



EL PASO AND TELLER COUNTY COMBINED COURTS FOURTH
JUDICIAL DISTRICT, STATE OF COLORADO

CHIEF JUDGE ORDER 2023-7

RE: SUBMISSION OF JDF 208 WHEN FILING PETITIONS FOR GUARDIANSHIP OR
CONSERVATORSHIP

The Probate Court has a statutory obligation to ensure an incapacitated person's rights are adequately represented in a Guardianship or Conservatorship proceeding. This is especially true in cases where the incapacitated or Protected Person has limited or no ability to communicate with others. The general statutory mechanism the Court uses to secure proper representation of a Protected Person's rights is by appointment of a Court Visitor and counsel for the Protected Person.

Court Visitors and counsel appointed by the Court to act on behalf of a Protected Person may be compensated either by the Estate of the Protected Person or by the State of Colorado. When a person files a Petition for Guardianship or Conservatorship, the Court has no information regarding the financial resources of the Protected Person or whether the Court Visitor or appointed counsel should be paid by the Protected Person's Estate or by the State of Colorado. Nevertheless, the Court must appoint a Court Visitor for the Protected Person pursuant to C.R.S. §15-14-305(1) and -406(1) and also routinely appoints Respondent counsel pursuant to C.R.S. §15-14-305(2) and 406(2).

Experience has shown that the petitioner filing for appointment of a Guardian or Conservator usually has a significant amount of information regarding the financial resources of the Protected Person. If petitioner is a hospital or health care facility, it knows how its services are being compensated, i.e., Medicaid, private insurance, etc. Similarly, if family members initiate the petition, they usually have information regarding the Protected Person's financial resources, employment status, and who may be members of the Protected Person's household.

Given these circumstances, whenever an Interested Person files a Petition for Guardianship or Conservatorship, the Court ORDERS the Petitioner to also complete a JDF 208 for the Protected Person and file it at the time the Petition is filed. This requirement will allow the Court to make a preliminary determination regarding appointment of a Court Visitor and counsel.

If, after appointment and investigation, the petitioner, the Court Visitor, or counsel believes the information initially supplied to the Court is either inaccurate or incomplete, they may file an amended JDF 208.

DONE AND SIGNED ON THIS 26th DAY OF OCTOBER, 2023.

A handwritten signature in blue ink, appearing to read "W. B. Bain", is written over a horizontal line.

WILLIAM B. BAIN
Chief Judge
Fourth Judicial District