSERVATOR OR OTHER
24 ACTION IS APPROPRIATE. ==

25 (4) A GUARDIAN OR CONSERVATOR MAY PETITION THE COURT TO
26 REQUIRE A THIRD PARTY TO ACCEPT A DECISION MADE BY THE GUARDIAN
27 OR CONSERVATOR ON BEHALF OF THE INDIVIDUAL SUBJECT TO

1 GUARDIANSHIP OR CONSERVATORSHIP.

2 (5) NOTHING IN THIS SECTION EXEMPTS AN ACTOR, AS APPLICABLE,
3 FROM COMPLYING WITH SECTION 18-6.5-108.

4 **15-14.7-124. Use of agent by guardian or conservator. (1)**
5 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION, A
6 GUARDIAN OR CONSERVATOR MAY DELEGATE A POWER TO AN AGENT
7 WHICH A PRUDENT GUARDIAN OR CONSERVATOR OF COMPARABLE SKILLS
8 COULD DELEGATE PRUDENTLY UNDER THE CIRCUMSTANCES IF THE
9 DELEGATION IS CONSISTENT WITH THE GUARDIAN'S OR CONSERVATOR'S
10 FIDUCIARY DUTIES AND THE GUARDIAN'S PLAN PURSUANT TO SECTION
11 15-14.7-316 OR CONSERVATOR'S PLAN PURSUANT TO SECTION
12 15-14.7-419.

13 (2) IN DELEGATING A POWER PURSUANT TO SUBSECTION (1) OF
14 THIS SECTION, THE GUARDIAN OR CONSERVATOR SHALL EXERCISE
15 REASONABLE CARE, SKILL, AND CAUTION IN:

16 (a) SELECTING THE AGENT;

17 (b) ESTABLISHING THE SCOPE AND TERMS OF THE AGENT'S WORK
18 IN ACCORDANCE WITH THE GUARDIAN'S PLAN PURSUANT TO SECTION
19 15-14.7-316 OR CONSERVATOR'S PLAN PURSUANT TO SECTION
20 15-14.7-419;

21 (c) MONITORING THE AGENT'S PERFORMANCE AND COMPLIANCE
22 WITH THE DELEGATION; AND

23 (d) REDRESSING AN ACT OR OMISSION OF THE AGENT WHICH
24 WOULD CONSTITUTE A BREACH OF THE GUARDIAN'S OR CONSERVATOR'S
25 DUTIES IF DONE BY THE GUARDIAN OR CONSERVATOR.

26 (3) A GUARDIAN OR CONSERVATOR MAY NOT DELEGATE ALL
27 POWERS TO AN AGENT.

1 (4) IN PERFORMING A POWER DELEGATED PURSUANT TO THIS
2 SECTION, AN AGENT SHALL:

3 (a) EXERCISE REASONABLE CARE TO COMPLY WITH THE TERMS OF
4 THE DELEGATION AND USE REASONABLE CARE IN THE PERFORMANCE OF
5 THE POWER; AND

6 (b) IF THE GUARDIAN OR CONSERVATOR HAS DELEGATED TO THE
7 AGENT THE POWER TO MAKE A DECISION ON BEHALF OF THE INDIVIDUAL
8 SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP, USE THE SAME
9 DECISION-MAKING STANDARD THE GUARDIAN OR CONSERVATOR WOULD
10 BE REQUIRED TO USE.

11 (5) BY ACCEPTING A DELEGATION OF A POWER PURSUANT TO
12 SUBSECTION (1) OF THIS SECTION FROM A GUARDIAN OR CONSERVATOR, AN
13 AGENT SUBMITS TO THE PERSONAL JURISDICTION OF THE COURTS OF THIS
14 STATE IN AN ACTION INVOLVING THE AGENT'S PERFORMANCE AS AGENT.

15 (6) A GUARDIAN OR CONSERVATOR THAT DELEGATES AND
16 MONITORS A POWER IN COMPLIANCE WITH THIS SECTION IS NOT LIABLE FOR
17 THE DECISION, ACT, OR OMISSION OF THE AGENT.

18 **15-14.7-125. Temporary substitute guardian or conservator.**

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

22 (a) A PROCEEDING TO REMOVE A GUARDIAN FOR THE INDIVIDUAL
23 IS PENDING; OR

24 (b) THE COURT FINDS A GUARDIAN IS NOT EFFECTIVELY
25 PERFORMING THE GUARDIAN'S DUTIES AND THE WELFARE OF THE
26 INDIVIDUAL REQUIRES IMMEDIATE ACTION.

27 (2) THE COURT MAY APPOINT A TEMPORARY SUBSTITUTE

1 CONSERVATOR FOR AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP FOR A
2 PERIOD NOT EXCEEDING SIX MONTHS IF:

3 (a) A PROCEEDING TO REMOVE A CONSERVATOR FOR THE
4 INDIVIDUAL IS PENDING; OR

5 (b) THE COURT FINDS THAT A CONSERVATOR FOR THE INDIVIDUAL
6 IS NOT EFFECTIVELY PERFORMING THE CONSERVATOR'S DUTIES AND THE
7 WELFARE OF THE INDIVIDUAL OR THE CONSERVATORSHIP ESTATE
8 REQUIRES IMMEDIATE ACTION.

9 (3) EXCEPT AS OTHERWISE ORDERED BY THE COURT, A TEMPORARY
10 SUBSTITUTE GUARDIAN OR TEMPORARY SUBSTITUTE CONSERVATOR
11 APPOINTED PURSUANT TO THIS SECTION HAS THE POWERS STATED IN THE
12 ORDER OF APPOINTMENT OF THE GUARDIAN OR CONSERVATOR. THE
13 AUTHORITY OF THE EXISTING GUARDIAN OR CONSERVATOR IS SUSPENDED
14 FOR AS LONG AS THE TEMPORARY SUBSTITUTE GUARDIAN OR
15 CONSERVATOR HAS AUTHORITY.

16 (4) THE COURT SHALL SERVE NOTICE OF APPOINTMENT OF A
17 TEMPORARY SUBSTITUTE GUARDIAN OR TEMPORARY SUBSTITUTE
18 CONSERVATOR, NO LATER THAN FIVE DAYS AFTER THE APPOINTMENT, TO:

19 (a) THE INDIVIDUAL SUBJECT TO GUARDIANSHIP OR
20 CONSERVATORSHIP;

21 (b) THE AFFECTED GUARDIAN OR CONSERVATOR; AND

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

24 (5) THE COURT MAY REMOVE A TEMPORARY SUBSTITUTE
25 GUARDIAN OR TEMPORARY SUBSTITUTE CONSERVATOR AT ANY TIME. THE
26 TEMPORARY SUBSTITUTE GUARDIAN OR TEMPORARY SUBSTITUTE
27 CONSERVATOR SHALL MAKE ANY REPORT THE COURT REQUIRES.

1 **15-14.7-126. Registration of order - effect.** (1) IF A GUARDIAN
2 HAS BEEN APPOINTED IN ANOTHER STATE FOR AN INDIVIDUAL, AND A
3 PETITION FOR GUARDIANSHIP FOR THE INDIVIDUAL IS NOT PENDING IN THIS
4 STATE, THE GUARDIAN APPOINTED IN THE OTHER STATE, AFTER GIVING
5 NOTICE TO THE APPOINTING COURT, MAY REGISTER THE GUARDIANSHIP
6 ORDER IN THIS STATE BY FILING AS A FOREIGN JUDGMENT, IN A COURT OF
7 AN APPROPRIATE COUNTY OF THIS STATE, CERTIFIED COPIES OF THE ORDER
8 AND LETTERS OF OFFICE.

9 (2) IF A CONSERVATOR HAS BEEN APPOINTED IN ANOTHER STATE
10 FOR AN INDIVIDUAL, AND A PETITION FOR CONSERVATORSHIP FOR THE
11 INDIVIDUAL IS NOT PENDING IN THIS STATE, THE CONSERVATOR APPOINTED
12 FOR THE INDIVIDUAL IN THE OTHER STATE, AFTER GIVING NOTICE TO THE
13 APPOINTING COURT, MAY REGISTER THE CONSERVATORSHIP IN THIS STATE
14 BY FILING AS A FOREIGN JUDGMENT, IN A COURT OF A COUNTY IN WHICH
15 PROPERTY BELONGING TO THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP
16 IS LOCATED, CERTIFIED COPIES OF THE ORDER OF CONSERVATORSHIP,
17 LETTERS OF OFFICE, AND ANY BOND OR OTHER ASSET PROTECTION
18 ARRANGEMENT REQUIRED BY THE COURT.

19 (3) ON REGISTRATION PURSUANT TO THIS SECTION OF A
20 GUARDIANSHIP OR CONSERVATORSHIP ORDER FROM ANOTHER STATE, THE
21 GUARDIAN OR CONSERVATOR MAY EXERCISE IN THIS STATE ALL POWERS
22 AUTHORIZED IN THE ORDER EXCEPT AS PROHIBITED BY THIS ARTICLE 14.7
23 AND LAW OF THIS STATE OTHER THAN THIS ARTICLE 14.7. IF THE
24 GUARDIAN OR CONSERVATOR IS NOT A RESIDENT OF THIS STATE, THE
25 GUARDIAN OR CONSERVATOR MAY MAINTAIN AN ACTION OR PROCEEDING
26 IN THIS STATE SUBJECT TO ANY CONDITION IMPOSED BY THIS STATE ON AN
27 ACTION OR PROCEEDING BY A NONRESIDENT PARTY.

1 (4) THE COURT MAY GRANT ANY RELIEF AVAILABLE PURSUANT TO
2 THIS ARTICLE 14.7 AND LAW OF THIS STATE OTHER THAN THIS ARTICLE
3 14.7 TO ENFORCE AN ORDER REGISTERED PURSUANT TO THIS SECTION.

4 **15-14.7-127. Grievance against guardian or conservator.**

5 (1) AN INDIVIDUAL WHO IS SUBJECT TO GUARDIANSHIP OR
6 CONSERVATORSHIP, OR PERSON INTERESTED IN THE WELFARE OF AN
7 INDIVIDUAL SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP, WHO
8 REASONABLY BELIEVES THE GUARDIAN OR CONSERVATOR IS BREACHING
9 THE GUARDIAN'S OR CONSERVATOR'S FIDUCIARY DUTY OR OTHERWISE
10 ACTING IN A MANNER INCONSISTENT WITH THIS ARTICLE 14.7 MAY FILE A
11 GRIEVANCE IN A RECORD WITH THE COURT.

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

15 (a) SHALL REVIEW THE GRIEVANCE AND, IF NECESSARY TO
16 DETERMINE THE APPROPRIATE RESPONSE, COURT RECORDS RELATED TO
17 THE GUARDIANSHIP OR CONSERVATORSHIP;

18 (b) SHALL SCHEDULE A HEARING IF THE INDIVIDUAL SUBJECT TO
19 GUARDIANSHIP OR CONSERVATORSHIP IS AN ADULT AND THE GRIEVANCE
20 SUPPORTS A REASONABLE BELIEF THAT:

21 (I) REMOVAL OF THE GUARDIAN AND APPOINTMENT OF A
22 SUCCESSOR MAY BE APPROPRIATE PURSUANT TO SECTION 15-14.7-318;

23 (II) TERMINATION OR MODIFICATION OF THE GUARDIANSHIP MAY
24 BE APPROPRIATE PURSUANT TO SECTION 15-14.7-319;

25 (III) REMOVAL OF THE CONSERVATOR AND APPOINTMENT OF A
26 SUCCESSOR MAY BE APPROPRIATE PURSUANT TO SECTION 15-14.7-430; OR

27 (IV) TERMINATION OR MODIFICATION OF THE CONSERVATORSHIP

1 MAY BE APPROPRIATE PURSUANT TO SECTION 15-14.7-431; AND
2 (c) MAY TAKE ANY ACTION SUPPORTED BY THE EVIDENCE,
3 INCLUDING:
4 (I) ORDERING THE GUARDIAN OR CONSERVATOR TO PROVIDE THE
5 COURT A REPORT, ACCOUNTING, INVENTORY, UPDATED PLAN, OR OTHER
6 INFORMATION;
7 (II) APPOINTING A GUARDIAN AD LITEM;
8 (III) APPOINTING AN ATTORNEY FOR THE INDIVIDUAL SUBJECT TO
9 GUARDIANSHIP OR CONSERVATORSHIP; OR
10 (IV) HOLDING A HEARING.
11 (3) THE COURT MAY DECLINE TO ACT PURSUANT TO SUBSECTION
12 (2) OF THIS SECTION IF A SIMILAR GRIEVANCE WAS FILED WITHIN THE SIX
13 MONTHS PRECEDING THE FILING OF THE CURRENT GRIEVANCE AND THE
14 COURT FOLLOWED THE PROCEDURES OF SUBSECTION (2) OF THIS SECTION
15 IN CONSIDERING THE EARLIER GRIEVANCE.

16 ==

17 PART 2

18 GUARDIANSHIP OF A MINOR

19 **15-14.7-201. Basis for appointment of guardian for a minor.**

20 (1) A PERSON BECOMES A GUARDIAN FOR A MINOR ONLY UPON
21 APPOINTMENT BY THE COURT.
22 (2) THE COURT MAY APPOINT A GUARDIAN FOR A MINOR WHO DOES
23 NOT HAVE A GUARDIAN IF THE COURT FINDS THE APPOINTMENT IS IN THE
24 MINOR'S BEST INTEREST AND:
25 (a) EACH PARENT OF THE MINOR, AFTER BEING FULLY INFORMED
26 OF THE NATURE AND CONSEQUENCES OF GUARDIANSHIP, CONSENTS;
27 (b) ALL PARENTAL RIGHTS HAVE BEEN TERMINATED; OR

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

4 **15-14.7-202. Petition for appointment of guardian for a minor.**

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

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

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

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

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

24 (d) THE NAME AND ADDRESS OF ANY ATTORNEY FOR THE MINOR
25 AND ANY ATTORNEY FOR EACH PARENT OF THE MINOR;

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

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

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

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

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

13 (j) WHETHER ANY OTHER PROCEEDING CONCERNING THE CARE OR
14 CUSTODY OF THE MINOR IS PENDING IN ANY COURT IN THIS STATE OR
15 ANOTHER JURISDICTION.

16 **15-14.7-203. Notice of hearing for appointment of guardian**
17 **for minor.** (1) IF A PETITION IS FILED PURSUANT TO SECTION 15-14.7-202,
18 THE COURT SHALL SCHEDULE A HEARING AND THE PETITIONER SHALL:

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

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

24 (II) EACH PARENT OF THE MINOR OR, IF THERE IS NONE, THE ADULT
25 NEAREST IN KINSHIP WHO CAN BE FOUND WITH REASONABLE DILIGENCE;

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

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

1 MINOR FOR AT LEAST SIXTY DAYS DURING THE TWO YEARS IMMEDIATELY
2 BEFORE THE FILING OF THE PETITION OR FOR AT LEAST SEVEN HUNDRED
3 AND THIRTY DAYS DURING THE FIVE YEARS IMMEDIATELY BEFORE THE
4 FILING OF THE PETITION; AND

5 (V) ANY OTHER PERSON THE COURT DETERMINES SHOULD RECEIVE
6 PERSONAL SERVICE OF NOTICE; AND

7 (b) SERVE NOTICE PURSUANT TO SECTION 15-14.7-113 OF THE
8 DATE, TIME, AND PLACE OF THE HEARING, TOGETHER WITH A COPY OF THE
9 PETITION, TO:

10 (I) ANY PERSON NOMINATED FOR GUARDIANSHIP BY THE MINOR,
11 IF THE MINOR IS TWELVE YEARS OF AGE OR OLDER;

12 (II) ANY NOMINEE OF A PARENT;

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

14 (IV) ANY GUARDIAN OR CONSERVATOR ACTING FOR THE MINOR IN
15 ANY JURISDICTION; AND

16 (V) ANY OTHER PERSON THE COURT DETERMINES.

17 (2) NOTICE REQUIRED BY SUBSECTION (1) OF THIS SECTION MUST
18 INCLUDE A STATEMENT OF THE RIGHT TO REQUEST APPOINTMENT OF AN
19 ATTORNEY FOR THE MINOR OR OBJECT TO APPOINTMENT OF A GUARDIAN
20 AND A DESCRIPTION OF THE NATURE, PURPOSE, AND CONSEQUENCES OF
21 APPOINTMENT OF A GUARDIAN.

22 (3) THE COURT SHALL NOT GRANT A PETITION FOR GUARDIANSHIP
23 OF A MINOR IF NOTICE SUBSTANTIALLY COMPLYING WITH SUBSECTION
24 (1)(a) OF THIS SECTION IS NOT SERVED ON:

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

27 (b) EACH PARENT OF THE MINOR, UNLESS THE COURT FINDS BY

1 CLEAR AND CONVINCING EVIDENCE THAT THE PARENT CANNOT WITH DUE
2 DILIGENCE BE LOCATED AND SERVED OR THE PARENT WAIVED, IN A
3 RECORD, THE RIGHT TO NOTICE.

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

8 (a) INTERVIEW THE PETITIONER AND THE MINOR;

9 (b) IF THE PETITIONER ALLEGES THE PARENT CANNOT BE LOCATED,
10 ASCERTAIN WHETHER THE PARENT CANNOT BE LOCATED WITH DUE
11 DILIGENCE; AND

12 (c) INVESTIGATE ANY OTHER MATTER RELATING TO THE PETITION
13 THE COURT DIRECTS.

14 **15-14.7-204. Attorney for minor or parent.** (1) THE COURT
15 SHALL APPOINT AN ATTORNEY TO REPRESENT A MINOR WHO IS THE
16 SUBJECT OF A PROCEEDING PURSUANT TO SECTION 15-14.7-202 IF:

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

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

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

21 (2) AN ATTORNEY APPOINTED PURSUANT TO SUBSECTION (1) OF
22 THIS SECTION SHALL:

23 (a) MAKE A REASONABLE EFFORT TO ASCERTAIN THE MINOR'S
24 WISHES;

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

27 (c) IF THE MINOR'S WISHES ARE NOT REASONABLY ASCERTAINABLE,

1 ADVOCATE FOR THE MINOR'S BEST INTEREST.

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

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

8 **15-14.7-205. Attendance and participation at hearing for**
9 **appointment of guardian for minor.** (1) THE COURT SHALL REQUIRE A
10 MINOR WHO IS THE SUBJECT OF A HEARING PURSUANT TO SECTION
11 15-14.7-203 TO ATTEND THE HEARING AND ALLOW THE MINOR TO
12 PARTICIPATE IN THE HEARING UNLESS THE COURT DETERMINES, BY CLEAR
13 AND CONVINCING EVIDENCE PRESENTED AT THE HEARING OR A SEPARATE
14 HEARING, THAT:

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

19 (b) THERE IS NO PRACTICABLE WAY FOR THE MINOR TO ATTEND
20 THE HEARING;

21 (c) THE MINOR LACKS THE ABILITY OR MATURITY TO PARTICIPATE
22 MEANINGFULLY IN THE HEARING; OR

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

24 (2) UNLESS EXCUSED BY THE COURT FOR GOOD CAUSE, THE
25 PERSON PROPOSED TO BE APPOINTED AS GUARDIAN FOR A MINOR SHALL
26 ATTEND A HEARING PURSUANT TO SECTION 15-14.7-203.

27 (3) EACH PARENT OF A MINOR WHO IS THE SUBJECT OF A HEARING

1 PURSUANT TO SECTION 15-14.7-203 HAS THE RIGHT TO ATTEND THE
2 HEARING.

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

9 **15-14.7-206. Order of appointment; priority of nominee;**
10 **limited guardianship for minor - definitions.** (1) AFTER A HEARING
11 PURSUANT TO SECTION 15-14.7-203, THE COURT MAY APPOINT A
12 GUARDIAN FOR A MINOR, IF APPOINTMENT IS PROPER PURSUANT TO
13 SECTION 15-14.7-201, DISMISS THE PROCEEDING, OR TAKE OTHER
14 APPROPRIATE ACTION CONSISTENT WITH THIS ARTICLE 14.7 OR LAW OF
15 THIS STATE OTHER THAN THIS ARTICLE 14.7.

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

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

22 (b) IF MULTIPLE PARENTS HAVE NOMINATED DIFFERENT PERSONS
23 TO SERVE AS GUARDIAN, THE COURT SHALL APPOINT THE NOMINEE WHOSE
24 APPOINTMENT IS IN THE BEST INTEREST OF THE MINOR, UNLESS THE COURT
25 FINDS THAT APPOINTMENT OF NONE OF THE NOMINEES IS IN THE BEST
26 INTEREST OF THE MINOR; AND

27 (c) IF A GUARDIAN IS NOT APPOINTED PURSUANT TO SUBSECTION

1 (2)(a) OR (2)(b) OF THIS SECTION, THE COURT SHALL APPOINT THE PERSON
2 NOMINATED BY THE MINOR IF THE MINOR IS TWELVE YEARS OF AGE OR
3 OLDER UNLESS THE COURT FINDS THAT APPOINTMENT IS CONTRARY TO THE
4 BEST INTEREST OF THE MINOR. IN THAT CASE, THE COURT SHALL APPOINT
5 AS GUARDIAN A PERSON WHOSE APPOINTMENT IS IN THE BEST INTEREST OF
6 THE MINOR.

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

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

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

23 (a) THE GUARDIAN HAS DELEGATED CUSTODY OF THE MINOR
24 SUBJECT TO GUARDIANSHIP;

25 (b) THE COURT HAS MODIFIED OR LIMITED THE POWERS OF THE
26 GUARDIAN; OR

27 (c) THE COURT HAS REMOVED THE GUARDIAN.

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

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

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

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

15 (II) THE MINOR IS RESIDING WITH AND DEPENDENT UPON A
16 CAREGIVER; AND

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

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

26 (I) THE MINOR HAS BEEN PLACED UNDER THE CUSTODY OF AN
27 INDIVIDUAL APPOINTED BY THE COURT THROUGH THE APPOINTMENT OF A

1 GUARDIAN;

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

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

10 **15-14.7-207. Standby guardian for minor.** (1) A STANDBY
11 GUARDIAN APPOINTED PURSUANT TO THIS SECTION MAY ACT AS
12 GUARDIAN, WITH ALL DUTIES AND POWERS OF A GUARDIAN PURSUANT TO
13 SECTIONS 15-14.7-209 AND 15-14.7-210, WHEN NO PARENT OF THE MINOR
14 IS WILLING OR ABLE TO EXERCISE THE DUTIES AND POWERS GRANTED TO
15 THE GUARDIAN.

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

23 (3) THE COURT MAY APPOINT A STANDBY GUARDIAN FOR A MINOR
24 ON:

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

27 (b) FINDING THAT NO PARENT OF THE MINOR LIKELY WILL BE ABLE

1 OR WILLING TO CARE FOR OR MAKE DECISIONS WITH RESPECT TO THE
2 MINOR NOT LATER THAN TWO YEARS AFTER THE APPOINTMENT.

3 (4) A PETITION PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION
4 MUST INCLUDE THE SAME INFORMATION REQUIRED PURSUANT TO SECTION
5 15-14.7-202 FOR THE APPOINTMENT OF A GUARDIAN FOR A MINOR.

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

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

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

11 (II) EACH PARENT OF THE MINOR;

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

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

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

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

26 (7) IF AN OBJECTION IS FILED PURSUANT TO SUBSECTION (6) OF
27 THIS SECTION, THE COURT SHALL HOLD A HEARING TO DETERMINE

1 WHETHER A STANDBY GUARDIAN SHOULD BE APPOINTED AND, IF SO, THE
2 PERSON WHO SHOULD BE APPOINTED. IF NO OBJECTION IS FILED, THE
3 COURT MAY MAKE THE APPOINTMENT.

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

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

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

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

17 (a) INTERVIEW THE PETITIONER AND THE MINOR;

18 (b) IF THE PETITIONER ALLEGES THE PARENT CANNOT BE LOCATED
19 AND SERVED, ASCERTAIN WHETHER THE PARENT CANNOT BE LOCATED
20 WITH DUE DILIGENCE; AND

21 (c) INVESTIGATE ANY OTHER MATTER RELATING TO THE PETITION
22 THE COURT DIRECTS.

23 (10) IF THE COURT FINDS PURSUANT TO SUBSECTION (3) OF THIS
24 SECTION THAT A STANDBY GUARDIAN SHOULD BE APPOINTED, THE
25 FOLLOWING RULES APPLY:

26 (a) THE COURT SHALL APPOINT THE PERSON NOMINATED PURSUANT
27 TO SUBSECTION (2) OF THIS SECTION UNLESS THE COURT FINDS THE

1 APPOINTMENT IS CONTRARY TO THE BEST INTEREST OF THE MINOR; AND

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

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

10 (a) THE STANDBY GUARDIAN ASSUMES THE DUTIES AND POWERS
11 OF THE GUARDIAN;

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

13 (c) THE COURT MODIFIES OR LIMITS THE POWERS OF THE
14 GUARDIAN; OR

15 (d) THE COURT REMOVES THE GUARDIAN.

16 (12) BEFORE ASSUMING THE DUTIES AND POWERS OF A GUARDIAN,
17 A STANDBY GUARDIAN SHALL FILE WITH THE COURT AN ACCEPTANCE OF
18 APPOINTMENT AS GUARDIAN AND SERVE NOTICE OF THE ACCEPTANCE TO:

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

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

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

26 (13) A PERSON THAT RECEIVES NOTICE PURSUANT TO SUBSECTION
27 (12) OF THIS SECTION OR ANY OTHER PERSON INTERESTED IN THE WELFARE

1 OF THE MINOR MAY FILE WITH THE COURT AN OBJECTION TO THE STANDBY
2 GUARDIAN'S ASSUMPTION OF DUTIES AND POWERS OF A GUARDIAN. THE
3 COURT SHALL HOLD A HEARING IF THE OBJECTION SUPPORTS A
4 REASONABLE BELIEF THAT THE CONDITIONS FOR ASSUMPTION OF DUTIES
5 AND POWERS HAVE NOT BEEN SATISFIED.

6 **15-14.7-208. Emergency guardian for minor.** (1) ON ITS OWN,
7 OR ON PETITION BY A PERSON INTERESTED IN A MINOR'S WELFARE, THE
8 COURT MAY APPOINT AN EMERGENCY GUARDIAN FOR THE MINOR IF THE
9 COURT FINDS:

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

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

15 (2) THE DURATION OF AUTHORITY OF AN EMERGENCY GUARDIAN
16 FOR A MINOR MUST 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) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS
23 SECTION, REASONABLE NOTICE OF THE DATE, TIME, AND PLACE OF A
24 HEARING ON A PETITION FOR APPOINTMENT OF AN EMERGENCY GUARDIAN
25 FOR A MINOR MUST BE GIVEN TO:

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

27 (b) ANY ATTORNEY APPOINTED PURSUANT TO SECTION

1 15-14.7-204;

2 (c) EACH PARENT OF THE MINOR;

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

5 (e) ANY OTHER PERSON THE COURT DETERMINES.

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

19 (5) APPOINTMENT OF AN EMERGENCY GUARDIAN PURSUANT TO
20 THIS SECTION, WITH OR WITHOUT NOTICE, IS NOT A DETERMINATION THAT
21 A BASIS EXISTS FOR APPOINTMENT OF A GUARDIAN PURSUANT TO SECTION
22 15-14.7-201.

23 (6) THE COURT MAY REMOVE AN EMERGENCY GUARDIAN
24 APPOINTED PURSUANT TO THIS SECTION AT ANY TIME. THE EMERGENCY
25 GUARDIAN SHALL MAKE ANY REPORT THE COURT REQUIRES.

26 **15-14.7-209. Duties of guardian for minor.** (1) A GUARDIAN
27 FOR A MINOR IS A FIDUCIARY. EXCEPT AS OTHERWISE LIMITED BY THE

1 COURT, A GUARDIAN FOR A MINOR HAS THE DUTIES AND RESPONSIBILITIES
2 OF A PARENT REGARDING THE MINOR'S SUPPORT, CARE, EDUCATION,
3 HEALTH, SAFETY, AND WELFARE. A GUARDIAN SHALL ACT IN THE MINOR'S
4 BEST INTEREST AND EXERCISE REASONABLE CARE, DILIGENCE, AND
5 PRUDENCE.

6 (2) A GUARDIAN FOR A MINOR SHALL:

7 (a) BE PERSONALLY ACQUAINTED WITH THE MINOR AND MAINTAIN
8 SUFFICIENT CONTACT WITH THE MINOR TO KNOW THE MINOR'S ABILITIES,
9 LIMITATIONS, NEEDS, OPPORTUNITIES, AND PHYSICAL AND MENTAL
10 HEALTH;

11 (b) TAKE REASONABLE CARE OF THE MINOR'S PERSONAL EFFECTS
12 AND BRING A PROCEEDING FOR A CONSERVATORSHIP OR PROTECTIVE
13 ARRANGEMENT INSTEAD OF CONSERVATORSHIP IF NECESSARY TO PROTECT
14 OTHER PROPERTY OF THE MINOR;

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

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

23 (e) REPORT THE CONDITION OF THE MINOR AND ACCOUNT FOR
24 FUNDS AND OTHER PROPERTY OF THE MINOR IN THE GUARDIAN'S
25 POSSESSION OR SUBJECT TO THE GUARDIAN'S CONTROL, AS REQUIRED BY
26 COURT RULE OR ORDERED BY THE COURT ON APPLICATION OF A PERSON
27 INTERESTED IN THE MINOR'S WELFARE;

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

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

6 **15-14.7-210. Powers of guardian for minor.** (1) EXCEPT AS
7 OTHERWISE LIMITED BY COURT ORDER, A GUARDIAN OF A MINOR HAS THE
8 POWERS A PARENT OTHERWISE WOULD HAVE REGARDING THE MINOR'S
9 SUPPORT, CARE, EDUCATION, HEALTH, SAFETY, AND WELFARE.

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

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

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

22 (c) IF THE MINOR IS NOT SUBJECT TO CONSERVATORSHIP,
23 COMMENCE A PROCEEDING, INCLUDING AN ADMINISTRATIVE PROCEEDING,
24 OR TAKE OTHER APPROPRIATE ACTION TO COMPEL A PERSON TO SUPPORT
25 THE MINOR OR MAKE A PAYMENT FOR THE BENEFIT OF THE MINOR;

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

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

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

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

8 **15-14.7-211. Removal of guardian for minor; termination of**
9 **guardianship - appointment of successor.** (1) GUARDIANSHIP
10 PURSUANT TO THIS ARTICLE 14.7 FOR A MINOR TERMINATES:

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

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

16 (I) TERMINATION OF THE GUARDIANSHIP WOULD BE HARMFUL TO
17 THE MINOR; AND

18 (II) THE MINOR'S INTEREST IN THE CONTINUATION OF THE
19 GUARDIANSHIP OUTWEIGHS THE INTEREST OF ANY PARENT OF THE MINOR
20 IN RESTORATION OF THE PARENT'S RIGHT TO MAKE DECISIONS FOR THE
21 MINOR.

22 (2) A MINOR SUBJECT TO GUARDIANSHIP OR A PERSON INTERESTED
23 IN THE WELFARE OF THE MINOR MAY PETITION THE COURT TO TERMINATE
24 THE GUARDIANSHIP, MODIFY THE GUARDIANSHIP, REMOVE THE GUARDIAN
25 AND APPOINT A SUCCESSOR GUARDIAN, OR REMOVE A STANDBY GUARDIAN
26 AND APPOINT A DIFFERENT STANDBY GUARDIAN.

27 (3) A PETITIONER PURSUANT TO SUBSECTION (2) OF THIS SECTION

1 SHALL SERVE NOTICE OF THE HEARING ON THE PETITION TO THE MINOR, IF
2 THE MINOR IS TWELVE YEARS OF AGE OR OLDER AND IS NOT THE
3 PETITIONER; THE GUARDIAN; EACH PARENT OF THE MINOR; AND ANY
4 OTHER PERSON THE COURT DETERMINES.

5 (4) THE COURT SHALL FOLLOW THE PRIORITIES IN SECTION
6 15-14.7-206 WHEN SELECTING A SUCCESSOR GUARDIAN FOR A MINOR.

7 (5) NO LATER THAN THIRTY DAYS AFTER APPOINTMENT OF A
8 SUCCESSOR GUARDIAN FOR A MINOR, THE COURT SHALL SERVE NOTICE OF
9 THE APPOINTMENT TO THE MINOR SUBJECT TO GUARDIANSHIP, IF THE
10 MINOR IS TWELVE YEARS OF AGE OR OLDER; EACH PARENT OF THE MINOR;
11 AND ANY OTHER PERSON THE COURT DETERMINES.

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

16 (7) A GUARDIAN FOR A MINOR WHO IS REMOVED SHALL
17 COOPERATE WITH A SUCCESSOR GUARDIAN TO FACILITATE TRANSITION OF
18 THE GUARDIAN'S RESPONSIBILITIES AND PROTECT THE BEST INTEREST OF
19 THE MINOR.

20 PART 3

21 GUARDIANSHIP OF ADULT

22 **15-14.7-301. Basis for appointment of guardian for adult.**

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

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

26 (I) THE RESPONDENT LACKS THE ABILITY TO MEET ESSENTIAL
27 REQUIREMENTS FOR PHYSICAL HEALTH, SAFETY, OR SELF-CARE BECAUSE

1 THE RESPONDENT IS UNABLE TO RECEIVE AND EVALUATE INFORMATION OR
2 MAKE OR COMMUNICATE DECISIONS, EVEN WITH APPROPRIATE SUPPORTIVE
3 SERVICES, TECHNOLOGICAL ASSISTANCE, OR SUPPORTED
4 DECISION-MAKING; AND

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

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

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

21 **15-14.7-302. Petition for appointment of guardian for adult.**

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

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

1 INTEREST IN THE APPOINTMENT; THE NAME AND ADDRESS OF ANY
2 ATTORNEY REPRESENTING THE PETITIONER; AND, TO THE EXTENT KNOWN,
3 THE FOLLOWING:

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

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

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

13 (II) ADULT CHILDREN OR, IF NONE, EACH PARENT AND ADULT
14 SIBLING OF THE RESPONDENT, OR, IF NONE, AT LEAST ONE ADULT NEAREST
15 IN KINSHIP TO THE RESPONDENT WHO CAN BE FOUND WITH REASONABLE
16 DILIGENCE; AND

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

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

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

24 (II) ANY ATTORNEY CURRENTLY REPRESENTING THE RESPONDENT;

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

27 (IV) A GUARDIAN OR CONSERVATOR ACTING FOR THE RESPONDENT

1 IN THIS STATE OR IN ANOTHER JURISDICTION;

2 (V) A TRUSTEE OR CUSTODIAN OF A TRUST OR CUSTODIANSHIP OF

3 WHICH THE RESPONDENT IS A BENEFICIARY;

4 (VI) ANY FIDUCIARY FOR THE RESPONDENT APPOINTED BY THE

5 DEPARTMENT OF VETERANS AFFAIRS;

6 (VII) AN AGENT DESIGNATED UNDER A POWER OF ATTORNEY FOR

7 HEALTH CARE IN WHICH THE RESPONDENT IS IDENTIFIED AS THE PRINCIPAL;

8 (VIII) AN AGENT DESIGNATED UNDER A POWER OF ATTORNEY FOR

9 FINANCES IN WHICH THE RESPONDENT IS IDENTIFIED AS THE PRINCIPAL;

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

11 (X) A PERSON NOMINATED AS GUARDIAN BY THE RESPONDENT'S

12 PARENT OR SPOUSE OR DOMESTIC PARTNER IN A WILL OR OTHER SIGNED

13 RECORD;

14 (XI) A PROPOSED GUARDIAN AND THE REASON THE PROPOSED

15 GUARDIAN SHOULD BE SELECTED; AND

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

17 (d) THE REASON A GUARDIANSHIP IS NECESSARY, INCLUDING A

18 BRIEF DESCRIPTION OF:

19 (I) THE NATURE AND EXTENT OF THE RESPONDENT'S ALLEGED

20 NEED;

21 (II) ANY PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP

22 OR OTHER LESS RESTRICTIVE ALTERNATIVES FOR MEETING THE

23 RESPONDENT'S ALLEGED NEED WHICH HAVE BEEN CONSIDERED OR

24 IMPLEMENTED;

25 (III) IF NO PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP

26 OR OTHER LESS RESTRICTIVE ALTERNATIVES HAVE BEEN CONSIDERED OR

27 IMPLEMENTED, THE REASON THEY HAVE NOT BEEN CONSIDERED OR

1 IMPLEMENTED; AND

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

5 (e) WHETHER THE PETITIONER SEEKS A LIMITED GUARDIANSHIP OR
6 FULL GUARDIANSHIP;

7 (f) IF THE PETITIONER SEEKS A FULL GUARDIANSHIP, THE REASON
8 A LIMITED GUARDIANSHIP OR PROTECTIVE ARRANGEMENT INSTEAD OF
9 GUARDIANSHIP IS NOT APPROPRIATE;

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

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

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

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

23 **15-14.7-303. Notice of hearing for appointment of guardian**
24 **for adult.** (1) ON FILING OF A PETITION PURSUANT TO SECTION
25 15-14.7-302 FOR APPOINTMENT OF A GUARDIAN FOR AN ADULT, THE
26 COURT SHALL SET A DATE, TIME, AND PLACE FOR HEARING THE PETITION.

27 (2) A COPY OF A PETITION DESCRIBED IN SECTION 15-14.7-302 AND

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

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

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

- 19 (a) THE ADULT SUBJECT TO GUARDIANSHIP;
- 20 (b) THE GUARDIAN; AND
- 21 (c) ANY OTHER PERSON THE COURT DETERMINES.

22 **15-14.7-304. Appointment and role of visitor.** (1) ON RECEIPT
23 OF A PETITION DESCRIBED IN SECTION 15-14.7-302 FOR APPOINTMENT OF
24 A GUARDIAN FOR AN ADULT, THE COURT SHALL APPOINT A VISITOR. THE
25 VISITOR MUST BE AN INDIVIDUAL WITH TRAINING OR EXPERIENCE IN THE
26 TYPE OF ABILITIES, LIMITATIONS, AND NEEDS ALLEGED IN THE PETITION.

27 (2) A VISITOR APPOINTED PURSUANT TO SUBSECTION (1) OF THIS

1 SECTION SHALL INTERVIEW THE RESPONDENT IN PERSON AND, IN A
2 MANNER THE RESPONDENT IS BEST ABLE TO UNDERSTAND:

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

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

11 (c) INFORM THE RESPONDENT OF THE RESPONDENT'S RIGHT TO
12 EMPLOY AND CONSULT WITH AN ATTORNEY AT THE RESPONDENT'S
13 EXPENSE AND THE RIGHT TO REQUEST A COURT-APPOINTED ATTORNEY;
14 AND

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

18 (3) THE VISITOR APPOINTED PURSUANT TO SUBSECTION (1) OF THIS
19 SECTION SHALL:

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

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

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

27 (d) INVESTIGATE THE ALLEGATIONS IN THE PETITION AND ANY

1 OTHER MATTER RELATING TO THE PETITION THE COURT DIRECTS.

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

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

8 (b) A SUMMARY OF SELF-CARE AND INDEPENDENT-LIVING TASKS
9 THE RESPONDENT CAN MANAGE WITHOUT ASSISTANCE OR WITH EXISTING
10 SUPPORTS; COULD MANAGE WITH THE ASSISTANCE OF APPROPRIATE
11 SUPPORTIVE SERVICES, TECHNOLOGICAL ASSISTANCE, OR SUPPORTED
12 DECISION-MAKING; AND CANNOT MANAGE;

13 (c) A RECOMMENDATION REGARDING THE APPROPRIATENESS OF
14 GUARDIANSHIP, INCLUDING WHETHER A PROTECTIVE ARRANGEMENT
15 INSTEAD OF GUARDIANSHIP OR OTHER LESS RESTRICTIVE ALTERNATIVE
16 FOR MEETING THE RESPONDENT'S NEEDS IS AVAILABLE, AND:

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

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

21 (d) A STATEMENT OF THE QUALIFICATIONS OF THE PROPOSED
22 GUARDIAN AND WHETHER THE RESPONDENT APPROVES OR DISAPPROVES
23 OF THE PROPOSED GUARDIAN;

24 (e) A STATEMENT WHETHER THE PROPOSED DWELLING MEETS THE
25 RESPONDENT'S NEEDS AND WHETHER THE RESPONDENT HAS EXPRESSED A
26 PREFERENCE AS TO RESIDENCE;

27 (f) A RECOMMENDATION WHETHER A PROFESSIONAL EVALUATION

1 PURSUANT TO SECTION 15-14.7-306 IS NECESSARY;

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

4 (h) A STATEMENT WHETHER THE RESPONDENT IS ABLE TO
5 PARTICIPATE IN A HEARING AND WHICH IDENTIFIES ANY TECHNOLOGY OR
6 OTHER FORM OF SUPPORT THAT WOULD ENHANCE THE RESPONDENT'S
7 ABILITY TO PARTICIPATE; AND

8 (i) ANY OTHER MATTER THE COURT DIRECTS.

9 **15-14.7-305. Appointment and role of attorney for adult.**

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

13 (a) THE RESPONDENT REQUESTS AN APPOINTMENT;

14 (b) THE VISITOR RECOMMENDS AN APPOINTMENT; OR

15 (c) THE COURT DETERMINES THE RESPONDENT NEEDS
16 REPRESENTATION.

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

19 (a) MAKE REASONABLE EFFORTS TO ASCERTAIN THE RESPONDENT'S
20 WISHES;

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

23 (c) IF THE RESPONDENT'S WISHES ARE NOT REASONABLY
24 ASCERTAINABLE, ADVOCATE FOR THE RESULT THAT IS THE LEAST
25 RESTRICTIVE IN TYPE, DURATION, AND SCOPE, CONSISTENT WITH THE
26 RESPONDENT'S INTERESTS.

27 **15-14.7-306. Professional evaluation.** (1) AT OR BEFORE A

1 HEARING ON A PETITION FOR A GUARDIANSHIP FOR AN ADULT, THE COURT
2 SHALL ORDER A PROFESSIONAL EVALUATION OF THE RESPONDENT:

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

4 (b) IN OTHER CASES, UNLESS THE COURT FINDS THAT IT HAS
5 SUFFICIENT INFORMATION TO DETERMINE THE RESPONDENT'S NEEDS AND
6 ABILITIES WITHOUT THE EVALUATION.

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

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

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

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

24 (d) THE DATE OF THE EXAMINATION ON WHICH THE REPORT IS
25 BASED.

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

1 **15-14.7-307. Attendance and rights at hearing.** (1) EXCEPT AS
2 OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, A HEARING
3 PURSUANT TO SECTION 15-14.7-303 MAY NOT PROCEED UNLESS THE
4 RESPONDENT ATTENDS THE HEARING. IF IT IS NOT REASONABLY FEASIBLE
5 FOR THE RESPONDENT TO ATTEND A HEARING AT THE LOCATION COURT
6 PROCEEDINGS TYPICALLY ARE HELD, THE COURT SHALL MAKE
7 REASONABLE EFFORTS TO HOLD THE HEARING AT AN ALTERNATIVE
8 LOCATION CONVENIENT TO THE RESPONDENT OR ALLOW THE RESPONDENT
9 TO ATTEND THE HEARING USING REAL-TIME AUDIO-VISUAL TECHNOLOGY.

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

13 (a) THE RESPONDENT CONSISTENTLY AND REPEATEDLY HAS
14 REFUSED TO ATTEND THE HEARING AFTER HAVING BEEN FULLY INFORMED
15 OF THE RIGHT TO ATTEND AND THE POTENTIAL CONSEQUENCES OF FAILING
16 TO DO SO; OR

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

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

27 (4) THE RESPONDENT HAS A RIGHT TO CHOOSE AN ATTORNEY TO

1 REPRESENT THE RESPONDENT AT A HEARING PURSUANT TO SECTION
2 15-14.7-303.

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

5 (a) PRESENT EVIDENCE AND SUBPOENA WITNESSES AND
6 DOCUMENTS;

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

9 (c) OTHERWISE PARTICIPATE IN THE HEARING.

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

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

16 (8) ANY PERSON MAY REQUEST TO PARTICIPATE IN A HEARING
17 HELD PURSUANT TO SECTION 15-14.7-303. THE COURT MAY GRANT THE
18 REQUEST, WITH OR WITHOUT A HEARING, ON DETERMINING THAT THE BEST
19 INTEREST OF THE RESPONDENT WILL BE SERVED. THE COURT MAY IMPOSE
20 APPROPRIATE CONDITIONS ON THE PERSON'S PARTICIPATION.

21 **15-14.7-308. Confidentiality of records.** THE COURT SHALL
22 COMPLY WITH THE ADMINISTRATIVE RULES PROMULGATED BY THE
23 JUDICIAL DEPARTMENT CONCERNING THE CONFIDENTIALITY OF COURT
24 RECORDS.

25 **15-14.7-309. Who may be guardian for adult - order of**
26 **priority.** (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS
27 SECTION, THE COURT, IN APPOINTING A GUARDIAN FOR AN ADULT, SHALL

1 CONSIDER PERSONS QUALIFIED TO BE GUARDIAN IN THE FOLLOWING ORDER
2 OF PRIORITY:

3 (a) A GUARDIAN, OTHER THAN A TEMPORARY OR EMERGENCY
4 GUARDIAN, CURRENTLY ACTING FOR THE RESPONDENT IN ANOTHER
5 JURISDICTION;

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

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

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

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

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

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

27 (4) A PERSON WHO PROVIDES PAID SERVICES TO THE RESPONDENT,

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

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

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

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

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

17 (a) INCLUDE A SPECIFIC FINDING THAT CLEAR AND CONVINCING
18 EVIDENCE ESTABLISHED THAT THE IDENTIFIED NEEDS OF THE RESPONDENT
19 CANNOT BE MET BY A PROTECTIVE ARRANGEMENT INSTEAD OF
20 GUARDIANSHIP OR OTHER LESS RESTRICTIVE ALTERNATIVE, INCLUDING
21 USE OF APPROPRIATE SUPPORTIVE SERVICES, TECHNOLOGICAL ASSISTANCE,
22 OR SUPPORTED DECISION-MAKING;

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

26 (c) STATE WHETHER THE ADULT SUBJECT TO GUARDIANSHIP
27 RETAINS THE RIGHT TO VOTE AND, IF THE ADULT DOES NOT RETAIN THE

1 RIGHT TO VOTE, INCLUDE FINDINGS THAT SUPPORT REMOVING THAT RIGHT,
2 WHICH MUST INCLUDE A FINDING THAT THE ADULT CANNOT
3 COMMUNICATE, WITH OR WITHOUT SUPPORT, A SPECIFIC DESIRE TO
4 PARTICIPATE IN THE VOTING PROCESS; AND

5 (d) STATE WHETHER THE ADULT SUBJECT TO GUARDIANSHIP
6 RETAINS THE RIGHT TO MARRY AND, IF THE ADULT DOES NOT RETAIN THE
7 RIGHT TO MARRY, INCLUDE FINDINGS THAT SUPPORT REMOVING THAT
8 RIGHT.

9 (2) AN ADULT SUBJECT TO GUARDIANSHIP RETAINS THE RIGHT TO
10 VOTE UNLESS THE ORDER DESCRIBED IN SUBSECTION (1) OF THIS SECTION
11 INCLUDES THE STATEMENT REQUIRED BY SUBSECTION (1)(c) OF THIS
12 SECTION. AN ADULT SUBJECT TO GUARDIANSHIP RETAINS THE RIGHT TO
13 MARRY UNLESS THE ORDER DESCRIBED IN SUBSECTION (1) OF THIS SECTION
14 INCLUDES THE FINDINGS REQUIRED BY SUBSECTION (1)(d) OF THIS
15 SECTION.

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

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

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

26 (a) NOTICE OF THE RIGHTS OF THE ADULT PURSUANT TO SECTION
27 15-14.7-311 (2);

- 1 (b) NOTICE OF A CHANGE IN THE PRIMARY DWELLING OF THE
2 ADULT;
- 3 (c) NOTICE THAT THE GUARDIAN HAS DELEGATED:
4 (I) THE POWER TO MANAGE THE CARE OF THE ADULT;
5 (II) THE POWER TO MAKE DECISIONS ABOUT WHERE THE ADULT
6 LIVES;
7 (III) THE POWER TO MAKE MAJOR MEDICAL DECISIONS ON BEHALF
8 OF THE ADULT;
9 (IV) THE POWER THAT REQUIRES COURT APPROVAL PURSUANT TO
10 SECTION 15-14.7-315; OR
11 (V) SUBSTANTIALLY ALL POWERS OF THE GUARDIAN;
- 12 (d) NOTICE THAT THE GUARDIAN WILL BE UNAVAILABLE TO VISIT
13 THE ADULT FOR MORE THAN TWO MONTHS OR UNAVAILABLE TO PERFORM
14 THE GUARDIAN'S DUTIES FOR MORE THAN ONE MONTH;
- 15 (e) A COPY OF THE GUARDIAN'S PLAN DESCRIBED IN SECTION
16 15-14.7-316 AND THE GUARDIAN'S REPORT DESCRIBED IN SECTION
17 15-14.7-317;
- 18 (f) ACCESS TO COURT RECORDS RELATING TO THE GUARDIANSHIP;
- 19 (g) NOTICE OF THE DEATH OR SIGNIFICANT CHANGE IN THE
20 CONDITION OF THE ADULT;
- 21 (h) NOTICE THAT THE COURT HAS LIMITED OR MODIFIED THE
22 POWERS OF THE GUARDIAN; AND
- 23 (i) NOTICE OF THE REMOVAL OF THE GUARDIAN.
- 24 (6) A SPOUSE, DOMESTIC PARTNER, AND ADULT CHILDREN OF AN
25 ADULT SUBJECT TO GUARDIANSHIP ARE ENTITLED TO NOTICE PURSUANT TO
26 SUBSECTION (5) OF THIS SECTION UNLESS THE COURT DETERMINES NOTICE
27 WOULD BE CONTRARY TO THE PREFERENCES OR PRIOR DIRECTIONS OF THE

1 ADULT SUBJECT TO GUARDIANSHIP OR NOT IN THE BEST INTEREST OF THE
2 ADULT.

3 **15-14.7-311. Notice of order of appointment - rights.** (1) A
4 GUARDIAN APPOINTED PURSUANT TO SECTION 15-14.7-309 SHALL GIVE
5 THE ADULT SUBJECT TO GUARDIANSHIP AND ALL OTHER PERSONS GIVEN
6 NOTICE PURSUANT TO SECTION 15-14.7-303 A COPY OF THE ORDER OF
7 APPOINTMENT, TOGETHER WITH NOTICE OF THE RIGHT TO REQUEST
8 TERMINATION OR MODIFICATION. THE ORDER AND NOTICE MUST BE GIVEN
9 NOT LATER THAN FOURTEEN DAYS AFTER THE APPOINTMENT.

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

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

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

27 (c) BE INVOLVED IN HEALTH-CARE DECISION-MAKING TO THE

1 EXTENT REASONABLY FEASIBLE AND SUPPORTED IN UNDERSTANDING THE
2 RISKS AND BENEFITS OF HEALTH-CARE OPTIONS TO THE EXTENT
3 REASONABLY FEASIBLE;

4 (d) BE NOTIFIED AT LEAST FOURTEEN DAYS BEFORE A CHANGE IN
5 THE ADULT'S PRIMARY DWELLING OR PERMANENT MOVE TO A NURSING
6 HOME, MENTAL HEALTH INSTITUTION, OR OTHER FACILITY THAT PLACES
7 RESTRICTIONS ON THE INDIVIDUAL'S ABILITY TO LEAVE OR HAVE VISITORS,
8 UNLESS THE CHANGE OR MOVE IS PROPOSED IN THE GUARDIAN'S PLAN
9 PURSUANT TO SECTION 15-14.7-316 OR AUTHORIZED BY THE COURT BY
10 SPECIFIC ORDER;

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

13 (f) COMMUNICATE, VISIT, OR INTERACT WITH OTHERS, INCLUDING
14 RECEIVING VISITORS AND MAKING OR RECEIVING TELEPHONE CALLS,
15 PERSONAL MAIL, OR ELECTRONIC COMMUNICATIONS, INCLUDING THROUGH
16 SOCIAL MEDIA, UNLESS:

17 (I) THE GUARDIAN HAS BEEN AUTHORIZED BY THE COURT BY
18 SPECIFIC ORDER TO RESTRICT COMMUNICATIONS, VISITS, OR
19 INTERACTIONS;

20 (II) PROTECTIVE ORDER OR PROTECTIVE ARRANGEMENT INSTEAD
21 OF GUARDIANSHIP IS IN EFFECT THAT LIMITS CONTACT BETWEEN THE
22 ADULT AND A PERSON; OR

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

27 (A) FOR A PERIOD OF NOT MORE THAN SEVEN BUSINESS DAYS IF

1 THE PERSON HAS A FAMILY OR PRE-EXISTING SOCIAL RELATIONSHIP WITH
2 THE ADULT; OR

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

6 (g) RECEIVE A COPY OF THE GUARDIAN'S PLAN DESCRIBED IN
7 SECTION 15-14.7-316 AND THE GUARDIAN'S REPORT DESCRIBED IN SECTION
8 15-14.7-317; AND

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

10 **15-14.7-312. Emergency guardian for adult.** (1) ON ITS OWN
11 AFTER A PETITION HAS BEEN FILED PURSUANT TO SECTION 15-14.7-302, OR
12 ON PETITION BY A PERSON INTERESTED IN AN ADULT'S WELFARE, THE
13 COURT MAY APPOINT AN EMERGENCY GUARDIAN FOR THE ADULT IF THE
14 COURT FINDS:

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

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

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

22 (2) THE DURATION OF AUTHORITY OF AN EMERGENCY GUARDIAN
23 FOR AN ADULT MAY NOT EXCEED SIXTY DAYS, AND THE EMERGENCY
24 GUARDIAN MAY EXERCISE ONLY THE POWERS SPECIFIED IN THE ORDER OF
25 APPOINTMENT. THE EMERGENCY GUARDIAN'S AUTHORITY MAY BE
26 EXTENDED ONCE FOR NOT MORE THAN SIXTY DAYS IF THE COURT FINDS
27 THAT THE CONDITIONS FOR APPOINTMENT OF AN EMERGENCY GUARDIAN

1 DESCRIBED IN SUBSECTION (1) OF THIS SECTION CONTINUE.

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

9 (4) THE COURT MAY APPOINT AN EMERGENCY GUARDIAN FOR AN
10 ADULT WITHOUT NOTICE TO THE ADULT AND ANY ATTORNEY FOR THE
11 ADULT ONLY IF THE COURT FINDS FROM AN AFFIDAVIT OR TESTIMONY
12 THAT THE RESPONDENT'S PHYSICAL HEALTH, SAFETY, OR WELFARE WILL
13 BE SUBSTANTIALLY HARMED BEFORE A HEARING WITH NOTICE ON THE
14 APPOINTMENT CAN BE HELD. IF THE COURT APPOINTS AN EMERGENCY
15 GUARDIAN WITHOUT SERVING NOTICE PURSUANT TO SUBSECTION (3) OF
16 THIS SECTION, THE COURT MUST:

17 (a) SERVE NOTICE OF THE APPOINTMENT NOT LATER THAN
18 FORTY-EIGHT HOURS AFTER THE APPOINTMENT TO:

- 19 (I) THE RESPONDENT;
20 (II) THE RESPONDENT'S ATTORNEY; AND
21 (III) ANY OTHER PERSON THE COURT DETERMINES; AND

22 (b) HOLD A HEARING ON THE APPROPRIATENESS OF THE
23 APPOINTMENT NOT LATER THAN SEVEN DAYS AFTER THE APPOINTMENT
24 UPON THE REQUEST OF THE RESPONDENT, THE RESPONDENT'S ATTORNEY,
25 A MEMBER OF THE RESPONDENT'S SUPPORTIVE COMMUNITY, OR A PERSON
26 INTERESTED IN THE WELFARE OF AN INDIVIDUAL SUBJECT TO
27 GUARDIANSHIP OR CONSERVATORSHIP.

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

4 (6) THE COURT MAY REMOVE AN EMERGENCY GUARDIAN
5 APPOINTED PURSUANT TO THIS SECTION AT ANY TIME. THE EMERGENCY
6 GUARDIAN SHALL MAKE ANY REPORT THE COURT REQUIRES.

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

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

19 (a) BECOME OR REMAIN PERSONALLY ACQUAINTED WITH THE
20 ADULT AND MAINTAIN SUFFICIENT CONTACT WITH THE ADULT, INCLUDING
21 THROUGH REGULAR VISITATION, TO KNOW THE ADULT'S ABILITIES,
22 LIMITATIONS, NEEDS, OPPORTUNITIES, AND PHYSICAL AND MENTAL
23 HEALTH;

24 (b) TO THE EXTENT REASONABLY FEASIBLE, IDENTIFY THE VALUES
25 AND PREFERENCES OF THE ADULT AND INVOLVE THE ADULT IN DECISIONS
26 AFFECTING THE ADULT, INCLUDING DECISIONS ABOUT THE ADULT'S CARE,
27 DWELLING, ACTIVITIES, OR SOCIAL INTERACTIONS; AND

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

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

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

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

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

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

22 (4) IN MAKING A DECISION FOR AN ADULT SUBJECT TO
23 GUARDIANSHIP, THE GUARDIAN SHALL MAKE THE DECISION THE GUARDIAN
24 REASONABLY BELIEVES THE ADULT WOULD MAKE IF THE ADULT WERE
25 ABLE, UNLESS DOING SO WOULD UNREASONABLY HARM OR ENDANGER THE
26 WELFARE OR PERSONAL OR FINANCIAL INTERESTS OF THE ADULT. TO
27 DETERMINE THE DECISION THE ADULT SUBJECT TO GUARDIANSHIP WOULD

1 MAKE IF ABLE, THE GUARDIAN SHALL CONSIDER THE ADULT'S PREVIOUS OR
2 CURRENT DIRECTIONS, PREFERENCES, OPINIONS, VALUES, AND ACTIONS, TO
3 THE EXTENT ACTUALLY KNOWN OR REASONABLY ASCERTAINABLE BY THE
4 GUARDIAN.

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

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

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

18 (c) OTHER FACTORS A REASONABLE PERSON IN THE
19 CIRCUMSTANCES OF THE ADULT WOULD CONSIDER, INCLUDING
20 CONSEQUENCES FOR OTHERS.

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

24 **15-14.7-314. Powers of guardian for adult.** (1) EXCEPT AS
25 LIMITED BY COURT ORDER, A GUARDIAN FOR AN ADULT MAY:

26 (a) APPLY FOR AND RECEIVE FUNDS AND BENEFITS FOR THE
27 SUPPORT OF THE ADULT, UNLESS A CONSERVATOR IS APPOINTED FOR THE

1 ADULT AND THE APPLICATION OR RECEIPT IS WITHIN THE POWERS OF THE
2 CONSERVATOR;

3 (b) UNLESS INCONSISTENT WITH A COURT ORDER, ESTABLISH THE
4 ADULT'S PLACE OF DWELLING;

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

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

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

13 AND

14 (f) RECEIVE PERSONALLY IDENTIFIABLE HEALTH-CARE
15 INFORMATION REGARDING THE ADULT.

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

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

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

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

26 (c) SUPPORT OR OPPOSE A PETITION FOR DIVORCE, DISSOLUTION,
27 OR ANNULMENT OF MARRIAGE OF THE ADULT OR A DECLARATION OF

1 INVALIDITY OF THE ADULT'S MARRIAGE.

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

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

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

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

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

27 (I) SERVE NOTICE OF THE CHANGE TO THE COURT, THE ADULT, AND

1 ANY PERSON IDENTIFIED AS ENTITLED TO THE NOTICE IN THE COURT ORDER
2 APPOINTING THE GUARDIAN OR A SUBSEQUENT ORDER; AND

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

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

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

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

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

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

22 (f) TAKE ACTION THAT WOULD RESULT IN THE SALE OF OR
23 SURRENDER OF THE LEASE TO THE PRIMARY DWELLING OF THE ADULT ONLY
24 IF:

25 (I) THE ACTION IS SPECIFICALLY INCLUDED IN THE GUARDIAN'S
26 PLAN DESCRIBED IN SECTION 15-14.7-316;

27 (II) THE COURT AUTHORIZES THE ACTION BY SPECIFIC ORDER; OR

1 (III) NOTICE OF THE ACTION WAS GIVEN AT LEAST FOURTEEN DAYS
2 BEFORE THE ACTION TO THE ADULT AND ALL PERSONS ENTITLED TO THE
3 NOTICE PURSUANT TO SECTION 15-14.7-310 (5)(b) OR A SUBSEQUENT
4 ORDER AND NO OBJECTION HAS BEEN FILED.

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

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

12 (b) DEFER TO A DECISION BY AN AGENT UNDER A POWER OF
13 ATTORNEY FOR HEALTH CARE EXECUTED BY THE ADULT AND COOPERATE
14 TO THE EXTENT FEASIBLE WITH THE AGENT MAKING THE DECISION; AND

15 (c) TAKE INTO ACCOUNT:

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

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

19 **15-14.7-315. Special limitations on guardian's power.**

20 (1) UNLESS AUTHORIZED BY THE COURT BY SPECIFIC ORDER, A GUARDIAN
21 FOR AN ADULT DOES NOT HAVE THE POWER TO REVOKE OR AMEND A
22 POWER OF ATTORNEY FOR HEALTH CARE OR POWER OF ATTORNEY FOR
23 FINANCES EXECUTED BY THE ADULT. IF A POWER OF ATTORNEY FOR
24 HEALTH CARE IS IN EFFECT, UNLESS THERE IS A COURT ORDER TO THE
25 CONTRARY, A HEALTH-CARE DECISION OF AN AGENT TAKES PRECEDENCE
26 OVER THAT OF THE GUARDIAN AND THE GUARDIAN SHALL COOPERATE WITH
27 THE AGENT TO THE EXTENT FEASIBLE. IF A POWER OF ATTORNEY FOR

1 FINANCES IS IN EFFECT, UNLESS THERE IS A COURT ORDER TO THE
2 CONTRARY, A DECISION BY THE AGENT WHICH THE AGENT IS AUTHORIZED
3 TO MAKE UNDER THE POWER OF ATTORNEY FOR FINANCES TAKES
4 PRECEDENCE OVER THAT OF THE GUARDIAN AND THE GUARDIAN SHALL
5 COOPERATE WITH THE AGENT TO THE EXTENT FEASIBLE.

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

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

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

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

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

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

26 (II) FOR A PERIOD OF NOT MORE THAN SIXTY DAYS IF THE PERSON
27 DOES NOT HAVE A FAMILY OR PRE-EXISTING SOCIAL RELATIONSHIP WITH

1 THE ADULT.

2 **15-14.7-316. Guardian's plan.** (1) A GUARDIAN FOR AN ADULT,
3 NOT LATER THAN SIXTY DAYS AFTER APPOINTMENT AND WHEN THERE IS A
4 SIGNIFICANT CHANGE IN CIRCUMSTANCES, OR THE GUARDIAN SEEKS TO
5 DEVIATE SIGNIFICANTLY FROM THE GUARDIAN'S PLAN, SHALL FILE WITH
6 THE COURT A PLAN FOR THE CARE OF THE ADULT. THE PLAN MUST BE
7 BASED ON THE NEEDS OF THE ADULT AND TAKE INTO ACCOUNT THE BEST
8 INTEREST OF THE ADULT AS WELL AS THE ADULT'S PREFERENCES, VALUES,
9 AND PRIOR DIRECTIONS, TO THE EXTENT KNOWN TO OR REASONABLY
10 ASCERTAINABLE BY THE GUARDIAN. THE GUARDIAN SHALL INCLUDE IN THE
11 PLAN:

12 (a) THE LIVING ARRANGEMENT, SERVICES, AND SUPPORTS THE
13 GUARDIAN EXPECTS TO ARRANGE, FACILITATE, OR CONTINUE FOR THE
14 ADULT;

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

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

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

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

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

27 AND

1 (g) A STATEMENT OR LIST OF THE AMOUNT THE GUARDIAN
2 PROPOSES TO CHARGE FOR EACH SERVICE THE GUARDIAN ANTICIPATES
3 PROVIDING TO THE ADULT.

4 (2) A GUARDIAN SHALL SERVE NOTICE OF THE FILING OF THE
5 GUARDIAN'S PLAN PURSUANT TO SUBSECTION (1) OF THIS SECTION,
6 TOGETHER WITH A COPY OF THE PLAN, TO THE ADULT SUBJECT TO
7 GUARDIANSHIP, A PERSON ENTITLED TO NOTICE PURSUANT TO SECTION
8 15-14.7-310 OR A SUBSEQUENT ORDER, AND ANY OTHER PERSON THE
9 COURT DETERMINES. THE NOTICE MUST INCLUDE A STATEMENT OF THE
10 RIGHT TO OBJECT TO THE PLAN AND BE GIVEN NOT LATER THAN FOURTEEN
11 DAYS AFTER THE FILING.

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

15 (4) THE COURT SHALL REVIEW THE GUARDIAN'S PLAN FILED
16 PURSUANT TO SUBSECTION (1) OF THIS SECTION AND DETERMINE WHETHER
17 TO APPROVE THE PLAN OR REQUIRE A NEW PLAN. IN DECIDING WHETHER TO
18 APPROVE THE PLAN, THE COURT SHALL CONSIDER AN OBJECTION PURSUANT
19 TO SUBSECTION (3) OF THIS SECTION AND WHETHER THE PLAN IS
20 CONSISTENT WITH THE GUARDIAN'S DUTIES AND POWERS PURSUANT TO
21 SECTIONS 15-14.7-313 AND 15-14.7-314. THE COURT MAY NOT APPROVE
22 THE PLAN UNTIL THIRTY DAYS AFTER ITS FILING.

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

1 **15-14.7-317. Guardian's report - monitoring of guardianship.**

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

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

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

10 (b) THE LIVING ARRANGEMENTS OF THE ADULT DURING THE
11 REPORTING PERIOD;

12 (c) A SUMMARY OF THE SUPPORTED DECISION-MAKING,
13 TECHNOLOGICAL ASSISTANCE, MEDICAL SERVICES, EDUCATIONAL AND
14 VOCATIONAL SERVICES, AND OTHER SUPPORTS AND SERVICES PROVIDED TO
15 THE ADULT AND THE GUARDIAN'S OPINION AS TO THE ADEQUACY OF THE
16 ADULT'S CARE;

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

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

20 (f) THE EXTENT TO WHICH THE ADULT HAS PARTICIPATED IN
21 DECISION-MAKING;

22 (g) IF THE ADULT IS LIVING IN A MENTAL HEALTH INSTITUTION OR
23 LIVING IN A FACILITY THAT PROVIDES THE ADULT WITH HEALTH-CARE OR
24 OTHER PERSONAL SERVICES, WHETHER THE GUARDIAN CONSIDERS THE
25 FACILITY'S CURRENT PLAN FOR SUPPORT, CARE, TREATMENT, OR
26 HABILITATION CONSISTENT WITH THE ADULT'S PREFERENCES, VALUES,
27 PRIOR DIRECTIONS, AND BEST INTEREST;

1 (h) ANYTHING OF MORE THAN DE MINIMIS VALUE WHICH THE
2 GUARDIAN, ANY INDIVIDUAL WHO RESIDES WITH THE GUARDIAN, OR THE
3 SPOUSE, DOMESTIC PARTNER, PARENT, CHILD, OR SIBLING OF THE
4 GUARDIAN HAS RECEIVED FROM AN INDIVIDUAL PROVIDING GOODS OR
5 SERVICES TO THE ADULT;

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

8 (j) ANY BUSINESS RELATION THE GUARDIAN HAS WITH A PERSON
9 THE GUARDIAN HAS PAID OR WHO HAS BENEFITTED FROM THE PROPERTY OF
10 THE ADULT;

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

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

16 (m) A RECOMMENDATION AS TO THE NEED FOR CONTINUED
17 GUARDIANSHIP AND ANY RECOMMENDED CHANGE IN THE SCOPE OF THE
18 GUARDIANSHIP; AND

19 (n) WHETHER ANY CO-GUARDIAN OR SUCCESSOR GUARDIAN
20 APPOINTED TO SERVE WHEN A DESIGNATED EVENT OCCURS IS ALIVE AND
21 ABLE TO SERVE.

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

27 (4) NOTICE OF THE FILING PURSUANT TO THIS SECTION OF A

1 GUARDIAN'S REPORT, TOGETHER WITH A COPY OF THE REPORT, MUST BE
2 GIVEN TO THE ADULT SUBJECT TO GUARDIANSHIP, A PERSON ENTITLED TO
3 NOTICE PURSUANT TO SECTION 15-14.7-310 OR A SUBSEQUENT ORDER, AND
4 ANY OTHER PERSON THE COURT DETERMINES. THE NOTICE AND REPORT
5 MUST BE GIVEN NOT LATER THAN FOURTEEN DAYS AFTER THE FILING.

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

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

11 (b) THE GUARDIANSHIP SHOULD CONTINUE; AND

12 (c) THE GUARDIAN'S REQUESTED FEES, IF ANY, SHOULD BE
13 APPROVED.

14 (6) IF THE COURT DETERMINES THERE IS REASON TO BELIEVE A
15 GUARDIAN FOR AN ADULT HAS NOT COMPLIED WITH THE GUARDIAN'S
16 DUTIES OR THE GUARDIANSHIP SHOULD BE MODIFIED OR TERMINATED, THE
17 COURT:

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

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

22 (c) MAY APPOINT A VISITOR TO INTERVIEW THE ADULT OR
23 GUARDIAN OR INVESTIGATE ANY MATTER INVOLVING THE GUARDIANSHIP;

24 AND

25 (d) CONSISTENT WITH SECTIONS 15-14.7-318 AND 15-14.7-319,
26 MAY HOLD A HEARING TO CONSIDER REMOVAL OF THE GUARDIAN,
27 TERMINATION OF THE GUARDIANSHIP, OR A CHANGE IN THE POWERS

1 GRANTED TO THE GUARDIAN OR TERMS OF THE GUARDIANSHIP.

2 (7) IF THE COURT HAS REASON TO BELIEVE FEES REQUESTED BY A
3 GUARDIAN FOR AN ADULT ARE NOT REASONABLE, THE COURT SHALL HOLD
4 A HEARING TO DETERMINE WHETHER TO ADJUST THE REQUESTED FEES.

5 (8) A GUARDIAN FOR AN ADULT MAY PETITION THE COURT FOR
6 APPROVAL OF A REPORT FILED PURSUANT TO THIS SECTION. THE COURT,
7 AFTER REVIEW, MAY APPROVE THE REPORT. IF THE COURT APPROVES THE
8 REPORT, THERE IS A REBUTTABLE PRESUMPTION THE REPORT IS ACCURATE
9 AS TO A MATTER ADEQUATELY DISCLOSED IN THE REPORT.

10 **15-14.7-318. Removal of guardian for adult - appointment of**

11 **successor.** (1) THE COURT MAY REMOVE A GUARDIAN FOR AN ADULT FOR
12 FAILURE TO PERFORM THE GUARDIAN'S DUTIES OR FOR OTHER GOOD CAUSE
13 AND APPOINT A SUCCESSOR GUARDIAN TO ASSUME THE DUTIES OF
14 GUARDIAN.

15 (2) THE COURT SHALL HOLD A HEARING TO DETERMINE WHETHER
16 TO REMOVE A GUARDIAN FOR AN ADULT AND APPOINT A SUCCESSOR
17 GUARDIAN ON:

18 (a) PETITION OF THE ADULT, GUARDIAN, OR PERSON INTERESTED IN
19 THE WELFARE OF THE ADULT, WHICH CONTAINS ALLEGATIONS THAT, IF
20 TRUE, WOULD SUPPORT A REASONABLE BELIEF THAT REMOVAL OF THE
21 GUARDIAN AND APPOINTMENT OF A SUCCESSOR GUARDIAN MAY BE
22 APPROPRIATE, BUT THE COURT MAY DECLINE TO HOLD A HEARING IF A
23 PETITION BASED ON THE SAME OR SUBSTANTIALLY SIMILAR FACTS WAS
24 FILED DURING THE PRECEDING SIX MONTHS;

25 (b) COMMUNICATION FROM THE ADULT, GUARDIAN, OR PERSON
26 INTERESTED IN THE WELFARE OF THE ADULT WHICH SUPPORTS A
27 REASONABLE BELIEF THAT REMOVAL OF THE GUARDIAN AND APPOINTMENT

1 OF A SUCCESSOR GUARDIAN MAY BE APPROPRIATE; OR

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

4 (3) NOTICE OF A PETITION FILED PURSUANT TO SUBSECTION (2)(a)
5 OF THIS SECTION MUST BE GIVEN TO THE ADULT SUBJECT TO
6 GUARDIANSHIP, THE GUARDIAN, AND ANY OTHER PERSON THE COURT
7 DETERMINES.

8 (4) AN ADULT SUBJECT TO GUARDIANSHIP WHO SEEKS TO REMOVE
9 THE GUARDIAN AND HAVE A SUCCESSOR GUARDIAN APPOINTED HAS THE
10 RIGHT TO CHOOSE AN ATTORNEY TO REPRESENT THE ADULT IN THIS
11 MATTER. IF THE ADULT IS NOT REPRESENTED BY AN ATTORNEY, THE COURT
12 SHALL APPOINT AN ATTORNEY PURSUANT TO THE SAME CONDITIONS AS IN
13 SECTION 15-14.7-305. THE COURT SHALL AWARD REASONABLE ATTORNEY
14 FEES TO THE ATTORNEY FOR THE ADULT AS PROVIDED IN SECTION
15 15-14.7-119.

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

18 (6) NOT LATER THAN THIRTY DAYS AFTER APPOINTING A
19 SUCCESSOR GUARDIAN, THE COURT SHALL SERVE NOTICE OF THE
20 APPOINTMENT TO THE ADULT SUBJECT TO GUARDIANSHIP AND ANY PERSON
21 ENTITLED TO NOTICE PURSUANT TO SECTION 15-14.7-310 (5) OR A
22 SUBSEQUENT ORDER.

23 **15-14.7-319. Termination or modification of guardianship for**
24 **adult.** (1) AN ADULT SUBJECT TO GUARDIANSHIP, THE GUARDIAN FOR THE
25 ADULT, OR A PERSON INTERESTED IN THE WELFARE OF THE ADULT MAY
26 PETITION FOR:

27 (a) TERMINATION OF THE GUARDIANSHIP ON THE GROUNDS THAT

1 A BASIS FOR APPOINTMENT PURSUANT TO SECTION 15-14.7-301 DOES NOT
2 EXIST OR TERMINATION WOULD BE IN THE BEST INTEREST OF THE ADULT OR
3 FOR OTHER GOOD CAUSE; OR

4 (b) MODIFICATION OF THE GUARDIANSHIP ON THE GROUNDS THAT
5 THE EXTENT OF PROTECTION OR ASSISTANCE GRANTED IS NOT APPROPRIATE
6 OR FOR OTHER GOOD CAUSE.

7 (2) THE COURT SHALL HOLD A HEARING TO DETERMINE WHETHER
8 TERMINATION OR MODIFICATION OF A GUARDIANSHIP FOR AN ADULT IS
9 APPROPRIATE ON:

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

16 (b) COMMUNICATION FROM THE ADULT, GUARDIAN, OR PERSON
17 INTERESTED IN THE WELFARE OF THE ADULT WHICH SUPPORTS A
18 REASONABLE BELIEF THAT TERMINATION OR MODIFICATION OF THE
19 GUARDIANSHIP MAY BE APPROPRIATE, INCLUDING BECAUSE THE
20 FUNCTIONAL NEEDS OF THE ADULT OR SUPPORTS OR SERVICES AVAILABLE
21 TO THE ADULT HAVE CHANGED;

22 (c) A REPORT FROM A GUARDIAN OR CONSERVATOR WHICH
23 INDICATES THAT TERMINATION OR MODIFICATION MAY BE APPROPRIATE
24 BECAUSE THE FUNCTIONAL NEEDS OF THE ADULT OR SUPPORTS OR
25 SERVICES AVAILABLE TO THE ADULT HAVE CHANGED OR A PROTECTIVE
26 ARRANGEMENT INSTEAD OF GUARDIANSHIP OR OTHER LESS RESTRICTIVE
27 ALTERNATIVE FOR MEETING THE ADULT'S NEEDS IS AVAILABLE; OR

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

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

6 (4) ON PRESENTATION OF PRIMA FACIE EVIDENCE FOR TERMINATION
7 OF A GUARDIANSHIP FOR AN ADULT, THE COURT SHALL ORDER
8 TERMINATION UNLESS IT IS PROVEN THAT A BASIS FOR APPOINTMENT OF A
9 GUARDIAN PURSUANT TO SECTION 15-14.7-301 EXISTS.

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

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

18 (7) AN ADULT SUBJECT TO GUARDIANSHIP WHO SEEKS TO
19 TERMINATE OR MODIFY THE TERMS OF THE GUARDIANSHIP HAS THE RIGHT
20 TO CHOOSE AN ATTORNEY TO REPRESENT THE ADULT IN THE MATTER. IF
21 THE ADULT IS NOT REPRESENTED BY AN ATTORNEY, THE COURT SHALL
22 APPOINT AN ATTORNEY PURSUANT TO THE SAME CONDITIONS AS SET FORTH
23 IN SECTION 15-14.7-305. THE COURT SHALL AWARD REASONABLE
24 ATTORNEY FEES TO THE ATTORNEY FOR THE ADULT AS PROVIDED IN
25 SECTION 15-14.7-119.

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PART 4
CONSERVATORSHIP

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

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

9 (b) EITHER:

10 (I) THE MINOR OWNS FUNDS OR OTHER PROPERTY REQUIRING
11 MANAGEMENT OR PROTECTION THAT OTHERWISE CANNOT BE PROVIDED;

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

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

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

22 (a) THE ADULT IS UNABLE TO MANAGE PROPERTY OR FINANCIAL
23 AFFAIRS BECAUSE:

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

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

3 (b) APPOINTMENT IS NECESSARY TO:

4 (I) AVOID HARM TO THE ADULT OR SIGNIFICANT DISSIPATION OF
5 THE PROPERTY OF THE ADULT; OR

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

9 (c) THE RESPONDENT'S IDENTIFIED NEEDS CANNOT BE MET BY A
10 PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP OR OTHER
11 LESS RESTRICTIVE ALTERNATIVE.

12 (3) THE COURT SHALL GRANT A CONSERVATOR ONLY THOSE
13 POWERS NECESSITATED BY DEMONSTRATED LIMITATIONS AND NEEDS OF
14 THE RESPONDENT AND ISSUE ORDERS THAT WILL ENCOURAGE
15 DEVELOPMENT OF THE RESPONDENT'S MAXIMUM SELF-DETERMINATION
16 AND INDEPENDENCE. THE COURT MAY NOT ESTABLISH A FULL
17 CONSERVATORSHIP IF A LIMITED CONSERVATORSHIP, PROTECTIVE
18 ARRANGEMENT INSTEAD OF CONSERVATORSHIP, OR OTHER LESS
19 RESTRICTIVE ALTERNATIVE WOULD MEET THE NEEDS OF THE RESPONDENT.

20 **15-14.7-402. Petition for appointment of conservator.** (1) THE
21 FOLLOWING MAY PETITION FOR THE APPOINTMENT OF A CONSERVATOR:

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

23 (b) A PERSON INTERESTED IN THE ESTATE, FINANCIAL AFFAIRS, OR
24 WELFARE OF THE INDIVIDUAL, INCLUDING A PERSON THAT WOULD BE
25 ADVERSELY AFFECTED BY LACK OF EFFECTIVE MANAGEMENT OF PROPERTY
26 OR FINANCIAL AFFAIRS OF THE INDIVIDUAL; OR

27 (c) THE GUARDIAN FOR THE INDIVIDUAL.

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

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

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

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

16 (II) ADULT CHILDREN OR, IF NONE, EACH PARENT AND ADULT
17 SIBLING OF THE RESPONDENT, OR, IF NONE, AT LEAST ONE ADULT NEAREST
18 IN KINSHIP TO THE RESPONDENT WHO CAN BE FOUND WITH REASONABLE
19 DILIGENCE; 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 DURING THE TWO YEARS
23 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 THE CARE OR CUSTODY OF THE
27 RESPONDENT;

1 (II) ANY ATTORNEY CURRENTLY REPRESENTING THE RESPONDENT;

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

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

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

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

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

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

14 (IX) A MEMBER OF THE RESPONDENT'S SUPPORTIVE COMMUNITY;

15 (X) ANY PROPOSED CONSERVATOR, INCLUDING A PERSON
16 NOMINATED BY THE RESPONDENT, IF THE RESPONDENT IS TWELVE YEARS
17 OF AGE OR OLDER; AND

18 (XI) IF THE INDIVIDUAL FOR WHOM A CONSERVATOR IS SOUGHT IS
19 A MINOR:

20 (A) AN ADULT NOT OTHERWISE LISTED WITH WHOM THE MINOR
21 RESIDES; AND

22 (B) EACH PERSON NOT OTHERWISE LISTED THAT HAD PRIMARY
23 CARE OR CUSTODY OF THE MINOR FOR AT LEAST SIXTY DAYS DURING THE
24 TWO YEARS IMMEDIATELY BEFORE THE FILING OF THE PETITION OR FOR AT
25 LEAST SEVEN HUNDRED AND THIRTY DAYS DURING THE FIVE YEARS
26 IMMEDIATELY BEFORE THE FILING OF THE PETITION;

27 (d) A GENERAL STATEMENT OF THE RESPONDENT'S PROPERTY WITH

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

3 (e) THE REASON CONSERVATORSHIP IS NECESSARY, INCLUDING A
4 BRIEF DESCRIPTION OF:

5 (I) THE NATURE AND EXTENT OF THE RESPONDENT'S ALLEGED
6 NEED;

7 (II) IF THE PETITION ALLEGES THE RESPONDENT IS MISSING,
8 DETAINED, OR UNABLE TO RETURN TO THE UNITED STATES, THE RELEVANT
9 CIRCUMSTANCES, INCLUDING THE TIME AND NATURE OF THE
10 DISAPPEARANCE OR DETENTION AND ANY SEARCH OR INQUIRY
11 CONCERNING THE RESPONDENT'S WHEREABOUTS;

12 (III) ANY PROTECTIVE ARRANGEMENT INSTEAD OF
13 CONSERVATORSHIP OR OTHER LESS RESTRICTIVE ALTERNATIVE FOR
14 MEETING THE RESPONDENT'S ALLEGED NEED WHICH HAS BEEN CONSIDERED
15 OR IMPLEMENTED;

16 (IV) IF NO PROTECTIVE ARRANGEMENT OR OTHER LESS
17 RESTRICTIVE ALTERNATIVES HAVE BEEN CONSIDERED OR IMPLEMENTED,
18 THE REASON IT HAS NOT BEEN CONSIDERED OR IMPLEMENTED;

19 (V) THE REASON A PROTECTIVE ARRANGEMENT OR OTHER LESS
20 RESTRICTIVE ALTERNATIVE IS INSUFFICIENT TO MEET THE RESPONDENT'S
21 NEED;

22 (VI) WHETHER THE PETITIONER SEEKS A LIMITED
23 CONSERVATORSHIP OR A FULL CONSERVATORSHIP;

24 (VII) IF THE PETITIONER SEEKS A FULL CONSERVATORSHIP, THE
25 REASON A LIMITED CONSERVATORSHIP OR PROTECTIVE ARRANGEMENT
26 INSTEAD OF CONSERVATORSHIP IS NOT APPROPRIATE;

27 (VIII) IF THE PETITION INCLUDES THE NAME OF A PROPOSED

1 CONSERVATOR, THE REASON THE PROPOSED CONSERVATOR SHOULD BE
2 APPOINTED;

3 (IX) IF THE PETITION IS FOR A LIMITED CONSERVATORSHIP, A
4 DESCRIPTION OF THE PROPERTY TO BE PLACED UNDER THE CONSERVATOR'S
5 CONTROL AND ANY REQUESTED LIMITATION ON THE AUTHORITY OF THE
6 CONSERVATOR;

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

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

12 **15-14.7-403. Notice and hearing for appointment of**
13 **conservator.** (1) ON FILING OF A PETITION PURSUANT TO SECTION
14 15-14.7-402 FOR APPOINTMENT OF A CONSERVATOR, THE COURT SHALL SET
15 A DATE, TIME, AND PLACE FOR A HEARING ON THE PETITION.

16 (2) A COPY OF A PETITION PURSUANT TO SECTION 15-14.7-402 AND
17 NOTICE OF A HEARING ON THE PETITION MUST BE SERVED PERSONALLY ON
18 THE RESPONDENT. IF THE RESPONDENT'S WHEREABOUTS ARE UNKNOWN OR
19 PERSONAL SERVICE CANNOT BE MADE, SERVICE ON THE RESPONDENT MUST
20 BE MADE BY SUBSTITUTED SERVICE OR PUBLICATION. THE NOTICE MUST
21 INFORM THE RESPONDENT OF THE RESPONDENT'S RIGHTS AT THE HEARING,
22 INCLUDING THE RIGHT TO AN ATTORNEY AND TO ATTEND THE HEARING.
23 THE NOTICE MUST INCLUDE A DESCRIPTION OF THE NATURE, PURPOSE, AND
24 CONSEQUENCES OF GRANTING THE PETITION. THE COURT MAY NOT GRANT
25 A PETITION FOR APPOINTMENT OF A CONSERVATOR IF NOTICE
26 SUBSTANTIALLY COMPLYING WITH THIS SUBSECTION (2) IS NOT SERVED ON
27 THE RESPONDENT.

1 (3) IN A PROCEEDING ON A PETITION PURSUANT TO SECTION
2 15-14.7-402, THE NOTICE REQUIRED PURSUANT TO SUBSECTION (2) OF THIS
3 SECTION MUST BE SERVED ON THE PERSONS REQUIRED TO BE LISTED IN THE
4 PETITION PURSUANT TO SECTION 15-14.7-402 (2)(a) TO 15-14.7-402 (2)(c)
5 AND ANY OTHER PERSON INTERESTED IN THE RESPONDENT'S WELFARE THE
6 COURT DETERMINES. FAILURE TO SERVE NOTICE PURSUANT TO THIS
7 SUBSECTION (3) DOES NOT PRECLUDE THE COURT FROM APPOINTING A
8 CONSERVATOR.

9 (4) 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 VISITOR MUST BE AN
8 INDIVIDUAL WITH TRAINING OR EXPERIENCE IN THE TYPE OF ABILITIES,
9 LIMITATIONS, AND NEEDS ALLEGED IN THE PETITION.

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

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

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

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

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

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

3 (a) INTERVIEW THE PETITIONER AND PROPOSED CONSERVATOR, IF
4 ANY;

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

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

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

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

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

19 (b) A RECOMMENDATION:

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

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

26 (III) IF A LIMITED CONSERVATORSHIP IS RECOMMENDED, THE
27 POWERS TO BE GRANTED TO THE CONSERVATOR, AND THE PROPERTY THAT

1 SHOULD BE PLACED UNDER THE CONSERVATOR'S CONTROL;

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

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

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

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

13 (g) ANY OTHER MATTER THE COURT DIRECTS.

14 **15-14.7-406. Appointment and role of attorney.** (1) THE COURT
15 SHALL APPOINT AN ATTORNEY TO REPRESENT THE RESPONDENT IN A
16 PROCEEDING TO APPOINT A CONSERVATOR IF:

17 (a) THE RESPONDENT REQUESTS AN APPOINTMENT;

18 (b) THE VISITOR RECOMMENDS AN APPOINTMENT; OR

19 (c) THE COURT DETERMINES THE RESPONDENT NEEDS
20 REPRESENTATION.

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

23 (a) MAKE REASONABLE EFFORTS TO ASCERTAIN THE RESPONDENT'S
24 WISHES;

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

27 (c) IF THE RESPONDENT'S WISHES ARE NOT REASONABLY

1 ASCERTAINABLE, ADVOCATE FOR THE RESULT THAT IS THE LEAST
2 RESTRICTIVE IN TYPE, DURATION, AND SCOPE, CONSISTENT WITH THE
3 RESPONDENT'S INTERESTS.

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5 **15-14.7-407. Professional evaluation.** (1) AT OR BEFORE A
6 HEARING ON A PETITION FOR CONSERVATORSHIP FOR AN ADULT, THE COURT
7 SHALL ORDER A PROFESSIONAL EVALUATION OF THE RESPONDENT:

- 8 (a) IF THE RESPONDENT REQUESTS THE EVALUATION; OR
9 (b) IN OTHER CASES, UNLESS THE COURT FINDS IT HAS SUFFICIENT
10 INFORMATION TO DETERMINE THE RESPONDENT'S NEEDS AND ABILITIES
11 WITHOUT THE EVALUATION.

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

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

26 (b) AN EVALUATION OF THE RESPONDENT'S MENTAL AND PHYSICAL
27 CONDITION AND, IF APPROPRIATE, EDUCATIONAL POTENTIAL, ADAPTIVE

1 BEHAVIOR, AND SOCIAL SKILLS;

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

4 (d) THE DATE OF THE EXAMINATION ON WHICH THE REPORT IS
5 BASED.

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

8 **15-14.7-408. Attendance and rights at hearing.** (1) EXCEPT AS
9 OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, A HEARING
10 PURSUANT TO SECTION 15-14.7-403 MAY NOT PROCEED UNLESS THE
11 RESPONDENT ATTENDS THE HEARING. IF IT IS NOT REASONABLY FEASIBLE
12 FOR THE RESPONDENT TO ATTEND A HEARING AT THE LOCATION COURT
13 PROCEEDINGS TYPICALLY ARE HELD, THE COURT SHALL MAKE REASONABLE
14 EFFORTS TO HOLD THE HEARING AT AN ALTERNATIVE LOCATION
15 CONVENIENT TO THE RESPONDENT OR ALLOW THE RESPONDENT TO ATTEND
16 THE HEARING USING REAL-TIME AUDIO-VISUAL TECHNOLOGY.

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

20 (a) THE RESPONDENT CONSISTENTLY AND REPEATEDLY HAS
21 REFUSED TO ATTEND THE HEARING AFTER HAVING BEEN FULLY INFORMED
22 OF THE RIGHT TO ATTEND AND THE POTENTIAL CONSEQUENCES OF FAILING
23 TO DO SO;

24 (b) THERE IS NO PRACTICABLE WAY FOR THE RESPONDENT TO
25 ATTEND AND PARTICIPATE IN THE HEARING EVEN WITH APPROPRIATE
26 SUPPORTIVE SERVICES OR TECHNOLOGICAL ASSISTANCE; OR

27 (c) THE RESPONDENT IS A MINOR WHO HAS RECEIVED PROPER

1 NOTICE AND ATTENDANCE WOULD BE HARMFUL TO THE MINOR.

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

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

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

14 (a) PRESENT EVIDENCE AND SUBPOENA WITNESSES AND
15 DOCUMENTS;

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

18 (c) OTHERWISE PARTICIPATE IN THE HEARING.

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

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

25 (8) ANY PERSON MAY REQUEST TO PARTICIPATE IN A HEARING
26 PURSUANT TO SECTION 15-14.7-403. THE COURT MAY GRANT THE
27 REQUEST, WITH OR WITHOUT A HEARING, ON DETERMINING THAT THE BEST

1 INTEREST OF THE RESPONDENT WILL BE SERVED. THE COURT MAY IMPOSE
2 APPROPRIATE CONDITIONS ON THE PERSON'S PARTICIPATION.

3 **15-14.7-409. Confidentiality of records.** THE COURT SHALL
4 COMPLY WITH THE ADMINISTRATIVE RULES PROMULGATED BY THE
5 JUDICIAL DEPARTMENT CONCERNING THE CONFIDENTIALITY OF COURT
6 RECORDS.

7 **15-14.7-410. Who may be conservator - order of priority.**

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

11 (a) A CONSERVATOR, OTHER THAN A TEMPORARY OR EMERGENCY
12 CONSERVATOR, CURRENTLY ACTING FOR THE RESPONDENT IN ANOTHER
13 JURISDICTION;

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

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

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

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

22 (2) IF TWO OR MORE PERSONS HAVE EQUAL PRIORITY PURSUANT TO
23 SUBSECTION (1) OF THIS SECTION, THE COURT SHALL SELECT AS
24 CONSERVATOR THE PERSON THE COURT CONSIDERS BEST QUALIFIED. IN
25 DETERMINING THE BEST QUALIFIED PERSON, THE COURT SHALL CONSIDER
26 THE PERSON'S RELATIONSHIP WITH THE RESPONDENT, THE PERSON'S SKILLS,
27 THE EXPRESSED WISHES OF THE RESPONDENT, THE EXTENT TO WHICH THE

1 PERSON AND THE RESPONDENT HAVE SIMILAR VALUES AND PREFERENCES,
2 AND THE LIKELIHOOD THE PERSON WILL BE ABLE TO PERFORM THE DUTIES
3 OF A CONSERVATOR SUCCESSFULLY.

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

8 (4) A PERSON THAT PROVIDES PAID SERVICES TO THE RESPONDENT,
9 OR AN INDIVIDUAL WHO IS EMPLOYED BY A PERSON THAT PROVIDES PAID
10 SERVICES TO THE RESPONDENT OR IS THE SPOUSE, DOMESTIC PARTNER,
11 PARENT, OR CHILD OF AN INDIVIDUAL WHO PROVIDES OR IS EMPLOYED TO
12 PROVIDE PAID SERVICES TO THE RESPONDENT, MAY NOT BE APPOINTED AS
13 CONSERVATOR UNLESS:

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

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

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

24 **15-14.7-411. Order of appointment of conservator.** (1) A
25 COURT ORDER APPOINTING A CONSERVATOR FOR A MINOR MUST INCLUDE
26 FINDINGS TO SUPPORT APPOINTMENT OF A CONSERVATOR AND, IF A FULL
27 CONSERVATORSHIP IS GRANTED, THE REASON A LIMITED

1 CONSERVATORSHIP WOULD NOT MEET THE IDENTIFIED NEEDS OF THE
2 MINOR.

3 (2) A COURT ORDER APPOINTING A CONSERVATOR FOR AN ADULT
4 MUST:

5 (a) INCLUDE A SPECIFIC FINDING THAT CLEAR AND CONVINCING
6 EVIDENCE HAS ESTABLISHED THAT THE IDENTIFIED NEEDS OF THE
7 RESPONDENT CANNOT BE MET BY A PROTECTIVE ARRANGEMENT INSTEAD
8 OF CONSERVATORSHIP OR OTHER LESS RESTRICTIVE ALTERNATIVE,
9 INCLUDING USE OF APPROPRIATE SUPPORTIVE SERVICES, TECHNOLOGICAL
10 ASSISTANCE, OR SUPPORTED DECISION MAKING; AND

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

14 (3) A COURT ORDER ESTABLISHING A FULL CONSERVATORSHIP FOR
15 AN ADULT MUST STATE THE BASIS FOR GRANTING A FULL
16 CONSERVATORSHIP AND INCLUDE SPECIFIC FINDINGS TO SUPPORT THE
17 CONCLUSION THAT A LIMITED CONSERVATORSHIP WOULD NOT MEET THE
18 FUNCTIONAL NEEDS OF THE ADULT.

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

22 (5) THE COURT, AS PART OF AN ORDER ESTABLISHING A
23 CONSERVATORSHIP, SHALL IDENTIFY ANY PERSON THAT SUBSEQUENTLY IS
24 ENTITLED TO:

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

27 (b) NOTICE OF A SALE OF OR SURRENDER OF A LEASE TO THE

1 PRIMARY DWELLING OF THE INDIVIDUAL;

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

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

7 (e) A COPY OF THE CONSERVATOR'S PLAN PURSUANT TO SECTION
8 15-14.7-419 AND THE CONSERVATOR'S REPORT PURSUANT TO SECTION
9 15-14.7-423;

10 (f) ACCESS TO COURT RECORDS RELATING TO THE
11 CONSERVATORSHIP;

12 (g) NOTICE OF A TRANSACTION INVOLVING A SUBSTANTIAL
13 CONFLICT BETWEEN THE CONSERVATOR'S FIDUCIARY DUTIES AND
14 PERSONAL INTERESTS;

15 (h) NOTICE OF THE DEATH OR SIGNIFICANT CHANGE IN THE
16 CONDITION OF THE INDIVIDUAL;

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

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

20 (6) IF AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP IS AN ADULT,
21 THE SPOUSE, DOMESTIC PARTNER, AND ADULT CHILDREN OF THE ADULT
22 SUBJECT TO CONSERVATORSHIP ARE ENTITLED PURSUANT TO SUBSECTION
23 (5) OF THIS SECTION TO NOTICE UNLESS THE COURT DETERMINES NOTICE
24 WOULD BE CONTRARY TO THE PREFERENCES OR PRIOR DIRECTIONS OF THE
25 ADULT SUBJECT TO CONSERVATORSHIP OR NOT IN THE BEST INTEREST OF
26 THE ADULT.

27 (7) IF AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP IS A MINOR,

1 EACH PARENT AND ADULT SIBLING OF THE MINOR IS ENTITLED PURSUANT
2 TO SUBSECTION (5) OF THIS SECTION TO NOTICE UNLESS THE COURT
3 DETERMINES NOTICE WOULD NOT BE IN THE BEST INTEREST OF THE MINOR.

4 **15-14.7-412. Notice of order of appointment - rights.** (1) A
5 CONSERVATOR APPOINTED PURSUANT TO SECTION 15-14.7-411 SHALL GIVE
6 TO THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP AND TO ALL OTHER
7 PERSONS GIVEN NOTICE PURSUANT TO SECTION 15-14.7-403 A COPY OF THE
8 ORDER OF APPOINTMENT, TOGETHER WITH NOTICE OF THE RIGHT TO
9 REQUEST TERMINATION OR MODIFICATION. THE ORDER AND NOTICE MUST
10 BE GIVEN NOT LATER THAN FOURTEEN DAYS AFTER THE APPOINTMENT.

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

22 (a) SEEK TERMINATION OR MODIFICATION OF THE
23 CONSERVATORSHIP, OR REMOVAL OF THE CONSERVATOR, AND CHOOSE AN
24 ATTORNEY TO REPRESENT THE INDIVIDUAL IN THESE MATTERS;

25 (b) PARTICIPATE IN DECISION MAKING TO THE EXTENT REASONABLY
26 FEASIBLE;

27 (c) RECEIVE A COPY OF THE CONSERVATOR'S PLAN PURSUANT TO

1 SECTION 15-14.7-419, THE CONSERVATOR'S INVENTORY PURSUANT TO
2 SECTION 15-14.7-420, AND THE CONSERVATOR'S REPORT PURSUANT TO
3 SECTION 15-14.7-423; AND

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

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

9 **15-14.7-413. Emergency conservator.** (1) ON ITS OWN OR ON
10 PETITION BY A PERSON INTERESTED IN AN INDIVIDUAL'S WELFARE AFTER A
11 PETITION HAS BEEN FILED PURSUANT TO SECTION 15-14.7-402, THE COURT
12 MAY APPOINT AN EMERGENCY CONSERVATOR FOR THE INDIVIDUAL IF THE
13 COURT FINDS:

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

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

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

21 (2) THE DURATION OF AUTHORITY OF AN EMERGENCY
22 CONSERVATOR MAY NOT EXCEED SIXTY DAYS AND THE EMERGENCY
23 CONSERVATOR MAY EXERCISE ONLY THE POWERS SPECIFIED IN THE ORDER
24 OF APPOINTMENT. THE EMERGENCY CONSERVATOR'S AUTHORITY MAY BE
25 EXTENDED ONCE FOR NOT MORE THAN SIXTY DAYS IF THE COURT FINDS
26 THAT THE CONDITIONS FOR APPOINTMENT OF AN EMERGENCY
27 CONSERVATOR PURSUANT TO SUBSECTION (1) OF THIS SECTION CONTINUE.

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

8 (4) THE COURT MAY APPOINT AN EMERGENCY CONSERVATOR
9 WITHOUT NOTICE TO THE RESPONDENT AND ANY ATTORNEY FOR THE
10 RESPONDENT ONLY IF THE COURT FINDS FROM AN AFFIDAVIT OR TESTIMONY
11 THAT THE RESPONDENT'S PROPERTY OR FINANCIAL INTERESTS WILL BE
12 SUBSTANTIALLY AND IRREPARABLY HARMED BEFORE A HEARING WITH
13 NOTICE ON THE APPOINTMENT CAN BE HELD. IF THE COURT APPOINTS AN
14 EMERGENCY CONSERVATOR WITHOUT SERVING NOTICE PURSUANT TO
15 SUBSECTION (3) OF THIS SECTION, THE COURT MUST SERVE NOTICE OF THE
16 APPOINTMENT NOT LATER THAN FORTY-EIGHT HOURS AFTER THE
17 APPOINTMENT TO:

- 18 (a) THE RESPONDENT;
- 19 (b) THE RESPONDENT'S ATTORNEY; AND
- 20 (c) ANY OTHER PERSON THE COURT DETERMINES.

21 (5) NOT LATER THAN SEVEN DAYS AFTER THE APPOINTMENT, THE
22 COURT SHALL HOLD A HEARING ON THE APPROPRIATENESS OF THE
23 APPOINTMENT UPON THE REQUEST OF THE RESPONDENT, THE RESPONDENT'S
24 ATTORNEY, A MEMBER OF THE RESPONDENT'S SUPPORTIVE COMMUNITY, OR
25 A PERSON INTERESTED IN THE WELFARE OF AN INDIVIDUAL SUBJECT TO
26 GUARDIANSHIP OR CONSERVATORSHIP.

27 (6) APPOINTMENT OF AN EMERGENCY CONSERVATOR PURSUANT TO

1 THIS SECTION IS NOT A DETERMINATION THAT A BASIS EXISTS FOR
2 APPOINTMENT OF A CONSERVATOR PURSUANT TO SECTION 15-14.7-401.

3 (7) THE COURT MAY REMOVE AN EMERGENCY CONSERVATOR
4 APPOINTED PURSUANT TO THIS SECTION AT ANY TIME. THE EMERGENCY
5 CONSERVATOR SHALL MAKE ANY REPORT THE COURT REQUIRES.

6 **15-14.7-414. Powers of conservator requiring court approval.**

7 (1) EXCEPT AS OTHERWISE ORDERED BY THE COURT, A CONSERVATOR
8 MUST SERVE NOTICE TO PERSONS ENTITLED TO NOTICE PURSUANT TO
9 SECTION 15-14.7-403 AND RECEIVE SPECIFIC AUTHORIZATION BY THE
10 COURT BEFORE THE CONSERVATOR MAY EXERCISE WITH RESPECT TO THE
11 CONSERVATORSHIP THE POWER TO:

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

13 (b) SELL, ENCUMBER AN INTEREST IN, OR SURRENDER A LEASE TO
14 THE PRIMARY DWELLING OF THE INDIVIDUAL SUBJECT TO
15 CONSERVATORSHIP;

16 (c) CONVEY, RELEASE, OR DISCLAIM A CONTINGENT OR EXPECTANT
17 INTEREST IN PROPERTY, INCLUDING MARITAL PROPERTY AND ANY RIGHT OF
18 SURVIVORSHIP INCIDENT TO JOINT TENANCY OR TENANCY BY THE
19 ENTIRETIES;

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

21 (e) CREATE A REVOCABLE OR IRREVOCABLE TRUST OF PROPERTY
22 OF THE CONSERVATORSHIP ESTATE, WHETHER OR NOT THE TRUST EXTENDS
23 BEYOND THE DURATION OF THE CONSERVATORSHIP, OR REVOKE OR AMEND
24 A TRUST REVOCABLE BY THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP;

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

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

4 (h) GRANT A CREDITOR PRIORITY FOR PAYMENT OVER CREDITORS
5 OF THE SAME OR HIGHER CLASS IF THE CREDITOR IS PROVIDING PROPERTY
6 OR SERVICES USED TO MEET THE BASIC LIVING AND CARE NEEDS OF THE
7 INDIVIDUAL SUBJECT TO CONSERVATORSHIP AND PREFERENTIAL
8 TREATMENT OTHERWISE WOULD BE IMPERMISSIBLE PURSUANT TO SECTION
9 15-14.7-428 (5); AND

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

13 (2) IN APPROVING A CONSERVATOR'S EXERCISE OF A POWER LISTED
14 IN SUBSECTION (1) OF THIS SECTION, THE COURT SHALL CONSIDER
15 PRIMARILY THE DECISION THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP
16 WOULD MAKE IF ABLE, TO THE EXTENT THE DECISION CAN BE
17 ASCERTAINED.

18 (3) TO DETERMINE PURSUANT TO SUBSECTION (2) OF THIS SECTION
19 THE DECISION THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP WOULD
20 MAKE IF ABLE, THE COURT SHALL CONSIDER THE INDIVIDUAL'S PRIOR OR
21 CURRENT DIRECTIONS, PREFERENCES, OPINIONS, VALUES, AND ACTIONS, TO
22 THE EXTENT ACTUALLY KNOWN OR REASONABLY ASCERTAINABLE BY THE
23 CONSERVATOR. THE COURT ALSO SHALL CONSIDER:

24 (a) THE FINANCIAL NEEDS OF THE INDIVIDUAL SUBJECT TO
25 CONSERVATORSHIP AND INDIVIDUALS WHO ARE IN FACT DEPENDENT ON
26 THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP FOR SUPPORT, AND THE
27 INTERESTS OF CREDITORS OF THE INDIVIDUAL;

1 (b) POSSIBLE REDUCTION OF INCOME, ESTATE, INHERITANCE, OR
2 OTHER TAX LIABILITIES;

3 (c) ELIGIBILITY FOR GOVERNMENTAL ASSISTANCE;

4 (d) THE PREVIOUS PATTERN OF GIVING OR LEVEL OF SUPPORT
5 PROVIDED BY THE INDIVIDUAL;

6 (e) ANY EXISTING ESTATE PLAN OR LACK OF ESTATE PLAN OF THE
7 INDIVIDUAL;

8 (f) THE LIFE EXPECTANCY OF THE INDIVIDUAL AND THE
9 PROBABILITY THE CONSERVATORSHIP WILL TERMINATE BEFORE THE
10 INDIVIDUAL'S DEATH; AND

11 (g) ANY OTHER RELEVANT FACTOR.

12 (4) A CONSERVATOR MAY NOT REVOKE OR AMEND A POWER OF
13 ATTORNEY FOR FINANCES EXECUTED BY THE INDIVIDUAL SUBJECT TO
14 CONSERVATORSHIP. IF A POWER OF ATTORNEY FOR FINANCES IS IN EFFECT,
15 A DECISION OF THE AGENT TAKES PRECEDENCE OVER THAT OF THE
16 CONSERVATOR, UNLESS THE COURT ORDERS OTHERWISE.

17 **15-14.7-415. Petition for order after appointment.** (1) AN
18 INDIVIDUAL SUBJECT TO CONSERVATORSHIP OR A PERSON INTERESTED IN
19 THE WELFARE OF THE INDIVIDUAL MAY PETITION FOR AN ORDER:

20 (a) REQUIRING THE CONSERVATOR TO FURNISH A BOND OR
21 COLLATERAL OR ADDITIONAL BOND OR COLLATERAL OR ALLOWING A
22 REDUCTION IN A BOND OR COLLATERAL PREVIOUSLY FURNISHED;

23 (b) REQUIRING AN ACCOUNTING FOR THE ADMINISTRATION OF THE
24 CONSERVATORSHIP ESTATE;

25 (c) DIRECTING DISTRIBUTION;

26 (d) REMOVING THE CONSERVATOR AND APPOINTING A TEMPORARY
27 OR SUCCESSOR CONSERVATOR;

1 (e) MODIFYING THE TYPE OF APPOINTMENT OR POWERS GRANTED
2 TO THE CONSERVATOR, IF THE EXTENT OF PROTECTION OR MANAGEMENT
3 PREVIOUSLY GRANTED IS EXCESSIVE OR INSUFFICIENT TO MEET THE
4 INDIVIDUAL'S NEEDS, INCLUDING BECAUSE THE INDIVIDUAL'S ABILITIES OR
5 SUPPORTS HAVE CHANGED;

6 (f) REJECTING OR MODIFYING THE CONSERVATOR'S PLAN PURSUANT
7 TO SECTION 15-14.7-419, THE CONSERVATOR'S INVENTORY PURSUANT TO
8 SECTION 15-14.7-420, OR THE CONSERVATOR'S REPORT PURSUANT TO
9 SECTION 15-14.7-423; OR

10 (g) GRANTING OTHER APPROPRIATE RELIEF.

11 **15-14.7-416. Bond - alternative asset protection arrangement.**

12 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION,
13 THE COURT SHALL REQUIRE A CONSERVATOR TO FURNISH A BOND WITH A
14 SURETY THE COURT SPECIFIES, OR REQUIRE AN ALTERNATIVE
15 ASSET-PROTECTION ARRANGEMENT, CONDITIONED ON FAITHFUL
16 DISCHARGE OF ALL DUTIES OF THE CONSERVATOR. THE COURT MAY WAIVE
17 THE REQUIREMENT ONLY IF THE COURT FINDS THAT A BOND OR OTHER
18 ASSET-PROTECTION ARRANGEMENT IS NOT NECESSARY TO PROTECT THE
19 INTERESTS OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP. EXCEPT AS
20 OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION, THE COURT
21 MAY NOT WAIVE THE REQUIREMENT IF THE CONSERVATOR IS IN THE
22 BUSINESS OF SERVING AS A CONSERVATOR AND IS BEING PAID FOR THE
23 CONSERVATOR'S SERVICE.

24 (2) UNLESS THE COURT DIRECTS OTHERWISE, THE BOND REQUIRED
25 PURSUANT TO THIS SECTION MUST BE IN THE AMOUNT OF THE AGGREGATE
26 CAPITAL VALUE OF THE CONSERVATORSHIP ESTATE, PLUS ONE YEAR'S
27 ESTIMATED INCOME, LESS THE VALUE OF PROPERTY DEPOSITED UNDER AN

1 ARRANGEMENT REQUIRING A COURT ORDER FOR ITS REMOVAL AND REAL
2 PROPERTY THE CONSERVATOR LACKS POWER TO SELL OR CONVEY WITHOUT
3 SPECIFIC COURT AUTHORIZATION. THE COURT, IN PLACE OF SURETY ON A
4 BOND, MAY ACCEPT COLLATERAL FOR THE PERFORMANCE OF THE BOND,
5 INCLUDING A PLEDGE OF SECURITIES OR A MORTGAGE OF REAL PROPERTY.

6 (3) A REGULATED FINANCIAL-SERVICE INSTITUTION QUALIFIED TO
7 DO TRUST BUSINESS IN THIS STATE, A PUBLIC ADMINISTRATOR NOMINATED
8 AS A GUARDIAN OR CONSERVATOR, OR A STATE OR COUNTY AGENCY
9 NOMINATED AS A GUARDIAN OR CONSERVATOR PURSUANT TO STATE LAW
10 IS NOT REQUIRED TO GIVE A BOND PURSUANT TO THIS SECTION.

11 **15-14.7-417. Terms and requirements of bond.** (1) THE
12 FOLLOWING RULES APPLY TO THE BOND REQUIRED PURSUANT TO SECTION
13 15-14.7-416:

14 (a) EXCEPT AS OTHERWISE PROVIDED BY THE BOND, THE SURETY
15 AND THE CONSERVATOR ARE JOINTLY AND SEVERALLY LIABLE.

16 (b) BY EXECUTING A BOND PROVIDED BY A CONSERVATOR, THE
17 SURETY SUBMITS TO THE PERSONAL JURISDICTION OF THE COURT THAT
18 ISSUED LETTERS OF OFFICE TO THE CONSERVATOR IN A PROCEEDING
19 RELATING TO THE DUTIES OF THE CONSERVATOR IN WHICH THE SURETY IS
20 NAMED AS A PARTY. NOTICE OF THE PROCEEDING MUST BE GIVEN TO THE
21 SURETY AT THE ADDRESS SHOWN IN THE RECORDS OF THE COURT IN WHICH
22 THE BOND IS FILED AND ANY OTHER ADDRESS OF THE SURETY THEN KNOWN
23 TO THE PERSON REQUIRED TO PROVIDE THE NOTICE.

24 (c) ON PETITION OF A SUCCESSOR CONSERVATOR OR PERSON
25 AFFECTED BY A BREACH OF THE OBLIGATION OF THE BOND, A PROCEEDING
26 MAY BE BROUGHT AGAINST THE SURETY FOR BREACH OF THE OBLIGATION
27 OF THE BOND.

1 (d) A PROCEEDING AGAINST THE BOND MAY BE BROUGHT UNTIL
2 LIABILITY UNDER THE BOND IS EXHAUSTED.

3 (2) A PROCEEDING MAY NOT BE BROUGHT PURSUANT TO THIS
4 SECTION AGAINST A SURETY OF A BOND ON A MATTER AS TO WHICH A
5 PROCEEDING AGAINST THE CONSERVATOR IS BARRED.

6 (3) IF A BOND PURSUANT TO SECTION 15-14.7-416 IS NOT RENEWED
7 BY THE CONSERVATOR, THE SURETY OR SURETIES IMMEDIATELY SHALL
8 SERVE NOTICE TO THE COURT AND THE INDIVIDUAL SUBJECT TO
9 CONSERVATORSHIP.

10 **15-14.7-418. Duties of conservator.** (1) A CONSERVATOR IS A
11 FIDUCIARY AND HAS DUTIES OF PRUDENCE AND LOYALTY TO THE
12 INDIVIDUAL SUBJECT TO CONSERVATORSHIP.

13 (2) A CONSERVATOR SHALL PROMOTE THE SELF-DETERMINATION
14 OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP AND, TO THE EXTENT
15 FEASIBLE, ENCOURAGE THE INDIVIDUAL TO PARTICIPATE IN DECISIONS, ACT
16 ON THE INDIVIDUAL'S OWN BEHALF, AND DEVELOP OR REGAIN THE
17 CAPACITY TO MANAGE THE INDIVIDUAL'S PERSONAL AFFAIRS.

18 (3) IN MAKING A DECISION FOR AN INDIVIDUAL SUBJECT TO
19 CONSERVATORSHIP, THE CONSERVATOR SHALL MAKE THE DECISION THE
20 CONSERVATOR REASONABLY BELIEVES THE INDIVIDUAL WOULD MAKE IF
21 ABLE, UNLESS DOING SO WOULD FAIL TO PRESERVE THE RESOURCES
22 NEEDED TO MAINTAIN THE INDIVIDUAL'S WELL-BEING AND LIFESTYLE OR
23 OTHERWISE UNREASONABLY HARM OR ENDANGER THE WELFARE OR
24 PERSONAL OR FINANCIAL INTERESTS OF THE INDIVIDUAL. TO DETERMINE
25 THE DECISION THE INDIVIDUAL WOULD MAKE IF ABLE, THE CONSERVATOR
26 SHALL CONSIDER THE INDIVIDUAL'S PRIOR OR CURRENT DIRECTIONS,
27 PREFERENCES, OPINIONS, VALUES, AND ACTIONS, TO THE EXTENT

1 ACTUALLY KNOWN OR REASONABLY ASCERTAINABLE BY THE
2 CONSERVATOR.

3 (4) IF A CONSERVATOR CANNOT MAKE A DECISION PURSUANT TO
4 SUBSECTION (3) OF THIS SECTION BECAUSE THE CONSERVATOR DOES NOT
5 KNOW AND CANNOT REASONABLY DETERMINE THE DECISION THE
6 INDIVIDUAL SUBJECT TO CONSERVATORSHIP PROBABLY WOULD MAKE IF
7 ABLE, OR THE CONSERVATOR REASONABLY BELIEVES THE DECISION THE
8 INDIVIDUAL WOULD MAKE WOULD FAIL TO PRESERVE RESOURCES NEEDED
9 TO MAINTAIN THE INDIVIDUAL'S WELL-BEING AND LIFESTYLE OR
10 OTHERWISE UNREASONABLY HARM OR ENDANGER THE WELFARE OR
11 PERSONAL OR FINANCIAL INTERESTS OF THE INDIVIDUAL, THE
12 CONSERVATOR SHALL ACT IN ACCORDANCE WITH THE BEST INTEREST OF
13 THE INDIVIDUAL. IN DETERMINING THE BEST INTEREST OF THE INDIVIDUAL,
14 THE CONSERVATOR SHALL CONSIDER:

15 (a) INFORMATION RECEIVED FROM PROFESSIONALS AND PERSONS
16 THAT DEMONSTRATE SUFFICIENT INTEREST IN THE WELFARE OF THE
17 INDIVIDUAL;

18 (b) OTHER INFORMATION THE CONSERVATOR BELIEVES THE
19 INDIVIDUAL WOULD HAVE CONSIDERED IF THE INDIVIDUAL WERE ABLE TO
20 ACT; AND

21 (c) OTHER FACTORS A REASONABLE PERSON IN THE
22 CIRCUMSTANCES OF THE INDIVIDUAL WOULD CONSIDER, INCLUDING
23 CONSEQUENCES FOR OTHERS.

24 (5) EXCEPT WHEN INCONSISTENT WITH THE CONSERVATOR'S DUTIES
25 PURSUANT TO SUBSECTIONS (1) TO (4) OF THIS SECTION, A CONSERVATOR
26 SHALL INVEST AND MANAGE THE CONSERVATORSHIP ESTATE AS A PRUDENT
27 INVESTOR WOULD, BY CONSIDERING:

1 (a) THE CIRCUMSTANCES OF THE INDIVIDUAL SUBJECT TO
2 CONSERVATORSHIP AND THE CONSERVATORSHIP ESTATE;

3 (b) GENERAL ECONOMIC CONDITIONS;

4 (c) THE POSSIBLE EFFECT OF INFLATION OR DEFLATION;

5 (d) THE EXPECTED TAX CONSEQUENCES OF AN INVESTMENT
6 DECISION OR STRATEGY;

7 (e) THE ROLE OF EACH INVESTMENT OR COURSE OF ACTION IN
8 RELATION TO THE CONSERVATORSHIP ESTATE AS A WHOLE;

9 (f) THE EXPECTED TOTAL RETURN FROM INCOME AND
10 APPRECIATION OF CAPITAL;

11 (g) THE NEED FOR LIQUIDITY, REGULARITY OF INCOME, AND
12 PRESERVATION OR APPRECIATION OF CAPITAL; AND

13 (h) THE SPECIAL RELATIONSHIP OR VALUE, IF ANY, OF SPECIFIC
14 PROPERTY TO THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP.

15 (6) THE PROPRIETY OF A CONSERVATOR'S INVESTMENT AND
16 MANAGEMENT OF THE CONSERVATORSHIP ESTATE IS DETERMINED IN LIGHT
17 OF THE FACTS AND CIRCUMSTANCES EXISTING WHEN THE CONSERVATOR
18 DECIDES OR ACTS AND NOT BY HINDSIGHT.

19 (7) A CONSERVATOR SHALL MAKE A REASONABLE EFFORT TO
20 VERIFY FACTS RELEVANT TO THE INVESTMENT AND MANAGEMENT OF THE
21 CONSERVATORSHIP ESTATE.

22 (8) A CONSERVATOR THAT HAS SPECIAL SKILLS OR EXPERTISE, OR
23 IS NAMED CONSERVATOR IN RELIANCE ON THE CONSERVATOR'S
24 REPRESENTATION OF SPECIAL SKILLS OR EXPERTISE, HAS A DUTY TO USE
25 THE SPECIAL SKILLS OR EXPERTISE IN CARRYING OUT THE CONSERVATOR'S
26 DUTIES.

27 (9) IN INVESTING, SELECTING SPECIFIC PROPERTY FOR

1 DISTRIBUTION, AND INVOKING A POWER OF REVOCATION OR WITHDRAWAL
2 FOR THE USE OR BENEFIT OF THE INDIVIDUAL SUBJECT TO
3 CONSERVATORSHIP, A CONSERVATOR SHALL CONSIDER ANY ESTATE PLAN
4 OF THE INDIVIDUAL KNOWN OR REASONABLY ASCERTAINABLE TO THE
5 CONSERVATOR AND MAY EXAMINE THE WILL OR OTHER DONATIVE,
6 NOMINATIVE, OR APPOINTIVE INSTRUMENT OF THE INDIVIDUAL.

7 (10) A CONSERVATOR SHALL MAINTAIN INSURANCE ON THE
8 INSURABLE REAL AND PERSONAL PROPERTY OF THE INDIVIDUAL SUBJECT
9 TO CONSERVATORSHIP, UNLESS THE CONSERVATORSHIP ESTATE LACKS
10 SUFFICIENT FUNDS TO PAY FOR INSURANCE OR THE COURT FINDS:

11 (a) THE PROPERTY LACKS SUFFICIENT EQUITY; OR

12 (b) INSURING THE PROPERTY WOULD UNREASONABLY DISSIPATE
13 THE CONSERVATORSHIP ESTATE OR OTHERWISE NOT BE IN THE BEST
14 INTEREST OF THE INDIVIDUAL.

15 (11) IF A POWER OF ATTORNEY FOR FINANCES IS IN EFFECT, A
16 CONSERVATOR SHALL COOPERATE WITH THE AGENT TO THE EXTENT
17 FEASIBLE.

18 (12) A CONSERVATOR HAS ACCESS TO AND AUTHORITY OVER A
19 DIGITAL ASSET OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP TO THE
20 EXTENT PROVIDED BY THE "REVISED UNIFORM FIDUCIARY ACCESS TO
21 DIGITAL ASSETS ACT" IN PART 15 OF ARTICLE 1 OF THIS TITLE 15 OR COURT
22 ORDER.

23 (13) A CONSERVATOR FOR AN ADULT SHALL NOTIFY THE COURT IF
24 THE CONDITION OF THE ADULT HAS CHANGED SO THAT THE ADULT IS
25 CAPABLE OF EXERCISING RIGHTS PREVIOUSLY REMOVED. THE NOTICE MUST
26 BE GIVEN IMMEDIATELY ON LEARNING OF THE CHANGE.

27 **15-14.7-419. Conservator's plan.** (1) A CONSERVATOR, NOT

1 LATER THAN NINETY DAYS AFTER APPOINTMENT AND WHEN THERE IS A
2 SIGNIFICANT CHANGE IN CIRCUMSTANCES OR THE CONSERVATOR SEEKS TO
3 DEVIATE SIGNIFICANTLY FROM THE CONSERVATOR'S PLAN, SHALL FILE
4 WITH THE COURT A PLAN FOR PROTECTING, MANAGING, EXPENDING, AND
5 DISTRIBUTING THE ASSETS OF THE CONSERVATORSHIP ESTATE. THE PLAN
6 MUST BE BASED ON THE NEEDS OF THE INDIVIDUAL SUBJECT TO
7 CONSERVATORSHIP AND TAKE INTO ACCOUNT THE BEST INTEREST OF THE
8 INDIVIDUAL AS WELL AS THE INDIVIDUAL'S PREFERENCES, VALUES, AND
9 PRIOR DIRECTIONS, TO THE EXTENT KNOWN TO OR REASONABLY
10 ASCERTAINABLE BY THE CONSERVATOR. THE CONSERVATOR SHALL
11 INCLUDE IN THE PLAN:

12 (a) A BUDGET CONTAINING PROJECTED EXPENSES AND RESOURCES,
13 INCLUDING AN ESTIMATE OF THE TOTAL AMOUNT OF FEES THE
14 CONSERVATOR ANTICIPATES CHARGING PER YEAR AND A STATEMENT OR
15 LIST OF THE AMOUNT THE CONSERVATOR PROPOSES TO CHARGE FOR EACH
16 SERVICE THE CONSERVATOR ANTICIPATES PROVIDING TO THE INDIVIDUAL;

17 (b) HOW THE CONSERVATOR WILL INVOLVE THE INDIVIDUAL IN
18 DECISIONS ABOUT MANAGEMENT OF THE CONSERVATORSHIP ESTATE;

19 (c) ANY STEP THE CONSERVATOR PLANS TO TAKE TO DEVELOP OR
20 RESTORE THE ABILITY OF THE INDIVIDUAL TO MANAGE THE
21 CONSERVATORSHIP ESTATE; AND

22 (d) AN ESTIMATE OF THE DURATION OF THE CONSERVATORSHIP.

23 (2) A CONSERVATOR SHALL SERVE NOTICE OF THE FILING OF THE
24 CONSERVATOR'S PLAN PURSUANT TO SUBSECTION (1) OF THIS SECTION,
25 TOGETHER WITH A COPY OF THE PLAN, TO THE INDIVIDUAL SUBJECT TO
26 CONSERVATORSHIP, A PERSON ENTITLED TO NOTICE PURSUANT TO SECTION
27 15-14.7-411 OR A SUBSEQUENT ORDER, AND ANY OTHER PERSON THE

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

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

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

15 (5) AFTER A CONSERVATOR'S PLAN PURSUANT TO THIS SECTION IS
16 APPROVED BY THE COURT, THE CONSERVATOR SHALL PROVIDE A COPY OF
17 THE PLAN TO THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP, A PERSON
18 ENTITLED TO NOTICE PURSUANT TO SECTION 15-14.7-411 OR A
19 SUBSEQUENT ORDER, AND ANY OTHER PERSON THE COURT DETERMINES.

20 **15-14.7-420. Inventory - records.** (1) NOT LATER THAN NINETY
21 DAYS AFTER APPOINTMENT, A CONSERVATOR SHALL PREPARE AND FILE
22 WITH THE APPOINTING COURT A DETAILED INVENTORY OF THE
23 CONSERVATORSHIP ESTATE, TOGETHER WITH AN OATH OR AFFIRMATION
24 THAT THE INVENTORY IS BELIEVED TO BE COMPLETE AND ACCURATE AS
25 FAR AS INFORMATION PERMITS.

26 (2) A CONSERVATOR SHALL SERVE NOTICE OF THE FILING OF AN
27 INVENTORY TO THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP, A PERSON

1 ENTITLED TO NOTICE PURSUANT TO SECTION 15-14.7-411 OR A
2 SUBSEQUENT ORDER, AND ANY OTHER PERSON THE COURT DETERMINES.
3 THE NOTICE MUST BE GIVEN NOT LATER THAN FOURTEEN DAYS AFTER THE
4 FILING.

5 (3) A CONSERVATOR SHALL KEEP RECORDS OF THE
6 ADMINISTRATION OF THE CONSERVATORSHIP ESTATE AND MAKE THEM
7 AVAILABLE FOR EXAMINATION ON REASONABLE REQUEST OF THE
8 INDIVIDUAL SUBJECT TO CONSERVATORSHIP, A GUARDIAN FOR THE
9 INDIVIDUAL, OR ANY OTHER PERSON THE CONSERVATOR OR THE COURT
10 DETERMINES.

11 **15-14.7-421. Administrative powers of conservator not**
12 **requiring court approval.** (1) EXCEPT AS OTHERWISE PROVIDED IN
13 SECTION 15-14.7-414 OR QUALIFIED OR LIMITED IN THE COURT'S ORDER OF
14 APPOINTMENT AND STATED IN THE LETTERS OF OFFICE, A CONSERVATOR
15 HAS ALL POWERS GRANTED IN THIS SECTION AND ANY ADDITIONAL POWER
16 GRANTED TO A TRUSTEE BY LAW OF THIS STATE OTHER THAN THIS ARTICLE
17 14.7.

18 (2) A CONSERVATOR, ACTING REASONABLY AND CONSISTENT WITH
19 THE FIDUCIARY DUTIES OF THE CONSERVATOR TO ACCOMPLISH THE
20 PURPOSE OF THE CONSERVATORSHIP, WITHOUT SPECIFIC COURT
21 AUTHORIZATION OR CONFIRMATION, MAY WITH RESPECT TO THE
22 CONSERVATORSHIP ESTATE:

23 (a) COLLECT, HOLD, AND RETAIN PROPERTY, INCLUDING PROPERTY
24 IN WHICH THE CONSERVATOR HAS A PERSONAL INTEREST AND REAL
25 PROPERTY IN ANOTHER STATE, UNTIL THE CONSERVATOR DETERMINES
26 DISPOSITION OF THE PROPERTY SHOULD BE MADE;

27 (b) RECEIVE ADDITIONS TO THE CONSERVATORSHIP ESTATE;

1 (c) CONTINUE OR PARTICIPATE IN THE OPERATION OF A BUSINESS
2 OR OTHER ENTERPRISE;

3 (d) ACQUIRE AN UNDIVIDED INTEREST IN PROPERTY IN WHICH THE
4 CONSERVATOR, IN A FIDUCIARY CAPACITY, HOLDS AN UNDIVIDED
5 INTEREST;

6 (e) INVEST ASSETS;

7 (f) DEPOSIT FUNDS OR OTHER PROPERTY IN A FINANCIAL
8 INSTITUTION, INCLUDING ONE OPERATED BY THE CONSERVATOR;

9 (g) ACQUIRE OR DISPOSE OF PROPERTY, INCLUDING REAL PROPERTY
10 IN ANOTHER STATE, FOR CASH OR ON CREDIT, AT PUBLIC OR PRIVATE SALE,
11 AND MANAGE, DEVELOP, IMPROVE, EXCHANGE, PARTITION, CHANGE THE
12 CHARACTER OF, OR ABANDON PROPERTY;

13 (h) MAKE ORDINARY OR EXTRAORDINARY REPAIRS OR
14 ALTERATIONS IN A BUILDING OR OTHER STRUCTURE, DEMOLISH ANY
15 IMPROVEMENT, OR RAZE AN EXISTING OR ERECT A NEW PARTY WALL OR
16 BUILDING;

17 (i) SUBDIVIDE OR DEVELOP LAND, DEDICATE LAND TO PUBLIC USE,
18 MAKE OR OBTAIN THE VACATION OF A PLAT AND ADJUST A BOUNDARY,
19 ADJUST A DIFFERENCE IN VALUATION OF LAND, EXCHANGE OR PARTITION
20 LAND BY GIVING OR RECEIVING CONSIDERATION, AND DEDICATE AN
21 EASEMENT TO PUBLIC USE WITHOUT CONSIDERATION;

22 (j) ENTER FOR ANY PURPOSE INTO A LEASE OF PROPERTY AS LESSOR
23 OR LESSEE, WITH OR WITHOUT AN OPTION TO PURCHASE OR RENEW, FOR A
24 TERM WITHIN OR EXTENDING BEYOND THE TERM OF THE
25 CONSERVATORSHIP;

26 (k) ENTER INTO A LEASE OR ARRANGEMENT FOR EXPLORATION AND
27 REMOVAL OF MINERALS OR OTHER NATURAL RESOURCES OR A POOLING OR

1 UNITIZATION AGREEMENT;

2 (l) GRANT AN OPTION INVOLVING DISPOSITION OF PROPERTY OR
3 ACCEPT OR EXERCISE AN OPTION FOR THE ACQUISITION OF PROPERTY;

4 (m) VOTE A SECURITY, IN PERSON OR BY GENERAL OR LIMITED
5 PROXY;

6 (n) PAY A CALL, ASSESSMENT, OR OTHER SUM CHARGEABLE OR
7 ACCRUING AGAINST OR ON ACCOUNT OF A SECURITY;

8 (o) SELL OR EXERCISE A STOCK SUBSCRIPTION OR CONVERSION
9 RIGHT;

10 (p) CONSENT, DIRECTLY OR THROUGH A COMMITTEE OR AGENT, TO
11 THE REORGANIZATION, CONSOLIDATION, MERGER, DISSOLUTION, OR
12 LIQUIDATION OF A CORPORATION OR OTHER BUSINESS ENTERPRISE;

13 (q) HOLD A SECURITY IN THE NAME OF A NOMINEE OR IN OTHER
14 FORM WITHOUT DISCLOSURE OF THE CONSERVATORSHIP SO THAT TITLE TO
15 THE SECURITY MAY PASS BY DELIVERY;

16 (r) INSURE:

17 (I) THE CONSERVATORSHIP ESTATE, IN WHOLE OR IN PART, AGAINST
18 DAMAGE OR LOSS IN ACCORDANCE WITH SECTION 15-14.7-418 (10); AND

19 (II) THE CONSERVATOR AGAINST LIABILITY WITH RESPECT TO A
20 THIRD PERSON;

21 (s) BORROW FUNDS, WITH OR WITHOUT SECURITY, TO BE REPAYED
22 FROM THE CONSERVATORSHIP ESTATE OR OTHERWISE;

23 (t) ADVANCE FUNDS FOR THE PROTECTION OF THE
24 CONSERVATORSHIP ESTATE OR THE INDIVIDUAL SUBJECT TO
25 CONSERVATORSHIP AND ALL EXPENSES, LOSSES, AND LIABILITY SUSTAINED
26 IN THE ADMINISTRATION OF THE CONSERVATORSHIP ESTATE OR BECAUSE
27 OF HOLDING ANY PROPERTY FOR WHICH THE CONSERVATOR HAS A LIEN ON

1 THE CONSERVATORSHIP ESTATE;

2 (u) PAY OR CONTEST A CLAIM; SETTLE A CLAIM BY OR AGAINST THE
3 CONSERVATORSHIP ESTATE OR THE INDIVIDUAL SUBJECT TO
4 CONSERVATORSHIP BY COMPROMISE, ARBITRATION, OR OTHERWISE; OR
5 RELEASE, IN WHOLE OR IN PART, A CLAIM BELONGING TO THE
6 CONSERVATORSHIP ESTATE TO THE EXTENT THE CLAIM IS UNCOLLECTIBLE;

7 (v) PAY A TAX, ASSESSMENT, COMPENSATION OF THE
8 CONSERVATOR OR ANY GUARDIAN, AND OTHER EXPENSE INCURRED IN THE
9 COLLECTION, CARE, ADMINISTRATION, AND PROTECTION OF THE
10 CONSERVATORSHIP ESTATE;

11 (w) PAY A SUM DISTRIBUTABLE TO THE INDIVIDUAL SUBJECT TO
12 CONSERVATORSHIP OR AN INDIVIDUAL WHO IS IN FACT DEPENDENT ON THE
13 INDIVIDUAL SUBJECT TO CONSERVATORSHIP BY PAYING THE SUM TO THE
14 DISTRIBUTE OR FOR THE USE OF THE DISTRIBUTE:

15 (I) TO THE GUARDIAN FOR THE DISTRIBUTE;

16 (II) TO THE CUSTODIAN OF THE DISTRIBUTE PURSUANT TO THE
17 "COLORADO UNIFORM TRANSFERS TO MINORS ACT", ARTICLE 50 OF TITLE
18 11, OR CUSTODIAL TRUSTEE PURSUANT TO THE "COLORADO UNIFORM
19 CUSTODIAL TRUST ACT", ARTICLE 1.5 OF THIS TITLE 15; OR

20 (III) IF THERE IS NO GUARDIAN, CUSTODIAN, OR CUSTODIAL
21 TRUSTEE, TO A RELATIVE OR OTHER PERSON HAVING PHYSICAL CUSTODY
22 OF THE DISTRIBUTE;

23 (x) BRING OR DEFEND AN ACTION, CLAIM, OR PROCEEDING IN ANY
24 JURISDICTION FOR THE PROTECTION OF THE CONSERVATORSHIP ESTATE OR
25 THE CONSERVATOR IN THE PERFORMANCE OF THE CONSERVATOR'S DUTIES;

26 (y) STRUCTURE THE FINANCES OF THE INDIVIDUAL SUBJECT TO
27 CONSERVATORSHIP TO ESTABLISH ELIGIBILITY FOR A PUBLIC BENEFIT,

1 CONSISTENT WITH THE INDIVIDUAL'S PREFERENCES, VALUES, AND PRIOR
2 DIRECTIONS, IF THE CONSERVATOR'S ACTION DOES NOT JEOPARDIZE THE
3 INDIVIDUAL'S WELFARE AND OTHERWISE IS CONSISTENT WITH THE
4 CONSERVATOR'S DUTIES; AND

5 (z) EXECUTE AND DELIVER ANY INSTRUMENT THAT WILL
6 ACCOMPLISH OR FACILITATE THE EXERCISE OF A POWER OF THE
7 CONSERVATOR.

8 **15-14.7-422. Distribution from conservatorship estate.**

9 (1) EXCEPT AS OTHERWISE PROVIDED IN SECTION 15-14.7-414 OR
10 QUALIFIED OR LIMITED IN THE COURT'S ORDER OF APPOINTMENT AND
11 STATED IN THE LETTERS OF OFFICE, AND UNLESS CONTRARY TO A
12 CONSERVATOR'S PLAN PURSUANT TO SECTION 15-14.7-419, THE
13 CONSERVATOR MAY EXPEND OR DISTRIBUTE INCOME OR PRINCIPAL OF THE
14 CONSERVATORSHIP ESTATE WITHOUT SPECIFIC COURT AUTHORIZATION OR
15 CONFIRMATION FOR THE SUPPORT, CARE, EDUCATION, HEALTH, OR
16 WELFARE OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP OR AN
17 INDIVIDUAL WHO IS IN FACT DEPENDENT ON THE INDIVIDUAL SUBJECT TO
18 CONSERVATORSHIP, INCLUDING THE PAYMENT OF CHILD OR SPOUSAL
19 SUPPORT, IN ACCORDANCE WITH THE FOLLOWING RULES:

20 (a) THE CONSERVATOR SHALL CONSIDER A RECOMMENDATION
21 RELATING TO THE APPROPRIATE STANDARD OF SUPPORT, CARE, EDUCATION,
22 HEALTH, OR WELFARE FOR THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP
23 OR INDIVIDUAL WHO IS DEPENDENT ON THE INDIVIDUAL SUBJECT TO
24 CONSERVATORSHIP, MADE BY A GUARDIAN FOR THE INDIVIDUAL SUBJECT
25 TO CONSERVATORSHIP, IF ANY, AND, IF THE INDIVIDUAL SUBJECT TO
26 CONSERVATORSHIP IS A MINOR, A RECOMMENDATION MADE BY A PARENT
27 OF THE MINOR.

1 (b) THE CONSERVATOR ACTING IN COMPLIANCE WITH THE
2 CONSERVATOR'S DUTIES PURSUANT TO SECTION 15-14.7-418 IS NOT LIABLE
3 FOR AN EXPENDITURE OR DISTRIBUTION MADE BASED ON A
4 RECOMMENDATION PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION
5 UNLESS THE CONSERVATOR KNOWS THE EXPENDITURE OR DISTRIBUTION IS
6 NOT IN THE BEST INTEREST OF THE INDIVIDUAL SUBJECT TO
7 CONSERVATORSHIP.

8 (c) IN MAKING AN EXPENDITURE OR DISTRIBUTION PURSUANT TO
9 THIS SECTION, THE CONSERVATOR SHALL CONSIDER:

10 (I) THE SIZE OF THE CONSERVATORSHIP ESTATE, THE ESTIMATED
11 DURATION OF THE CONSERVATORSHIP, AND THE LIKELIHOOD THE
12 INDIVIDUAL SUBJECT TO CONSERVATORSHIP, AT SOME FUTURE TIME, MAY
13 BE FULLY SELF-SUFFICIENT AND ABLE TO MANAGE THE INDIVIDUAL'S
14 FINANCIAL AFFAIRS AND THE CONSERVATORSHIP ESTATE;

15 (II) THE ACCUSTOMED STANDARD OF LIVING OF THE INDIVIDUAL
16 SUBJECT TO CONSERVATORSHIP AND INDIVIDUAL WHO IS DEPENDENT ON
17 THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP;

18 (III) OTHER FUNDS OR SOURCE USED FOR THE SUPPORT OF THE
19 INDIVIDUAL SUBJECT TO CONSERVATORSHIP; AND

20 (IV) THE PREFERENCES, VALUES, AND PRIOR DIRECTIONS OF THE
21 INDIVIDUAL SUBJECT TO CONSERVATORSHIP.

22 (d) FUNDS EXPENDED OR DISTRIBUTED PURSUANT TO THIS SECTION
23 MAY BE PAID BY THE CONSERVATOR TO ANY PERSON, INCLUDING THE
24 INDIVIDUAL SUBJECT TO CONSERVATORSHIP, AS REIMBURSEMENT FOR
25 EXPENDITURES THE CONSERVATOR MIGHT HAVE MADE, OR IN ADVANCE
26 FOR SERVICES TO BE PROVIDED TO THE INDIVIDUAL SUBJECT TO
27 CONSERVATORSHIP OR INDIVIDUAL WHO IS DEPENDENT ON THE INDIVIDUAL

1 SUBJECT TO CONSERVATORSHIP IF IT IS REASONABLE TO EXPECT THE
2 SERVICES WILL BE PERFORMED AND ADVANCE PAYMENT IS CUSTOMARY OR
3 REASONABLY NECESSARY UNDER THE CIRCUMSTANCES.

4 **15-14.7-423. Conservator's report and accounting -**
5 **monitoring.** (1) A CONSERVATOR SHALL FILE WITH THE COURT A REPORT
6 IN A RECORD REGARDING THE ADMINISTRATION OF THE CONSERVATORSHIP
7 ESTATE ANNUALLY UNLESS THE COURT OTHERWISE DIRECTS, ON
8 RESIGNATION OR REMOVAL, ON TERMINATION OF THE CONSERVATORSHIP,
9 AND AT ANY OTHER TIME THE COURT DIRECTS.

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

12 (a) AN ACCOUNTING THAT LISTS PROPERTY INCLUDED IN THE
13 CONSERVATORSHIP ESTATE AND THE RECEIPTS, DISBURSEMENTS,
14 LIABILITIES, AND DISTRIBUTIONS DURING THE PERIOD FOR WHICH THE
15 REPORT IS MADE;

16 (b) A LIST OF THE SERVICES PROVIDED TO THE INDIVIDUAL SUBJECT
17 TO CONSERVATORSHIP;

18 (c) A COPY OF THE CONSERVATOR'S MOST RECENTLY APPROVED
19 PLAN AND A STATEMENT WHETHER THE CONSERVATOR HAS DEVIATED
20 FROM THE PLAN AND, IF SO, HOW THE CONSERVATOR HAS DEVIATED AND
21 WHY;

22 (d) A RECOMMENDATION AS TO THE NEED FOR CONTINUED
23 CONSERVATORSHIP AND ANY RECOMMENDED CHANGE IN THE SCOPE OF THE
24 CONSERVATORSHIP;

25 (e) TO THE EXTENT FEASIBLE, A COPY OF THE MOST RECENT
26 REASONABLY AVAILABLE FINANCIAL STATEMENTS EVIDENCING THE
27 STATUS OF BANK ACCOUNTS, INVESTMENT ACCOUNTS, AND MORTGAGES OR

1 OTHER DEBTS OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP WITH ALL
2 BUT THE LAST FOUR DIGITS OF THE ACCOUNT NUMBERS AND SOCIAL
3 SECURITY NUMBER REDACTED;

4 (f) ANYTHING OF MORE THAN DE MINIMIS VALUE WHICH THE
5 CONSERVATOR, ANY INDIVIDUAL WHO RESIDES WITH THE CONSERVATOR,
6 OR THE SPOUSE, DOMESTIC PARTNER, PARENT, CHILD, OR SIBLING OF THE
7 CONSERVATOR HAS RECEIVED FROM A PERSON PROVIDING GOODS OR
8 SERVICES TO THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP;

9 (g) ANY BUSINESS RELATION THE CONSERVATOR HAS WITH A
10 PERSON THE CONSERVATOR HAS PAID OR THAT HAS BENEFITTED FROM THE
11 PROPERTY OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP; AND

12 (h) WHETHER ANY CO-CONSERVATOR OR SUCCESSOR
13 CONSERVATOR APPOINTED TO SERVE WHEN A DESIGNATED EVENT OCCURS
14 IS ALIVE AND ABLE TO SERVE.

15 (3) THE COURT MAY APPOINT A VISITOR TO REVIEW A REPORT
16 PURSUANT TO THIS SECTION OR CONSERVATOR'S PLAN PURSUANT TO
17 SECTION 15-14.7-419, INTERVIEW THE INDIVIDUAL SUBJECT TO
18 CONSERVATORSHIP OR CONSERVATOR, OR INVESTIGATE ANY OTHER
19 MATTER INVOLVING THE CONSERVATORSHIP. IN CONNECTION WITH THE
20 REPORT, THE COURT MAY ORDER THE CONSERVATOR TO SUBMIT THE
21 CONSERVATORSHIP ESTATE TO APPROPRIATE EXAMINATION IN A MANNER
22 THE COURT DIRECTS.

23 (4) NOTICE OF THE FILING PURSUANT TO THIS SECTION OF A
24 CONSERVATOR'S REPORT, TOGETHER WITH A COPY OF THE REPORT, MUST
25 BE PROVIDED TO THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP, A
26 PERSON ENTITLED TO NOTICE PURSUANT TO SECTION 15-14.7-411 OR A
27 SUBSEQUENT ORDER, AND OTHER PERSONS THE COURT DETERMINES. THE

1 NOTICE AND REPORT MUST BE GIVEN NOT LATER THAN FOURTEEN DAYS
2 AFTER FILING.

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

6 (a) THE REPORTS PROVIDE SUFFICIENT INFORMATION TO ESTABLISH
7 THE CONSERVATOR HAS COMPLIED WITH THE CONSERVATOR'S DUTIES;

8 (b) THE CONSERVATORSHIP SHOULD CONTINUE; AND

9 (c) THE CONSERVATOR'S REQUESTED FEES, IF ANY, SHOULD BE
10 APPROVED.

11 (6) IF THE COURT DETERMINES THERE IS REASON TO BELIEVE A
12 CONSERVATOR HAS NOT COMPLIED WITH THE CONSERVATOR'S DUTIES OR
13 THE CONSERVATORSHIP SHOULD NOT CONTINUE, THE COURT:

14 (a) SHALL NOTIFY THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP,
15 THE CONSERVATOR, AND ANY OTHER PERSON ENTITLED TO NOTICE
16 PURSUANT TO SECTION 15-14.7-411 OR A SUBSEQUENT ORDER;

17 (b) MAY REQUIRE ADDITIONAL INFORMATION FROM THE
18 CONSERVATOR;

19 (c) MAY APPOINT A VISITOR TO INTERVIEW THE INDIVIDUAL
20 SUBJECT TO CONSERVATORSHIP OR CONSERVATOR OR INVESTIGATE ANY
21 MATTER INVOLVING THE CONSERVATORSHIP; AND

22 (d) CONSISTENT WITH SECTIONS 15-14.7-430 AND 15-14.7-431,
23 MAY HOLD A HEARING TO CONSIDER REMOVAL OF THE CONSERVATOR,
24 TERMINATION OF THE CONSERVATORSHIP, OR A CHANGE IN THE POWERS
25 GRANTED TO THE CONSERVATOR OR TERMS OF THE CONSERVATORSHIP.

26 (7) IF THE COURT HAS REASON TO BELIEVE FEES REQUESTED BY A
27 CONSERVATOR ARE NOT REASONABLE, THE COURT SHALL HOLD A HEARING

1 TO DETERMINE WHETHER TO ADJUST THE REQUESTED FEES.

2 (8) A CONSERVATOR MAY PETITION THE COURT FOR APPROVAL OF
3 A REPORT FILED PURSUANT TO THIS SECTION. THE COURT AFTER REVIEW
4 MAY APPROVE THE REPORT. IF THE COURT APPROVES THE REPORT, THERE
5 IS A REBUTTABLE PRESUMPTION THE REPORT IS ACCURATE AS TO A MATTER
6 ADEQUATELY DISCLOSED IN THE REPORT.

7 (9) AN ORDER, AFTER NOTICE AND HEARING, APPROVING AN
8 INTERIM REPORT OF A CONSERVATOR FILED PURSUANT TO THIS SECTION
9 ADJUDICATES LIABILITIES CONCERNING A MATTER ADEQUATELY DISCLOSED
10 IN THE REPORT, AS TO A PERSON GIVEN NOTICE OF THE REPORT OR
11 ACCOUNTING.

12 (10) AN ORDER, AFTER NOTICE AND HEARING, APPROVING A FINAL
13 REPORT FILED PURSUANT TO THIS SECTION DISCHARGES THE CONSERVATOR
14 FROM ALL LIABILITIES, CLAIMS, AND CAUSES OF ACTION BY A PERSON
15 GIVEN NOTICE OF THE REPORT AND THE HEARING AS TO A MATTER
16 ADEQUATELY DISCLOSED IN THE REPORT.

17 **15-14.7-424. Attempted transfer of property by individual**
18 **subject to conservatorship.** (1) THE INTEREST OF AN INDIVIDUAL
19 SUBJECT TO CONSERVATORSHIP IN PROPERTY INCLUDED IN THE
20 CONSERVATORSHIP ESTATE IS NOT TRANSFERRABLE OR ASSIGNABLE BY THE
21 INDIVIDUAL AND IS NOT SUBJECT TO LEVY, GARNISHMENT, OR SIMILAR
22 PROCESS FOR CLAIMS AGAINST THE INDIVIDUAL UNLESS ALLOWED
23 PURSUANT TO SECTION 15-14.7-428.

24 (2) IF AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP ENTERS INTO
25 A CONTRACT AFTER HAVING THE RIGHT TO ENTER THE CONTRACT REMOVED
26 BY THE COURT, THE CONTRACT IS VOID AGAINST THE INDIVIDUAL AND THE
27 INDIVIDUAL'S PROPERTY BUT IS ENFORCEABLE AGAINST THE PERSON THAT

1 CONTRACTED WITH THE INDIVIDUAL.

2 (3) A PERSON OTHER THAN THE CONSERVATOR THAT DEALS WITH
3 AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP WITH RESPECT TO
4 PROPERTY INCLUDED IN THE CONSERVATORSHIP ESTATE IS ENTITLED TO
5 PROTECTION PROVIDED BY LAW OF THIS STATE OTHER THAN THIS ARTICLE
6 14.7.

7 **15-14.7-425. Transaction involving conflict of interest.** A
8 TRANSACTION INVOLVING A CONSERVATORSHIP ESTATE WHICH IS
9 AFFECTED BY A SUBSTANTIAL CONFLICT BETWEEN THE CONSERVATOR'S
10 FIDUCIARY DUTIES AND PERSONAL INTERESTS IS VOIDABLE UNLESS THE
11 TRANSACTION IS AUTHORIZED BY COURT ORDER AFTER NOTICE TO PERSONS
12 ENTITLED TO NOTICE PURSUANT TO SECTION 15-14.7-411 OR A
13 SUBSEQUENT ORDER. A TRANSACTION AFFECTED BY A SUBSTANTIAL
14 CONFLICT INCLUDES A SALE, ENCUMBRANCE, OR OTHER TRANSACTION
15 INVOLVING THE CONSERVATORSHIP ESTATE ENTERED INTO BY THE
16 CONSERVATOR; AN INDIVIDUAL WITH WHOM THE CONSERVATOR RESIDES;
17 THE SPOUSE, DOMESTIC PARTNER, DESCENDANT, SIBLING, AGENT, OR
18 ATTORNEY OF THE CONSERVATOR; OR A CORPORATION OR OTHER
19 ENTERPRISE IN WHICH THE CONSERVATOR HAS A SUBSTANTIAL BENEFICIAL
20 INTEREST.

21 **15-14.7-426. Protection of person dealing with conservator.**
22 (1) A PERSON THAT ASSISTS OR DEALS WITH A CONSERVATOR IN GOOD
23 FAITH AND FOR VALUE IN ANY TRANSACTION, OTHER THAN A TRANSACTION
24 REQUIRING A COURT ORDER PURSUANT TO SECTION 15-14.7-414, IS
25 PROTECTED AS THOUGH THE CONSERVATOR PROPERLY EXERCISED ANY
26 POWER IN QUESTION. KNOWLEDGE BY A PERSON THAT THE PERSON IS
27 DEALING WITH A CONSERVATOR ALONE DOES NOT REQUIRE THE PERSON TO

1 INQUIRE INTO THE EXISTENCE OF AUTHORITY OF THE CONSERVATOR OR THE
2 PROPRIETY OF THE CONSERVATOR'S EXERCISE OF AUTHORITY, BUT
3 RESTRICTIONS ON AUTHORITY STATED IN LETTERS OF OFFICE, OR
4 OTHERWISE PROVIDED BY LAW, ARE EFFECTIVE AS TO THE PERSON. A
5 PERSON THAT PAYS OR DELIVERS PROPERTY TO A CONSERVATOR IS NOT
6 RESPONSIBLE FOR PROPER APPLICATION OF THE PROPERTY.

7 (2) PROTECTION PURSUANT TO SUBSECTION (1) OF THIS SECTION
8 EXTENDS TO A PROCEDURAL IRREGULARITY OR JURISDICTIONAL DEFECT IN
9 THE PROCEEDING LEADING TO THE ISSUANCE OF LETTERS OF OFFICE AND
10 DOES NOT SUBSTITUTE FOR PROTECTION FOR A PERSON THAT ASSISTS OR
11 DEALS WITH A CONSERVATOR PROVIDED BY COMPARABLE PROVISIONS IN
12 LAW OF THIS STATE OTHER THAN THIS ARTICLE 14.7 RELATING TO A
13 COMMERCIAL TRANSACTION OR SIMPLIFYING A TRANSFER OF SECURITIES
14 BY A FIDUCIARY.

15 **15-14.7-427. Death of individual subject to conservatorship.**

16 (1) IF AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP DIES, THE
17 CONSERVATOR SHALL DELIVER TO THE COURT FOR SAFEKEEPING ANY WILL
18 OF THE INDIVIDUAL IN THE CONSERVATOR'S POSSESSION AND INFORM THE
19 PERSONAL REPRESENTATIVE NAMED IN THE WILL IF FEASIBLE, OR IF NOT
20 FEASIBLE, A BENEFICIARY NAMED IN THE WILL, OF THE DELIVERY.

21 (2) IF FORTY DAYS AFTER THE DEATH OF AN INDIVIDUAL SUBJECT
22 TO CONSERVATORSHIP A PERSONAL REPRESENTATIVE HAS NOT BEEN
23 APPOINTED AND APPLICATION OR PETITION FOR APPOINTMENT IS NOT
24 BEFORE THE COURT, THE CONSERVATOR MAY APPLY TO EXERCISE THE
25 POWERS AND DUTIES OF A PERSONAL REPRESENTATIVE TO ADMINISTER AND
26 DISTRIBUTE THE DECEDENT'S ESTATE. THE CONSERVATOR SHALL GIVE
27 NOTICE TO A PERSON NOMINATED AS PERSONAL REPRESENTATIVE BY A

1 WILL OF THE DECEDENT OF WHICH THE CONSERVATOR IS AWARE. THE
2 COURT MAY GRANT THE APPLICATION IF THERE IS NO OBJECTION AND
3 ENDORSE THE LETTERS OF OFFICE TO NOTE THAT THE INDIVIDUAL
4 FORMERLY SUBJECT TO CONSERVATORSHIP IS DECEASED AND THE
5 CONSERVATOR HAS ACQUIRED THE POWERS AND DUTIES OF A PERSONAL
6 REPRESENTATIVE.

7 (3) ISSUANCE OF AN ORDER PURSUANT TO THIS SECTION HAS THE
8 EFFECT OF AN ORDER OF APPOINTMENT OF A PERSONAL REPRESENTATIVE
9 PURSUANT TO SECTION 15-12-414.

10 (4) ON THE DEATH OF AN INDIVIDUAL SUBJECT TO
11 CONSERVATORSHIP, THE CONSERVATOR SHALL CONCLUDE THE
12 ADMINISTRATION OF THE CONSERVATORSHIP ESTATE AS PROVIDED IN
13 SECTION 15-14.7-431.

14 **15-14.7-428. Presentation and allowance of claim.** (1) A
15 CONSERVATOR MAY PAY, OR SECURE BY ENCUMBERING PROPERTY
16 INCLUDED IN THE CONSERVATORSHIP ESTATE, A CLAIM AGAINST THE
17 CONSERVATORSHIP ESTATE OR THE INDIVIDUAL SUBJECT TO
18 CONSERVATORSHIP ARISING BEFORE OR DURING THE CONSERVATORSHIP,
19 ON PRESENTATION AND ALLOWANCE IN ACCORDANCE WITH THE PRIORITIES
20 PURSUANT TO SUBSECTION (4) OF THIS SECTION. A CLAIMANT MAY
21 PRESENT A CLAIM BY:

22 (a) SENDING OR DELIVERING TO THE CONSERVATOR A STATEMENT
23 IN A RECORD OF THE CLAIM, INDICATING ITS BASIS, THE NAME AND
24 ADDRESS OF THE CLAIMANT, AND THE AMOUNT CLAIMED; OR

25 (b) FILING THE CLAIM WITH THE COURT, IN A FORM ACCEPTABLE TO
26 THE COURT, AND SENDING OR DELIVERING A COPY OF THE CLAIM TO THE
27 CONSERVATOR.

1 (2) A CLAIM PURSUANT TO SUBSECTION (1) OF THIS SECTION IS
2 PRESENTED ON RECEIPT BY THE CONSERVATOR OF THE STATEMENT OF THE
3 CLAIM OR THE FILING WITH THE COURT OF THE CLAIM, WHICHEVER FIRST
4 OCCURS. A PRESENTED CLAIM IS ALLOWED IF IT IS NOT DISALLOWED IN
5 WHOLE OR IN PART BY THE CONSERVATOR IN A RECORD SENT OR
6 DELIVERED TO THE CLAIMANT NOT LATER THAN SIXTY DAYS AFTER ITS
7 PRESENTATION. BEFORE PAYMENT, THE CONSERVATOR MAY CHANGE AN
8 ALLOWANCE OF THE CLAIM TO A DISALLOWANCE IN WHOLE OR IN PART,
9 BUT NOT AFTER ALLOWANCE UNDER A COURT ORDER OR ORDER DIRECTING
10 PAYMENT OF THE CLAIM. PRESENTATION OF A CLAIM TOLLS UNTIL THIRTY
11 DAYS AFTER DISALLOWANCE OF THE CLAIM OR THE RUNNING OF A STATUTE
12 OF LIMITATIONS THAT HAS NOT EXPIRED RELATING TO THE CLAIM.

13 (3) A CLAIMANT WHOSE CLAIM PURSUANT TO SUBSECTION (1) OF
14 THIS SECTION HAS NOT BEEN PAID MAY PETITION THE COURT TO DETERMINE
15 THE CLAIM AT ANY TIME BEFORE IT IS BARRED BY A STATUTE OF
16 LIMITATIONS, AND THE COURT MAY ORDER ITS ALLOWANCE, PAYMENT, OR
17 SECURITY BY ENCUMBERING PROPERTY INCLUDED IN THE
18 CONSERVATORSHIP ESTATE. IF A PROCEEDING IS PENDING AGAINST THE
19 INDIVIDUAL SUBJECT TO CONSERVATORSHIP AT THE TIME OF APPOINTMENT
20 OF THE CONSERVATOR OR IS INITIATED THEREAFTER, THE MOVING PARTY
21 SHALL GIVE THE CONSERVATOR NOTICE OF THE PROCEEDING IF IT COULD
22 RESULT IN CREATING A CLAIM AGAINST THE CONSERVATORSHIP ESTATE.

23 (4) IF A CONSERVATORSHIP ESTATE IS LIKELY TO BE EXHAUSTED
24 BEFORE ALL EXISTING CLAIMS ARE PAID, THE CONSERVATOR SHALL
25 DISTRIBUTE THE ESTATE IN MONEY OR IN KIND IN PAYMENT OF CLAIMS IN
26 THE FOLLOWING ORDER:

27 (a) COSTS AND EXPENSES OF ADMINISTRATION;

1 (b) A CLAIM OF THE FEDERAL OR STATE GOVERNMENT HAVING
2 PRIORITY UNDER LAW OTHER THAN THIS ARTICLE 14.7;

3 (c) A CLAIM INCURRED BY THE CONSERVATOR FOR SUPPORT, CARE,
4 EDUCATION, HEALTH, OR WELFARE PREVIOUSLY PROVIDED TO THE
5 INDIVIDUAL SUBJECT TO CONSERVATORSHIP OR AN INDIVIDUAL WHO IS IN
6 FACT DEPENDENT ON THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP;

7 (d) A CLAIM ARISING BEFORE THE CONSERVATORSHIP; AND

8 (e) ALL OTHER CLAIMS.

9 (5) PREFERENCE MAY NOT BE GIVEN IN THE PAYMENT OF A CLAIM
10 PURSUANT TO SUBSECTION (4) OF THIS SECTION OVER ANOTHER CLAIM OF
11 THE SAME CLASS. A CLAIM DUE AND PAYABLE MAY NOT BE PREFERRED
12 OVER A CLAIM NOT DUE UNLESS:

13 (a) DOING SO WOULD LEAVE THE CONSERVATORSHIP ESTATE
14 WITHOUT SUFFICIENT FUNDS TO PAY THE BASIC LIVING AND HEALTH-CARE
15 EXPENSES OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP; AND

16 (b) THE COURT AUTHORIZES THE PREFERENCE PURSUANT TO
17 SECTION 15-14.7-414.

18 (6) IF ASSETS OF A CONSERVATORSHIP ESTATE ARE ADEQUATE TO
19 MEET ALL EXISTING CLAIMS, THE COURT, ACTING IN THE BEST INTEREST OF
20 THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP, MAY ORDER THE
21 CONSERVATOR TO GRANT A SECURITY INTEREST IN THE CONSERVATORSHIP
22 ESTATE FOR PAYMENT OF A CLAIM AT A FUTURE DATE.

23 **15-14.7-429. Personal liability of conservator.** (1) EXCEPT AS
24 OTHERWISE AGREED BY A CONSERVATOR, THE CONSERVATOR IS NOT
25 PERSONALLY LIABLE ON A CONTRACT PROPERLY ENTERED INTO IN A
26 FIDUCIARY CAPACITY IN THE COURSE OF ADMINISTRATION OF THE
27 CONSERVATORSHIP ESTATE UNLESS THE CONSERVATOR FAILS TO REVEAL

1 THE CONSERVATOR'S REPRESENTATIVE CAPACITY IN THE CONTRACT OR
2 BEFORE ENTERING INTO THE CONTRACT.

3 (2) A CONSERVATOR IS PERSONALLY LIABLE FOR AN OBLIGATION
4 ARISING FROM CONTROL OF PROPERTY OF THE CONSERVATORSHIP ESTATE
5 OR AN ACT OR OMISSION OCCURRING IN THE COURSE OF ADMINISTRATION
6 OF THE CONSERVATORSHIP ESTATE ONLY IF THE CONSERVATOR IS
7 PERSONALLY AT FAULT.

8 (3) A CLAIM BASED ON A CONTRACT ENTERED INTO BY A
9 CONSERVATOR IN A FIDUCIARY CAPACITY, AN OBLIGATION ARISING FROM
10 CONTROL OF PROPERTY INCLUDED IN THE CONSERVATORSHIP ESTATE, OR
11 A TORT COMMITTED IN THE COURSE OF ADMINISTRATION OF THE
12 CONSERVATORSHIP ESTATE MAY BE ASSERTED AGAINST THE
13 CONSERVATORSHIP ESTATE IN A PROCEEDING AGAINST THE CONSERVATOR
14 IN A FIDUCIARY CAPACITY, WHETHER OR NOT THE CONSERVATOR IS
15 PERSONALLY LIABLE FOR THE CLAIM.

16 (4) A QUESTION OF LIABILITY BETWEEN A CONSERVATORSHIP
17 ESTATE AND THE CONSERVATOR PERSONALLY MAY BE DETERMINED IN A
18 PROCEEDING FOR ACCOUNTING, SURCHARGE, OR INDEMNIFICATION OR
19 ANOTHER APPROPRIATE PROCEEDING OR ACTION.

20 **15-14.7-430. Removal of conservator - appointment of**
21 **successor.** (1) THE COURT MAY REMOVE A CONSERVATOR FOR FAILURE TO
22 PERFORM THE CONSERVATOR'S DUTIES OR OTHER GOOD CAUSE AND
23 APPOINT A SUCCESSOR CONSERVATOR TO ASSUME THE DUTIES OF THE
24 CONSERVATOR.

25 (2) THE COURT SHALL HOLD A HEARING TO DETERMINE WHETHER
26 TO REMOVE A CONSERVATOR AND APPOINT A SUCCESSOR ON:

27 (a) PETITION OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP,

1 CONSERVATOR, OR PERSON INTERESTED IN THE WELFARE OF THE
2 INDIVIDUAL WHICH CONTAINS ALLEGATIONS THAT, IF TRUE, WOULD
3 SUPPORT A REASONABLE BELIEF THAT REMOVAL OF THE CONSERVATOR
4 AND APPOINTMENT OF A SUCCESSOR MAY BE APPROPRIATE, BUT THE COURT
5 MAY DECLINE TO HOLD A HEARING IF A PETITION BASED ON THE SAME OR
6 SUBSTANTIALLY SIMILAR FACTS WAS FILED DURING THE PRECEDING SIX
7 MONTHS;

8 (b) COMMUNICATION FROM THE INDIVIDUAL SUBJECT TO
9 CONSERVATORSHIP, CONSERVATOR, OR PERSON INTERESTED IN THE
10 WELFARE OF THE INDIVIDUAL WHICH SUPPORTS A REASONABLE BELIEF
11 THAT REMOVAL OF THE CONSERVATOR AND APPOINTMENT OF A SUCCESSOR
12 MAY BE APPROPRIATE; OR

13 (c) DETERMINATION BY THE COURT THAT A HEARING WOULD BE IN
14 THE BEST INTEREST OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP.

15 (3) NOTICE OF A PETITION PURSUANT TO SUBSECTION (2)(a) OF THIS
16 SECTION MUST BE GIVEN TO THE INDIVIDUAL SUBJECT TO
17 CONSERVATORSHIP, THE CONSERVATOR, AND ANY OTHER PERSON THE
18 COURT DETERMINES.

19 (4) AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP WHO SEEKS TO
20 REMOVE THE CONSERVATOR AND HAVE A SUCCESSOR APPOINTED HAS THE
21 RIGHT TO CHOOSE AN ATTORNEY TO REPRESENT THE INDIVIDUAL IN THIS
22 MATTER. IF THE INDIVIDUAL IS NOT REPRESENTED BY AN ATTORNEY, THE
23 COURT SHALL APPOINT AN ATTORNEY UNDER THE SAME CONDITIONS AS SET
24 FORTH IN SECTION 15-14.7-406. THE COURT SHALL AWARD REASONABLE
25 ATTORNEY FEES TO THE ATTORNEY AS PROVIDED IN SECTION 15-14.7-119.

26 (5) IN SELECTING A SUCCESSOR CONSERVATOR, THE COURT SHALL
27 FOLLOW THE PRIORITIES PURSUANT TO SECTION 15-14.7-410.

1 (6) NOT LATER THAN THIRTY DAYS AFTER APPOINTING A
2 SUCCESSOR CONSERVATOR, THE COURT SHALL SERVE NOTICE OF THE
3 APPOINTMENT TO THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP AND
4 ANY PERSON ENTITLED TO NOTICE PURSUANT TO SECTION 15-14.7-411 OR
5 A SUBSEQUENT ORDER.

6 **15-14.7-431. Termination or modification of conservatorship.**

7 (1) A CONSERVATORSHIP FOR A MINOR TERMINATES ON THE EARLIEST OF:

- 8 (a) A COURT ORDER TERMINATING THE CONSERVATORSHIP;
- 9 (b) THE MINOR BECOMING AN ADULT OR, IF THE MINOR CONSENTS
10 OR THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT
11 SUBSTANTIAL HARM TO THE MINOR'S INTERESTS IS OTHERWISE LIKELY,
12 ATTAINING TWENTY-ONE YEARS OF AGE;

13 (c) EMANCIPATION OF THE MINOR; OR

14 (d) DEATH OF THE MINOR.

15 (2) A CONSERVATORSHIP FOR AN ADULT TERMINATES ON ORDER OF
16 THE COURT OR WHEN THE ADULT DIES.

17 (3) AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP, THE
18 CONSERVATOR, OR A PERSON INTERESTED IN THE WELFARE OF THE
19 INDIVIDUAL MAY PETITION FOR:

20 (a) TERMINATION OF THE CONSERVATORSHIP ON THE GROUND THAT
21 A BASIS FOR APPOINTMENT PURSUANT TO SECTION 15-14.7-401 DOES NOT
22 EXIST OR TERMINATION WOULD BE IN THE BEST INTEREST OF THE
23 INDIVIDUAL OR FOR OTHER GOOD CAUSE; OR

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

27 (4) THE COURT SHALL HOLD A HEARING TO DETERMINE WHETHER

1 TERMINATION OR MODIFICATION OF A CONSERVATORSHIP IS APPROPRIATE
2 ON:

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

9 (b) A COMMUNICATION FROM THE INDIVIDUAL SUBJECT TO
10 CONSERVATORSHIP, THE CONSERVATOR, OR PERSON INTERESTED IN THE
11 WELFARE OF THE INDIVIDUAL WHICH SUPPORTS A REASONABLE BELIEF
12 THAT TERMINATION OR MODIFICATION OF THE CONSERVATORSHIP MAY BE
13 APPROPRIATE, INCLUDING BECAUSE THE FUNCTIONAL NEEDS OF THE
14 INDIVIDUAL OR SUPPORTS OR SERVICES AVAILABLE TO THE INDIVIDUAL
15 HAVE CHANGED;

16 (c) A REPORT FROM A GUARDIAN OR CONSERVATOR WHICH
17 INDICATES THAT TERMINATION OR MODIFICATION MAY BE APPROPRIATE
18 BECAUSE THE FUNCTIONAL NEEDS OR SUPPORTS OR SERVICES AVAILABLE
19 TO THE INDIVIDUAL HAVE CHANGED OR A PROTECTIVE ARRANGEMENT
20 INSTEAD OF CONSERVATORSHIP OR OTHER LESS RESTRICTIVE ALTERNATIVE
21 IS AVAILABLE; OR

22 (d) A DETERMINATION BY THE COURT THAT A HEARING WOULD BE
23 IN THE BEST INTEREST OF THE INDIVIDUAL.

24 (5) NOTICE OF A PETITION PURSUANT TO SUBSECTION (3) OF THIS
25 SECTION MUST BE GIVEN TO THE INDIVIDUAL SUBJECT TO
26 CONSERVATORSHIP, THE CONSERVATOR, AND ANY SUCH OTHER PERSON
27 THE COURT DETERMINES.

1 (6) ON PRESENTATION OF PRIMA FACIE EVIDENCE FOR TERMINATION
2 OF A CONSERVATORSHIP, THE COURT SHALL ORDER TERMINATION UNLESS
3 IT IS PROVEN THAT A BASIS FOR APPOINTMENT OF A CONSERVATOR
4 PURSUANT TO SECTION 15-14.7-401 EXISTS.

5 (7) THE COURT SHALL MODIFY THE POWERS GRANTED TO A
6 CONSERVATOR IF THE POWERS ARE EXCESSIVE OR INADEQUATE DUE TO A
7 CHANGE IN THE ABILITIES OR LIMITATIONS OF THE INDIVIDUAL SUBJECT TO
8 CONSERVATORSHIP, THE INDIVIDUAL'S SUPPORTS, OR OTHER
9 CIRCUMSTANCES.

10 (8) UNLESS THE COURT OTHERWISE ORDERS FOR GOOD CAUSE,
11 BEFORE TERMINATING A CONSERVATORSHIP, THE COURT SHALL FOLLOW
12 THE SAME PROCEDURES TO SAFEGUARD THE RIGHTS OF THE INDIVIDUAL
13 SUBJECT TO CONSERVATORSHIP WHICH APPLY TO A PETITION FOR
14 CONSERVATORSHIP.

15 (9) AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP WHO SEEKS TO
16 TERMINATE OR MODIFY THE TERMS OF THE CONSERVATORSHIP HAS THE
17 RIGHT TO CHOOSE AN ATTORNEY TO REPRESENT THE INDIVIDUAL IN THIS
18 MATTER. IF THE INDIVIDUAL IS NOT REPRESENTED BY AN ATTORNEY, THE
19 COURT SHALL APPOINT AN ATTORNEY UNDER THE SAME CONDITIONS AS SET
20 FORTH IN SECTION 15-14.7-406. THE COURT SHALL AWARD REASONABLE
21 ATTORNEY FEES TO THE ATTORNEY AS PROVIDED IN SECTION 15-14.7-119.

22 (10) ON TERMINATION OF A CONSERVATORSHIP OTHER THAN BY
23 REASON OF THE DEATH OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP,
24 PROPERTY OF THE CONSERVATORSHIP ESTATE PASSES TO THE INDIVIDUAL.
25 THE ORDER OF TERMINATION MUST DIRECT THE CONSERVATOR TO FILE A
26 FINAL REPORT AND PETITION FOR DISCHARGE ON APPROVAL BY THE COURT
27 OF THE FINAL REPORT.

1 (11) ON TERMINATION OF A CONSERVATORSHIP BY REASON OF THE
2 DEATH OF THE INDIVIDUAL SUBJECT TO CONSERVATORSHIP, THE
3 CONSERVATOR PROMPTLY SHALL FILE A FINAL REPORT AND PETITION FOR
4 DISCHARGE ON APPROVAL BY THE COURT OF THE FINAL REPORT. ON
5 APPROVAL OF THE FINAL REPORT, THE CONSERVATOR SHALL PROCEED
6 EXPEDITIOUSLY TO DISTRIBUTE THE CONSERVATORSHIP ESTATE TO THE
7 INDIVIDUAL'S ESTATE OR AS OTHERWISE ORDERED BY THE COURT. THE
8 CONSERVATOR MAY TAKE REASONABLE MEASURES NECESSARY TO
9 PRESERVE THE CONSERVATORSHIP ESTATE UNTIL DISTRIBUTION CAN BE
10 MADE.

11 (12) THE COURT SHALL ISSUE A FINAL ORDER OF DISCHARGE ON THE
12 APPROVAL BY THE COURT OF THE FINAL REPORT AND SATISFACTION BY THE
13 CONSERVATOR OF ANY OTHER CONDITION THE COURT IMPOSED ON THE
14 CONSERVATOR'S DISCHARGE.

15 **15-14.7-432. Transfer for benefit of minor without**
16 **appointment of conservator.** (1) UNLESS A PERSON REQUIRED TO
17 TRANSFER FUNDS OR OTHER PROPERTY TO A MINOR KNOWS THAT A
18 CONSERVATOR FOR THE MINOR HAS BEEN APPOINTED OR A PROCEEDING IS
19 PENDING FOR CONSERVATORSHIP, THE PERSON MAY TRANSFER AN AMOUNT
20 OR VALUE NOT EXCEEDING FIFTEEN THOUSAND DOLLARS IN A
21 TWELVE-MONTH PERIOD TO:

22 (a) A PERSON THAT HAS CARE OR CUSTODY OF THE MINOR AND
23 WITH WHOM THE MINOR RESIDES;

24 (b) A GUARDIAN FOR THE MINOR;

25 (c) A CUSTODIAN PURSUANT TO THE "COLORADO UNIFORM
26 TRANSFERS TO MINORS ACT" OR "UNIFORM GIFTS TO MINORS ACT", PART
27 1 OF ARTICLE 50 OF TITLE 11; OR

1 (d) A FINANCIAL INSTITUTION AS A DEPOSIT IN AN
2 INTEREST-BEARING ACCOUNT OR CERTIFICATE SOLELY IN THE NAME OF THE
3 MINOR AND SHALL SERVE NOTICE TO THE MINOR OF THE DEPOSIT.

4 (2) A PERSON THAT TRANSFERS FUNDS OR OTHER PROPERTY
5 PURSUANT TO THIS SECTION IS NOT RESPONSIBLE FOR ITS PROPER
6 APPLICATION.

7 (3) A PERSON THAT RECEIVES FUNDS OR OTHER PROPERTY FOR A
8 MINOR PURSUANT TO SUBSECTION (1)(a) OR (1)(b) OF THIS SECTION MAY
9 APPLY IT ONLY TO THE SUPPORT, CARE, EDUCATION, HEALTH, OR WELFARE
10 OF THE MINOR, AND MAY NOT DERIVE A PERSONAL FINANCIAL BENEFIT
11 FROM IT, EXCEPT FOR REIMBURSEMENT FOR NECESSARY EXPENSES. FUNDS
12 NOT APPLIED FOR THESE PURPOSES MUST BE PRESERVED FOR THE FUTURE
13 SUPPORT, CARE, EDUCATION, HEALTH, OR WELFARE OF THE MINOR, AND
14 THE BALANCE, IF ANY, TRANSFERRED TO THE MINOR WHEN THE MINOR
15 BECOMES AN ADULT OR OTHERWISE IS EMANCIPATED.

16 PART 5

17 OTHER PROTECTIVE ARRANGEMENTS

18 **15-14.7-501. Authority for protective arrangement.**

19 (1) PURSUANT TO THIS PART 14.7, A COURT:

20 (a) ON RECEIVING A PETITION FOR A GUARDIANSHIP FOR AN ADULT
21 MAY ORDER A PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP AS
22 A LESS RESTRICTIVE ALTERNATIVE TO GUARDIANSHIP; AND

23 (b) ON RECEIVING A PETITION FOR A CONSERVATORSHIP FOR AN
24 INDIVIDUAL MAY ORDER A PROTECTIVE ARRANGEMENT INSTEAD OF
25 CONSERVATORSHIP AS A LESS RESTRICTIVE ALTERNATIVE TO
26 CONSERVATORSHIP.

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

1 ADULT OR A CONSERVATOR FOR THE ADULT, MAY PETITION PURSUANT TO
2 THIS PART 14.7 FOR A PROTECTIVE ARRANGEMENT INSTEAD OF
3 GUARDIANSHIP.

4 (3) THE FOLLOWING PERSONS MAY PETITION PURSUANT TO THIS
5 PART 14.7 FOR A PROTECTIVE ARRANGEMENT INSTEAD OF
6 CONSERVATORSHIP:

7 (a) THE INDIVIDUAL FOR WHOM THE PROTECTIVE ARRANGEMENT
8 IS SOUGHT;

9 (b) A PERSON INTERESTED IN THE PROPERTY, FINANCIAL AFFAIRS,
10 OR WELFARE OF THE INDIVIDUAL, INCLUDING A PERSON WHO WOULD BE
11 AFFECTED ADVERSELY BY LACK OF EFFECTIVE MANAGEMENT OF PROPERTY
12 OR FINANCIAL AFFAIRS OF THE INDIVIDUAL; AND

13 (c) THE GUARDIAN FOR THE INDIVIDUAL.

14 **15-14.7-502. Basis for protective arrangement instead of**

15 **guardianship for adult.** (1) AFTER THE HEARING ON A PETITION HELD
16 PURSUANT TO SECTION 15-14.7-302 FOR A GUARDIANSHIP OR HELD
17 PURSUANT TO SECTION 15-14.7-501(2) FOR A PROTECTIVE ARRANGEMENT
18 INSTEAD OF GUARDIANSHIP, THE COURT MAY ISSUE AN ORDER PURSUANT
19 TO SUBSECTION (2) OF THIS SECTION FOR A PROTECTIVE ARRANGEMENT
20 INSTEAD OF GUARDIANSHIP IF THE COURT FINDS BY CLEAR AND
21 CONVINCING EVIDENCE THAT:

22 (a) THE RESPONDENT LACKS THE ABILITY TO MEET ESSENTIAL
23 REQUIREMENTS FOR PHYSICAL HEALTH, SAFETY, OR SELF-CARE BECAUSE
24 THE RESPONDENT IS UNABLE TO RECEIVE AND EVALUATE INFORMATION OR
25 MAKE OR COMMUNICATE DECISIONS, EVEN WITH APPROPRIATE SUPPORTIVE
26 SERVICES, TECHNOLOGICAL ASSISTANCE, OR SUPPORTED DECISION MAKING;
27 AND

1 (b) THE RESPONDENT'S IDENTIFIED NEEDS CANNOT BE MET BY A
2 LESS RESTRICTIVE ALTERNATIVE.

3 (2) IF THE COURT MAKES THE FINDINGS PURSUANT TO SUBSECTION
4 (1) OF THIS SECTION, THE COURT, INSTEAD OF APPOINTING A GUARDIAN,
5 MAY:

6 (a) AUTHORIZE OR DIRECT A TRANSACTION NECESSARY TO MEET
7 THE RESPONDENT'S NEED FOR HEALTH, SAFETY, OR CARE, INCLUDING:

8 (I) A PARTICULAR MEDICAL TREATMENT OR REFUSAL OF A
9 PARTICULAR MEDICAL TREATMENT;

10 (II) A MOVE TO A SPECIFIED PLACE OF DWELLING; OR

11 (III) VISITATION OR SUPERVISED VISITATION BETWEEN THE
12 RESPONDENT AND ANOTHER PERSON;

13 (b) RESTRICT ACCESS TO THE RESPONDENT BY A SPECIFIED PERSON
14 WHOSE ACCESS PLACES THE RESPONDENT AT SERIOUS RISK OF PHYSICAL,
15 PSYCHOLOGICAL, OR FINANCIAL HARM; AND

16 (c) ORDER OTHER ARRANGEMENTS ON A LIMITED BASIS THAT ARE
17 APPROPRIATE.

18 (3) IN DECIDING WHETHER TO ISSUE AN ORDER PURSUANT TO THIS
19 SECTION, THE COURT SHALL CONSIDER THE FACTORS DESCRIBED IN
20 SECTIONS 15-14.7-313 AND 15-14.7-314 WHICH A GUARDIAN MUST
21 CONSIDER WHEN MAKING A DECISION ON BEHALF OF AN ADULT SUBJECT TO
22 GUARDIANSHIP.

23 **15-14.7-503. Basis for protective arrangement instead of**
24 **conservatorship.** (1) AFTER THE HEARING ON A PETITION HELD PURSUANT
25 TO SECTION 15-14.7-402 FOR CONSERVATORSHIP FOR AN ADULT OR HELD
26 PURSUANT TO SECTION 15-14.7-501(3) FOR A PROTECTIVE ARRANGEMENT
27 INSTEAD OF CONSERVATORSHIP FOR AN ADULT, THE COURT MAY ISSUE AN

1 ORDER PURSUANT TO SUBSECTION (3) OF THIS SECTION FOR A PROTECTIVE
2 ARRANGEMENT INSTEAD OF CONSERVATORSHIP FOR THE ADULT IF THE
3 COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT:

4 (a) THE ADULT IS UNABLE TO MANAGE PROPERTY OR FINANCIAL
5 AFFAIRS BECAUSE:

6 (I) OF A LIMITATION IN THE ABILITY TO RECEIVE AND EVALUATE
7 INFORMATION OR MAKE OR COMMUNICATE DECISIONS, EVEN WITH
8 APPROPRIATE SUPPORTIVE SERVICES, TECHNOLOGICAL ASSISTANCE, OR
9 SUPPORTED DECISION MAKING; OR

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

12 (b) AN ORDER PURSUANT TO SUBSECTION (3) OF THIS SECTION IS
13 NECESSARY TO:

14 (I) AVOID HARM TO THE ADULT OR SIGNIFICANT DISSIPATION OF
15 THE PROPERTY OF THE ADULT; OR

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

19 (c) THE RESPONDENT'S IDENTIFIED NEEDS CANNOT BE MET BY A
20 LESS RESTRICTIVE ALTERNATIVE.

21 (2) AFTER THE HEARING ON A PETITION HELD PURSUANT TO
22 SECTION 15-14.7-402 FOR CONSERVATORSHIP FOR A MINOR OR HELD
23 PURSUANT TO SECTION 15-14.7-501 FOR A PROTECTIVE ARRANGEMENT
24 INSTEAD OF CONSERVATORSHIP FOR A MINOR, THE COURT MAY ISSUE AN
25 ORDER PURSUANT TO SUBSECTION (3) OF THIS SECTION FOR A PROTECTIVE
26 ARRANGEMENT INSTEAD OF CONSERVATORSHIP FOR THE RESPONDENT IF
27 THE COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT THE

1 ARRANGEMENT IS IN THE MINOR'S BEST INTEREST, AND:

2 (a) IF THE MINOR HAS A PARENT, THE COURT GIVES WEIGHT TO ANY
3 RECOMMENDATION OF THE PARENT WHETHER AN ARRANGEMENT IS IN THE
4 MINOR'S BEST INTEREST;

5 (b) EITHER:

6 (I) THE MINOR OWNS MONEY OR PROPERTY REQUIRING
7 MANAGEMENT OR PROTECTION THAT OTHERWISE CANNOT BE PROVIDED;

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

11 (III) THE ARRANGEMENT IS NECESSARY OR DESIRABLE TO OBTAIN
12 OR PROVIDE FUNDS OR OTHER PROPERTY NEEDED FOR THE SUPPORT, CARE,
13 EDUCATION, HEALTH, OR WELFARE OF THE MINOR; AND

14 (c) THE ORDER PURSUANT TO SUBSECTION (3) OF THIS SECTION IS
15 NECESSARY OR DESIRABLE TO OBTAIN OR PROVIDE MONEY NEEDED FOR
16 THE SUPPORT, CARE, EDUCATION, HEALTH, OR WELFARE OF THE MINOR.

17 (3) IF THE COURT MAKES THE FINDINGS PURSUANT TO SUBSECTION
18 (1) OR (2) OF THIS SECTION, THE COURT, INSTEAD OF APPOINTING A
19 CONSERVATOR, MAY:

20 (a) AUTHORIZE OR DIRECT A TRANSACTION NECESSARY TO PROTECT
21 THE FINANCIAL INTEREST OR PROPERTY OF THE RESPONDENT, INCLUDING:

22 (I) AN ACTION TO ESTABLISH ELIGIBILITY FOR BENEFITS;

23 (II) PAYMENT, DELIVERY, DEPOSIT, OR RETENTION OF FUNDS OR
24 PROPERTY;

25 (III) SALE, MORTGAGE, LEASE, OR OTHER TRANSFER OF PROPERTY;

26 (IV) PURCHASE OF AN ANNUITY;

27 (V) ENTRY INTO A CONTRACTUAL RELATIONSHIP, INCLUDING A

1 CONTRACT TO PROVIDE FOR PERSONAL CARE, SUPPORTIVE SERVICES,
2 EDUCATION, TRAINING, OR EMPLOYMENT;

3 (VI) ADDITION TO OR ESTABLISHMENT OF A TRUST;

4 (VII) RATIFICATION OR INVALIDATION OF A CONTRACT, TRUST,
5 WILL, OR OTHER TRANSACTION, INCLUDING A TRANSACTION RELATED TO
6 THE PROPERTY OR BUSINESS AFFAIRS OF THE RESPONDENT; OR

7 (VIII) SETTLEMENT OF A CLAIM; OR

8 (b) RESTRICT ACCESS TO THE RESPONDENT'S PROPERTY BY A
9 SPECIFIED PERSON WHOSE ACCESS TO THE PROPERTY PLACES THE
10 RESPONDENT AT SERIOUS RISK OF FINANCIAL HARM.

11 (4) AFTER THE HEARING ON A PETITION HELD PURSUANT TO
12 SECTION 15-14.7-501(1) OR 15-14.7-501(3), WHETHER OR NOT THE COURT
13 MAKES THE FINDINGS PURSUANT TO SUBSECTION (1) OR (2) OF THIS
14 SECTION, THE COURT MAY ISSUE AN ORDER TO RESTRICT ACCESS TO THE
15 RESPONDENT OR THE RESPONDENT'S PROPERTY BY A SPECIFIED PERSON
16 WHO THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE:

17 (a) THROUGH FRAUD, COERCION, DURESS, OR THE USE OF
18 DECEPTION AND CONTROL CAUSED OR ATTEMPTED TO CAUSE AN ACTION
19 THAT WOULD HAVE RESULTED IN FINANCIAL HARM TO THE RESPONDENT OR
20 THE RESPONDENT'S PROPERTY; AND

21 (b) POSES A SERIOUS RISK OF SUBSTANTIAL FINANCIAL HARM TO
22 THE RESPONDENT OR THE RESPONDENT'S PROPERTY.

23 (5) BEFORE ISSUING AN ORDER PURSUANT TO SUBSECTION (3) OR
24 (4) OF THIS SECTION, THE COURT SHALL CONSIDER THE FACTORS DESCRIBED
25 IN SECTION 15-14.7-418 A CONSERVATOR MUST CONSIDER WHEN MAKING
26 A DECISION ON BEHALF OF AN INDIVIDUAL SUBJECT TO CONSERVATORSHIP.

27 (6) BEFORE ISSUING AN ORDER PURSUANT TO SUBSECTION (3) OR

1 (4) OF THIS SECTION FOR A RESPONDENT WHO IS A MINOR, THE COURT ALSO
2 SHALL CONSIDER THE BEST INTEREST OF THE MINOR, THE PREFERENCE OF
3 THE PARENTS OF THE MINOR, AND THE PREFERENCE OF THE MINOR, IF THE
4 MINOR IS TWELVE YEARS OF AGE OR OLDER.

5 **15-14.7-504. Petition for protective arrangement.** (1) A
6 PETITION FOR A PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP OR
7 CONSERVATORSHIP MUST STATE THE PETITIONER'S NAME, PRINCIPAL
8 RESIDENCE, CURRENT STREET ADDRESS, IF DIFFERENT, RELATIONSHIP TO
9 THE RESPONDENT, INTEREST IN THE PROTECTIVE ARRANGEMENT, THE NAME
10 AND ADDRESS OF ANY ATTORNEY REPRESENTING THE PETITIONER, AND, TO
11 THE EXTENT KNOWN, THE FOLLOWING:

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

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

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

21 (II) ADULT CHILDREN OR, IF NONE, EACH PARENT AND ADULT
22 SIBLING OF THE RESPONDENT, OR, IF NONE, AT LEAST ONE ADULT NEAREST
23 IN KINSHIP TO THE RESPONDENT WHO CAN BE FOUND WITH REASONABLE
24 DILIGENCE; AND

25 (III) ADULT STEPCHILDREN WHOM THE RESPONDENT ACTIVELY
26 PARENTED DURING THE STEPCHILDREN'S MINOR YEARS AND WITH WHOM
27 THE RESPONDENT HAD AN ONGOING RELATIONSHIP IN THE TWO YEAR

1 PERIOD IMMEDIATELY BEFORE THE FILING OF THE PETITION;

2 (c) THE NAME AND CURRENT ADDRESS OF EACH OF THE
3 FOLLOWING, IF APPLICABLE:

4 (I) A PERSON RESPONSIBLE FOR THE CARE OR CUSTODY OF THE
5 RESPONDENT;

6 (II) ANY ATTORNEY CURRENTLY REPRESENTING THE RESPONDENT;

7 (III) THE REPRESENTATIVE PAYEE APPOINTED BY THE SOCIAL
8 SECURITY ADMINISTRATION FOR THE RESPONDENT;

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

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

13 (VI) THE FIDUCIARY APPOINTED FOR THE RESPONDENT BY THE
14 DEPARTMENT OF VETERANS AFFAIRS;

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

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

19 (IX) A PERSON NOMINATED AS GUARDIAN OR CONSERVATOR BY
20 THE RESPONDENT IF THE RESPONDENT IS TWELVE YEARS OF AGE OR OLDER;

21 (X) A PERSON NOMINATED AS GUARDIAN BY THE RESPONDENT'S
22 PARENT, SPOUSE, OR DOMESTIC PARTNER IN A WILL OR OTHER SIGNED
23 RECORD;

24 (XI) A MEMBER OF THE RESPONDENT'S SUPPORTIVE COMMUNITY;

25 AND

26 (XII) IF THE RESPONDENT IS A MINOR:

27 (A) AN ADULT NOT OTHERWISE LISTED WITH WHOM THE

1 RESPONDENT RESIDES; AND

2 (B) EACH PERSON NOT OTHERWISE LISTED THAT HAD PRIMARY
3 CARE OR CUSTODY OF THE RESPONDENT FOR AT LEAST SIXTY DAYS DURING
4 THE TWO YEARS IMMEDIATELY BEFORE THE FILING OF THE PETITION OR FOR
5 AT LEAST SEVEN HUNDRED AND THIRTY DAYS DURING THE FIVE YEARS
6 IMMEDIATELY BEFORE THE FILING OF THE PETITION;

7 (d) THE NATURE OF THE PROTECTIVE ARRANGEMENT SOUGHT;

8 (e) THE REASON THE PROTECTIVE ARRANGEMENT SOUGHT IS
9 NECESSARY, INCLUDING A BRIEF DESCRIPTION OF:

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

12 (II) ANY LESS RESTRICTIVE ALTERNATIVE FOR MEETING THE
13 RESPONDENT'S ALLEGED NEED WHICH HAS BEEN CONSIDERED OR
14 IMPLEMENTED;

15 (III) IF NO LESS RESTRICTIVE ALTERNATIVE HAS BEEN CONSIDERED
16 OR IMPLEMENTED, THE REASON LESS RESTRICTIVE ALTERNATIVES HAVE
17 NOT BEEN CONSIDERED OR IMPLEMENTED; AND

18 (IV) THE REASON OTHER LESS RESTRICTIVE ALTERNATIVES ARE
19 INSUFFICIENT TO MEET THE RESPONDENT'S ALLEGED NEED;

20 (f) THE NAME AND CURRENT ADDRESS, IF KNOWN, OF ANY PERSON
21 WITH WHOM THE PETITIONER SEEKS TO LIMIT THE RESPONDENT'S CONTACT;

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

25 (h) IF A PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP IS
26 SOUGHT AND THE RESPONDENT HAS PROPERTY OTHER THAN PERSONAL
27 EFFECTS, A GENERAL STATEMENT OF THE RESPONDENT'S PROPERTY WITH

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

4 (i) IF A PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP
5 IS SOUGHT, A GENERAL STATEMENT OF THE RESPONDENT'S PROPERTY WITH
6 AN ESTIMATE OF ITS VALUE, INCLUDING ANY INSURANCE OR PENSION, AND
7 THE SOURCE AND AMOUNT OF OTHER ANTICIPATED INCOME OR RECEIPTS.

8 **15-14.7-505. Notice and hearing.** (1) ON FILING OF A PETITION
9 PURSUANT TO SECTION 15-14.7-501, THE COURT SHALL SET A DATE, TIME,
10 AND PLACE FOR A HEARING ON THE PETITION.

11 (2) A COPY OF A PETITION DESCRIBED IN SECTION 15-14.7-501 AND
12 NOTICE OF A HEARING ON THE PETITION MUST BE SERVED PERSONALLY ON
13 THE RESPONDENT. THE NOTICE MUST INFORM THE RESPONDENT OF THE
14 RESPONDENT'S RIGHTS AT THE HEARING, INCLUDING THE RIGHT TO AN
15 ATTORNEY AND TO ATTEND THE HEARING. THE NOTICE MUST INCLUDE A
16 DESCRIPTION OF THE NATURE, PURPOSE, AND CONSEQUENCES OF GRANTING
17 THE PETITION. THE COURT SHALL NOT GRANT THE PETITION IF NOTICE
18 SUBSTANTIALLY COMPLYING WITH THIS SUBSECTION (2) IS NOT SERVED ON
19 THE RESPONDENT.

20 (3) IN A PROCEEDING ON A PETITION HELD PURSUANT TO SECTION
21 15-14.7-501, THE NOTICE REQUIRED PURSUANT TO SUBSECTION (2) OF THIS
22 SECTION MUST BE SERVED ON THE PERSONS REQUIRED TO BE LISTED IN THE
23 PETITION PURSUANT TO SECTION 15-14.7-504(1) TO 15-14.7-504(3) AND
24 ANY OTHER PERSON INTERESTED IN THE RESPONDENT'S WELFARE THE
25 COURT DETERMINES. FAILURE TO SERVE NOTICE PURSUANT TO THIS
26 SUBSECTION (3) DOES NOT PRECLUDE THE COURT FROM GRANTING THE
27 PETITION.

1 (4) AFTER THE COURT HAS ORDERED A PROTECTIVE ARRANGEMENT
2 PURSUANT TO THIS PART 5, NOTICE OF A HEARING ON A PETITION FILED
3 PURSUANT TO THIS ARTICLE 14.7, TOGETHER WITH A COPY OF THE
4 PETITION, MUST BE GIVEN TO THE RESPONDENT AND ANY OTHER PERSON
5 THE COURT DETERMINES.

6 **15-14.7-506. Appointment and role of visitor.** (1) ON FILING OF
7 A PETITION PURSUANT TO SECTION 15-14.7-501 FOR A PROTECTIVE
8 ARRANGEMENT INSTEAD OF GUARDIANSHIP, THE COURT SHALL APPOINT A
9 VISITOR. THE VISITOR MUST BE AN INDIVIDUAL WITH TRAINING OR
10 EXPERIENCE IN THE TYPE OF ABILITIES, LIMITATIONS, AND NEEDS ALLEGED
11 IN THE PETITION.

12 (2) ON FILING OF A PETITION PURSUANT TO SECTION 15-14.7-501
13 FOR A PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP FOR A
14 MINOR, THE COURT MAY APPOINT A VISITOR TO INVESTIGATE A MATTER
15 RELATED TO THE PETITION OR INFORM THE MINOR OR A PARENT OF THE
16 MINOR ABOUT THE PETITION OR A RELATED MATTER.

17 (3) ON FILING OF A PETITION PURSUANT TO SECTION 15-14.7-501
18 FOR A PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP FOR AN
19 ADULT, THE COURT SHALL APPOINT A VISITOR UNLESS THE RESPONDENT IS
20 REPRESENTED BY AN ATTORNEY APPOINTED BY THE COURT. THE VISITOR
21 MUST BE AN INDIVIDUAL WITH TRAINING OR EXPERIENCE IN THE TYPES OF
22 ABILITIES, LIMITATIONS, AND NEEDS ALLEGED IN THE PETITION.

23 (4) A VISITOR APPOINTED PURSUANT TO SUBSECTION (1) OR (3) OF
24 THIS SECTION SHALL INTERVIEW THE RESPONDENT IN PERSON AND, IN A
25 MANNER THE RESPONDENT IS BEST ABLE TO UNDERSTAND:

26 (a) EXPLAIN TO THE RESPONDENT THE SUBSTANCE OF THE PETITION,
27 THE NATURE, PURPOSE, AND EFFECT OF THE PROCEEDING, AND THE

1 RESPONDENT'S RIGHTS AT THE HEARING ON THE PETITION;

2 (b) DETERMINE THE RESPONDENT'S VIEWS WITH RESPECT TO THE
3 ORDER SOUGHT;

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

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

10 (e) IF THE PETITIONER SEEKS AN ORDER RELATED TO THE DWELLING
11 OF THE RESPONDENT, VISIT THE RESPONDENT'S PRESENT DWELLING AND
12 ANY DWELLING IN WHICH IT IS REASONABLY BELIEVED THE RESPONDENT
13 WILL LIVE IF THE ORDER IS GRANTED;

14 (f) IF A PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP IS
15 SOUGHT, 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;

18 (g) IF A PROTECTIVE ARRANGEMENT INSTEAD OF
19 CONSERVATORSHIP IS SOUGHT, REVIEW FINANCIAL RECORDS OF THE
20 RESPONDENT, IF RELEVANT TO THE VISITOR'S RECOMMENDATION
21 PURSUANT TO SUBSECTION (5)(c) OF THIS SECTION; AND

22 (h) INVESTIGATE THE ALLEGATIONS IN THE PETITION AND ANY
23 OTHER MATTER RELATING TO THE PETITION THE COURT DIRECTS.

24 (5) A VISITOR DESCRIBED IN THIS SECTION PROMPTLY SHALL FILE
25 A REPORT IN A RECORD WITH THE COURT, WHICH MUST INCLUDE:

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

1 (b) TO THE EXTENT RELEVANT TO THE ORDER SOUGHT, A SUMMARY
2 OF SELF-CARE, INDEPENDENT-LIVING TASKS, AND FINANCIAL MANAGEMENT
3 TASKS THE RESPONDENT:

4 (I) CAN MANAGE WITHOUT ASSISTANCE OR WITH EXISTING
5 SUPPORTS;

6 (II) COULD MANAGE WITH THE ASSISTANCE OF APPROPRIATE
7 SUPPORTIVE SERVICES, TECHNOLOGICAL ASSISTANCE, OR SUPPORTED
8 DECISION MAKING; AND

9 (III) CANNOT MANAGE;

10 (c) A RECOMMENDATION REGARDING THE APPROPRIATENESS OF
11 THE PROTECTIVE ARRANGEMENT SOUGHT AND WHETHER A LESS
12 RESTRICTIVE ALTERNATIVE FOR MEETING THE RESPONDENT'S NEEDS IS
13 AVAILABLE;

14 (d) IF THE PETITION SEEKS TO CHANGE THE PHYSICAL LOCATION OF
15 THE DWELLING OF THE RESPONDENT, A STATEMENT WHETHER THE
16 PROPOSED DWELLING MEETS THE RESPONDENT'S NEEDS AND WHETHER THE
17 RESPONDENT HAS EXPRESSED A PREFERENCE AS TO THE RESPONDENT'S
18 DWELLING;

19 (e) A RECOMMENDATION WHETHER A PROFESSIONAL EVALUATION
20 PURSUANT TO SECTION 15-14.7-508 IS NECESSARY;

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

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

27 (h) ANY OTHER MATTER THE COURT DIRECTS.

1 **15-14.7-507. Appointment and role of attorney.** (1) THE COURT
2 SHALL APPOINT AN ATTORNEY TO REPRESENT THE RESPONDENT IN A
3 PROCEEDING PURSUANT TO THIS PART 5 IF:

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

8 (2) AN ATTORNEY REPRESENTING THE RESPONDENT IN A
9 PROCEEDING PURSUANT TO THIS PART 5 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 ALTERNATIVE IN TYPE, DURATION, AND SCOPE, CONSISTENT
17 WITH THE RESPONDENT'S INTERESTS.

18 ==

19 **15-14.7-508. Professional evaluation.** (1) AT OR BEFORE A
20 HEARING ON A PETITION HELD PURSUANT TO THIS PART 5 FOR A
21 PROTECTIVE ARRANGEMENT, THE COURT SHALL ORDER A PROFESSIONAL
22 EVALUATION OF THE RESPONDENT:

- 23 (a) IF THE RESPONDENT REQUESTS THE EVALUATION; OR
- 24 (b) IN OTHER CASES, UNLESS THE COURT FINDS THAT IT HAS
25 SUFFICIENT INFORMATION TO DETERMINE THE RESPONDENT'S NEEDS AND
26 ABILITIES WITHOUT THE EVALUATION.

27 (2) IF THE COURT ORDERS AN EVALUATION PURSUANT TO

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

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

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

15 (c) A PROGNOSIS FOR IMPROVEMENT, INCLUDING WITH REGARD TO
16 THE ABILITY TO MANAGE THE RESPONDENT'S PROPERTY AND FINANCIAL
17 AFFAIRS IF A LIMITATION IN THAT ABILITY IS ALLEGED, AND
18 RECOMMENDATION FOR THE APPROPRIATE TREATMENT, SUPPORT, OR
19 HABILITATION PLAN; AND

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

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

24 **15-14.7-509. Attendance and rights at hearing.** (1) EXCEPT AS
25 OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, A HEARING
26 HELD PURSUANT TO THIS PART 5 MAY NOT PROCEED UNLESS THE
27 RESPONDENT ATTENDS THE HEARING. IF IT IS NOT REASONABLY FEASIBLE

1 FOR THE RESPONDENT TO ATTEND A HEARING AT THE LOCATION COURT
2 PROCEEDINGS TYPICALLY ARE HELD, THE COURT SHALL MAKE REASONABLE
3 EFFORTS TO HOLD THE HEARING AT AN ALTERNATIVE LOCATION
4 CONVENIENT TO THE RESPONDENT OR ALLOW THE RESPONDENT TO ATTEND
5 THE HEARING USING REAL-TIME AUDIO-VISUAL TECHNOLOGY.

6 (2) A HEARING HELD PURSUANT TO THIS PART 5 MAY PROCEED
7 WITHOUT THE RESPONDENT IN ATTENDANCE IF THE COURT FINDS BY
8 CLEAR-AND-CONVINCING EVIDENCE THAT:

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

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

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

18 (3) THE RESPONDENT MAY BE ASSISTED IN A HEARING HELD
19 PURSUANT TO THIS PART 5 BY A PERSON OR PERSONS OF THE RESPONDENT'S
20 CHOOSING, ASSISTIVE TECHNOLOGY, OR AN INTERPRETER OR TRANSLATOR,
21 OR A COMBINATION OF THESE SUPPORTS. IF ASSISTANCE WOULD FACILITATE
22 THE RESPONDENT'S PARTICIPATION IN THE HEARING, BUT IS NOT OTHERWISE
23 AVAILABLE TO THE RESPONDENT, THE COURT SHALL MAKE REASONABLE
24 EFFORTS TO PROVIDE IT.

25 (4) THE RESPONDENT HAS A RIGHT TO CHOOSE AN ATTORNEY TO
26 REPRESENT THE RESPONDENT AT A HEARING HELD PURSUANT TO THIS PART
27 5.

1 (5) AT A HEARING HELD PURSUANT TO THIS PART 5, THE
2 RESPONDENT MAY:

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

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

7 (c) OTHERWISE PARTICIPATE IN THE HEARING.

8 (6) A HEARING HELD PURSUANT TO THIS PART 5 MUST BE CLOSED
9 ON REQUEST OF THE RESPONDENT AND A SHOWING OF GOOD CAUSE.

10 (7) ANY PERSON MAY REQUEST TO PARTICIPATE IN A HEARING HELD
11 PURSUANT TO THIS PART 5. THE COURT MAY GRANT THE REQUEST, WITH OR
12 WITHOUT A HEARING, ON DETERMINING THAT THE BEST INTEREST OF THE
13 RESPONDENT WILL BE SERVED. THE COURT MAY IMPOSE APPROPRIATE
14 CONDITIONS ON THE PERSON'S PARTICIPATION.

15 **15-14.7-510. Notice of order.** THE COURT SHALL SERVE NOTICE OF
16 AN ORDER PURSUANT TO THIS PART 5 TO THE INDIVIDUAL WHO IS SUBJECT
17 TO THE PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP OR
18 CONSERVATORSHIP, A PERSON WHOSE ACCESS TO THE INDIVIDUAL IS
19 RESTRICTED BY THE ORDER, AND ANY OTHER PERSON THE COURT
20 DETERMINES.

21 **15-14.7-511. Confidentiality of records.** (1) THE EXISTENCE OF
22 A PROCEEDING FOR OR THE EXISTENCE OF A PROTECTIVE ARRANGEMENT
23 INSTEAD OF GUARDIANSHIP OR CONSERVATORSHIP IS A MATTER OF PUBLIC
24 RECORD UNLESS THE COURT SEALS THE RECORD AFTER:

25 (a) THE RESPONDENT, THE INDIVIDUAL SUBJECT TO THE
26 PROTECTIVE ARRANGEMENT, OR THE PARENT OF A MINOR SUBJECT TO THE
27 PROTECTIVE ARRANGEMENT REQUESTS THE RECORD BE SEALED; AND

1 (b) EITHER:
2 (I) THE PROCEEDING IS DISMISSED;
3 (II) THE PROTECTIVE ARRANGEMENT IS NO LONGER IN EFFECT; OR
4 (III) AN ACT AUTHORIZED BY THE ORDER GRANTING THE
5 PROTECTIVE ARRANGEMENT HAS BEEN COMPLETED.

6 (2) A RESPONDENT, AN INDIVIDUAL SUBJECT TO A PROTECTIVE
7 ARRANGEMENT INSTEAD OF GUARDIANSHIP OR CONSERVATORSHIP, AN
8 ATTORNEY DESIGNATED BY THE RESPONDENT OR INDIVIDUAL, A PARENT OF
9 A MINOR SUBJECT TO A PROTECTIVE ARRANGEMENT, AND ANY OTHER
10 PERSON THE COURT DETERMINES ARE ENTITLED TO ACCESS COURT
11 RECORDS OF THE PROCEEDING AND RESULTING PROTECTIVE
12 ARRANGEMENT. A PERSON NOT OTHERWISE ENTITLED TO ACCESS TO COURT
13 RECORDS PURSUANT TO THIS SUBSECTION (2) FOR GOOD CAUSE MAY
14 PETITION THE COURT FOR ACCESS. THE COURT SHALL GRANT ACCESS IF
15 ACCESS IS IN THE BEST INTEREST OF THE RESPONDENT OR INDIVIDUAL
16 SUBJECT TO THE PROTECTIVE ARRANGEMENT OR FURTHERS THE PUBLIC
17 INTEREST AND DOES NOT ENDANGER THE WELFARE OR FINANCIAL
18 INTERESTS OF THE RESPONDENT OR INDIVIDUAL.

19 (3) A REPORT OF A VISITOR OR PROFESSIONAL EVALUATION
20 GENERATED IN THE COURSE OF A PROCEEDING PURSUANT TO THIS PART 5
21 MUST BE SEALED ON FILING BUT IS AVAILABLE TO:

- 22 (a) THE COURT;
- 23 (b) THE INDIVIDUAL WHO IS THE SUBJECT OF THE REPORT OR
24 EVALUATION, WITHOUT LIMITATION AS TO USE;
- 25 (c) THE PETITIONER, VISITOR, AND PETITIONER'S AND
26 RESPONDENT'S ATTORNEYS, FOR PURPOSES OF THE PROCEEDING;
- 27 (d) UNLESS THE COURT ORDERS OTHERWISE, AN AGENT APPOINTED

1 UNDER A POWER OF ATTORNEY FOR FINANCES IN WHICH THE RESPONDENT
2 IS THE PRINCIPAL;

3 (e) IF THE ORDER IS FOR A PROTECTIVE ARRANGEMENT INSTEAD OF
4 GUARDIANSHIP AND UNLESS THE COURT ORDERS OTHERWISE, AN AGENT
5 APPOINTED UNDER A POWER OF ATTORNEY FOR HEALTH CARE IN WHICH
6 THE RESPONDENT IS IDENTIFIED AS THE PRINCIPAL; AND

7 (f) ANY OTHER PERSON IF IT IS IN THE PUBLIC INTEREST OR FOR A
8 PURPOSE THE COURT ORDERS FOR GOOD CAUSE.

9 **15-14.7-512. Appointment of special conservator.** THE COURT
10 MAY APPOINT A SPECIAL CONSERVATOR TO ASSIST IN IMPLEMENTING A
11 PROTECTIVE ARRANGEMENT PURSUANT TO THIS PART 5. THE SPECIAL
12 CONSERVATOR HAS THE AUTHORITY CONFERRED BY THE ORDER OF
13 APPOINTMENT AND SERVES UNTIL DISCHARGED BY COURT ORDER.

14 PART 6

15 FORMS

16 **15-14.7-601. Use of Forms.** (1) USE OF THE FORMS CONTAINED
17 IN THIS PART 6 IS OPTIONAL. FAILURE TO USE THESE FORMS DOES NOT
18 PREJUDICE ANY PARTY.

19 **15-14.7-602. Petition for guardianship for minor.** THIS FORM
20 MAY BE USED TO PETITION FOR GUARDIANSHIP FOR A MINOR:

21 **PETITION FOR GUARDIANSHIP FOR MINOR**

22 **STATE OF:**

23 **COUNTY OF:**

24 **NAME AND ADDRESS OF ATTORNEY REPRESENTING**

25 **PETITIONER, IF APPLICABLE:**

26 **NOTE TO PETITIONER:** THIS FORM CAN BE USED TO
27 PETITION FOR A GUARDIAN FOR A MINOR. A COURT MAY

1 APPOINT A GUARDIAN FOR A MINOR WHO DOES NOT HAVE A
2 GUARDIAN IF THE COURT FINDS THE APPOINTMENT IS IN THE
3 MINOR'S BEST INTEREST, AND: (1) THE PARENTS, AFTER
4 BEING FULLY INFORMED OF THE NATURE AND
5 CONSEQUENCES OF GUARDIANSHIP, CONSENT; (2) ALL
6 PARENTAL RIGHTS HAVE BEEN TERMINATED; OR (3) THE
7 COURT FINDS BY CLEAR-AND-CONVINCING EVIDENCE THAT
8 THE PARENTS ARE UNWILLING OR UNABLE TO EXERCISE
9 THEIR PARENTAL RIGHTS.

10 **1. INFORMATION ABOUT THE PERSON FILING THIS**
11 **PETITION (THE "PETITIONER").**

- 12 a. NAME:
- 13 b. PRINCIPAL RESIDENCE:
- 14 c. CURRENT STREET ADDRESS (IF DIFFERENT):
- 15 d. RELATIONSHIP TO MINOR:
- 16 e. INTEREST IN THIS PETITION:
- 17 f. TELEPHONE NUMBER (OPTIONAL):
- 18 g. EMAIL ADDRESS (OPTIONAL):

19 **2. INFORMATION ABOUT THE MINOR ALLEGED TO NEED A**
20 **GUARDIAN. PROVIDE THE FOLLOWING INFORMATION TO THE**
21 **EXTENT KNOWN.**

- 22 a. NAME:
- 23 b. AGE:
- 24 c. PRINCIPAL RESIDENCE:
- 25 d. CURRENT STREET ADDRESS (IF DIFFERENT):
- 26 e. IF PETITIONER ANTICIPATES THE MINOR MOVING,
27 OR SEEKS TO MOVE THE MINOR, PROPOSED NEW ADDRESS:

1 f. DOES THE MINOR NEED AN INTERPRETER,
2 TRANSLATOR, OR OTHER FORM OF SUPPORT TO
3 COMMUNICATE WITH THE COURT OR UNDERSTAND COURT
4 PROCEEDINGS? IF SO, PLEASE EXPLAIN.

5 g. TELEPHONE NUMBER (OPTIONAL):

6 h. EMAIL ADDRESS (OPTIONAL):

7 **3. INFORMATION ABOUT THE MINOR'S PARENT(S).**

8 a. NAME(S) OF LIVING PARENT(S):

9 b. CURRENT STREET ADDRESS(ES) OF LIVING
10 PARENT(S):

11 c. DOES ANY PARENT NEED AN INTERPRETER,
12 TRANSLATOR, OR OTHER FORM OF SUPPORT TO
13 COMMUNICATE WITH THE COURT OR UNDERSTAND COURT
14 PROCEEDINGS? IF SO, PLEASE EXPLAIN.

15 **4. PEOPLE WHO ARE REQUIRED TO BE NOTIFIED OF THIS**
16 **PETITION.** STATE THE NAME AND CURRENT ADDRESS OF THE
17 PEOPLE LISTED IN APPENDIX A.

18 **5. APPOINTMENT REQUESTED.** STATE THE NAME AND
19 ADDRESS OF ANY PROPOSED GUARDIAN AND THE REASON
20 THE PROPOSED GUARDIAN SHOULD BE SELECTED.

21 **6. STATE WHY PETITIONER SEEKS THE APPOINTMENT.**
22 INCLUDE A DESCRIPTION OF THE NATURE AND EXTENT OF
23 THE MINOR'S ALLEGED NEED.

24 **7. PROPERTY.** IF THE MINOR HAS PROPERTY OTHER THAN
25 PERSONAL EFFECTS, STATE THE MINOR'S PROPERTY WITH AN
26 ESTIMATE OF ITS VALUE.

27 **8. OTHER PROCEEDINGS.** IF THERE ARE ANY OTHER

1 PROCEEDINGS CONCERNING THE CARE OR CUSTODY OF THE
2 MINOR CURRENTLY PENDING IN ANY COURT IN THIS STATE OR
3 ANOTHER JURISDICTION, PLEASE DESCRIBE THEM.

4 **9. ATTORNEY(S).** IF THE MINOR OR THE MINOR'S PARENT IS
5 REPRESENTED BY AN ATTORNEY IN THIS MATTER, STATE THE
6 NAME, TELEPHONE NUMBER, EMAIL ADDRESS, AND ADDRESS
7 OF THE ATTORNEY(S).

8 **SIGNATURE**

9 _____
10 SIGNATURE OF PETITIONER DATE

11 _____
12 SIGNATURE OF PETITIONER'S ATTORNEY IF DATE
13 PETITIONER IS REPRESENTED BY COUNSEL

14 **APPENDIX A:**
15 **PEOPLE WHOSE NAME AND ADDRESS MUST BE LISTED IN**
16 **SECTION 4 OF THIS PETITION IF THEY ARE NOT THE**
17 **PETITIONER.**

18 THE MINOR, IF THE MINOR IS 12 YEARS OF AGE OR OLDER;
19 EACH PARENT OF THE MINOR OR, IF THERE ARE NONE, THE
20 ADULT NEAREST IN KINSHIP THAT CAN BE FOUND;
21 AN ADULT WITH WHOM THE MINOR RESIDES;
22 EACH PERSON WHO HAD PRIMARY CARE OR CUSTODY OF THE
23 MINOR FOR AT LEAST 60 DAYS DURING THE TWO YEARS
24 IMMEDIATELY BEFORE THE FILING OF THE PETITION OR FOR

1 AT LEAST 730 DAYS DURING THE FIVE YEARS IMMEDIATELY
2 BEFORE THE FILING OF THE PETITION;
3 IF THE MINOR IS 12 YEARS OF AGE OR OLDER, ANY PERSON
4 NOMINATED AS GUARDIAN BY THE MINOR;
5 ANY PERSON NOMINATED AS GUARDIAN BY A PARENT OF THE
6 MINOR;
7 THE GRANDPARENTS OF THE MINOR;
8 ADULT SIBLINGS OF THE MINOR; AND
9 ANY CURRENT GUARDIAN OR CONSERVATOR FOR THE MINOR
10 APPOINTED IN THIS STATE OR ANOTHER JURISDICTION.

11 **15-14.7-603. Petition for guardianship, conservatorship, or**
12 **protective arrangement.** THIS FORM MAY BE USED TO PETITION FOR:

- 13 (1) GUARDIANSHIP FOR AN ADULT;
- 14 (2) CONSERVATORSHIP FOR AN ADULT OR MINOR;
- 15 (3) A PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP FOR
16 AN ADULT; OR
- 17 (4) A PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP
18 FOR AN ADULT OR MINOR.

19 **PETITION FOR GUARDIANSHIP, CONSERVATORSHIP, OR PROTECTIVE**
20 **ARRANGEMENT**

21 **STATE OF:**
22 **COUNTY OF:**
23 **NAME AND ADDRESS OF ATTORNEY REPRESENTING**
24 **PETITIONER, IF APPLICABLE:**

25 **NOTE TO PETITIONER:** THIS FORM CAN BE USED TO
26 PETITION FOR A GUARDIAN, CONSERVATOR, OR BOTH, OR FOR

1 A PROTECTIVE ARRANGEMENT INSTEAD OF EITHER A
2 GUARDIANSHIP OR CONSERVATORSHIP. THIS FORM MAY
3 ALSO BE USED TO PETITION THE COURT TO MODIFY OR
4 TERMINATE AN EXISTING GUARDIANSHIP OR
5 CONSERVATORSHIP, REEVALUATE AN EXISTING
6 GUARDIANSHIP PURSUANT TO THE STANDARD SET FORTH IN
7 SECTION 15-14.7-301, OR REEVALUATE AN EXISTING
8 CONSERVATORSHIP PURSUANT TO THE STANDARD SET FORTH
9 IN SECTION 15-14.7-402. THIS FORM SHOULD NOT BE USED
10 TO PETITION FOR GUARDIANSHIP FOR A MINOR.

11 THE COURT MAY APPOINT A GUARDIAN OR ORDER A
12 PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP FOR
13 AN ADULT IF THE ADULT LACKS THE ABILITY TO MEET
14 ESSENTIAL REQUIREMENTS FOR PHYSICAL HEALTH, SAFETY,
15 OR SELF-CARE BECAUSE (1) THE ADULT IS UNABLE TO
16 RECEIVE AND EVALUATE INFORMATION OR MAKE OR
17 COMMUNICATE DECISIONS EVEN WITH THE USE OF
18 SUPPORTIVE SERVICES, TECHNOLOGICAL ASSISTANCE, AND
19 SUPPORTED DECISION-MAKING, AND (2) THE ADULT'S
20 IDENTIFIED NEEDS CANNOT BE MET BY A LESS RESTRICTIVE
21 ALTERNATIVE.

22 THE COURT MAY APPOINT A CONSERVATOR OR ORDER A
23 PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP
24 FOR AN ADULT IF (1) THE ADULT IS UNABLE TO MANAGE
25 PROPERTY AND FINANCIAL AFFAIRS BECAUSE OF A

1 LIMITATION IN THE ABILITY TO RECEIVE AND EVALUATE
2 INFORMATION OR MAKE OR COMMUNICATE DECISIONS EVEN
3 WITH THE USE OF SUPPORTIVE SERVICES, TECHNOLOGICAL
4 ASSISTANCE, AND SUPPORTED DECISION MAKING OR THE
5 ADULT IS MISSING, DETAINED, OR UNABLE TO RETURN TO
6 THE UNITED STATES, AND (2) APPOINTMENT IS NECESSARY
7 TO AVOID HARM TO THE ADULT OR SIGNIFICANT DISSIPATION
8 OF THE PROPERTY OF THE ADULT, OR TO OBTAIN OR PROVIDE
9 FUNDS OR OTHER PROPERTY NEEDED FOR THE SUPPORT,
10 CARE, EDUCATION, HEALTH, OR WELFARE OF THE ADULT, OR
11 OF AN INDIVIDUAL WHO IS ENTITLED TO THE ADULT'S
12 SUPPORT, AND PROTECTION IS NECESSARY OR DESIRABLE TO
13 PROVIDE FUNDS OR OTHER PROPERTY FOR THAT PURPOSE.

14 THE COURT MAY APPOINT A CONSERVATOR OR ORDER A
15 PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP
16 FOR A MINOR IF (1) THE MINOR OWNS FUNDS OR OTHER
17 PROPERTY REQUIRING MANAGEMENT OR PROTECTION THAT
18 CANNOT OTHERWISE BE PROVIDED; OR (2) IT WOULD BE IN
19 THE MINOR'S BEST INTEREST, AND THE MINOR HAS OR MAY
20 HAVE FINANCIAL AFFAIRS THAT MAY BE PUT AT
21 UNREASONABLE RISK OR HINDERED BECAUSE OF THE
22 MINOR'S AGE, OR APPOINTMENT IS NECESSARY OR DESIRABLE
23 TO PROVIDE FUNDS OR OTHER PROPERTY NEEDED FOR THE
24 SUPPORT, CARE, EDUCATION, HEALTH, OR WELFARE OF THE
25 MINOR.

1 THE COURT MAY ALSO ORDER A PROTECTIVE ARRANGEMENT
2 INSTEAD OF CONSERVATORSHIP THAT RESTRICTS ACCESS TO
3 AN INDIVIDUAL OR AN INDIVIDUAL'S PROPERTY BY A PERSON
4 WHO THE COURT FINDS: (1) THROUGH FRAUD, COERCION,
5 DURESS, OR THE USE OF DECEPTION AND CONTROL, CAUSED,
6 OR ATTEMPTED TO CAUSE, AN ACTION THAT WOULD HAVE
7 RESULTED IN FINANCIAL HARM TO THE INDIVIDUAL OR THE
8 INDIVIDUAL'S PROPERTY; AND (2) POSES A SERIOUS RISK OF
9 SUBSTANTIAL FINANCIAL HARM TO THE INDIVIDUAL OR THE
10 INDIVIDUAL'S PROPERTY.

11 **1. INFORMATION ABOUT THE PERSON FILING THIS**
12 **PETITION (THE "PETITIONER").**

- 13 a. NAME:
14 b. PRINCIPAL RESIDENCE:
15 c. CURRENT STREET ADDRESS (IF DIFFERENT):
16 d. RELATIONSHIP TO RESPONDENT:
17 e. INTEREST IN THIS PETITION:
18 f. TELEPHONE NUMBER (OPTIONAL):
19 g. EMAIL ADDRESS (OPTIONAL):

20 **2. INFORMATION ABOUT THE INDIVIDUAL ALLEGED TO**
21 **NEED PROTECTION (THE "RESPONDENT"). PROVIDE THE**
22 **FOLLOWING INFORMATION TO THE EXTENT KNOWN.**

- 23 a. NAME:
24 b. AGE:
25 c. PRINCIPAL RESIDENCE:
26 d. CURRENT STREET ADDRESS (IF DIFFERENT):

1 e. IF PETITIONER ANTICIPATES RESPONDENT
2 MOVING, OR SEEKS TO MOVE RESPONDENT, PROPOSED NEW
3 ADDRESS:

4 f. DOES RESPONDENT NEED AN INTERPRETER,
5 TRANSLATOR, OR OTHER FORM OF SUPPORT TO
6 COMMUNICATE WITH THE COURT OR UNDERSTAND COURT
7 PROCEEDINGS? IF SO, PLEASE EXPLAIN.

8 g. TELEPHONE NUMBER (OPTIONAL):

9 h. EMAIL ADDRESS (OPTIONAL):

10 **3. PEOPLE WHO ARE REQUIRED TO BE NOTIFIED OF THIS**
11 **PETITION.** STATE THE NAME AND ADDRESS OF THE PEOPLE
12 LISTED IN APPENDIX A.

13 **4. EXISTING AGENTS.** STATE THE NAME AND ADDRESS OF
14 ANY PERSON APPOINTED AS AN AGENT UNDER A POWER OF
15 ATTORNEY FOR FINANCES OR POWER OF ATTORNEY FOR
16 HEALTH CARE, OR WHO HAS BEEN APPOINTED AS THE
17 INDIVIDUAL'S REPRESENTATIVE FOR PAYMENT OF BENEFITS.

18 **5. ACTION REQUESTED.** STATE WHETHER PETITIONER IS
19 SEEKING APPOINTMENT OF A GUARDIAN, A CONSERVATOR,
20 OR A PROTECTIVE ARRANGEMENT INSTEAD OF AN
21 APPOINTMENT.

22 **6. ORDER REQUESTED OR APPOINTMENT REQUESTED.** IF
23 SEEKING A PROTECTIVE ARRANGEMENT INSTEAD OF A
24 GUARDIANSHIP OR CONSERVATORSHIP, STATE THE
25 TRANSACTION OR OTHER ACTION YOU WANT THE COURT TO
26 ORDER. IF SEEKING APPOINTMENT OF A GUARDIAN OR
27 CONSERVATOR, STATE THE POWERS PETITIONER REQUESTS

1 THE COURT GRANT TO A GUARDIAN OR CONSERVATOR.

2 **7. STATE WHY THE APPOINTMENT OR PROTECTIVE**
3 **ARRANGEMENT SOUGHT IS NECESSARY. INCLUDE A**
4 **DESCRIPTION OF THE NATURE AND EXTENT OF**
5 **RESPONDENT'S ALLEGED NEED.**

6 **8. STATE ALL LESS-RESTRICTIVE ALTERNATIVES TO**
7 **MEETING RESPONDENT'S ALLEGED NEED THAT HAVE BEEN**
8 **CONSIDERED OR IMPLEMENTED. LESS-RESTRICTIVE**
9 **ALTERNATIVES COULD INCLUDE SUPPORTED DECISION**
10 **MAKING, TECHNOLOGICAL ASSISTANCE, OR THE**
11 **APPOINTMENT OF AN AGENT BY RESPONDENT INCLUDING**
12 **APPOINTMENT UNDER A POWER OF ATTORNEY FOR FINANCES**
13 **OR POWER OF ATTORNEY FOR HEALTH CARE. IF NO**
14 **ALTERNATIVE HAS BEEN CONSIDERED OR IMPLEMENTED,**
15 **STATE THE REASON WHY NOT.**

16 **9. EXPLAIN WHY LESS-RESTRICTIVE ALTERNATIVES WILL**
17 **NOT MEET RESPONDENT'S ALLEGED NEED.**

18 **10. PROVIDE A GENERAL STATEMENT OF RESPONDENT'S**
19 **PROPERTY AND AN ESTIMATE OF ITS VALUE. INCLUDE ANY**
20 **REAL PROPERTY SUCH AS A HOUSE OR LAND, INSURANCE OR**
21 **PENSION, AND THE SOURCE AND AMOUNT OF ANY OTHER**
22 **ANTICIPATED INCOME OR RECEIPTS. AS PART OF THIS**
23 **STATEMENT, INDICATE, IF KNOWN, HOW THE PROPERTY IS**
24 **TITLED (FOR EXAMPLE, IS IT JOINTLY OWNED?).**

25 **11. FOR A PETITION SEEKING APPOINTMENT OF A**
26 **CONSERVATOR. (SKIP THIS SECTION IF NOT ASKING FOR**
27 **APPOINTMENT OF A CONSERVATOR)**

1 a. IF SEEKING APPOINTMENT OF A CONSERVATOR WITH ALL
2 POWERS PERMISSIBLE UNDER THIS STATE'S LAW, EXPLAIN
3 WHY APPOINTMENT OF A CONSERVATOR WITH FEWER
4 POWERS (I.E., A "LIMITED CONSERVATORSHIP") OR OTHER
5 PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP
6 WILL NOT MEET THE INDIVIDUAL'S ALLEGED NEEDS.

7 b. IF SEEKING A LIMITED CONSERVATORSHIP, STATE THE
8 PROPERTY PETITIONER REQUESTS BE PLACED UNDER THE
9 CONSERVATOR'S CONTROL AND ANY PROPOSED LIMITATION
10 ON THE CONSERVATOR'S POWERS AND DUTIES.

11 c. STATE THE NAME AND ADDRESS OF ANY PROPOSED
12 CONSERVATOR AND THE REASON THE PROPOSED
13 CONSERVATOR SHOULD BE SELECTED.

14 d. IF RESPONDENT IS 12 YEARS OF AGE OR OLDER, STATE
15 THE NAME AND ADDRESS OF ANY PERSON RESPONDENT
16 NOMINATES AS CONSERVATOR.

17 e. IF ALLEGING A LIMITATION IN RESPONDENT'S ABILITY TO
18 RECEIVE AND EVALUATE INFORMATION, PROVIDE A BRIEF
19 DESCRIPTION OF THE NATURE AND EXTENT OF
20 RESPONDENT'S ALLEGED LIMITATION.

21 f. IF ALLEGING THAT RESPONDENT IS MISSING, DETAINED,
22 OR UNABLE TO RETURN TO THE UNITED STATES, STATE THE
23 RELEVANT CIRCUMSTANCES, INCLUDING THE TIME AND
24 NATURE OF THE DISAPPEARANCE OR DETENTION AND A
25 DESCRIPTION OF ANY SEARCH OR INQUIRY CONCERNING
26 RESPONDENT'S WHEREABOUTS.

27 **12. FOR A PETITION SEEKING APPOINTMENT OF A**

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SIGNATURE OF PETITIONER'S ATTORNEY IF DATE
PETITIONER IS REPRESENTED BY COUNSEL

APPENDIX A:

PEOPLE WHOSE NAME AND ADDRESS MUST BE LISTED IN SECTION 3 OF THIS PETITION, IF THEY ARE NOT THE PETITIONER.
RESPONDENT'S SPOUSE OR DOMESTIC PARTNER, OR IF RESPONDENT HAS NONE, ANY ADULT WITH WHOM RESPONDENT HAS SHARED HOUSEHOLD RESPONSIBILITIES IN THE PAST SIX MONTHS;
RESPONDENT'S ADULT CHILDREN, OR, IF RESPONDENT HAS NONE, RESPONDENT'S PARENTS AND ADULT SIBLINGS, OR IF RESPONDENT HAS NONE, ONE OR MORE ADULTS NEAREST IN KINSHIP TO RESPONDENT WHO CAN BE FOUND WITH REASONABLE DILIGENCE;
RESPONDENT'S ADULT STEPCHILDREN WHOM RESPONDENT ACTIVELY PARENTED DURING THE STEPCHILDREN'S MINOR YEARS AND WITH WHOM RESPONDENT HAD AN ONGOING RELATIONSHIP WITHIN TWO YEARS OF THIS PETITION;
ANY PERSON RESPONSIBLE FOR THE CARE OR CUSTODY OF RESPONDENT;
ANY ATTORNEY CURRENTLY REPRESENTING RESPONDENT;
ANY REPRESENTATIVE PAYEE FOR RESPONDENT APPOINTED BY THE SOCIAL SECURITY ADMINISTRATION;
ANY CURRENT GUARDIAN OR CONSERVATOR FOR

1 PROTECTIVE ARRANGEMENT] FOR YOU. THE COURT WILL
2 HOLD A HEARING ON [DATE] AT [TIME] AT [ADDRESS OF THE
3 COURT WHERE THE HEARING WILL BE HELD].

4 YOU HAVE THE RIGHT TO ATTEND THE HEARING. IF YOU ARE
5 UNABLE TO APPEAR IN COURT FOR THE HEARING, YOU MAY
6 ASK THE COURT TO ALLOW YOU TO APPEAR AT THE HEARING
7 BY VIDEO CONFERENCE.

8 YOU HAVE THE RIGHT TO BE REPRESENTED BY A LAWYER AT
9 THE HEARING.

10 THE PURPOSE OF THIS HEARING IS TO DETERMINE WHETHER
11 PROTECTIVE SERVICES ARE APPROPRIATE FOR YOU.

12 AFTER THE HEARING, THE COURT COULD REMOVE YOUR
13 LEGAL RIGHT TO MAKE CERTAIN DECISIONS FOR YOURSELF
14 AND APPOINT SOMEONE TO MAKE DECISIONS FOR YOU. IF
15 YOU ATTEND THE HEARING, YOU WILL HAVE AN
16 OPPORTUNITY TO STATE YOUR WISHES TO THE COURT.

17 **15-14.7-605. Notification of rights for adult subject to**
18 **guardianship or conservatorship.** THIS FORM MAY BE USED TO NOTIFY
19 AN ADULT SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP OF THE
20 ADULT'S RIGHTS PURSUANT TO SECTIONS 15-14.7-311 AND 15-14.7-412.

21 **NOTIFICATION OF RIGHTS**

22 YOU ARE GETTING THIS NOTICE BECAUSE A GUARDIAN,
23 CONSERVATOR, OR BOTH HAVE BEEN APPOINTED FOR YOU. IT

1 TELLS YOU ABOUT SOME IMPORTANT RIGHTS YOU HAVE. IT
2 DOES NOT TELL YOU ABOUT ALL YOUR RIGHTS. IF YOU HAVE
3 QUESTIONS ABOUT YOUR RIGHTS, YOU CAN ASK AN
4 ATTORNEY OR ANOTHER PERSON, INCLUDING YOUR
5 GUARDIAN OR CONSERVATOR, TO HELP YOU UNDERSTAND
6 YOUR RIGHTS.

7 GENERAL RIGHTS:

8 YOU HAVE THE RIGHT TO EXERCISE ANY RIGHT THE COURT
9 HAS NOT GIVEN TO YOUR GUARDIAN OR CONSERVATOR.

10 YOU ALSO HAVE THE RIGHT TO ASK THE COURT TO:

11 END YOUR GUARDIANSHIP, CONSERVATORSHIP, OR BOTH;

12 INCREASE OR DECREASE THE POWERS GRANTED TO YOUR
13 GUARDIAN, CONSERVATOR, OR BOTH;

14 MAKE OTHER CHANGES THAT AFFECT WHAT YOUR
15 GUARDIAN OR CONSERVATOR CAN DO OR HOW THEY DO IT;

16 AND

17 REPLACE THE PERSON WHO WAS APPOINTED WITH SOMEONE
18 ELSE.

19 YOU ALSO HAVE A RIGHT TO HIRE AN ATTORNEY TO HELP
20 YOU DO ANY OF THESE THINGS.

21 ADDITIONAL RIGHTS FOR PERSONS FOR WHOM A GUARDIAN
22 HAS BEEN APPOINTED:

23 AS AN ADULT SUBJECT TO GUARDIANSHIP, YOU HAVE A
24 RIGHT TO:

25 (1) BE INVOLVED IN DECISIONS AFFECTING YOU, INCLUDING

1 DECISIONS ABOUT YOUR CARE, WHERE YOU LIVE, YOUR
2 ACTIVITIES, AND YOUR SOCIAL INTERACTIONS, TO THE
3 EXTENT REASONABLY FEASIBLE;

4 (2) BE INVOLVED IN DECISIONS ABOUT YOUR HEALTH CARE
5 TO THE EXTENT REASONABLY FEASIBLE, AND TO HAVE
6 OTHER PEOPLE HELP YOU UNDERSTAND THE RISKS AND
7 BENEFITS OF HEALTH-CARE OPTIONS;

8 (3) BE NOTIFIED AT LEAST 14 DAYS IN ADVANCE OF A
9 CHANGE IN WHERE YOU LIVE OR A PERMANENT MOVE TO A
10 NURSING HOME, MENTAL-HEALTH FACILITY, OR OTHER
11 FACILITY THAT PLACES RESTRICTIONS ON YOUR ABILITY TO
12 LEAVE OR HAVE VISITORS, UNLESS THE GUARDIAN HAS
13 PROPOSED THIS CHANGE IN THE GUARDIAN'S PLAN OR THE
14 COURT HAS EXPRESSLY AUTHORIZED IT;

15 (4) ASK THE COURT TO PREVENT YOUR GUARDIAN FROM
16 CHANGING WHERE YOU LIVE OR SELLING OR SURRENDERING
17 YOUR PRIMARY DWELLING BY [INSERT PROCESS FOR ASKING
18 THE COURT TO PREVENT SUCH A MOVE];

19 (5) VOTE AND GET MARRIED UNLESS THE COURT ORDER
20 APPOINTING YOUR GUARDIAN STATES THAT YOU CANNOT DO
21 SO;

22 (6) RECEIVE A COPY OF YOUR GUARDIAN'S REPORT AND
23 YOUR GUARDIAN'S PLAN; AND

24 (7) COMMUNICATE, VISIT, OR INTERACT WITH OTHER
25 PEOPLE (THIS INCLUDES THE RIGHT TO HAVE VISITORS, TO
26 MAKE AND RECEIVE TELEPHONE CALLS, PERSONAL MAIL, OR
27 ELECTRONIC COMMUNICATIONS) UNLESS:

1 YOUR GUARDIAN HAS BEEN AUTHORIZED BY THE COURT BY
2 SPECIFIC ORDER TO RESTRICT THESE COMMUNICATIONS,
3 VISITS, OR INTERACTIONS;

4 A PROTECTIVE ORDER IS IN EFFECT THAT LIMITS CONTACT
5 BETWEEN YOU AND OTHER PEOPLE; OR

6 YOUR GUARDIAN HAS GOOD CAUSE TO BELIEVE THE
7 RESTRICTION IS NEEDED TO PROTECT YOU FROM SIGNIFICANT
8 PHYSICAL, PSYCHOLOGICAL, OR FINANCIAL HARM AND THE
9 RESTRICTION IS FOR NOT MORE THAN SEVEN BUSINESS DAYS
10 IF THE PERSON HAS A FAMILY OR PRE-EXISTING SOCIAL
11 RELATIONSHIP WITH YOU OR NOT MORE THAN 60 DAYS IF
12 THE PERSON DOES NOT HAVE THAT KIND OF RELATIONSHIP
13 WITH YOU.

14 ADDITIONAL RIGHTS FOR PERSONS FOR WHOM A
15 CONSERVATOR HAS BEEN APPOINTED:

16 AS AN ADULT SUBJECT TO CONSERVATORSHIP, YOU HAVE A
17 RIGHT TO:

18 (1) PARTICIPATE IN DECISIONS ABOUT HOW YOUR PROPERTY
19 IS MANAGED TO THE EXTENT FEASIBLE; AND

20 (2) RECEIVE A COPY OF YOUR CONSERVATOR'S INVENTORY,
21 REPORT, AND PLAN.

22 PART 7

23 MISCELLANEOUS PROVISIONS

24 **15-14.7-701. 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

1 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

2 **15-14.7-702. Relation to electronic signatures in global and**
3 **national commerce act.** THIS ARTICLE 14.7 MODIFIES, LIMITS, OR
4 SUPERSEDES THE "ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL
5 COMMERCE ACT", 15 U.S.C. SEC 7001 ET SEQ., BUT DOES NOT MODIFY,
6 LIMIT, OR SUPERSEDE SECTION 101(c) OF 15 U.S.C. SEC 7001(c), OR
7 AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE NOTICES DESCRIBED IN
8 SECTION 103(b) OF 15 U.S.C. SEC 7003(b).

9 **15-14.7-703. Applicability.** (1) THIS ARTICLE 14.7 APPLIES TO:

10 (a) A PROCEEDING FOR APPOINTMENT OF A GUARDIAN OR
11 CONSERVATOR OR FOR A PROTECTIVE ARRANGEMENT INSTEAD OF
12 GUARDIANSHIP OR CONSERVATORSHIP COMMENCED AFTER JULY 1, 2026;
13 AND

14 (b) A GUARDIANSHIP, CONSERVATORSHIP, OR PROTECTIVE
15 ARRANGEMENT INSTEAD OF GUARDIANSHIP OR CONSERVATORSHIP IN
16 EXISTENCE ON JULY 1, 2026, UNLESS THE COURT FINDS APPLICATION OF A
17 PARTICULAR PROVISION OF THIS ARTICLE 14.7 WOULD SUBSTANTIALLY
18 INTERFERE WITH THE EFFECTIVE CONDUCT OF THE PROCEEDING OR
19 PREJUDICE THE RIGHTS OF A PARTY, IN WHICH CASE THE PARTICULAR
20 PROVISION OF THIS ARTICLE 14.7 DOES NOT APPLY AND THE SUPERSEDED
21 LAW APPLIES.

22 **15-14.7-704. Severability.** IF ANY PROVISION OF THIS ARTICLE 14.7
23 OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID,
24 THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF
25 THIS ARTICLE 14.7 WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID
26 PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS
27 ARTICLE 14.7 ARE SEVERABLE.

1 **15-14.7-705. Effective date.** THIS ARTICLE 14.7 TAKES EFFECT
2 JULY 1, 2026.

3 **SECTION 2.** In Colorado Revised Statutes, 7-60-132, **amend** (1)
4 introductory portion and (1)(a) as follows:

5 **7-60-132. Dissolution by decree of court.** (1) ~~On~~ UPON
6 application by or for a partner, the court ~~shall~~ MUST decree a dissolution
7 if:

8 (a) A partner has been determined by the court to be mentally
9 incompetent to such a degree that the partner is incapable of performing
10 the partner's part of the partnership contract or a court of competent
11 jurisdiction has made such a finding pursuant to ~~part 3 or part 4 of article~~
12 ~~14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15 or section
13 27-65-110 (4) or 27-65-127;

14 **SECTION 3.** In Colorado Revised Statutes, 11-50-102, **amend**
15 the introductory portion and (5) as follows:

16 **11-50-102. Definitions.** As used in this ~~article~~ ARTICLE 50, unless
17 the context otherwise requires:

18 (5) "Court" means the district or probate court ~~which~~ THAT would
19 have jurisdiction of the minor's estate, if ~~he~~ THE MINOR had property other
20 than custodial property, as provided in ~~section 15-14-108 (1), C.R.S.~~
21 SECTION 15-14.7-106 (1).

22 **SECTION 4.** In Colorado Revised Statutes, 12-215-115, **amend**
23 (7) as follows:

24 **12-215-115. Discipline of licensees - suspension, revocation,**
25 **denial, and probation - grounds - definitions.** (7) In the event any
26 person holding a license to practice chiropractic in this state is determined
27 to be mentally incompetent or insane by a court of competent jurisdiction

1 and a court enters, pursuant to ~~part 3 or 4 of article 14 of title 15~~ PART 3,
2 4, OR 5 OF ARTICLE 14.7 OF TITLE 15 or section 27-65-110 (4) or
3 27-65-127, an order specifically finding that the mental incompetency or
4 insanity is of such a degree that the person holding a license is incapable
5 of continuing to practice chiropractic, ~~the person's license shall~~
6 ~~automatically be suspended by the board~~ THE BOARD MUST
7 AUTOMATICALLY SUSPEND THE PERSON'S LICENSE, and, anything in this
8 article 215 to the contrary notwithstanding, the suspension must continue
9 until the licensee is found by the court to be competent to practice
10 chiropractic.

11 **SECTION 5.** In Colorado Revised Statutes, 12-240-125, **amend**
12 (7) as follows:

13 **12-240-125. Disciplinary action by board - rules.** (7) If any
14 licensee is determined to be mentally incompetent or insane by a court of
15 competent jurisdiction and a court enters, pursuant to ~~part 3 or 4 of article~~
16 ~~14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15 or section
17 27-65-110 (4) or 27-65-127, an order specifically finding that the mental
18 incompetency or insanity is of such a degree that the licensee is incapable
19 of continuing to practice medicine, practice as a physician assistant, or
20 practice as an anesthesiologist assistant, the board ~~shall~~ MUST
21 automatically suspend the licensee's license, and, anything in this article
22 240 to the contrary notwithstanding, the suspension must continue until
23 the licensee is found by the court to be competent to practice medicine,
24 practice as a physician assistant, or practice as an anesthesiologist
25 assistant.

26 **SECTION 6.** In Colorado Revised Statutes, 12-255-119, **amend**
27 (7) as follows:

1 **12-255-119. Disciplinary procedures of the board - inquiry and**
2 **hearings panels - mental and physical examinations - definitions -**
3 **rules.** (7) In case any nurse or certified midwife is determined to be
4 mentally incompetent or insane by a court of competent jurisdiction and
5 a court enters, pursuant to ~~part 3 or 4 of article 14 of title 15~~ PART 3, 4, OR
6 5 OF ARTICLE 14.7 OF TITLE 15 or section 27-65-110 (4) or 27-65-127, an
7 order specifically finding that the mental incompetency or insanity is of
8 such a degree that the nurse or certified midwife is incapable of
9 continuing the practice of nursing or as a certified midwife, the board ~~shall~~
10 MUST automatically suspend the nurse's or certified midwife's license, and,
11 notwithstanding any provision of this part 1 to the contrary, the suspension
12 must continue until the nurse or certified midwife is found by the court to
13 be competent to continue the practice of nursing or the practice as a
14 certified midwife, as applicable.

15 **SECTION 7.** In Colorado Revised Statutes, 12-290-113, **amend**
16 (8) as follows:

17 **12-290-113. Disciplinary action by board.** (8) If a person
18 holding a license to practice podiatry in this state is determined to be
19 mentally incompetent or insane by a court of competent jurisdiction and
20 a court enters, pursuant to ~~part 3 or 4 of article 14 of title 15~~ PART 3, 4, OR
21 5 OF ARTICLE 14.7 OF TITLE 15 or section 27-65-110 (4) or 27-65-127, an
22 order specifically finding that the mental incompetency or insanity is of
23 such a degree that the person holding a license is incapable of continuing
24 to practice podiatry, the board ~~shall~~ MUST automatically suspend the
25 license, and, anything in this article 290 to the contrary notwithstanding,
26 the suspension must continue until the licensee is found by the court to be
27 competent to practice podiatry.

1 **SECTION 8.** In Colorado Revised Statutes, 12-315-112, **amend**
2 (1)(v) as follows:

3 **12-315-112. Discipline of licensees.** (1) Upon receipt of a signed
4 complaint by a complainant or upon its own motion, the board may
5 proceed to a hearing in accordance with section 12-315-113. After a
6 hearing, and by a concurrence of a majority of members, the board may
7 take disciplinary or other action as authorized in section 12-20-404 against
8 an applicant for a license or a licensed veterinarian for any of the
9 following reasons:

10 (v) A determination that the individual is mentally incompetent by
11 a court of competent jurisdiction and the court has entered, pursuant to
12 ~~part 3 or 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE
13 15 or section 27-65-110 (4) or 27-65-127, an order specifically finding
14 that the mental incompetency is of such a degree that the individual is
15 incapable of continuing to practice veterinary medicine;

16 **SECTION 9.** In Colorado Revised Statutes, 12-315-207, **amend**
17 (1)(l) as follows:

18 **12-315-207. Discipline of a registered veterinary technician -**
19 **repeal.** (1) Upon receipt of a signed complaint by a complainant or upon
20 its own motion, the board may proceed to a hearing in accordance with
21 section 12-315-113. After a hearing, and by a concurrence of a majority
22 of members, the board may take disciplinary action as authorized in
23 section 12-20-404 against an applicant for a registration or a registered
24 veterinary technician for any of the following reasons:

25 (l) A determination that the individual is mentally incompetent by
26 a court of competent jurisdiction, and the court has entered, pursuant to
27 ~~part 3 or 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE

1 15 or section 27-65-110 (4) or 27-65-127, an order specifically finding
2 that the mental incompetency is of such a degree that the individual is
3 incapable of continuing to hold a registration as a veterinary technician;

4 **SECTION 10.** In Colorado Revised Statutes, 13-5-142, **amend**
5 (1)(a), (3) introductory portion, and (3)(b)(I) as follows:

6 **13-5-142. National instant criminal background check system**
7 **- reporting.** (1) On and after March 20, 2013, the state court administrator
8 shall send electronically the following information to the Colorado bureau
9 of investigation created pursuant to section 24-33.5-401, referred to in this
10 section as the "bureau":

11 (a) The name of each person who has been found to be
12 ~~incapacitated~~ A PERSON SUBJECT TO GUARDIANSHIP by order of the court
13 pursuant to ~~part 3 of article 14 of title 15, C.R.S. PART 3 OF ARTICLE 14.7~~
14 OF TITLE 15;

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

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

19 (I) The court entered an order pursuant to ~~section 15-14-318,~~
20 ~~C.R.S., SECTION 15-14.7-319~~ terminating a guardianship on a finding that
21 the person is no longer ~~an incapacitated person~~ A PERSON SUBJECT TO
22 GUARDIANSHIP, if the record in the national instant criminal background
23 check system is based on a ~~finding of incapacity~~ FINDING THE PERSON IS
24 SUBJECT TO GUARDIANSHIP;

25 **SECTION 11.** In Colorado Revised Statutes, 13-5-142.5, **amend**
26 (2)(a)(I) as follows:

27 **13-5-142.5. National instant criminal background check system**

1 - **judicial process for awarding relief from federal prohibitions -**
2 **legislative declaration. (2) Eligibility.** A person may petition for relief
3 pursuant to this section if:

4 (a) (I) ~~He or she~~ THE PERSON has been found to be ~~incapacitated~~
5 SUBJECT TO GUARDIANSHIP by order of the court pursuant to ~~part 3 of~~
6 ~~article 14 of title 15, C.R.S. PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15;~~

7 **SECTION 12.** In Colorado Revised Statutes, 13-9-103, **amend** (7)
8 as follows:

9 **13-9-103. Jurisdiction.** (7) With respect to any trust
10 established by or for an individual with ~~his or her~~ THE INDIVIDUAL'S assets,
11 income, or property of any kind, notwithstanding any statutory provision
12 to the contrary, the court shall not authorize, direct, or ratify any trust that
13 either has the effect of qualifying or purports to qualify the trust
14 beneficiary for federal supplemental security income, or public or medical
15 assistance pursuant to title 26, ~~C.R.S.~~, ~~unless the trust meets the criteria set~~
16 ~~forth in sections 15-14-412.6 to 15-14-412.9, C.R.S.~~, and any rule adopted
17 by the medical services board pursuant to section 25.5-6-103. ~~C.R.S.~~

18 **SECTION 13.** In Colorado Revised Statutes, 13-9-123, **amend**
19 (1)(a), (3) introductory portion, and (3)(b)(I) as follows:

20 **13-9-123. National instant criminal background check system**
21 **- reporting.** (1) On and after March 20, 2013, the state court
22 administrator shall send electronically the following information to the
23 Colorado bureau of investigation created pursuant to section 24-33.5-401,
24 referred to in this section as the "bureau":

25 (a) The name of each person who has been found to be
26 ~~incapacitated~~ SUBJECT TO GUARDIANSHIP by order of the court pursuant to
27 ~~part 3 of article 14 of title 15, C.R.S. PART 3 OF ARTICLE 14.7 OF TITLE 15;~~

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

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

5 (I) The court entered an order pursuant to ~~section 15-14-318;~~
6 ~~C.R.S.~~, SECTION 15-14.7-319 terminating a guardianship on a finding that
7 the person is no longer ~~an incapacitated person~~ A PERSON SUBJECT TO
8 GUARDIANSHIP, if the record in the national instant criminal background
9 check system is based on ~~a finding of incapacity~~ FINDING THE PERSON IS
10 SUBJECT TO GUARDIANSHIP;

11 **SECTION 14.** In Colorado Revised Statutes, 13-9-124, **amend**
12 (2)(a)(I) as follows:

13 **13-9-124. National instant criminal background check system**
14 **- judicial process for awarding relief from federal prohibitions -**
15 **legislative declaration. (2) Eligibility.** A person may petition for relief
16 pursuant to this section if:

17 (a) (I) ~~He or she~~ THE PERSON has been found to be ~~incapacitated~~
18 SUBJECT TO GUARDIANSHIP by order of the court pursuant to ~~part 3 of~~
19 ~~article 14 of title 15, C.R.S.~~ PART 3 OF ARTICLE 14.7 OF TITLE 15;

20 **SECTION 15.** In Colorado Revised Statutes, 13-32-101, **amend**
21 (3)(b)(I) as follows:

22 **13-32-101. Docket fees in civil actions - judicial stabilization**
23 **cash fund - justice center cash fund - justice center maintenance fund**
24 **- created - report - legislative declaration. (3) (b) (I) ~~No~~** A docket fee
25 ~~shall~~ MUST NOT be charged in mental health proceedings ~~under~~ PURSUANT
26 TO article 10 or 10.5 of title 27 ~~C.R.S.~~; but, where an estate is thereafter
27 probated for any mental incompetent, the committing court has a claim

1 against ~~such~~ THE estate, as a cost of the mental health proceedings, in the
2 sum of twenty dollars, in addition to any other expense of commitment
3 allowed and paid by the county, to be paid by the conservator of such
4 estate as a claim pursuant to ~~section 15-14-429, C.R.S.~~ SECTION
5 15-14.7-428.

6 **SECTION 16.** In Colorado Revised Statutes, 13-32-102, **amend**
7 (1) introductory portion and (1)(a) as follows:

8 **13-32-102. Fees in probate proceedings.** (1) On and after July
9 1, 2019, for services rendered by judges and clerks of district or probate
10 courts in all counties of the state of Colorado in proceedings ~~had~~ HELD
11 pursuant to articles 10 to 17 of title 15, the court shall charge the
12 following fees:

13 (a) Docket fee at the time of filing first papers in any decedent's
14 estate eligible for summary administrative procedures ~~under~~ PURSUANT TO
15 section 15-12-1203 ~~or in any small estate of a person under disability~~
16 ~~qualifying under section 15-14-118, which estates involve no real property~~
17 \$ 83.00

18 **SECTION 17.** In Colorado Revised Statutes, 13-64-205, **amend**
19 (1)(f)(I)(B) as follows:

20 **13-64-205. Determination of judgment to be entered.** (1) In
21 order to determine what judgment is to be entered on a verdict requiring
22 findings of special damages under this part 2, the court shall proceed as
23 follows:

24 (f) The plaintiff who meets the criteria set forth in this subsection
25 (1) may elect to receive the immediate payment to the plaintiff of the
26 present value of the future damage award in a lump-sum amount in lieu
27 of periodic payments. In order to exercise this right, the plaintiff must

1 either:

2 (I) (B) Not be ~~an incapacitated person, as defined in section~~
3 ~~15-14-102 (5), C.R.S.~~ A PERSON SUBJECT TO GUARDIANSHIP PURSUANT TO
4 SECTION 15-14.7-201 OR 15-14.7-301 OR A PERSON SUBJECT TO
5 CONSERVATORSHIP PURSUANT TO SECTION 15-14.7-401; and

6 **SECTION 18.** In Colorado Revised Statutes, 13-81-102, **repeal**
7 (2)(c) and (2)(d) as follows:

8 **13-81-102. Right of legal representative.** (2) A legal
9 representative may:

10 (c) ~~Petition a court of competent jurisdiction to establish a~~
11 ~~disability trust pursuant to section 15-14-412.8, C.R.S., funded by the~~
12 ~~proceeds of a settlement or judgment received by, or on behalf of, a~~
13 ~~person under disability who is under sixty-five years of age and who is~~
14 ~~disabled, as defined in Title XIX of the federal "Social Security Act", 42~~
15 ~~U.S.C. sec. 1382c (a)(3); or~~

16 (d) ~~Petition a court of competent jurisdiction to establish a pooled~~
17 ~~trust account pursuant to section 15-14-412.9, C.R.S., funded by the~~
18 ~~proceeds of a settlement or judgment received by, or on behalf of, a~~
19 ~~person under disability who is disabled, as defined in Title XIX of the~~
20 ~~federal "Social Security Act", 42 U.S.C. sec. 1382c (a)(3).~~

21 **SECTION 19.** In Colorado Revised Statutes, 13-94-103, **amend**
22 (1) as follows:

23 **13-94-103. Definitions.** (1) Except as otherwise indicated in this
24 section, the definitions set forth in ~~section 15-14-102~~ SECTION 15-14.7-102
25 apply to this article 94.

26 **SECTION 20.** In Colorado Revised Statutes, 13-94-105, **amend**
27 (1.5)(a)(II) as follows:

1 **13-94-105. Office of public guardianship - director - duties -**
2 **memorandum of understanding - annual report - repeal.** (1.5) In
3 addition to any other duties or responsibilities set forth in this article 94,
4 the office:

5 (a) May:

6 (II) Take any action on behalf of an indigent PERSON and
7 ~~incapacitated person~~ A PERSON SUBJECT TO GUARDIANSHIP PURSUANT TO
8 SECTION 15-14.7-201 OR 15-14.7-301 OR A PERSON SUBJECT TO
9 CONSERVATORSHIP PURSUANT TO SECTION 15-14.7-401 that a private
10 guardian may take, except as otherwise limited by law or court order; and

11 **SECTION 21.** In Colorado Revised Statutes, 14-10-107, **amend**
12 (3) as follows:

13 **14-10-107. Commencement - pleadings - abolition of existing**
14 **defenses - automatic, temporary injunction - enforcement.** (3) Either
15 or both parties to the marriage may initiate the proceeding. In addition, a
16 legal guardian, with court approval pursuant to ~~section 15-14-315.5,~~
17 ~~C.R.S., or a conservator, with court approval pursuant to section~~
18 ~~15-14-425.5, C.R.S.,~~ SECTION 15-14.7-314 may initiate the proceeding. If
19 a legal guardian ~~or conservator~~ initiates the proceeding, the legal guardian
20 ~~or conservator shall~~ MUST receive notice in the same manner as the parties
21 to the proceeding.

22 **SECTION 22.** In Colorado Revised Statutes, 15-1-1515, **repeal**
23 (9) as follows:

24 **15-1-1515. Fiduciary duty and authority.** (9) ~~A foreign~~
25 ~~conservator is not required to comply with the provisions of section~~
26 ~~15-14-433 as a condition to obtaining disclosure of a digital asset pursuant~~
27 ~~to this part 15.~~

1 **SECTION 23.** In Colorado Revised Statutes, 15-5-205, **repeal** (4)
2 as follows:

3 **15-5-205. Registration of trusts.** (4) ~~This section and sections~~
4 ~~15-5-206 to 15-5-209 do not apply to any trust created pursuant to section~~
5 ~~15-14-412.5 or 15-14-412.6.~~

6 **SECTION 24.** In Colorado Revised Statutes, 15-10-201, **amend**
7 (14), (25), (26), (43), (44), and (58) as follows:

8 **15-10-201. General definitions.** Subject to additional definitions
9 contained in this article 10 and the subsequent articles that are applicable
10 to specific articles, parts, or sections, and unless the context otherwise
11 requires, in this code:

12 (14) "Disability" means cause for a protective order as described
13 in ~~section 15-14-401~~ SECTION 15-14.7-401.

14 (25) "Incapacitated person" means an individual ~~described in~~
15 ~~section 15-14-102 (5)~~ OTHER THAN A MINOR WHO IS UNABLE TO
16 EFFECTIVELY RECEIVE OR EVALUATE INFORMATION, OR BOTH, OR MAKE OR
17 COMMUNICATE DECISIONS TO SUCH AN EXTENT THAT THE INDIVIDUAL
18 LACKS THE ABILITY TO SATISFY ESSENTIAL REQUIREMENTS FOR PHYSICAL
19 HEALTH, SAFETY, OR SELF-CARE, EVEN WITH APPROPRIATE AND
20 REASONABLY AVAILABLE TECHNOLOGICAL ASSISTANCE.

21 (26) "Informal proceedings" means those conducted without notice
22 to interested persons by an officer of the court acting as a registrar for
23 probate of a will, appointment of a personal representative, or
24 determination of a guardian ~~under sections 15-14-202 and 15-14-301~~
25 PURSUANT TO SECTIONS 15-14.7-201 AND 15-14.7-301.

26 (43) "Protected person" ~~has the same meaning as set forth in~~
27 ~~section 15-14-102 (11)~~ MEANS A MINOR OR OTHER INDIVIDUAL FOR WHOM

1 A CONSERVATOR HAS BEEN APPOINTED OR OTHER PROTECTIVE ORDER HAS
2 BEEN MADE.

3 (44) "Protective proceeding" ~~has the same meaning as used in~~
4 ~~section 15-14-401~~ MEANS THE PROCEEDING TO APPOINT A CONSERVATOR
5 AS DESCRIBED IN SECTION 15-14.7-401.

6 (58) "Ward" means an individual ~~described in section 15-14-102~~
7 ~~(15)~~ FOR WHOM A GUARDIAN HAS BEEN APPOINTED.

8 **SECTION 25.** In Colorado Revised Statutes, 15-10-601, **amend**
9 (3)(a)(VII) as follows:

10 **15-10-601. Definitions.** As used in this part 6, unless the context
11 otherwise requires:

12 (3) (a) "Governing instrument" means a will or a trust or a
13 donative, appointive, or nominative instrument of any other type,
14 including but not limited to:

15 (VII) A court order appointing a conservator as described in ~~part~~
16 ~~4 of article 14 of this title~~ PART 4 OF ARTICLE 14.7 OF THIS TITLE 15.

17 **SECTION 26.** In Colorado Revised Statutes, 15-10-602, **amend**
18 (6) and (9) as follows:

19 **15-10-602. Recovery of reasonable compensation and costs.**
20 (6) Except as provided in sections 15-10-605 (2), (3), and (4); ~~15-14-318~~
21 ~~(4); and 15-14-431 (5); 15-14.7-318; AND 15-14.7-431,~~ if any fiduciary or
22 person with priority for appointment as personal representative,
23 conservator, guardian, agent, custodian, or trustee defends or prosecutes
24 a proceeding in good faith, whether successful or not, the fiduciary or
25 person is entitled to receive from the estate reimbursement for reasonable
26 costs and disbursements, including but not limited to reasonable attorney
27 fees.

1 (9) Every application or petition for appointment of a fiduciary
2 filed under this code, including without limitation those required ~~under~~
3 PURSUANT TO sections 15-12-301, 15-12-402, 15-12-614, 15-12-621,
4 15-12-622, ~~15-14-202, 15-14-204, 15-14-304, and 15-14-403,~~ shall
5 **15-14.7-201, 15-14.7-208, 15-14.7-312, AND 15-14.7-402,** MUST include
6 a statement by the applicant or petitioner disclosing the basis upon which
7 any compensation is to be charged to the estate by the fiduciary and ~~his or~~
8 ~~her or its~~ THE FIDUCIARY'S counsel or ~~shall~~ MUST state that the basis has
9 not yet been determined. The disclosure statement ~~shall~~ MUST specifically
10 describe, as is applicable, the hourly rates to be charged, any amounts to
11 be charged pursuant to a published fee schedule, including the rates and
12 basis for charging fees for any extraordinary services, and any other bases
13 upon which a fee charged to the estate will be calculated. This disclosure
14 obligation ~~shall~~ MUST be continuing in nature so as to require
15 supplemental disclosures if material changes to the basis for charging fees
16 take place.

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

19 **15-14-501. When power of attorney not affected by disability.**

20 (1) Whenever a principal designates another ~~his~~ AS THE PRINCIPAL'S
21 attorney-in-fact or agent by a power of attorney in writing and the writing
22 contains the words "This power of attorney ~~shall not be~~ IS NOT affected by
23 disability of the principal" or "This power of attorney ~~shall become~~
24 BECOMES effective upon the disability of the principal" or similar words
25 showing the intent of the principal that the authority conferred ~~shall be~~ IS
26 exercisable notwithstanding ~~his~~ THE PRINCIPAL'S disability, the authority
27 of the attorney-in-fact or agent is exercisable by ~~him~~ THE

1 ATTORNEY-IN-FACT OR AGENT as provided in the power on behalf of the
2 principal notwithstanding later disability or incapacity of the principal at
3 law or later uncertainty as to whether the principal is dead or alive. The
4 authority of the attorney-in-fact or agent to act on behalf of the principal
5 ~~shall be~~ IS set forth in the power and may relate to any act, power, duty,
6 right, or obligation ~~which~~ THAT the principal has or ~~after~~ acquires LATER
7 relating to the principal or any matter, transaction, or property, real or
8 personal, tangible or intangible. The authority of the agent with regard to
9 medical treatment decisions on behalf of a principal is set forth in sections
10 15-14-503 to 15-14-509. The attorney-in-fact or agent, however, is subject
11 to the same limitations imposed upon court-appointed guardians contained
12 in ~~section 15-14-312 (1)(a)~~ SECTION 15-14.7-312. Additionally, the
13 principal may expressly empower ~~his~~ THE PRINCIPAL'S attorney-in-fact or
14 agent to renounce and disclaim interests and powers; to make gifts, in trust
15 or otherwise; and to release and exercise powers of appointment. All acts
16 done by the attorney-in-fact or agent pursuant to the power during any
17 period of disability or incompetence or uncertainty as to whether the
18 principal is dead or alive have the same effect and inure to the benefit of
19 and bind the principal or ~~his~~ THE PRINCIPAL'S heirs, devisees, and personal
20 representative as if the principal were alive, competent, and not disabled.
21 If a guardian or conservator thereafter is appointed for the principal, the
22 attorney-in-fact or agent, during the continuance of the appointment, shall
23 consult with the guardian on matters concerning the principal's personal
24 care or account to the conservator on matters concerning the principal's
25 financial affairs. The conservator has the same power the principal would
26 have had if ~~he~~ THE PRINCIPAL were not disabled or incompetent to revoke,
27 suspend, or terminate all or any part of the power of attorney or agency as

1 it relates to financial matters. Subject to any limitation or restriction of the
2 guardian's powers or duties set forth in the order of appointment and
3 endorsed on the letters of guardianship, a guardian has the same power to
4 revoke, suspend, or terminate all or any part of the power of attorney or
5 agency as it relates to matters concerning the principal's personal care that
6 the principal would have had if the principal were not disabled or
7 incompetent, except with respect to medical treatment decisions made by
8 an agent pursuant to sections 15-14-506 to 15-14-509; however, such
9 exception ~~shall~~ MUST not preclude a court from removing an agent in the
10 event an agent becomes incapacitated or is unwilling or unable to serve as
11 an agent.

12 **SECTION 28.** In Colorado Revised Statutes, 15-14.5-102, **amend**
13 the introductory portion, (2), and (3) as follows:

14 **15-14.5-102. Definitions.** In this ~~article~~ ARTICLE 14.5:

15 (2) "Conservator" means a person appointed by the court to
16 administer the property of an adult, including a person appointed ~~under~~
17 ~~section 15-14-401~~ PURSUANT TO SECTION 15-14.7-401.

18 (3) "Guardian" means a person appointed by the court to make
19 decisions regarding ~~the person~~ of an adult, including a person appointed
20 ~~under section 15-14-301~~ PURSUANT TO SECTION 15-14.7-301.

21 **SECTION 29.** In Colorado Revised Statutes, 15-18.5-103, **amend**
22 (4)(a) and (4)(b) as follows:

23 **15-18.5-103. Proxy decision-makers for medical treatment**
24 **authorized - definitions.** (4) (a) Interested persons who are informed of
25 the patient's lack of decisional capacity shall make reasonable efforts to
26 reach a consensus as to who among them shall make medical treatment
27 decisions on behalf of the patient. The person selected to act as the

1 patient's proxy decision-maker should be the person who has a close
2 relationship with the patient and who is most likely to be currently
3 informed of the patient's wishes regarding medical treatment decisions. If
4 any of the interested persons disagrees with the selection or the decision
5 of the proxy decision-maker or, if, after reasonable efforts, the interested
6 persons are unable to reach a consensus as to who should act as the proxy
7 decision-maker, then any of the interested persons may seek guardianship
8 of the patient by initiating guardianship proceedings pursuant to part 3 of
9 ~~article 14~~ ARTICLE 14.7 of this ~~title~~ TITLE 15. Only ~~said~~ THE interested
10 persons may initiate such proceedings with regard to the patient.

11 (b) Nothing in this section precludes any interested person from
12 initiating a guardianship proceeding pursuant to part 3 of ~~article 14~~
13 ARTICLE 14.7 of this ~~title~~ TITLE 15 for any reason any time after ~~said~~ THE
14 persons have conformed with ~~paragraph (a) of this subsection (4)~~
15 SUBSECTION (4)(a) OF THIS SECTION.

16 **SECTION 30.** In Colorado Revised Statutes, 15-23-103, **amend**
17 (13) as follows:

18 **15-23-103. Definitions.** As used in this article 23, unless the
19 context otherwise requires:

20 (13) "Original estate planning document" and "original document"
21 mean an original instrument in writing that is any will document,
22 including, but not limited to, wills, as defined in section 15-10-201 (59);
23 codicils; holographic wills; documents purporting to be wills; instruments
24 that revoke or revise a testamentary instrument; testamentary instruments
25 that merely appoint a personal representative; AND other testamentary
26 instruments, such as memoranda distributing tangible personal property,
27 as described in section 15-11-513. ~~and testamentary appointments of~~

1 guardian as described in section 15-14-202 (1).

2 **SECTION 31.** In Colorado Revised Statutes, 19-1-103, **amend**
3 (49)(a) as follows:

4 **19-1-103. Definitions.** As used in this title 19 or in the specified
5 portion of this title 19, unless the context otherwise requires:

6 (49) "Custodial adoption", as used in part 2 of article 5 of this title
7 19, means an adoption of a child by any person and the person's spouse,
8 as required pursuant to section 19-5-202 (3), who:

9 (a) Has been awarded custody or allocated parental responsibilities
10 by a court of law in a dissolution of marriage, custody or allocation of
11 parental responsibilities proceeding, or has been awarded guardianship of
12 the child by a court of law in a probate action, such as pursuant to ~~part 2~~
13 ~~of article 14 of title 15~~ PART 2 OF ARTICLE 14.7 OF TITLE 15; and

14 **SECTION 32.** In Colorado Revised Statutes, 19-1-104, **amend**
15 (1)(c) as follows:

16 **19-1-104. Jurisdiction.** (1) Except as otherwise provided by law,
17 the juvenile court has exclusive original jurisdiction in proceedings:

18 (c) To determine the legal custody of any child or to appoint a
19 guardian of the person or legal custodian of any child who comes within
20 the juvenile court's jurisdiction ~~under provisions of~~ PURSUANT TO this
21 section, and THE JUVENILE COURT may also enter findings and orders as
22 described in ~~section~~ SECTIONS 14-10-123 (1.5) and ~~section 15-14-204 (2.5)~~
23 AND 15-14.7-208;

24 **SECTION 33.** In Colorado Revised Statutes, 19-3-205, **amend** (1)
25 introductory portion and (1)(a) as follows:

26 **19-3-205. Continuing jurisdiction.** (1) Except as otherwise
27 provided in this article 3, the jurisdiction of the court over any child or

1 youth adjudicated as neglected or dependent ~~shall continue~~ CONTINUES
2 until the child or youth becomes eighteen and one-half years of age, unless
3 earlier terminated by court order; except that:

4 (a) If a determination is pending or the youth has been determined
5 to be ~~an incapacitated person pursuant to section 15-14-102~~ A MINOR
6 SUBJECT TO GUARDIANSHIP PURSUANT TO SECTION 15-14.7-201 OR A
7 MINOR SUBJECT TO CONSERVATORSHIP PURSUANT TO SECTION 15-14.7-401,
8 then jurisdiction continues until either the youth has made a complete
9 transition into adult disability services and it is in the youth's best interests
10 for the juvenile court to terminate jurisdiction or the youth reaches
11 twenty-one years of age or such greater age of foster care eligibility as
12 required by federal law, whichever comes first;

13 **SECTION 34.** In Colorado Revised Statutes, **amend** 19-3-704 as
14 follows:

15 **19-3-704. Youth with disabilities - minors subject to**
16 **guardianship or conservatorship.** (1) A party may request the court to
17 determine whether a youth is ~~an incapacitated person, as defined in section~~
18 ~~15-14-102~~ A MINOR SUBJECT TO GUARDIANSHIP PURSUANT TO SECTION
19 15-14.7-201 OR A MINOR SUBJECT TO CONSERVATORSHIP PURSUANT TO
20 SECTION 15-14.7-401. The motion must be filed with the court prior to the
21 youth's eighteenth birthday.

22 (2) If there has been a determination, or if a determination is
23 pending, that a youth is ~~an incapacitated person, as defined in section~~
24 ~~15-14-102~~ A MINOR SUBJECT TO GUARDIANSHIP PURSUANT TO SECTION
25 15-14.7-201 OR A MINOR SUBJECT TO CONSERVATORSHIP PURSUANT TO
26 SECTION 15-14.7-401, then jurisdiction continues as provided in section
27 19-3-205.

1 **SECTION 35.** In Colorado Revised Statutes, 19-5-105.5, **amend**
2 (5)(b) as follows:

3 **19-5-105.5. Termination of parent-child legal relationship**
4 **upon a finding that the child was conceived as a result of sexual**
5 **assault - legislative declaration - definitions.** (5) (b) The court ~~will~~
6 SHALL work to ensure that a petitioner or a respondent who has a disability
7 has equal access to participate in the proceeding. If the petitioner or
8 respondent has a disability, ~~he or she~~ THE PETITIONER OR RESPONDENT has
9 the right to request reasonable accommodations in order to participate in
10 the proceeding; except that the disability of the petitioner, the respondent,
11 or the child must not be the cause for the unnecessary delay of the process.
12 The court shall presume that a petitioner or a respondent with a disability
13 is legally competent and able to understand and participate in the
14 proceeding unless the petitioner or respondent is determined to be ~~an~~
15 ~~incapacitated person, as defined in section 15-14-102 (5), C.R.S.~~ A
16 PERSON SUBJECT TO GUARDIANSHIP PURSUANT TO SECTION 15-14.7-301 OR
17 A PERSON SUBJECT TO CONSERVATORSHIP PURSUANT TO SECTION
18 15-14.7-401.

19 **SECTION 36.** In Colorado Revised Statutes, 19-5-105.7, **amend**
20 (5)(b) as follows:

21 **19-5-105.7. Termination of parent-child legal relationship in**
22 **a case of an allegation that a child was conceived as a result of sexual**
23 **assault but in which no conviction occurred - legislative declaration**
24 **- definitions.** (5) (b) The court ~~will~~ SHALL work to ensure that a petitioner
25 or a respondent who has a disability has equal access to participate in the
26 proceeding. If the petitioner or respondent has a disability, ~~he or she~~ THE
27 PETITIONER OR RESPONDENT has the right to request reasonable

1 accommodations in order to participate in the proceeding; except that the
2 disability of the petitioner, the respondent, or the child must not be the
3 cause for the unnecessary delay of the process. The court shall presume
4 that a petitioner or a respondent with a disability is legally competent and
5 able to understand and participate in the proceeding unless the petitioner
6 or respondent is determined to be ~~an incapacitated person, as defined in~~
7 ~~section 15-14-102 (5), C.R.S.~~ A PERSON SUBJECT TO GUARDIANSHIP
8 PURSUANT TO SECTION 15-14.7-301 OR A PERSON SUBJECT TO
9 CONSERVATORSHIP PURSUANT TO SECTION 15-14.7-401.

10 **SECTION 37.** In Colorado Revised Statutes, 22-31-129, **amend**
11 (1) introductory portion and (1)(g) as follows:

12 **22-31-129. Vacancies.** (1) A school director office ~~shall be~~ IS
13 deemed to be vacant upon the occurrence of any one of the following
14 events prior to the expiration of the term of office:

15 (g) If a court of competent jurisdiction determines that the person
16 duly elected or appointed is insane or otherwise mentally incompetent, but
17 only after the right to appeal has been waived or otherwise exhausted, and
18 a court enters, pursuant to ~~part 3 or part 4 of article 14 of title 15~~ PART 3,
19 4, OR 5 OF ARTICLE 14.7 OF TITLE 15 or ~~section 27-65-109 (4)~~ SECTION
20 27-65-110 (4) or 27-65-127, ~~C.R.S.~~; an order specifically finding that the
21 insanity or mental incompetency is of such a degree that the person is
22 incapable of serving as a school director;

23 **SECTION 38.** In Colorado Revised Statutes, 22-60.5-107, **amend**
24 (2)(a) as follows:

25 **22-60.5-107. Grounds for denying, annulling, suspending, or**
26 **revoking license, certificate, endorsement, or authorization -**
27 **definitions.** (2) Any license, certificate, endorsement, or authorization

1 may be denied, annulled, suspended, or revoked in the manner prescribed
2 in section 22-60.5-108, notwithstanding the provisions of subsection (1)
3 of this section:

4 (a) When the holder has been determined to be mentally
5 incompetent by a court of competent jurisdiction and a court has entered,
6 pursuant to ~~part 3 or part 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF
7 ARTICLE 14.7 OF TITLE 15 or ~~section 27-65-109 (4)~~ SECTION 27-65-110 (4)
8 or 27-65-127, ~~C.R.S.~~, an order specifically finding that the mental
9 incompetency is of such a degree that the holder is incapable of continuing
10 to perform ~~his or her~~ THE HOLDER'S job; except that the license, certificate,
11 endorsement, or authorization held by a person who has been determined
12 to be mentally incompetent and for whom such an order has been entered
13 ~~shall~~ MUST be revoked or suspended by operation of law without a
14 hearing, notwithstanding the provisions of section 22-60.5-108;

15 **SECTION 39.** In Colorado Revised Statutes, 25.5-6-102, **amend**
16 (3)(a) introductory portion, (3)(a)(V), and (7) as follows:

17 **25.5-6-102. Court-approved trusts - transfer of property for**
18 **persons seeking medical assistance for nursing home care - undue**
19 **hardship - legislative declaration.** (3) (a) If a person who applies for
20 medical assistance for nursing home care would be deemed ineligible for
21 assistance as a result of deeming a court-approved trust established for the
22 applicant as a medicaid qualifying trust or as a result of deeming property
23 in the court-approved trust as an improper transfer of assets, the person's
24 application ~~shall, nonetheless,~~ MUST be treated as a case of undue hardship
25 and the person ~~shall be~~ IS eligible for medical assistance for ~~said~~ THE care
26 if the establishment of the court-approved trust meets the following
27 criteria:

1 (V) The trust ~~shall not be~~ IS NOT subject to modification by the
2 beneficiary or the trustee. ~~unless otherwise provided by this section or~~
3 ~~section 15-14-412.5, C.R.S.~~

4 (7) This section ~~shall apply~~ APPLIES to trusts established or
5 transfers of property made prior to July 1, 1994. ~~The provisions set forth~~
6 ~~in sections 15-14-412.6 to 15-14-412.9, C.R.S., and~~ Any rules adopted by
7 the state board pursuant to section 25.5-6-103 ~~shall~~ apply to trusts
8 established or property transferred on or after that date.

9 **SECTION 40.** In Colorado Revised Statutes, 25.5-6-103, **amend**
10 (1) introductory portion as follows:

11 **25.5-6-103. Court-approved trusts - transfer of property for**
12 **persons seeking medical assistance - rule-making authority for trusts**
13 **created on or after July 1, 1994 - undue hardship.** (1) ~~The state board~~
14 ~~shall adopt such rules as are necessary with respect to trusts established~~
15 ~~pursuant to sections 15-14-412.6 to 15-14-412.9.~~ The state board shall
16 adopt rules that address, but need not be limited to, the following:

17 **SECTION 41.** In Colorado Revised Statutes, 26-3.1-104, **amend**
18 (2) as follows:

19 **26-3.1-104. Provision of protective services for at-risk adults**
20 **- consent - nonconsent - least restrictive intervention.** (2) If a county
21 director or ~~his or her~~ THE COUNTY DIRECTOR'S designee determines that an
22 at-risk adult is being or has been mistreated or self-neglected, or is at risk
23 thereof, and if the at-risk adult appears to lack capacity to make decisions
24 and does not consent to the receipt of protective services, the county
25 director is urged, if no other appropriate person is able or willing, to
26 petition the court, pursuant to ~~part 3 of article 14 of title 15, C.R.S.~~ PART
27 3 OF ARTICLE 14.7 OF TITLE 15, for an order authorizing the provision of

1 specific protective services and for the appointment of a guardian, for an
2 order authorizing the appointment of a conservator pursuant to ~~part 4 of~~
3 ~~article 14 of title 15, C.R.S.~~ PART 4 OF ARTICLE 14.7 OF TITLE 15, or for a
4 court order providing for any combination of these actions.

5 **SECTION 42.** In Colorado Revised Statutes, 26-3.1-111, **amend**
6 (8.5)(e) as follows:

7 **26-3.1-111. Access to CAPS - employment checks -**
8 **conservatorship and guardianship checks - confidentiality - fees -**
9 **rules - legislative declaration - definitions.** (8.5) (e) Nothing in this
10 subsection (8.5) delays or precludes the court's appointment of an
11 emergency guardian or conservator of an at-risk adult pursuant to ~~section~~
12 ~~15-14-312 or 15-14-412~~ SECTION 15-14.7-312, 15-14.7-413, OR
13 15-14.7-503, regardless of the timing of the state department's notification
14 of the CAPS check results.

15 **SECTION 43.** In Colorado Revised Statutes, **amend** 26-6-702 as
16 follows:

17 **26-6-702. Definitions.** As used in this part 7, unless the context
18 otherwise requires:

19 (1) "Approved temporary caregiver" means a person approved by
20 a temporary care assistance program pursuant to this part 7 who is
21 delegated temporary care responsibility of a minor by a parent or guardian
22 through a power of attorney, as described in section 15-14-105.

23 (2) "Temporary care assistance program" means a program
24 operated by a child placement agency that assists a parent or guardian with
25 recruiting and identifying an appropriate and safe approved temporary
26 caregiver to whom the parent or guardian can choose to delegate
27 temporary care responsibility of a minor through a power of attorney.

1 pursuant to section 15-14-105.

2 **SECTION 44.** In Colorado Revised Statutes, 26-6-704, **amend**
3 (1)(a)(I) as follows:

4 **26-6-704. Temporary care assistance program - limitations on**
5 **duration of delegation - approved temporary caregiver.** (1) (a) (I) A
6 parent or guardian of a minor may use the assistance of a temporary care
7 assistance program to identify an approved temporary caregiver to
8 delegate any power regarding care, custody, or property of the minor,
9 except the power to consent to marriage or adoption, by a power of
10 attorney. as described in section 15-14-105.

11 **SECTION 45.** In Colorado Revised Statutes, 26-6-905, **amend**
12 (10) as follows:

13 **26-6-905. Licenses - out-of-state notices and consent -**
14 **demonstration pilot program - report - rules - definition.** (10) The
15 state department shall not issue a license to operate a residential or day
16 treatment child care facility, foster care home, or child placement agency
17 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, if the court enters,
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 residential or day
25 treatment child care facility, foster care home, or child placement agency.
26 The record of ~~such~~ THE determination and entry of ~~such~~ THE order ~~being~~
27 ARE conclusive evidence ~~thereof~~ OF THE DETERMINATION.

1 **SECTION 46.** In Colorado Revised Statutes, 26-6-914, **amend**
2 (2)(c) and (6)(a)(I)(C) as follows:

3 **26-6-914. Denial of license - suspension - revocation -**
4 **probation - refusal to renew license - fines - definitions.** (2) The
5 department may deny an application, or suspend, revoke, or make
6 probationary the license, of any facility or agency regulated and licensed
7 pursuant to this part 9 or assess a fine against the licensee pursuant to
8 section 26-6-921 if the licensee, an affiliate of the licensee, a person
9 employed by the licensee, or a person who resides with the licensee at the
10 facility or agency:

11 (c) Is determined to be insane or mentally incompetent by a court
12 of competent jurisdiction; ~~and, a court has entered, pursuant to part 3 or~~
13 ~~part 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15,
14 or section 27-65-110 (4) or 27-65-127, an order specifically finding that
15 the mental incompetency or insanity is of such a degree that the licensee
16 is incapable of operating a facility or agency; AND the record of ~~such~~ THE
17 determination and entry of ~~such~~ THE order ~~being~~ ARE conclusive evidence
18 ~~thereof~~ OF THE DETERMINATION; or

19 (6) (a) (I) The state department shall deny an application for a
20 license under the circumstances described in section 26-6-905 (8). The
21 state department shall revoke or suspend a license previously issued if:

22 (C) The licensee, an affiliate of the licensee, a person employed by
23 the licensee, or a person who resides with the licensee at the facility or
24 agency has been determined to be insane or mentally incompetent by a
25 court of competent jurisdiction and a court has entered, pursuant to ~~part~~
26 ~~3 or part 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE
27 15, or section 27-65-110 (4) or 27-65-127, an order specifically finding

1 that the mental incompetency or insanity is of such a degree that the
2 licensee is incapable of operating a facility or agency. The record of such
3 THE determination and entry of such THE order being ARE conclusive
4 evidence thereof OF THE DETERMINATION.

5 **SECTION 47.** In Colorado Revised Statutes, 26.5-4-112, **amend**
6 (2) as follows:

7 **26.5-4-112. Exemptions - requirements.** (2) As a prerequisite to
8 entering into a valid CCCAP contract with a county office or to being a
9 party to any other payment agreement for the provision of care for a child
10 whose care is funded in whole or in part with money received on the
11 child's behalf from publicly funded state child care assistance programs,
12 an exempt family child care home provider shall sign an attestation that
13 affirms the provider, and any qualified adult residing in the exempt family
14 child care home, has not been determined to be insane or mentally
15 incompetent by a court of competent jurisdiction and a court has not
16 entered, pursuant to ~~part 3 or 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF
17 ARTICLE 14.7 OF TITLE 15, or section 27-65-110 (4) or 27-65-127, an order
18 specifically finding that the mental incompetency or insanity is of such a
19 degree that the provider cannot safely operate an exempt family child care
20 home.

21 **SECTION 48.** In Colorado Revised Statutes, 26.5-5-309, **amend**
22 (5) as follows:

23 **26.5-5-309. Licenses - rules - definition.** (5) The department
24 shall not issue a license to operate an agency or facility defined in this part
25 3 if the person applying for the license or an affiliate of the applicant, a
26 person employed by the applicant, or a person who resides with the
27 applicant at the facility has been determined to be insane or mentally

1 incompetent by a court of competent jurisdiction and a court has entered,
2 pursuant to ~~part 3 or part 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF
3 ARTICLE 14.7 OF TITLE 15, or section 27-65-110 (4) or 27-65-127, an order
4 specifically finding that the mental incompetency or insanity is of such a
5 degree that the applicant is incapable of operating a family child care
6 home or child care center. The record of the determination and entry of the
7 order are conclusive evidence of the determination.

8 **SECTION 49.** In Colorado Revised Statutes, 26.5-5-317, **amend**
9 (2)(c), (5)(a)(I) introductory portion, and (5)(a)(I)(C) as follows:

10 **26.5-5-317. Denial of license - suspension - revocation -**
11 **probation - refusal to renew license - fines.** (2) The department may
12 deny an application, or suspend, revoke, or make probationary the license
13 of any facility regulated and licensed pursuant to this part 3 or assess a
14 fine against the licensee pursuant to section 26.5-5-323 if the licensee, an
15 affiliate of the licensee, a person employed by the licensee, or a person
16 who resides with the licensee at the facility:

17 (c) Is determined to be insane or mentally incompetent by a court
18 of competent jurisdiction; ~~and, if a court enters, pursuant to part 3 or part~~
19 ~~4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15, or
20 section 27-65-110 (4) or 27-65-127, an order specifically finding that the
21 mental incompetency or insanity is of such a degree that the licensee is
22 incapable of operating a family child care home or child care center; AND
23 the record of ~~such~~ THE determination and entry of ~~such~~ THE order ~~being~~
24 ARE conclusive evidence ~~thereof~~ OF THE DETERMINATION; or

25 (5) (a) (I) The department shall deny an application for a license
26 under the circumstances described in section 26.5-5-309 (4). The
27 department ~~shall~~ MUST revoke or suspend a license previously issued if:

1 (C) The licensee, an affiliate of the licensee, a person employed by
2 the licensee, or a person who resides with the licensee at the facility has
3 been determined to be insane or mentally incompetent by a court of
4 competent jurisdiction; ~~and the court has entered pursuant to part 3 or part~~
5 ~~4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15, or
6 ~~section 27-65-109 (4)~~ SECTION 27-65-110 (4) or 27-65-127, an order
7 specifically finding that the mental incompetency or insanity is of such a
8 degree that the licensee is incapable of operating a family child care home
9 or child care center; AND the record of the determination and entry of the
10 order ~~being~~ ARE conclusive evidence ~~thereof~~ OF THE DETERMINATION.

11 **SECTION 50.** In Colorado Revised Statutes, 26.5-5-326, **amend**
12 (4)(b) as follows:

13 **26.5-5-326. Exempt family child care home providers -**
14 **fingerprint-based criminal history record check - child care assistance**
15 **program money - temporary care - rules - definitions.** (4) The
16 department or a county department shall not issue or renew a contract to
17 provide money pursuant to the Colorado child care assistance program
18 pursuant to part 1 of article 4 of this title 26.5 to a qualified provider if the
19 qualified provider or a qualified adult:

20 (b) Has been determined to be insane or mentally incompetent by
21 a court of competent jurisdiction and a court has entered, pursuant to ~~part~~
22 ~~3 or 4 of article 14 of title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15,
23 or section 27-65-110 (4) or 27-65-127, an order specifically finding that
24 the mental incompetency or insanity is of such a degree that the qualified
25 provider cannot safely operate a child care home. The record of the
26 determination and entry of the order are conclusive evidence ~~thereof~~ OF
27 THE DETERMINATION. A qualified provider shall sign an attestation

1 affirming the lack of such a finding prior to entering into or renewing a
2 contract for money under the Colorado child care assistance program,
3 pursuant to section 26.5-4-112 (2).

4 **SECTION 51.** In Colorado Revised Statutes, 27-65-103, **amend**
5 (1) as follows:

6 **27-65-103. Voluntary applications for mental health services.**

7 (1) Nothing in this article 65 in any way limits the right of any person to
8 make a voluntary application at any time to any public or private agency
9 or professional person for mental health services, either by direct
10 application in person or by referral from any other public or private
11 agency or professional person. Subject to ~~section 15-14-316 (4), a ward,~~
12 ~~as defined in section 15-14-102 (15)~~ SECTION 15-14.7-315, AN INDIVIDUAL
13 WHO IS APPOINTED A GUARDIAN may be admitted to a hospital or
14 institutional care and treatment for a mental health disorder with the
15 guardian's consent for as long as the ~~ward~~ INDIVIDUAL agrees to ~~such~~ THE
16 care and treatment. The guardian shall immediately notify in writing the
17 court that appointed the guardian of the admission.

18 **SECTION 52.** In Colorado Revised Statutes, 27-65-127, **amend**
19 (1)(a) as follows:

20 **27-65-127. Imposition of legal disability - deprivation of legal**
21 **right - restoration - repeal.** (1) (a) When an interested person wishes to
22 obtain a determination as to the imposition of a legal disability or the
23 deprivation of a legal right for a person who has a mental health disorder
24 and who is a danger to the person's self or others, is gravely disabled, or
25 is insane, as defined in section 16-8-101, and who is not then subject to
26 proceedings pursuant to this article 65 or ~~part 3 or part 4 of article 14 of~~
27 ~~title 15~~ PART 3, 4, OR 5 OF ARTICLE 14.7 OF TITLE 15, the interested person

1 may petition the court for a specific finding as to the legal disability or
2 deprivation of a legal right. Actions commenced pursuant to this
3 subsection (1) may include but are not limited to actions to determine
4 contractual rights and rights with regard to the operation of motor
5 vehicles.

6 **SECTION 53.** In Colorado Revised Statutes, 30-10-105, **amend**
7 (4)(a) as follows:

8 **30-10-105. When office becomes vacant.** (4) (a) Any county
9 officer shall be declared incapacitated when there is a judicial
10 determination that ~~he~~ THE COUNTY OFFICER is unable to routinely and fully
11 carry out the responsibilities of ~~his~~ THE office by virtue of mental or
12 physical illness or disability and ~~he~~ THE COUNTY OFFICER has been ~~so~~
13 unable TO DO SO for a continuous period of not less than six months
14 immediately preceding the finding of incapacity. The quantum of proof
15 required, the procedures to be followed, and the rights reserved to the
16 subject of any determination of incapacity ~~under~~ PURSUANT TO this
17 subsection (4) ~~shall be~~ ARE those specified for the appointment of
18 guardians in ~~part 3 of article 14 of title 15, C.R.S.~~ PART 3 OF ARTICLE 14.7
19 OF TITLE 15 to the extent applicable.

20 **SECTION 54.** In Colorado Revised Statutes, **amend** 38-10-111.5
21 as follows:

22 **38-10-111.5. Trusts to establish or maintain eligibility for**
23 **certain public assistance void - exceptions.** Any trust established by or
24 for a person that consists of the person's individual assets, income, or
25 property of any kind is void for the purpose of establishing or maintaining
26 eligibility for any public assistance as provided by article 2 of title 26,
27 child care assistance as provided by part 1 of article 4 of title 26.5, or

1 medical assistance as provided by articles 4, 5, and 6 of title 25.5. ~~unless~~
2 ~~the trust is established in accordance with the provisions of sections~~
3 ~~15-14-412.6 to 15-14-412.9.~~

4 **SECTION 55.** In Colorado Revised Statutes, 42-2-116, **amend** (5)
5 as follows:

6 **42-2-116. Restricted license.** (5) The department is authorized
7 after examination to issue a restricted license to a person with a behavioral
8 or mental health disorder or an intellectual and developmental disability,
9 containing such restrictions as may be imposed upon ~~said~~ THE person by
10 a court pursuant to ~~part 3 or part 4 of article 14 of title 15~~ PART 3, 4, OR 5
11 OF ARTICLE 14.7 OF TITLE 15 or section 27-65-110 (4) or 27-65-127.

12 **SECTION 56.** In Colorado Revised Statutes, 42-2-125, **amend**
13 (1)(h) as follows:

14 **42-2-125. Mandatory revocation of license and permit.** (1) The
15 department shall immediately revoke the license or permit of any driver
16 or minor driver upon receiving a record showing that the driver has:

17 (h) Been determined to be mentally incompetent by a court of
18 competent jurisdiction and for whom a court has entered, pursuant to ~~part~~
19 ~~3 or part 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 person is
22 incapable of safely operating a motor vehicle;

23 **SECTION 57.** In Colorado Revised Statutes, **repeal** parts 1, 2, 3,
24 and 4 of article 14 of title 15.

25 **SECTION 58. Act subject to petition - effective date.** This act
26 takes effect July 1, 2026; except that, if a referendum petition is filed
27 pursuant to section 1 (3) of article V of the state constitution against this

1 act or an item, section, or part of this act within the ninety-day period after
2 final adjournment of the general assembly, then the act, item, section, or
3 part will not take effect unless approved by the people at the general
4 election to be held in November 2024 and, in such case, will take effect
5 July 1, 2026, or on the date of the official declaration of the vote thereon
6 by the governor, whichever is later.