



A conservatorship is different from a guardianship because a guardian is appointed by the courts to manage the personal and medical affairs of a minor or severely impaired adult. A conservator is responsible for the person's overall financial situation while a guardian is more concerned with day to day matters that affect the person's personal affairs, care and health. A person may have either a guardian or a conservator, or both.

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## THE BASICS OF CONSERVATORSHIPS

### Conservatorship

A conservator is a person appointed by the courts to manage the financial affairs of another person who cannot functionally or effectively manage his or her own financial affairs. A conservatorship is a protective proceeding and the person for whom a conservator is appointed is called a "protected person" or a "respondent". The conservator's job is to manage all of the money and assets for the protected person.

#### 1. When will a conservator be appointed by the court?

Under Colorado law a "protected person" is defined as any individual, for reasons other than age, who is unable to manage property and business affairs because that person is unable to effectively receive or evaluate information, or both, or is unable to make or communicate decisions, even with the use of appropriate and reasonably available technological assistance.

#### 2. Important information about a conservatorship:

- Like a guardianship, a conservatorship establishes protections for the protected person.
- The conservator has the duty of managing all the finances for the protected person and reporting to the court regularly.
- The conservator must keep the protected person's assets separate from the conservator's own personal accounts.
- The conservator must report to the Court at least annually and follow strict guidelines on managing the protected person's money.
- If a conservator wants to resign, they must request permission from the court to be discharged from their duties as conservator.
- Colorado courts require background checks for conservators.

# THE BASICS OF GUARDIANSHIPS

## Guardianship

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A guardian is a person appointed by the courts to manage the healthcare, safety and welfare of another person who is a minor or is incapacitated or cannot functionally or effectively manage his or her own affairs. A guardianship is a protective proceeding and the person for whom a guardian is appointed is called a "ward."

### 1. When will a guardian be appointed by the court?

Under Colorado law a "ward" is defined as any individual who is found to be unable to make decisions about their day to day healthcare, safety, or living arrangements because they are unable to effectively receive or evaluate information, or both, or unable to make or communicate decisions, even with the use of appropriate and reasonably available technological assistance. This means the ward cannot receive or understand information or make or communicate decisions and that the ward cannot satisfy essential requirements for his or her physical health, safety, and self-care even with reasonable available technological assistance.

### 2. Important information about a guardianship:

- When a guardian is appointed, the clerk of court prepares a written document called "Letters of Guardianship" to evidence authority to act as the ward's guardian. The Letters of Guardianship and the court order will state any special powers or limits on the guardian's authority.
- It is very important to fully understand the legal consequences of becoming a guardian for both you are the ward before deciding if guardianship is the right choice for your situation.
- A guardian has limited authority to manage the finances of a ward. A guardian can receive and use income for support and maintenance and to pay the ward's current bills. Guardians can generally receive Social Security benefits, disability income and similar benefits on behalf of the ward. Colorado courts require background checks for guardians.

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A guardian is appointed by the courts to manage the personal and medical affairs of a minor or severely impaired adult. A guardian is responsible for the person's day to day matters that affect the person's personal affairs, care and health. A person may have either a guardian or a conservator, or both.

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