

**OPG Commission meeting**  
**Director Report**  
**05.16.2023**

Purpose: The Director Report will provide information about new matters, updates about the previous month's matters, and next steps for the following month. The Director will provide the Director Report to all Commission members. Questions about the Director Report will be addressed at the Commission meetings, if necessary. Commissioners are encouraged to reach out to the Director directly regarding any questions in between meetings.

Attachments for the 05.16.2023 meeting:

- Attachment 1: SCAO/Judicial provided a FY 2023 Budget Summary as of 05.09.2023
- Attachment 2: SB23-064 Rengrossed
- Attachment 3: SB23-228 – An Act - Office of Administrative Services for Independent Agencies (ASIA)

**I. Budget and Administrative Update.**

- a. I previously provided the monthly budget summary report provided to me from Mike Henthorn, Judicial Budget Analyst II. **See Attachment 1**
- b. COPG bill Highlights, SB23-064. Passed through the Senate and the House and waiting for the Governor's signature. **See Attachment 2**
  - i. Establishes the COPG as a permanent and statewide independent agency
  - ii. Creates and expands Board to 7 members; inclusive and diverse and lived experience with guardianship
  - iii. Establishes that the COPG expansion will begin FY2025 and operate in every JD no later than December 31, 2030
  - iv. COPG may initiate petitions for guardianship and requires a court to waive filing fees for these petitions
  - v. Established certification requirements, professional standards of practice, a code of ethics, and minimum training requirements for COPG guardians
  - vi. Establishes annual report to judiciary committees of the Senate & House
  - vii. Establishes that the State Auditor shall conduct a performance audit between 2027 – 2030 (Rec 6)
  - viii. Establishes that the COPG will have and review a wind-up plan

- ix. Establishes MOU requirements with the Judicial Department to support the COPG during the expansion rollout (Rec 4)
  - x. Establishes the COPG as an included agency to receive services under SB23-228: Office of Administrative Services for Independent Agencies (ASIA)
  - xi. Allows the COPG to expend gifts, grants, and donations
- c. Office of Administrative Services for Independent Agencies (ASIA) Highlights.
- See Attachment 3**
- i. Acts as independent agency that provides centralized administrative and fiscal support services for [COPG]
  - ii. Establishes ASIA and Judicial Department shall enter into an MOU for Judicial Department systems for administering payroll, benefits, benefits, and leave for employees of [COPG]
  - iii. Beginning January 1, 2025, participation in Judicial Department systems, contracts, and resources that require additional direct costs to the Judicial Department shall be identified, negotiated, and incorporated into the MOU and paid for by the Office/ASIA
  - iv. The Office/ASIA may negotiate shared resources for [COPG], and [COPG] may participate in an Office/ASIA-negotiated agreement or may negotiate their own agreements independently of the Office/ASIA
  - v. Office/ASIA has its own staff members
  - vi. Office/ASIA is governed by an Administrative Board that consists of the Director of each included agency: Office of Child Protection Ombudsman, Independent Ethics Commission, COPG, Commission on Judicial Discipline
    - i. Through June 30, 2024, the Administrative Board is chaired by the Director of the Office of Child Protection Ombudsman. Thereafter, the Administrative Board shall appoint its chairman and officers as necessary. Administrative Board is responsible for:
      - 1. By July 1, 2023: Chair will contract with a HR consultant to provide recruitment assistance to hire an Office/ASIA Director
      - 2. By October 1, 2023: BY majority vote, hire an Office/ASIA Director
      - 3. Beginning July 1, 2024: Provide administrative oversight of the an Office/ASIA
  - vii. Beginning July 1, 2024: Office/ASIA is responsible for providing:
    - 1. Budget, Accounting, Payroll and Human Resources services
    - 2. Centralized budget support that preserves organizational independence concerning budget decisions and provides a consolidated and streamlined budget submission process

3. Guidance and direction, but not the execution or primary provision of direct services for, contracts, purchasing, and procurement, and
4. In consultation with included agencies, maintenance of a single, consolidated compensation plan for all occupational classes in the included agencies. The included agencies must retain independence in defining each included agency's organizational staff positions, structures, and personnel rules

d. Human Resources Update

- i. We continue case coverage, transfers and had to limit accepting new clients. Our 7<sup>th</sup> JD guardian is covering cases while the Director, Deputy Director, and Case Management Aid conduct client visits
- ii. I made an offer for one Denver guardian positions on 05.06.2023 and the offer is open until 05.10.2023
- iii. We are conducting a second interview for a second Denver guardian position on 05.09.2023
- iv. Applications are open for qualified Denver guardian positions
- v. America, our Staff Assistant, has been following up with referring parties the Hold status referrals
- vi. We already accepted one referral for the second 2<sup>nd</sup> JD OBH/Momentum caseload
- vii. In April, we opened referrals in the 7<sup>th</sup> JD. We received one referral. However, the AIP resides in Otero County (16<sup>th</sup> JD) with the intention of continuing to reside there
  1. We met with Jennifer Pelligra of Community Options and discussed referrals for limited guardianships for the I/DD populations that her organization serves in the 7<sup>th</sup> JD
- viii. Multiple facilities have reported COVID outbreaks so guardians and the Case Management Aid are attempting multiple client visits via in-person and virtual as well as multiple calls and check-ins with clients and medical staff and providers
- ix. Update: We are tentatively scheduling the "Meet & Greet" for 1-2 days over June 14-16, 2023. We are in the process of coordinating with stakeholders throughout Bent, Crowley and Otero Counties to make the best use of our time. Depending on the interest and format of the Meet & Greet, the Deputy director and the Staff Assistant will conduct the event. We met with 16<sup>th</sup> JD APS Directors on 03.13.2023 who confirmed our meet and greet idea planned for April. They provided us

with contacts and additional resources for applicants. We will repost for the 16<sup>th</sup> Judicial District Public Guardian position after the new year. We have posted twice for this position. They indicated it may be difficult to find applicants with a bachelor's degree and encouraged us to consider equivalent education or experience, which is in our job description

- x. Update: The COPG Personnel Rules do not include the Judicial Department mandatory state compliance education rule. The COPG Personnel Rules and trainings include the topics under the rule. Since the courses were available and free, new COPG employees completed the courses: equity, diversity and inclusion, ethics and conflict of interest, preventing discrimination and harassment in the workplace, preventing sexual harassment in the workplace. Since these became unavailable in the usual way and through the Judicial Department, I reached out to the other independent state agencies, and they referred me to resources on the State Employee Assistance Program website and we discussed working together through ASIA. I also reaching back out to the original agency, Colorado Division of Human Resources (DPA), for a possible contract to access state trainings.
  
- e. Update: our new bill includes acceptance and use of grants without JBC approval. As previously reported, I submitted the Next Fifty Initiative Flexible Funding grant to hire one Patient Navigator/Escort to attend client medical appointments and spend quality time with clients. This would benefit the clients by receiving more one-on-one time and person-centered care. I will also submit the grant for the Next 50 Initiative Advancing Aging in Innovation grant that will open on 05.15.2023. I can only be awarded one of the grants, but since the Flexible Support Grant is not awarded until later this summer, it is possible to be awarded the Advancing Aging grant and choose which one to accept
  
- f. Update: the Attorney General's Office has been assisting our office with several matters:
  - i. The AG's Office has been working on a trial where the issue is level of and placement for a client
  - ii. The AG's Office is working on placement and level of care issues for another client

- iii. The AG's Office filed one Motion to Intervene in Mental Health proceedings under CRS §27-65-111(6). The COPG will be notified of these proceedings and may present evidence
    - iv. The AG's Office offered to hire a specific AG for the COPG. I am exploring hiring a Staff Attorney to better meet the client and Office's day-to-day needs such as contract review, admission packet review, court report review, weekend/emergency on-call, emergency 24/7 issues (i.e. discharge issues, elopement/missing persons, criminal issues, etc.)
  - g. The Honorable Elizabeth D. Leith of the Denver Probate Court approached me about the 2<sup>nd</sup> Judicial District Court submitting a proposal for funding of a COPG Public Guardian for the Criminal REACH Docket. Judge Leith submitted the proposal for funding and has kept me updated
  - h. The CBA asked me to present a CLE in September 2023 to the Elder Law Section
  - i. Update: Chrisopher Gregory, Executive Director of the newest independent agency, Colorado Commission on Judicial Discipline, reached out to me about joining his agency and some other independent agencies for Microsoft training: There will be 5 Lunch and Learn webinars – Free of Charge to the COPG - on May 31/June 1/June 5/June 6/June 22. Some topics include Editing and Proofing, Security, Formatting, Automation Techniques, Redlining, Table of Contents and Authorities
- II. **Stakeholder Engagement Plan.** This item is on hold until the Office is permanent.
- III. **Colorado OPG Pilot Program Commission and Operating Policies Updates – No updates.** Please note that Commission and Operating Polices are available on the OPG website: <https://colorado-opg.org/opg-in-depth/>
  - a. **Commission policies were posted on the COPG website in January 2023.** I am working with AG Finke to ensure that all Commission policies are available and posted.
  - b. **All COPG policies were updated and posted on the COPG website in January 2023.**

c. **Trainings and Projects – Ongoing.** A list will be provided quarterly.

- i. Janelle Cantu and I met with Allison Villegas on 03.16.2023 to discuss creating training modules for our office. Ms. Villegas is a Physician Assistant with Longevity Health Plan, a specialized Medicare Advantage health plan serving people living in skilled nursing facilities. We discussed a program to discuss collaborative communication with the interdisciplinary team at nursing facilities and common medical and behavioral conditions that affect patients and how guardians can identify and follow up on treatment, etc. We will be following up with the guardians for input and scheduling of training. I will be following with Ms. Villegas on a contract for the training.
  1. Our first training was on 04.19.2023 entitled Communication and Collaboration and focused on working with healthcare professionals as an interdisciplinary team

d. **Intake Eligibility, Prioritization and Referral Process.**

- i. Update on number of registered users, referrals, accepted cases, etc. as of **05.08.2023**
  1. 82 Active guardianships
  2. 29 Partial referrals
  3. 21 clients passed away since CO OPG appointment
  4. 17 Hold status for 6 months (now includes OBH/CHMI-Ft. Logan/Pueblo referrals that are non-OBH/Momentum contract referrals)
  5. The OBH/Momentum dedicated caseload is full and all 12 guardianships are active
    - a. Registered 0
    - b. Partial 3
    - c. Waiting for Court Appointment 1
    - d. Complete 2 (waiting review/Decision)
  6. Declined referrals – pre-Hold status
    1. 55 Denver declined referrals (some declined were prior to establishing the Hold status)
      - a. 6 - Family available to serve
      - b. 28 - Expired/Incomplete information
      - c. 7 – Not appropriate referral

- d. 3 - Not adult
  - e. 4 - Withdrawn by Ft. Logan
  - f. 4 - No OPG Capacity
  - g. 3 - Withdrawn, not incapacitated
2. Texas inquiry - 1
  3. Nebraska referral - 1
  4. Alaska inquiries – 2
  5. Colorado inquiries - 8
7. 107 streamlined referrals (Non-Denver County) – Declined
1. Adams County – 5
  2. Alamosa County - 1
  3. Arapahoe County – 17
  4. Boulder County – 6
  5. Broomfield County – 1
  6. Crowley - 2
  7. “Denver County” – 2
  8. El Paso County – 23
  9. Garfield County – 1
  10. Gunnison County – 1
  11. Huerfano County - 3
  12. Jefferson County – 10
  13. Lake County - 1
  14. La Plata County – 2
  15. Larimer County - 5
  16. Las Animas County - 2
  17. Mesa County – 1
  18. Montrose County – 3\*
  19. Otero County – 6
  20. Pueblo County – 8
  21. Weld County – 7

\*Montrose County: Two referrals were declined prior to April 2023. 1 referral was declined in May 2023 due to the AIP residing in Otero County

IV. **Colorado OPG Strategic Plan.** Draft previously provided. Once the new Board is created, facilitated Strategic Planning sessions may be optimal.

V. **Stakeholder Outreach – Ongoing.** A list can be provided if requested.





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

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 23-0263.01 Conrad Imel x2313

**SENATE BILL 23-064**

**SENATE SPONSORSHIP**

**Gardner and Ginal**, Bridges, Coleman, Hansen, Mullica

**HOUSE SPONSORSHIP**

**Snyder and Armagost**,

**Senate Committees**

Judiciary  
Appropriations

**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.*

SENATE  
3rd Reading Unamended  
April 24, 2023

SENATE  
Amended 2nd Reading  
April 21, 2023

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.

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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. AT LEAST ONE OF THE  
4 MEMBERS APPOINTED PURSUANT TO THIS SUBSECTION (1)(a)(II)(A) MUST  
5 BE A PERSON WITH LIVED EXPERIENCE WITH A FAMILY MEMBER WHO IS AN  
6 AT-RISK ADULT.

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

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

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

17 (c) IN MAKING APPOINTMENTS TO THE BOARD, THE CHIEF JUSTICE  
18 AND THE GOVERNOR SHALL CONSIDER PLACE OF RESIDENCE, INCLUDING  
19 RURAL OR URBAN RESIDENCY; DISABILITY; SEX; RACE; AND ETHNIC  
20 BACKGROUND.

21 (d) EACH MEMBER OF THE BOARD SERVES WITHOUT  
22 COMPENSATION BUT IS ENTITLED TO RECEIVE REIMBURSEMENT FROM THE  
23 OFFICE OF PUBLIC GUARDIANSHIP CASH FUND CREATED IN SECTION  
24 13-94-108 FOR ACTUAL AND NECESSARY EXPENSES THE MEMBER INCURS  
25 IN THE PERFORMANCE OF THE MEMBER'S DUTIES.

26 (2) (a) EACH MEMBER OF THE BOARD SERVES AT THE PLEASURE OF  
27 THE MEMBER'S APPOINTING AUTHORITY. EXCEPT FOR THE INITIAL

1 APPOINTMENTS MADE PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION,  
2 EACH MEMBER'S TERM OF APPOINTMENT IS FOUR YEARS. A MEMBER SHALL  
3 NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.

4 (b) (I) THE CHIEF JUSTICE AND GOVERNOR SHALL MAKE INITIAL  
5 APPOINTMENTS TO THE BOARD NO LATER THAN AUGUST 1, 2023, AS  
6 FOLLOWS:

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

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

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

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

17 (II) THIS SUBSECTION (2)(b) IS REPEALED, EFFECTIVE DECEMBER  
18 31, 2027.

19 (3) THE BOARD SHALL:

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

22 (b) ESTABLISH BYLAWS AND OPERATING POLICIES FOR THE BOARD;  
23 AND

24 (c) WORK COLLABORATIVELY WITH THE DIRECTOR TO PROVIDE  
25 GOVERNANCE OF THE OFFICE, FISCAL OVERSIGHT OF THE GENERAL  
26 OPERATING BUDGET OF THE OFFICE, AND PROGRAMMATIC OVERSIGHT, AS  
27 ESTABLISHED IN THE BYLAWS AND OPERATING PROCEDURES OF THE

1 BOARD.

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

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

6 **SECTION 5.** In Colorado Revised Statutes, 13-94-105, **amend**  
7 (1), (2) introductory portion, (2)(c), (2)(e), (2)(f), (2)(j), (2)(k), (3), (4),  
8 and (5); repeal (6); and add (1.5), (4.5), (6.5), (6.7), and (7) as follows:

9 **13-94-105. Office of public guardianship - director - duties -**  
10 **memorandum of understanding - annual report - repeal.** (1) (a) THE  
11 OFFICE OF PUBLIC GUARDIANSHIP IS CREATED WITHIN THE JUDICIAL  
12 DEPARTMENT TO SERVE INDIGENT AND INCAPACITATED ADULTS IN NEED  
13 OF GUARDIANSHIP IN EVERY JUDICIAL DISTRICT IN THE STATE NO LATER  
14 THAN DECEMBER 31, 2030.

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

21 (c) (I) THE OFFICE SHALL MAINTAIN OPERATIONS IN EACH JUDICIAL  
22 DISTRICT IN WHICH IT IS OPERATING ON THE EFFECTIVE DATE OF THIS  
23 SUBSECTION (1)(c); SHALL BEGIN TO OPERATE IN OTHER JUDICIAL  
24 DISTRICTS BEGINNING JULY 1, 2025; AND SHALL OPERATE IN EVERY  
25 JUDICIAL DISTRICT IN THE STATE NO LATER THAN DECEMBER 31, 2030.

26 (II) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE JUNE 30,  
27 2031.



1 (d) The director shall administer the office in accordance with the  
2 memorandum of understanding WITH THE JUDICIAL DEPARTMENT  
3 described in ~~section 13-94-104 (4)~~. ~~Notwithstanding any other provision~~  
4 ~~of this section, upon receiving funding sufficient to begin operations in~~  
5 ~~the second judicial district, the office must begin operations in that~~  
6 ~~judicial district prior to operating in any other district~~ == THIS SECTION.  
7 THE JUDICIAL DEPARTMENT SHALL PROVIDE TECHNICAL AND  
8 ADMINISTRATIVE SUPPORT TO ASSIST THE OFFICE.

9 (1.5) IN ADDITION TO ANY OTHER DUTIES OR RESPONSIBILITIES SET  
10 FORTH IN THIS ARTICLE 94, THE OFFICE:

11 (a) MAY:

12 (I) INITIATE PETITIONS FOR GUARDIANSHIP; AND

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

16 (b) SHALL USE THE ELIGIBILITY CRITERIA AND PRIORITIZATION  
17 DESCRIBED IN SUBSECTION (2)(b) OF THIS SECTION TO SERVE INDIVIDUALS  
18 WITH THE GREATEST NEEDS WHEN THE NUMBER OF CASES IN WHICH  
19 SERVICES HAVE BEEN REQUESTED EXCEEDS THE NUMBER OF CASES IN  
20 WHICH PUBLIC GUARDIANSHIP CAN PROVIDE SERVICES.

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

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

1 (e) Recruitment, training, and oversight of ~~guardian-designees~~  
2 GUARDIANS;

3 (f) ~~Development of~~ MAINTAINING a process for receipt and  
4 consideration of, and response to, complaints against the office, ~~to include~~  
5 INCLUDING investigation in cases in which investigation appears  
6 warranted in the judgment of the director;

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

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

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

20 (II) THE OFFICE MAY HIRE AS A GUARDIAN A PERSON WHO IS NOT  
21 CERTIFIED. IF THE OFFICE HIRES A PERSON WHO IS NOT CERTIFIED, THE  
22 PERSON SHALL OBTAIN CERTIFICATION WITHIN TWO YEARS AFTER BEING  
23 HIRED.

24 (b) The director shall adopt professional standards of practice and  
25 a code of ethics for guardians, ~~and guardian-designees~~, including a policy  
26 concerning conflicts of interest. THE DIRECTOR MAY ADOPT PROFESSIONAL  
27 STANDARDS OF PRACTICE AND A CODE OF ETHICS DEVELOPED BY A

1 NATIONAL ASSOCIATION OF GUARDIANS.

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

4 (I) THE PROFESSIONAL STANDARDS OF PRACTICE AND CODE OF  
5 ETHICS ADOPTED BY THE DIRECTOR;

6 (II) STANDARDS FOR AGENCIES AND PROGRAMS PROVIDING  
7 GUARDIANSHIP SERVICES DEVELOPED BY A NATIONAL ASSOCIATION OF  
8 GUARDIANS AND APPROVED BY THE DIRECTOR;

9 (III) FEDERAL AND STATE LAWS APPLICABLE TO PROVIDING  
10 GUARDIANSHIP SERVICES;

11 (IV) CHARACTERISTICS OF THE POPULATIONS SERVED BY THE  
12 OFFICE AND APPROPRIATE TERMINOLOGY TO BE USED WHEN WORKING  
13 WITH THE POPULATIONS SERVED BY THE OFFICE;

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

15 (VI) ACTIVE LISTENING SKILLS;    

16 (VII) BEST PRACTICES IN CONFIDENTIALITY, DECISION-MAKING,  
17 ETHICS, AND MEDICAL DECISION-MAKING; AND

18 (VIII) PLANNING SUPPORTS THAT INCLUDE LESS RESTRICTIVE  
19 ALTERNATIVES SUCH AS LIMITED GUARDIANSHIPS AND SUPPORTIVE  
20 DECISION-MAKING.

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

1           (4) On or before ~~January 1, 2023~~, JANUARY 1 OF EACH YEAR, the  
2 director shall submit to the judiciary committees of the senate and the  
3 house of representatives, or to any successor committees, a report  
4 concerning the activities of the office. The report, at a minimum, must  
5 SUMMARIZE THE OFFICE'S WORK OVER THE PRIOR STATE FISCAL YEAR IN  
6 PROVIDING GUARDIANSHIP SERVICES FOR INDIGENT AND INCAPACITATED  
7 ADULTS AND IDENTIFY ANY NOTABLE EFFICIENCIES AND OBSTACLES THAT  
8 THE OFFICE INCURRED IN PROVIDING GUARDIANSHIP SERVICES DURING THE  
9 PRIOR STATE FISCAL YEAR. THE OFFICE SHALL NOT INCLUDE ANY  
10 PERSONAL IDENTIFYING INFORMATION ABOUT ANY CLIENT IN ITS ANNUAL  
11 REPORT. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE ANNUAL  
12 REPORT REQUIRED IN THIS SUBSECTION (4) CONTINUES INDEFINITELY.

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

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

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

20           ~~(d) Identify any notable efficiencies and obstacles that the office~~  
21 ~~incurred in providing public guardianship services pursuant to this article~~  
22 ~~94;~~

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

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

27           ~~(g) Provide uniform and consistent data elements regarding~~

1 service delivery in an aggregate format that does not include any personal  
2 identifying information of any adult; and

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

7 (4.5) NO LATER THAN JUNE 30, 2030, BUT NO EARLIER THAN JULY  
8 1, 2027, THE STATE AUDITOR SHALL CONDUCT OR CAUSE TO BE  
9 CONDUCTED A PERFORMANCE AUDIT OF THE OFFICE.

10 (5) In addition to performing the duties described in this section,  
11 the director, in consultation with the ~~commission~~ BOARD, shall develop,  
12 PERIODICALLY EVALUATE, AND, IF THE DIRECTOR AND BOARD DETERMINE  
13 IT IS NECESSARY, UPDATE a strategy for the ~~discontinuation of the office~~  
14 TO WIND UP THE OFFICE'S AFFAIRS in the event that the ~~general assembly~~  
15 ~~declines to continue or expand the office after 2023~~ OFFICE IS  
16 DISCONTINUED. The strategy must include consideration of how to meet  
17 the guardianship needs of adults who will no longer be able to receive  
18 guardianship services from the office.

19 (6) ~~\_\_\_ Prior to employment, the office of public guardianship,~~  
20 ~~pursuant to section 25-1.5-103 (1)(a)(I)(A), shall submit the name of a~~  
21 ~~person hired as a guardian or guardian's designee, as well as any other~~  
22 ~~required identifying information, to the department of human services for~~  
23 ~~a check of the Colorado adult protective services data system pursuant to~~  
24 ~~section 26-3.1-111 to determine if the person is substantiated in a case of~~  
25 ~~mistreatment of an at-risk adult.~~

26 (6.5) (a) THE OFFICE AND THE JUDICIAL DEPARTMENT SHALL  
27 OPERATE PURSUANT TO A MEMORANDUM OF UNDERSTANDING BETWEEN

1 THE TWO ENTITIES. THE OFFICE AND JUDICIAL DEPARTMENT SHALL ENTER  
2 INTO A MEMORANDUM OF UNDERSTANDING THAT COMPLIES WITH THIS  
3 SUBSECTION (6.5)(a) NO LATER THAN DECEMBER 31, 2023. THE  
4 MEMORANDUM OF UNDERSTANDING MUST CONTAIN, AT A MINIMUM:

5 (I) A REQUIREMENT THAT THE OFFICE HAVE ITS OWN PERSONNEL  
6 RULES;

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

9 (III) A REQUIREMENT THAT THE OFFICE FOLLOW JUDICIAL FISCAL  
10 RULES;

11 (IV) A REQUIREMENT THAT THE JUDICIAL DEPARTMENT PROVIDE  
12 HUMAN RESOURCES, BUDGET MANAGEMENT, ACCOUNTING, INFORMATION  
13 TECHNOLOGY SUPPORT, LEGAL SERVICES, AND ADMINISTRATIVE STAFF  
14 SERVICES AT LOW OR NO COST TO THE OFFICE, AND A REQUIREMENT THAT  
15 THE JUDICIAL DEPARTMENT PROVIDE THE OFFICE WITH A DIRECT CONTACT  
16 FOR EACH SERVICE;

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

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

22 (b)(I) A MEMORANDUM OF UNDERSTANDING BETWEEN THE OFFICE  
23 AND THE JUDICIAL DEPARTMENT IN EFFECT ON THE DAY BEFORE THE  
24 EFFECTIVE DATE OF THIS SUBSECTION (6.5)(b) REMAINS IN EFFECT UNTIL  
25 A NEW MEMORANDUM OF UNDERSTANDING IS ENTERED INTO PURSUANT TO  
26 SUBSECTION (6.5)(a) OF THIS SECTION.

27 (II) THIS SUBSECTION (6.5)(b) IS REPEALED, EFFECTIVE JUNE 30,

1 2024.

2 (6.7) (a) THE OFFICE IS AN INCLUDED AGENCY FOR THE PURPOSES  
3 OF ARTICLE 100 OF THIS TITLE 13 AND RECEIVES ADMINISTRATIVE AND  
4 FISCAL SUPPORT SERVICES FROM THE OFFICE OF ADMINISTRATIVE SERVICES  
5 FOR INDEPENDENT AGENCIES. THE OFFICE AND JUDICIAL DEPARTMENT  
6 SHALL OPERATE PURSUANT TO THE MEMORANDUM OF UNDERSTANDING  
7 BETWEEN THE OFFICE AND THE JUDICIAL DEPARTMENT IN EFFECT ON THE  
8 DAY BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (6.7) UNTIL THE  
9 OFFICE BEGINS RECEIVING ADMINISTRATIVE AND FISCAL SUPPORT  
10 SERVICES FROM THE OFFICE OF ADMINISTRATIVE SERVICES FOR  
11 INDEPENDENT AGENCIES. THE OFFICE AND JUDICIAL DEPARTMENT MAY  
12 AMEND THE EXISTING MEMORANDUM OF UNDERSTANDING.

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

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

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

20 **13-94-106. Costs - waiver of court costs and filing fees - bond**  
21 **not required.** (1) The court shall waive court costs and filing fees in any  
22 proceeding in which an indigent and incapacitated adult is receiving  
23 public guardianship services from the office AND SHALL WAIVE FILING  
24 FEES FOR PETITIONS FOR GUARDIANSHIP FILED BY THE OFFICE IN A CASE  
25 THAT INVOLVES A PERSON WHO IS ELIGIBLE FOR GUARDIANSHIP SERVICES  
26 FROM THE OFFICE.

27 (2) A COURT SHALL NOT REQUIRE THE OFFICE OR A GUARDIAN

1 EMPLOYED BY THE OFFICE TO POST A BOND AS A CONDITION FOR  
2 APPOINTMENT AS A GUARDIAN OR TO PROVIDE SERVICES PURSUANT TO  
3 THIS ARTICLE 94.

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

6 **13-94-107. Director shall develop rules.** (1) The director shall  
7 develop rules to implement this article 94. The rules, at a minimum, must  
8 include policies concerning:

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

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

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

15 **SECTION 8.** In Colorado Revised Statutes, **amend** 13-94-108 as  
16 follows:

17 **13-94-108. Office of public guardianship cash fund - created**  
18 **- gifts, grants, and donations.** (1) The office of public guardianship  
19 cash fund, referred to in this section as the "fund", is created in the state  
20 treasury. The fund consists of any money that the office receives from  
21 gifts, grants, or donations, as well as any other money appropriated to the  
22 fund by the general assembly.

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 (3) The office may seek, and accept, AND EXPEND gifts, grants, or  
5 donations from private or public sources for the purposes of this article  
6 94; except that the office may not accept a gift, grant, or donation that is  
7 subject to conditions that are inconsistent with this article 94 or any other  
8 law of the state. ~~The office shall transmit all private and public money~~  
9 ~~received through gifts, grants, or donations to the state treasurer, who~~  
10 ~~shall credit the same to the fund.~~

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

13 **13-94-111. Repeal - wind-up.** ~~(1) This article 94 is repealed,~~  
14 ~~effective June 30, 2024. Prior to such repeal, the general assembly, after~~  
15 ~~reviewing the report submitted by the director pursuant to section~~  
16 ~~13-94-105 (4), shall consider whether to enact legislation to continue,~~  
17 ~~discontinue, or expand the office.~~

18 ~~(2) If the general assembly has adjourned the legislative session~~  
19 ~~beginning in January of 2023 sine die without enacting legislation to~~  
20 ~~continue or expand the office, the office shall notify the joint budget~~  
21 ~~committee that the office will not be continued and that court fees may be~~  
22 ~~reduced by the amount deposited to the office of public guardianship cash~~  
23 ~~fund, implement its discontinuation plan developed pursuant to section~~  
24 ~~13-94-105, and wind up its affairs prior to the repeal of this article 94.~~

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

27 **26-3.1-111. Access to CAPS - employment checks -**

1 **conservatorship and guardianship checks - confidentiality - fees -**  
2 **rules - legislative declaration - definitions.** (3) (b) **Conservatorship**  
3 **and guardianship CAPS checks.** Beginning January 1, 2022, the state  
4 department shall provide the courts the results of a CAPS check, upon the  
5 court's request and using forms approved by the state department, to  
6 determine if a person who may be appointed as a conservator or guardian  
7 of an at-risk adult is substantiated in a case of mistreatment of an at-risk  
8 adult. This subsection (3)(b) does not apply to office of public  
9 guardianship employees required to undergo a CAPS check pursuant to  
10 ~~sections 13-94-105 (6)~~ SECTION 13-94-105 and ~~26-3.1-111 (7)(j)~~  
11 SUBSECTION (7)(j) OF THIS SECTION, or adult protective services  
12 employees required to undergo a CAPS check pursuant to section  
13 26-3.1-107 (2).

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

16 (j) The office of public guardianship pursuant to section  
17 13-94-105. ~~(6)~~.

18 **SECTION 11. Effective date.** (1) Except as otherwise provided  
19 in this section, this act takes effect upon passage.

20 (2) Section 13-94-105 (6.5), Colorado Revised Statutes, enacted  
21 in section 5 of this act, takes effect only if Senate Bill 23-228 does not  
22 become law.

23 (3) Section 13-94-105 (6.7), Colorado Revised Statutes, enacted  
24 in section 5 of this act, takes effect only if Senate Bill 23-228 becomes  
25 law, in which case section 13-94-105 (6.7) takes effect on the effective  
26 date of this act or Senate Bill 23-228, whichever is later.

27 **SECTION 12. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.

# An Act

SENATE BILL 23-228

BY SENATOR(S) Bridges and Kirkmeyer, Zenzinger, Hansen, Marchman, Moreno, Priola;  
also REPRESENTATIVE(S) Bird and Bockenfeld, Sirota, Parenti, Ricks, Snyder.

CONCERNING THE CREATION OF THE OFFICE FOR ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES IN THE JUDICIAL DEPARTMENT, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

**SECTION 1.** In Colorado Revised Statutes, **add** article 100 to title 13 as follows:

## **ARTICLE 100**

### **Office of Administrative Services for Independent Agencies**

**13-100-101. Definitions.** AS USED IN THIS ARTICLE 100, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "INCLUDED AGENCIES" MEANS THE AGENCIES THAT THE OFFICE PROVIDES ADMINISTRATIVE AND FISCAL SUPPORT SERVICES TO PURSUANT TO

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

THIS ARTICLE 100 AND INCLUDES THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN, THE INDEPENDENT ETHICS COMMISSION, THE OFFICE OF PUBLIC GUARDIANSHIP, THE COMMISSION ON JUDICIAL DISCIPLINE, AND ANY OTHER INDEPENDENT AGENCY ADDED TO THE JUDICIAL DEPARTMENT THAT REQUIRES ADMINISTRATIVE SUPPORT SERVICES.

(2) "OFFICE" MEANS THE OFFICE OF ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES CREATED IN SECTION 13-100-102.

**13-100-102. Office of administrative services for independent agencies - created - repeal.** (1) THERE IS CREATED IN THE JUDICIAL DEPARTMENT THE OFFICE OF ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES TO ACT AS AN INDEPENDENT AGENCY THAT PROVIDES CENTRALIZED ADMINISTRATIVE AND FISCAL SUPPORT SERVICES FOR THE INCLUDED AGENCIES.

(2) (a) BY JUNE 30, 2024, THE OFFICE AND THE JUDICIAL DEPARTMENT SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING THAT CONTAINS, AT A MINIMUM, REQUIREMENTS RELATED TO THE ESTABLISHMENT OF FISCAL RULES AND ONGOING ACCESS TO OR THE USE OF JUDICIAL DEPARTMENT SYSTEMS, CONTRACTS, OR RESOURCES THAT ARE IN THE INTEREST OF PROVIDING ADMINISTRATIVE AND FISCAL SUPPORT SERVICES EFFICIENTLY AND AT LOW COST TO THE STATE, WHICH INCLUDE JUDICIAL DEPARTMENT SYSTEMS FOR ADMINISTERING PAYROLL, BENEFITS, AND LEAVE FOR EMPLOYEES OF THE AGENCIES SERVED BY THE OFFICE.

(b) BEGINNING JANUARY 1, 2025, THE PARTICIPATION BY INCLUDED AGENCIES IN JUDICIAL DEPARTMENT SYSTEMS, CONTRACTS, AND RESOURCES THAT REQUIRE ADDITIONAL DIRECT COSTS TO THE JUDICIAL DEPARTMENT SHALL BE DISCRETELY IDENTIFIED, QUANTIFIED, NEGOTIATED AS NECESSARY, INCORPORATED INTO THE MEMORANDUM OF UNDERSTANDING, AND PAID FOR BY THE OFFICE.

(c) THE OFFICE MAY NEGOTIATE SHARED RESOURCES FOR THE INCLUDED AGENCIES, AND THE INCLUDED AGENCIES MAY PARTICIPATE IN AN OFFICE-NEGOTIATED AGREEMENT OR MAY NEGOTIATE THEIR OWN AGREEMENTS INDEPENDENTLY OF THE OFFICE.

(3) THE OFFICE CONSISTS OF THE FOLLOWING STAFF MEMBERS:

- (a) A DIRECTOR;
- (b) AN ADMINISTRATIVE OFFICE MANAGER;
- (c) A HUMAN RESOURCES ANALYST;
- (d) AN ACCOUNTANT;
- (e) A PAYROLL ANALYST;
- (f) A BUDGET ANALYST; AND
- (g) ANY OTHER STAFF PERSON DEEMED NECESSARY BY THE OFFICE IF ADEQUATE FUNDING ALLOWS.

(4) THE OFFICE IS GOVERNED BY AN ADMINISTRATIVE BOARD THAT CONSISTS OF THE DIRECTOR OF EACH INCLUDED AGENCY, INCLUDING:

- (a) THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN;
- (b) THE INDEPENDENT ETHICS COMMISSION;
- (c) THE OFFICE OF PUBLIC GUARDIANSHIP; AND
- (d) THE COMMISSION ON JUDICIAL DISCIPLINE.

(5) THROUGH JUNE 30, 2024, THE ADMINISTRATIVE BOARD IS CHAIRED BY THE DIRECTOR OF THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN. THEREAFTER, THE ADMINISTRATIVE BOARD SHALL APPOINT ITS CHAIRMAN AND OFFICERS, AS NECESSARY.

(6) THE ADMINISTRATIVE BOARD IS RESPONSIBLE FOR THE FOLLOWING:

(a) BY JULY 1, 2023, THE CHAIR ACTING FOR THE BOARD SHALL CONTRACT WITH A HUMAN RESOURCES CONSULTANT, WHO SHALL BE PAID FROM OFFICE APPROPRIATIONS, TO PROVIDE RECRUITING ASSISTANCE TO HIRE AN OFFICE DIRECTOR;

(b) BY OCTOBER 1, 2023, BY MAJORITY VOTE OF THE

ADMINISTRATIVE BOARD, HIRING AN OFFICE DIRECTOR; AND

(c) BEGINNING JULY 1, 2024, FOLLOWING THE FIRST YEAR OF IMPLEMENTATION AND ESTABLISHMENT OF THE OFFICE, USING THE ADMINISTRATIVE BOARD POLICIES ESTABLISHED PURSUANT TO SUBSECTION (7)(d) OF THIS SECTION, AND AS AMENDED BY THE ADMINISTRATIVE BOARD THEREAFTER, PROVIDING ADMINISTRATIVE BOARD OVERSIGHT OF THE OFFICE, AS DEFINED IN THE ADMINISTRATIVE BOARD POLICIES.

(7) THE OFFICE DIRECTOR SHALL:

(a) HIRE AT LEAST HALF OF THE STAFF POSITIONS IDENTIFIED IN SUBSECTION (3) OF THIS SECTION BY JANUARY 1, 2024, AND ALL OTHER ANTICIPATED STAFF POSITIONS BY MARCH 1, 2024;

(b) WORK IN PARTNERSHIP WITH THE JUDICIAL DEPARTMENT THROUGH JUNE 30, 2024, TO GUIDE AND SUPPORT THE TRANSITION OF SERVICES PROVIDED TO THE INCLUDED AGENCIES AND AGENCIES IDENTIFIED IN SUBSECTION (9) OF THIS SECTION;

(c) ADMINISTER THE OFFICE IN ACCORDANCE WITH A MEMORANDUM OF UNDERSTANDING WITH THE JUDICIAL DEPARTMENT; AND

(d) IN CONSULTATION WITH THE ADMINISTRATIVE BOARD, ESTABLISH OFFICE OPERATING POLICIES AND ADMINISTRATIVE BOARD POLICIES BY JUNE 30, 2024.

(8) BEGINNING JULY 1, 2024, THE OFFICE IS RESPONSIBLE FOR PROVIDING THE FOLLOWING TO THE INCLUDED AGENCIES:

(a) BUDGET, ACCOUNTING, PAYROLL, AND HUMAN RESOURCES SERVICES;

(b) CENTRALIZED BUDGET SUPPORT THAT PRESERVES ORGANIZATIONAL INDEPENDENCE CONCERNING BUDGET DECISIONS AND PROVIDES A CONSOLIDATED AND STREAMLINED BUDGET SUBMISSION PROCESS FOR ALL INCLUDED AGENCIES;

(c) GUIDANCE AND DIRECTION, BUT NOT THE EXECUTION OR PRIMARY PROVISION OF DIRECT SERVICES FOR, CONTRACTS, PURCHASING,

AND PROCUREMENT; AND

(d) IN CONSULTATION WITH INCLUDED AGENCIES, MAINTENANCE OF A SINGLE, CONSOLIDATED COMPENSATION PLAN FOR ALL OCCUPATIONAL CLASSES IN THE INCLUDED AGENCIES. THE INCLUDED AGENCIES MUST RETAIN INDEPENDENCE IN DEFINING EACH INCLUDED AGENCY'S ORGANIZATIONAL STAFF POSITIONS, STRUCTURES, AND PERSONNEL RULES.

(9) BY JULY 1, 2024, THE OFFICE IS RESPONSIBLE FOR PROVIDING PAYROLL SERVICES AND HUMAN RESOURCES FOR THE OFFICE OF ALTERNATE DEFENSE COUNSEL, THE OFFICE OF THE CHILD'S REPRESENTATIVE, AND THE OFFICE OF THE RESPONDENT PARENTS' COUNSEL. THE OFFICE MAY PROVIDE CONSOLIDATED COMPENSATION PLAN SERVICES EQUIVALENT TO THOSE PROVIDED IN SUBSECTION (8)(d) OF THIS SECTION FOR THESE AGENCIES AT THE AGENCIES' DISCRETION.

(10) THE JUDICIAL DEPARTMENT SHALL PROVIDE THE OFFICE WITH OFFICE SPACE IN THE RALPH L. CARR COLORADO JUDICIAL CENTER.

(11) THROUGH JUNE 30, 2024, THE JUDICIAL DEPARTMENT SHALL WORK IN PARTNERSHIP WITH THE OFFICE TO GUIDE AND SUPPORT THE TRANSITION OF SUPPORT SERVICES PROVIDED TO THE INCLUDED AGENCIES AND AGENCIES IDENTIFIED IN SUBSECTION (9) OF THIS SECTION, TO THE OFFICE. THE JUDICIAL DEPARTMENT IS RESPONSIBLE FOR EFFECTUATING A SUCCESSFUL TRANSFER OF SUPPORT SERVICES TO THE OFFICE IN A WAY THAT ENABLES THE OFFICE TO INDEPENDENTLY DELIVER SUPPORT SERVICES AFTER JUNE 30, 2024.

(12)(a) THROUGH JUNE 30, 2024, THE JUDICIAL DEPARTMENT SHALL PROVIDE THE OFFICE WITH ACCOUNTING SUPPORT, INFORMATION TECHNOLOGY SUPPORT, HUMAN RESOURCES AND PAYROLL SERVICES, AND SIMILAR SUPPORT SERVICES, WITHOUT COST TO THE OFFICE.

(b) THROUGH JUNE 30, 2024, THE JUDICIAL DEPARTMENT SHALL CONTINUE TO PROVIDE SERVICES TO THE INDEPENDENT AGENCIES AS OUTLINED IN STATUTE AND EXISTING MEMORANDUMS OF UNDERSTANDING WITH THE INCLUDED AGENCIES.

(c) THIS SUBSECTION (12) IS REPEALED, EFFECTIVE JULY 1, 2024.



(13) (a) THROUGH DECEMBER 31, 2024, THE JUDICIAL DEPARTMENT SHALL PROVIDE THE OFFICE WITH ACCESS TO OR THE USE OF DEPARTMENT SYSTEMS, CONTRACTS, AND RESOURCES THAT ARE IN THE INTEREST OF PROVIDING ADMINISTRATIVE AND FISCAL SUPPORT SERVICES EFFICIENTLY AND AT LOW COST TO THE STATE, WHICH INCLUDE JUDICIAL DEPARTMENT SYSTEMS FOR ADMINISTERING PAYROLL, BENEFITS, AND LEAVE FOR EMPLOYEES OF AGENCIES SERVED BY THE OFFICE, WITHOUT COST TO THE OFFICE AS OUTLINED IN THE MEMORANDUM OF UNDERSTANDING.

(b) BEGINNING JANUARY 1, 2025, THE PARTICIPATION BY INCLUDED AGENCIES IN JUDICIAL DEPARTMENT SYSTEMS, CONTRACTS, OR RESOURCES THAT REQUIRE ADDITIONAL DIRECT COST TO THE JUDICIAL DEPARTMENT SHALL BE DISCRETELY IDENTIFIED, QUANTIFIED, NEGOTIATED AS NECESSARY, INCORPORATED INTO THE MEMORANDUM OF UNDERSTANDING, AND PAID FOR BY THE OFFICE.

**SECTION 2.** In Colorado Revised Statutes, 13-5.3-103, **amend** (3) and **add** (4) as follows:

**13-5.3-103. Office of judicial discipline - created - executive director - duties - oversight - repeal.** (3) The department shall provide the commission and the office with office space in the Ralph L. Carr Colorado judicial center. ~~Through June 30, 2023, the department or the office of attorney regulation counsel shall provide the commission and the office with accounting support, information technology support, human resources and payroll services, and similar support services to the same extent, without cost to the commission or the office, and on the same terms as the department provides such support to the Colorado judicial performance commissions:~~

(4) (a) THROUGH JUNE 30, 2024, THE JUDICIAL DEPARTMENT SHALL PROVIDE THE COMMISSION AND THE OFFICE WITH ACCOUNTING, BUDGETING, HUMAN RESOURCES, INFORMATION TECHNOLOGY, AND PAYROLL SUPPORT TO THE SAME EXTENT, WITHOUT COST TO THE COMMISSION OR THE OFFICE, UNTIL THOSE SERVICES CAN BE PROVIDED TO THE COMMISSION AND THE OFFICE THROUGH THE OFFICE OF ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES, CREATED IN SECTION 13-100-102.

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

**SECTION 3.** In Colorado Revised Statutes, repeal 13-94-105(1)(d), as amended by Senate Bill 23-064.

**SECTION 4.** In Colorado Revised Statutes, 19-3.3-102, add (1)(a.5)(VI) as follows:

**19-3.3-102. Office of the child protection ombudsman established - child protection ombudsman advisory board - qualifications of ombudsman - duties - repeal.** (1) (a.5) The office and the judicial department shall operate pursuant to a memorandum of understanding between the two entities. The memorandum of understanding contains, at a minimum:

(VI) SUBSECTIONS (1)(a.5)(IV)(A) TO (1)(a.5)(IV)(F) OF THIS SECTION AND THIS SUBSECTION (1)(a.5)(VI) ARE REPEALED, EFFECTIVE JULY 1, 2024.

**SECTION 5. Appropriation - adjustments to 2023 long bill.** To implement this act, the general fund appropriation made in the annual general appropriation act for the 2023-24 state fiscal year to the judicial department for use by the commission on judicial discipline for the office of judicial discipline is decreased by \$339,073, and the related FTE is decreased by 4.0 FTE.

**SECTION 6. Appropriation.** (1) For the 2023-24 state fiscal year, \$746,909 is appropriated to the judicial department for use by the office of administrative services for independent agencies. This appropriation is from the general fund and is based on an assumption that the office will require an additional 6.0 FTE. To implement this act, the office may use this appropriation for program costs.

(2) For the 2023-24 state fiscal year, \$100,453 is appropriated to the judicial department. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the purchase of legal services.

(3) For the 2023-24 state fiscal year, \$100,453 is appropriated to the department of law. This appropriation is from reappropriated funds received from the judicial department under subsection (2) of this section and is based on an assumption that the department of law will require an

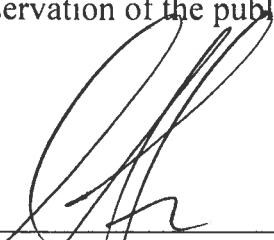
additional 0.5 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the judicial department.

**SECTION 7. Effective date.** (1) Except as otherwise provided in this section, this act takes effect upon passage.

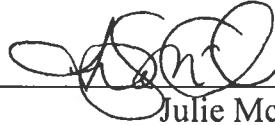
(2) Section 3 of this act takes effect only if Senate Bill 23-064 becomes law.

**SECTION 8. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.



Steve Fenberg  
PRESIDENT OF  
THE SENATE



Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

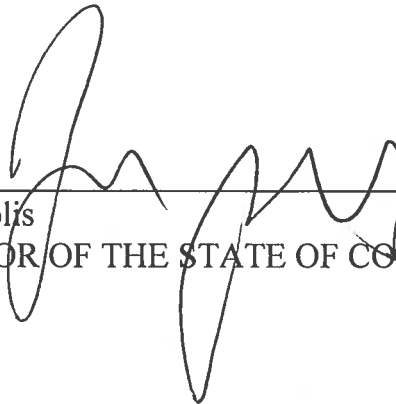


Cindi L. Markwell  
SECRETARY OF  
THE SENATE



Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED Thursday, April 20<sup>th</sup>, 2023 at 3:00 pm  
(Date and Time)



Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO