

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 26-0573.01 Chelsea Princell x4335

HOUSE BILL 26-1100

HOUSE SPONSORSHIP

Stewart R. and Espenoza, Bacon, Boesenecker, Brown, Clifford, Duran, English, Froelich, Lieder, Lindsay, McCluskie, Nguyen, Ricks, Rutinel, Stewart K., Zokaia

SENATE SPONSORSHIP

Snyder,

House Committees

Judiciary
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING UPDATES TO GUARDIANSHIP FOR INCAPACITATED**
102 **ADULTS.**

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>.)

The bill repeals provisions related to the guardianship of an incapacitated person and enacts provisions related to the guardianship of an incapacitated person drafted by the uniform law commission as part of the "Uniform Guardianship and Protective Proceedings Act".

The bill provides guidance for guardians and clarifies how appointees must make decisions on behalf of a person under

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.

HOUSE
Amended 3rd Reading
May 6, 2026

HOUSE
Amended 2nd Reading
May 5, 2026

guardianship.

The bill encourages the use of protective arrangements and less restrictive alternatives instead of guardianship if a person's needs can be met with support services and technology.

The bill establishes a bill of rights for adults subject to guardianship and expands the procedural rights for respondents in guardianship proceedings.

The bill provides for visitation and communication rights for individuals subject to guardianship or conservatorship. This includes a limitation on a guardian's ability to prevent communication, visitation, or interactions between a person subject to guardianship and a third party.

The bill prohibits courts from establishing full guardianship if a limited guardianship would meet the respondent's needs, requires a petitioner seeking full guardianship to provide support to justify full guardianship, and requires courts to provide findings to support the imposition of full guardianship.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 15-14-103** as
3 follows:

4 **15-14-103. Guardianship bill of rights.**

5 (1) A WARD HAS THE RIGHT TO:

6 (a) BE TREATED WITH DIGNITY AND RESPECT;

7 (b) BE FREE FROM ABUSE, NEGLECT, EXPLOITATION, AND
8 DISCRIMINATION;

9 (c) REMAIN AS INDEPENDENT AS POSSIBLE;

10 (d) EXPRESS AND PRACTICE THEIR OWN RELIGIOUS PREFERENCES;

11 (e) PERSONAL PRIVACY;

12 (f) HUMANE, SAFE, AND SANITARY LIVING, LEARNING, AND
13 WORKING ENVIRONMENTS;

14 (g) SEXUAL EXPRESSION AND RESPECT FOR THEIR GENDER
15 IDENTITY;

16 (h) A COMPETENT GUARDIAN WHO ADVOCATES FOR THEIR GOALS,

1 NEEDS, AND PREFERENCES AND PRIORITIZES THEIR DESIRES, INCLUDING
2 MEDICAL TREATMENT PREFERENCES, CULTURAL PRACTICES, AND
3 RELIGIOUS BELIEFS;

4 (i) PARTICIPATE, TO THE EXTENT POSSIBLE, IN ALL DECISIONS,
5 ESPECIALLY THOSE AFFECTING THEIR CARE, WHERE THEY LIVE, THEIR
6 ACTIVITIES, AND THEIR SOCIAL INTERACTIONS, TO THE EXTENT THEY WISH
7 TO BE INVOLVED AND ARE ABLE TO BE INVOLVED;

8 (j) RECEIVE NECESSARY SERVICES AND REHABILITATION, WITHIN
9 AVAILABLE RESOURCES, THAT PROTECT THEIR PERSONAL LIBERTY AND
10 ARE PROVIDED WITH THE LEAST RESTRICTIVE CONDITIONS;

11 (k) PRUDENT MANAGEMENT OF THEIR RESOURCES BY THEIR
12 GUARDIAN;

13 (l) PARTICIPATE, TO THE EXTENT POSSIBLE, IN DECISIONS ABOUT
14 HOW THEIR PROPERTY IS MANAGED, TO THE EXTENT THEY WISH TO BE
15 INVOLVED AND ARE ABLE TO BE INVOLVED;

16 (m) CONFIDENTIALITY FOR THOSE MATTERS THAT THEY WISH TO
17 KEEP CONFIDENTIAL, UNLESS THE INFORMATION IS NECESSARY TO OBTAIN
18 SERVICES; TO PREVENT ABUSE, NEGLECT, OR EXPLOITATION; OR TO MODIFY
19 THE GUARDIANSHIP ORDER OR OTHER ORDERS ENTERED PURSUANT TO THIS
20 ARTICLE 14 OR ARTICLE 14.5 OF THIS TITLE 15;

21 (n) MAINTAIN ALL RIGHTS THAT THE COURT HAS NOT GRANTED TO
22 THEIR GUARDIAN OR CONSERVATOR;

23 (o) A LAWYER WHO ADVOCATES FOR THE OUTCOME THE WARD
24 WANTS;

25 (p) BE PRESENT AND PARTICIPATE IN ALL COURT HEARINGS;

26 (q) SHARE CONCERNS OR COMPLAINTS ABOUT THEIR
27 GUARDIANSHIP WITH THE COURT;

1 (r) ASK THE COURT TO REVIEW THE NEED FOR THEIR
2 GUARDIANSHIP TO CHANGE, CONTINUE, OR END AND WHETHER THEIR
3 GUARDIAN IS AN APPROPRIATE FIT FOR THEM;

4 (s) IF A QUESTION ARISES ABOUT THEIR CAPACITY TO EXERCISE A
5 SPECIFIC RIGHT, HAVE A COURT REVIEW AND DETERMINE IF AN
6 EVALUATION IS NECESSARY IN ORDER TO DETERMINE THEIR CAPACITY TO
7 EXERCISE THE RIGHT;

8 (t) THE SUPPORT AND ACCOMMODATIONS THEY NEED TO BE ABLE
9 TO EFFECTIVELY COMMUNICATE WITH THE COURT AND TO UNDERSTAND
10 THE COURT PROCEEDINGS; AND

11 (u) HAVE THEIR RIGHTS EXPLAINED TO THEM IN THEIR PREFERRED
12 METHOD OF COMMUNICATION AND IN THE LANGUAGE THEY CHOOSE.

13 (2) THE COURT MAY AUTHORIZE A GUARDIAN OR CONSERVATOR
14 TO MAKE DECISIONS FOR THE FOLLOWING RIGHTS ON BEHALF OF THE
15 WARD:

16 (a) TO DETERMINE THE WARD'S SOCIAL ENVIRONMENT AND THE
17 SOCIAL ASPECTS OF THEIR PERSONAL LIFE;

18 (b) TO FILE AND DEFEND LAWSUITS;

19 (c) TO MAKE CONTRACTS;

20 (d) TO MAKE GIFTS OF THE WARD'S MONEY; AND

21 (e) TO MANAGE THE WARD'S MONEY AND PROPERTY.

22 (3) THE WARD RETAINS THE RIGHT TO VOTE, TO MAINTAIN THEIR
23 REPRODUCTIVE HEALTH AND ABILITY TO PROCREATE, AND TO CHANGE
24 THEIR MARITAL STATUS, UNLESS THE COURT RESTRICTS THOSE RIGHTS BY
25 STATING THE RESTRICTIONS AND THE RELEVANT FINDINGS TO SUPPORT THE
26 RESTRICTIONS IN THE ORDER APPOINTING THE GUARDIAN.

27 (4) NOTHING IN THIS SECTION ALTERS, LIMITS, OR AFFECTS THE

1 COURT'S AUTHORITY OR THE STANDARDS AND PROCEDURES FOR
2 APPOINTING A GUARDIAN, DETERMINING THE SCOPE OF GUARDIANSHIP, OR
3 MODIFYING OR TERMINATING A GUARDIANSHIP PURSUANT TO THIS ARTICLE
4 14 OR ARTICLE 14.5 OF THIS TITLE 15. THE RIGHTS SET FORTH IN THIS
5 SECTION ARE SUBJECT TO ANY LIMITATIONS IMPOSED BY COURT ORDER.

6 **SECTION 2.** In Colorado Revised Statutes, 13-3-101, **add** (19)
7 as follows:

8 **13-3-101. State court administrator - duties - report -**
9 **definitions - repeal.**

10 (19) (a) ON NOVEMBER 1, 2027, AND NOVEMBER 1, 2028, THE
11 STATE COURT ADMINISTRATOR'S OFFICE SHALL SUBMIT A REPORT TO THE
12 JOINT BUDGET COMMITTEE, THE SENATE JUDICIARY COMMITTEE, AND THE
13 HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE, OR THEIR SUCCESSOR
14 COMMITTEES, DETAILING THE FISCAL IMPACT OF HOUSE BILL 26-1100 ON
15 THE JUDICIAL DEPARTMENT. THE STATE COURT ADMINISTRATOR'S OFFICE
16 SHALL USE EXISTING DATA SOURCES TO CREATE THE REPORT REQUIRED BY
17 THIS SECTION.

18 (b) THIS SUBSECTION (19) IS REPEALED, EFFECTIVE JANUARY 1,
19 2029.

20 **SECTION 3.** In Colorado Revised Statutes, 15-14-314, **amend**
21 (2)(f) and (2)(g); and **add** (2)(h) as follows:

22 **15-14-314. Duties of guardian.**

23 (2) A guardian shall:

24 (f) Inform the court of ~~any~~ A change in the ward's custodial
25 dwelling or address; ~~and~~

26 (g) Immediately notify the court in writing of the ward's death;

27 **AND**

1 (h) NOTIFY, TO THE EXTENT REASONABLY FEASIBLE, THE COURT
2 AND THE WARD, AT LEAST THIRTY DAYS BEFORE A CHANGE, IF POSSIBLE,
3 AT THE WARD'S PRIMARY DWELLING, OF A FORTHCOMING PERMANENT
4 MOVE TO A NURSING HOME, MENTAL HEALTH INSTITUTION, OR OTHER
5 FACILITY THAT PLACES RESTRICTIONS ON THE WARD'S ABILITY TO LEAVE
6 THE FACILITY OR HAVE VISITORS, UNLESS THE CHANGE OR MOVE IS
7 PROPOSED IN THE GUARDIAN'S PLAN OR AUTHORIZED BY THE COURT BY
8 SPECIFIC ORDER.

9 **SECTION 4. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part will not take effect
16 unless approved by the people at the general election to be held in
17 November 2026 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.