

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0263.01 Conrad Imel x2313

SENATE BILL 23-064

SENATE SPONSORSHIP

Gardner and Ginal,

HOUSE SPONSORSHIP

Snyder,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE OFFICE OF PUBLIC GUARDIANSHIP.**

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>.)

Under existing law, the office of public guardianship (office) is authorized to serve indigent and incapacitated adults (incapacitated adults) in need of guardianship in 3 judicial districts and is scheduled to repeal on June 30, 2024. The bill extends the office indefinitely and requires the office to operate in every judicial district in the state by December 31, 2027.

The bill establishes a board of directors (board) to oversee the office. The board consists of 7 members: 3 members who are attorneys

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.

appointed by the chief justice of the Colorado supreme court and 4 non-attorney members appointed by the governor. The existing public guardianship commission that oversees the office is repealed, effective August 31, 2023.

The bill clarifies the office's duties. The office's director administers the office pursuant to a memorandum of understanding with the judicial department. The bill clarifies what must be included in the memorandum of understanding.

The office is required to employ guardians to provide guardianship services to the office's clients. A guardian must be certified as a guardian or become certified within 2 years after being hired by the office. The office shall provide training to guardians in specified subjects.

The bill requires a court to waive filing fees for petitions for guardianship filed by the office in cases that involve an incapacitated adult who is eligible for guardianship services from the office. A court is prohibited from requiring the office or a guardian employed by the office to post a bond as a condition for appointment as a guardian.

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-94-102, **amend**
3 (2)(a)(I)(C); and **repeal** (2)(a)(II) and (2)(b) as follows:

4 **13-94-102. Legislative declaration.** (2) In establishing the office
5 of public guardianship, the general assembly intends:

6 (a) That the office will:

7 (I) Provide guardianship services to indigent and incapacitated
8 adults who:

9 (C) Are not subject to a petition for appointment of guardian filed
10 by a county adult protective services unit or otherwise authorized by
11 section 26-3.1-104. ~~and~~

12 ~~(II) Gather data to help the general assembly determine the need~~
13 ~~for, and the feasibility of, a statewide office of public guardianship; and~~

14 ~~(b) That the office is a pilot program, to be evaluated and then~~
15 ~~continued, discontinued, or expanded at the discretion of the general~~
16 ~~assembly in 2023.~~

1 **SECTION 2.** In Colorado Revised Statutes, 13-94-103, **amend**
2 (2)(a), (2)(c), (2)(d), and (2)(e); and **add** (2)(a.5) as follows:

3 **13-94-103. Definitions.** (2) As used in this article 94, unless the
4 context otherwise requires:

5 (a) ~~"Commission"~~ "BOARD" means the BOARD OF DIRECTORS FOR
6 THE OFFICE OF public guardianship ~~commission~~ created pursuant to
7 ~~section 13-94-104~~ SECTION 13-94-104.1.

8 (a.5) "CLIENT" MEANS A PERSON RECEIVING GUARDIANSHIP
9 SERVICES FROM THE OFFICE.

10 (c) "Director" means the director of the office, appointed by the
11 ~~commission~~ BOARD pursuant to ~~section 13-94-104~~ SECTION 13-94-104.1.

12 (d) "Guardian" or ~~"guardian-designee"~~ means an individual
13 employed by the office to provide guardianship services on behalf of the
14 office to one or more adults.

15 (e) "Office" means the office of public guardianship created in
16 ~~section 13-94-104~~ SECTION 13-94-105.

17 **SECTION 3.** In Colorado Revised Statutes, 13-94-104, **amend**
18 (2); **repeal** (3) and (4); and **add** (5) as follows:

19 **13-94-104. Public guardianship commission created - repeal.**

20 (2) Each member of the commission serves at the pleasure of ~~his or her~~
21 THE MEMBER'S appointing authority; except that each member's term of
22 service concludes with the repeal of this ~~article 94~~ SECTION pursuant to
23 ~~section 13-94-111~~ SUBSECTION (5) OF THIS SECTION.

24 (3) ~~The commission shall appoint a director to establish, develop,~~
25 ~~and administer the office of public guardianship, which office is hereby~~
26 ~~created within the judicial department. The director serves at the pleasure~~
27 ~~of the commission.~~

1 (4) ~~The office and the judicial department shall operate pursuant~~
2 ~~to a memorandum of understanding between the two entities. The~~
3 ~~memorandum of understanding must contain, at a minimum:~~

4 ~~(a) A requirement that the office has its own personnel rules;~~

5 ~~(b) A requirement that the director has independent hiring and~~
6 ~~termination authority over office employees;~~

7 ~~(c) A requirement that the office must follow judicial fiscal rules;~~
8 ~~and~~

9 ~~(d) Any other provisions regarding administrative support that will~~
10 ~~help maintain the independence of the office.~~

11 (5) THIS SECTION IS REPEALED, EFFECTIVE AUGUST 31, 2023.

12 **SECTION 4.** In Colorado Revised Statutes, **add** 13-94-104.1 as
13 follows:

14 **13-94-104.1. Office of public guardianship board - members**
15 **- duties - appointment of director - repeal.** (1) (a) ON SEPTEMBER 1,
16 2023, THE BOARD OF DIRECTORS FOR THE OFFICE OF PUBLIC GUARDIANSHIP
17 IS CREATED WITHIN THE JUDICIAL DEPARTMENT. THE BOARD INCLUDES
18 SEVEN MEMBERS, APPOINTED AS FOLLOWS:

19 (I) THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL
20 APPOINT THREE MEMBERS WHO ARE ATTORNEYS ADMITTED TO PRACTICE
21 LAW IN THIS STATE; AND

22 (II) THE GOVERNOR SHALL APPOINT FOUR NON-ATTORNEY
23 MEMBERS AS FOLLOWS:

24 (A) THREE MEMBERS WHO HAVE LIVED EXPERIENCE WITH A
25 FAMILY MEMBER WHO IS AN AT-RISK ADULT OR WHO HAVE EXPERTISE AND
26 EXPERIENCE IN ADVOCATING FOR THE AT-RISK ADULT POPULATION,
27 INCLUDING ADVOCACY AND REPRESENTATION IN THE AREAS OF AGING,

1 MENTAL HEALTH, SUBSTANCE USE DISORDERS, HOMELESSNESS, VETERANS
2 ISSUES, INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, HEALTH CARE,
3 AND LAW ENFORCEMENT AND CRIMINAL JUSTICE; AND

4 (B) ONE MEMBER WHO HAS NOT SERVED DIRECTLY IN AN
5 ADVOCACY ROLE FOR AT-RISK ADULTS.

6 (b) (I) EACH OF THE MEMBERS APPOINTED BY THE CHIEF JUSTICE
7 MUST RESIDE IN A DIFFERENT CONGRESSIONAL DISTRICT, AND NO MORE
8 THAN TWO MEMBERS APPOINTED BY THE CHIEF JUSTICE MAY BE FROM THE
9 SAME POLITICAL PARTY.

10 (II) EACH OF THE MEMBERS APPOINTED BY THE GOVERNOR MUST
11 RESIDE IN A DIFFERENT CONGRESSIONAL DISTRICT, AND NO MORE THAN
12 THREE MEMBERS APPOINTED BY THE GOVERNOR MAY BE FROM THE SAME
13 POLITICAL PARTY.

14 (c) IN MAKING APPOINTMENTS TO THE BOARD, THE CHIEF JUSTICE
15 AND THE GOVERNOR SHALL CONSIDER PLACE OF RESIDENCE, INCLUDING
16 RURAL OR URBAN RESIDENCY; SEX; RACE; AND ETHNIC BACKGROUND.

17 (d) EACH MEMBER OF THE BOARD SERVES WITHOUT
18 COMPENSATION BUT IS ENTITLED TO RECEIVE REIMBURSEMENT FROM THE
19 OFFICE OF PUBLIC GUARDIANSHIP CASH FUND CREATED IN SECTION
20 13-94-108 FOR ACTUAL AND NECESSARY EXPENSES THE MEMBER INCURS
21 IN THE PERFORMANCE OF THE MEMBER'S DUTIES.

22 (2) (a) EACH MEMBER OF THE BOARD SERVES AT THE PLEASURE OF
23 THE MEMBER'S APPOINTING AUTHORITY. EXCEPT FOR THE INITIAL
24 APPOINTMENTS MADE PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION,
25 EACH MEMBER'S TERM OF APPOINTMENT IS FOUR YEARS. A MEMBER SHALL
26 NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.

27 (b) (I) THE CHIEF JUSTICE AND GOVERNOR SHALL MAKE INITIAL

1 APPOINTMENTS TO THE BOARD NO LATER THAN AUGUST 1, 2023, AS
2 FOLLOWS:

3 (A) THE CHIEF JUSTICE AND GOVERNOR SHALL EACH APPOINT ONE
4 MEMBER TO A TERM OF FOUR YEARS FROM AMONG THE MEMBERSHIP OF
5 THE PUBLIC GUARDIANSHIP COMMISSION CREATED IN SECTION 13-94-104
6 AS IT EXISTS ON THE EFFECTIVE DATE OF THIS SUBSECTION (2)(b);

7 (B) THE CHIEF JUSTICE AND GOVERNOR SHALL EACH APPOINT ONE
8 MEMBER TO A TERM OF TWO YEARS;

9 (C) THE CHIEF JUSTICE AND GOVERNOR SHALL EACH APPOINT ONE
10 MEMBER TO A TERM OF THREE YEARS; AND

11 (D) THE GOVERNOR SHALL APPOINT ONE MEMBER TO A TERM OF
12 FOUR YEARS.

13 (II) THIS SUBSECTION (2)(b) IS REPEALED, EFFECTIVE DECEMBER
14 31, 2027.

15 (3) THE BOARD SHALL:

16 (a) APPOINT THE DIRECTOR OF THE OFFICE OF PUBLIC
17 GUARDIANSHIP, WHO SERVES AT THE PLEASURE OF THE BOARD;

18 (b) ESTABLISH BYLAWS AND OPERATING POLICIES FOR THE BOARD;
19 AND

20 (c) WORK COLLABORATIVELY WITH THE DIRECTOR TO PROVIDE
21 GOVERNANCE OF THE OFFICE, FISCAL OVERSIGHT OF THE GENERAL
22 OPERATING BUDGET OF THE OFFICE, AND PROGRAMMATIC OVERSIGHT, AS
23 ESTABLISHED IN THE BYLAWS AND OPERATING PROCEDURES OF THE
24 BOARD.

25 (4) (a) THE BOARD SHALL MAKE ITS INITIAL APPOINTMENT OF A
26 DIRECTOR PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION NO LATER
27 THAN DECEMBER 31, 2023.

1 (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JUNE 30, 2024.

2 **SECTION 5.** In Colorado Revised Statutes, 13-94-105, **amend**
3 (1), (2) introductory portion, (2)(c), (2)(e), (2)(f), (2)(j), (2)(k), (3), (4),
4 (5), and (6); and **add** (1.5) and (7) as follows:

5 **13-94-105. Office of public guardianship - director - duties -**
6 **memorandum of understanding - annual report - repeal.** (1) (a) THE
7 OFFICE OF PUBLIC GUARDIANSHIP IS CREATED WITHIN THE JUDICIAL
8 DEPARTMENT TO SERVE INDIGENT AND INCAPACITATED ADULTS IN NEED
9 OF GUARDIANSHIP IN EVERY JUDICIAL DISTRICT IN THE STATE NO LATER
10 THAN DECEMBER 31, 2027.

11 (b) The director shall ~~establish, develop, and~~ administer the office
12 ~~to serve indigent and incapacitated adults in need of guardianship in the~~
13 ~~second, seventh, and sixteenth judicial districts~~ and shall coordinate its
14 THE OFFICE'S efforts with county departments of human ~~services~~ and
15 ~~county departments of~~ social services within ~~those districts~~ EACH
16 JUDICIAL DISTRICT IN WHICH THE OFFICE PROVIDES SERVICES TO CLIENTS.

17 (c) (I) THE OFFICE SHALL MAINTAIN OPERATIONS IN EACH JUDICIAL
18 DISTRICT IN WHICH IT IS OPERATING ON THE EFFECTIVE DATE OF THIS
19 SUBSECTION (1)(c) AND SHALL OPERATE IN EVERY JUDICIAL DISTRICT IN
20 THE STATE NO LATER THAN DECEMBER 31, 2027.

21 (II) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE JUNE 30,
22 2028.

23 (d) The director shall administer the office in accordance with the
24 memorandum of understanding WITH THE JUDICIAL DEPARTMENT
25 described in ~~section 13-94-104 (4).~~ Notwithstanding any other provision
26 of this section, upon receiving funding sufficient to begin operations in
27 ~~the second judicial district, the office must begin operations in that~~

1 ~~judicial district prior to operating in any other district~~ SUBSECTION (6) OF
2 THIS SECTION. THE JUDICIAL DEPARTMENT SHALL PROVIDE TECHNICAL
3 AND ADMINISTRATIVE SUPPORT TO ASSIST THE OFFICE.

4 (1.5) IN ADDITION TO ANY OTHER DUTIES OR RESPONSIBILITIES SET
5 FORTH IN THIS ARTICLE 94, THE OFFICE:

6 (a) MAY:

7 (I) INITIATE PETITIONS FOR GUARDIANSHIP; AND

8 (II) TAKE ANY ACTION ON BEHALF OF AN INDIGENT AND
9 INCAPACITATED PERSON THAT A PRIVATE GUARDIAN MAY TAKE, EXCEPT
10 AS OTHERWISE LIMITED BY LAW OR COURT ORDER; AND

11 (b) SHALL USE THE ELIGIBILITY CRITERIA AND PRIORITIZATION
12 DESCRIBED IN SUBSECTION (2)(b) OF THIS SECTION TO SERVE INDIVIDUALS
13 WITH THE GREATEST NEEDS WHEN THE NUMBER OF CASES IN WHICH
14 SERVICES HAVE BEEN REQUESTED EXCEEDS THE NUMBER OF CASES IN
15 WHICH PUBLIC GUARDIANSHIP CAN PROVIDE SERVICES.

16 (2) In addition to carrying out any duties assigned by the
17 ~~commission~~ BOARD, the director shall ensure that the office provides, at
18 a minimum, the following services to ~~the designated judicial districts~~
19 EACH JUDICIAL DISTRICT IN WHICH THE OFFICE OPERATES:

20 (c) Appointment and post-appointment public guardianship
21 services of a ~~guardian-designee~~ GUARDIAN for each indigent and
22 incapacitated adult in need of public guardianship;

23 (e) Recruitment, training, and oversight of ~~guardian-designees~~
24 GUARDIANS;

25 (f) ~~Development of~~ MAINTAINING a process for receipt and
26 consideration of, and response to, complaints against the office, ~~to include~~
27 INCLUDING investigation in cases in which investigation appears

1 warranted in the judgment of the director;

2 (j) Identification and establishment of relationships with local,
3 state, and federal governmental agencies so that guardians ~~and~~
4 ~~guardian-designees~~ may apply for public benefits on behalf of wards to
5 obtain funding and service support, if needed; and

6 (k) Public education and outreach regarding the role of the office.
7 ~~and guardian-designees.~~

8 (3) (a) (I) THE OFFICE SHALL EMPLOY GUARDIANS TO PROVIDE
9 GUARDIANSHIP SERVICES TO THE OFFICE'S CLIENTS. EXCEPT AS PROVIDED
10 IN SUBSECTION (3)(b)(II) OF THIS SECTION, A GUARDIAN MUST BE
11 CERTIFIED BY A STATE OR NATIONAL ORGANIZATION THAT CERTIFIES
12 GUARDIANS. THE DIRECTOR SHALL INCLUDE IN THE RULES DEVELOPED
13 PURSUANT TO SECTION 13-94-107 A LIST OF THE ORGANIZATIONS WHOSE
14 CERTIFICATIONS THE OFFICE RECOGNIZES.

15 (II) THE OFFICE MAY HIRE AS A GUARDIAN A PERSON WHO IS NOT
16 CERTIFIED. IF THE OFFICE HIRES A PERSON WHO IS NOT CERTIFIED, THE
17 PERSON SHALL OBTAIN CERTIFICATION WITHIN TWO YEARS AFTER BEING
18 HIRED.

19 (b) The director shall adopt professional standards of practice and
20 a code of ethics for guardians, ~~and guardian-designees~~, including a policy
21 concerning conflicts of interest. THE DIRECTOR MAY ADOPT PROFESSIONAL
22 STANDARDS OF PRACTICE AND A CODE OF ETHICS DEVELOPED BY A
23 NATIONAL ASSOCIATION OF GUARDIANS.

24 (c) THE OFFICE SHALL PROVIDE TRAINING TO ALL GUARDIANS THAT
25 INCLUDES, AT A MINIMUM, INSTRUCTION IN THE FOLLOWING AREAS:

26 (I) THE PROFESSIONAL STANDARDS OF PRACTICE AND CODE OF
27 ETHICS ADOPTED BY THE DIRECTOR;

1 (II) STANDARDS FOR AGENCIES AND PROGRAMS PROVIDING
2 GUARDIANSHIP SERVICES DEVELOPED BY A NATIONAL ASSOCIATION OF
3 GUARDIANS AND APPROVED BY THE DIRECTOR;

4 (III) FEDERAL AND STATE LAWS APPLICABLE TO PROVIDING
5 GUARDIANSHIP SERVICES;

6 (IV) CHARACTERISTICS OF THE POPULATIONS SERVED BY THE
7 OFFICE AND APPROPRIATE TERMINOLOGY TO BE USED WHEN WORKING
8 WITH THOSE POPULATIONS;

9 (V) STATE AND LOCAL SOCIAL SERVICES AND RESOURCES;

10 (VI) ACTIVE LISTENING SKILLS; AND

11 (VII) BEST PRACTICES IN CONFIDENTIALITY, DECISION-MAKING,
12 ETHICS, AND MEDICAL DECISION-MAKING.

13 (d) PRIOR TO EMPLOYING A PERSON, THE OFFICE OF PUBLIC
14 GUARDIANSHIP SHALL SUBMIT THE NAME OF THE PERSON TO BE HIRED, AS
15 WELL AS ANY OTHER REQUIRED IDENTIFYING INFORMATION, TO THE
16 DEPARTMENT OF HUMAN SERVICES FOR A CHECK OF THE COLORADO
17 ADULT PROTECTIVE SERVICES DATA SYSTEM PURSUANT TO SECTION
18 26-3.1-111 TO DETERMINE IF THE PERSON IS SUBSTANTIATED IN A CASE OF
19 MISTREATMENT OF AN AT-RISK ADULT.

20 (4) On or before ~~January 1, 2023~~, JANUARY 1 OF EACH YEAR, the
21 director shall submit to the judiciary committees of the senate and the
22 house of representatives, or to any successor committees, a report
23 concerning the activities of the office. The report, at a minimum, must
24 SUMMARIZE THE OFFICE'S WORK OVER THE PRIOR STATE FISCAL YEAR IN
25 PROVIDING GUARDIANSHIP SERVICES FOR INDIGENT AND INCAPACITATED
26 ADULTS AND IDENTIFY ANY NOTABLE EFFICIENCIES AND OBSTACLES THAT
27 THE OFFICE INCURRED IN PROVIDING GUARDIANSHIP SERVICES DURING THE

1 PRIOR STATE FISCAL YEAR. THE OFFICE SHALL NOT INCLUDE ANY
2 PERSONAL IDENTIFYING INFORMATION ABOUT ANY CLIENT IN ITS ANNUAL
3 REPORT. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE ANNUAL
4 REPORT REQUIRED IN THIS SUBSECTION (4) CONTINUES INDEFINITELY.

5 ~~(a) Quantify, to the extent possible, Colorado's unmet need for~~
6 ~~public guardianship services for indigent and incapacitated adults;~~

7 ~~(b) Quantify, to the extent possible, the average annual cost of~~
8 ~~providing guardianship services to indigent and incapacitated adults;~~

9 ~~(c) Quantify, to the extent possible, the net cost or benefit, if any,~~
10 ~~to the state that may result from the provision of guardianship services to~~
11 ~~each indigent and incapacitated adult in each judicial district of the state;~~

12 ~~(d) Identify any notable efficiencies and obstacles that the office~~
13 ~~incurred in providing public guardianship services pursuant to this article~~
14 ~~94;~~

15 ~~(e) Assess whether an independent statewide office of public~~
16 ~~guardianship or a nonprofit agency is preferable and feasible;~~

17 ~~(f) Analyze costs and off-setting savings to the state from the~~
18 ~~delivery of public guardianship services;~~

19 ~~(g) Provide uniform and consistent data elements regarding~~
20 ~~service delivery in an aggregate format that does not include any personal~~
21 ~~identifying information of any adult; and~~

22 ~~(h) Assess funding models and viable funding sources for an~~
23 ~~independent office of public guardianship or a nonprofit agency,~~
24 ~~including the possibility of funding with a statewide increase in probate~~
25 ~~court filing fees.~~

26 (5) In addition to performing the duties described in this section,
27 the director, in consultation with the ~~commission~~ BOARD, shall develop,

1 PERIODICALLY EVALUATE, AND, IF THE DIRECTOR AND BOARD DETERMINE
2 IT IS NECESSARY, UPDATE a strategy for the discontinuation of the office
3 TO WIND UP THE OFFICE'S AFFAIRS in the event that the general assembly
4 declines to continue or expand the office after 2023 OFFICE IS
5 DISCONTINUED. The strategy must include consideration of how to meet
6 the guardianship needs of adults who will no longer be able to receive
7 guardianship services from the office.

8 (6) (a) ~~Prior to employment, the office of public guardianship,~~
9 ~~pursuant to section 25-1.5-103 (1)(a)(I)(A), shall submit the name of a~~
10 ~~person hired as a guardian or guardian's designee, as well as any other~~
11 ~~required identifying information, to the department of human services for~~
12 ~~a check of the Colorado adult protective services data system pursuant to~~
13 ~~section 26-3.1-111 to determine if the person is substantiated in a case of~~
14 ~~mistreatment of an at-risk adult.~~ THE OFFICE AND THE JUDICIAL
15 DEPARTMENT SHALL OPERATE PURSUANT TO A MEMORANDUM OF
16 UNDERSTANDING BETWEEN THE TWO ENTITIES. THE OFFICE AND JUDICIAL
17 DEPARTMENT SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING
18 THAT COMPLIES WITH THIS SUBSECTION (6)(a) NO LATER THAN DECEMBER
19 31, 2023. THE MEMORANDUM OF UNDERSTANDING MUST CONTAIN, AT A
20 MINIMUM:

21 (I) A REQUIREMENT THAT THE OFFICE HAVE ITS OWN PERSONNEL
22 RULES;

23 (II) A REQUIREMENT THAT THE DIRECTOR HAVE INDEPENDENT
24 HIRING AND TERMINATION AUTHORITY OVER OFFICE EMPLOYEES;

25 (III) A REQUIREMENT THAT THE OFFICE FOLLOW JUDICIAL FISCAL
26 RULES;

27 (IV) A REQUIREMENT THAT THE JUDICIAL DEPARTMENT PROVIDE

1 HUMAN RESOURCES, BUDGET MANAGEMENT, ACCOUNTING, INFORMATION
2 TECHNOLOGY SUPPORT, LEGAL SERVICES, AND ADMINISTRATIVE STAFF
3 SERVICES AT LOW OR NO COST TO THE OFFICE, AND A REQUIREMENT THAT
4 THE JUDICIAL DEPARTMENT PROVIDE THE OFFICE WITH A DIRECT CONTACT
5 FOR EACH SERVICE;

6 (V) A PROCESS FOR ASSIGNING OFFICE SPACE FOR THE OFFICE'S
7 MAIN OFFICE, WHICH MUST BE LOCATED IN DENVER, AND OTHER OFFICE
8 SPACE IN EACH JUDICIAL DISTRICT; AND

9 (VI) ANY OTHER PROVISIONS REGARDING ADMINISTRATIVE
10 SUPPORT TO HELP MAINTAIN THE INDEPENDENCE OF THE OFFICE.

11 (b) (I) A MEMORANDUM OF UNDERSTANDING BETWEEN THE OFFICE
12 AND THE JUDICIAL DEPARTMENT IN EFFECT ON THE DAY BEFORE THE
13 EFFECTIVE DATE OF THIS SUBSECTION (6)(b) REMAINS IN EFFECT UNTIL A
14 NEW MEMORANDUM OF UNDERSTANDING IS ENTERED INTO PURSUANT TO
15 SUBSECTION (6)(a) OF THIS SECTION.

16 (II) THIS SUBSECTION (6)(b) IS REPEALED, EFFECTIVE JUNE 30,
17 2024.

18 (7) (a) THE DIRECTOR OF THE OFFICE ON THE DAY BEFORE THE
19 EFFECTIVE DATE OF THIS SUBSECTION (7) SHALL CONTINUE TO CARRY OUT
20 THE DIRECTOR'S DUTIES SET FORTH IN THIS ARTICLE 94 UNTIL THE BOARD
21 APPOINTS A DIRECTOR PURSUANT TO SECTION 13-94-104.1 (3)(a).

22 (b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JUNE 30, 2024.

23 **SECTION 6.** In Colorado Revised Statutes, **amend** 13-94-106 as
24 follows:

25 **13-94-106. Costs - waiver of court costs and filing fees - bond**
26 **not required.** (1) The court shall waive court costs and filing fees in any
27 proceeding in which an indigent and incapacitated adult is receiving

1 public guardianship services from the office AND SHALL WAIVE FILING
2 FEES FOR PETITIONS FOR GUARDIANSHIP FILED BY THE OFFICE IN A CASE
3 THAT INVOLVES A PERSON WHO IS ELIGIBLE FOR GUARDIANSHIP SERVICES
4 FROM THE OFFICE.

5 (2) A COURT SHALL NOT REQUIRE THE OFFICE OR A GUARDIAN
6 EMPLOYED BY THE OFFICE TO POST A BOND AS A CONDITION FOR
7 APPOINTMENT AS A GUARDIAN OR TO PROVIDE SERVICES PURSUANT TO
8 THIS ARTICLE 94.

9 **SECTION 7.** In Colorado Revised Statutes, **amend** 13-94-107,
10 as follows:

11 **13-94-107. Director shall develop rules.** (1) The director shall
12 develop rules to implement this article 94. The rules, at a minimum, must
13 include policies concerning:

14 (a) Conflicts of interest for guardians ~~and guardian-designees~~
15 employed pursuant to this article 94; ~~and~~

16 (b) The solicitation and acceptance of gifts, grants, and donations
17 pursuant to section 13-94-108 (3); AND

18 (c) A LIST OF THE ORGANIZATIONS THAT CERTIFY GUARDIANS AND
19 WHOSE CERTIFICATIONS ARE RECOGNIZED BY THE OFFICE.

20 **SECTION 8.** In Colorado Revised Statutes, 13-94-108, **amend**
21 (2) as follows:

22 **13-94-108. Office of public guardianship cash fund - created.**

23 (2) The money in the fund is annually appropriated to the judicial
24 department to pay the expenses of the office. All interest and income
25 derived from the investment and deposit of money in the fund is credited
26 to the fund. Any unexpended and unencumbered money remaining in the
27 fund at the end of a fiscal year must remain in the fund and not be

1 credited or transferred to the general fund or any other fund. ~~except that~~
2 ~~any money remaining in the fund on June 30, 2024, shall be transferred~~
3 ~~to the general fund.~~

4 **SECTION 9.** In Colorado Revised Statutes, **repeal** 13-94-111 as
5 follows:

6 **13-94-111. Repeal - wind-up.** ~~(1) This article 94 is repealed,~~
7 ~~effective June 30, 2024. Prior to such repeal, the general assembly, after~~
8 ~~reviewing the report submitted by the director pursuant to section~~
9 ~~13-94-105 (4), shall consider whether to enact legislation to continue,~~
10 ~~discontinue, or expand the office.~~

11 ~~(2) If the general assembly has adjourned the legislative session~~
12 ~~beginning in January of 2023 sine die without enacting legislation to~~
13 ~~continue or expand the office, the office shall notify the joint budget~~
14 ~~committee that the office will not be continued and that court fees may be~~
15 ~~reduced by the amount deposited to the office of public guardianship cash~~
16 ~~fund, implement its discontinuation plan developed pursuant to section~~
17 ~~13-94-105, and wind up its affairs prior to the repeal of this article 94.~~

18 **SECTION 10.** In Colorado Revised Statutes, 26-3.1-111, **amend**
19 (3)(b) and (7)(j) as follows:

20 **26-3.1-111. Access to CAPS - employment checks -**
21 **conservatorship and guardianship checks - confidentiality - fees -**
22 **rules - legislative declaration - definitions.** (3) (b) **Conservatorship**
23 **and guardianship CAPS checks.** Beginning January 1, 2022, the state
24 department shall provide the courts the results of a CAPS check, upon the
25 court's request and using forms approved by the state department, to
26 determine if a person who may be appointed as a conservator or guardian
27 of an at-risk adult is substantiated in a case of mistreatment of an at-risk

1 adult. This subsection (3)(b) does not apply to office of public
2 guardianship employees required to undergo a CAPS check pursuant to
3 ~~sections 13-94-105 (6)~~ SECTION 13-94-105 and ~~26-3.1-111 (7)(j)~~
4 SUBSECTION (7)(j) OF THIS SECTION, or adult protective services
5 employees required to undergo a CAPS check pursuant to section
6 26-3.1-107 (2).

7 (7) The following employers shall request a CAPS check pursuant
8 to this section:

9 (j) The office of public guardianship pursuant to section
10 13-94-105. ~~(6)~~.

11 **SECTION 11. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety.