



## Fiscal Note

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

## HB 26-1100: GUARDIANSHIP FOR INCAPACITATED ADULTS

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**Prime Sponsors:**

Rep. Stewart R.; Espenosa

Sen. Snyder

**Fiscal Analyst:**

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**Version:** Second Revised Note

**Date:** May 7, 2026

**Fiscal note status:** The revised fiscal note reflects the reengrossed bill.

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### Summary Information

**Overview.** The bill creates a bill of rights for person subject to guardianship.

**Types of impacts.** The bill is projected to affect the following areas beginning in FY 2026-27:

- Minimal State Workload

**Appropriations.** No appropriation is required.

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**Table 1**  
**State Fiscal Impacts**

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

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## Summary of Legislation

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The bill defines a bill of rights for adults who are subject to guardianship. These rights include being present and participating in all court hearings related to their guardianship and asking the court to review their case and make changes or end the guardianship if appropriate.

On November 1, 2027, and November 1, 2028, the State Court Administrator must report to the General Assembly on the fiscal impact of House Bill 26-1100 on the Judicial Department.

Guardians, to the extent reasonably feasible, must notify the court and the ward, at least 30 days before a change, if possible, at the ward's primary dwelling, of a forthcoming permanent move to a nursing home, mental health institution, or other facility that places restrictions on the ward's ability to leave the facility or have visitors, unless the change or move is proposed in the guardian's plan or authorized by the court by specific order.

## State Expenditures

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### Judicial Department

To the extent that persons subject to guardianship and their representatives assert additional rights, the bill may increase the overall amount of time in guardianship proceedings. This may increase the amount of time spent in hearings for magistrates and court staff. This additional time spent in hearing is assumed to be minimal; no change in appropriations is required.

The department will also have an increase in workload to perform the reporting required by the bill. No change in appropriations is required.

### Office of Public Guardianship

Staff for the Office of Public Guardianship will spend more time on guardianship cases to comply with the bill's additional requirements. This additional time is expected to be minimal and no change in appropriations is required.

## Effective Date

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The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

## **Departmental Difference**

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When fully implemented, the Judicial Department estimates that the bill requires \$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 to implement the bill. This estimate assumes that the right to be represented by an attorney outlined in the bill of rights will result in more court appointed counsel and increased time for hearings to reflect increased participation for persons subject to guardianship. The fiscal note differs from this estimate by assuming that outlining these rights does will not meaningfully increase time spent on guardianship hearings, as the rights expressed in the bill of rights may currently be granted by magistrates in probate cases upon request.

## **State and Local Government Contacts**

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Denver County Courts

Office of Public Guardianship

District Attorneys

Public Defender

Judicial