

INSTRUCTIONS TO FILE PETITION TO TRANSFER ADULT GUARDIANSHIP AND/OR CONSERVATORSHIP FROM COLORADO TO RECEIVING STATE

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as you would be if you were an attorney.

GENERAL INFORMATION

- ◆ These instructions and forms accommodate a consensual, unopposed transfer of protective proceedings from Colorado to another state. Any Interested Person who objects to any aspect of these proceedings may file an objection and/or request an evidentiary hearing at any time.
- ◆ Before you file a Petition in Colorado to Transfer to a receiving state, contact the court in the county/state (receiving state) where you plan to transfer the case to determine what their requirements are for accepting guardianships and/or conservatorships from other states. Each state may have different requirements, so this step is very important.
- ◆ The Petition to Transfer must be filed in the existing Guardianship or Conservatorship case.
- ◆ The Petition can be filed by the Guardian and/or Conservator.
- ◆ The Petition can be filed if the Ward/Protected Person is physically present or is reasonably expected to move permanently to the other state or the Protected Person has a significant connection to the other state considering the factors in §15-14.5-201(2), C.R.S.
- ◆ For additional information, please review §§15-14.5-301 - 302, C.R.S.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website:
http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm

COMMON TERMS

- ☒ Guardian: A person at least 21, resident or non-resident, who has qualified as a Guardian of a minor or incapacitated person based on an appointment by the Court.
- ☒ Conservator: A person at least 21, resident or non-resident, who has been appointed to manage the financial affairs of another person.
- ☒ Interested Persons: Persons identified by Colorado Law who must be given notice of a guardianship and/or conservatorship proceeding.
- ☒ Letters: A formal notice identifying the authority of the Guardian and/or Conservator.
- ☒ Legal Representative: Includes a representative payee, a guardian or conservator acting for a respondent, a trustee or custodian of a trust of custodianship of which the respondent is a beneficiary or an agent designated under a power of attorney.
- ☒ Order: Official document signed by the Court.

If you do not understand this information, please contact an attorney.

FEES

No filing fee is required. Other fees that a party to the case may encounter are:

- Certification of Orders \$ 20.00
- Service Fees Varies
- Copy of Documents \$.75 per page

FORMS

To access a form online go to www.courts.state.co.us and click on the “Forms” tab. The packet/forms are available in PDF or WORD by selecting **Probate – Protective Proceeding – Termination – Transfer Adult Guardianship/Conservatorship Case to Another State.**

Check with the Court where you plan to file your case to determine if they have any special requirements.

- JDF 712 Notice of Hearing Without Appearance Pursuant C.R.P.P. 24
- JDF 787 Petition to Transfer Guardianship/Conservatorship from Colorado to Receiving State
- JDF 788 Provisional Order re: Petition to Transfer to Receiving State
- JDF 789 Final Order Confirming Transfer to Receiving State and Terminating Guardianship and/or Conservatorship in Colorado

STEPS TO FILING YOUR CASE

Step 1: Complete Forms.

Selecting these instructions indicates that you are seeking to transfer a Guardianship and/or Conservatorship from Colorado to another state. The caption below needs to be completed on all forms filed. **Make sure that you make a copy for your own records of all of the forms you file with the Court.**

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Probate Court _____ County, Colorado Court Address:	▲ COURT USE ONLY ▲
In the Interest of: Ward/Protected Person	
Attorney or Party Without Attorney (Name and Address): Phone Number: Email: FAX Number: Atty. Reg. #:	Case Number: Division: Courtroom:
NAME OF FORM	

- Petition to Transfer Guardianship/Conservatorship from Colorado to Receiving State (JDF 787)**
 - The Petitioner must complete **all** applicable sections on the form.

- Provisional Order re: Petition to Transfer Guardianship/Conservatorship from Colorado to Receiving State (JDF 788)**
 - Complete only the caption on the form.
 - The Court will complete the remainder of the form and sign it following review of the documents filed and any objections filed.

- Notice of Hearing Without Appearance Pursuant to C.R.P.P. 24 (JDF 712)**
 - Complete the Notice portion of the form.
 - Complete the Certificate of Service portion on **JDF 712**, listing the Ward/Protected Person and names and addresses of all interested persons listed on the Petition to Transfer and Proposed Provisional Order Re: Petition to Transfer and the date you sent the documents.
 - Mail **JDF 712** and **all** completed documents to the Ward/Protected Person and **all** interested persons that you are required to notify regarding the Petition to Transfer - **JDF 787**.
 - Check the list below to determine the “Interested Persons” applicable to your circumstances.**

1. The spouse of the Ward/Protected Person, if married.
2. The parents of the Ward/Protected Person, if any.
3. The adult children of the Ward/Protected Person, if any.
4. Any Guardian or Conservator currently acting for the Ward/Protected Person.
5. Any person who has care and custody of the Ward/Protected Person, including the Ward/Protected Person's treating physician.
6. Any adult with whom the Ward/Protected Person has resided for more than six months within one year before the filing of the Petition, §15-14-304(2)(b)(I)(A)
7. Any adult relative nearest of kin, if there is no spouse, parent, or adult children.
8. Any legal representative of the Ward/Protected Person.
9. Any nominated person by the Ward/Protected Person.

Step 2: File Your Documents with the Court.

Provide the Court with the documents completed as described in **Step 1** above.

Step 3: Hearing Without Appearance.

You have completed the forms and are requesting that this matter be set on the **hearing without appearance docket, parties are not required or expected to appear.** The Court will review the documents and any objections filed.

- If the Court approves the Petition to Transfer, the Court will complete the proposed Provisional Order to Transfer Guardianship/Conservatorship from Colorado to Receiving State - **JDF 788**.
- You will need a certified copy of the Provisional Order to provide to the other state.
- Copies of the Provisional Order to Transfer must be provided to the Ward/Protected Person and all interested persons.

Upon receipt of a Provisional Order to Transfer to Receiving State from the Colorado Court, it is the responsibility of the Guardian and/or Conservator to file a Petition to Accept Guardianship and/or Conservatorship in the other state. It is very important that you check with the other county/state to determine what they require when filing a petition to transfer, as each state may have different requirements.

Step 4: Finalize Process to Transfer Guardianship/Conservatorship and to Terminate Case in Colorado.

Once you have a **Provisional Order to accept from the other state**, you must file a **certified copy of this Provisional Order to Accept with the Colorado Court.**

The Conservator must file a Conservator's Report - **JDF 885**. The Court may require other necessary documents to be filed.

- Final Order Confirming Transfer to Receiving State and Terminating Guardianship/Conservatorship (JDF 789).**
 - Complete caption only on the form.
 - Attach certified copy of a Provisional Order to Accept from the other state.
 - File the Conservator's Report and any other necessary documents required by the Court.
 - The Court will complete the remainder of the form and may sign it.
 - Copies of the signed Final Order must be provided to all interested persons identified in the Order.