

## CHAPTER 366

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**COURTS**


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**HOUSE BILL 19-1045**

BY REPRESENTATIVE(S) Snyder and Soper, Bird, Buentello, Cutter, Duran, Exum, Galindo, Gonzales-Gutierrez, Hooton, Kennedy, Kipp, Kraft-Tharp, McCluskie, Michaelson Jenet, Singer, Tipper, Valdez A., Becker, Titone;  
also SENATOR(S) Ginal, Crowder, Danielson, Moreno.

**AN ACT**

**CONCERNING FUNDING FOR CARRYING OUT DUTIES RELATED TO THE OFFICE OF PUBLIC GUARDIANSHIP, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

**SECTION 1.** In Colorado Revised Statutes, 13-94-104, **amend** (3) as follows:

**13-94-104. Public guardianship commission created - office of public guardianship created - appointment of director - memorandum of understanding.** (3) ~~Not more than one month after receiving at least one million seven hundred thousand dollars in gifts, grants, and donations to the office of public guardianship cash fund created in section 13-94-108,~~ The commission shall appoint a director to establish, develop, and administer the office of public guardianship, which office is hereby created within the judicial department. The director serves at the pleasure of the commission.

**SECTION 2.** In Colorado Revised Statutes, 13-94-105, **amend** (1), (4) introductory portion, and (5) as follows:

**13-94-105. Office of public guardianship - duties - report.** (1) The director shall establish, develop, and administer the office to serve indigent and incapacitated adults in need of guardianship in the second, seventh, and sixteenth judicial districts and shall coordinate its efforts with county departments of human services and county departments of social services within those districts. ~~Not more than five months after receiving at least one million seven hundred thousand dollars in gifts, grants, and donations to the office of public guardianship cash fund created in section 13-94-108,~~ The director shall administer the office in accordance with the memorandum of understanding described in section 13-94-104 (4).

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*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.*

NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, UPON RECEIVING FUNDING SUFFICIENT TO BEGIN OPERATIONS IN THE SECOND JUDICIAL DISTRICT, THE OFFICE MUST BEGIN OPERATIONS IN THAT JUDICIAL DISTRICT PRIOR TO OPERATING IN ANY OTHER DISTRICT.

(4) On or before January 1, ~~2021~~ 2023, the director shall submit to the judiciary committees of the senate and the house of representatives, or to any successor committees, a report concerning the activities of the office. The report, at a minimum, must:

(5) In addition to performing the duties described in this section, the director, in consultation with the commission, shall develop a strategy for the discontinuation of the office in the event that the general assembly declines to continue or expand the office after ~~2021~~ 2023. The strategy must include consideration of how to meet the guardianship needs of adults who will no longer be able to receive guardianship services from the office.

**SECTION 3.** In Colorado Revised Statutes, **amend** 13-94-111 as follows:

**13-94-111. Repeal - wind-up.** (1) This article 94 is repealed, effective ~~June 30, 2021~~ DECEMBER 31, 2023. Prior to such repeal, the general assembly, after reviewing the report submitted by the director pursuant to section 13-94-105 (4), shall consider whether to enact legislation to continue, discontinue, or expand the office.

(2) IF THE GENERAL ASSEMBLY HAS ADJOURNED THE LEGISLATIVE SESSION BEGINNING IN JANUARY OF 2023 SINE DIE WITHOUT ENACTING LEGISLATION TO CONTINUE OR EXPAND THE OFFICE, THE OFFICE SHALL IMPLEMENT ITS DISCONTINUATION PLAN DEVELOPED PURSUANT TO SECTION 13-94-105 AND WIND-UP ITS AFFAIRS PRIOR TO THE REPEAL OF THIS ARTICLE 94.

**SECTION 4.** In Colorado Revised Statutes, 13-32-102, **amend** (1), (6)(a) introductory portion, (6)(a)(II), (6)(b) introductory portion, (6)(b)(II), (6)(c) introductory portion, (6)(c)(II), (6)(d) introductory portion, (6)(d)(II), (6)(e) introductory portion, (6)(e)(II), (6)(f) introductory portion, (6)(f)(II), (6)(g) introductory portion, (6)(g)(II), (6)(h) introductory portion, and (6)(h)(II) as follows:

**13-32-102. Fees in probate proceedings.** (1) On and after July 1, ~~2008~~, 2019, for services rendered by judges and clerks of district or probate courts in all counties of the state of Colorado in proceedings had pursuant to articles 10 to 17 of title 15, the court shall charge the following fees:

(a) Docket fee at the time of filing first papers in any decedent's estate eligible for summary administrative procedures under section 15-12-1203, ~~C.R.S.~~, or in any small estate of a person under disability qualifying under section 15-14-118, ~~C.R.S.~~, which estates involve no real property ..... \$ ~~68.00~~ **83.00**

(b) Docket fee at time of filing first papers in any estate not coming within the provisions of ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION ..... ~~164.00~~ **199.00**

(c) Additional fee payable by petitioner at time of filing petition for supervised administration of a decedent's estate pursuant to sections 15-12-501 and 15-12-502, ~~C.R.S.~~, except for contested claims ..... ~~163.00~~ **198.00**

(d) Docket fee to be paid by the claimant prior to hearing on any contested claim, which fee ~~shall be~~ is taxed by the district or probate court in the same manner as costs in civil actions ..... ~~163.00~~ **198.00**

(e) Registration fee for registration of trust pursuant to article 5 of title 15 ..... ~~163.00~~ **198.00**

(f) Docket fee at time of filing first papers in each action relating to a trust ..... ~~164.00~~ **199.00**

(g) Nonrefundable fee for any demand for notice filed pursuant to section 15-12-204 ~~C.R.S.~~ ..... ~~30.00~~ **36.00**

(h) A fee to be paid by the testator at the time of depositing a will with the court during the testator's lifetime pursuant to section 15-11-515 ~~C.R.S.~~ . ~~15.00~~ **18.00**

(6)(a) Each fee collected pursuant to ~~paragraph (a) of subsection (1)~~ SUBSECTION (1)(a) of this section shall be transmitted to the state treasurer and divided as follows:

(II) On and after July 1, ~~2009~~; 2019, forty-eight dollars shall be deposited in the judicial stabilization cash fund created in section 13-32-101 (6), five dollars shall be deposited in the court security cash fund established pursuant to section 13-1-204, FIFTEEN DOLLARS SHALL BE DEPOSITED IN THE OFFICE OF PUBLIC GUARDIANSHIP CASH FUND ESTABLISHED PURSUANT TO SECTION 13-94-108 (1), and fifteen dollars shall be deposited in the justice center cash fund created in section 13-32-101 (7)(a).

(b) Each fee collected pursuant to ~~paragraph (b) of subsection (1)~~ SUBSECTION (1)(b) of this section shall be transmitted to the state treasurer and divided as follows:

(II) On and after July 1, ~~2009~~; 2019, one hundred forty-three dollars shall be deposited in the judicial stabilization cash fund created in section 13-32-101 (6), five dollars shall be deposited in the court security cash fund established pursuant to section 13-1-204, fifteen dollars shall be deposited in the justice center cash fund created in section 13-32-101 (7)(a), THIRTY-FIVE DOLLARS SHALL BE DEPOSITED IN THE OFFICE OF PUBLIC GUARDIANSHIP CASH FUND ESTABLISHED PURSUANT TO SECTION 13-94-108 (1), and one dollar shall be deposited in the general fund pursuant to section 2-5-119. ~~C.R.S.~~

(c) Each fee collected pursuant to ~~paragraph (c) of subsection (1)~~ SUBSECTION (1)(c) of this section shall be transmitted to the state treasurer and divided as follows:

(II) On and after July 1, ~~2009~~; 2019, one hundred forty-three dollars shall be deposited in the judicial stabilization cash fund created in section 13-32-101 (6),

five dollars shall be deposited in the court security cash fund established pursuant to section 13-1-204, THIRTY-FIVE DOLLARS SHALL BE DEPOSITED IN THE OFFICE OF PUBLIC GUARDIANSHIP CASH FUND ESTABLISHED PURSUANT TO SECTION 13-94-108 (1), and fifteen dollars shall be deposited in the justice center cash fund created in section 13-32-101 (7)(a).

(d) Each fee collected pursuant to ~~paragraph (d) of subsection (1)~~ SUBSECTION (1)(d) of this section shall be transmitted to the state treasurer and divided as follows:

(II) On and after July 1, ~~2009~~; 2019, one hundred forty-three dollars shall be deposited in the judicial stabilization cash fund created in section 13-32-101 (6), five dollars shall be deposited in the court security cash fund established pursuant to section 13-1-204, THIRTY-FIVE DOLLARS SHALL BE DEPOSITED IN THE OFFICE OF PUBLIC GUARDIANSHIP CASH FUND ESTABLISHED PURSUANT TO SECTION 13-94-108 (1), and fifteen dollars shall be deposited in the justice center cash fund created in section 13-32-101 (7)(a).

(e) Each fee collected pursuant to ~~paragraph (e) of subsection (1)~~ SUBSECTION (1)(e) of this section shall be transmitted to the state treasurer and divided as follows:

(II) On and after July 1, ~~2009~~; 2019, one hundred forty-three dollars shall be deposited in the judicial stabilization cash fund created in section 13-32-101 (6), five dollars shall be deposited in the court security cash fund established pursuant to section 13-1-204, THIRTY-FIVE DOLLARS SHALL BE DEPOSITED IN THE OFFICE OF PUBLIC GUARDIANSHIP CASH FUND ESTABLISHED PURSUANT TO SECTION 13-94-108 (1), and fifteen dollars shall be deposited in the justice center cash fund created in section 13-32-101 (7)(a).

(f) Each fee collected pursuant to ~~paragraph (f) of subsection (1)~~ SUBSECTION (1)(f) of this section shall be transmitted to the state treasurer and divided as follows:

(II) On and after July 1, ~~2009~~; 2019, one hundred forty-three dollars shall be deposited in the judicial stabilization cash fund created in section 13-32-101 (6), five dollars shall be deposited in the court security cash fund established pursuant to section 13-1-204, fifteen dollars shall be deposited in the justice center cash fund created in section 13-32-101 (7)(a), THIRTY-FIVE DOLLARS SHALL BE DEPOSITED IN THE OFFICE OF PUBLIC GUARDIANSHIP CASH FUND ESTABLISHED PURSUANT TO SECTION 13-94-108 (1), and one dollar shall be deposited in the general fund pursuant to section 2-5-119. ~~C.R.S.~~

(g) Each fee collected pursuant to ~~paragraph (g) of subsection (1)~~ SUBSECTION (1)(g) of this section shall be transmitted to the state treasurer and divided as follows:

(II) On and after July 1, ~~2009~~; 2019, twenty-five dollars shall be deposited in the judicial stabilization cash fund created in section 13-32-101 (6), SIX DOLLARS SHALL BE DEPOSITED IN THE OFFICE OF PUBLIC GUARDIANSHIP CASH FUND ESTABLISHED PURSUANT TO SECTION 13-94-108 (1), and five dollars shall be deposited in the court

security cash fund established pursuant to section 13-1-204.

(h) Each fee collected pursuant to ~~paragraph (h) of subsection (1)~~ SUBSECTION (1)(h) of this section shall be transmitted to the state treasurer and divided as follows:

(II) On and after July 1, ~~2010~~; 2019, ten dollars shall be deposited in the judicial stabilization cash fund created in section 13-32-101 (6), THREE DOLLARS SHALL BE DEPOSITED IN THE OFFICE OF PUBLIC GUARDIANSHIP CASH FUND ESTABLISHED PURSUANT TO SECTION 13-94-108 (1), and five dollars shall be deposited in the court security cash fund established pursuant to section 13-1-204.

**SECTION 5.** In Colorado Revised Statutes, 13-53-106, **amend** (1)(a), (1)(c) introductory portion, (1)(c)(III), (1)(c)(IV); and **add** (1)(c)(V) as follows:

**13-53-106. Fees.** (1) (a) On and after July 1, 2008, any person filing a foreign judgment shall pay to the clerk of the court ~~one hundred sixty-six~~ TWO HUNDRED ONE dollars.

(c) Each fee collected pursuant to ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION shall be transmitted to the state treasurer and divided as follows:

(III) Fifteen dollars shall be deposited in the justice center cash fund created in section 13-32-101 (7)(a); ~~and~~

(IV) One dollar shall be deposited in the general fund pursuant to section 2-5-119; ~~C.R.S.~~ AND

(V) THIRTY-FIVE DOLLARS SHALL BE DEPOSITED IN THE OFFICE OF PUBLIC GUARDIANSHIP CASH FUND ESTABLISHED PURSUANT TO SECTION 13-94-108 (1).

**SECTION 6.** In Colorado Revised Statutes, 15-12-623, **amend** (1)(a)(III); and **add** (1)(c) as follows:

**15-12-623. Public administrator - administration - reports - fees.** (1) The following court docket fees shall be charged:

(a) Public administrator statements of account in small estates, as "small estates" is defined in section 15-12-1201, having gross assets:

	<b>Fee</b>	<b>Tax</b>	<b>Total</b>
(III) \$2,000.00 or more	\$ <del>89.00</del> <b>108.00</b>	1.00	<del>90.00</del> <b>109.00</b>

(c) NINETEEN DOLLARS OF EACH FEE COLLECTED PURSUANT TO SUBSECTION (1)(a)(III) OF THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL DEPOSIT IT IN THE OFFICE OF PUBLIC GUARDIANSHIP CASH FUND ESTABLISHED PURSUANT TO SECTION 13-94-108 (1).

**SECTION 7.** In Colorado Revised Statutes, 13-71-144, **amend** (1)(a), (2)(a)

introductory portion, and (2)(a)(II) as follows:

**13-71-144. Jury fees to be assessed in civil cases.** (1) (a) On and after July 1, 2008, 2019, any party demanding a trial by jury as provided by statute shall pay to the clerk of the court a fee of ~~one hundred ninety~~ TWO HUNDRED THIRTY-ONE dollars in district court cases at the time the demand is made pursuant to the Colorado rules of civil procedure.

(2) (a) Each fee collected pursuant to ~~paragraph (a) of subsection (1)~~ SUBSECTION (1)(a) of this section shall be transmitted to the state treasurer and divided as follows:

(II) On and after July 1, 2009, 2019, one hundred sixty-five dollars shall be deposited in the judicial stabilization cash fund created in section 13-32-101 (6), five dollars shall be deposited in the court security cash fund established pursuant to section 13-1-204, FORTY-ONE DOLLARS SHALL BE DEPOSITED IN THE OFFICE OF PUBLIC GUARDIANSHIP CASH FUND ESTABLISHED PURSUANT TO SECTION 13-94-108 (1), and twenty dollars shall be deposited in the justice center cash fund created in section 13-32-101 (7)(a).

**SECTION 8. Appropriation.** (1) For the 2019-20 state fiscal year, \$835,386 is appropriated to the judicial department for use by the office of public guardianship. Of this appropriation, \$427,000 is from the general fund and \$408,386 is from the office of public guardianship cash fund created in section 13-94-108 (1), C.R.S. The appropriation is based on an assumption that the office will require an additional 4.5 FTE. The office may use this appropriation for operation of a pilot implementation of article 94 of title 13, C.R.S., in the second judicial district.

(2) For the 2019-20 state fiscal year, \$50,000 is appropriated to the department of law. This appropriation is from reappropriated funds received from the office of public guardianship from the appropriation in subsection (1) of this section and is based on an assumption that the department of law will require an additional 0.3 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the office of public guardianship.

**SECTION 9. Effective date - applicability.** This act takes effect July 1, 2019, and applies to fees assessed on or after said date.

**SECTION 10. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 30, 2019