

House Judiciary

04/01/2026

HB26-1100 Guardianship for Incapacitated Adults

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Erica Dennison For themselves	<p data-bbox="565 548 1117 579">Dear Chair and Members of the Committee,</p> <p data-bbox="565 663 1468 737">My name is Erica Dennison, and I am submitting testimony in support of HB 1100 as a family member and co guardian.</p> <p data-bbox="565 821 1446 1010">Guardianship is not a small decision. It directly impacts a person's rights, autonomy, relationships, and daily life. As someone who helps navigate this system, I believe we need a clearer, more consistent, and more rights centered approach that prioritizes the least restrictive options possible.</p> <p data-bbox="565 1094 1442 1318">Guardianship is an important and necessary support for some individuals, including my family member. He requires 24/7 support for health and safety and relies on us for nearly everything. In this case, guardianship makes sense. But that is not true for everyone, and it should not be the default when less restrictive options could meet a person's needs.</p> <p data-bbox="565 1402 1414 1514">HB 1100 is an important step forward. It strengthens protections for individuals subject to guardianship, provides clearer guidance, and reinforces that full guardianship should not be the default.</p> <p data-bbox="565 1598 1446 1829">There is also a critical gap families continue to experience. Supported Decision Making has been part of Colorado law for years, yet many families are still unaware of it or are not meaningfully presented with it as an option. Too often, people are guided toward more restrictive arrangements without understanding alternatives that could preserve rights while still providing support.</p>

	<p>There are multiple less restrictive alternatives available, including supported decision making, powers of attorney, and representative payees. Many families are never fully informed about them.</p> <p>The issue is not that these options do not exist, it is that they are not consistently presented or applied.</p> <p>Reform like HB 1100 helps ensure these options are actually considered in practice. Families need a system that is clearer, more transparent, and centered on the individual.</p> <p>Thank you for your time and consideration. I respectfully ask for your support of HB 1100.</p> <p>Sincerely, Erica Dennison</p>
<p>Milo Taylor For Inside Out Youth Services</p>	<p>Hello Chairman Mabry and members of the committee,</p> <p>My name is Milo Taylor, I use he/him pronouns, and I live in Greeley, Colorado. I represent Inside Out Youth Services as the youth member of their Policy Advocacy Committee and Legislative Subcommittee. I myself am a disabled Coloradan, and I know what it's like to be stripped of your powers and independence. I urge you to vote yes in support of HB26-1100, Guardianship for Incapacitated Adults.</p> <p>This bill is crafting a path forward for disabled adults, and giving them an opportunity to have autonomy in their own lives. This bill creates ways for disabled adults in guardianships to make decisions in their lives, including their rights to freedom of sexuality and gender expression.</p> <p>As an organization, Inside Out Youth Services works to create spaces for LGBTQ+ youth to grow up and live their lives as their authentic selves, and to ensure that legislation allows them this right. We would me amiss to not fight for LGBTQ+ people once they grow up and start living their adult lives. In a guardianship, if the guardian of an individual does not respect their gender identity or sexuality, there is very little the individual can do to support themselves and their authenticity. Not</p>

	<p>being allowed to be yourself is incredibly damaging to one's mental health, and being denied access to medical gender transition resources, lifesaving resources, can be incredibly detrimental to one's livelihood.</p> <p>As Inside Out Youth Services, we fight for the rights of every LGBTQ+ person, and we want all the people of our community to feel safe and have control of their autonomy and expression. For these reasons, we are urging you to vote in support of HB26-1100, Guardianship for Incapacitated Adults.</p>
<p>Ollie Glessner For Inside Out Youth Services</p>	<p>My name is Ollie Glessner, and I am the advocacy director at Inside Out Youth Services, which supports LGBTQIA2+ youth and families in Colorado Springs. On behalf of our policy advocacy committee, I urge you to vote yes on HB26-1100, Guardianship for Incapacitated Adults.</p> <p>Independence is a key factor in any human's life. The right for people to autonomously make decisions and live with independence is baked into the fabric of our constitution. Disability, of any level, does not negate that right. This bill outlines some key factors in independence for people under guardship, including (and most relevant to our work), the right to express and have respected their gender and sexual identity.</p> <p>Being misgendered, being called by one's deadname, and being otherwise disrespected in one's identity can be deeply damaging to one's mental health. If the gender identity of someone under a guardianship is disrespected by their guardian, they may be denied access to the lifesaving resources they need (and have the right to access), in addition to living with daily microaggressions.</p> <p>We support HB26-1100's inclusion of this provision, so incapacitated adults can thrive as who they are, truly supported by their guardians. Vote yes on HB26-1100. Thank you.</p>

April 1, 2026

Mr. or Madam Chair and members of the committee:

Thank you for the opportunity to provide my perspective on HB26-1100, Concerning Updates to Guardianship for Incapacitated Adults. My name is DeeDee Deuter and I am an advocate with The Arc of Jefferson, Clear Creek, and Gilpin Counties.

For several years I have provided non-legal advocacy support for adults of all ages as well as youth transitioning into adulthood with Intellectual and Developmental Disabilities (IDDs) whose families are considering guardianship and alternatives to guardianship. I have witnessed misunderstandings on the part of guardians who have stated that they have certain “rights” as guardians as opposed to having a *responsibility* to act in their ward’s best interests. I have found this perspective to be detrimental to both the individual receiving guardianship as well as the relationship between them and their guardian.

In my role as an advocate for people with IDD, I promote self-determination, person-centeredness, the dignity of risk, the safeguarding of human rights, and least restrictive interventions and environments. Guardianship is *the* most restrictive challenge to the rights of an adult. We are obliged by law to explore all less restrictive measures before petitioning for guardianship, not limited to but including limited guardianship or alternatives.

Many families, when presented with less restrictive options to legal guardianship, are surprised to know that these are available, including Medical Durable Power of Attorney (MDPOA) and Supported Decision Making (SDM) Agreements. I have found that those involved are typically more inclined to explore these alternative options due to their relative simplicity as well as their concern for maintaining as much independence as possible for the person needing support.

I resolutely support HB26-1100 as it makes necessary changes to the Guardianship laws in Colorado that expand on and give more long-overdue rights to people who are subject to guardianship, including a Bill of Rights. I strongly encourage and request that those considering it give it their full support as well.

Thank you so much for your time and consideration of my perspective.

Sincerely,

DeeDee Deuter
Teen & Young Adult Advocate
The Arc – Jefferson, Clear Creek & Gilpin Counties

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04/01/2026 01:30 PM

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Ollie Glessner For Inside Out Youth Services	<p>My name is Ollie Glessner, and I am the advocacy director at Inside Out Youth Services, which supports LGBTQIA2+ youth and families in Colorado Springs. On behalf of our policy advocacy committee, I urge you to vote yes on HB26-1100, Guardianship for Incapacitated Adults.</p> <p>Independence is a key factor in any human’s life. The right for people to autonomously make decisions and live with independence is baked into the fabric of our constitution. Disability, of any level, does not negate that right. This bill outlines some key factors in independence for people under guardianship, including (and most relevant to our work), the right to express and have respected their gender and sexual identity.</p> <p>Being misgendered, being called by one’s deadname, and being otherwise disrespected in one’s identity can be deeply damaging to one’s mental health. If the gender identity of someone under a guardianship is disrespected by their guardian, they may be denied access to the lifesaving resources they need (and have the right to access), in addition to living with daily microaggressions.</p> <p>We support HB26-1100’s inclusion of this provision, so incapacitated adults can thrive as who they are, truly supported by their guardians. Vote yes on HB26-1100. Thank you.</p>
Milo Taylor	Hello Chairman Mabry and members of the committee,

<p>For</p> <p>Inside Out Youth Services</p>	<p>My name is Milo Taylor, I use he/him pronouns, and I live in Greeley, Colorado. I represent Inside Out Youth Services as the youth member of their Policy Advocacy Committee and Legislative Subcommittee. I myself am a disabled Coloradan, and I know what it's like to be stripped of your powers and independence. I urge you to vote yes in support of HB26-1100, Guardianship for Incapacitated Adults.</p> <p>This bill is crafting a path forward for disabled adults, and giving them an opportunity to have autonomy in their own lives. This bill creates ways for disabled adults in guardianships to make decisions in their lives, including their rights to freedom of sexuality and gender expression.</p> <p>As an organization, Inside Out Youth Services works to create spaces for LGBTQ+ youth to grow up and live their lives as their authentic selves, and to ensure that legislation allows them this right. We would me amiss to not fight for LGBTQ+ people once they grow up and start living their adult lives. In a guardianship, if the guardian of an individual does not respect their gender identity or sexuality, there is very little the individual can do to support themselves and their authenticity. Not being allowed to be yourself is incredibly damaging to one's mental health, and being denied access to medical gender transition resources, lifesaving resources, can be incredibly detrimental to one's livelihood.</p> <p>As Inside Out Youth Services, we fight for the rights of every LGBTQ+ person, and we want all the people of our community to feel safe and have control of their autonomy and expression. For these reasons, we are urging you to vote in support of HB26-1100, Guardianship for Incapacitated Adults.</p>
<p>Erica Dennison</p> <p>For</p>	<p>Dear Chair and Members of the Committee,</p>

themselves	<p>My name is Erica Dennison, and I am submitting testimony in support of HB 1100 as a family member and co guardian.</p> <p>Guardianship is not a small decision. It directly impacts a person’s rights, autonomy, relationships, and daily life. As someone who helps navigate this system, I believe we need a clearer, more consistent, and more rights centered approach that prioritizes the least restrictive options possible.</p> <p>Guardianship is an important and necessary support for some individuals, including my family member. He requires 24/7 support for health and safety and relies on us for nearly everything. In this case, guardianship makes sense. But that is not true for everyone, and it should not be the default when less restrictive options could meet a person’s needs.</p> <p>HB 1100 is an important step forward. It strengthens protections for individuals subject to guardianship, provides clearer guidance, and reinforces that full guardianship should not be the default.</p> <p>There is also a critical gap families continue to experience. Supported Decision Making has been part of Colorado law for years, yet many families are still unaware of it or are not meaningfully presented with it as an option. Too often, people are guided toward more restrictive arrangements without understanding alternatives that could preserve rights while still providing support.</p> <p>There are multiple less restrictive alternatives available, including supported decision making, powers of attorney, and representative payees. Many families are never fully informed about them.</p>
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On behalf of NAMI Colorado, part of America's largest grassroots mental health organization, the National Alliance on Mental Illness, I submit this narrative to urge significant caution in consideration of HB-1100 and the amendment L.001.

Colorado law currently requires guardianships to be limited unless there is an evidentiary basis for a plenary guardianship. NAMI Colorado has concern for unmanageable provisions offered that will expand litigation significantly over the bill of rights, for provisions that we expect to increase the judiciary's budget, for pushing professionals out of the ability to be guardians at all, as well as concern for internal conflicts in the policy changes that the bill proposes. Simultaneously, we support the interest in having better transparency for professional guardian practices. Therefore, we have pared our suggested amendments down to bare minimum to manage time constraints and the stakeholding process that is happening during the legislative session.

One matter that must be made clear: the provision that prohibits a guardian from consenting to medical care against the will of the ward will abolish guardianship. The point of a guardianship is that the person is charged with making decisions for the Adult, whether the adult agrees or not, as long as it is consistent with their best interests when a persons stated wishes, preferences, or desires, are inconsistent, unable to be determined, or infeasible and something has to be done. That is the point of a guardianship, period. Stating that a guardian "shall not consent to any care or treatment that is against the ASTG's will is not consistent with guardianship efforts designed to protect those with mental illness who have guardianship established for their health and well-being.

NAMI Colorado remains in an amend position even if Amendment L.001 passes this evening.

Thank you,

Jonathan Culwell

NAMI Colorado

Written Testimony in Support of HB26-1100

Colorado Uniform Guardianship and Protective Proceedings Act

Marcella Schieffelin

Graduate LEND Fellow, JFK Partners UCEDD, CU Anschutz

Author, Supported Decision-Making: What Parents Need to Know

JFK Partners UCEDD, CU Anschutz (HRSA LEND Grant T73MC11044, 2023)

Former Co-Chair, Planning and Grants Committee, Colorado Developmental Disabilities Council

Co-Primary SDM Support Person, Adult Daughter with Intellectual Disability

April 1, 2026

Introduction and Standing

I submit this written testimony in support of HB26-1100, the Colorado Uniform Guardianship and Protective Proceedings Act. I bring to this testimony multiple intersecting perspectives: as a Graduate LEND Fellow through JFK Partners UCEDD at CU Anschutz, as the author of a federally-supported tip sheet framing SDM as an alternative to guardianship, as a former Co-Chair of the Planning and Grants Committee of the Colorado Developmental Disabilities Council, as a co-primary SDM support person for my adult daughter who has an intellectual disability, and as the founder of Justice Care, a Colorado-based civil and human rights policy advocacy platform.

I also bring lived experience as a survivor of domestic violence and as a parent who navigated coercive control dynamics that did not end at divorce and have continued to affect my daughter's environment and support relationships into adulthood.

Guardianship as a Tool of Coercive Control

Guardianship, when sought or maintained for reasons other than the genuine protection of an individual, becomes a legal mechanism for coercive control. I have observed and experienced this directly. Divorcing parents sometimes seek guardianship not because their adult child lacks decision-making capacity, but because the guardianship proceeding becomes another front in an ongoing adversarial dynamic. The adult with a disability becomes, in effect, a pawn: their legal status weaponized to extend conflict, assert dominance, or deny the other parent meaningful participation in their child's life.

This is not a hypothetical. It is a pattern that family law practitioners, disability advocates, and case managers encounter with enough frequency that it warrants explicit policy attention. HB26-1100's emphasis on guardianship as a last resort, and its requirement that less restrictive alternatives be considered and documented, directly addresses this vulnerability.

The Limitation of SDM Without Accountability Infrastructure

I want to name something that is rarely said in conversations about Supported Decision Making as an alternative to guardianship: SDM is not automatically safer simply because it is less restrictive on paper. An SDM agreement that names support people and describes their role but includes no accountability mechanism for how that role is exercised can replicate the same coercive dynamics that make guardianship harmful, with less legal visibility and fewer formal protections.

The individual may have no guardian of record and still have no genuine autonomy. The label of supported decision-making does not by itself protect a person from a support relationship that is controlling, self-serving, or influenced by outside coercive dynamics. Structure and accountability are what create safety, not the name we give the arrangement.

My daughter's experience made this concrete. Support professionals who genuinely believed they were centering her voice were, in practice, substituting their own judgment for hers. The absence of a documentation standard, a communication tracking protocol, and a neutral third party with an independent obligation to her meant that the error was invisible until its consequences were not. This is the gap this bill has an opportunity to address, not just for guardianship but for the SDM agreements that are meant to replace it.

The Need for Communication and Decision-Making Documentation

Through my LEND training and through direct experience, I have come to understand that genuine person-centered practice requires three things that are frequently absent from both guardianship proceedings and SDM agreements:

- A documented baseline of how the individual communicates, what communication modes they use, and how their understanding should be assessed
- A contemporaneous record of each significant decision point, including what options were presented, what the individual expressed, and how that expression was honored or, if not honored, why
- A neutral third party with no stake in the outcome whose sole obligation is the individual's voice

Without these three elements, both guardianship and SDM operate on the assumption that the person responsible for the individual's wellbeing is also the most reliable reporter of how that responsibility is being exercised. That assumption does not hold in every family. It does not hold in every professional relationship. And it particularly does not hold where coercive dynamics are present.

Validated Tools and a Critical Gap

There are validated tools available to assess coercive and controlling dynamics in support relationships, including the Psychological Control Scale - Youth Self Report (PCS-YSR), the Alabama Parenting Questionnaire (APQ), the CARE-Index, and the Brief Interview of Coercive Control (BICC). These tools have strong psychometric evidence in the general population.

However, I want to name an important limitation with precision: validated instruments specifically designed to assess coercive control as experienced by adults with intellectual disabilities are limited or not yet established in the research literature. Research confirms that people with intellectual disabilities are at heightened vulnerability to coercive tactics and are less equipped to recognize or resist them, yet the assessment infrastructure has not kept pace with that documented risk. This gap is itself a policy argument. It makes neutral advocacy and robust contemporaneous documentation even more critical as accountability mechanisms.

The Role of Adult Advocates and Protection for Primary SDM Support People

Adult advocates through The Arc of Colorado are trained, neutral parties whose sole obligation is to be a voice for the individual. They are not the parent, not the system, not the agency. They are structurally positioned to provide exactly the independent, person-centered witnessing that both guardianship reform and SDM accountability require.

Embedded directly in an SDM agreement, present for high-stakes or contested decisions, and maintaining contemporaneous documentation, a neutral advocate protects the individual from coercive influence and simultaneously creates an evidentiary record that protects legitimate support people from unfounded accusations. The same infrastructure serves both purposes.

What makes the absence of this infrastructure particularly harmful is the positional power held by paid supporters, including case managers, PASAs, and host home providers, in the lives of people with intellectual disabilities. In my experience, that power frequently operates with a blind spot: parents are not seen as experts even when they bring both professional credentials and decades of lived expertise. Raising something as nuanced as ongoing coercive control dynamics in that context is extraordinarily difficult. Observations are minimized, the parent is repositioned as the problem, and the individual at the center remains unprotected.

It is equally important to name this infrastructure as a protection for parents who serve as primary SDM support people. A parent who is genuinely centering their adult child's voice, who is raising legitimate concerns about coercive dynamics from another party, and who is doing so without a contemporaneous record, has no defense when a case manager, PASA, or host home provider characterizes their advocacy as interference or overreach. The same documentation standard and neutral third party presence that protects the individual from a controlling support person also protects a legitimate parent from an unfounded accusation by a paid supporter. This is not a secondary

benefit. For parents navigating systems that do not default to seeing them as experts, it is the infrastructure that makes their role survivable and defensible.

Connection to Today's Supreme Court Ruling

The Supreme Court ruled today in *Chiles v. Salazar*, striking down Colorado's conversion therapy ban on First Amendment grounds. This ruling is being invoked in some circles as broadly protective of parental authority over a child's therapeutic experience. I want to name, for the record, that this misreads the ruling's scope. *Chiles v. Salazar* addresses therapist speech rights in a professional regulatory context. It says nothing about the state's authority to protect individuals, including adults with disabilities, from harm within family and support relationships. HB26-1100 operates in an entirely different legal domain. Today's ruling does not foreclose it.

Conclusion

HB26-1100 is necessary and overdue. Its emphasis on least restrictive alternatives, individual rights, and guardian accountability addresses real harms that the current system enables. I urge the committee to support this bill and to consider, in implementation, the importance of naming neutral advocacy infrastructure, communication documentation standards, and accountability mechanisms for SDM agreements as essential components of what this bill is trying to build.

Rights without enforcement are just promises. So is autonomy without infrastructure.

Testimony

Chair and Members of the Committee,

My name is Zara Otaifah and I am a parent and primary caregiver of a child with significant intellectual and developmental disabilities, including autism spectrum disorder, developmental delays, and related cognitive and behavioral conditions.

I am submitting testimony in support of HB26-1100 – Guardianship for Incapacitated Adults.

While I support improvements to Colorado’s guardianship system, I want to highlight a critical gap that still places vulnerable families at risk during the transition to adulthood.

In Colorado, parental legal authority ends when a child turns 18, even in cases involving severe intellectual and developmental disabilities. Guardianship, however, cannot be established until the individual becomes a legal adult and often takes months to complete through the court system.

This creates a significant legal gap in which families have caregiving responsibility but no legal authority to act on behalf of their adult child.

During this period, individuals with disabilities may be at risk of exploitation, coercion, or removal from their established care environment before protective orders are fully in place.

In my personal situation, my son has dual citizenship and holds two passports, which are currently in the possession of the other parent. This creates an additional layer of risk during the guardianship transition period.

If my son turns 18 while guardianship proceedings are still pending, there is no immediate legal mechanism that allows me to prevent international travel or ensure he remains within the jurisdiction of the court while protections are being established. Once an individual leaves the country during this gap, the guardianship process becomes significantly more complex, delayed, and potentially ineffective in protecting the vulnerable adult in a timely manner.

Even the existence of pending guardianship proceedings does not automatically prevent travel or removal under current law, leaving families without urgent safeguards at a critical moment.

This is not a theoretical concern—it is a real gap in protection that affects families caring for individuals with significant disabilities.

For these reasons, I respectfully urge the Committee to consider strengthening HB26-1100 by including:

- Temporary or emergency guardianship authority upon filing or at age 18
- Immediate protective provisions during pending guardianship cases

- Specific safeguards addressing risk of international travel or removal for incapacitated adults
- Expedited judicial review in high-risk disability cases

These measures would ensure that individuals with significant disabilities are not placed at risk during the legal transition into adulthood, and that families are not left without protection during this vulnerable period.

HB26-1100 is an important step forward, and with these additions, it can better protect vulnerable adults and prevent irreversible harm during guardianship delays.

Thank you for your time and consideration.

Respectfully,
Zara Otaifah