

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0263.01 Conrad Imel x2313

SENATE BILL 23-064

SENATE SPONSORSHIP

Gardner and Ginal,

HOUSE SPONSORSHIP

Snyder,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE OFFICE OF PUBLIC GUARDIANSHIP.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under existing law, the office of public guardianship (office) is authorized to serve indigent and incapacitated adults (incapacitated adults) in need of guardianship in 3 judicial districts and is scheduled to repeal on June 30, 2024. The bill extends the office indefinitely and requires the office to operate in every judicial district in the state by December 31, 2027.

The bill establishes a board of directors (board) to oversee the office. The board consists of 7 members: 3 members who are attorneys

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

appointed by the chief justice of the Colorado supreme court and 4 non-attorney members appointed by the governor. The existing public guardianship commission that oversees the office is repealed, effective August 31, 2023.

The bill clarifies the office's duties. The office's director administers the office pursuant to a memorandum of understanding with the judicial department. The bill clarifies what must be included in the memorandum of understanding.

The office is required to employ guardians to provide guardianship services to the office's clients. A guardian must be certified as a guardian or become certified within 2 years after being hired by the office. The office shall provide training to guardians in specified subjects.

The bill requires a court to waive filing fees for petitions for guardianship filed by the office in cases that involve an incapacitated adult who is eligible for guardianship services from the office. A court is prohibited from requiring the office or a guardian employed by the office to post a bond as a condition for appointment as a guardian.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 13-94-102, **amend**
3 (2)(a)(I)(C); and **repeal** (2)(a)(II) and (2)(b) as follows:

4 **13-94-102. Legislative declaration.** (2) In establishing the office
5 of public guardianship, the general assembly intends:

6 (a) That the office will:

7 (I) Provide guardianship services to indigent and incapacitated
8 adults who:

9 (C) Are not subject to a petition for appointment of guardian filed
10 by a county adult protective services unit or otherwise authorized by
11 section 26-3.1-104. ~~and~~

12 ~~(II) Gather data to help the general assembly determine the need~~
13 ~~for, and the feasibility of, a statewide office of public guardianship; and~~

14 ~~(b) That the office is a pilot program, to be evaluated and then~~
15 ~~continued, discontinued, or expanded at the discretion of the general~~
16 ~~assembly in 2023.~~

1 **SECTION 2.** In Colorado Revised Statutes, 13-94-103, **amend**
2 (2)(a), (2)(c), (2)(d), and (2)(e); and **add** (2)(a.5) as follows:

3 **13-94-103. Definitions.** (2) As used in this article 94, unless the
4 context otherwise requires:

5 (a) ~~"Commission"~~ "BOARD" means the BOARD OF DIRECTORS FOR
6 THE OFFICE OF public guardianship ~~commission~~ created pursuant to
7 ~~section 13-94-104~~ SECTION 13-94-104.1.

8 (a.5) "CLIENT" MEANS A PERSON RECEIVING GUARDIANSHIP
9 SERVICES FROM THE OFFICE.

10 (c) "Director" means the director of the office, appointed by the
11 ~~commission~~ BOARD pursuant to ~~section 13-94-104~~ SECTION 13-94-104.1.

12 (d) "Guardian" ~~or "guardian-designee"~~ means an individual
13 employed by the office to provide guardianship services on behalf of the
14 office to one or more adults.

15 (e) "Office" means the office of public guardianship created in
16 ~~section 13-94-104~~ SECTION 13-94-105.

17 **SECTION 3.** In Colorado Revised Statutes, 13-94-104, **amend**
18 (2); **repeal** (3) and (4); and **add** (5) as follows:

19 **13-94-104. Public guardianship commission created - repeal.**

20 (2) Each member of the commission serves at the pleasure of ~~his or her~~
21 THE MEMBER'S appointing authority; except that each member's term of
22 service concludes with the repeal of this ~~article 94~~ SECTION pursuant to
23 ~~section 13-94-111~~ SUBSECTION (5) OF THIS SECTION.

24 (3) ~~The commission shall appoint a director to establish, develop,~~
25 ~~and administer the office of public guardianship, which office is hereby~~
26 ~~created within the judicial department. The director serves at the pleasure~~
27 ~~of the commission.~~

1 (4) ~~The office and the judicial department shall operate pursuant~~
2 ~~to a memorandum of understanding between the two entities. The~~
3 ~~memorandum of understanding must contain, at a minimum:~~

4 ~~(a) A requirement that the office has its own personnel rules;~~

5 ~~(b) A requirement that the director has independent hiring and~~
6 ~~termination authority over office employees;~~

7 ~~(c) A requirement that the office must follow judicial fiscal rules;~~
8 ~~and~~

9 ~~(d) Any other provisions regarding administrative support that will~~
10 ~~help maintain the independence of the office.~~

11 (5) THIS SECTION IS REPEALED, EFFECTIVE AUGUST 31, 2023.

12 **SECTION 4.** In Colorado Revised Statutes, **add** 13-94-104.1 as
13 follows:

14 **13-94-104.1. Office of public guardianship board - members**
15 **- duties - appointment of director - repeal.** (1) (a) ON SEPTEMBER 1,
16 2023, THE BOARD OF DIRECTORS FOR THE OFFICE OF PUBLIC GUARDIANSHIP
17 IS CREATED WITHIN THE JUDICIAL DEPARTMENT. THE BOARD INCLUDES
18 SEVEN MEMBERS, APPOINTED AS FOLLOWS:

19 (I) THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL
20 APPOINT THREE MEMBERS WHO ARE ATTORNEYS ADMITTED TO PRACTICE
21 LAW IN THIS STATE; AND

22 (II) THE GOVERNOR SHALL APPOINT FOUR NON-ATTORNEY
23 MEMBERS AS FOLLOWS:

24 (A) THREE MEMBERS WHO HAVE LIVED EXPERIENCE WITH A
25 FAMILY MEMBER WHO IS AN AT-RISK ADULT OR WHO HAVE EXPERTISE AND
26 EXPERIENCE IN ADVOCATING FOR THE AT-RISK ADULT POPULATION,
27 INCLUDING ADVOCACY AND REPRESENTATION IN THE AREAS OF AGING,

1 MENTAL HEALTH, SUBSTANCE USE DISORDERS, HOMELESSNESS, VETERANS
2 ISSUES, INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, HEALTH CARE,
3 AND LAW ENFORCEMENT AND CRIMINAL JUSTICE. AT LEAST ONE OF THE
4 MEMBERS APPOINTED PURSUANT TO THIS SUBSECTION (1)(a)(II)(A) MUST
5 BE A PERSON WITH LIVED EXPERIENCE WITH A FAMILY MEMBER WHO IS AN
6 AT-RISK ADULT.

7 (B) ONE MEMBER WHO HAS NOT SERVED DIRECTLY IN AN
8 ADVOCACY ROLE FOR AT-RISK ADULTS.

9 (b) (I) EACH OF THE MEMBERS APPOINTED BY THE CHIEF JUSTICE
10 MUST RESIDE IN A DIFFERENT CONGRESSIONAL DISTRICT, AND NO MORE
11 THAN TWO MEMBERS APPOINTED BY THE CHIEF JUSTICE MAY BE FROM THE
12 SAME POLITICAL PARTY.

13 (II) EACH OF THE MEMBERS APPOINTED BY THE GOVERNOR MUST
14 RESIDE IN A DIFFERENT CONGRESSIONAL DISTRICT, AND NO MORE THAN
15 THREE MEMBERS APPOINTED BY THE GOVERNOR MAY BE FROM THE SAME
16 POLITICAL PARTY.

17 (c) IN MAKING APPOINTMENTS TO THE BOARD, THE CHIEF JUSTICE
18 AND THE GOVERNOR SHALL CONSIDER PLACE OF RESIDENCE, INCLUDING
19 RURAL OR URBAN RESIDENCY; SEX; RACE; AND ETHNIC BACKGROUND.

20 (d) EACH MEMBER OF THE BOARD SERVES WITHOUT
21 COMPENSATION BUT IS ENTITLED TO RECEIVE REIMBURSEMENT FROM THE
22 OFFICE OF PUBLIC GUARDIANSHIP CASH FUND CREATED IN SECTION
23 13-94-108 FOR ACTUAL AND NECESSARY EXPENSES THE MEMBER INCURS
24 IN THE PERFORMANCE OF THE MEMBER'S DUTIES.

25 (2) (a) EACH MEMBER OF THE BOARD SERVES AT THE PLEASURE OF
26 THE MEMBER'S APPOINTING AUTHORITY. EXCEPT FOR THE INITIAL
27 APPOINTMENTS MADE PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION,

1 EACH MEMBER'S TERM OF APPOINTMENT IS FOUR YEARS. A MEMBER SHALL
2 NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.

3 (b) (I) THE CHIEF JUSTICE AND GOVERNOR SHALL MAKE INITIAL
4 APPOINTMENTS TO THE BOARD NO LATER THAN AUGUST 1, 2023, AS
5 FOLLOWS:

6 (A) THE CHIEF JUSTICE AND GOVERNOR SHALL EACH APPOINT ONE
7 MEMBER TO A TERM OF FOUR YEARS FROM AMONG THE MEMBERSHIP OF
8 THE PUBLIC GUARDIANSHIP COMMISSION CREATED IN SECTION 13-94-104
9 AS IT EXISTS ON THE EFFECTIVE DATE OF THIS SUBSECTION (2)(b);

10 (B) THE CHIEF JUSTICE AND GOVERNOR SHALL EACH APPOINT ONE
11 MEMBER TO A TERM OF TWO YEARS;

12 (C) THE CHIEF JUSTICE AND GOVERNOR SHALL EACH APPOINT ONE
13 MEMBER TO A TERM OF THREE YEARS; AND

14 (D) THE GOVERNOR SHALL APPOINT ONE MEMBER TO A TERM OF
15 FOUR YEARS.

16 (II) THIS SUBSECTION (2)(b) IS REPEALED, EFFECTIVE DECEMBER
17 31, 2027.

18 (3) THE BOARD SHALL:

19 (a) APPOINT THE DIRECTOR OF THE OFFICE OF PUBLIC
20 GUARDIANSHIP, WHO SERVES AT THE PLEASURE OF THE BOARD;

21 (b) ESTABLISH BYLAWS AND OPERATING POLICIES FOR THE BOARD;
22 AND

23 (c) WORK COLLABORATIVELY WITH THE DIRECTOR TO PROVIDE
24 GOVERNANCE OF THE OFFICE, FISCAL OVERSIGHT OF THE GENERAL
25 OPERATING BUDGET OF THE OFFICE, AND PROGRAMMATIC OVERSIGHT, AS
26 ESTABLISHED IN THE BYLAWS AND OPERATING PROCEDURES OF THE
27 BOARD.

1 (4) (a) THE BOARD SHALL MAKE ITS INITIAL APPOINTMENT OF A
2 DIRECTOR PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION NO LATER
3 THAN DECEMBER 31, 2023.

4 (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JUNE 30, 2024.

5 **SECTION 5.** In Colorado Revised Statutes, 13-94-105, **amend**
6 (1), (2) introductory portion, (2)(c), (2)(e), (2)(f), (2)(j), (2)(k), (3), (4),
7 (5), and (6); and **add** (1.5) and (7) as follows:

8 **13-94-105. Office of public guardianship - director - duties -**
9 **memorandum of understanding - annual report - repeal.** (1) (a) THE
10 OFFICE OF PUBLIC GUARDIANSHIP IS CREATED WITHIN THE JUDICIAL
11 DEPARTMENT TO SERVE INDIGENT AND INCAPACITATED ADULTS IN NEED
12 OF GUARDIANSHIP IN EVERY JUDICIAL DISTRICT IN THE STATE NO LATER
13 THAN DECEMBER 31, 2027.

14 (b) The director shall ~~establish, develop, and~~ administer the office
15 ~~to serve indigent and incapacitated adults in need of guardianship in the~~
16 ~~second, seventh, and sixteenth judicial districts~~ and shall coordinate its
17 THE OFFICE'S efforts with county departments of human ~~services~~ and
18 ~~county departments of~~ social services within ~~those districts~~ EACH
19 JUDICIAL DISTRICT IN WHICH THE OFFICE PROVIDES SERVICES TO CLIENTS.

20 (c) (I) THE OFFICE SHALL MAINTAIN OPERATIONS IN EACH JUDICIAL
21 DISTRICT IN WHICH IT IS OPERATING ON THE EFFECTIVE DATE OF THIS
22 SUBSECTION (1)(c) AND SHALL OPERATE IN EVERY JUDICIAL DISTRICT IN
23 THE STATE NO LATER THAN DECEMBER 31, 2027.

24 (II) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE JUNE 30,
25 2028.

26 (d) The director shall administer the office in accordance with the
27 memorandum of understanding WITH THE JUDICIAL DEPARTMENT

1 described in ~~section 13-94-104 (4)~~. Notwithstanding any other provision
2 of this section, upon receiving funding sufficient to begin operations in
3 the ~~second judicial district, the office must begin operations in that~~
4 ~~judicial district prior to operating in any other district~~ SUBSECTION (6) OF
5 THIS SECTION. THE JUDICIAL DEPARTMENT SHALL PROVIDE TECHNICAL
6 AND ADMINISTRATIVE SUPPORT TO ASSIST THE OFFICE.

7 (1.5) IN ADDITION TO ANY OTHER DUTIES OR RESPONSIBILITIES SET
8 FORTH IN THIS ARTICLE 94, THE OFFICE:

9 (a) MAY:

10 (I) INITIATE PETITIONS FOR GUARDIANSHIP; AND

11 (II) TAKE ANY ACTION ON BEHALF OF AN INDIGENT AND
12 INCAPACITATED PERSON THAT A PRIVATE GUARDIAN MAY TAKE, EXCEPT
13 AS OTHERWISE LIMITED BY LAW OR COURT ORDER; AND

14 (b) SHALL USE THE ELIGIBILITY CRITERIA AND PRIORITIZATION
15 DESCRIBED IN SUBSECTION (2)(b) OF THIS SECTION TO SERVE INDIVIDUALS
16 WITH THE GREATEST NEEDS WHEN THE NUMBER OF CASES IN WHICH
17 SERVICES HAVE BEEN REQUESTED EXCEEDS THE NUMBER OF CASES IN
18 WHICH PUBLIC GUARDIANSHIP CAN PROVIDE SERVICES.

19 (2) In addition to carrying out any duties assigned by the
20 ~~commission~~ BOARD, the director shall ensure that the office provides, at
21 a minimum, the following services to ~~the designated judicial districts~~
22 EACH JUDICIAL DISTRICT IN WHICH THE OFFICE OPERATES:

23 (c) Appointment and post-appointment public guardianship
24 services of a ~~guardian-designee~~ GUARDIAN for each indigent and
25 incapacitated adult in need of public guardianship;

26 (e) Recruitment, training, and oversight of ~~guardian-designees~~
27 GUARDIANS;

1 (f) ~~Development of~~ MAINTAINING a process for receipt and
2 consideration of, and response to, complaints against the office, ~~to include~~
3 INCLUDING investigation in cases in which investigation appears
4 warranted in the judgment of the director;

5 (j) Identification and establishment of relationships with local,
6 state, and federal governmental agencies so that guardians ~~and~~
7 ~~guardian-designees~~ may apply for public benefits on behalf of wards to
8 obtain funding and service support, if needed; and

9 (k) Public education and outreach regarding the role of the office.
10 ~~and guardian-designees.~~

11 (3) (a) (I) THE OFFICE SHALL EMPLOY GUARDIANS TO PROVIDE
12 GUARDIANSHIP SERVICES TO THE OFFICE'S CLIENTS. EXCEPT AS PROVIDED
13 IN SUBSECTION (3)(b)(II) OF THIS SECTION, A GUARDIAN MUST BE
14 CERTIFIED BY A STATE OR NATIONAL ORGANIZATION THAT CERTIFIES
15 GUARDIANS. THE DIRECTOR SHALL INCLUDE IN THE RULES DEVELOPED
16 PURSUANT TO SECTION 13-94-107 A LIST OF THE ORGANIZATIONS WHOSE
17 CERTIFICATIONS THE OFFICE RECOGNIZES.

18 (II) THE OFFICE MAY HIRE AS A GUARDIAN A PERSON WHO IS NOT
19 CERTIFIED. IF THE OFFICE HIRES A PERSON WHO IS NOT CERTIFIED, THE
20 PERSON SHALL OBTAIN CERTIFICATION WITHIN TWO YEARS AFTER BEING
21 HIRED.

22 (b) The director shall adopt professional standards of practice and
23 a code of ethics for guardians, ~~and guardian-designees~~, including a policy
24 concerning conflicts of interest. THE DIRECTOR MAY ADOPT PROFESSIONAL
25 STANDARDS OF PRACTICE AND A CODE OF ETHICS DEVELOPED BY A
26 NATIONAL ASSOCIATION OF GUARDIANS.

27 (c) THE OFFICE SHALL PROVIDE TRAINING TO ALL GUARDIANS THAT

1 INCLUDES, AT A MINIMUM, INSTRUCTION IN THE FOLLOWING AREAS:

2 (I) THE PROFESSIONAL STANDARDS OF PRACTICE AND CODE OF
3 ETHICS ADOPTED BY THE DIRECTOR;

4 (II) STANDARDS FOR AGENCIES AND PROGRAMS PROVIDING
5 GUARDIANSHIP SERVICES DEVELOPED BY A NATIONAL ASSOCIATION OF
6 GUARDIANS AND APPROVED BY THE DIRECTOR;

7 (III) FEDERAL AND STATE LAWS APPLICABLE TO PROVIDING
8 GUARDIANSHIP SERVICES;

9 (IV) CHARACTERISTICS OF THE POPULATIONS SERVED BY THE
10 OFFICE AND APPROPRIATE TERMINOLOGY TO BE USED WHEN WORKING
11 WITH THE POPULATIONS SERVED BY THE OFFICE;

12 (V) STATE AND LOCAL SOCIAL SERVICES AND RESOURCES;

13 (VI) ACTIVE LISTENING SKILLS;

14 (VII) BEST PRACTICES IN CONFIDENTIALITY, DECISION-MAKING,
15 ETHICS, AND MEDICAL DECISION-MAKING; AND

16 (VIII) PLANNING SUPPORTS THAT INCLUDE LESS RESTRICTIVE
17 ALTERNATIVES SUCH AS LIMITED GUARDIANSHIPS AND SUPPORTIVE
18 DECISION-MAKING.

19 (d) PRIOR TO EMPLOYING A PERSON, THE OFFICE OF PUBLIC
20 GUARDIANSHIP SHALL SUBMIT THE NAME OF THE PERSON TO BE HIRED, AS
21 WELL AS ANY OTHER REQUIRED IDENTIFYING INFORMATION, TO THE
22 DEPARTMENT OF HUMAN SERVICES FOR A CHECK OF THE COLORADO
23 ADULT PROTECTIVE SERVICES DATA SYSTEM PURSUANT TO SECTION
24 26-3.1-111 TO DETERMINE IF THE PERSON IS SUBSTANTIATED IN A CASE OF
25 MISTREATMENT OF AN AT-RISK ADULT.

26 (4) On or before ~~January 1, 2023~~, JANUARY 1 OF EACH YEAR, the
27 director shall submit to the judiciary committees of the senate and the

1 house of representatives, or to any successor committees, a report
2 concerning the activities of the office. The report, at a minimum, must
3 SUMMARIZE THE OFFICE'S WORK OVER THE PRIOR STATE FISCAL YEAR IN
4 PROVIDING GUARDIANSHIP SERVICES FOR INDIGENT AND INCAPACITATED
5 ADULTS AND IDENTIFY ANY NOTABLE EFFICIENCIES AND OBSTACLES THAT
6 THE OFFICE INCURRED IN PROVIDING GUARDIANSHIP SERVICES DURING THE
7 PRIOR STATE FISCAL YEAR. THE OFFICE SHALL NOT INCLUDE ANY
8 PERSONAL IDENTIFYING INFORMATION ABOUT ANY CLIENT IN ITS ANNUAL
9 REPORT. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE ANNUAL
10 REPORT REQUIRED IN THIS SUBSECTION (4) CONTINUES INDEFINITELY.

11 ~~(a) Quantify, to the extent possible, Colorado's unmet need for~~
12 ~~public guardianship services for indigent and incapacitated adults;~~

13 ~~(b) Quantify, to the extent possible, the average annual cost of~~
14 ~~providing guardianship services to indigent and incapacitated adults;~~

15 ~~(c) Quantify, to the extent possible, the net cost or benefit, if any,~~
16 ~~to the state that may result from the provision of guardianship services to~~
17 ~~each indigent and incapacitated adult in each judicial district of the state;~~

18 ~~(d) Identify any notable efficiencies and obstacles that the office~~
19 ~~incurred in providing public guardianship services pursuant to this article~~
20 ~~94;~~

21 ~~(e) Assess whether an independent statewide office of public~~
22 ~~guardianship or a nonprofit agency is preferable and feasible;~~

23 ~~(f) Analyze costs and off-setting savings to the state from the~~
24 ~~delivery of public guardianship services;~~

25 ~~(g) Provide uniform and consistent data elements regarding~~
26 ~~service delivery in an aggregate format that does not include any personal~~
27 ~~identifying information of any adult; and~~

1 ~~(h) Assess funding models and viable funding sources for an~~
2 ~~independent office of public guardianship or a nonprofit agency,~~
3 ~~including the possibility of funding with a statewide increase in probate~~
4 ~~court filing fees.~~

5 (5) In addition to performing the duties described in this section,
6 the director, in consultation with the ~~commission~~ BOARD, shall develop,
7 PERIODICALLY EVALUATE, AND, IF THE DIRECTOR AND BOARD DETERMINE
8 IT IS NECESSARY, UPDATE a strategy ~~for the discontinuation of the office~~
9 TO WIND UP THE OFFICE'S AFFAIRS in the event that the ~~general assembly~~
10 ~~declines to continue or expand the office after 2023~~ OFFICE IS
11 DISCONTINUED. The strategy must include consideration of how to meet
12 the guardianship needs of adults who will no longer be able to receive
13 guardianship services from the office.

14 (6) (a) ~~Prior to employment, the office of public guardianship,~~
15 ~~pursuant to section 25-1.5-103 (1)(a)(I)(A), shall submit the name of a~~
16 ~~person hired as a guardian or guardian's designee, as well as any other~~
17 ~~required identifying information, to the department of human services for~~
18 ~~a check of the Colorado adult protective services data system pursuant to~~
19 ~~section 26-3.1-111 to determine if the person is substantiated in a case of~~
20 ~~mistreatment of an at-risk adult.~~ THE OFFICE AND THE JUDICIAL
21 DEPARTMENT SHALL OPERATE PURSUANT TO A MEMORANDUM OF
22 UNDERSTANDING BETWEEN THE TWO ENTITIES. THE OFFICE AND JUDICIAL
23 DEPARTMENT SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING
24 THAT COMPLIES WITH THIS SUBSECTION (6)(a) NO LATER THAN DECEMBER
25 31, 2023. THE MEMORANDUM OF UNDERSTANDING MUST CONTAIN, AT A
26 MINIMUM:

27 (I) A REQUIREMENT THAT THE OFFICE HAVE ITS OWN PERSONNEL

1 RULES;

2 (II) A REQUIREMENT THAT THE DIRECTOR HAVE INDEPENDENT
3 HIRING AND TERMINATION AUTHORITY OVER OFFICE EMPLOYEES;

4 (III) A REQUIREMENT THAT THE OFFICE FOLLOW JUDICIAL FISCAL
5 RULES;

6 (IV) A REQUIREMENT THAT THE JUDICIAL DEPARTMENT PROVIDE
7 HUMAN RESOURCES, BUDGET MANAGEMENT, ACCOUNTING, INFORMATION
8 TECHNOLOGY SUPPORT, LEGAL SERVICES, AND ADMINISTRATIVE STAFF
9 SERVICES AT LOW OR NO COST TO THE OFFICE, AND A REQUIREMENT THAT
10 THE JUDICIAL DEPARTMENT PROVIDE THE OFFICE WITH A DIRECT CONTACT
11 FOR EACH SERVICE;

12 (V) A PROCESS FOR ASSIGNING OFFICE SPACE FOR THE OFFICE'S
13 MAIN OFFICE, WHICH MUST BE LOCATED IN DENVER, AND OTHER OFFICE
14 SPACE IN EACH JUDICIAL DISTRICT; AND

15 (VI) ANY OTHER PROVISIONS REGARDING ADMINISTRATIVE
16 SUPPORT TO HELP MAINTAIN THE INDEPENDENCE OF THE OFFICE.

17 (b) (I) A MEMORANDUM OF UNDERSTANDING BETWEEN THE OFFICE
18 AND THE JUDICIAL DEPARTMENT IN EFFECT ON THE DAY BEFORE THE
19 EFFECTIVE DATE OF THIS SUBSECTION (6)(b) REMAINS IN EFFECT UNTIL A
20 NEW MEMORANDUM OF UNDERSTANDING IS ENTERED INTO PURSUANT TO
21 SUBSECTION (6)(a) OF THIS SECTION.

22 (II) THIS SUBSECTION (6)(b) IS REPEALED, EFFECTIVE JUNE 30,
23 2024.

24 (7) (a) THE DIRECTOR OF THE OFFICE ON THE DAY BEFORE THE
25 EFFECTIVE DATE OF THIS SUBSECTION (7) SHALL CONTINUE TO CARRY OUT
26 THE DIRECTOR'S DUTIES SET FORTH IN THIS ARTICLE 94 UNTIL THE BOARD
27 APPOINTS A DIRECTOR PURSUANT TO SECTION 13-94-104.1 (3)(a).

1 (b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JUNE 30, 2024.

2 **SECTION 6.** In Colorado Revised Statutes, **amend** 13-94-106 as
3 follows:

4 **13-94-106. Costs - waiver of court costs and filing fees - bond**
5 **not required.** (1) The court shall waive court costs and filing fees in any
6 proceeding in which an indigent and incapacitated adult is receiving
7 public guardianship services from the office AND SHALL WAIVE FILING
8 FEES FOR PETITIONS FOR GUARDIANSHIP FILED BY THE OFFICE IN A CASE
9 THAT INVOLVES A PERSON WHO IS ELIGIBLE FOR GUARDIANSHIP SERVICES
10 FROM THE OFFICE.

11 (2) A COURT SHALL NOT REQUIRE THE OFFICE OR A GUARDIAN
12 EMPLOYED BY THE OFFICE TO POST A BOND AS A CONDITION FOR
13 APPOINTMENT AS A GUARDIAN OR TO PROVIDE SERVICES PURSUANT TO
14 THIS ARTICLE 94.

15 **SECTION 7.** In Colorado Revised Statutes, **amend** 13-94-107,
16 as follows:

17 **13-94-107. Director shall develop rules.** (1) The director shall
18 develop rules to implement this article 94. The rules, at a minimum, must
19 include policies concerning:

20 (a) Conflicts of interest for guardians ~~and guardian-designees~~
21 employed pursuant to this article 94; ~~and~~

22 (b) The solicitation and acceptance of gifts, grants, and donations
23 pursuant to section 13-94-108 (3); AND

24 (c) A LIST OF THE ORGANIZATIONS THAT CERTIFY GUARDIANS AND
25 WHOSE CERTIFICATIONS ARE RECOGNIZED BY THE OFFICE.

26 **SECTION 8.** In Colorado Revised Statutes, 13-94-108, **amend**
27 (2) as follows:

1 **13-94-108. Office of public guardianship cash fund - created.**

2 (2) The money in the fund is annually appropriated to the judicial
3 department to pay the expenses of the office. All interest and income
4 derived from the investment and deposit of money in the fund is credited
5 to the fund. Any unexpended and unencumbered money remaining in the
6 fund at the end of a fiscal year must remain in the fund and not be
7 credited or transferred to the general fund or any other fund. ~~except that~~
8 ~~any money remaining in the fund on June 30, 2024, shall be transferred~~
9 ~~to the general fund.~~

10 **SECTION 9.** In Colorado Revised Statutes, **repeal** 13-94-111 as
11 follows:

12 **13-94-111. Repeal - wind-up.** ~~(1) This article 94 is repealed,~~
13 ~~effective June 30, 2024. Prior to such repeal, the general assembly, after~~
14 ~~reviewing the report submitted by the director pursuant to section~~
15 ~~13-94-105 (4), shall consider whether to enact legislation to continue,~~
16 ~~discontinue, or expand the office.~~

17 ~~(2) If the general assembly has adjourned the legislative session~~
18 ~~beginning in January of 2023 sine die without enacting legislation to~~
19 ~~continue or expand the office, the office shall notify the joint budget~~
20 ~~committee that the office will not be continued and that court fees may be~~
21 ~~reduced by the amount deposited to the office of public guardianship cash~~
22 ~~fund, implement its discontinuation plan developed pursuant to section~~
23 ~~13-94-105, and wind up its affairs prior to the repeal of this article 94.~~

24 **SECTION 10.** In Colorado Revised Statutes, 26-3.1-111, **amend**
25 (3)(b) and (7)(j) as follows:

26 **26-3.1-111. Access to CAPS - employment checks -**
27 **conservatorship and guardianship checks - confidentiality - fees -**

1 **rules - legislative declaration - definitions. (3) (b) Conservatorship**
2 **and guardianship CAPS checks.** Beginning January 1, 2022, the state
3 department shall provide the courts the results of a CAPS check, upon the
4 court's request and using forms approved by the state department, to
5 determine if a person who may be appointed as a conservator or guardian
6 of an at-risk adult is substantiated in a case of mistreatment of an at-risk
7 adult. This subsection (3)(b) does not apply to office of public
8 guardianship employees required to undergo a CAPS check pursuant to
9 ~~sections 13-94-105 (6)~~ SECTION 13-94-105 and ~~26-3.1-111 (7)(j)~~
10 SUBSECTION (7)(j) OF THIS SECTION, or adult protective services
11 employees required to undergo a CAPS check pursuant to section
12 26-3.1-107 (2).

13 (7) The following employers shall request a CAPS check pursuant
14 to this section:

15 (j) The office of public guardianship pursuant to section
16 13-94-105. ~~(6)~~.

17 **SECTION 11. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety.