

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

**PREAMENDED**

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

LLS NO. 26-0573.01 Chelsea Princell x4335

**HOUSE BILL 26-1100**

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**HOUSE SPONSORSHIP**

**Stewart R. and Espenoza,**

**SENATE SPONSORSHIP**

**Snyder,**

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**House Committees**

Judiciary  
Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**Bill Summary**

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

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

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

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

guardianship.

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

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

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

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

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

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

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

6 In parts 1 to 4 of this article 14:

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

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

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

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

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

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

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

15 (6.5) "LESS RESTRICTIVE ALTERNATIVE" MEANS AN APPROACH TO  
16 MEETING AN INDIVIDUAL'S NEEDS THAT RESTRICTS FEWER RIGHTS OF THE  
17 INDIVIDUAL THAN WOULD THE APPOINTMENT OF A GUARDIAN OR  
18 CONSERVATOR. THE TERM INCLUDES 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 (7.3) "LIMITED GUARDIANSHIP" MEANS A GUARDIANSHIP THAT  
24 GRANTS THE GUARDIAN LESS THAN ALL POWERS AVAILABLE PURSUANT TO  
25 THIS ARTICLE 14 OR OTHERWISE RESTRICTS THE POWERS OF THE GUARDIAN  
26 AND THAT MAY BE ESTABLISHED FOR A SPECIFIED PERIOD OF TIME TO  
27 INCLUDE THE DATE ON WHICH THE GUARDIANSHIP EXPIRES.

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

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

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

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

22 **15-14-103. Guardianship bill of rights.**

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

24 (a) BE TREATED WITH DIGNITY AND RESPECT;

25 (b) BE FREE FROM ABUSE, NEGLECT, EXPLOITATION, AND  
26 DISCRIMINATION;

27 (c) REMAIN AS INDEPENDENT AS POSSIBLE;

1 (d) EXPRESS AND PRACTICE THEIR OWN RELIGIOUS PREFERENCES;

2 (e) PERSONAL PRIVACY;

3 (f) HUMANE, SAFE, AND SANITARY LIVING, LEARNING, AND  
4 WORKING ENVIRONMENTS;

5 (g) SEXUAL EXPRESSION AND TO HAVE THEIR GENDER IDENTITY  
6 RESPECTED;

7 (h) A COMPETENT GUARDIAN WHO ADVOCATES FOR THEIR GOALS,  
8 NEEDS, AND PREFERENCES AND PRIORITIZES THEIR DESIRES, INCLUDING  
9 MEDICAL TREATMENT PREFERENCES, CULTURAL PRACTICES, AND  
10 RELIGIOUS BELIEFS;

11 (i) PARTICIPATE IN ALL DECISIONS, ESPECIALLY THOSE AFFECTING  
12 THEIR CARE, WHERE THEY LIVE, THEIR ACTIVITIES, AND THEIR SOCIAL  
13 INTERACTIONS, TO THE EXTENT THEY WISH TO BE INVOLVED AND ARE ABLE  
14 TO BE INVOLVED;

15 (j) RECEIVE NECESSARY SERVICES AND REHABILITATION, WITHIN  
16 AVAILABLE RESOURCES, THAT PROTECT THEIR PERSONAL LIBERTY AND  
17 ARE PROVIDED WITHIN THE LEAST RESTRICTIVE CONDITIONS;

18 (k) HAVE THE GUARDIAN PRUDENTLY MANAGE THEIR RESOURCES;

19 (l) PARTICIPATE IN DECISIONS ABOUT HOW THEIR PROPERTY IS  
20 MANAGED, TO THE EXTENT THEY WISH TO BE INVOLVED AND ARE ABLE TO  
21 BE INVOLVED;

22 (m) KEEP CONFIDENTIAL THOSE MATTERS THAT THEY WISH TO  
23 KEEP CONFIDENTIAL UNLESS THE INFORMATION IS NECESSARY TO OBTAIN  
24 SERVICES; TO PREVENT ABUSE, NEGLECT, OR EXPLOITATION; OR TO MODIFY  
25 THE GUARDIANSHIP ORDER OR OTHER ORDERS ENTERED INTO PURSUANT  
26 TO ARTICLE 14 OR 14.5 OF THIS TITLE 15;

27 (n) KEEP ALL RIGHTS THAT THE COURT HAS NOT GRANTED TO

- 1 GUARDIAN OR CONSERVATOR;
- 2 (o) A LAWYER, OR A GUARDIAN AD LITEM IF THE COURT FINDS A  
3 GUARDIAN AD LITEM APPROPRIATE, UNLESS A LAWYER IS REQUESTED BY  
4 THE RESPONDENT, WHO ADVOCATES FOR THE OUTCOME THE ADULT  
5 SUBJECT TO GUARDIANSHIP WANTS OR FOR THE ADULT'S BEST INTEREST;
- 6 (p) BE PRESENT AND PARTICIPATE IN ALL COURT HEARINGS;
- 7 (q) LET THE COURT KNOW CONCERNS OR COMPLAINTS ABOUT  
8 THEIR GUARDIANSHIP;
- 9 (r) ASK THE COURT TO REVIEW THE NEED FOR THEIR  
10 GUARDIANSHIP TO CHANGE, CONTINUE, OR END AND WHETHER THEIR  
11 GUARDIAN IS AN APPROPRIATE FIT;
- 12 (s) IF A QUESTION ARISES ABOUT THEIR CAPACITY TO EXERCISE A  
13 SPECIFIC RIGHT, HAVE A COURT REVIEW AND DETERMINE IF AN  
14 EVALUATION IS NECESSARY TO HAVE SOME OR ALL OF THEIR RIGHTS  
15 RESTORED;
- 16 (t) THE SUPPORT AND ACCOMMODATIONS THEY NEED TO BE ABLE  
17 TO EFFECTIVELY COMMUNICATE WITH THE COURT AND TO UNDERSTAND  
18 THE COURT PROCEEDINGS; AND
- 19 (u) HAVE THEIR RIGHTS EXPLAINED TO THEM IN THEIR PREFERRED  
20 METHOD OF COMMUNICATION AND IN THE LANGUAGE THEY CHOOSE.
- 21 (2) THE COURT MAY AUTHORIZE A GUARDIAN OR CONSERVATOR  
22 TO MAKE DECISIONS FOR THE FOLLOWING RIGHTS ON BEHALF OF THE  
23 ADULT SUBJECT TO GUARDIANSHIP:
- 24 (a) TO DETERMINE THE ADULT SUBJECT TO GUARDIANSHIP'S SOCIAL  
25 ENVIRONMENT AND SOCIAL ASPECTS OF THEIR PERSONAL LIFE;
- 26 (b) TO FILE AND DEFEND LAWSUITS;
- 27 (c) TO MAKE CONTRACTS;

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

3 (e) TO MANAGE THE ADULT SUBJECT TO GUARDIANSHIP'S MONEY  
4 AND PROPERTY.

5 (3) THE ADULT SUBJECT TO GUARDIANSHIP RETAINS THE RIGHT TO  
6 VOTE, TO MAINTAIN THEIR REPRODUCTIVE HEALTH AND ABILITY TO  
7 PROCREATE, AND TO CHANGE THE ADULT SUBJECT TO GUARDIANSHIP'S  
8 MARITAL STATUS, UNLESS THE COURT RESTRICTS THOSE RIGHTS BY  
9 STATING THE RESTRICTIONS AND THE RELEVANT FINDINGS TO SUPPORT THE  
10 RESTRICTION IN THE ORDER APPOINTING THE GUARDIAN.

11 (4) NOTHING IN THIS SECTION ALTERS, LIMITS, OR AFFECTS THE  
12 COURT'S AUTHORITY OR THE STANDARDS AND PROCEDURES FOR  
13 APPOINTING A GUARDIAN, DETERMINING THE SCOPE OF GUARDIANSHIP  
14 POWERS, OR MODIFYING OR TERMINATING A GUARDIANSHIP PURSUANT TO  
15 THIS ARTICLE 14. THE RIGHTS SET FORTH IN THIS SECTION ARE SUBJECT TO  
16 ANY LIMITATIONS IMPOSED BY COURT ORDER.

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

19 **PART 3**

20 **GUARDIANSHIP OF ADULT**

21 **15-14-301. Basis for appointment of guardian for adult.**

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

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

26 (I) THE RESPONDENT IS UNABLE TO EFFECTIVELY RECEIVE OR  
27 EVALUATE INFORMATION OR MAKE OR COMMUNICATE DECISIONS TO AN

1 EXTENT THAT THE RESPONDENT LACKS THE ABILITY TO SATISFY ESSENTIAL  
2 REQUIREMENTS FOR PHYSICAL HEALTH, SAFETY, OR SELF-CARE, EVEN WITH  
3 APPROPRIATE AND REASONABLY AVAILABLE TECHNOLOGICAL  
4 ASSISTANCE; AND

5 (II) THE RESPONDENT'S IDENTIFIED NEEDS CANNOT BE MET BY LESS  
6 RESTRICTIVE MEANS, INCLUDING APPROPRIATE SUPPORTIVE SERVICES;  
7 TECHNOLOGICAL ASSISTANCE; OR SUPPORTED DECISION-MAKING, AS  
8 DESCRIBED IN PART 8 OF THIS ARTICLE 14; OR

9 (b) WITH APPROPRIATE FINDINGS, TREAT THE PETITION AS ONE FOR  
10 A LESS RESTRICTIVE ALTERNATIVE.

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

19 **15-14-302. Petition for appointment of guardian for adult.**

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

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

1 GUARDIANSHIP IS NECESSARY; AND, TO THE EXTENT KNOWN, THE  
2 FOLLOWING:

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

7 (b) THE NAME AND ADDRESS OF THE RESPONDENT'S SPOUSE OR  
8 DOMESTIC PARTNER, ADULT CHILDREN, PARENTS, ADULT SIBLINGS, OR ANY  
9 ADULT WITH WHOM THE RESPONDENT HAS SHARED HOUSEHOLD  
10 RESPONSIBILITIES FOR MORE THAN SIX MONTHS IN THE TWELVE-MONTH  
11 PERIOD IMMEDIATELY BEFORE THE FILING OF THE PETITION;

12 (c) THE NAME AND ADDRESS OF EACH OF THE FOLLOWING, IF  
13 APPLICABLE:

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

15 (II) AN ATTORNEY CURRENTLY REPRESENTING THE RESPONDENT;

16 (III) A REPRESENTATIVE PAYEE;

17 (IV) A GUARDIAN OR CONSERVATOR ACTING FOR THE  
18 RESPONDENT;

19 (V) AN AGENT DESIGNATED UNDER A POWER OF ATTORNEY FOR  
20 THE HEALTH CARE OR FINANCES OF THE RESPONDENT;

21 (VI) A PERSON NOMINATED AS GUARDIAN BY THE RESPONDENT;

22 (VII) A PERSON NOMINATED AS GUARDIAN BY THE RESPONDENT'S  
23 PARENT OR SPOUSE OR DOMESTIC PARTNER IN A WILL OR OTHER SIGNED  
24 RECORD;

25 (VIII) A PROPOSED GUARDIAN AND THE REASON FOR SELECTING  
26 THE PROPOSED GUARDIAN; AND

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

1 (d) WHETHER THE PETITIONER SEEKS A LIMITED GUARDIANSHIP OR  
2 FULL GUARDIANSHIP;

3 (e) IF THE PETITIONER SEEKS A FULL GUARDIANSHIP, THE REASON  
4 A LIMITED GUARDIANSHIP OR SUPPORTED DECISION-MAKING AGREEMENT,  
5 AS DEFINED IN SECTION 15-14-802, INSTEAD OF FULL GUARDIANSHIP IS  
6 NOT APPROPRIATE;

7 (f) IF A LIMITED GUARDIANSHIP IS REQUESTED, THE POWERS TO BE  
8 GRANTED TO THE GUARDIAN AND THE DATE THAT THE GUARDIANSHIP  
9 EXPIRES;

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

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

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

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

24 (a) THE NATURE AND EXTENT OF THE RESPONDENT'S ALLEGED  
25 NEED;

26 (b) LESS RESTRICTIVE ALTERNATIVES FOR MEETING THE  
27 RESPONDENT'S ALLEGED NEED THAT HAVE BEEN CONSIDERED OR

1 IMPLEMENTED;

2 (c) IF NO LESS RESTRICTIVE ALTERNATIVES HAVE BEEN  
3 CONSIDERED OR IMPLEMENTED, THE REASON THEY HAVE NOT BEEN  
4 CONSIDERED OR IMPLEMENTED; AND

5 (d) THE REASON A LESS RESTRICTIVE ALTERNATIVE IS  
6 INSUFFICIENT TO MEET THE RESPONDENT'S ALLEGED NEED.

7 **15-14-303. Notice of hearing for appointment of guardian for**  
8 **adult.**

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

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

21 (b) AFTER A COPY OF THE PETITION AND NOTICE OF A HEARING ON  
22 THE PETITION IS SERVED ON THE RESPONDENT IN COMPLIANCE WITH  
23 SUBSECTION (2)(a) OF THIS SECTION, THE COURT SHALL APPOINT AN  
24 ATTORNEY OR GUARDIAN AD LITEM TO REPRESENT THE RESPONDENT AT  
25 THE HEARING. THE APPOINTMENT IS AT THE STATE'S EXPENSE, PENDING A  
26 DETERMINATION OF INDIGENCE. IF THE RESPONDENT IS DETERMINED NOT  
27 TO BE INDIGENT, THE RESPONDENT MUST BE GIVEN THE OPTION TO EITHER

1     RETAIN THE ATTORNEY OR GUARDIAN AD LITEM APPOINTED AT THE  
2     RESPONDENT'S EXPENSE OR RETAIN AN ATTORNEY OR GUARDIAN AD LITEM  
3     OF THEIR CHOOSING AT THE RESPONDENT'S EXPENSE. IF THE RESPONDENT  
4     WAIVES THEIR RIGHT TO COUNSEL, THE COURT MUST HEAR THE REQUEST  
5     ON THE RECORD AND DOCUMENT THE JUSTIFICATION FOR THE RESPONDENT  
6     WAIVING THEIR RIGHT TO COUNSEL.

7             (3) IN A PROCEEDING ON A PETITION DESCRIBED IN SECTION  
8     15-14-302, THE NOTICE REQUIRED PURSUANT TO SUBSECTION (2) OF THIS  
9     SECTION MUST BE GIVEN TO THE PERSONS REQUIRED TO BE LISTED IN THE  
10    PETITION PURSUANT TO SECTION 15-14-302 (2)(a) TO (2)(c), IF KNOWN,  
11    AND ANY OTHER PERSON INTERESTED IN THE WELFARE OF THE  
12    RESPONDENT THAT THE COURT DETERMINES. FAILURE TO GIVE NOTICE  
13    PURSUANT TO THIS SUBSECTION (3) DOES NOT PRECLUDE THE COURT FROM  
14    APPOINTING A GUARDIAN.

15            (4) IF A PETITION FILED PURSUANT TO SECTION 15-14-302 DOES  
16    NOT INCLUDE THE NAME OF AT LEAST ONE PERSON DESCRIBED IN SECTION  
17    15-14-302 (2), THE PETITIONER MUST SEARCH WITH REASONABLE  
18    DILIGENCE FOR AN ADULT RELATIVE OF THE RESPONDENT AND, IF AN  
19    ADULT RELATIVE IS FOUND, GIVE THE ADULT RELATIVE NOTICE IN  
20    ACCORDANCE WITH SECTION 15-10-401 THAT A PETITION FOR  
21    GUARDIANSHIP OF THE RESPONDENT HAS BEEN FILED AND GIVE NOTICE OF  
22    A HEARING ON THE PETITION. THE NOTICE SENT TO THE ADULT RELATIVE  
23    OF THE RESPONDENT MUST NOT INCLUDE A COPY OF THE PETITION.  
24    FAILURE TO GIVE NOTICE PURSUANT TO THIS SUBSECTION (4) DOES NOT  
25    PRECLUDE THE COURT FROM APPOINTING A GUARDIAN.

26            (5) AFTER THE APPOINTMENT OF A GUARDIAN, NOTICE OF A  
27    HEARING ON A PETITION FOR AN ORDER ISSUED PURSUANT TO THIS PART 3,

1 TOGETHER WITH A COPY OF THE PETITION, MUST BE GIVEN TO:

2 (a) THE ADULT SUBJECT TO GUARDIANSHIP;

3 (b) THE GUARDIAN; AND

4 (c) ANY OTHER PERSON THE COURT DETERMINES.

5 **15-14-304. Appointment and role of visitor.**

6 (1) ON RECEIPT OF A PETITION DESCRIBED IN SECTION 15-14-302  
7 FOR APPOINTMENT OF A GUARDIAN FOR AN ADULT, THE COURT SHALL  
8 APPOINT A QUALIFIED VISITOR, AS DETERMINED BY THE COURT.

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

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

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

20 (c) EXPLAIN TO THE RESPONDENT THE RESPONDENT'S RIGHT TO  
21 EMPLOY AND CONSULT WITH AN ATTORNEY AT THE RESPONDENT'S  
22 EXPENSE AND THE RIGHT TO REQUEST REPRESENTATION BY A  
23 COURT-APPOINTED ATTORNEY AT THE RESPONDENT'S OWN EXPENSE IF THE  
24 RESPONDENT IS NOT INDIGENT; 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 UNLESS THE RESPONDENT IS

1 DETERMINED TO BE INDIGENT BY THE COURT.

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

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

5 (b) VISIT THE RESPONDENT'S PRESENT DWELLING AND ANY  
6 DWELLING WHERE THE RESPONDENT IS PROPOSED TO RESIDE IF THE  
7 APPOINTMENT IS MADE;

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

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

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

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

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

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

27 (d) A RECOMMENDATION REGARDING THE APPROPRIATENESS OF

1 GUARDIANSHIP, INCLUDING WHETHER A LESS RESTRICTIVE ALTERNATIVE  
2 FOR MEETING THE RESPONDENT'S NEEDS IS AVAILABLE, AND:

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

5 (II) IF A LIMITED GUARDIANSHIP IS RECOMMENDED, THE POWERS  
6 TO BE GRANTED TO THE GUARDIAN AND THE DATE THAT THE  
7 GUARDIANSHIP EXPIRES;

8 (e) A STATEMENT OF THE QUALIFICATIONS OF THE PROPOSED  
9 GUARDIAN AND WHETHER THE RESPONDENT APPROVES OR DISAPPROVES  
10 OF THE PROPOSED GUARDIAN;

11 (f) A STATEMENT WHETHER THE PROPOSED DWELLING MEETS THE  
12 RESPONDENT'S NEEDS AND WHETHER THE RESPONDENT HAS EXPRESSED A  
13 PREFERENCE AS TO RESIDENCE;

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

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

18 (i) A STATEMENT WHETHER THE RESPONDENT IS ABLE TO  
19 PARTICIPATE IN A HEARING AND A STATEMENT THAT IDENTIFIES ANY  
20 TECHNOLOGY OR OTHER FORM OF SUPPORT THAT WOULD ENHANCE THE  
21 RESPONDENT'S ABILITY TO PARTICIPATE; AND

22 (j) ANY OTHER MATTER THE COURT DETERMINES.

23 **15-14-305. Appointment and role of attorney or guardian ad**  
24 **litem for adult.**

25 (1) THE COURT SHALL APPOINT AN ATTORNEY OR GUARDIAN AD  
26 LITEM TO REPRESENT THE RESPONDENT IN A PROCEEDING FOR THE  
27 APPOINTMENT OF A GUARDIAN FOR THE RESPONDENT UPON

1 RECOMMENDATIONS FROM THE COURT VISITOR, UPON REQUEST OF THE  
2 RESPONDENT, OR AT THE COURT'S DISCRETION. THE COURT VISITOR MUST  
3 MAKE A RECOMMENDATION IN WRITING ON THE COMPLETED COURT  
4 VISITOR REPORT UPON THE APPOINTMENT OF AN ATTORNEY OR GUARDIAN  
5 AD LITEM FOR THE RESPONDENT. IF THE RESPONDENT REQUESTS AN  
6 ATTORNEY, THE COURT MUST APPOINT AN ATTORNEY FOR THE  
7 RESPONDENT.

8 (2) THE COURT MAY RELY ON RECOMMENDATIONS IN THE  
9 VISITOR'S REPORT PURSUANT TO SECTION 15-14-303.

10 (3) IF THE COURT DETERMINES THAT THE RESPONDENT LACKS THE  
11 CAPACITY TO FORM AN ATTORNEY-CLIENT RELATIONSHIP, THE COURT MAY  
12 APPOINT A GUARDIAN AD LITEM TO REPRESENT THE RESPONDENT.

13 (4) AN ATTORNEY REPRESENTING THE RESPONDENT IN A  
14 PROCEEDING FOR APPOINTMENT OF A GUARDIAN FOR AN ADULT SHALL:

15 (a) MAKE REASONABLE EFFORTS TO ASCERTAIN THE RESPONDENT'S  
16 WISHES;

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

19 (c) IF THE RESPONDENT'S WISHES ARE NOT REASONABLY  
20 ASCERTAINABLE, ADVOCATE FOR THE RESULT THAT IS THE LEAST  
21 RESTRICTIVE IN TYPE, DURATION, AND SCOPE, CONSISTENT WITH THE  
22 RESPONDENT'S INTERESTS.

23 **15-14-306. Professional evaluation.**

24 (1) IF, AT OR BEFORE A HEARING ON A PETITION FOR GUARDIANSHIP  
25 FOR AN ADULT, THE COURT FINDS THAT ADDITIONAL INFORMATION MAY  
26 ASSIST THE COURT IN DETERMINING THE RESPONDENT'S NEEDS AND  
27 ABILITIES, THE COURT MAY ORDER NO MORE THAN ONE PROFESSIONAL

1 EVALUATION OF THE RESPONDENT, UNLESS THE RESPONDENT REQUESTS AN  
2 ADDITIONAL PROFESSIONAL EVALUATION OR THE COURT FINDS THAT AN  
3 ADDITIONAL EVALUATION IS NECESSARY DUE TO A MATERIAL CHANGE IN  
4 THE RESPONDENT'S CIRCUMSTANCES OR TO RESOLVE A MATERIAL DISPUTE  
5 IN THE EXISTING EVIDENCE.

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

13 (3) IF THE COURT ORDERS AN EVALUATION PURSUANT TO  
14 SUBSECTION (1) OF THIS SECTION, THE RESPONDENT MUST BE EXAMINED  
15 BY A LICENSED PHYSICIAN, PSYCHOLOGIST, SOCIAL WORKER, OR OTHER  
16 INDIVIDUAL APPOINTED BY THE COURT WHO IS QUALIFIED TO EVALUATE  
17 THE RESPONDENT'S ALLEGED COGNITIVE AND FUNCTIONAL ABILITIES AND  
18 LIMITATIONS. THE INDIVIDUAL CONDUCTING THE EVALUATION PROMPTLY  
19 SHALL FILE A REPORT IN A RECORD WITH THE COURT. UNLESS OTHERWISE  
20 DIRECTED BY THE COURT, THE REPORT MUST CONTAIN:

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

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

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

1 (d) THE DATE OF THE EXAMINATION ON WHICH THE REPORT IS  
2 BASED.

3 (4) THE COURT SHALL ORDER ADDITIONAL PROFESSIONAL  
4 EVALUATIONS ONLY UPON THE FINDINGS REQUIRED IN SUBSECTION (1) OF  
5 THIS SECTION.

6 (5) THE RESPONDENT MAY DECLINE TO PARTICIPATE IN AN  
7 EVALUATION ORDERED PURSUANT TO THIS SECTION.

8 **15-14-307. Attendance and rights at hearing.**

9 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS  
10 SECTION, A HEARING HELD PURSUANT TO SECTION 15-14-303 MUST NOT  
11 PROCEED UNLESS THE RESPONDENT ATTENDS THE HEARING. IF IT IS NOT  
12 REASONABLY FEASIBLE FOR THE RESPONDENT TO ATTEND A HEARING AT  
13 THE LOCATION COURT PROCEEDINGS TYPICALLY ARE HELD, THE COURT  
14 SHALL HOLD A HEARING USING REAL-TIME AUDIO-VISUAL TECHNOLOGY  
15 OR, AT THE COURT'S DISCRETION, HOLD THE HEARING AT AN ALTERNATIVE  
16 LOCATION WHERE THE RESPONDENT CAN ATTEND USING REAL-TIME  
17 AUDIO-VISUAL TECHNOLOGY.

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

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

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

27 (3) THE RESPONDENT MAY BE ASSISTED IN A HEARING HELD

1 PURSUANT TO SECTION 15-14-303 BY A PERSON OR PERSONS OF THE  
2 RESPONDENT'S CHOOSING, ASSISTIVE TECHNOLOGY, OR AN INTERPRETER  
3 OR TRANSLATOR, OR A COMBINATION OF THESE SUPPORTS. IF ASSISTANCE  
4 WOULD FACILITATE THE RESPONDENT'S PARTICIPATION IN THE HEARING  
5 HELD PURSUANT TO SECTION 15-14-303 BUT IS NOT OTHERWISE  
6 AVAILABLE TO THE RESPONDENT, THE COURT SHALL MAKE REASONABLE  
7 EFFORTS TO PROVIDE THE ASSISTANCE.

8 (4) THE RESPONDENT HAS A RIGHT TO BE REPRESENTED BY AN  
9 ATTORNEY OR GUARDIAN AD LITEM AT A HEARING HELD PURSUANT TO  
10 SECTION 15-14-303, WHICH MAY BE A COURT-APPOINTED ATTORNEY OR  
11 GUARDIAN AD LITEM OR AN ATTORNEY OR GUARDIAN AD LITEM OF THE  
12 RESPONDENT'S CHOICE.

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

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

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

19 (c) OTHERWISE PARTICIPATE IN THE HEARING.

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

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

1 (8) ANY PERSON MAY REQUEST TO PARTICIPATE IN A HEARING  
2 HELD PURSUANT TO SECTION 15-14-303. THE COURT MAY GRANT THE  
3 REQUEST, WITH OR WITHOUT A HEARING, ON DETERMINING THAT THE BEST  
4 INTEREST OF THE RESPONDENT WILL BE SERVED. THE COURT SHALL  
5 CONSIDER THE PREFERENCES AND OPINIONS OF THE RESPONDENT PRIOR TO  
6 GRANTING A REQUEST TO PARTICIPATE IN THE HEARING. THE COURT MAY  
7 IMPOSE APPROPRIATE CONDITIONS ON THE PERSON'S PARTICIPATION.

8 **15-14-308. Confidentiality of records.**

9 THE COURT SHALL COMPLY WITH THE ADMINISTRATIVE RULES  
10 ADOPTED BY THE JUDICIAL DEPARTMENT CONCERNING THE  
11 CONFIDENTIALITY OF COURT RECORDS.

12 **15-14-309. Who may be guardian for adult - order of priority.**

13 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS  
14 SECTION, THE COURT, IN APPOINTING A GUARDIAN FOR AN ADULT, SHALL  
15 CONSIDER PERSONS QUALIFIED TO BE A GUARDIAN IN THE FOLLOWING  
16 ORDER OF PRIORITY:

17 (a) A GUARDIAN CURRENTLY ACTING FOR THE RESPONDENT IN  
18 ANOTHER JURISDICTION;

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

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

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

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

27 (2) IF TWO OR MORE PERSONS HAVE EQUAL PRIORITY PURSUANT TO

1 SUBSECTION (1) OF THIS SECTION, THE COURT SHALL SELECT AS GUARDIAN  
2 THE PERSON THE COURT CONSIDERS BEST QUALIFIED. IN DETERMINING THE  
3 BEST QUALIFIED PERSON, THE COURT SHALL CONSIDER THE PERSON'S  
4 RELATIONSHIP WITH THE RESPONDENT, THE PERSON'S SKILLS, THE  
5 EXPRESSED WISHES OF THE RESPONDENT, THE EXTENT TO WHICH THE  
6 PERSON AND THE RESPONDENT HAVE SIMILAR VALUES AND PREFERENCES,  
7 AND THE LIKELIHOOD THE PERSON IS ABLE TO PERFORM THE DUTIES OF A  
8 GUARDIAN SUCCESSFULLY.

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

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

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

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

25 (5) THE COURT SHALL NOT APPOINT AN OWNER, OPERATOR, OR  
26 EMPLOYEE OF A LONG-TERM CARE FACILITY AT WHICH THE RESPONDENT  
27 IS RECEIVING CARE AS A GUARDIAN UNLESS THE OWNER, OPERATOR, OR

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

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

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

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

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

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

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

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

26 (4) THE COURT, AS PART OF AN ORDER ESTABLISHING A  
27 GUARDIANSHIP FOR AN ADULT, SHALL IDENTIFY ANY PERSON THAT

1 SUBSEQUENTLY IS ENTITLED TO:

2 (a) NOTICE OF THE RIGHTS OF THE ADULT GIVEN PURSUANT TO

3 SECTION 15-14-311 (2);

4 (b) NOTICE OF A CHANGE IN THE PRIMARY DWELLING OF THE

5 ADULT;

6 (c) NOTICE THAT THE GUARDIAN HAS DELEGATED:

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

8 (II) THE POWER TO MAKE DECISIONS ABOUT WHERE THE ADULT

9 LIVES;

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

11 OF THE ADULT;

12 (IV) THE POWER THAT REQUIRES COURT APPROVAL PURSUANT TO

13 SECTION 15-14-315; OR

14 (V) SUBSTANTIALLY ALL POWERS OF THE GUARDIAN;

15 (d) NOTICE WHEN THE GUARDIAN IS UNAVAILABLE TO VISIT THE

16 ADULT FOR MORE THAN THREE MONTHS OR UNAVAILABLE TO PERFORM

17 THE GUARDIAN'S DUTIES FOR MORE THAN ONE MONTH;

18 (e) A COPY OF THE GUARDIAN'S PLAN DESCRIBED IN SECTION

19 15-14-316 AND THE GUARDIAN'S REPORT DESCRIBED IN SECTION

20 15-14-317;

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

22 (g) NOTICE OF THE DEATH OR SIGNIFICANT CHANGE IN THE

23 CONDITION OF THE ADULT;

24 (h) NOTICE THAT THE COURT HAS LIMITED OR MODIFIED THE

25 POWERS OF THE GUARDIAN; AND

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

27 (5) A SPOUSE, DOMESTIC PARTNER, AND ADULT CHILD OF AN

1 ADULT SUBJECT TO GUARDIANSHIP ARE ENTITLED TO NOTICE PURSUANT TO  
2 SUBSECTION (4) OF THIS SECTION UNLESS THE COURT DETERMINES NOTICE  
3 IS CONTRARY TO THE PREFERENCES OR PRIOR DIRECTIONS OF THE ADULT  
4 SUBJECT TO GUARDIANSHIP OR NOT IN THE BEST INTEREST OF THE ADULT.

5 (6) (a) FOR AN ADULT SUBJECT TO GUARDIANSHIP WHO IS UNDER  
6 TWENTY-SIX YEARS OLD OR WAS UNDER TWENTY-SIX YEARS OLD WHEN  
7 THE GUARDIANSHIP BEGAN, THE COURT SHALL REVIEW THE ORDER FOR  
8 GUARDIANSHIP AT LEAST ONCE EVERY SIX MONTHS TO DETERMINE  
9 WHETHER THE GUARDIANSHIP REMAINS NECESSARY AND WHETHER A LESS  
10 RESTRICTIVE ALTERNATIVE WOULD ADEQUATELY PROTECT THE ADULT  
11 SUBJECT TO GUARDIANSHIP.

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

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

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

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

24 **15-14-311. Notice of order of appointment - rights.**

25 (1) A GUARDIAN APPOINTED PURSUANT TO SECTION 15-14-309  
26 SHALL GIVE THE ADULT SUBJECT TO GUARDIANSHIP AND ALL OTHER  
27 PERSONS GIVEN NOTICE PURSUANT TO SECTION 15-14-303 A COPY OF THE

1 ORDER OF APPOINTMENT, TOGETHER WITH NOTICE OF THE RIGHT TO  
2 REQUEST TERMINATION OR MODIFICATION. THE ORDER AND NOTICE MUST  
3 BE GIVEN NOT LATER THAN FOURTEEN DAYS AFTER THE APPOINTMENT.

4 (2) NOT LATER THAN THIRTY DAYS AFTER APPOINTING A  
5 GUARDIAN PURSUANT TO SECTION 15-14-309, THE COURT SHALL GIVE TO  
6 THE ADULT SUBJECT TO GUARDIANSHIP, THE GUARDIAN, AND ANY OTHER  
7 PERSON ENTITLED TO NOTICE PURSUANT TO SECTION 15-14-310 (4) OR A  
8 SUBSEQUENT ORDER A STATEMENT OF THE RIGHTS OF THE ADULT SUBJECT  
9 TO GUARDIANSHIP AND PROCEDURES TO SEEK RELIEF IF THE ADULT IS  
10 DENIED THOSE RIGHTS. THE STATEMENT MUST BE IN AT LEAST  
11 SIXTEEN-POINT FONT, IN PLAIN LANGUAGE, AND, TO THE EXTENT FEASIBLE,  
12 IN A LANGUAGE IN WHICH THE ADULT SUBJECT TO GUARDIANSHIP IS  
13 PROFICIENT. THE STATEMENT MUST NOTIFY THE ADULT SUBJECT TO  
14 GUARDIANSHIP OF THE RIGHT TO:

15 (a) SEEK TERMINATION OR MODIFICATION OF THE GUARDIANSHIP,  
16 OR REMOVAL OF THE GUARDIAN, AND CHOOSE AN ATTORNEY TO  
17 REPRESENT THE ADULT IN THESE MATTERS OR USE AN ATTORNEY  
18 APPOINTED BY THE COURT;

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

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

26 (d) BE NOTIFIED AT LEAST THIRTY DAYS BEFORE A CHANGE, IF  
27 POSSIBLE, IN THE ADULT'S PRIMARY DWELLING OR PERMANENT MOVE TO

1 A NURSING FACILITY, MENTAL HEALTH INSTITUTION, OR OTHER FACILITY  
2 THAT PLACES RESTRICTIONS ON THE INDIVIDUAL'S ABILITY TO LEAVE OR  
3 HAVE VISITORS, TO THE EXTENT REASONABLY FEASIBLE, UNLESS THE  
4 CHANGE OR MOVE IS PROPOSED BY THE GUARDIAN'S PLAN, PURSUANT TO  
5 SECTION 15-14-316, OR AUTHORIZED BY THE COURT BY SPECIFIC ORDER.

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

8 (f) COMMUNICATE, VISIT, OR INTERACT WITH OTHERS, INCLUDING  
9 RECEIVING OR REFUSING VISITORS; HAVING PRIVATE CONVERSATIONS WITH  
10 OTHERS; AND MAKING, RECEIVING, OR DECLINING TELEPHONE CALLS,  
11 PERSONAL MAIL, OR ELECTRONIC COMMUNICATIONS, INCLUDING THROUGH  
12 SOCIAL MEDIA, UNLESS:

13 (I) THE GUARDIAN HAS BEEN AUTHORIZED BY THE COURT BY  
14 SPECIFIC ORDER TO RESTRICT COMMUNICATIONS, VISITS, OR  
15 INTERACTIONS; OR

16 (II) A PROTECTIVE ORDER IS IN EFFECT THAT LIMITS CONTACT  
17 BETWEEN THE ADULT AND A PERSON.

18 **15-14-312. Emergency guardian for adult.**

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

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

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

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

3 (2) THE DURATION OF AUTHORITY OF AN EMERGENCY GUARDIAN  
4 FOR AN ADULT MAY NOT EXCEED NINETY DAYS, AND THE EMERGENCY  
5 GUARDIAN MAY EXERCISE ONLY THE POWERS SPECIFIED IN THE ORDER OF  
6 APPOINTMENT. THE EMERGENCY GUARDIAN'S AUTHORITY MAY BE  
7 EXTENDED ONCE FOR NOT MORE THAN NINETY DAYS IF THE COURT FINDS  
8 THAT THE CONDITIONS FOR APPOINTMENT OF AN EMERGENCY GUARDIAN  
9 DESCRIBED IN SUBSECTION (1) OF THIS SECTION CONTINUE AND UNLESS  
10 FURTHER EXTENSION IS AUTHORIZED BY THE COURT UPON A FINDING OF  
11 GOOD CAUSE.

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

19 (4) THE COURT MAY APPOINT AN EMERGENCY GUARDIAN FOR AN  
20 ADULT WITHOUT NOTICE TO THE ADULT AND AN ATTORNEY FOR THE  
21 ADULT ONLY IF THE COURT FINDS FROM AN AFFIDAVIT OR TESTIMONY  
22 THAT THE RESPONDENT'S HEALTH, SAFETY, WELFARE, OR CIVIL LIBERTIES  
23 MAY BE SUBSTANTIALLY HARMED BEFORE A HEARING WITH NOTICE ON THE  
24 APPOINTMENT CAN BE HELD. IF THE COURT APPOINTS AN EMERGENCY  
25 GUARDIAN WITHOUT REASONABLE NOTICE TO THE RESPONDENT OR THE  
26 RESPONDENT'S ATTORNEY AND THE RESPONDENT IS NOT PRESENT AT THE  
27 HEARING, THE COURT MUST HOLD A HEARING ON THE APPROPRIATENESS

1 OF THE APPOINTMENT NOT LATER THAN FOURTEEN DAYS AFTER THE  
2 APPOINTMENT UPON REQUEST OF THE RESPONDENT OR THE RESPONDENT'S  
3 ATTORNEY.

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

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

11 **15-14-313. Duties of guardian for adult.**

12 (1) UNLESS A CONSERVATOR IS SPECIFICALLY APPOINTED FOR THE  
13 ADULT TO MANAGE THE ADULT'S FINANCES, A GUARDIAN FOR AN ADULT  
14 IS A FIDUCIARY. EXCEPT AS OTHERWISE LIMITED BY THE COURT, A  
15 GUARDIAN FOR AN ADULT SHALL MAKE DECISIONS REGARDING THE  
16 SUPPORT, CARE, EDUCATION, HEALTH, AND WELFARE OF THE ADULT  
17 SUBJECT TO GUARDIANSHIP TO THE EXTENT NECESSITATED BY THE  
18 ADULT'S LIMITATIONS.

19 (2) A GUARDIAN FOR AN ADULT SHALL PROMOTE THE  
20 SELF-DETERMINATION OF THE ADULT AND, TO THE EXTENT REASONABLY  
21 FEASIBLE, ENCOURAGE THE ADULT TO PARTICIPATE IN DECISIONS, ACT ON  
22 THE ADULT'S OWN BEHALF, AND DEVELOP OR REGAIN THE CAPACITY TO  
23 MANAGE THE ADULT'S PERSONAL AFFAIRS. IN FURTHERANCE OF THIS DUTY,  
24 THE GUARDIAN SHALL:

25 (a) BECOME OR REMAIN PERSONALLY ACQUAINTED WITH THE  
26 ADULT AND MAINTAIN SUFFICIENT CONTACT WITH THE ADULT, INCLUDING  
27 THROUGH REGULAR VISITATION ON AT LEAST A QUARTERLY BASIS, TO

1 KNOW THE ADULT'S ABILITIES, LIMITATIONS, NEEDS, OPPORTUNITIES, AND  
2 PHYSICAL AND MENTAL HEALTH;

3 (b) TO THE EXTENT REASONABLY FEASIBLE, IDENTIFY THE VALUES  
4 AND PREFERENCES OF THE ADULT AND INVOLVE THE ADULT IN DECISIONS  
5 AFFECTING THE ADULT, INCLUDING DECISIONS ABOUT THE ADULT'S CARE,  
6 DWELLING, ACTIVITIES, OR SOCIAL INTERACTIONS; AND

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

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

13 (a) ENSURE REASONABLE CARE OF THE PERSONAL EFFECTS, PETS,  
14 AND SERVICE OR SUPPORT ANIMALS OF THE ADULT AND BRING A  
15 PROCEEDING FOR CONSERVATORSHIP IF NECESSARY TO PROTECT THE  
16 ADULT'S PROPERTY;

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

20 (c) CONSERVE ANY FUNDS AND OTHER PROPERTY OF THE ADULT  
21 NOT EXPENDED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION FOR THE  
22 ADULT'S FUTURE NEEDS, BUT IF A CONSERVATOR HAS BEEN APPOINTED FOR  
23 THE ADULT, PAY THE FUNDS AND OTHER PROPERTY AT LEAST QUARTERLY  
24 TO THE CONSERVATOR TO BE CONSERVED FOR THE ADULT'S FUTURE  
25 NEEDS;

26 (d) ACCOUNT FOR ANY EXPENDITURES OF THE ADULT'S FUNDS  
27 MADE BY THE GUARDIAN ON BEHALF OF THE ADULT AND PROVIDE THE

1 ACCOUNTING TO THE ADULT ON AN ANNUAL BASIS;

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

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

6 (4) IN MAKING A DECISION FOR AN ADULT SUBJECT TO  
7 GUARDIANSHIP, THE GUARDIAN SHALL MAKE THE DECISION THE GUARDIAN  
8 REASONABLY BELIEVES THE ADULT WOULD MAKE IF THE ADULT WERE  
9 ABLE, UNLESS DOING SO WOULD UNREASONABLY HARM OR ENDANGER THE  
10 WELFARE OR PERSONAL OR FINANCIAL INTERESTS OF THE ADULT. TO  
11 DETERMINE THE DECISION THE ADULT SUBJECT TO GUARDIANSHIP WOULD  
12 MAKE IF ABLE, THE GUARDIAN SHALL CONSIDER THE ADULT'S PREVIOUS OR  
13 CURRENT DIRECTIONS, PREFERENCES, OPINIONS, VALUES, AND ACTIONS, TO  
14 THE EXTENT ACTUALLY KNOWN OR REASONABLY ASCERTAINABLE BY THE  
15 GUARDIAN.

16 (5) IF A GUARDIAN FOR AN ADULT CANNOT MAKE A DECISION  
17 PURSUANT TO SUBSECTION (4) OF THIS SECTION BECAUSE THE GUARDIAN  
18 DOES NOT KNOW AND CANNOT REASONABLY DETERMINE THE DECISION  
19 THE ADULT PROBABLY WOULD MAKE IF ABLE, OR THE GUARDIAN  
20 REASONABLY BELIEVES THE DECISION THE ADULT WOULD MAKE WOULD  
21 UNREASONABLY HARM OR ENDANGER THE WELFARE OR PERSONAL OR  
22 FINANCIAL INTERESTS OF THE ADULT, THE GUARDIAN SHALL ACT IN  
23 ACCORDANCE WITH THE BEST INTEREST OF THE ADULT. IN DETERMINING  
24 THE BEST INTEREST OF THE ADULT, THE GUARDIAN SHALL CONSIDER:

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

27 (b) OTHER INFORMATION THE GUARDIAN BELIEVES THE ADULT

1 WOULD HAVE CONSIDERED IF THE ADULT WERE ABLE TO ACT; AND

2 (c) OTHER FACTORS A REASONABLE PERSON IN THE  
3 CIRCUMSTANCES OF THE ADULT WOULD CONSIDER, INCLUDING  
4 CONSEQUENCES FOR OTHERS.

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

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

11 **15-14-314. Powers of guardian for adult.**

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

14 (a) APPLY FOR AND RECEIVE FUNDS AND BENEFITS FOR THE  
15 SUPPORT OF THE ADULT, UNLESS A CONSERVATOR IS APPOINTED FOR THE  
16 ADULT AND THE APPLICATION OR RECEIPT IS WITHIN THE POWERS OF THE  
17 CONSERVATOR;

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

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

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

27 (e) TO THE EXTENT REASONABLE, DELEGATE TO THE ADULT

1 RESPONSIBILITY FOR A DECISION AFFECTING THE ADULT'S WELL-BEING;

2 AND

3 (f) RECEIVE PERSONALLY IDENTIFIABLE HEALTH-CARE  
4 INFORMATION REGARDING THE ADULT.

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

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

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

12 (b) PETITION FOR DIVORCE, DISSOLUTION, OR ANNULMENT OF  
13 MARRIAGE OF THE ADULT OR A DECLARATION OF INVALIDITY OF THE  
14 ADULT'S MARRIAGE; OR

15 (c) SUPPORT OR OPPOSE A PETITION FOR DIVORCE, DISSOLUTION,  
16 OR ANNULMENT OF MARRIAGE OF THE ADULT OR A DECLARATION OF  
17 INVALIDITY OF THE ADULT'S MARRIAGE.

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

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

27 (a) SELECT A RESIDENTIAL SETTING THE GUARDIAN BELIEVES THE

1 ADULT WOULD SELECT IF THE ADULT WERE ABLE, IN ACCORDANCE WITH  
2 THE DECISION-MAKING STANDARD DESCRIBED IN SECTION 15-14-313. IF  
3 THE GUARDIAN DOES NOT KNOW AND CANNOT REASONABLY DETERMINE  
4 WHAT SETTING THE ADULT SUBJECT TO GUARDIANSHIP PROBABLY WOULD  
5 CHOOSE IF ABLE, OR THE GUARDIAN REASONABLY BELIEVES THE DECISION  
6 THE ADULT WOULD MAKE WOULD UNREASONABLY HARM OR ENDANGER  
7 THE WELFARE OR PERSONAL OR FINANCIAL INTERESTS OF THE ADULT, THE  
8 GUARDIAN SHALL CHOOSE IN ACCORDANCE WITH SECTION 15-14-313 A  
9 RESIDENTIAL SETTING THAT IS CONSISTENT WITH THE ADULT'S BEST  
10 INTEREST AND IS THE LEAST RESTRICTIVE RESIDENTIAL ENVIRONMENT  
11 NECESSARY TO MEET THE ADULT'S NEEDS.

12 (b) IN SELECTING AMONG RESIDENTIAL SETTINGS, GIVE PRIORITY  
13 TO A RESIDENTIAL SETTING IN A LOCATION THAT ALLOWS THE ADULT TO  
14 INTERACT WITH PERSONS IMPORTANT TO THE ADULT AND MEETS THE  
15 ADULT'S NEEDS;

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

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

22 (II) INCLUDE IN THE NOTICE THE ADDRESS AND NATURE OF THE  
23 NEW DWELLING AND STATE WHETHER THE ADULT RECEIVED ADVANCE  
24 NOTICE OF THE CHANGE AND WHETHER THE ADULT OBJECTED TO THE  
25 CHANGE;

26 (d) ESTABLISH OR MOVE THE PERMANENT PLACE OF DWELLING OF  
27 THE ADULT TO A NURSING HOME, MENTAL HEALTH INSTITUTION, OR OTHER

1 FACILITY THAT PLACES RESTRICTIONS ON THE ADULT'S ABILITY TO LEAVE  
2 OR HAVE VISITORS ONLY IF:

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

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

6 (III) THE GUARDIAN GIVES NOTICE OF THE ESTABLISHMENT OR  
7 MOVE AT LEAST FOURTEEN DAYS, IF POSSIBLE, BEFORE THE  
8 ESTABLISHMENT OR MOVE TO THE ADULT AND ALL PERSONS ENTITLED TO  
9 NOTICE PURSUANT TO SECTION 15-14-310 (4)(b) OR A SUBSEQUENT  
10 ORDER, AND NO OBJECTION IS FILED; AND

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

14 (6) (a) IN EXERCISING THE GUARDIAN'S POWER PURSUANT TO  
15 SUBSECTION (1)(b) OF THIS SECTION TO ESTABLISH THE ADULT'S  
16 PERMANENT PLACE OF DWELLING, IF THE GUARDIAN SELECTS A MORE  
17 RESTRICTIVE OUT-OF-HOME PLACEMENT, SUCH AS A NURSING FACILITY,  
18 GROUP HOME, OR OTHER OUT-OF-HOME PLACEMENT, THE COURT MUST  
19 HOLD A HEARING IF THE ADULT OR THE ADULT'S GUARDIAN AD LITEM  
20 OBJECTS TO THE PLACEMENT. THE ADULT SUBJECT TO GUARDIANSHIP  
21 MUST ATTEND THE HEARING. IN ORDER FOR THE GUARDIAN TO PROCEED  
22 WITH PLACEMENT ARRANGEMENTS FOR OUT-OF-HOME PLACEMENT, THE  
23 COURT MUST FIND BY CLEAR AND CONVINCING EVIDENCE THAT THE  
24 PLACEMENT IS NECESSARY FOR THE ADULT'S SAFETY, HEALTH, OR  
25 WELFARE AND THAT NO LESS RESTRICTIVE ALTERNATIVE OR IN-HOME  
26 PLACEMENT WOULD PROVIDE THE SAME SAFEGUARDS FOR THE ADULT.

27 (b) THIS SUBSECTION (6) DOES NOT APPLY IF THE COURT

1 AUTHORIZES A HIGHER LEVEL OF CARE FOR THE ADULT AT THE INITIAL  
2 APPOINTMENT OF THE GUARDIAN AND THIS PLACEMENT ARRANGEMENT IS  
3 CONSISTENT WITH THAT INITIAL PLACEMENT.

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

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

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

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

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

1 (f) IF THE GUARDIAN DECIDES TO OBTAIN CARE AND TREATMENT  
2 FOR THE ADULT'S SUBSTANCE USE DISORDER, PROCEED AS PROVIDED  
3 PURSUANT TO ARTICLES 81 AND 82 OF TITLE 27 TO OBTAIN THE CARE AND  
4 TREATMENT FOR THE ADULT'S SUBSTANCE USE DISORDER.

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

9 **15-14-315. Special limitations on guardian's power.**

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

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

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

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

13 (b) A PROTECTIVE ORDER IS IN EFFECT THAT LIMITS CONTACT  
14 BETWEEN THE ADULT AND A PERSON; OR

15 (c) THE GUARDIAN HAS GOOD CAUSE TO BELIEVE RESTRICTION OR  
16 COMPULSION IS NECESSARY BECAUSE INTERACTION WITH A SPECIFIED  
17 PERSON POSES A RISK OF SUBSTANTIAL PHYSICAL, PSYCHOLOGICAL, OR  
18 FINANCIAL HARM TO THE ADULT.

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

22 **15-14-316. Guardian's plan.**

23 (1) A GUARDIAN FOR AN ADULT, NOT LATER THAN NINETY DAYS  
24 AFTER APPOINTMENT AND WHEN THERE IS A SIGNIFICANT CHANGE IN  
25 CIRCUMSTANCES, SUCH AS A CHANGE IN THE ADULT'S MEDICAL  
26 CONDITION, CHANGE IN LIVING ARRANGEMENTS, OR A MOVE TO A  
27 DIFFERENT GEOGRAPHICAL AREA, OR THE GUARDIAN SEEKS TO DEVIATE

1 SIGNIFICANTLY FROM THE GUARDIAN'S PLAN, SHALL FILE WITH THE COURT  
2 A PLAN FOR THE CARE OF THE ADULT, TOGETHER WITH THE GUARDIAN'S  
3 REPORT AS REQUIRED PURSUANT TO SECTION 15-14-317. THE PLAN MUST  
4 BE BASED ON THE NEEDS OF THE ADULT AND TAKE INTO ACCOUNT THE  
5 BEST INTEREST OF THE ADULT AS WELL AS THE ADULT'S PREFERENCES,  
6 VALUES, AND PRIOR DIRECTIONS, TO THE EXTENT KNOWN TO OR  
7 REASONABLY ASCERTAINABLE BY THE GUARDIAN. THE GUARDIAN SHALL  
8 INCLUDE IN THE PLAN:

9 (a) THE LIVING ARRANGEMENT, SERVICES, AND SUPPORTS THE  
10 GUARDIAN EXPECTS TO ARRANGE, FACILITATE, OR CONTINUE FOR THE  
11 ADULT;

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

14 (c) ANY PERSON WITH WHOM THE ADULT HAS A CLOSE PERSONAL  
15 RELATIONSHIP OR RELATIONSHIP INVOLVING REGULAR VISITATION WHO  
16 HAS NOT BEEN CONVICTED ON CHARGES OF EXPLOITATION OR ABUSE AND  
17 ANY PLAN THE GUARDIAN HAS FOR FACILITATING VISITS WITH THE PERSON;

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

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

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

26 (g) A STATEMENT OR LIST OF THE AMOUNT THE GUARDIAN  
27 PROPOSES TO CHARGE FOR EACH SERVICE THE GUARDIAN ANTICIPATES

1 PROVIDING TO THE ADULT.

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

10 (3) AN ADULT SUBJECT TO GUARDIANSHIP MAY OBJECT TO THE  
11 PLAN.

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

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

25 **15-14-317. Guardian's report - monitoring of guardianship.**

26 (1) A GUARDIAN FOR AN ADULT, NOT LATER THAN SIXTY DAYS  
27 AFTER APPOINTMENT AND AT LEAST ANNUALLY THEREAFTER, SHALL FILE

1 WITH THE COURT A REPORT IN A RECORD REGARDING THE CONDITION OF  
2 THE ADULT AND ACCOUNTING FOR FUNDS AND OTHER PROPERTY IN THE  
3 GUARDIAN'S POSSESSION OR SUBJECT TO THE GUARDIAN'S CONTROL,  
4 TOGETHER WITH THE GUARDIAN'S PLAN AS REQUIRED PURSUANT TO  
5 SECTION 15-14-316.

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

8 (a) THE MENTAL, PHYSICAL, AND SOCIAL CONDITION OF THE  
9 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  
15 TO THE ADULT AND THE GUARDIAN'S OPINION AS TO THE ADEQUACY OF  
16 THE 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  
10 OF THE ADULT;

11 (k) A COPY OF THE GUARDIAN'S MOST RECENTLY APPROVED PLAN  
12 DESCRIBED IN SECTION 15-14-316 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, IF NOT  
16 OTHERWISE PROVIDED IN THE GUARDIAN'S MOST RECENT PLAN APPROVED  
17 PURSUANT TO SECTION 15-14-316;

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

21 (n) WHETHER ANY CO-GUARDIAN OR SUCCESSOR GUARDIAN  
22 APPOINTED TO SERVE WHEN A DESIGNATED EVENT OCCURS IS ALIVE AND  
23 ABLE TO SERVE;

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

27 (p) COPIES OF FINANCIAL ACCOUNTING STATEMENTS PROVIDED TO

1 THE ADULT.

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

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

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

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

19 (b) THE GUARDIANSHIP NEEDS TO CONTINUE; AND

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

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

26 (a) SHALL NOTIFY THE ADULT, THE GUARDIAN, AND ANY OTHER  
27 PERSON ENTITLED TO NOTICE PURSUANT TO SECTION 15-14-310 OR A

1 SUBSEQUENT ORDER;

2 (b) MAY REQUIRE ADDITIONAL INFORMATION FROM THE  
3 GUARDIAN;

4 (c) IF THE ADULT IS NOT REPRESENTED BY AN ATTORNEY, SHALL  
5 APPOINT AN ATTORNEY OR GUARDIAN AD LITEM TO REPRESENT THE ADULT  
6 PURSUANT TO THE SAME CONDITIONS SET FORTH IN SECTION 15-14-305;

7 (d) MAY APPOINT A VISITOR TO INTERVIEW THE ADULT OR  
8 GUARDIAN OR INVESTIGATE ANY MATTER INVOLVING THE GUARDIANSHIP;

9 AND

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

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

17 (8) A GUARDIAN FOR AN ADULT MAY PETITION THE COURT FOR  
18 APPROVAL OF A REPORT FILED PURSUANT TO THIS SECTION. THE COURT,  
19 AFTER REVIEW, MAY APPROVE THE REPORT. AFTER THE REPORT IS  
20 APPROVED, A PERSON INTERESTED IN THE WELFARE OF THE ADULT MAY  
21 FILE AN OBJECTION ABOUT THE ACCURACY OF THE REPORT WITH THE  
22 COURT.

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

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

26 (b) ISSUE SANCTIONS AGAINST THE GUARDIAN;

27 (c) ISSUE A SUMMONS TO SHOW CAUSE FOR NOT SUBMITTING A

1 REPORT AS REQUIRED BY SUBSECTION (1) OF THIS SECTION; OR

2 (d) REMOVE THE GUARDIAN.

3 **15-14-318. Removal of guardian for adult - appointment of**  
4 **successor.**

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

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

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

19 (b) FILING, FROM THE ADULT, GUARDIAN, OR PERSON INTERESTED  
20 IN THE WELFARE OF THE ADULT THAT SUPPORTS A REASONABLE BELIEF  
21 THAT REMOVAL OF THE GUARDIAN AND APPOINTMENT OF A SUCCESSOR  
22 GUARDIAN IS APPROPRIATE; OR

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

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

1 GUARDIAN, AND ANY OTHER PERSON THE COURT DETERMINES.

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

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

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

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

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

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

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

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

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

9           (I) PETITION PURSUANT TO SUBSECTION (1) OF THIS SECTION THAT  
10 CONTAINS ALLEGATIONS THAT, IF TRUE, WOULD SUPPORT A REASONABLE  
11 BELIEF THAT TERMINATION OR MODIFICATION OF THE GUARDIANSHIP IS  
12 APPROPRIATE, BUT THE COURT MAY DECLINE TO HOLD A HEARING IF A  
13 PETITION BASED ON THE SAME OR SUBSTANTIALLY SIMILAR FACTS WAS  
14 FILED DURING THE PRECEDING TWELVE MONTHS UNLESS THERE IS GOOD  
15 CAUSE TO BELIEVE A HEARING IS NECESSARY BECAUSE THE FACTS  
16 DEMONSTRATE POTENTIAL RISK OF SIGNIFICANT PHYSICAL,  
17 PSYCHOLOGICAL, OR FINANCIAL HARM TO THE ADULT SUBJECT TO  
18 GUARDIANSHIP.

19           (II) FILING, FROM THE ADULT, GUARDIAN, OR PERSON INTERESTED  
20 IN THE WELFARE OF THE ADULT THAT SUPPORTS A REASONABLE BELIEF  
21 THAT TERMINATION OR MODIFICATION OF THE GUARDIANSHIP IS  
22 APPROPRIATE, INCLUDING BECAUSE THE FUNCTIONAL NEEDS OF THE ADULT  
23 OR SUPPORTS OR SERVICES AVAILABLE TO THE ADULT HAVE CHANGED;

24           (III) A REPORT FROM A GUARDIAN OR CONSERVATOR THAT  
25 INDICATES THAT TERMINATION OR MODIFICATION IS APPROPRIATE  
26 BECAUSE THE FUNCTIONAL NEEDS OF THE ADULT OR SUPPORTS OR  
27 SERVICES AVAILABLE TO THE ADULT HAVE CHANGED OR A PROTECTIVE

1 ARRANGEMENT OR OTHER LESS RESTRICTIVE ALTERNATIVE FOR MEETING  
2 THE ADULT'S NEEDS IS AVAILABLE; OR

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

5 (b) A COMMUNICATION TO THE COURT FROM THE ADULT  
6 REQUESTING CHANGES TO THE ADULT'S GUARDIANSHIP PLAN OR RAISING  
7 CONCERNS ABOUT THE ADULT'S GUARDIAN OR GUARDIANSHIP MUST BE  
8 BROADLY CONSTRUED AS A PETITION TO MODIFY OR TERMINATE A  
9 GUARDIANSHIP.

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

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

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

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

26 (8) AN ADULT SUBJECT TO GUARDIANSHIP WHO SEEKS TO  
27 TERMINATE OR MODIFY THE TERMS OF THE GUARDIANSHIP HAS THE RIGHT

1 TO CHOOSE AN ATTORNEY TO REPRESENT THE ADULT IN THE MATTER. IF  
2 THE ADULT IS NOT REPRESENTED BY AN ATTORNEY, THE COURT SHALL  
3 APPOINT AN ATTORNEY PURSUANT TO THE SAME CONDITIONS SET FORTH  
4 IN SECTION 15-14-305.

5 (9) THE FOLLOWING PROVISIONS APPLY IN A CONTESTED  
6 TERMINATION PROCEEDING:

7 (a) THE GUARDIAN MAY FILE A WRITTEN REPORT TO THE COURT  
8 REGARDING ANY MATTER RELEVANT TO THE TERMINATION PROCEEDING,  
9 AND THE GUARDIAN MAY FILE A MOTION FOR INSTRUCTIONS REGARDING  
10 ANY RELEVANT MATTER, INCLUDING, BUT NOT LIMITED TO:

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

13 (II) WHETHER ANY FURTHER INVESTIGATION OR PROFESSIONAL  
14 EVALUATION OF THE ADULT SUBJECT TO GUARDIANSHIP MUST BE  
15 CONDUCTED, THE SCOPE OF THE INVESTIGATION OR PROFESSIONAL  
16 EVALUATION, AND WHEN THE INVESTIGATION OR PROFESSIONAL  
17 EVALUATION MUST BE COMPLETED; AND

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

20 (b) IF THE GUARDIAN ELECTS TO FILE A WRITTEN REPORT OR A  
21 MOTION FOR INSTRUCTIONS, THE GUARDIAN MUST FILE INITIAL PLEADINGS  
22 WITHIN TWENTY-ONE DAYS AFTER THE PETITION TO TERMINATE IS FILED  
23 AND SEND A COPY OF THE WRITTEN REPORT TO THE ADULT SUBJECT TO  
24 GUARDIANSHIP. THE ADULT OR A PERSON INTERESTED IN THE WELFARE OF  
25 THE ADULT SUBJECT TO GUARDIANSHIP HAS FOURTEEN DAYS AFTER THE  
26 INITIAL PLEADINGS ARE FILED TO FILE A RESPONSE. IF A RESPONSE IS FILED,  
27 THE GUARDIAN HAS SEVEN DAYS AFTER THE RESPONSE IS FILED TO FILE A

1 REPLY. AFTER THE FILING OF THE GUARDIAN'S INITIAL MOTION FOR  
2 INSTRUCTIONS, THE GUARDIAN MAY FILE SUBSEQUENT MOTIONS FOR  
3 INSTRUCTION, AS APPROPRIATE. THE COURT SHALL ACCEPT AND CONSIDER  
4 ADDITIONAL MOTIONS FOR INSTRUCTIONS OR OTHER PLEADINGS FILED BY  
5 A GUARDIAN AFTER THE INITIAL TWENTY-ONE-DAY PERIOD, BUT THE  
6 ADDITIONAL MOTIONS AND PLEADINGS MUST NOT IMPACT THE DEADLINES  
7 FOR HOLDING A HEARING UNLESS THE COURT DETERMINES A DELAY IS  
8 ABSOLUTELY NECESSARY. THE COURT MAY CONSIDER RECOMMENDATIONS  
9 BY THE GUARDIAN, BUT THE COURT RETAINS FINAL DECISION-MAKING  
10 AUTHORITY.

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

17 (d) UNLESS ORDERED BY THE COURT, THE GUARDIAN DOES NOT  
18 HAVE A DUTY TO PARTICIPATE IN THE TERMINATION PROCEEDING, AND THE  
19 GUARDIAN DOES NOT INCUR LIABILITY FOR FILING THE REPORT OR MOTION  
20 FOR INSTRUCTION OR FOR FAILING TO PARTICIPATE IN THE PROCEEDING;  
21 AND

22 (e) ANY INDIVIDUAL WHO HAS BEEN APPOINTED AS A GUARDIAN,  
23 AND IS ALSO A PERSON INTERESTED IN THE WELFARE OF THE ADULT  
24 SUBJECT TO GUARDIANSHIP, AND WHO WANTS TO PARTICIPATE IN THE  
25 TERMINATION PROCEEDING IN THE INDIVIDUAL'S INDIVIDUAL CAPACITY  
26 AND NOT IN THE INDIVIDUAL'S FIDUCIARY CAPACITY MAY DO SO WITHOUT  
27 RESTRICTION OR LIMITATION. THE PAYMENT OF ANY FEES AND COSTS TO

1 THAT INDIVIDUAL RELATED TO THE INDIVIDUAL'S DECISION TO  
2 PARTICIPATE IN THE TERMINATION PROCEEDING IS GOVERNED BY SECTION  
3 15-10-602 (7) AND NOT BY SECTION 15-10-602 (1).

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

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

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

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

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

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

23 **15-14-320. Compensation for the guardian - guardian liability**  
24 **- conservator room and board.**

25 (1) A GUARDIAN IS ENTITLED TO REASONABLE COMPENSATION FOR  
26 SERVICES RENDERED TO THE ADULT SUBJECT TO GUARDIANSHIP THAT ARE  
27 PROVIDED PURSUANT TO THE GUARDIAN'S DUTIES AND POWERS AS

1 DESCRIBED IN THIS PART 3 AS WELL AS REASONABLE ROOM AND BOARD, AS  
2 APPROVED BY THE COURT.

3 (2) IF A CONSERVATOR IS APPOINTED FOR THE ADULT SUBJECT TO  
4 GUARDIANSHIP, REASONABLE COMPENSATION AND REIMBURSEMENT FOR  
5 ROOM AND BOARD MAY BE APPROVED AND PAID BY THE CONSERVATOR  
6 WITHOUT A COURT ORDER.

7 (3) A GUARDIAN IS NOT REQUIRED TO USE THE GUARDIAN'S  
8 PERSONAL FUNDS TO PAY FOR THE EXPENSES OF THE ADULT SUBJECT TO  
9 GUARDIANSHIP.

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

13 (5) A GUARDIAN WHO EXERCISES REASONABLE CARE IN CHOOSING  
14 A MEDICAL PROFESSIONAL FOR THE ADULT'S CARE OR TREATMENT IS NOT  
15 LIABLE FOR INJURY THE ADULT MAY SUFFER AS A RESULT OF THE  
16 NEGLIGENT OR WRONGFUL CONDUCT OF THE MEDICAL PROFESSIONAL.

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

18 **SECTION 5.** In Colorado Revised Statutes, 13-5-142, **amend**  
19 (3)(b)(I) as follows:

20 **13-5-142. National instant criminal background check system**  
21 **- reporting.**

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

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

26 (I) The court entered an order pursuant to ~~section 15-14-318,~~  
27 ~~C.R.S.~~ SECTION 15-14-319, terminating a guardianship on a finding that

1 the person is no longer an incapacitated person, if the record in the  
2 national instant criminal background check system is based on a finding  
3 of incapacity;

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

6 **13-9-123. National instant criminal background check system**  
7 **- reporting.**

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

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

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

17 **SECTION 7.** In Colorado Revised Statutes, 13-32-101, **add (1.5)**  
18 **as follows:**

19 **13-32-101. Docket fees in civil actions - judicial stabilization**  
20 **cash fund - justice center cash fund - justice center maintenance fund**  
21 **- equal justice fee collection - created - report - legislative declaration.**

22 (1.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
23 COURT SHALL WAIVE ANY FILING FEE, DOCKET FEE, OR COURT COST  
24 ASSOCIATED WITH A PETITION FILED BY OR ON BEHALF OF THE OFFICE OF  
25 PUBLIC GUARDIANSHIP FOR:

26 (a) THE APPOINTMENT OF A GUARDIAN PURSUANT TO TITLE 15;

27 (b) THE APPOINTMENT OF AN EMERGENCY GUARDIAN OR

1 TEMPORARY GUARDIAN, APPOINTED PURSUANT TO SECTION 15-14-312; OR

2 (c) ANY SUBSEQUENT FILING NECESSARY TO CARRY OUT THE  
3 DUTIES OF THE OFFICE OF PUBLIC GUARDIANSHIP IN AN ACTIVE  
4 GUARDIANSHIP MATTER.

5 **SECTION 8.** In Colorado Revised Statutes, **add** 13-94-112 as  
6 follows:

7 **13-94-112. Referrals for appointment of public guardian.**

8 (1) THE OFFICE MAY ACCEPT REFERRALS FOR THE APPOINTMENT OF  
9 A PUBLIC GUARDIAN FROM ANY OF THE FOLLOWING ENTITIES WHEN THE  
10 REFERRING ENTITY REASONABLY BELIEVES THAT THE INDIVIDUAL MAY  
11 MEET THE CRITERIA FOR PUBLIC GUARDIANSHIP PURSUANT TO ARTICLE 14  
12 OF TITLE 15:

13 (a) ADULT PROTECTIVE SERVICES;

14 (b) THE BRIDGES OF COLORADO PROGRAM, ESTABLISHED  
15 PURSUANT TO SECTION 13-95-103; OR

16 (c) THE JUDICIAL DEPARTMENT OR A COURT OF COMPETENT  
17 JURISDICTION.

18 (2) A REFERRAL DESCRIBED IN SUBSECTION (1) OF THIS SECTION  
19 MAY CONSTITUTE SUFFICIENT INFORMATION FOR THE OFFICE TO INITIATE  
20 PROCEEDINGS FOR THE APPOINTMENT OF A PUBLIC GUARDIAN PURSUANT  
21 TO ARTICLE 14 OF TITLE 15 WHEN:

22 (a) THE INDIVIDUAL APPEARS TO MEET THE STATUTORY CRITERIA  
23 FOR GUARDIANSHIP;

24 (b) NO WILLING AND APPROPRIATE FAMILY MEMBER, FRIEND, OR  
25 PRIVATE GUARDIAN IS REASONABLY AVAILABLE TO SERVE; AND

26 (c) THE OFFICE DETERMINES THAT ACCEPTANCE OF THE CASE IS  
27 CONSISTENT WITH ITS STATUTORY AUTHORITY AND AVAILABLE CAPACITY.

1 (3) UPON ACCEPTANCE OF A REFERRAL, THE OFFICE MAY FILE A  
2 PETITION FOR APPOINTMENT OF A GUARDIAN PURSUANT TO SECTION  
3 15-14-304 ON BEHALF OF THE INDIVIDUAL WHO IS THE SUBJECT OF THE  
4 REFERRAL.

5 (4) A PETITION FILED BY THE OFFICE PURSUANT TO THIS SECTION  
6 MAY BE FILED AS AN UNCONTESTED GUARDIANSHIP MATTER WHEN THE  
7 OFFICE HAS MADE REASONABLE EFFORTS TO IDENTIFY AND NOTIFY  
8 INTERESTED PERSONS AND NO OBJECTION HAS BEEN RAISED.

9 (5) NOTHING IN THIS SECTION LIMITS THE AUTHORITY OF THE  
10 COURT TO REQUIRE ADDITIONAL INFORMATION OR DOCUMENTATION  
11 NECESSARY TO DETERMINE WHETHER APPOINTMENT OF A GUARDIAN IS  
12 APPROPRIATE PURSUANT TO ARTICLE 14 OF TITLE 15.

13 **SECTION 9.** In Colorado Revised Statutes, 14-10-107, **amend**  
14 (3) as follows:

15 **14-10-107. Commencement - pleadings - abolition of existing**  
16 **defenses - automatic, temporary injunction - enforcement.**

17 (3) Either ~~or both parties~~ PARTY to the marriage may initiate the  
18 proceeding. In addition, a legal guardian, with court approval pursuant to  
19 ~~section 15-14-315.5, C.R.S.~~ SECTION 15-14-314(3), or a conservator, with  
20 court approval pursuant to section 15-14-425.5, ~~C.R.S.~~, may initiate the  
21 proceeding. If a legal guardian or conservator initiates the proceeding, the  
22 legal guardian or conservator ~~shall~~ MUST receive notice in the same  
23 manner as the parties to the proceeding.

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

26 **15-10-201. General definitions.**

27 Subject to additional definitions contained in this article 10 and the

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

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

8 **SECTION 11.** In Colorado Revised Statutes, 15-10-602, **amend**  
9 (6) and (9) as follows:

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

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

18 (9) Every application or petition for appointment of a fiduciary  
19 filed under this code, including without limitation those required under  
20 sections 15-12-301, 15-12-402, 15-12-614, 15-12-621, 15-12-622,  
21 15-14-202, 15-14-204, ~~15-14-304~~ **15-14-302**, and 15-14-403, ~~shall~~ MUST  
22 include a statement by the applicant or petitioner disclosing the basis  
23 upon which any compensation is ~~to be~~ charged to the estate by the  
24 fiduciary and ~~his or her or its~~ THE FIDUCIARY'S counsel or ~~shall~~ MUST state  
25 that the basis has not yet been determined. The disclosure statement ~~shall~~  
26 MUST specifically describe, as is applicable, the hourly rates ~~to be~~  
27 charged, any amounts ~~to be~~ charged pursuant to a published fee schedule,

1 including the rates and basis for charging fees for any extraordinary  
2 services, and any other bases upon which a fee charged to the estate will  
3 be calculated. This disclosure obligation ~~shall be~~ IS continuing in nature  
4 ~~so as to require~~ AND REQUIRES supplemental disclosures if material  
5 changes to the basis for charging fees take place.

6 **SECTION 12.** In Colorado Revised Statutes, 15-14-110, **amend**  
7 (1) introductory portion and (1)(e) as follows:

8 **15-14-110. Letters of office.**

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

14 (e) That the nominee acknowledges and understands that if the  
15 nominee fails to file required reports with the court or fails to respond to  
16 an order of the court to show cause why the nominee should not be held  
17 in contempt of court, Colorado law authorizes the court to access data and  
18 records of state agencies in order to obtain contact information, as defined  
19 in ~~sections 15-14-317 (4)(c) and~~ SECTION 15-14-420 (6)(c).

20 **SECTION 13.** In Colorado Revised Statutes, 15-14-113.5,  
21 **amend** (1), (2) introductory portion, (2)(a), (4) introductory portion, and  
22 (4)(c) as follows:

23 **15-14-113.5. Appointments without notice - investigation -**  
24 **report - procedures.**

25 (1) A visitor appointed pursuant to section ~~15-14-312 (5) or~~  
26 15-14-412 (3)(b) OR 15-14-905 must be a person who has ~~such~~ THE  
27 training as the court deems appropriate.

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

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

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

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

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

17 **15-14-501. When power of attorney not affected by disability.**

18 (1) ~~Whenever~~ IF a principal designates another ~~his~~ THE  
19 PRINCIPAL'S attorney-in-fact or agent by a power of attorney in writing  
20 and the writing contains the words "This power of attorney shall not be  
21 affected by disability of the principal." or "This power of attorney shall  
22 become effective upon the disability of the principal." or similar words  
23 showing the intent of the principal that the authority conferred shall be  
24 exercisable notwithstanding ~~his~~ THE PRINCIPAL'S disability, the authority  
25 of the attorney-in-fact or agent is exercisable ~~by him~~ as provided in the  
26 power on behalf of the principal notwithstanding later disability or  
27 incapacity of the principal at law or later uncertainty as to whether the

1 principal is dead or alive. The authority of the attorney-in-fact or agent to  
2 act on behalf of the principal shall MUST be set forth in the power and  
3 may relate to any act, power, duty, right, or obligation which THAT the  
4 principal has or after acquires relating to the principal or any matter,  
5 transaction, or property, real or personal, tangible or intangible. The  
6 authority of the agent with regard to medical treatment decisions on  
7 behalf of a principal is set forth in sections 15-14-503 to 15-14-509. The  
8 attorney-in-fact or agent, however, is subject to the same limitations  
9 imposed upon court-appointed guardians contained in ~~section 15-14-312~~  
10 ~~(1)(a)~~ SECTION 15-14-315. Additionally, the principal may expressly  
11 empower his THE PRINCIPAL'S attorney-in-fact or agent to renounce and  
12 disclaim interests and powers, to make gifts, in trust or otherwise, and to  
13 release and exercise powers of appointment. All acts done by the  
14 attorney-in-fact or agent pursuant to the power during any period of  
15 disability or incompetence or uncertainty as to whether the principal is  
16 dead or alive have the same effect and inure to the benefit of and bind the  
17 principal or his THE PRINCIPAL'S heirs, devisees, and personal  
18 representative as if the principal were alive, competent, and not disabled.  
19 If a guardian or conservator thereafter is appointed for the principal, the  
20 attorney-in-fact or agent, during the continuance of the appointment, shall  
21 MUST consult with the guardian on matters concerning the principal's  
22 personal care or account to the conservator on matters concerning the  
23 principal's financial affairs. The conservator has the same power the  
24 principal would have had if he THE PRINCIPAL were not disabled or  
25 incompetent to revoke, suspend, or terminate all or any part of the power  
26 of attorney or agency as it relates to financial matters. Subject to any  
27 limitation or restriction of the guardian's powers or duties set forth in the

1 order of appointment and endorsed on the letters of guardianship, a  
2 guardian has the same power to revoke, suspend, or terminate all or any  
3 part of the power of attorney or agency as it relates to matters concerning  
4 the principal's personal care that the principal would have had if the  
5 principal were not disabled or incompetent, except with respect to  
6 medical treatment decisions made by an agent pursuant to sections  
7 15-14-506 to 15-14-509; however, ~~such~~ THIS exception ~~shall~~ DOES not  
8 preclude a court from removing an agent in the event an agent becomes  
9 incapacitated, or is unwilling or unable to serve as an agent.

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

12 **15-14.5-102. Definitions.**

13 ~~AS USED~~ in this article 14.5, ~~UNLESS THE CONTEXT OTHERWISE~~  
14 ~~REQUIRES:~~

15 (3) "Guardian" means a person appointed by the court to make  
16 decisions regarding the person of an adult, including a person appointed  
17 ~~under section 15-14-301~~ PURSUANT TO SECTIONS 15-14-301 AND  
18 15-14-302.

19 **SECTION 16.** In Colorado Revised Statutes, 27-65-103, **amend**  
20 (1) as follows:

21 **27-65-103. Voluntary applications for mental health services.**

22 (1) Nothing in this article 65 in any way limits the right of ~~any~~ A  
23 person to make a voluntary application at any time to ~~any~~ A public or  
24 private agency or professional person for mental health services, either by  
25 direct application in person or by referral from any other public or private  
26 agency or professional person. Subject to ~~section 15-14-316(4)~~ SECTIONS  
27 15-14-315 (2) AND 15-14-314 (7)(d), a ward, as defined in section

1 15-14-102 (15), may be admitted to a hospital or institutional care and  
2 treatment for a mental health disorder with the guardian's consent for as  
3 long as IF the ward agrees to such THE care and treatment. The guardian  
4 shall immediately notify in writing the court that appointed the guardian  
5 of the admission.

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

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