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

g 15-14-413. Who may be conservatorprioritiesprohibition 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.

(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.

(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.

- (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.

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