

# When a Guardian is Requested

*(What does this mean for me?)*

## 1. When Someone Requests a Guardian for You



The court wants to know if you are:

- Impaired. And,
- Need help with your personal and medical affairs.

If so, the court may assign a guardian to protect you.

## 2. Know the Terms - Incapacitated



This is someone who is:

- Unable to get or evaluate information. Or,
- Unable to make or communicate decisions.

To the point they cannot take care of their physical health or safety.

*See C.R.S. § 15-14-102(5).*

## 3. Discussion with a Court Visitor



The court must determine:

- If a guardian is needed. If so,
- If there should be limits on their powers.

To help determine that, the court may assign a *court visitor*. The visitor will explain the request for and powers of a guardian. The

visitor will chat about any limitations on power you request. They will also ask questions about your daily activities and health.

#### 4. Hearing



The person requesting a guardian for you must show your need for one. They do this by asking questions to people at a hearing.

People who may testify at the hearing include:

- You and the proposed guardian.
- A doctor or other professional. And,
- Other affected people.

#### 5. When a Guardian is Assigned



The court will assign a guardian if:

- You are incapacitated. And
- There a no other means to address your needs.

The Court will only give the guardian powers needed to address your needs.

#### 6. The Guardian's Powers



Unless limited by the court, a guardian can:

- Decide where you live.
- Make health, education, and general care decisions.
- Expend money to pay for your care.

## 7. A Guardians's Standard of Care



The guardian must:

- Let the court know if you move.
- Take care of your personal property.
- Consider your wants and values in decision-making.
- Encourage your participation in decisions.
- Encourage development in managing your own care.
- Conserve any excess money received. And,
- Give you care and act in your best interest.

## 8. Guardians's Documents



The guardian must submit for approval:

- Your personal care plan. And,
- An inventory of your assets in their control.

These are due **within 60 days** after they are appointed. After that, the guardian will file a report every year.

## 9. Ending or Changing the Guardianship



You can request a change by submitting a petition with the court.

This document must inform the court that your condition has changed. It must show that the need for the guardianship no longer exists.