

1 (e) FACILITATE THE EXERCISE OF DECISIONS REGARDING HIS OR
2 HER DAY-TO-DAY HEALTH, SAFETY, WELFARE, OR FINANCIAL AFFAIRS.

3 **SECTION 2.** In Colorado Revised Statutes, **add** 15-14-113.5 as
4 follows:

5 **15-14-113.5. Appointments without notice - investigation -**
6 **report - procedures.** (1) A VISITOR APPOINTED PURSUANT TO SECTION
7 15-14-312 (5) OR 15-14-412 (3)(b) MUST BE A PERSON WHO HAS SUCH
8 TRAINING AS THE COURT DEEMS APPROPRIATE.

9 (2) A VISITOR APPOINTED PURSUANT TO SECTION 15-14-312 (5) OR
10 15-14-412 (3)(b) SHALL INTERVIEW THE RESPONDENT IN PERSON AND, TO
11 THE EXTENT THAT THE RESPONDENT IS ABLE TO UNDERSTAND:

12 (a) EXPLAIN TO THE RESPONDENT THE SUBSTANCE OF THE
13 PETITION; THE NATURE, PURPOSE, AND EFFECT OF THE PROCEEDING; THE
14 RESPONDENT'S RIGHT TO A HEARING PURSUANT TO SECTION 15-14-312 (2),
15 IF APPLICABLE; AND THE POWERS AND DUTIES OF THE EMERGENCY
16 GUARDIAN OR SPECIAL CONSERVATOR;

17 (b) IDENTIFY AND DETERMINE THE RESPONDENT'S VIEW ON ANY
18 MEMBER OF THE SUPPORTIVE COMMUNITY, AS DEFINED IN SECTION
19 15-14-102 (7.5), WHOSE PARTICIPATION IN THE PROCEEDINGS MAY SERVE
20 THE RESPONDENT'S BEST INTERESTS;

21 (c) INFORM THE RESPONDENT OF THE NAME, CONTACT
22 INFORMATION, AND APPOINTMENT OF HIS OR HER COURT-APPOINTED
23 COUNSEL OR HIS OR HER RIGHT TO EMPLOY AND CONSULT WITH A LAWYER
24 AT THE RESPONDENT'S OWN EXPENSE; AND

25 (d) INFORM THE RESPONDENT THAT ALL COSTS AND EXPENSES OF
26 THE PROCEEDING, INCLUDING THE RESPONDENT'S ATTORNEY FEES, WILL BE
27 PAID FROM THE RESPONDENT'S ESTATE UNLESS THE COURT DIRECTS
28 OTHERWISE.

29 (3) IN ADDITION TO THE DUTIES IMPOSED BY SUBSECTION (2) OF
30 THIS SECTION, THE VISITOR SHALL:

31 (a) INTERVIEW THE PERSON OR PERSONS IDENTIFIED BY THE
32 RESPONDENT AS MEMBERS OF THE SUPPORTIVE COMMUNITY ABOUT THE
33 MEMBER'S RELATIONSHIP, ROLE, AND PARTICIPATION IN SUPPORTED
34 DECISION-MAKING ON BEHALF OF THE RESPONDENT; THE MEMBER'S VIEW
35 ON THE RESPONDENT'S LIMITATIONS; AND WHETHER THE RESPONDENT'S
36 NEEDS MAY BE MET BY LESS RESTRICTIVE MEANS; AND

37 (b) MAKE ANY OTHER INVESTIGATION THE COURT DIRECTS.

38 (4) THE VISITOR SHALL PROMPTLY FILE A REPORT IN WRITING WITH
39 THE COURT, WHICH MUST INCLUDE:

40 (a) THE NAME, ADDRESS, AND CONTACT INFORMATION FOR ANY
41 MEMBER OF THE SUPPORTIVE COMMUNITY;

1 (b) A SUMMARY OF THE NATURE AND TYPE OF SUPPORTED
2 DECISION-MAKING ENGAGED IN BY THE RESPONDENT WITH THE
3 ASSISTANCE OF MEMBERS OF THE SUPPORTIVE COMMUNITY;

4 (c) RECOMMENDATIONS ON WHETHER ANY MEMBER OF THE
5 SUPPORTIVE COMMUNITY SHOULD BE GRANTED PERMISSION TO
6 PARTICIPATE IN THE PROCEEDINGS PURSUANT TO SECTION 15-14-308 (2)
7 OR 15-10-201 (27);

8 (d) RECOMMENDATIONS REGARDING THE APPROPRIATENESS OF
9 EMERGENCY GUARDIANSHIP OR SPECIAL CONSERVATORSHIP, INCLUDING
10 WHETHER LESS RESTRICTIVE MEANS OF INTERVENTION WERE AVAILABLE
11 AND ARE AVAILABLE;

12 (e) RECOMMENDATIONS ON WHETHER THE POWERS OF THE
13 EMERGENCY GUARDIANSHIP OR SPECIAL CONSERVATORSHIP SHOULD BE
14 LIMITED BASED ON THE DESIRES AND PERSONAL VALUES OF THE
15 RESPONDENT AS EXPRESSED BY THE RESPONDENT AND THE MEMBERS OF
16 THE SUPPORTIVE COMMUNITY; AND

17 (f) ANY OTHER MATTERS THE COURT DIRECTS.

18 (5) WITHIN SEVEN DAYS AFTER RECEIVING THE VISITOR'S REPORT,
19 THE COURT SHALL REVIEW THE REPORT AND ENTER AN ORDER MAKING THE
20 FOLLOWING SPECIFIC FINDINGS:

21 (a) WHETHER ANY MEMBER OF THE SUPPORTIVE COMMUNITY HAS
22 PERMISSION TO PARTICIPATE IN THE PROCEEDINGS AS SUCH PARTICIPATION
23 IS FOUND TO BE IN THE RESPONDENT'S BEST INTERESTS, PENDING FURTHER
24 FINDINGS AND ORDER OF THE COURT;

25 (b) LIMITING THE POWERS OF THE EMERGENCY GUARDIAN OR
26 SPECIAL CONSERVATOR AS RECOMMENDED BY THE VISITOR, PENDING
27 FURTHER FINDINGS AND ORDER OF THE COURT; AND

28 (c) ANY OTHER MATTERS THAT THE COURT DEEMS APPROPRIATE
29 TO PRESERVE AND PROTECT THE RIGHTS OF THE RESPONDENT.

30 **SECTION 3.** In Colorado Revised Statutes, 15-14-312, **add** (5)
31 as follows:

32 **15-14-312. Emergency guardian.** (5) IF THE COURT APPOINTS AN
33 EMERGENCY GUARDIAN WITHOUT NOTICE TO THE RESPONDENT OR ANY
34 OTHER PERSON ENTITLED TO NOTICE PURSUANT TO SECTION 15-14-309 (2)
35 AND THE PERSON APPOINTED IS A PROFESSIONAL WITHOUT PRIORITY TO
36 SERVE PURSUANT TO SECTION 15-14-310 (1) OR PROTECTIVE SERVICES
37 PURSUANT TO SECTION 26-3.1-104, THE COURT SHALL, UPON ENTRY OF
38 THE ORDER OF APPOINTMENT OF EMERGENCY GUARDIAN,
39 SIMULTANEOUSLY APPOINT A VISITOR TO INVESTIGATE AND REPORT TO
40 THE COURT WITHIN FOURTEEN DAYS AFTER THE APPOINTMENT AS
41 PROVIDED IN SECTION 15-14-113.5.

1 **SECTION 4.** In Colorado Revised Statutes, 15-14-412, **amend**
2 (3) as follows:

3 **15-14-412. Protective arrangements and single transactions.**
4 (3) (a) The court may appoint a special conservator to assist in the
5 accomplishment of any protective arrangement or other transaction
6 authorized under this section. The special conservator has the authority
7 conferred by the order and shall serve until discharged by order after
8 report to the court.

9 (b) IF THE COURT APPOINTS A SPECIAL CONSERVATOR WITHOUT
10 NOTICE TO THE RESPONDENT, PROTECTED PERSON, OR ANY OTHER PERSON
11 ENTITLED TO NOTICE PURSUANT TO SECTION 15-14-404 (2) AND THE
12 PERSON APPOINTED IS A PROFESSIONAL WITHOUT PRIORITY TO SERVE
13 PURSUANT TO SECTION 15-14-310 (1) OR A PUBLIC ADMINISTRATOR
14 PURSUANT TO SECTION 15-12-622, THE COURT SHALL, UPON ENTRY OF THE
15 ORDER OF APPOINTMENT OF SPECIAL CONSERVATOR, SIMULTANEOUSLY
16 APPOINT A VISITOR TO INVESTIGATE AND REPORT TO THE COURT WITHIN
17 FOURTEEN DAYS AFTER THE APPOINTMENT AS PROVIDED IN SECTION
18 15-14-113.5.

19 **SECTION 5.** In Colorado Revised Statutes, 15-10-503, **amend**
20 (1) as follows:

21 **15-10-503. Power of a court to address the conduct of a**
22 **fiduciary - emergencies - nonemergencies. (1) Emergency situations**
23 **- court action without the requirement of prior notice or hearing.** If
24 it appears to a court that an emergency exists because a fiduciary's actions
25 or omissions pose an imminent risk of substantial harm to a ward's or
26 protected person's health, safety, or welfare or to the financial interests of
27 an estate, the court may, on its own motion or upon the request of an
28 interested person, without a hearing and without following any of the
29 procedures authorized by section 15-10-502, order the immediate
30 restraint, restriction, or suspension of the powers of the fiduciary; direct
31 the fiduciary to appear before the court; or take such further action as the
32 court deems appropriate to protect the ward or protected person or the
33 assets of the estate. If a court restrains, restricts, or suspends the powers
34 of a fiduciary, the court shall set a hearing and direct that notice be given
35 pursuant to section 15-10-505. The clerk of the court shall immediately
36 note the restraint, restriction, or suspension on the fiduciary's letters, if
37 any. Any action for the removal, surcharge, or sanction of a fiduciary
38 shall be governed by this section. THE COURT SHALL RULE ON ITS MOTION
39 OR THE INTERESTED PERSON'S REQUEST WITHIN FOURTEEN DAYS AFTER
40 THE MOTION OR REQUEST IS MADE."

41 **SECTION 6. Act subject to petition - effective date -**

1 **applicability.** (1) This act takes effect September 1, 2020; except that,
2 if a referendum petition is filed pursuant to section 1 (3) of article V of
3 the state constitution against this act or an item, section, or part of this act
4 within the ninety-day period after final adjournment of the general
5 assembly, then the act, item, section, or part will not take effect unless
6 approved by the people at the general election to be held in November
7 2020 and, in such case, will take effect on the date of the official
8 declaration of the vote thereon by the governor.
9 (2) This act applies to appointments made on or after the
10 applicable effective date of this act."

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