



Frequently Asked Questions

about

Guardianship and
Conservatorship
for Adults

Baker Law Group
8301 E. Prentice Ave. Ste. 405
Greenwood Village, CO 80111
303-862-4564
www.jbakerlawgroup.com



BAKER
LAW GROUP

Copyright © 2020
by Baker Law Group, LLC

All rights reserved. No part of this publication may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher, except in the case of brief quotations embodied in critical reviews and certain other noncommercial uses permitted by copyright law.

Baker Law Group
8301 E. Prentice Ave. Ste. 405
Greenwood Village, CO 80111

www.jbakerlawgroup.com

FREQUENTLY ASKED QUESTIONS AND ANSWERS REGARDING GUARDIANSHIPS AND CONSERVATORSHIPS

You've made a smart decision to begin researching the various formalities involved in a guardianship or conservatorship proceeding. The truth is that many people rush into these types of proceedings without having a clear understanding as to what's involved. What follows is a series of Frequently Asked Questions and Answers that we've received from our clients and prospective clients regarding guardianships and conservatorships. We've put this together to help clear up some of the misinformation regarding guardianships and conservatorships and to provide you with some guidance as you navigate this area of the law.

BASIC TERMINOLOGY

The following terms will be used throughout these FAQs:

Petitioner: The person who files a petition with the court requesting that a guardianship and/or conservatorship be established (This person may or may not be the nominated guardian/conservator.)

Respondent: The person over whom the petitioner is requesting a guardian or conservator be appointed

Ward: The person over whom a guardianship has been established

Protected Person: The person over whom a conservatorship has been established

Estate: The total property, real and personal, owned by the protected person

Interested parties: Individuals who must be notified of guardianship/ conservatorship proceedings, possibly including but not limited to the respondent's spouse, parents, children, siblings, primary caregiver, and physician

Uncontested Proceeding: A proceeding where neither the respondent, nor any interested parties, nor anyone else objects to a proposed guardianship/ conservatorship

Contested Proceeding: A proceeding where at least one party, including the respondent or any interested parties, objects to the proposed guardianship/ conservatorship

Incapacitated Person: an individual who is unable to effectively receive or evaluate information, or both, or make or communicate decisions to such an extent that the individual lacks the ability to satisfy essential requirements for physical health, safety, or self-care, even with appropriate and reasonably available technologic assistance.

QUESTIONS & ANSWERS

What is the difference between a guardianship and a conservatorship?

Unlike some states where a guardianship and conservatorship are one in the same, in Colorado, these are distinct. Someone may be under a guardianship and not a conservatorship and vice versa. This means that in Colorado, the appointed guardian may be a different person from the appointed conservator.

Probably the easiest way to distinguish the two is to associate a guardianship with one's personal affairs (like lodging, health care decisions, etc.) and a conservatorship with one's financial affairs (when to buy and sell property, the management of the protected person's estate, etc.). If both a guardianship and conservatorship are in place and these positions are held by two different people, they will undoubtedly need to coordinate and be on the same page as they carry out their duties. In many cases, however, the same individual, such as a family member, serves in both roles.

For further details, see the differences between the duties of a guardian and conservator below.

Can anyone be a guardian/conservator?

- A person must be at least 21 years of age to be appointed as a guardian and/or conservator.
- Colorado does not permit long-term care providers to serve as a guardian or conservator for any person they provide care to unless related by marriage, adoption or blood.
- While it is most common for a guardian or conservator to be a family member, this is not a requirement. In fact, it is very common for the guardian/conservator to be a professional, and in some cases it is advisable. However, a professional may not be both guardian and conservator for someone. Being a guardian or conservator for someone else can be very demanding of the guardian/conservator's time and, in some cases, their resources. A potential guardian/conservator should consider their individual circumstances and those of the potential protected person/ward and consider whether a professional guardian/conservator might be the better option. However, be aware that professional guardians and conservators will charge a fee to serve in that role. While family members are also entitled to reasonable compensation, many will forgo any payment.

Can a person's guardian also be the conservator?

Yes. However, the court will not generally allow a professional guardian to serve as both guardian and conservator or as both guardian and direct service provider, unless the court finds that there is good cause to permit this dual arrangement.

Can a long-term care provider also be the guardian/conservator?

The State of Colorado does not permit a long-term care provider to serve as the guardian or conservator of a person for whom they provide care unless they are related by blood, marriage, or adoption.

What if more than one person wishes to become guardian/ conservator?

If more than one person wants to become guardian/conservator, the prospective guardians/conservators will need to file separate petitions and schedule a hearing. The court will determine which of the petitioners is best suited, and, if the court finds that neither are suited to serve, will appoint a professional to serve as guardian/conservator.

In some circumstances, prospective guardians/conservators can petition the court to share duties and be co-guardians/co-conservators.

If there is more than one person seeking the appoint as a guardian, the court will follow the order of priority below in choosing the guardian:

- a currently acting guardian;
- a person nominated as guardian by the respondent;
- an agent under a medical durable power of attorney;
- an agent under a general durable power of attorney;
- the spouse of the respondent or a person nominated by a will or other signed writing of a deceased spouse;
- the partner in a civil union of the respondent or a person nominated by will or other signed writing of a deceased partner in a civil union;
- an adult child of the respondent;
- a parent of the respondent or an individual nominated by a will or other signed writing of a deceased parent; and
- an adult with whom the respondent has resided for more than six months immediately before the filing of the petition.

However, the court can appoint someone as guardian who has a lower priority or no priority at all, if the court finds good cause shown.

Is an attorney necessary to become appointed as a guardian/conservator?

- Similar to any legal matter, parties are not legally required to hire an attorney to represent them in a guardianship/conservatorship proceeding. However, a court proceeding is required, and the burden of proof is on the petitioner to prove to the satisfaction of the judge that the prospective ward/protected person is an incapacitated person (guardianships), or is unable to manage property and business affairs because they are unable to effectively receive or evaluate information (conservatorships), and would

benefit from a conservatorship/guardianship. Because of this court proceeding requirement, it is advisable to be represented by an attorney, and most people that I encounter prefer to be represented by an attorney so that they are prepared to meet the court's required burden of proof.

- For smaller estates and for more routine uncontested hearings, an attorney could be hired to assist in preparing for the hearing. The consultation of an attorney practicing in guardianship and conservatorship law can also be useful in making sure that a new guardian/conservator understands their duties. We've had dozens of guardians/conservators come to us after they've improperly reported or mismanaged funds. In most of these instances, the guardian/conservator had no intention to take advantage of the ward/protected person, but issues arose because they simply misunderstood their duties as a fiduciary. In some instances, these mistakes can result in the state bringing criminal charges against the guardian/conservator.
- In addition to assisting in the court proceeding and understanding their duties, our clients often find it helpful to have us assist them in reviewing/preparing the annual reports. This is another area where we see a lot of guardians/conservators run into trouble when they don't consult with an attorney. If these reports are not filled out properly, it may raise a red flag with the court, and the court will increase its level of scrutiny over that guardian or conservator. Filling out the initial and annual reports properly can prevent bringing extra attention to a guardianship/conservatorship, including requests for additional information and documentation or revised reports. Even if a guardian or conservator is acting properly, these requests and corrections can be time-consuming. If a guardian or conservator repeatedly files incomplete or inadequate reports, the court may order them to appear before the court for a show-cause hearing and has the power to remove them as the guardian/conservator. Also, in the case of conservatorships, if assets are not properly accounted for in the annual reports, the court can order that the conservator reimburse the conservatorship estate from their own personal funds.
- In contested matters or complex estates, we highly recommend hiring an attorney for representation throughout the process. In these instances, the respondent may have legal counsel, so petitioners will find themselves at a disadvantage if they don't have counsel representing them.

Who needs a conservatorship or guardianship?

Of course, not anyone is eligible for a guardianship or conservatorship. In fact, the requirements for a conservatorship are different from the requirements for a guardianship. For a guardian to be appointed, the respondent must be shown to be an "incapacitated person," among other things. An incapacitated person is defined as "an individual other than a minor, who is unable to effectively receive or evaluate information or unable to make or to communicate decisions to such an extent that the individual lacks the ability to satisfy essential requirements for physical health, safety, or self-care, even with appropriate and reasonably available technological assistance."

For a conservator to be appointed, among other things, the petitioner must show:

- By clear and convincing evidence, the individual is unable to manage property and business affairs

because the individual is unable to effectively receive or evaluation information or both or to make or communicate decisions, even with the use of appropriate and reasonably available technological assistance, or because the individual is missing, detained, or unable to return to the United States; and

- By a preponderance of evidence, the individual has property that will be wasted or dissipated unless management is provided or money is needed for the support, care, education, health, and welfare of the individual or of individuals who are entitled to the individual's support and that protection is necessary or desirable to obtain or provide money.

How does someone become a guardian/conservator?

- In order to become an adult's guardian, a Petition for Appointment of a Guardian for an Incapacitated Person must be filed with the district court in the county in which the incapacitated person lives.
- Similarly, to become an adult's conservator, it is required that a Petition for Appointment of a Conservator for an Incapacitated Person be filed with the District Court in the county in which the incapacitated person lives.
- Each of these petitions requires a number of different supporting documents to demonstrate both the necessity of a guardian and/or conservator as well as the petitioner's fitness for the role they are seeking.
- After a petition is filed, the Court will appoint a "Visitor," who is an independent individual, to investigate the allegations contained in the Petition. The Visitor is very much the eyes and ears of the Court, and they will interview all relevant parties, including the petitioner, the respondent, the nominated guardian/conservator, and other interested parties.
- After the Visitor provides their report to the Court, a hearing will be held on the Petition. If the Court determines that the statutory grounds have been met, and the nominated guardian/conservator is qualified and appropriate to serve, the Court will issue an order establishing the guardianship/conservatorship.

What is the difference between a limited and unlimited guardianship/conservatorship?

When completing the petition for a guardianship/ conservatorship, the petitioner will have to indicate whether they are seeking a limited or unlimited guardianship/ conservatorship.

- A limited guardianship or conservatorship means the authority of a guardian or conservator is limited to only specific matters. If an unlimited guardianship or conservatorship is requested, it must be explained why a limited guardianship or conservatorship is not proper.
- The rules seek to encourage the ward/protected person to be involved as much as possible in the decision-making involved his or her affairs.

Does one need a guardianship/conservatorship if durable powers of attorney are already in place?

- It depends on the circumstances. Fortunately, in most circumstances, a properly executed power of attorney is sufficient to act for a person with diminished capacity, providing the power of attorney was signed when the individual did have capacity. A power of attorney can be used for many purposes, including for purposes not involving capacity issues, so it is important to make sure to understand exactly what authority is given in the durable power of attorney. If the power of attorney in question does not grant all of the powers needed in a given situation, a guardianship or conservatorship may be necessary.
- If a person is currently incapacitated and they have not previously signed a power of attorney, they likely lack the requisite capacity to execute one. As such, a guardianship/conservatorship would be the only alternative.
- Additionally, it is possible that someone nominated as an agent under a medical or financial power of attorney is no longer capable of serving. If the power of attorney in question does not provide for the appointment of a successor agent, a guardianship/conservatorship is likely the only recourse.

Is a court appearance required to become a guardian/conservator?

Yes. In the state of Colorado at least one court appearance (a “hearing”) is required in order for someone to be appointed as a guardian or conservator. The proposed guardian/conservator must appear personally at the hearing. Additionally, the petitioner must use “every reasonable effort” to ensure that the respondent attends the hearing as well. In both cases, the proposed guardian and respondent may only be excused by the court from attending the hearing for good cause.

Must parents of a disabled adult be appointed as their child’s guardian/conservator?

Yes. There are no special allowances to make the personal and financial decisions on behalf of a disabled adult simply by virtue of being their parent. Upon their reaching the age of majority, a parent would have to petition to become their child’s guardian/conservator in order to legally provide the same level of protection and assistance they previously exercised when the child was a minor.

What should a petitioner do if they believe a parent/loved one will contest the appointment of a guardian/conservator?

While every situation is unique, before filing a petition in what would be a contested proceeding, it is usually best to discuss the situation with the parent/loved one to try to help them understand why the proceeding is necessary. In some cases, it can be helpful to have other family, friends or interested persons to try and assist in getting the parent/loved one to understand why the proceeding is necessary and beneficial to the parent/loved one. Additionally, there are experienced counselors and therapists who specializing in the aging process, and the difficulties it places on families. Meeting with such counselors could be extremely beneficial

to resolve inter-family disputes and tensions. If these efforts don't work, it may be necessary to move forward with the proceeding. Often times, but not always, the parent/loved one will come around during the course of the proceeding and understand why the guardianship/conservatorship will be beneficial to them.

If it is necessary to move forward with a contested proceeding, it is important that every effort is made to make a strong case, as there likely will be only one opportunity to show the judge that a guardianship/conservatorship is necessary. Proving this is often more challenging in contested proceedings, but it is still possible that the court will appoint a guardian and/or conservator over the respondent's objections.

What is involved in a contested guardianship/conservatorship proceeding?

This is a broad question, and there are too many factors and scenarios to describe all of the intricacies involved in a contested guardianship proceeding in the FAQ format; however, I will provide a broad overview.

- One thing to understand about the difference between a contested vs. uncontested proceeding is that usually in contested proceedings, the court appoints a guardian ad litem to promote the respondent's best interests, and legal counsel to represent the respondent. If capacity is a point of contention, one or more medical doctors may be called by either side to testify to the respondent's capacity, or lack thereof. Other supporting witnesses are typically called as well.
- It is highly recommended, especially in contested proceedings, that the petitioner retain counsel to assist, as the rules of probate and civil procedure will apply, and these rules aren't easy to pick up for those without formal legal training and education.

What is a guardian ad litem?

- A guardian ad litem ("GAL") is a person appointed by the court to represent the best interests of a respondent in a proceeding as the court deems necessary. The duties of a guardian ad litem must be specified by the court.
- The GAL will investigate the proposed guardianship/ conservatorship and report back to the court its findings. GALs will also often be called to testify in the court proceeding or hearing.
- Whether or not a GAL is appointed depends on several factors, including: the jurisdiction the case is in, the recommendations of the court visitor, and the judge hearing the case. While they are sometimes appointed in non-contested proceedings, they are very frequently appointed in contested proceedings.

What is a court visitor and what do they do?

In Colorado, a court visitor is almost always appointed in any guardianship/conservatorship proceeding. This person is the initial eyes and ears of the court/judge.

- The court visitor will travel to the protected person/ ward as well as the nominated guardian/conservator and interview them, along with any other interested persons or witnesses.
- The court visitor will prepare and file a report to the court with its recommendations. The court visitor may be called to testify at the proceeding, but the visitor's report will undoubtedly be relied on by the court. In some ways, the court visitor is a quasi-guardian ad litem.

What happens at an uncontested guardianship/ conservatorship hearing?

Uncontested proceedings are typically very informal, and will last up to 30 minutes. If the petitioner is represented by an attorney, they will likely conduct the hearing by providing the court with an "offer of proof." This is essentially a statement the attorney makes in lieu of providing witness testimony, and it provides the court with all relevant legal and jurisdictional facts necessary to establish the elements necessary to grant a guardianship/conservatorship. Following the offer of proof, the judge would likely ask a few short questions to the proposed guardian/conservator and respondent to confirm the statements provided by counsel, and to verify that the proposed guardian/conservator understands their duties.

If the petitioner is not represented by an attorney, it would be the petitioner's responsibility to show the court that all elements needed to establish a guardianship/conservatorship are met, either by providing their own offer of proof, or calling witnesses and evoking the necessary testimony.

If the judge determines that a guardianship/conservatorship is appropriate and that the proposed guardian/conservator is fit for the duties, he or she often appoints a guardian or conservator at the hearing.

How long does it take to get appointed as guardian/conservator?

It depends on a few different factors, including what Colorado county the guardianship or conservatorship is being opened in. The probate courts in Arapahoe, Douglas, Adams and Denver all vary when it comes to the pace at which the hearings are held. Other factors include:

- Whether the hearing is contested or uncontested; if it's the former, it usually takes longer.
- Whether the petitioner has doctor's letters, background checks and other prerequisites completed.

Emergency guardianship or conservatorship proceedings are typically scheduled faster than non-emergency proceedings, though an emergency guardianship or conservatorship will expire within 60 days.

In general, for uncontested non-emergency proceedings, the time from filing to the hearing, at which appointment may occur, is usually about 3-5 weeks.

Is there an expedited proceeding for appointment in the event of an emergency?

Yes, certain notices can be waived in the event an emergency exists, and courts will try and fit emergency hearings on their existing dockets.

A guardian may be appointed by the court on an emergency basis if it finds that harm to a person's health, safety, or welfare will result without an emergency guardian being appointed. The emergency guardianship cannot exceed 60 days. Therefore, a more standard guardianship petition and hearing must be subsequently held no later than 60 days after the appointment of the emergency guardianship, otherwise the guardian's authority automatically expires.

Once a guardian or conservator is appointed, must they notify anyone of their appointment?

Yes. Within 30 days of the order appointing a guardian or conservator, notice must be given to anyone required by the court and any other interested parties.

What must be done upon appointment as guardian/conservator?

- If they haven't already done so prior to their appointment as guardian or conservator, the guardian/conservator should familiarize themselves with their duties and obligations with respect to the ward/protected person (see *What are the Duties of a Guardian/Conservator* FAQ below).
- In addition, they should make sure to pay close attention to the orders and obligations given to them by the court and make sure to follow them. At a minimum, they will need to file the Initial Conservator's Report (Financial Plan with Inventory) and/or Guardian's Report (Initial Care Plan) within the court's required deadline. They will also need to update the court if there are any significant deviations from the initial report, once the court approves it.
- The guardian/ conservator should consider what additional services or assistance may be required to ensure that the needs of the protected person/ward are being met and that they are meeting the court's orders and expectations. For example, they may need to hire an in-home care professional to assist the ward, or they may need help with putting together a long-term plan for the protected person/ward. Some questions to consider in the plan include the following:
 - Will the protected person/ward remain in his/her home?
 - If so, do they have sufficient transportation options?

- If so, would he/she benefit from a mobile dentist, telemedicine, or other mobile services?
- If so, would he/she benefit from certain technological systems, such as an in-home monitoring system?
- Will the protected person/ward move into an assisted living or senior facility in the next 2-5 years?
 - If so, will they need an independent care facility, assisted living or skilled nursing?
 - If so, what geographic location if preferable?
 - If so, is the community a private pay only, or does it accept Medicaid?

We pride ourselves on staying connected with all of the various services available to the senior community, and we are happy to be a resource for guardians and conservators. In fact, we believe that our connection and attention to the various services available to our clients allow us to offer a more holistic legal service to our clients.

What are the duties of a guardian/conservator?

In understanding the different duties and responsibilities of guardians and conservators, it is important to first understand the different roles they are intended to play.

- A guardian is generally responsible for a ward's care and general welfare. They typically have authority over where the ward lives, their educational and vocational training/development, and medical decisions. If a conservator does not also need to be appointed, a guardian may also have the right to control and expend the ward's income, if any (this typically only occurs if the income itself is minimal).
- A conservator, by contrast, is responsible for the management, preservation, and administration of a protected person's assets. They are tasked with expending such funds as needed for the benefit of the protected person.
- As seen above, the roles of a guardian and conservator are very different and require different skillsets. While in most cases the skillset of a guardian can be performed by a lay person, in some cases a professional conservator is advisable. Some conservatorship estates may have significant and complex assets, such as businesses, complicated investments, large amounts of real estate and other ongoing concerns that should be managed by a professional or, at least, with the advice of a professional.

Both guardians and conservators are fiduciaries, and as such have a very high standard of care. They both owe special duties to the ward/protected person, and can be held accountable by the ward/protected person, interested persons, and the court. They must at all times act prudently, in the best interest of and with undivided loyalty to the ward/protected person. Both guardians and conservators must avoid entering into

transactions on behalf of the ward/protected person in which they have a conflict of interest or would benefit personally, and may need to get court approval prior to completing certain transactions. They should never co-mingle their own funds with those of the ward/protected person. For more information regarding fiduciary duties, see our Fiduciary Services page and FAQs.

Specific Responsibilities of a Guardian

- Following initial appointment, file a personal care plan with 60 days, or as specifically ordered by the court.
- Make decisions regarding the ward's support, care, education, health, and welfare, but only as necessitated by the ward's limitations.
- Encourage the ward to be active in the decisions being made on their behalf.
- Consider the expressed desires and personal values of the ward to the extent known when making decisions; if not known, make decisions based upon the ward's best interest.
- Become or remain personally acquainted with the ward and maintain sufficient contact with the ward to know of the ward's capacities, limitations, needs, opportunities, and physical and mental health.
- If a change in their residence is required or would be in their best interest, decide on an appropriate place for the ward to live.
- Make sure the needs of the ward are met, including housing, food, and clothing.
- Take reasonable care of the ward's personal effects.
- Unless a conservatorship has been established, expend money of the ward that has been received by the guardian for the ward's current needs for support, care, education, health, and welfare, and conserve any excess funds for the ward's future needs.
- If a conservatorship has not been established and the guardian is managing the ward's income, file taxes returns on the ward's behalf.
- If a conservatorship has not been established, make distributions to the ward or on their behalf for their care and expenses.
- Immediately notify the court if the ward's condition has changed such that the ward is capable of exercising rights previously removed.
- Inform the court of any changes in the ward's dwelling or address.
- Submit annual reports to the court about the status of the guardianship and the condition of the ward on the date indicated on the order appointing the guardian.
- Immediately notify the court in writing of the ward's death.

Specific Responsibilities of a Conservator

- Within 90 days of appointment, or as otherwise ordered by the Court, submit an Inventory and Financial Plan with the court identifying the assets of the protected person and the plan for protecting, managing, expending, and distributing income and assets of the protected person's estate.
- Submit an amended financial plan whenever there is a change in circumstances that requires a substantial deviation from the existing financial plan.
- Observe the standards of care applicable to a trustee.
- Take into account the limitations of the protected person, and to the extent possible, encourage the protected person to participate in decisions, act on their own behalf, and develop or regain the ability to manage the person's estate.
- Expend or distribute income or principal of the protected person's estate without further court authorization for the support, care, education, health, and welfare of the protected person and individuals who are in fact dependent on the protected person. However, all such expenditures must conform to any exceptions specified in the order of appointment and endorsed on the letters of appointment, the financial plan, and the conservator's fiduciary duties. Furthermore, the conservator must consider many factors when making such distributions, including but not limited to:
 - The size of the estate;
 - The estimated duration of the conservatorship and the likelihood that the protected person may at some future time become self-sufficient and able to manage their own affairs;
 - The accustomed standard of living of the protected person;
 - Other funds or sources used for the support of the protected person.
- Set up and keep complete financial records, including maintaining all supporting documentation.
- Prepare and file any required tax returns for the protected person.
- Keep the conservatorship estate's assets invested, bearing in mind that the conservator will be held to a higher standard of care than if they were investing their own funds, and can be surcharged (held personally liable) for any breaches of duty.
- In investing the estate, follow the "prudent investor rule," meaning that they invest as a prudent person would in a similar situation. Practically speaking, this rule means that the conservator will diversify investments, balance the need for income versus long-term growth, not make risky investments, and continually evaluate investments and goals, as well as advice, on an ongoing basis.
- Submit annual reports with the court accounting for the funds and assets of the conservatorship estate on the date indicated on the Order appointing Conservator. Such reports must reflect in detail all income,

disbursements, and liabilities of the protected person, and should show the opening and closing balances for all accounts.

- Notify the Court upon the protected person's death.
- If the protected person dies, deliver to the court for safekeeping any will of the protected person that is in their possession or control, and retain the estate for delivery to the personal representative or others entitled to it.

What can be done if someone is stealing from a loved one who had diminished capacity?

- Consider notifying both law enforcement, adult protective services, and the court that has jurisdiction over the protected person. Note that some professionals are required to report senior/elder abuse to the authorities. This does not generally apply to family members/friends of the senior adult.
- An interested party can notify the court and file a petition to have the conservator removed and to reimburse the estate for any misappropriated funds.
- If a conservatorship is appropriate, a petitioner can move to become the conservator or a court may appoint a professional conservator if there are sufficient funds and there is an interested person (typically a friend or family member) that isn't interested in becoming the conservator. Once a conservator is appointed, he/she can pursue recovery of the misappropriated funds.

Can a guardian/conservator be removed from their appointment?

- Yes, a court has the power to suspend the powers or remove a guardian or conservator at any time. This is typically only done when the guardian or conservator is suspected of wrongdoing or is consistently not sufficiently complying with the court's orders, the ward is endangered, or the assets of the protected person are at risk of loss as a result of the action or inaction of the guardian or conservator.
- A court can also find that a guardianship or conservatorship is no longer needed because the ward or protected person's mental capacity has recovered sufficiently.

When does a guardianship/conservatorship end?

- Should the protected person/ward recover their faculties and no longer need a conservatorship/guardianship, any interested person can petition the court for termination of the guardianship/conservatorship.
- Similarly, if the then current powers under the guardianship/conservatorship can be less restrictive (this frequently occurs when the protected person partially recovers from their diminished capacity), any

interested party can petition the court to limit the powers of the guardian or conservator. This gives more autonomy the ward/protected person as appropriate.

- Also, a conservator can apply to terminate the conservatorship in the event that the protected person's assets are depleted.
- In the case of a guardianship, the powers of a guardian are no longer effective upon the death of the ward.

We hope that this information is helpful to you, and if there is any way we can be of assistance, please don't hesitate to call our office at 303-862-4564.