

HB1100_L.002

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB26-1100 be amended as follows:

- 1 Amend the Judiciary Committee Report, dated April 1, 2026, page 1,
2 strike line 5 and substitute "and (10.3) as follows:".
- 3 Page 2, lines 7 and 8, strike "PROTECTIVE ARRANGEMENT OR SERVICES,".
- 4 Page 2, line 16, strike "GUARDIAN." and substitute "GUARDIAN AND THAT
5 MAY BE ESTABLISHED FOR A SPECIFIED PERIOD OF TIME TO INCLUDE THE
6 DATE ON WHICH THE GUARDIANSHIP EXPIRES.".
- 7 Page 2, strike lines 36 through 39.
- 8 Page 3, line 12, strike "RESPECTS" and substitute "PRIORITIZES".
- 9 Page 3, strike lines 15 through 20.
- 10 Reletter succeeding paragraphs accordingly.
- 11 Page 3, line 21, strike "FULLY PARTICIPATE, TO THE EXTENT POSSIBLE,"
12 and substitute "PARTICIPATE".
- 13 Page 3, line 29, strike "FULLY PARTICIPATE, TO THE EXTENT POSSIBLE,"
14 and substitute "PARTICIPATE".
- 15 Page 3, line 39, strike "LAWYER" and substitute "LAWYER, OR A GUARDIAN
16 AD LITEM IF THE COURT FINDS A GUARDIAN AD LITEM APPROPRIATE,
17 UNLESS A LAWYER IS REQUESTED BY THE RESPONDENT,".
- 18 Page 3, line 40, strike "WANTS;" and substitute "WANTS OR FOR THE
19 ADULT'S BEST INTEREST;".
- 20 Page 4, strike lines 4 through 6 and substitute:
21 "(s) IF A QUESTION ARISES ABOUT THEIR CAPACITY TO EXERCISE A
22 SPECIFIC RIGHT, HAVE A COURT REVIEW AND DETERMINE IF AN
23 EVALUATION IS NECESSARY TO HAVE SOME OR ALL OF THEIR RIGHTS
24 RESTORED;".
- 25 Page 4, strike lines 14 and 15 and substitute "ADULT SUBJECT TO
26 GUARDIANSHIP:".
- 27 Page 4, after line 29 insert:
28 "(4) NOTHING IN THIS SECTION ALTERS, LIMITS, OR AFFECTS THE

1 COURT'S AUTHORITY OR THE STANDARDS AND PROCEDURES FOR
2 APPOINTING A GUARDIAN, DETERMINING THE SCOPE OF GUARDIANSHIP
3 POWERS, OR MODIFYING OR TERMINATING A GUARDIANSHIP PURSUANT TO
4 THIS ARTICLE 14. THE RIGHTS SET FORTH IN THIS SECTION ARE SUBJECT TO
5 ANY LIMITATIONS IMPOSED BY COURT ORDER."

6 Page 4, strike lines 39 through 43.

7 Page 5, strike lines 1 through 4 and substitute:

8 "(I) THE RESPONDENT IS UNABLE TO EFFECTIVELY RECEIVE OR
9 EVALUATE INFORMATION OR MAKE OR COMMUNICATE DECISIONS TO AN
10 EXTENT THAT THE RESPONDENT LACKS THE ABILITY TO SATISFY ESSENTIAL
11 REQUIREMENTS FOR PHYSICAL HEALTH, SAFETY, OR SELF-CARE, EVEN WITH
12 APPROPRIATE AND REASONABLY AVAILABLE TECHNOLOGICAL
13 ASSISTANCE; AND

14 (II) THE RESPONDENT'S IDENTIFIED NEEDS CANNOT BE MET BY LESS
15 RESTRICTIVE MEANS, INCLUDING APPROPRIATE SUPPORTIVE SERVICES;
16 TECHNOLOGICAL ASSISTANCE; OR SUPPORTED DECISION-MAKING, AS
17 DESCRIBED IN PART 8 OF THIS ARTICLE 14; OR".

18 Page 5, line 6, strike "A PROTECTIVE ARRANGEMENT OR OTHER" and
19 substitute "A".

20 Page 5, line 13, strike "GUARDIANSHIP, PROTECTIVE ARRANGEMENT," and
21 substitute "GUARDIANSHIP".

22 Page 5, strike lines 30 through 43.

23 Page 6, strike lines 1 through 21 and substitute:

24 "(b) THE NAME AND ADDRESS OF THE RESPONDENT'S SPOUSE OR
25 DOMESTIC PARTNER, ADULT CHILDREN, PARENTS, ADULT SIBLINGS, OR ANY
26 ADULT WITH WHOM THE RESPONDENT HAS SHARED HOUSEHOLD
27 RESPONSIBILITIES FOR MORE THAN SIX MONTHS IN THE TWELVE-MONTH
28 PERIOD IMMEDIATELY BEFORE THE FILING OF THE PETITION;

29 (c) THE NAME AND ADDRESS OF EACH OF THE FOLLOWING, IF
30 APPLICABLE:

31 (I) A PERSON RESPONSIBLE FOR THE CARE OF THE RESPONDENT;

32 (II) AN ATTORNEY CURRENTLY REPRESENTING THE RESPONDENT;

33 (III) A REPRESENTATIVE PAYEE;

34 (IV) A GUARDIAN OR CONSERVATOR ACTING FOR THE
35 RESPONDENT;

36 (V) AN AGENT DESIGNATED UNDER A POWER OF ATTORNEY FOR
37 THE HEALTH CARE OR FINANCES OF THE RESPONDENT;

- 1 (VI) A PERSON NOMINATED AS GUARDIAN BY THE RESPONDENT;
2 (VII) A PERSON NOMINATED AS GUARDIAN BY THE RESPONDENT'S
3 PARENT OR SPOUSE OR DOMESTIC PARTNER IN A WILL OR OTHER SIGNED
4 RECORD;
5 (VIII) A PROPOSED GUARDIAN AND THE REASON FOR SELECTING
6 THE PROPOSED GUARDIAN; AND
7 (IX) A MEMBER OF THE RESPONDENT'S SUPPORTIVE COMMUNITY;".
- 8 Page 6, strike lines 25 and 26 and substitute "A LIMITED GUARDIANSHIP OR
9 SUPPORTED DECISION-MAKING AGREEMENT, AS DEFINED IN SECTION
10 15-14-802, INSTEAD OF FULL GUARDIANSHIP IS NOT APPROPRIATE;".
- 11 Page 6, line 28, strike "GUARDIAN;" and substitute "GUARDIAN AND THE
12 DATE THAT THE GUARDIANSHIP EXPIRES;".
- 13 Page 7, strike line 2 and substitute "(b) LESS RESTRICTIVE".
- 14 Page 7, line 5, strike "PROTECTIVE ARRANGEMENT OR OTHER".
- 15 Page 7, line 8, strike "PROTECTIVE ARRANGEMENT OR OTHER".
- 16 Page 7, line 28, after "ATTORNEY" insert "OR GUARDIAN AD LITEM".
- 17 Page 7, line 32, after "ATTORNEY" insert "OR GUARDIAN AD LITEM".
- 18 Page 7, line 33, after "ATTORNEY" insert "OR GUARDIAN AD LITEM".
- 19 Page 8, line 1, strike "GUARDIAN OR ORDERING A PROTECTIVE
20 ARRANGEMENT." and substitute "GUARDIAN.".
- 21 Page 8, strike lines 22 through 26 and substitute "APPOINT A QUALIFIED
22 VISITOR, AS DETERMINED BY THE COURT.".
- 23 Page 9, lines 30 and 31, strike "PROTECTIVE ARRANGEMENT OR OTHER".
- 24 Page 9, line 36, strike "GUARDIAN;" and substitute "GUARDIAN AND THE
25 DATE THAT THE GUARDIANSHIP EXPIRES;".
- 26 Page 10, line 9, after "**attorney**" insert "**or guardian ad litem**".
- 27 Page 10, strike lines 10 through 27 and substitute:
28 "(1) THE COURT SHALL APPOINT AN ATTORNEY OR GUARDIAN AD
29 LITEM TO REPRESENT THE RESPONDENT IN A PROCEEDING FOR THE

1 APPOINTMENT OF A GUARDIAN FOR THE RESPONDENT UPON
2 RECOMMENDATIONS FROM THE COURT VISITOR, UPON REQUEST OF THE
3 RESPONDENT, OR AT THE COURT'S DISCRETION. THE COURT VISITOR MUST
4 MAKE A RECOMMENDATION IN WRITING ON THE COMPLETED COURT
5 VISITOR REPORT UPON THE APPOINTMENT OF AN ATTORNEY OR GUARDIAN
6 AD LITEM FOR THE RESPONDENT. IF THE RESPONDENT REQUESTS AN
7 ATTORNEY, THE COURT MUST APPOINT AN ATTORNEY FOR THE
8 RESPONDENT.

9 (2) THE COURT MAY RELY ON RECOMMENDATIONS IN THE
10 VISITOR'S REPORT PURSUANT TO SECTION 15-14-303.

11 (3) IF THE COURT DETERMINES THAT THE RESPONDENT LACKS THE
12 CAPACITY TO FORM AN ATTORNEY-CLIENT RELATIONSHIP, THE COURT MAY
13 APPOINT A GUARDIAN AD LITEM TO REPRESENT THE RESPONDENT."

14 Renumber succeeding subsection accordingly.

15 Page 10, strike lines 39 through 43.

16 Page 11, strike line 1 and substitute:

17 "(1) IF, AT OR BEFORE A HEARING ON A PETITION FOR
18 GUARDIANSHIP FOR AN ADULT, THE COURT FINDS THAT ADDITIONAL
19 INFORMATION MAY ASSIST THE COURT IN DETERMINING THE RESPONDENT'S
20 NEEDS AND ABILITIES, THE COURT MAY ORDER NO MORE THAN ONE
21 PROFESSIONAL EVALUATION OF THE RESPONDENT, UNLESS THE
22 RESPONDENT REQUESTS AN ADDITIONAL PROFESSIONAL EVALUATION OR
23 THE COURT FINDS THAT AN ADDITIONAL EVALUATION IS NECESSARY DUE
24 TO A MATERIAL CHANGE IN THE RESPONDENT'S CIRCUMSTANCES OR TO
25 RESOLVE A MATERIAL DISPUTE IN THE EXISTING EVIDENCE."

26 Page 11, strike lines 14 through 16 and substitute "LIMITATIONS. THE
27 INDIVIDUAL CONDUCTING THE EVALUATION".

28 Page 11, after line 27 insert:

29 "(4) THE COURT SHALL ORDER ADDITIONAL PROFESSIONAL
30 EVALUATIONS ONLY UPON THE FINDINGS REQUIRED IN SUBSECTION (1) OF
31 THIS SECTION."

32 Page 11, line 28, strike "(4)" and substitute "(5)".

33 Page 12, line 15, after "ATTORNEY" insert "OR GUARDIAN AD LITEM".

34 Page 12, line 16, after "COURT-APPOINTED ATTORNEY" insert "OR
35 GUARDIAN AD LITEM" and before "OF" insert "OR GUARDIAN AD LITEM".

- 1 Page 14, line 24, strike "GUARDIAN." and substitute "GUARDIAN AND THE
2 DATE THAT THE GUARDIANSHIP EXPIRES."
- 3 Page 16, strike lines 20 through 26 and substitute:
4 "(d) BE NOTIFIED AT LEAST THIRTY DAYS BEFORE A CHANGE, IF
5 POSSIBLE, IN THE ADULT'S PRIMARY DWELLING OR PERMANENT MOVE TO
6 A NURSING FACILITY, MENTAL HEALTH INSTITUTION, OR OTHER FACILITY
7 THAT PLACES RESTRICTIONS ON THE INDIVIDUAL'S ABILITY TO LEAVE OR
8 HAVE VISITORS, TO THE EXTENT REASONABLY FEASIBLE, UNLESS THE
9 CHANGE OR MOVE IS PROPOSED BY THE GUARDIAN'S PLAN, PURSUANT TO
10 SECTION 15-14-316, OR AUTHORIZED BY THE COURT BY SPECIFIC ORDER."
- 11 Page 16, line 28, after "OBJECTING;" insert "AND".
- 12 Page 16, line 36, after "INTERACTIONS;" insert "OR".
- 13 Page 16, line 37, strike "OR PROTECTIVE ARRANGEMENT".
- 14 Page 16, line 38, strike "PERSON; OR" and substitute "PERSON".
- 15 Page 16, strike lines 39 through 43.
- 16 Page 17, strike lines 1 through 13.
- 17 Page 17, line 27, strike "SIXTY" and substitute "NINETY".
- 18 Page 17, line 30, strike "SIXTY" and substitute "NINETY".
- 19 Page 17, line 32, strike "CONTINUE." and substitute "CONTINUE AND
20 UNLESS FURTHER EXTENSION IS AUTHORIZED BY THE COURT UPON A
21 FINDING OF GOOD CAUSE."
- 22 Page 18, strike lines 5 through 11 and substitute "HEARING, THE COURT
23 MUST HOLD A HEARING ON THE APPROPRIATENESS OF THE".
- 24 Page 18, line 12, strike "SEVEN" and substitute "FOURTEEN".
- 25 Page 18, strike lines 13 through 15 and substitute "UPON REQUEST OF THE
26 RESPONDENT OR THE RESPONDENT'S ATTORNEY."
- 27 Page 19, line 11, strike "OR A PROTECTIVE ARRANGEMENT".
- 28 Page 19, line 24, strike "A QUARTERLY" and substitute "AN ANNUAL".

- 1 Page 22, line 9, strike "DAYS" and substitute "DAYS, IF POSSIBLE,".
- 2 Page 22, strike lines 16 through 27 and substitute:
3 "(6) (a) IN EXERCISING THE GUARDIAN'S POWER PURSUANT TO
4 SUBSECTION (1)(b) OF THIS SECTION TO ESTABLISH THE ADULT'S
5 PERMANENT PLACE OF DWELLING, IF THE GUARDIAN SELECTS A MORE
6 RESTRICTIVE OUT-OF-HOME PLACEMENT, SUCH AS A NURSING FACILITY,
7 GROUP HOME, OR OTHER OUT-OF-HOME PLACEMENT, THE COURT MUST
8 HOLD A HEARING IF THE ADULT OR THE ADULT'S GUARDIAN AD LITEM
9 OBJECTS TO THE PLACEMENT. THE ADULT SUBJECT TO GUARDIANSHIP
10 MUST ATTEND THE HEARING. IN ORDER FOR THE GUARDIAN TO PROCEED
11 WITH PLACEMENT ARRANGEMENTS FOR OUT-OF-HOME PLACEMENT, THE
12 COURT MUST FIND BY CLEAR AND CONVINCING EVIDENCE THAT THE
13 PLACEMENT IS NECESSARY FOR THE ADULT'S SAFETY, HEALTH, OR
14 WELFARE AND THAT NO LESS RESTRICTIVE ALTERNATIVE OR IN-HOME
15 PLACEMENT WOULD PROVIDE THE SAME SAFEGUARDS FOR THE ADULT.
16 (b) THIS SUBSECTION (6) DOES NOT APPLY IF THE COURT
17 AUTHORIZES A HIGHER LEVEL OF CARE FOR THE ADULT AT THE INITIAL
18 APPOINTMENT OF THE GUARDIAN AND THIS PLACEMENT ARRANGEMENT IS
19 CONSISTENT WITH THAT INITIAL PLACEMENT.".
- 20 Page 24, line 5, strike "OR A PROTECTIVE ARRANGEMENT".
- 21 Page 24, strike lines 10 through 17 and substitute "FINANCIAL HARM TO
22 THE ADULT.".
- 23 Page 24, line 22, strike "SIXTY" and substitute "NINETY".
- 24 Page 24, line 41, after "VISITATION" insert "WHO HAS NOT BEEN
25 CONVICTED ON CHARGES OF EXPLOITATION OR ABUSE".
- 26 Page 25, strike lines 19 through 21 and substitute "(3) AN ADULT
27 SUBJECT TO GUARDIANSHIP MAY OBJECT TO THE PLAN.".
- 28 Page 27, line 37, after "ATTORNEY" insert "OR GUARDIAN AD LITEM".
- 29 Page 29, line 5, strike "ATTORNEY," and substitute "ATTORNEY OR
30 GUARDIAN AD LITEM PURSUANT TO THE SAME CONDITIONS DETAILED IN
31 SECTION 15-14-305,".
- 32 Page 29, line 40, strike "SIX MONTHS;" and substitute "TWELVE MONTHS
33 UNLESS THERE IS GOOD CAUSE TO BELIEVE A HEARING IS NECESSARY
34 BECAUSE THE FACTS DEMONSTRATE POTENTIAL RISK OF SIGNIFICANT

1 PHYSICAL, PSYCHOLOGICAL, OR FINANCIAL HARM TO THE ADULT SUBJECT
2 TO GUARDIANSHIP."

3 Page 33, after line 28 insert:

4 "SECTION 7. In Colorado Revised Statutes, 13-32-101, add
5 (1.5) as follows:

6 **13-32-101. Docket fees in civil actions - judicial stabilization**
7 **cash fund - justice center cash fund - justice center maintenance fund**
8 **- equal justice fee collection - created - report - legislative declaration.**

9 (1.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
10 COURT SHALL WAIVE ANY FILING FEE, DOCKET FEE, OR COURT COST
11 ASSOCIATED WITH A PETITION FILED BY OR ON BEHALF OF THE OFFICE OF
12 PUBLIC GUARDIANSHIP FOR:

- 13 (a) THE APPOINTMENT OF A GUARDIAN PURSUANT TO TITLE 15;
14 (b) THE APPOINTMENT OF AN EMERGENCY GUARDIAN OR
15 TEMPORARY GUARDIAN, APPOINTED PURSUANT TO SECTION 15-14-312; OR
16 (c) ANY SUBSEQUENT FILING NECESSARY TO CARRY OUT THE
17 DUTIES OF THE OFFICE OF PUBLIC GUARDIANSHIP IN AN ACTIVE
18 GUARDIANSHIP MATTER.

19 **SECTION 8.** In Colorado Revised Statutes, add 13-94-112 as
20 follows:

21 **13-94-112. Referrals for appointment of public guardian.**

22 (1) THE OFFICE MAY ACCEPT REFERRALS FOR THE APPOINTMENT OF
23 A PUBLIC GUARDIAN FROM ANY OF THE FOLLOWING ENTITIES WHEN THE
24 REFERRING ENTITY REASONABLY BELIEVES THAT THE INDIVIDUAL MAY
25 MEET THE CRITERIA FOR PUBLIC GUARDIANSHIP PURSUANT TO ARTICLE 14
26 OF TITLE 15:

- 27 (a) ADULT PROTECTIVE SERVICES;
28 (b) THE BRIDGES OF COLORADO PROGRAM, ESTABLISHED
29 PURSUANT TO SECTION 13-95-103; OR
30 (c) THE JUDICIAL DEPARTMENT OR A COURT OF COMPETENT
31 JURISDICTION.

32 (2) A REFERRAL DESCRIBED IN SUBSECTION (1) OF THIS SECTION
33 MAY CONSTITUTE SUFFICIENT INFORMATION FOR THE OFFICE TO INITIATE
34 PROCEEDINGS FOR THE APPOINTMENT OF A PUBLIC GUARDIAN PURSUANT
35 TO ARTICLE 14 OF TITLE 15 WHEN:

- 36 (a) THE INDIVIDUAL APPEARS TO MEET THE STATUTORY CRITERIA
37 FOR GUARDIANSHIP;
38 (b) NO WILLING AND APPROPRIATE FAMILY MEMBER, FRIEND, OR
39 PRIVATE GUARDIAN IS REASONABLY AVAILABLE TO SERVE; AND
40 (c) THE OFFICE DETERMINES THAT ACCEPTANCE OF THE CASE IS
41 CONSISTENT WITH ITS STATUTORY AUTHORITY AND AVAILABLE CAPACITY.

42 (3) UPON ACCEPTANCE OF A REFERRAL, THE OFFICE MAY FILE A

1 PETITION FOR APPOINTMENT OF A GUARDIAN PURSUANT TO SECTION
2 15-14-304 ON BEHALF OF THE INDIVIDUAL WHO IS THE SUBJECT OF THE
3 REFERRAL.

4 (4) A PETITION FILED BY THE OFFICE PURSUANT TO THIS SECTION
5 MAY BE FILED AS AN UNCONTESTED GUARDIANSHIP MATTER WHEN THE
6 OFFICE HAS MADE REASONABLE EFFORTS TO IDENTIFY AND NOTIFY
7 INTERESTED PERSONS AND NO OBJECTION HAS BEEN RAISED.

8 (5) NOTHING IN THIS SECTION LIMITS THE AUTHORITY OF THE
9 COURT TO REQUIRE ADDITIONAL INFORMATION OR DOCUMENTATION
10 NECESSARY TO DETERMINE WHETHER APPOINTMENT OF A GUARDIAN IS
11 APPROPRIATE PURSUANT TO ARTICLE 14 OF TITLE 15."

12 Renumber succeeding sections accordingly.

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