



Legislative Council Staff

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FISCAL NOTE

Drafting Number: LLS 20-0003 Date: February 4, 2020
Prime Sponsors: Sen. Holbert; Ginal Bill Status: Senate Judiciary
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Bill Topic: PROTECTION OF INDIVIDUALS SUBJECT TO A FIDUCIARY

- Summary of Fiscal Impact: State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, Statutory Public Entity

The bill requires a prehearing conference for any petition for a ward or conservator for a minor or incapacitated person. The bill also requires a judge to rule on certain motions or requests within 14 days. The bill increases state workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

The bill requires a petitioner to conduct a prehearing conference to determine if a relative or other interested person is available to assist a minor or potentially incapacitated person when there is a petition for a ward or conservator. The prehearing conference must be a robust conversation with availability for remote participation. When a petitioner files a petition, he or she must include a summary report of the prehearing conference and mail a copy of the report to all who attended the prehearing conference.

In addition, under current law, a court may conduct an emergency review of a fiduciary's actions upon its own motion or the request of an interested person. The bill requires the court to rule on the motion or request within 14 days.

State Expenditures

Beginning in FY 2020-21, the bill will increase workload for the Judicial Department and the Office of Public Guardianship. These impacts are discussed below.

Judicial Department. The bill will increase workload for the trial courts in the Judicial Department to handle prehearing conference matters, assist pro se petitioners with the requirements of the bill, and rule on motions or requests within 14 days. For informational purposes, in FY 2018-19, there were 3,480 adult and minor guardianship and/or conservatorship cases statewide. This work can

be conducted within existing resources and no appropriation is required. Should a change in funding be required for the Judicial Department, the fiscal note assumes it will be addressed through the annual budget process.

Office of the Public Guardianship. The bill will increase workload for the Office of the Public Guardianship to receive notice of hearings and attend prehearing conferences in the 2nd Judicial District as a possible interested party. For informational purposes, the Office of the Public Guardianship only operates in the 2nd Judicial District, or the city and county of Denver. This work can be conducted within existing resources and no appropriation is required. Should a change in funding be required for the Office of Public Guardianship, the fiscal note assumes it will be addressed through the annual budget process.

Effective Date

The bill takes effect September 1, 2020, if no referendum petition is filed. The bill applies to petitions filed on or after this date.

State and Local Government Contacts

Child Protection Ombudsman
Human Services
Judicial
Office of Respondent Parents' Counsel

Counties
Information Technology
Office of Public Guardianship
Office of the Child's Representative