

West's Colorado Revised Statutes Annotated  
Title 15. Probate, Trusts, and Fiduciaries  
Colorado Probate Code  
Article 14. Persons Under Disability--Protection (Refs & Annos)  
Part 4. Protection of Property of Protected Person (Refs & Annos)

C.R.S.A. § 15-14-413

§ 15-14-413. Who may be conservator--priorities--prohibition of dual roles

Effective: March 1, 2014

[Currentness](#)

(1) Except as otherwise provided in subsection (4) of this section, the court, in appointing a conservator, shall consider persons otherwise qualified in the following order of priority:

(a) A conservator, guardian of the estate, or other like fiduciary appointed or recognized by an appropriate court of any other jurisdiction in which the protected person resides;

(b) A person nominated as conservator by the respondent, including the respondent's specific nomination of a conservator made in a durable power of attorney or given priority to be a conservator in a designated beneficiary agreement made pursuant to article 22 of this title, if the respondent has attained twelve years of age;

(c) An agent appointed by the respondent to manage the respondent's property under a durable power of attorney;

(d) The spouse of the respondent;

(d.5) The partner in a civil union of the respondent;

(e) An adult child of the respondent;

(f) A parent of the respondent; and

(g) An adult with whom the respondent has resided for more than six months immediately before the filing of the petition.

(2) A respondent's nomination or appointment of a conservator shall create priority for the nominee or appointee only if, at the time of nomination or appointment, the respondent had sufficient capacity to express a preference.

(3) A person having priority under paragraph (a), (d), (d.5), (e), or (f) of subsection (1) of this section may designate in writing a substitute to serve instead and thereby transfer the priority to the substitute.

(4) With respect to persons having equal priority, the court shall select the one it considers best qualified. The court, for good cause, may decline to appoint a person having priority and appoint a person having a lower priority or no priority.

(5) An owner, operator, or employee of a long-term care provider from which the respondent is receiving care may not be appointed as conservator unless related to the respondent by blood, marriage, or adoption.

(6)(a) Unless the court makes specific findings for good cause shown or the person is a family caregiver as defined in [section 25.5-10-202, C.R.S.](#), the same professional may not act as an incapacitated person's or a protected person's:

(I) Guardian and conservator; or

(II) Guardian and direct service provider; or

(III) Conservator and direct service provider.

(b) In addition, a guardian or conservator may not employ the same person to act as both care manager and direct service provider for the incapacitated person or protected person unless the person is a family caregiver as defined in [section 25.5-10-202, C.R.S.](#)

#### Credits

Repealed and reenacted by [Laws 2000, Ch. 368, § 1, eff. Jan. 1, 2001](#). Amended by [Laws 2009, Ch. 107, § 12, eff. July 1, 2009](#); [Laws 2010, Ch. 374, § 19, eff. July 1, 2010](#); [Laws 2011, Ch. 101, § 16, eff. Aug. 10, 2011](#); [Laws 2013, Ch. 49, § 21, eff. May 1, 2013](#); [Laws 2013, Ch. 323, § 27, eff. March 1, 2014](#).

C. R. S. A. § 15-14-413, CO ST § 15-14-413

Current through legislation effective April 1, 2020 of the 2020 Regular Session. Some statute sections may be more current. See credits for details.