



SB 24-136

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number:	LLS 24-0435	Date:	June 3, 2024
Prime Sponsors:	Sen. Gardner; Ginal Rep. Young; Soper	Bill Status:	Postponed Indefinitely
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Bill Topic: **UNIFORM GUARDIANSHIP & CONSERVATORSHIP ACT**

Summary of Fiscal Impact:	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Local Government
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> TABOR Refund	<input type="checkbox"/> Statutory Public Entity

The bill would have made several changes to guardianship and conservatorship procedures by enacting the "Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act." The bill would have increased state expenditures beginning in FY 2025-26.

Appropriation Summary: No appropriation was required.

Fiscal Note Status: The final fiscal note reflects the reengrossed bill, which was recommended by the Colorado Commission on Uniform State Laws. The bill was postponed indefinitely by the House Finance Committee on May 4, 2024; therefore, the impacts identified in this analysis do not take effect.

Table 1
State Fiscal Impacts Under SB 24-136

		Budget Year FY 2024-25	Out Year FY 2025-26	Out Year FY 2026-27
Revenue	Cash Funds	-	-	\$54,178
	Total Revenue	-	-	\$54,178
Expenditures	General Fund	-	\$563,702	\$2,689,594
	Centrally Appropriated	-	\$58,012	\$416,513
	Total Expenditures	-	\$621,714	\$3,106,107
	Total FTE	-	3.0 FTE	20.0 FTE
Transfers		-	-	
Other Budget Impacts	TABOR Impact	-	-	not estimated
	General Fund Reserve	-	\$84,555	\$403,439

Summary of Legislation

The bill repeals the "Uniform Guardianship and Protective Proceedings Act" and replaces it with the "Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act" (UGCOPAA). Several changes are made to guardianship, conservatorship and protective arrangements through this bill. The bill makes UGCOPAA effective on July 1, 2026.

Terminology. The bill changes several terms used in current law and replaces them with "person subject to guardianship or conservatorship."

Court jurisdiction and powers. The bill clarifies when the court has jurisdiction over guardianship and conservatorship cases. The court may transfer jurisdiction over a guardianship, conservatorship, or protective arrangement to another court within the state or in another state if it is in the best interest of the person subject to guardianship or conservatorship. The court may limit powers conferred over a guardian or conservator and may appoint a co-guardian or co-conservator in any case. These co-guardians and co-conservators must make decisions jointly. Courts have expanded powers and duties to monitor the fiduciary duties of guardians and conservators. Courts may require certain statements and disclosures from parties who are seeking guardianship or conservatorship. Courts may hold guardianship and conservatorship hearings virtually or at an alternate location with proper notice to all parties involved.

Grievances against guardians and conservators. Persons who are under the care of a guardian or conservator, or who act in the interest of those under their care, may file a grievance with the court.

Protective arrangements. Under current law, protective arrangements, which are a less restrictive alternative to guardianship, were only permitted as an alternative to a conservatorship. The bill allows for a protective arrangement to be enacted, where appropriate, as an alternative to guardianship in addition to conservatorships. The bill encourages protective arrangements and provides protections for persons who are considered for guardianship and conservatorship by requiring the courts to ensure that the necessary arrangement is the least restrictive.

Rights of those under care of a guardian or conservator. Courts must provide to persons who are assigned a guardian or conservator a plain-language notice of their rights, including the right to an attorney, visitation and communication with third parties and notice of certain events. The bill also expands the number of persons who must receive notice of hearings and other proceedings when a major event occurs for the individual needing care.

Minors needing guardianship and conservatorship. The age of involvement for a minor in a guardianship or conservatorship proceeding is lowered from 14 to 12. In addition, guardians must consider the minor's views when making certain decisions on their behalf and minors have a right to have an attorney present in certain proceedings.

Background

In 1997, the Uniform Law Commission drafted the "Uniform Guardianship and Protective Proceedings Act," (UGPPA) which Colorado enacted in 2000 through HB 00-137. This bill enacts the "Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act" (UGCOPAA), an update and replacement to UGPPA. UGCOPAA has been enacted in Maine and Washington, and is currently under consideration in Hawaii and Idaho. A brief summary of the fiscal impacts identified in other states is as follows:

- **Hawaii** – The bill was introduced in 2023, and was deferred to the 2024 legislative session upon request of the state's Judicial department, who sought more time to analyze impacts. Hawaii is the only state like Colorado which had previously enacted the Uniform Guardianship and Protective Proceedings Act and is currently considering UGCOPAA.
- **Idaho** – The bill is under consideration and the fiscal analysis identified no appropriation. Idaho has not previously enacted UGPPA.
- **Maine** – The bill was enacted and contained no appropriation. Maine had not previously enacted UGPPA.
- **Washington** – The bill was enacted and included an estimated general fund impact of \$3.6 million in the first year of implementation, with additional out-year costs. Washington had not previously enacted UGPPA.

State Revenue

An estimated 363 additional cases will be filed annually with the courts to seek protective arrangements for persons needing care. Of these, 272 will be assessed a fee and the remaining 91 will not be assessed a fee due to indigency. The filing fee is \$199 for these cases, resulting in \$54,178 in state revenue annually through additional court fees, starting in FY 2026-27. Court fees are subject to TABOR.

State Expenditures

The bill will increase state expenditures in the Judicial Department and the Office of Public Guardianship by \$0.6 million in FY 2025-26 (see Technical Note) and \$3.1 million in FY 2026-27 and ongoing. Expenditures are detailed in Table 2 and explained below.

Table 2
Expenditures Under SB 24-136

	FY 2024-25	FY 2025-26	FY 2026-27
Judicial Department			
Personal Services	-	\$227,522	\$1,470,182
Operating Expenses	-	\$2,850	\$42,870
Capital Outlay Costs	-	\$21,210	\$510,684
Computer Programming	-	\$312,120	-
Court Appointment and Mailing Costs	-	-	\$262,018
Centrally Appropriated Costs ¹	-	\$58,012	\$321,243
FTE – Personal Services	-	3.0 FTE	15.0 FTE
Judicial Subtotal	-	\$621,714	\$2,606,997
Office of Public Guardianship (OPG)			
Personal Services	-	-	\$364,089
Operating Expenses	-	-	\$6,400
Capital Outlay Costs	-	-	\$33,350
Centrally Appropriated Costs ¹	-	-	\$95,270
FTE – Personal Services	-	-	5.0 FTE
OPG Subtotal	-	-	\$499,110
Total	-	\$621,714	\$3,106,107
Total FTE	-	3.0 FTE	20.0 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Judicial Department. The Judicial Department requires \$621,000 and 3.0 FTE in FY 2025-26 and \$2.6 million and 15.0 FTE in FY 2026-27 and ongoing to implement the bill. Costs include court staff, information technology modifications, appointed attorney fees, and mailings.

- **Staffing.** Staff required include 3.0 FTE Magistrates, 9.0 FTE Magistrate Support Staff and 3.0 FTE Court Support staff, as described below.
 - *Magistrate and support staff.* The bill is estimated to increase the amount of time courts spend on guardianship and conservator cases. This includes time to resolve disputes between co-guardians and co-conservators, increase financial monitoring, issue notices, respond to challenges by interested persons, and complete required reporting. The Judicial Department reports that from 2019-2023, there were on average about 3,600 guardianship or conservator cases filed per year and that courts monitor around 20,000 cases annually. The overall magistrate impact of these activities is estimated to be 6,232 hours annually, resulting in 3.0 FTE. Judicial Department common policies state that each magistrate is supported by

three additional support staff, resulting in an additional 9.0 FTE. Magistrate staff includes additional capital and operating costs. Staff are assumed to begin July 1, 2026.

- *State Court Administrator staff.* Beginning in FY 2025-26, the Office of the State Court Administrator requires 3.0 FTE to update and maintain forms for protective proceedings, coordinate with stakeholders and train judicial officers, and provide ongoing support on the bill's new requirements. Staff is assumed to start July 1, 2025—see Technical Note.
- **Computer programming.** Change to the Judicial Department's reporting system are needed to allow documentation for conservators to report items of value. Upgrading these data entry systems will require a Software Engineer, Quality Assurance Analyst, and Business Analyst to complete roughly five months of development and testing, resulting in \$312,210 in FY 2025-26 only.
- **Court appointments and mailing costs.** Beginning in FY 2026-27, the courts will appoint attorneys to represent minors in guardianship and conservatorship proceedings, which are anticipated to increase under the bill due to additional protective arrangements. The fiscal note assumes approximately 150 cases will require an attorney. Additionally, the court will approve increased visitation requests and approve professional evaluations for an estimated 49 individuals who challenge their guardianship and conservatorship proceedings. Total court appointment costs are \$237,585 annually. Additionally, the financial disclosures and notice requirements under the bill will increase mailing costs by an estimated \$24,433 annually.

Office of Public Guardianship. Beginning in FY 2026-27, the OPG will require 1.0 FTE Staff Attorney, 2.0 FTE Staff Assistant, and 2.0 FTE Case Management Aides to respond to fiduciary requests, conduct required reporting, conduct additional training for guardians and conservators, and respond to additional challenges to guardianship and conservatorship proceedings. Standard capital outlay and operating costs are included.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

TABOR refunds. The bill may increase the amount of state revenue required to be refunded to taxpayers; however, a forecast of state revenue subject to TABOR is not available beyond FY 2025-26. Because TABOR refunds are paid from the General Fund, increased cash fund revenue may reduce the amount of General Fund available to spend or save.

Technical Note

The bill takes effect July 1, 2026, which does not allow the Judicial Department to have resources in FY 2025-26 to make necessary changes before the bill takes effect. The fiscal note assumes that the effective date of the bill will be adjusted to July 1, 2025 and apply to guardianships, conservatorships, and protective arrangements that commence after July 1, 2026.

Effective Date

The bill takes effect July 1, 2026, assuming no referendum petition is filed.

Departmental Difference

The Judicial Department estimates that its costs will increase by \$6.9 million and 42.0 FTE per year to implement changes to conservatorship and guardianship under the bill. These costs assume about 35,500 additional hours for the courts to review documents, evaluate and approve financial information, and issue decisions and other actions, resulting in 8.5 FTE for magistrates and 25.5 FTE in magistrate support staff. Among other things, these additional hours are based on 4 hours of additional hearing time in an estimated 799 cases; and 45 minutes of judicial officer work to make alterations to protective arrangements in an estimated 3,253 cases. Additionally, the Judicial Department believes that the State Court Administrator's Office will need additional time to create new forms and update existing forms and conduct programming and testing for Guardianship proceedings beginning in FY 2024-25. The Judicial Department

The fiscal note differs from the Judicial Department's estimate by that the additional hearing time for more complex cases will be 1 hour instead of 4 and that the additional alterations to protective arrangements will average 30 minutes of judicial officer time and apply to a smaller subset of cases. Other differences between the Judicial Department estimate and the fiscal note were a similar reduction in estimated judicial officer time to process challenges and notices. Finally, the fiscal note assumes that one year of advance time to prepare for the forms updates is appropriate instead of two, resulting in out-year appropriations for these State Court Administrator's Office staff instead of the budget year.

State and Local Government Contacts

Denver County Courts	District Attorneys	Judicial
Office of Public Guardianship	Public Defender	

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).