

# How to Change Your Guardian(s) or End Your Guardianship

In Colorado, you have a right to a lawyer to help you change your guardian(s) or end your guardianship. Below is a flow chart that moves through the legal process of how you can access a lawyer.

STEP 1: Submit Legal Documents to the Court

• Go to the next page for a checklist of the legal documents.

# <u>STEP 2</u>: Hearing on Giving Informed Consent

• Before you can get a lawyer, the judge must make sure that you can give your informed consent to become a lawyer's client.

If the court decides: Yes, You <u>Can</u> Give Informed Consent If the court decides: No, You <u>Cannot</u> Give Informed Consent

STEP 3: You Can Get a Lawyer

- If you get Supplemental Security Income ("SSI") or Medicaid, the court will pay for your lawyer.
- If you do not get SSI or Medicaid, you will probably have to pay for the lawyer yourself.

STEP 3: You Can Ask the Court to Give You a Guardian Ad Litem ("GAL") Instead

- The GAL can help you file an appeal to get a lawyer.
- The GAL can also talk to you about why you want to change your guardians or end your guardianship.
  The GAL will then share that information with the judge.

<u>Sources</u>: Colo. Rev. Stat. § 15-14-319(1) (West 2022) (effective Aug. 10, 2016); *Milstein v. Ayers*, 955 P.2d 78, 80-81 (Colo. App. 1998).

## Checklist of legal documents that must be submitted to the court for <u>STEP 1</u>:

- □ **JDF 852**, Petition for Termination of Guardianship Adult: <a href="https://www.coloradojudicial.gov/self-help-and-forms/self-help-forms/petition-termination-guardianship-adult">https://www.coloradojudicial.gov/self-help-and-forms/self-help-forms/petition-termination-guardianship-adult</a>
  - Fill this form out and attach any additional information that helps explain to the court why you no longer need a guardian.
  - You must mail or hand-deliver a copy of JDF 852 Petition for Termination of Guardianship - Adult (and attached information) to all interested persons in the case.
  - After mailing or hand-delivering a copy of JDF 852 Petition for Termination of Guardianship - Adult, fill out the Certificate of Service part of the form.
- □ **JDF 854** Order for Termination of Guardianship Adult: <a href="https://www.coloradojudicial.gov/self-help-and-forms/self-help-forms/order-termination-guardianship-adult">https://www.coloradojudicial.gov/self-help-and-forms/self-help-forms/order-termination-guardianship-adult</a>.
  - Fill out the top "caption" part of this form and the court will fill out the rest.
- □ **JDF 711** Notice of Hearing: <a href="https://www.coloradojudicial.gov/self-help-and-forms/self-help-forms/notice-hearing-probate">https://www.coloradojudicial.gov/self-help-and-forms/self-help-forms/notice-hearing-probate</a>.
  - Give notice of the hearing date and time to all interested persons by mailing or handdelivering a copy of this form. Fill out the Certificate of Service part of the form before you file it with the court.

#### Filing Steps:

- ☐ Contact the court about getting a date for a hearing.
- ☐ Give notice of the hearing to all interested parties. Fill the Certificate of Service portion of **JDF 711** and file this form with the court too.
- ☐ There is no filing fee, and the form includes an option to request the appointment of an attorney or Guardian ad Litem (GAL).

\*\*This full checklist and information can also be found on the Colorado Judicial Branch's website: <a href="https://www.coloradojudicial.gov/self-help/ending-guardianship.">https://www.coloradojudicial.gov/self-help/ending-guardianship.</a>\*\*

## **Support for Completing this Checklist**

#### Colorado Judicial Districts' Self-Help Centers:

Every court has a self-help center for people who do not have lawyers. You can contact your court's self-help center and ask questions about the JDF forms. You can also ask the self-help center for your guardianship case number. Here is the list of self-help centers:

https://www.coloradojudicial.gov/sites/default/files/2024-07/Sherlock Contact List for Public.pdf.

### Colorado Judicial Districts' ADA Coordinators:

Every court also has an ADA coordinator who you can ask for reasonable accommodations for completing these forms. Here is the list of ADA coordinators: <a href="https://www.coloradojudicial.gov/ada-coordinators">https://www.coloradojudicial.gov/ada-coordinators</a>.

If your court's self-help center or ADA coordinator will not help you, contact Disability Law Colorado at 303-722-0300. We might be able to support you in completing these forms, and we want to track which courts are not providing support.