

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0026.02 Jane Ritter x4342

HOUSE BILL 22-1271

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HOUSE SPONSORSHIP

Ransom,

SENATE SPONSORSHIP

(None),

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House Committees

Public & Behavioral Health & Human Services

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING ENSURING PERSONAL RIGHTS OF PROTECTED PERSONS  
102 THROUGH REQUIRED DUTIES OF GUARDIANS.

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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>.)*

The bill establishes certain rights for a person who is protected through a legal guardianship relationship (protected person) and duties of a guardian or conservator (guardian). With certain exceptions, a guardian shall notify within 7 days one or more of the protected person's close family members and any person designated by the protected person when the protected person:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

- Changes place of residence;
- Resides at a location other than the protected person's residence for more than 48 hours;
- Is admitted to a medical facility for acute care or emergency care; or
- Dies.

The guardian, in conjunction with the protected person and any close family members, shall develop an initial care plan, to be updated annually. The care plan must include why the guardianship is necessary, any necessary restrictions placed on visitation or access to reporting, how the protected person's finances will be handled, and how the protected person and close family members can obtain answers to questions that arise.

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

2 **SECTION 1.** In Colorado Revised Statutes, 15-14-102, **amend**  
3 the introductory portion and (11); and **add** (10.3) as follows:

4 **15-14-102. Definitions.** AS USED in parts 1 to 4 of this article 14,  
5 UNLESS THE CONTEXT OTHERWISE REQUIRES:

6 (10.3) "PERSONAL RIGHTS OF A PROTECTED PERSON" MEANS THE  
7 RIGHT TO PERSONAL AUTONOMY AND OTHER RIGHTS THAT ALL  
8 INDIVIDUALS ARE ENTITLED TO UNDER THE CONSTITUTION AND LAWS OF  
9 THE UNITED STATES AND OF THIS STATE, WHICH RIGHTS INCLUDE, BUT ARE  
10 NOT LIMITED TO, EQUALITY OF JUSTICE, FREEDOM OF SPEECH, FREEDOM OF  
11 RELIGION, FREEDOM OF ASSOCIATION, RIGHT TO COUNSEL, RIGHT TO  
12 PETITION, AND DUE PROCESS OF LAW FOR THE PROTECTION OF LIFE,  
13 LIBERTY, AND PROPERTY.

14 (11) "Protected person" means a minor or other individual,  
15 INCLUDING A WARD, for whom a conservator OR GUARDIAN has been  
16 appointed or other protective order has been made.

17 **SECTION 2.** In Colorado Revised Statutes, **add** 15-14-102.7 and  
18 15-14-119.5 as follows:

1           **15-14-102.7. Personal rights of protected persons.**

2           **(1) Obligation of the courts.** THE COURT SHALL CONSTRUE AND APPLY  
3 THIS PART 1 AND PARTS 3 AND 4 OF THIS ARTICLE 14, AND OTHER  
4 PROVISIONS OF THIS CODE THAT RELATE TO A PROTECTED PERSON, IN A  
5 MANNER THAT MAXIMIZES THE PROTECTION OF THE PERSONAL RIGHTS OF  
6 EACH PROTECTED PERSON.

7           **(2) Declaration - uniform law comments.** THE GENERAL  
8 ASSEMBLY DECLARES THAT THE COURTS SHOULD EMBRACE THE  
9 COMMENTS OF THE UNIFORM LAW COMMISSION THAT ACCOMPANIED THE  
10 REENACTMENT OF THIS ARTICLE 14 IN 2000, WHICH ARE SUPPORTIVE OF  
11 THE PERSONAL RIGHTS OF A PROTECTED PERSON.

12           **15-14-119.5. Guardians required to provide notice - exception**

13 **- definition.** (1) (a) EXCEPT AS DESCRIBED IN SUBSECTIONS (2) AND (3)  
14 OF THIS SECTION, A GUARDIAN SHALL NOTIFY, WITHIN SEVEN DAYS, ONE  
15 OR MORE CLOSE FAMILY MEMBERS OF THE PROTECTED PERSON, ALL  
16 PERSONS OF COURT RECORD, AND ANY OTHER PERSON DESIGNATED BY THE  
17 PROTECTED PERSON TO BE NOTIFIED WHEN THE PROTECTED PERSON:

18           (I) CHANGES PLACE OF RESIDENCE, INCLUDING BUT NOT LIMITED  
19 TO A CHANGE OF RESIDENCE TO OR FROM ONE NURSING HOME OR ASSISTED  
20 CARE FACILITY TO OR FROM ANOTHER NURSING HOME OR ASSISTED CARE  
21 FACILITY;

22           (II) RESIDES AT A LOCATION OTHER THAN THE PROTECTED  
23 PERSON'S RESIDENCE FOR MORE THAN FORTY-EIGHT HOURS;

24           (III) IS ADMITTED TO A MEDICAL FACILITY FOR ACUTE CARE OR FOR  
25 EMERGENCY CARE; OR

26           (IV) DIES.

27           (b) THE GUARDIAN SHALL NOTIFY ONE OR MORE CLOSE FAMILY

1 MEMBERS OF THE PROTECTED PERSON IN PERSON OR BY TELEPHONE IN THE  
2 CASE OF ANY OF THESE EVENTS. FOR ALL PERSONS OF COURT RECORD AND  
3 ANY OTHER PERSON DESIGNATED BY THE PROTECTED PERSON TO BE  
4 NOTIFIED, THE GUARDIAN SHALL PROVIDE NOTIFICATION BY WRITTEN  
5 CORRESPONDENCE.

6 (c) A NOTIFICATION PROVIDED PURSUANT TO SUBSECTION (1)(b)  
7 OF THIS SECTION MUST INCLUDE THE CURRENT LOCATION OF THE  
8 PROTECTED PERSON.

9 (2) A GUARDIAN IS NOT REQUIRED TO PROVIDE NOTICE TO A  
10 PERSON IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION IF:

11 (a) THE PERSON INFORMS THE GUARDIAN IN WRITING THAT THE  
12 PERSON DOES NOT WISH TO RECEIVE SUCH NOTICE; OR

13 (b) THE PROTECTED PERSON OR A COURT ORDER HAS EXPRESSLY  
14 PROHIBITED THE GUARDIAN FROM PROVIDING NOTICE TO THE PERSON.

15 (3) A GUARDIAN SHALL NOT PROVIDE CONTACT INFORMATION FOR  
16 THE PROTECTED PERSON TO ANY PERSON IF AN ORDER OF PROTECTION OR  
17 A RESTRAINING ORDER HAS BEEN ISSUED AGAINST THE PERSON ON BEHALF  
18 OF THE PROTECTED PERSON.

19 (4) (a) AS USED IN THIS SECTION, UNLESS THE CONTEXT  
20 OTHERWISE REQUIRES, "CLOSE FAMILY MEMBER OF THE PROTECTED  
21 PERSON OR WARD" MEANS:

22 (I) A SPOUSE OF THE PROTECTED PERSON OR A PARTNER OF THE  
23 PROTECTED PERSON IN A CIVIL UNION;

24 (II) AN ADULT CHILD OF THE PROTECTED PERSON;

25 (III) A PARENT OF THE PROTECTED PERSON; OR

26 (IV) AN ADULT NEAREST IN KINSHIP TO THE PROTECTED PERSON.

27 (b) NOTWITHSTANDING SUBSECTION (4)(a) OF THIS SECTION,

1 "CLOSE FAMILY MEMBER OF THE PROTECTED PERSON" DOES NOT INCLUDE  
2 AN INDIVIDUAL WHO IS A GUARDIAN OF THE PROTECTED PERSON.

3 (c) IF MORE THAN ONE PERSON QUALIFIES AS A CLOSE FAMILY  
4 MEMBER OF THE PROTECTED PERSON PURSUANT TO SUBSECTION (4)(a) OF  
5 THIS SECTION, THEN NOTICE MUST BE PROVIDED TO ALL SUCH PERSONS.

6 **SECTION 3.** In Colorado Revised Statutes, 15-14-314, **amend**  
7 (2)(e), (2)(f), and (2)(g); and **add** (1.5) as follows:

8 **15-14-314. Duties of guardian - initial care plan - ongoing.**

9 (1.5) WITHIN SIXTY DAYS AFTER APPOINTMENT OR AS OTHERWISE  
10 DIRECTED BY THE COURT, A GUARDIAN SHALL DEVELOP, IN CONJUNCTION  
11 WITH THE PROTECTED PERSON OR WARD AND ANY CLOSE FAMILY MEMBERS  
12 OF THE PROTECTED PERSON OR WARD, AS DEFINED IN SECTION 15-14-119.5  
13 (4), AN INITIAL CARE PLAN FOR THE PROTECTED PERSON OR WARD. THE  
14 CARE PLAN MUST INCLUDE, AT A MINIMUM, WHY THE GUARDIANSHIP IS  
15 NECESSARY, ANY NECESSARY RESTRICTIONS PLACED ON VISITATION OR  
16 ACCESS TO REPORTING, HOW THE PROTECTED PERSON'S OR WARD'S  
17 FINANCES ARE TO BE HANDLED, AND HOW THE PROTECTED PERSON OR  
18 WARD AND CLOSE FAMILY MEMBERS CAN OBTAIN ANSWERS IF QUESTIONS  
19 ARISE. THE GUARDIAN, IN CONJUNCTION WITH THE PROTECTED PERSON OR  
20 WARD AND ANY CLOSE FAMILY MEMBERS OF THE PROTECTED PERSON OR  
21 WARD, SHALL UPDATE THE CARE PLAN CREATED PURSUANT TO THIS  
22 SUBSECTION (1.5) ANNUALLY PURSUANT TO SECTION 15-14-317.

23 (2) A guardian shall:

24 (e) ~~Immediately~~ WITHIN SEVEN DAYS notify the court AND ANY  
25 CLOSE FAMILY MEMBERS OF THE PROTECTED PERSON OR WARD, AS  
26 DEFINED IN SECTION 15-14-119.5 (4), if the PROTECTED PERSONS'S OR  
27 ward's condition has changed so that the PROTECTED PERSON OR ward is

1 capable of exercising rights previously removed;

2 (f) WITHIN SEVEN DAYS inform the court AND ANY CLOSE FAMILY  
3 MEMBERS OF THE PROTECTED PERSON OR WARD, AS DEFINED IN SECTION  
4 15-14-119.5 (4), of any change in the PROTECTED PERSON'S OR ward's  
5 custodial dwelling or address; and

6 (g) ~~Immediately~~ WITHIN SEVEN DAYS notify the court AND ANY  
7 CLOSE FAMILY MEMBERS OF THE PROTECTED PERSON OR WARD, AS  
8 DEFINED IN SECTION 15-14-119.5 (4), in writing of the PROTECTED  
9 PERSON'S OR ward's death.

10 **SECTION 4.** In Colorado Revised Statutes, 15-14-317, **amend**  
11 (1) introductory portion; and **add** (1)(h) as follows:

12 **15-14-317. Reports - monitoring of guardianship - court access**  
13 **to records.** (1) Within sixty days after appointment or as otherwise  
14 directed by the court, a guardian shall report to the court AND TO ANY  
15 CLOSE FAMILY MEMBERS OF THE PROTECTED PERSON OR WARD, AS  
16 DEFINED IN SECTION 15-14-119.5 (4), in writing on the condition of the  
17 PROTECTED PERSON OR ward, the guardian's personal care plan for the  
18 PROTECTED PERSON OR ward, and account for money and other assets in  
19 the guardian's possession or subject to the guardian's control, AND THE  
20 INITIAL CARE PLAN DEVELOPED PURSUANT TO SECTION 15-14-314 (1.5). A  
21 guardian shall report at least annually thereafter and whenever ordered by  
22 the court. The annual report must state or contain:

23 (h) ANY UPDATES MADE BY THE GUARDIAN, IN CONJUNCTION WITH  
24 THE PROTECTED PERSON OR WARD AND ANY CLOSE FAMILY MEMBERS OF  
25 THE PROTECTED PERSON OR WARD, TO THE INITIAL CARE PLAN DEVELOPED  
26 PURSUANT TO SECTION 15-14-314 (1.5).

27 **SECTION 5. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the  
2 ninety-day period after final adjournment of the general assembly; except  
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
4 of the state constitution against this act or an item, section, or part of this  
5 act within such period, then the act, item, section, or part will not take  
6 effect unless approved by the people at the general election to be held in  
7 November 2022 and, in such case, will take effect on the date of the  
8 official declaration of the vote thereon by the governor.