

JBC Staff Fiscal Analysis
House Appropriations Committee

Concerning updates to guardianship for incapacitated adults.

Prime Sponsors:

Representative Stewart R.; Espenoza
Senator Snyder

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JBC Analyst:

Amanda Bickel
303-866-4960

Fiscal Impacts

Appropriation Not Required, Amendment in Packet

General Fund Impact

Significant Appropriation in Second Year

Fiscal Note Status

The most recent Legislative Council Staff Revised Fiscal Note (attached) reflects the fiscal impact of the bill as of 04/21/26.

No Change: Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill.

The Finance Committee Report (04/23/26) includes amendments to the bill, but Legislative Council Staff and Joint Budget Committee Staff agree that the amendments do not change the bill's fiscal impact.

Amendments in This Packet

L.003 Bill Sponsor amendment - changes fiscal impact.

Current Appropriations Clause in Bill

The bill neither requires nor contains an appropriation clause for FY 2026-27.

Description of Amendments in This Packet

L.003

Bill Sponsor amendment **L.003** (attached) strikes everything below the bill's enacting clause. With this amendment, this bill includes:

- A bill of rights for adults subject to guardianship. While the bill of rights is new, it specifies that nothing in it "limits, or affects the court's authority or the standards and procedures for appointing a guardian,

determining the scope of guardianship, or modifying or terminating a guardianship” and further states that the rights “are subject to any limitations imposed by court order”.

- Adds language requiring a guardian to notify the court and the ward, at least thirty days before a change “to the extent reasonably feasible”, of a forthcoming permanent move of a ward to a nursing home, mental health institution, or other facility that places restrictions on the ward’s ability to leave or have visitors.
- Adds language specifying that a guardian shall not consent to care or treatment for a ward that is against the ward’s will.

LCS and JBC Staff concur that L.003 eliminates the bill’s future year fiscal impact. However, the Judicial Department has a significant departmental difference with this assessment. The Judicial Department estimates that if amendment L.003 is adopted, the bill will require an appropriation of \$1,573,454 General Fund in FY 2026-27, and \$1,074,635 General Fund in FY 2027-28 and ongoing to support 6.8 FTE, including 1.7 FTE magistrates and supporting staff.

Points to Consider

Future Fiscal Impact

Although this bill would not require a General Fund appropriation for FY 2026-27, it is projected to require General Fund appropriations of \$1.5 million in FY 2027-28 and \$1.6 million in FY 2028-29 and thereafter, associated with the addition of 10.0 FTE.

If amendment **L.003** is adopted, LCS and JBC Staff estimate that this future fiscal impact is eliminated. However, the Judicial Department estimates that the bill will drive ongoing costs (excluding capital outlay) of \$1.1 million. If the Judicial Department is correct, JBC Staff anticipates that the Department’s caseload calculations for Judicial officers and staff, which already indicate strain, will reflect a need for further resources, resulting in future budget requests.