

INSTRUCTIONS FOR APPOINTMENT OF GUARDIAN FOR MINOR BY WILL OR OTHER SIGNED WRITING

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 an attorney.

GENERAL INFORMATION

- A Guardian may be appointed by will or other signed writing by a parent for any minor child the parent has or may have in the future.
- A Guardian may also be appointed by will or other signed writing by a Guardian of a minor child.
- The other signed writing shall be signed by the parent or Guardian.
- Pursuant to §15-14-203, C.R.S. the appointment of a Guardian becomes effective upon the death of the appointing parent or Guardian, an adjudication that the parent or Guardian is an incapacitated person, or a written determination by a physician that the parent or Guardian is no longer able to care for the child.
- The action shall be filed in the county where the will appointing the nominated Guardian was or could be probated or in the case of another appointing instrument, file the Affidavit of Acceptance of Appointment in the county in which the minor resides or is present.
- A surviving parent with no parental rights may not be appointed as a successor Guardian.
- The appointment may be revoked or amended before confirmation by the Court by the appointing parent or Guardian.
- The Guardian becomes eligible to act upon the filing of an Acceptance of Appointment that must be filed within 30 days after the Guardian's appointment becomes and written notice of the Acceptance of Appointment to the appointing parent or Guardian if living, the minor if the minor has attained 12 years of age, and a person other than the parent or Guardian having care and custody of the minor.
- A minor who is the subject of the appointing and who has attained 12 years of age has the right to consent or refuse to consent to the appointment of a Guardian.
- For additional information, please review §15-14-201, *et. seq.*, 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: [\[https://www.coloradojudicial.gov/ada-coordinators\]](https://www.coloradojudicial.gov/ada-coordinators)

COMMON TERMS

- Guardian: A person at least 21 years of age, resident or non-resident, who has qualified as a guardian of a minor based on an appointment by a parent(s) or by the Court.
- Letters: Formal notice identifying the authority of the Guardian.
- Minor: An unemancipated person who is under the age of 18.
- Order: Official document identifying the authority of the Guardian and his/her responsibilities during the Guardianship.

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

FEES

A filing fee of \$229.00 is required. If you have a family situation that requires you to file a guardianship for more than one child, only one filing fee is required, if the Petitions are filed on the same day. If you are unable to pay, you must complete the Motion to Waive Fees (**JDF 205**) and submit it to the Court. Once you submit the completed JDF 205 form and a blank Order (**JDF 206**), the Court will decide whether you need to pay the filing fee.

Other fees that a party to the case may encounter are as follows (also see JDF 1):

- Certification of Orders or Letters \$20.00
- Copy of Documents \$0.25 per page

FORMS

To access a form online go to [\[www.coloradojudicial.gov/self-help-forms\]](http://www.coloradojudicial.gov/self-help-forms) and select the guardian and conservator category. You can also search by the JDF form number. You may complete a form online or you may print it and type or print legibly in black ink.

Read these instructions carefully to determine what forms you may need, as you may need all or some of the listed forms. Check with the Court where you plan to file your case to determine if they have any special requirements.

- JDF 821 Affidavit of Acceptance of Appointment by Written Instrument as Guardian
- JDF 822 Petition for Confirmation of Appointment of Guardian
- JDF 826 Consent or Nomination of Minor
- JDF 830 Letters of Guardianship - Minor

Indian Child Welfare Act (ICWA) Forms

Depending on your answer to the ICWA question in the Petition (JDF 822), also file:

- JDF 1350 ICWA Assessment (Domestic, Probate, Adoption)
- JDF 1351 ICWA Declaration of Non-Indian Heritage (Domestic & Probate)

STEPS TO FILING YOUR CASE

Step 1: Complete Forms.

Selecting these instructions indicates that you are planning on filing for a Guardianship for a Minor with an existing will or written instrument to support the Affidavit. If you have a family situation that requires you to file a guardianship for more than one child, you will be required to prepare the appropriate forms for each child. Each child will have his or her own case for confidentiality purposes. The \$ 229.00 filing fee is per Petitioner(s) seeking the guardianship(s) and not per case. The Petitions must be filed on the same day. Complete the caption on all forms filed. **Make sure you make a copy for your own records of all of the forms you file with the Court.**

- Affidavit of Acceptance of Appointment by Written Instrument as Guardian for Minor (JDF 821).**
 - The appointed Guardian must complete all applicable sections.
 - Attach copies of the will or other signed writing.
- Consent or Nomination of Minor (JDF 826)**
 - The minor who is the subject of the appointment and is 12 years of age or older has the right to consent or refuse to consent to an appointment of a Guardian. **JDF 826 can be completed by the minor** to identify his/her consent or refusal to the appointment.
- Petition for Confirmation of Appointment of Guardian (JDF 822)**
 - This form **must be filed within 30 days** after filing the Affidavit of Acceptance of Appointment.
 - The appointed Guardian must complete all applicable sections.
- Indian Child Welfare Act (ICWA) – Refer to answers provided in the Petition (JDF 824), and Consent (JDF 825) if filed.**
 - ICWA Assessment (Domestic, Probate, Adoption) (JDF 1350)
 - ICWA Declaration of Non-Indian Heritage (Domestic & Probate) (JDF 1351)
- Letters of Guardianship - Minor (JDF 830).**
 - Complete only the caption on the form.
 - The Court will complete the remainder of the form once the Petition for Confirmation of Appointment is filed with the Court.

Step 2: You are Ready to File your Papers with the Court.

Provide the Court with the documents completed as described in **Step 1** above and pay the \$229.00 filing fee.

- Once a case number is assigned, you must send the Affidavit of Acceptance of Appointment to the appropriate interested persons, for example the appointing parent or Guardian, if living, the Minor, if 12 years of age or older, and a person other than a parent or Guardian having custody of the Minor.
- Mail the Affidavit of Acceptance of Appointment filed with the Court to the interested persons identified in the Certificate of Service.
- **Unless the appointment was previously confirmed by the Court**, within 30 days after filing the Affidavit of Acceptance of Appointment, a Petition for Confirmation of Appointment (JDF 822) shall be filed with the Court.

Step 3: Court Issues Letters

Step 4: Court Review of Documents – 30 Days After Filing

If no objections are filed and upon the filing of the Petition for Confirmation of Appointment, the Court will issue an Order Appointing Guardian for Minor, as appropriate.

The responsibilities of the Guardian terminate upon the death, resignation, or removal of the guardian or upon the Minor's death, adoption, marriage, or attainment of majority. Resignation of a Guardian does not terminate the guardianship until approved by the Court.