

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Gardner

1 Amend the Judiciary Committee Report, dated March 27, 2024, page 1,
2 strike lines 1 and 2 and substitute:

3 "Amend printed bill, page 3, line 20, strike "INCLUDES".

4 Page 3 of the bill, strike line 21 and substitute "INCLUDES, BUT IS NOT
5 LIMITED TO, A CO-CONSERVATOR OR A SPECIAL CONSERVATOR APPOINTED
6 PURSUANT TO SECTION 15-14.7-512.". ".

7 Page 1 of the report, strike lines 16 through 19.

8 Page 2 of the report, strike line 1.

9 Page 3 of the report, strike line 9 and substitute:

10 "Page 63 of the bill, strike lines 16 and 17 and substitute
11 "GUARDIAN WITHOUT REASONABLE NOTICE TO THE RESPONDENT OR THE
12 RESPONDENT'S ATTORNEY AND THE RESPONDENT IS NOT PRESENT AT THE
13 HEARING, THE COURT MUST: ". ".

14 Page 3 of the report, strike line 19 and substitute:

15 "Page 87 of the bill, line 2, strike "GIVEN TO" and substitute
16 "GIVEN, PURSUANT TO SECTION 15-10-401, TO". ".

17 Page 3 of the report, strike line 27 and substitute:

18 "Page 102 of the bill, line 4, strike "GIVING NOTICE PURSUANT
19 TO". ".

20 Page 4 of the report, strike line 16 and substitute:

21 "Page 144 of the bill, line 9, strike "GIVEN" and substitute "GIVEN,
22 PURSUANT TO SECTION 15-10-401, ". ".

23 Page 4 of the report, strike lines 18 through 23.

24 Page 5 of the report, strike lines 1 through 8.

25 Page 3 of the bill, after line 23, insert:

26 "(7) "DELEGATEE" MEANS A PROFESSIONAL SERVICE PROVIDER

1 HIRED BY A GUARDIAN OR CONSERVATOR TO PERFORM A SERVICE FOR AN
2 INDIVIDUAL SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP IN
3 ACCORDANCE WITH THE DUTIES OF THE GUARDIAN OR CONSERVATOR. THE
4 TERM INCLUDES, BUT IS NOT LIMITED TO, AN ACCOUNTANT, ATTORNEY,
5 MEDICAL PROFESSIONAL, OR OTHER PERSON WITH EXPERTISE OR TRAINING
6 TO PROVIDE A SERVICE THAT ASSISTS THE GUARDIAN OR CONSERVATOR IN
7 CARRYING OUT DUTIES ON BEHALF OF THE INDIVIDUAL SUBJECT TO
8 GUARDIANSHIP.".

9 Renumber succeeding subsections accordingly.

10 Page 5 of the bill, after line 19 insert:

11 "(22) "PERSON INTERESTED IN THE WELFARE OF" MEANS AN
12 INTERESTED PERSON WITH REGARD TO THE WELL-BEING OF AN INDIVIDUAL
13 SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP, OR OF A RESPONDENT
14 IN A GUARDIANSHIP, CONSERVATORSHIP OR PROTECTIVE ARRANGEMENT
15 PROCEEDING, WHO, WITH RESPECT TO THE MATTER UNDER
16 CONSIDERATION, HAS A RELEVANT CONCERN THAT THE RELIEF REQUESTED
17 IN THE MATTER OR OUTCOME OF THE MATTER IS REQUIRED FOR THE
18 PROTECTION OF THE INDIVIDUAL'S HEALTH, SAFETY, WELFARE, OR ESTATE,
19 OR MAY HAVE A HARMFUL EFFECT ON THE INDIVIDUAL'S HEALTH, SAFETY,
20 WELFARE, OR ESTATE.".

21 Renumber succeeding subsections accordingly.

22 Page 10 of the bill, line 9, strike "PRESENT." and substitute "PRESENT ON
23 THE DATE THE PETITION IS FILED OR THE COUNTY IN WHICH THE
24 RESPONDENT RESIDES IF THE COURT DETERMINES THAT THE COUNTY IN
25 WHICH THE RESPONDENT RESIDES IS THE MOST APPROPRIATE VENUE.".

26 Page 11 of the bill, line 6, strike "APPOINTMENT." and substitute
27 "APPOINTMENT THAT INCLUDE:

28 (a) THE DISCLOSURES REQUIRED PURSUANT TO SECTION
29 15-14.7-117; AND

30 (b) A STATEMENT THAT THE NOMINEE ACKNOWLEDGES AND
31 UNDERSTANDS THAT IF THE NOMINEE FAILS TO FILE REQUIRED REPORTS
32 WITH THE COURT, OR FAILS TO RESPOND TO AN ORDER OF THE COURT TO
33 SHOW CAUSE WHY THE NOMINEE SHOULD NOT BE HELD IN CONTEMPT OF
34 COURT, THE LAW OF THIS STATE AUTHORIZES THE COURT TO ACCESS DATA
35 AND RECORDS OF STATE AGENCIES IN ORDER TO OBTAIN CONTACT
36 INFORMATION FOR THE NOMINEE.".

1 Page 11 of the bill, strike lines 9 and 10 and substitute "APPOINTMENT
2 THAT INCLUDE:

3 (a) THE DISCLOSURES REQUIRED PURSUANT TO SECTION
4 15-14.7-117;

5 (b) A STATEMENT THAT THE NOMINEE ACKNOWLEDGES AND
6 UNDERSTANDS THAT IF THE NOMINEE FAILS TO FILE REQUIRED REPORTS
7 WITH THE COURT, OR FAILS TO RESPOND TO AN ORDER OF THE COURT TO
8 SHOW CAUSE WHY THE NOMINEE SHOULD NOT BE HELD IN CONTEMPT OF
9 COURT, THE LAW OF THIS STATE AUTHORIZES THE COURT TO ACCESS DATA
10 AND RECORDS OF STATE AGENCIES IN ORDER TO OBTAIN CONTACT
11 INFORMATION FOR THE NOMINEE; AND

12 (c) FILING ANY REQUIRED BOND OR COMPLIANCE WITH ANY OTHER
13 ASSET PROTECTION ARRANGEMENT REQUIRED BY THE COURT.".

14 Page 11 of the bill, line 16, strike "GIVE" and substitute "SERVE".

15 Page 13 of the bill, line 23, strike "NOTICE" and substitute "NOTICE, IN
16 ACCORDANCE WITH SECTION 15-10-401,".

17 Page 15 of the bill, line 11, strike "GIVE" and substitute "SERVE".

18 Page 15 of the bill, line 18, strike "OR".

19 Page 15 of the bill, strike lines 19 through 24 and substitute:

20 (b) HAS BEEN CONVICTED OF, PLED NOLO CONTENDERE TO, OR
21 RECEIVED A DEFERRED SENTENCE FOR A FELONY OR MISDEMEANOR, AND
22 IF SO, THE NAME OF THE STATE AND COURT ISSUING THE ORDER;

23 (c) HAS HAD A TEMPORARY CIVIL PROTECTION ORDER, TEMPORARY
24 RESTRAINING ORDER, PERMANENT CIVIL PROTECTION ORDER, OR
25 PERMANENT RESTRAINING ORDER ISSUED AGAINST THE PERSON IN THIS
26 STATE OR ANOTHER STATE AT ANY TIME;

27 (d) HAS A CIVIL JUDGMENT ENTERED AGAINST THEM AND, IF SO,
28 THE NAME OF THE COURT GRANTING THE JUDGMENT; AND

29 (e) HAS BEEN RELIEVED OF ANY COURT-APPOINTED
30 RESPONSIBILITIES AND, IF SO, THE NAME OF THE COURT RELIEVING THE
31 PERSON.

32 (2) IN SUPPORT OF THE STATEMENT SET FORTH IN THE ACCEPTANCE
33 OF THE OFFICE PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE
34 PERSON SHALL:

35 (a) OBTAIN, AND ATTACH TO THE ACCEPTANCE OF OFFICE, A
36 NAME-BASED CRIMINAL HISTORY RECORD CHECK THROUGH THE
37 COLORADO BUREAU OF INVESTIGATION. THE PERSON IS RESPONSIBLE FOR

1 THE COST OF THE NAME-BASED CRIMINAL HISTORY RECORD CHECK; AND
2 (b) OBTAIN, AND ATTACH TO THE ACCEPTANCE OF OFFICE, A
3 CURRENT CREDIT REPORT OF THE PERSON. THE PERSON IS RESPONSIBLE
4 FOR THE COST OF THE CREDIT REPORT.
5 (3) THE REQUIREMENTS IN SUBSECTIONS (1) AND (2) OF THIS
6 SECTION DO NOT APPLY TO THE FOLLOW PEOPLE:
7 (a) A PUBLIC ADMINISTRATOR NOMINATED AS A GUARDIAN OR
8 CONSERVATOR;
9 (b) A TRUST COMPANY NOMINATED AS A GUARDIAN OR
10 CONSERVATOR;
11 (c) A BANK NOMINATED AS A GUARDIAN OR CONSERVATOR;
12 (d) A CREDIT UNION, SAVINGS AND LOAN ASSOCIATION, OR OTHER
13 FINANCIAL INSTITUTION NOMINATED AS A GUARDIAN OR CONSERVATOR
14 PURSUANT TO STATE LAW;
15 (e) A STATE OR COUNTY AGENCY NOMINATED AS A GUARDIAN OR
16 CONSERVATOR PURSUANT TO STATE LAW;
17 (f) A PARENT RESIDING WITH THE PARENT'S CHILD WHO IS
18 NOMINATED AS A GUARDIAN OR CONSERVATOR OF THE PARENT'S CHILD;
19 OR
20 (g) ANY OTHER PERSON OR ENTITY THAT THE COURT, WITH GOOD
21 CAUSE SHOWN, DETERMINES THAT THE REQUIREMENTS DO NOT APPLY
22 TO.".

23 Renumber succeeding subsections accordingly.

24 Page 15 of the bill, line 26, strike "AN AGENT" and substitute "ANOTHER
25 PERSON".

26 Page 16 of the bill, line 2, strike "AGENT" and substitute "OTHER PERSON".

27 Page 16 of the bill, lines 4 and 5, strike "AN AGENT" and substitute
28 "ANOTHER PERSON".

29 Page 16 of the bill, line 6, strike "AGENT" and substitute "OTHER PERSON".

30 Page 16 of the bill, strike lines 13 through 27.

31 Strike page 17 of the bill and substitute:

32 **"15-14.7-119. (Reserved)".**

33 Page 18 of the bill, strike lines 1 through 24 and substitute:

1 **"15-14.7-120. (Reserved)".**

2 Page 19 of the bill, strike lines 12 through 27 and substitute:

3 **"15-14.7-123. Use of delegatee by guardian.** (1) A GUARDIAN
4 MAY NOT DELEGATE ALL OF THE DUTIES OR POWERS TO AN DELEGATEE OR
5 ANOTHER GUARDIAN, BUT A GUARDIAN MAY OTHERWISE DELEGATE THE
6 PERFORMANCE OF FUNCTIONS TO A QUALIFIED PERSON OF COMPARABLE
7 SKILLS.

8 (2) THE GUARDIAN SHALL EXERCISE REASONABLE CARE, SKILL,
9 AND CAUTION IN:

10 (a) SELECTING A DELEGATEE;

11 (b) ESTABLISHING THE SCOPE AND TERMS OF A DELEGATION,
12 CONSISTENT WITH THE PURPOSES AND TERMS OF THE GUARDIANSHIP;

13 (c) PERIODICALLY REVIEWING A DELEGATEE'S OVERALL
14 PERFORMANCE AND COMPLIANCE WITH THE TERMS OF THE DELEGATION;
15 AND

16 (d) REDRESSING AN ACTION OR DECISION OF A DELEGATEE THAT
17 WOULD CONSTITUTE A BREACH OF FIDUCIARY DUTY OR IMPROPER
18 CONDUCT, IF PERFORMED BY THE GUARDIAN.

19 (3) A GUARDIAN WHO COMPLIES WITH SUBSECTIONS (1) AND (2) OF
20 THIS SECTION IS NOT LIABLE TO THE INDIVIDUAL SUBJECT TO
21 GUARDIANSHIP OR TO THE ESTATE OR TO THE INDIVIDUAL SUBJECT TO
22 GUARDIANSHIP'S SUCCESSORS FOR THE DECISIONS OR ACTIONS OF THE
23 DELEGATEE TO WHOM A FUNCTION WAS DELEGATED.

24 (4) IN PERFORMING A DELEGATED FUNCTION, A DELEGATEE SHALL
25 EXERCISE REASONABLE CARE TO COMPLY WITH THE TERMS OF THE
26 DELEGATION.

27 (5) BY ACCEPTING A DELEGATION FROM A GUARDIAN SUBJECT TO
28 THE LAWS OF THIS STATE, A DELEGATEE SUBMITS TO THE JURISDICTION OF
29 THE COURTS OF THIS STATE."

30 Strike pages 20 and 21 of the bill.

31 Page 22 of the bill, strike lines 1 through 8 and substitute:

32 **"15-14.7-124. Use of delegatee by conservator.** (1) A
33 CONSERVATOR MAY NOT DELEGATE THE ENTIRE ADMINISTRATION OF THE
34 ESTATE TO A DELEGATEE OR ANOTHER CONSERVATOR, BUT A
35 CONSERVATOR MAY OTHERWISE DELEGATE THE PERFORMANCE OF
36 FUNCTIONS THAT A PRUDENT TRUSTEE OF COMPARABLE SKILLS MAY
37 DELEGATE UNDER SIMILAR CIRCUMSTANCES.

38 (2) THE CONSERVATOR SHALL EXERCISE REASONABLE CARE, SKILL,

1 AND CAUTION IN:

2 (a) SELECTING A DELEGATEE;

3 (b) ESTABLISHING THE SCOPE AND TERMS OF A DELEGATION,
4 CONSISTENT WITH THE PURPOSES AND TERMS OF A CONSERVATORSHIP;

5 (c) PERIODICALLY REVIEWING A DELEGATEE'S OVERALL
6 PERFORMANCE AND COMPLIANCE WITH THE TERMS OF THE DELEGATION;
7 AND

8 (d) REDRESSING AN ACTION OR DECISION OF A DELEGATEE THAT
9 WOULD CONSTITUTE A BREACH OF TRUST IF PERFORMED BY THE
10 CONSERVATOR.

11 (3) A CONSERVATOR WHO COMPLIES WITH SUBSECTIONS (1) AND
12 (2) OF THIS SECTION IS NOT LIABLE TO THE PROTECTED PERSON OR TO THE
13 ESTATE OR TO THE PROTECTED PERSON'S SUCCESSORS FOR THE DECISIONS
14 OR ACTIONS OF THE DELEGATEE TO WHOM A FUNCTION WAS DELEGATED.

15 (4) IN PERFORMING A DELEGATED FUNCTION, A DELEGATEE SHALL
16 EXERCISE REASONABLE CARE TO COMPLY WITH THE TERMS OF THE
17 DELEGATION.

18 (5) BY ACCEPTING A DELEGATION FROM A CONSERVATOR SUBJECT
19 TO THE LAWS OF THIS STATE, A DELEGATEE SUBMITS TO THE JURISDICTION
20 OF THE COURTS OF THIS STATE.".

21 Page 23 of the bill, line 7, strike "NOTICE" and substitute "NOTICE,
22 PURSUANT TO SECTION 15-10-401,".

23 Page 25 of the bill, line 8, after "CONSERVATORSHIP;" insert "AND".

24 Page 25 of the bill, strike lines 9 through 27.

25 Page 26 of the bill, strike line 1 and substitute:

26 (b) SHALL TAKE ACTION, IF APPROPRIATE, PURSUANT TO ITS
27 AUTHORITY PURSUANT SECTION 15-10-503.

28 (3) THE INITIAL REVIEW REQUIRED PURSUANT TO SUBSECTION
29 (2)(a) OF THIS SECTION AND ANY ACTION PURSUANT TO SUBSECTION (2)(b)
30 OF THIS SECTION THAT DOES NOT REQUIRE A COURT ORDER FROM A JUDGE
31 OR MAGISTRATE MAY BE CONDUCTED BY APPROPRIATE COURT STAFF.".

32 Rerumber succeeding subsection accordingly.

33 Page 29 of the bill, line 2, strike "GIVE" and substitute "SERVE".

34 Page 37 of the bill, line 8, strike "NOTICE" and substitute "NOTICE,
35 PURSUANT TO SECTION 15-10-401,".

1 Page 42 of the bill, line 18, strike "NOTICE" and substitute "NOTICE,
2 PURSUANT TO SECTION 15-10-401,".

3 Page 42 of the bill, line 25, strike "NOTICE" and substitute "NOTICE,
4 PURSUANT TO SECTION 15-10-401,".

5 Page 43 of the bill, line 17, strike "PHYSICAL" and strike "SELF-CARE" and
6 substitute "WELFARE".

7 Page 45 of the bill, strike lines 4 through 6 and substitute "SIBLING OF THE
8 RESPONDENT; AND".

9 Page 48 of the bill, line 6, strike "NOTICE" and substitute "NOTICE,
10 PURSUANT TO SECTION 15-10-401,".

11 Page 48 of the bill, after line 7 insert:

12 "4) IF A PETITION FILED PURSUANT TO SECTION 15-14.7-302 DOES
13 NOT INCLUDE THE NAME OF AT LEAST ONE PERSON DESCRIBED IN SECTION
14 15-14.7-302, THE PETITIONER MUST SEARCH WITH REASONABLE DILIGENCE
15 FOR AN ADULT RELATIVE OF THE RESPONDENT AND, IF AN ADULT RELATIVE
16 IS FOUND, GIVE THE ADULT RELATIVE NOTICE, IN ACCORDANCE WITH
17 SECTION 15-10-401, THAT A PETITION FOR GUARDIANSHIP OF THE
18 RESPONDENT HAS BEEN FILED AND GIVE NOTICE OF A HEARING ON THE
19 PETITION. THE NOTICE SENT TO THE ADULT RELATIVE OF THE RESPONDENT
20 MUST NOT INCLUDE A COPY OF THE PETITION. FAILURE TO GIVE NOTICE
21 PURSUANT TO THIS SUBSECTION (4) DOES NOT PRECLUDE THE COURT FROM
22 APPOINTING A GUARDIAN.".

23 Rerumber succeeding subsection accordingly.

24 Page 48 of the bill, line 16, strike "THE".

25 Page 48 of the bill, strike lines 17 and 18 and substitute "THE COURT
26 SHALL DISCLOSE IN THE ORDER APPOINTING THE VISITOR THE SPECIFIC
27 TRAINING OR EXPERIENCE THE VISITOR HAS WITH RESPECT TO THE TYPE OF
28 ABILITIES, LIMITATIONS, AND NEEDS OF THE RESPONDENT ALLEGED IN THE
29 PETITION AND THE BASIS FOR FEES TO BE PAID TO THE VISITOR.".

30 Page 51 of the bill, strike lines 23 through 25 and substitute:

31 "(b) IF THE COURT FINDS THAT ADDITIONAL INFORMATION MAY
32 ASSIST THE COURT IN DETERMINING THE RESPONDENT'S NEEDS AND
33 ABILITIES.".

- 1 Page 52 of the bill, line 25, strike "MAKE".
- 2 Page 52 of the bill, strike lines 26 and 27.
- 3 Page 53 of the bill, strike line 1 and substitute "HOLD A HEARING USING
4 REAL-TIME AUDIO-VISUAL TECHNOLOGY, OR AT THE COURT'S DISCRETION,
5 HOLD THE HEARING AT AN ALTERNATIVE LOCATION WHERE THE
6 RESPONDENT CAN ATTEND USING REAL-TIME AUDIO-VISUAL
7 TECHNOLOGY.".
- 8 Page 53 of the bill, line 5, strike "CONSISTENTLY AND REPEATEDLY".
- 9 Page 54 of the bill, line 6, strike "AND" and substitute "OR".
- 10 Page 54 of the bill, line 11, after "SERVED." insert "THE COURT SHALL
11 CONSIDER THE PREFERENCES AND OPINIONS OF THE RESPONDENT PRIOR TO
12 GRANTING A REQUEST TO PARTICIPATE IN THE HEARING.".
- 13 Page 57 of the bill, line 1, strike "A" and substitute "UNLESS THE PERSON
14 HAS PRIORITY TO SERVE PURSUANT TO SUBSECTION (1) OF THIS SECTION,
15 A".
- 16 Page 62 of the bill, line 17, strike "PHYSICAL".
- 17 Page 63 of the bill, line 13, strike "PHYSICAL" and strike "WILL" and
18 substitute "MAY".
- 19 Page 63 of the bill, line 18, strike "GIVE" and substitute "PERSONALLY
20 SERVE".
- 21 Page 64 of the bill, line 1, strike "REMOVE" and substitute "TERMINATE
22 THE APPOINTMENT OF".
- 23 Page 68 of the bill, line 2, after "PRIOR" insert "OR CURRENT".
- 24 Page 68 of the bill, line 24, strike "NOTICE" and substitute "NOTICE,
25 PURSUANT TO SECTION 15-10-401,".
- 26 Page 69 of the bill, line 15, after "FILED;" insert "AND".
- 27 Page 69 of the bill, line 18, strike "ORDER; AND" and substitute "ORDER.".
- 28 Page 69 of the bill, strike lines 19 through 27.

- 1 Page 70 of the bill, strike line 1.
- 2 Page 70 of the bill, line 9, after "AGENT" insert "ACTING".
- 3 Page 70 of the bill, line 20, strike "ADULT." and substitute "ADULT PRIOR
4 TO THE APPOINTMENT OF THE GUARDIAN.".
- 5 Page 71 of the bill, line 18, strike "SIGNIFICANT" and substitute
6 "SUBSTANTIAL".
- 7 Page 71 of the bill, after line 25 insert:

8 **"(4) A GUARDIAN FOR AN ADULT MAY NOT TAKE ANY ACTION THAT
9 WOULD RESULT IN THE SALE OR SURRENDER OF THE LEASE TO THE ADULT'S
10 PRIMARY DWELLING WITHOUT PRIOR APPROVAL FROM THE COURT.".**
- 11 Page 73 of the bill, line 1, strike "NOTICE" and substitute "NOTICE,
12 PURSUANT TO SECTION 15-10-401,".
- 13 Page 76 of the bill, lines 9 and 10, strike "SHOULD BE APPROVED." and
14 substitute "ARE REASONABLE PURSUANT TO SECTION 15-10-603.".
- 15 Page 77 of the bill, line 1, strike "HEARING" and substitute "HEARING,
16 PURSUANT TO SECTION 15-10-604,".
- 17 Page 77 of the bill, line 11, strike "GUARDIAN." and substitute "GUARDIAN
18 AS DESCRIBED IN SECTION 15-10-503.".
- 19 Page 77 of the bill, line 22, strike "COMMUNICATION" and substitute
20 "COMMUNICATION, PURSUANT TO SECTION 15-14.7-127,".
- 21 Page 78 of the bill, lines 1 and 2, strike "PETITION FILED PURSUANT TO
22 SUBSECTION (2)(a) OF THIS SECTION MUST BE GIVEN TO" and substitute
23 "HEARING PURSUANT TO SECTION 15-10-503 MUST BE PERSONALLY
24 SERVED ON".
- 25 Page 78 of the bill, line 3, after "GUARDIANSHIP," insert "AND GIVEN
26 PURSUANT TO SECTION 15-10-401 TO".
- 27 Page 78 of the bill, strike lines 10 through12 and substitute "SECTION
28 15-14.7-305.".
- 29 Page 78 of the bill, line 16, strike "NOTICE" and substitute "NOTICE,

1 PURSUANT TO SECTION 15-10-401,".

2 Page 79 of the bill, line 13, strike "COMMUNICATION" and substitute
3 "COMMUNICATION, PURSUANT TO SECTION 15-14.7-127,".

4 Page 80 of the bill, strike lines 20 through 22 and substitute "IN SECTION
5 15-14.7-305.".

6 Page 82 of the bill, line 1, strike "SIGNIFICANT" and substitute
7 "MATERIAL".

8 Page 83 of the bill, strike lines 14 through 16 and substitute "SIBLING OF
9 THE RESPONDENT; AND".

10 Page 87 of the bill, line 5, strike "NOTICE" and substitute "NOTICE,
11 PURSUANT TO SECTION 15-10-401,".

12 Page 87 of the bill, after line 7 insert:

13 "(4) IF A PETITION FILED PURSUANT TO SECTION 15-14.7-402 DOES
14 NOT INCLUDE THE NAME OF AT LEAST ONE PERSON DESCRIBED IN SECTION
15 15-14.7-402 (2)(b), THE PETITIONER MUST SEARCH WITH REASONABLE
16 DILIGENCE FOR AN ADULT RELATIVE OF THE RESPONDENT AND, IF AN
17 ADULT RELATIVE IS FOUND, GIVE THE ADULT RELATIVE NOTICE, IN
18 ACCORDANCE WITH SECTION 15-10-401, THAT A PETITION FOR
19 CONSERVATORSHIP OF THE RESPONDENT HAS BEEN FILED AND GIVE NOTICE
20 OF A HEARING ON THE PETITION. THE NOTICE SENT TO THE ADULT
21 RELATIVE OF THE RESPONDENT MUST NOT INCLUDE A COPY OF THE
22 PETITION. FAILURE TO GIVE NOTICE PURSUANT TO THIS SUBSECTION (4)
23 DOES NOT PRECLUDE THE COURT FROM APPOINTING A CONSERVATOR.".

24 Renumber succeeding subsection accordingly.

25 Page 88 of the bill, line 6, strike "THE VISITOR MUST BE AN".

26 Page 88 of the bill, strike lines 7 and 8 and substitute "THE COURT SHALL
27 DISCLOSE IN THE ORDER APPOINTING THE VISITOR THE SPECIFIC TRAINING
28 OR EXPERIENCE THE VISITOR HAS WITH RESPECT TO THE TYPE OF ABILITIES,
29 LIMITATIONS, AND NEEDS OF THE RESPONDENT ALLEGED IN THE PETITION
30 AND THE BASIS FOR FEES TO BE PAID TO THE VISITOR.".

31 Page 91 of the bill, strike lines 15 through 17 and substitute:

1 "(b) IF THE COURT FINDS THAT ADDITIONAL INFORMATION MAY
2 ASSIST THE COURT IN DETERMINING THE RESPONDENT'S NEEDS AND
3 ABILITIES.".

4 Page 92 of the bill, line 19, strike "MAKE REASONABLE".

5 Page 92 of the bill, strike lines 20 through 22 and substitute "HOLD A
6 HEARING USING REAL-TIME AUDIO-VISUAL TECHNOLOGY OR, AT THE
7 COURT'S DISCRETION, HOLD THE HEARING AT AN ALTERNATIVE LOCATION
8 WHERE THE RESPONDENT CAN ATTEND USING REAL-TIME AUDIO-VISUAL
9 TECHNOLOGY.".

10 Page 92 of the bill, line 26, strike "CONSISTENTLY AND REPEATEDLY".

11 Page 94 of the bill, line 2, strike "AND" and substitute "OR".

12 Page 94 of the bill, line 7, after "SERVED." insert "THE COURT SHALL
13 CONSIDER THE PREFERENCES AND OPINIONS OF THE RESPONDENT PRIOR TO
14 GRANTING A REQUEST TO PARTICIPATE IN THE HEARING.".

15 Page 96 of the bill, line 25, strike "A" and substitute "UNLESS THE PERSON
16 HAS PRIORITY TO SERVE PURSUANT TO SUBSECTION (1) OF THIS SECTION,
17 A".

18 Page 102 of the bill, strike line 5 and substitute "REASONABLE NOTICE TO
19 THE RESPONDENT OR THE RESPONDENT'S ATTORNEY AND THE RESPONDENT
20 IS NOT PRESENT AT THE HEARING, THE COURT MUST PERSONALLY SERVE
21 NOTICE OF THE".

22 Page 102 of the bill, line 17, strike "REMOVE" and substitute "TERMINATE
23 THE APPOINTMENT OF".

24 Page 102 of the bill, line 22, strike "NOTICE" and substitute "NOTICE,
25 PURSUANT TO SECTION 15-10-401,".

26 Page 106 of the bill, line 1, strike "THE COURT SPECIFIES,".

27 Page 107 of the bill, line 20, strike "NOTICE" and substitute "NOTICE,
28 PURSUANT TO SECTION 15-10-401,".

29 Page 112 of the bill, line 8, strike "NOTICE" and substitute "NOTICE,
30 PURSUANT TO SECTION 15-10-401,".

- 1 Page 113 of the bill, line 11, strike "NOTICE" and substitute "NOTICE,
2 PURSUANT TO SECTION 15-10-401,".
- 3 Page 121 of the bill, line 22, strike "SHOULD BE".
- 4 Page 121 of the bill, strike line 23 and substitute "ARE REASONABLE
5 PURSUANT TO SECTION 15-10-603.".
- 6 Page 122 of the bill, line 13, after "HEARING" insert "PURSUANT TO
7 SECTION 15-10-604".
- 8 Page 129 of the bill, strike line 10 and substitute "CONSERVATOR,
9 PURSUANT TO SECTION 15-10-503.".
- 10 Page 129 of the bill, line 21, strike "COMMUNICATION" and substitute
11 "COMMUNICATION, PURSUANT TO SECTION 15-14.7-127,".
- 12 Page 130 of the bill, strike line 1 and substitute "(3) NOTICE OF A
13 HEARING PURSUANT TO SECTION 15-10-604".
- 14 Page 130 of the bill, line 2, strike "SECTION" and strike "GIVEN TO" and
15 substitute "PERSONALLY SERVED ON".
- 16 Page 130 of the bill, line 3, strike "CONSERVATORSHIP, THE
17 CONSERVATOR," and substitute "CONSERVATORSHIP, AND GIVEN
18 PURSUANT TO SECTION 15-10-401 TO THE CONSERVATOR".
- 19 Page 130 of the bill, line 10, strike "THE COURT SHALL AWARD
20 REASONABLE".
- 21 Page 130 of the bill, strike line 11.
- 22 Page 130 of the bill, line 15, strike "NOTICE" and substitute "NOTICE,
23 PURSUANT TO SECTION 15-10-401,".
- 24 Page 131 of the bill, line 22, strike "COMMUNICATION" and substitute
25 "COMMUNICATION, PURSUANT TO SECTION 15-14.7-127,".
- 26 Page 133 of the bill, line 6, strike "THE COURT SHALL AWARD
27 REASONABLE".
- 28 Page 133 of the bill, strike line 7.

1 Page 134 of the bill, line 16, strike "NOTICE" and substitute "NOTICE,
2 PURSUANT TO SECTION 15-10-401,".

3 Page 136 of the bill, line 9, strike "PHYSICAL" and strike "SELF-CARE" and
4 substitute "WELFARE".

5 Page 136 of the bill, line 27, strike "SERIOUS" and substitute
6 "SUBSTANTIAL".

7 Page 137 of the bill, line 27, strike "SIGNIFICANT" and substitute
8 "MATERIAL".

9 Page 139 of the bill, line 23, strike "SERIOUS" and substitute
10 "SUBSTANTIAL".

11 Page 141 of the bill, strike lines 8 through 10 and substitute "SIBLING OF
12 THE RESPONDENT; AND".

13 Page 144 of the bill, line 12, strike "NOTICE" and substitute "NOTICE,
14 PURSUANT TO SECTION 15-10-401,".

15 Page 144 of the bill, after line 14 insert:

16 "(4) IF A PETITION FILED PURSUANT TO SECTION 15-14.7-504 DOES
17 NOT INCLUDE THE NAME OF AT LEAST ONE PERSON DESCRIBED IN SECTION
18 15-14.7-504 (1)(b), THE PETITIONER MUST SEARCH WITH REASONABLE
19 DILIGENCE FOR AN ADULT RELATIVE OF THE RESPONDENT AND, IF AN
20 ADULT RELATIVE IS FOUND, GIVE THE ADULT RELATIVE NOTICE, IN
21 ACCORDANCE WITH SECTION 15-10-401, THAT A PETITION FOR A
22 PROTECTIVE ARRANGEMENT OF THE RESPONDENT HAS BEEN FILED AND
23 GIVE NOTICE OF A HEARING ON THE PETITION. THE NOTICE SENT TO THE
24 ADULT RELATIVE OF THE RESPONDENT MUST NOT INCLUDE A COPY OF THE
25 PETITION. FAILURE TO GIVE NOTICE PURSUANT TO THIS SUBSECTION (4)
26 DOES NOT PRECLUDE THE COURT FROM APPOINTING A PROTECTIVE
27 ARRANGEMENT.".

28 Renumber succeeding subsection accordingly.

29 Page 144 of the bill, strike lines 23 through 25 and substitute "VISITOR.
30 THE COURT SHALL DISCLOSE IN THE ORDER APPOINTING THE VISITOR THE
31 SPECIFIC TRAINING OR EXPERIENCE THE VISITOR HAS WITH RESPECT TO THE
32 TYPE OF ABILITIES, LIMITATIONS, AND NEEDS OF THE RESPONDENT
33 ALLEGED IN THE PETITION AND THE BASIS FOR FEES TO BE PAID TO THE

1 VISITOR.".

2 Page 149 of the bill, line 26, strike "MAKE REASONABLE" and substitute
3 "HOLD A HEARING USING REAL-TIME AUDIO-VISUAL TECHNOLOGY OR, AT
4 THE COURT'S DISCRETION, HOLD THE HEARING AT AN ALTERNATIVE
5 LOCATION WHERE THE RESPONDENT CAN ATTEND USING REAL-TIME
6 AUDIO-VISUAL TECHNOLOGY.".

7 Page 149 of the bill, strike line 27.

8 Page 150 of the bill, strike lines 1 and 2.

9 Page 150 of the bill, line 6, strike "CONSISTENTLY AND REPEATEDLY".

10 Page 151 of the bill, line 12, strike "NOTICE" and substitute "NOTICE,
11 PURSUANT TO SECTION 15-10-401,".

12 Page 151 of the bill, line 18, strike "(1) THE EXISTENCE OF" and
13 substitute "THE COURT SHALL COMPLY WITH THE ADMINISTRATIVE RULES
14 PROMULGATED BY THE JUDICIAL DEPARTMENT CONCERNING THE
15 CONFIDENTIALITY OF COURT RECORDS.".

16 Page 151 of the bill, strike lines 19 through 27.

17 Strike page 152 of the bill.

18 Page 153 of the bill, strike lines 1 through 5.

19 Page 153 of the bill, strike lines 11 through 27.

20 Strike pages 154 through 169 of the bill.

21 Page 170 of the bill, strike lines 1 through 9.

22 Page 170 of the bill, line 10, strike "PART 7" and substitute "PART 6".

23 Page 170 of the bill, line 12, strike "**15-14.7-701.**" and substitute
24 "**15-14.7-601.**".

25 Page 170 of the bill, line 16, strike "**15-14.7-702.**" and substitute
26 "**15-14.7-602.**".

27 Page 170 of the bill, line 23, strike "**15-14.7-703.**" and substitute

1 "15-14.7-603.".

2 Page 171 of the bill, after line 9 insert:

3 "(2) A GUARDIAN OR CONSERVATOR APPOINTED PRIOR TO JULY 1,
4 2025, IS NOT REQUIRED TO PETITION A COURT TO REVIEW THE TERMS OF AN
5 ESTABLISHED GUARDIANSHIP OR CONSERVATORSHIP IN COMPLIANCE WITH
6 THIS ARTICLE 14.7.".

7 Page 171 of the bill, line 10, strike "15-14.7-704." and substitute
8 "15-14.7-604.".

9 Page 171 of the bill, line 16, strike "15-14.7-705." and substitute
10 "15-14.7-605.".

11 Page 176 of the bill, strike lines 22 through 27.

12 Page 177 of the bill, strike lines 1 through 5.

13 Renumber succeeding sections accordingly.

14 Page 179 of the bill, strike lines 21 through 27.

15 Page 180 of the bill, strike lines 1 through 8.

16 Renumber succeeding sections accordingly.

17 Page 181 of the bill, strike line 4 and substitute "legal guardian with court
18 approval OR A GUARDIAN WITH COURT APPROVAL pursuant to section
19 15-14-315.5;".

20 Page 181 of the bill, strike lines 10 through 15 and substitute:

21 "SECTION 21. In Colorado Revised Statutes, 15-1-1515, amend
22 (9) as follows:

23 **15-1-1515. Fiduciary duty and authority.** (9) A foreign
24 conservator is not required to comply with the provisions of section
25 15-14-433 SECTION 15-14.5-402 as a condition to obtaining disclosure of
26 a digital asset pursuant to this part 15.".

27 Page 181 of the bill, strike lines 16 through 20.

28 Renumber succeeding sections accordingly.

1 Page 182 of the bill, line 19, strike "CONSERVATOR" and substitute
2 "GUARDIAN PURSUANT TO PART 3 OF ARTICLE 14.7 OF THIS TITLE 15,
3 CONSERVATOR PURSUANT PART 4 OF ARTICLE 14.7 OF THIS TITLE 15, OR
4 PROTECTIVE ARRANGEMENT PURSUANT TO PART 5 OF ARTICLE 14.7 OF THIS
5 TITLE 15.".

6 Page 182 of the bill, strike line 20.

7 Page 183 of the bill, line 4, strike "15." and substitute "15 OR GRANTING
8 A PROTECTIVE ARRANGEMENT PURSUANT TO PART 5 OF ARTICLE 14.7 OF
9 THIS TITLE 15.".

10 Page 183 of the bill, line 20, strike "AND **15-14.7-402**," and substitute
11 "**15-14.7-402, AND 15-14.7-504**,".

12 Page 184 of the bill, after line 4 insert:

13 **"SECTION 25.** In Colorado Revised Statutes, 15-10-603, **add**
14 (3.5) as follows:

15 **15-10-603. Factors in determining the reasonableness of**
16 **compensation and costs.** (3.5) THE COURT SHALL CONSIDER ALL OF THE
17 FACTORS DESCRIBED IN THIS SUBSECTION (3.5) IN DETERMINING THE
18 REASONABLENESS OF ANY COMPENSATION OR COSTS ASSESSED PURSUANT
19 TO ARTICLE 14.7 OF THIS TITLE 15. THE COURT MAY DETERMINE THE
20 WEIGHT TO BE GIVEN TO EACH FACTOR AND TO ANY OTHER FACTOR THE
21 COURT CONSIDERS RELEVANT IN REACHING ITS DECISION:

22 (a) THE NECESSITY AND QUALITY OF THE SERVICE PROVIDED;
23 (b) THE DIFFICULTY OF THE SERVICE PROVIDED, INCLUDING THE
24 DEGREE OF SKILL AND CARE REQUIRED;

25 (c) THE CONDITIONS AND CIRCUMSTANCES UNDER WHICH A
26 SERVICE WAS PERFORMED, INCLUDING WHETHER THE SERVICE WAS
27 PROVIDED OUTSIDE REGULAR BUSINESS HOURS OR UNDER DANGEROUS OR
28 EXTRAORDINARY CONDITIONS;

29 (d) THE EFFECT OF THE SERVICE ON THE INDIVIDUAL SUBJECT TO
30 GUARDIANSHIP OR CONSERVATORSHIP; AND

31 (e) THE EXTENT TO WHICH THE SERVICE PROVIDED WAS OR WAS
32 NOT CONSISTENT WITH THE GUARDIAN'S PLAN PURSUANT TO SECTION
33 15-14.7-316, THE CONSERVATOR'S PLAN PURSUANT TO SECTION
34 15-14.7-419, OR THE ROLE OF A SPECIAL CONSERVATOR PURSUANT TO
35 SECTION 15-14.7-512.

36 **SECTION 26.** In Colorado Revised Statutes, 15-10-605, **add** (5)
37 as follows:

38 **15-10-605. Compensation and costs - assessment - limitations.**

1 (5) IF AN INDIVIDUAL SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP
2 PURSUANT TO ARTICLE 14.7 OF THIS TITLE 15 SEEKS TO MODIFY OR
3 TERMINATE THE GUARDIANSHIP OR CONSERVATORSHIP OR TO REMOVE THE
4 GUARDIAN OR CONSERVATOR, THE COURT MAY ORDER COMPENSATION TO
5 THE GUARDIAN OR CONSERVATOR FOR TIME SPENT OPPOSING THE
6 MODIFICATION, TERMINATION, OR REMOVAL ONLY TO THE EXTENT THE
7 COURT DETERMINES THE OPPOSITION WAS REASONABLY NECESSARY TO
8 PROTECT THE INTEREST OF THE INDIVIDUAL SUBJECT TO GUARDIANSHIP OR
9 CONSERVATORSHIP.".

10 Page 192 of the bill, strike lines 3 through 27.

11 Page 193 of the bill, strike lines 1 through 4.

12 Renumber succeeding sections accordingly.

13 Page 193 of the bill, line 18, after "TITLE 15," insert "FOR AN ORDER
14 AUTHORIZING A PROTECTIVE ARRANGEMENT PURSUANT TO PART 5 OF
15 ARTICLE 14.7 OF TITLE 15,".

16 Page 201 of the bill, strike lines 9 through 19.

17 Renumber succeeding sections accordingly.

18 Page 202 of the bill, strike lines 12 and 13 and substitute:

19 **"SECTION 54.** In Colorado Revised Statutes, repeal parts 1, 2,
20 and 3 of article 14 of title 15, 15-14-401, 15-14-402, 15-14-403,
21 15-14-404, 15-14-405, 15-14-406, 15-14-406.5, 15-14-407, 15-14-408,
22 15-14-409, 15-14-410, 15-14-411, 15-14-412, 15-14-413, 15-14-414,
23 15-14-415, 15-14-416, 15-14-417, 15-14-418, 15-14-419, 15-14-420,
24 15-14-421, 15-14-422, 15-14-423, 15-14-424, 15-14-425, 15-14-425.5,
25 15-14-426, 15-14-427, 15-14-428, 15-14-429, 15-14-430, 15-14-431,
26 15-14-432, 15-14-433, and 15-14-434."

27 Strike "AGENT" and substitute "DELEGATEE" on: **Page 21 of the bill**, lines
28 14 and 18; and **Page 22 of the bill**, line 8.

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