

FAQS ABOUT GUARDIANSHIP IN COLORADO

What is legal guardianship?

- A legal proceeding that is initiated to establish an individual's inability to manage their affairs and result in the taking of that individuals civil liberties and giving it to a court appointed legal guardian.

What duties are involved in being a legal guardian?

- Guardianship may be limited in duration and scope but typically a guardian has the authority to make most or all decisions related to an individual's health, education and welfare. A guardian usually signs legal documents on behalf of the individual, chooses an appropriate living situation and grants, withholds and withdraws consent to medical treatment.
- A guardian must always act in the best interest of the Veteran and must make efforts to include the Veteran in decision making efforts and encourage self sufficiency. A guardian is expected to consider the Veteran's desires.
- Guardians must submit an initial report and annual report to the court that includes a description of the Veteran's wellbeing, growth, health needs and financial resources available for care. It also should include changes in the guardian or Veteran's life and the needs for guardianship to continue.

Are there financial obligations?

- There are initial fees associated with applying for guardianship. In cases of financial hardship, requests can be made to waive the fees. Once appointed guardian, a guardian can be reimbursed for fees associated with obtaining guardianship.
- A guardian is entitled to reasonable compensation and reimbursement of expenses from the estate of the person for which guardianship is being sought

Is the application process streamlined across the state?

- While processes may be similar, each county has its own process for applying for guardianship. It is necessary to investigate the policies and procedures of the county in which the **Veteran** lives.

When may a someone consider pursuing legal guardianship?

- A person must lack decision making capacity as determined by a psychiatrist, psychologist or physician.

***Information on this resource sheet were compiled by Lara VandenBergh, LCSW
Guardianship social worker: Updated January 20, 2022***

The VA accepts no responsibility for the service provided by the resources attached. They are listed here for your information only and may change without notice.

What is the difference between Power of Attorney and Guardianship?

- Power of Attorney is a written document that authorizes another person to act in an individual's place. The individual must have capacity when they sign a POA. They are used to permit a trusted person to make decisions about money or health care for an individual. A POA can never override the individual's decision making
- In guardianship, a person is appointed by the court to make personal decisions for another individual who is determined to lack decision making capacity. When a guardian is appointed, the individual becomes a "ward" and they lose many of their rights.

Guardianship should be a last resort!

*Information on this resource sheet were compiled by Lara VandenBergh, LCSW
Guardianship social worker: Updated January 20, 2022*

The VA accepts no responsibility for the service provided by the resources attached. They are listed here for your information only and may change without notice.