



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 26-1100: GUARDIANSHIP FOR INCAPACITATED ADULTS

Prime Sponsors:

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Sen. Snyder

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Summary Information

Overview. The bill repeals certain laws related to guardianship and replaces them with laws that are part of the "Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act".

Types of impacts. The bill is projected to affect the following areas Beginning in FY 2026-27:

- State Revenue
- State Expenditure
- TABOR Refunds

Appropriations. For FY 2026-27, the bill requires an appropriation of \$2.3 million to multiple state agencies. See State Appropriation section.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$48,244	\$54,731
State Expenditures	\$2,595,433	\$2,302,763
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$48,319	\$54,731
Change in State FTE	13.4 FTE	16.0 FTE

Fund sources are identified in tables below.

Table 1A
State Revenue

Fund Source	Budget Year FY 2026-27	Out Year FY 2027-28
General Fund	\$0	\$0
Cash Funds (Various Judicial Cash Funds)	\$48,319	\$54,731
Total Revenue	\$48,319	\$54,731

Table 1B
State Expenditures

Fund Source	Budget Year FY 2026-27	Out Year FY 2027-28
General Fund	\$2,286,333	\$1,932,980
Cash Funds	\$0	\$0
Federal Funds	\$0	\$0
Centrally Appropriated	\$309,100	\$369,783
Total Expenditures	\$2,595,433	\$2,302,763
Total FTE	13.4 FTE	16.0 FTE

Summary of Legislation

The bill enacts certain provisions of the “Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act” while repealing certain sections pertaining to guardianship in current law.

Rights for Persons Subject to Guardianship

The bill defines a bill of rights for adults who are subject to guardianship. These rights include being present and participating in all court hearings related to their guardianship and asking the court to review their case and make changes or end the guardianship if appropriate. The bill outlines which rights the courts may restrict and which rights an appointed guardian may make decisions for on behalf of the person subject to guardianship (respondent).

Appointment of a Guardian

The bill repeals current laws for appointment of a guardian and replaces them with language requiring the court to not establish a full guardianship if a less restrictive alternative would meet the needs of the respondent. Appointment of a guardian may be requested by a parent or spouse of the person needing care. The bill specifies what information must be included in a

petition for guardianship. When a petition is filed, the court must schedule a hearing and serve the respondent with a notice that includes the right for the respondent to be represented by an attorney. The court must appoint an attorney if requested.

Current law requires that upon receiving a petition for guardianship, the court must appoint a visitor to explain the arrangement to the respondent and file a report. The bill expands the information this visitor must include in their report to the court. In the event that the respondent requests or requires a professional evaluation, the bill requires that this person be a licensed physician, psychologist or social worker and that this person not have a conflict of interest related to the case.

Current law specifies an order of persons who can be appointed as a guardian; the bill modifies this order and if there is a conflict, the bill requires the court to appoint the person by considering the wishes of the respondent.

Notice to the respondent must include information about their rights, including the right to seek termination or modification of the guardianship.

Guardianship Hearing Attendance

Current law requires the respondent to attend the initial hearing unless excused by the court for good cause. The bill requires attendance at the hearing unless the court finds clear and convincing evidence that the person subject to guardianship refused to attend or there was no practicable way for the person to attend. Virtual attendance may fulfill this requirement.

Emergency Appointment of a Guardian

Current law outlines the procedures for appointing an emergency guardian to a respondent and that the court may appoint an attorney to represent the respondent in this circumstance. The bill requires the court to appoint an attorney for any emergency appointments and personally serve the respondent and hold a hearing on the appropriateness of the emergency guardianship within seven days.

Duties and Powers of a Guardian

The bill expands the required duties for guardians and places certain additional requirements and restrictions on their powers over the respondent. Guardians must only move the respondent to a nursing home, mental health institution or other facility if the court authorizes the move. Guardians must not restrict the respondent's ability to communicate unless authorized by a court order. Guardians must create a plan for care of the respondent and file it with the court. The court must review this plan and determine if the plan is appropriate.

Termination of Guardianship

The bill requires the court to establish procedures for reviewing a guardian’s report and determine if the guardianship needs to continue. Current law requires a petition to be filed to terminate a guardianship. The bill allows the court to initiate a termination if appropriate. The bill outlines the requirements for hearings regarding a termination of a guardianship.

Other Protective Arrangements

The bill allows a court to order a protective arrangement instead of guardianship as a less restrictive alternative. Hearing requirements, notice requirements, and the right to be represented by an attorney are similar in their requirements for guardianship proceedings under the bill.

Background

The bill contains some, but not all, of the provisions of the “Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act” (UGCOPAA), which updates and replaces the current “Uniform Guardianship and Protective Proceedings Act”. The latter is currently Colorado law. To date, four states have enacted UGCOPAA: Kansas, Idaho, Maine and Washington. Kansas, Idaho and Maine passed UGCOPAA without an additional appropriation, while Washington included \$3.6 million in the first year of implementation.

State Revenue

The bill will increase state revenue through additional court filings. Court fees are subject to TABOR. An estimate 239 additional cases annually are expected to be filed for the additional hearings, protective arrangement proceedings, and termination proceedings that are allowable under the bill. Each case requires the petitioner to pay \$239 in filing fees, as shown in Table 2. Costs in FY 2026-27 are prorated for the effective date of the bill.

Table 2
Fee Impact of Additional Probate Case Filings

Fiscal Year	Additional Cases	Filing Fees	Total
FY 2026-27	211	\$229	\$48,319
FY 2027-28	239	\$229	\$54,731

State Expenditures

The bill increases state expenditures by \$2.6 million in FY 2026-27 and \$2.3 million in FY 2027-28 and ongoing. These costs will be incurred in the Judicial Department and the Office of Public Guardianship, as shown in Table 3 and described in the sections below. Costs are paid from the General Fund.

Table 3
State Expenditures
All Departments

Department	Budget Year FY 2026-27	Out Year FY 2027-28
Judicial Department	\$2,113,617	\$1,785,332
Office of Public Guardianship	\$481,816	\$517,431
Total Costs	\$2,595,433	\$2,302,763

Judicial Department

The Judicial Department will require additional magistrates and court staff to handle an increase in both number and complexity of probate cases and have increased costs for attorney reimbursement and mailing.

Staff

The Judicial Department will require 2.3 FTE Magistrates to implement the bill. These magistrates will spend more time handling additional petitions, notice requirements, and requests for hearings to challenge current guardianship and protective arrangement cases. Based on Judicial Department common policies, each magistrate requires a ratio of court support staff. The standard ratio for district courts, where probate cases are heard, is three support staff for each judge or magistrate, resulting in an additional 6.9 FTE support staff. Also, based on department common policies, magistrates require additional operating and capital outlay costs, including costs for a courtroom, conference room, office furnishings and audio-visual equipment.

In addition, the Judicial Department will require 0.5 FTE Court Programs Analyst and 0.3 FTE Judicial Education Specialist to update documentation, revise forms and train judicial personnel on the new requirements of the bill for probate cases. All staff costs are prorated to assume a September 2026 start date and for non-magistrate positions, standard operating and capital outlay costs are included.

Reimbursement for Attorneys in Probate Cases

The bill requires the Judicial Department to appoint an attorney to represent a respondent for emergency guardian appointments and upon additional circumstance for non-emergency cases. Based on current data, 1,086 new guardianship cases are filed annually. The fiscal note estimates that in 30% of these new cases, an attorney will either be requested or required. This results in 326 cases, with each case requiring \$1,149 in reimbursement costs on average, resulting in \$374,574 annually. Costs are prorated for a 10-month impact in FY 2026-27.

Mailing Costs

An estimated 21,960 additional notices will be required to be mailed to respondents, guardians, and family members under the bill. At a cost of 82 cents per notice, this results in \$18,807 in mailing costs annually. Costs are prorated for a 10-month impact in FY 2026-27.

Translation Costs

An estimated 186 notices annually will be required to be translated into another language. These costs will average \$140 per notice, resulting in \$26,040 in translation services annually. Costs are prorated for a 10-month impact in FY 2026-27.

**Table 3A
 State Expenditures
 Judicial Department**

Cost Component	Budget Year FY 2026-27	Out Year FY 2027-28
Personal Services	\$905,447	\$1,094,528
Operating Expenses	\$20,352	\$24,576
Capital Outlay Costs	\$633,730	\$0
Attorney Reimbursement	\$312,145	\$374,574
Mailing Costs	\$15,673	\$18,807
Translation Costs	\$21,700	\$26,040
Centrally Appropriated Costs	\$204,570	\$246,808
Total Costs	\$2,113,617	\$1,785,332
Total FTE	8.3 FTE	10.0 FTE

Office of Public Guardianship

The Office of Public Guardianship will require a total of 6.0 FTE, including 2 Legal Assistants, 2 Staff Assistants and 2 Case Management Aides to comply with the bill. These staff will spend an increased amount of time on guardianship cases to comply with the bill’s additional requirements and spend more time on legal services for probate cases. Costs are prorated to assume a September 2026 start date and standard operating and capital outlay costs are included.

**Table 3B
 State Expenditures
 Office of Public Guardianship**

Cost Component	Budget Year FY 2026-27	Out Year FY 2027-28
Personal Services	\$328,759	\$386,775
Operating Expenses	\$6,528	\$7,680
Capital Outlay Costs	\$42,000	\$0
Centrally Appropriated Costs	\$104,529	\$122,976
Total Costs	\$481,816	\$517,431
Total FTE	5.1 FTE	6.0 FTE

Centrally Appropriated Costs

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which may include employee insurance, supplemental employee retirement payments, indirect cost assessments, and other costs, are shown in the table(s) above.

TABOR Refunds

The bill is expected to increase the amount of state revenue required to be refunded to taxpayers by the amounts in Table 1A. This estimate assumes the March 2026 LCS revenue forecast. A forecast of state revenue subject to TABOR is not available beyond FY 2027-28. Because TABOR refunds are paid from the General Fund, increased cash fund revenue will reduce the amount of General Fund available to spend or save in FY 2026-27, FY 2027-28, and any future years when the state is over its revenue limit.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State Appropriations

For FY 2026-27, the bill requires General Fund appropriations totaling \$2,266,233 to the following departments:

- \$1,909,047 to the Judicial Department, and 8.3 FTE; and,
- \$377,287 to the Office of Public Guardianship, and 5.1 FTE.

Departmental Difference

The Judicial Department estimates that the bill requires \$7.3 million in General Fund appropriations to implement the bill. This estimate includes a total of 7.3 Magistrates, 22.7 support staff, 3.0 FTE for other staff, as well as increased attorney reimbursement and mailing costs. These estimates assume that the requirements to consider less restrictive arrangements, as well as the additional notices and hearing requirements will result in a total of 7.3 Magistrates, based on an additional total increase in workload of about 15,000 hours for magistrate to review additional required documentation, spend time in hearings, issue rulings and review additional information in the required reports.

The fiscal note differs from this estimate by assuming that the hearings and notices for other protective arrangements will be less complex and require a similar amount of time as current guardianship proceedings, reducing the overall amount of additional Magistrate time required to a total of about 4,800 hours annually.

State and Local Government Contacts

Denver County Courts

Office of Public Guardianship

District Attorneys

Public Defender

Judicial

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).