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HOUSE BILL 26-1100

BY REPRESENTATIVE(S) Stewart R. and Espenoza, Bacon, Boesenecker, Brown, Clifford, Duran, English, Froelich, Lieder, Lindsay, Nguyen, Ricks, Rutinel, Stewart K., Zokaie, McCluskie, Camacho, Jackson, Lukens, Phillips;
also SENATOR(S) Snyder, Ball, Exum, Gonzales J., Jodeh, Kipp, Marchman, Wallace.

CONCERNING UPDATES TO GUARDIANSHIP FOR INCAPACITATED ADULTS.

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

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

15-14-103. Guardianship bill of rights.

(1) A WARD HAS THE RIGHT TO:

(a) BE TREATED WITH DIGNITY AND RESPECT;

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

- (c) REMAIN AS INDEPENDENT AS POSSIBLE;
- (d) EXPRESS AND PRACTICE THEIR OWN RELIGIOUS PREFERENCES;
- (e) PERSONAL PRIVACY;
- (f) HUMANE, SAFE, AND SANITARY LIVING, LEARNING, AND WORKING ENVIRONMENTS;
- (g) SEXUAL EXPRESSION AND RESPECT FOR THEIR GENDER IDENTITY;
- (h) A COMPETENT GUARDIAN WHO ADVOCATES FOR THEIR GOALS, NEEDS, AND PREFERENCES AND PRIORITIZES THEIR DESIRES, INCLUDING MEDICAL TREATMENT PREFERENCES, CULTURAL PRACTICES, AND RELIGIOUS BELIEFS;
- (i) PARTICIPATE, TO THE EXTENT POSSIBLE, IN ALL DECISIONS, ESPECIALLY THOSE AFFECTING THEIR CARE, WHERE THEY LIVE, THEIR ACTIVITIES, AND THEIR SOCIAL INTERACTIONS, TO THE EXTENT THEY WISH TO BE INVOLVED AND ARE ABLE TO BE INVOLVED;
- (j) RECEIVE NECESSARY SERVICES AND REHABILITATION, WITHIN AVAILABLE RESOURCES, THAT PROTECT THEIR PERSONAL LIBERTY AND ARE PROVIDED WITH THE LEAST RESTRICTIVE CONDITIONS;
- (k) PRUDENT MANAGEMENT OF THEIR RESOURCES BY THEIR GUARDIAN;
- (l) PARTICIPATE, TO THE EXTENT POSSIBLE, IN DECISIONS ABOUT HOW THEIR PROPERTY IS MANAGED, TO THE EXTENT THEY WISH TO BE INVOLVED AND ARE ABLE TO BE INVOLVED;
- (m) CONFIDENTIALITY FOR THOSE MATTERS THAT THEY WISH TO KEEP CONFIDENTIAL, UNLESS THE INFORMATION IS NECESSARY TO OBTAIN SERVICES; TO PREVENT ABUSE, NEGLECT, OR EXPLOITATION; OR TO MODIFY THE GUARDIANSHIP ORDER OR OTHER ORDERS ENTERED PURSUANT TO THIS ARTICLE 14 OR ARTICLE 14.5 OF THIS TITLE 15;
- (n) MAINTAIN ALL RIGHTS THAT THE COURT HAS NOT GRANTED TO

THEIR GUARDIAN;

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

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

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

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

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

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

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

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

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

(b) TO FILE AND DEFEND LAWSUITS;

(c) TO MAKE CONTRACTS;

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

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

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

(4) NOTHING IN THIS SECTION ALTERS, 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 PURSUANT TO THIS ARTICLE 14 OR ARTICLE 14.5 OF THIS TITLE 15. THE RIGHTS SET FORTH IN THIS SECTION ARE SUBJECT TO ANY LIMITATIONS IMPOSED BY COURT ORDER.

(5) THIS SECTION DOES NOT CREATE A NEW CAUSE OF ACTION OR AFFECT ANY EXISTING CAUSE OF ACTION OR REMEDY AVAILABLE TO A WARD.

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

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

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

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

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

15-14-314. Duties of guardian.

(2) A guardian shall:

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

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

(h) NOTIFY, TO THE EXTENT REASONABLY FEASIBLE, THE WARD, AT LEAST THIRTY 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.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO