



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 22-0026
Prime Sponsors: Rep. Ransom

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Bill Status: House HHS
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Bill Topic: **RIGHTS OF PERSONS PROTECTED BY A LEGAL GUARDIAN**

Summary of Fiscal Impact:

- State Revenue
- State Expenditure
- State Transfer
- TABOR Refund
- Local Government
- Statutory Public Entity

The bill establishes rights for people protected through a legal guardianship and places requirements on the guardians of protected persons and wards, including notification requirements for family members and creation of initial care plans. Starting in FY 2022-23, the bill increases state expenditures on an ongoing basis.

Appropriation Summary: For FY 2022-23, the bill requires an appropriation of \$146,321 to the Judicial Department.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under HB 22-1271

	Budget Year FY 2022-23	Out Year FY 2023-24
Revenue	-	-
Expenditures		
General Fund	\$146,321	\$198,570
Centrally Appropriated	\$26,847	\$40,593
Total Expenditures	\$173,168	\$239,163
Total FTE	1.5 FTE	2.3 FTE
Transfers	-	-
Other Budget Impacts		
General Fund Reserve	\$21,948	\$29,786

Summary of Legislation

This bill establishes new responsibilities for guardians, as well as certain rights for wards and individuals who are protected through a legal guardianship relationship. These rights generally include and address communication responsibilities, including notification to family members, persons of court record, and other designees within seven days when the ward or protected person:

- changes residence;
- resides at a location for more than 48 hours that is different than their official residence;
- is admitted for acute or emergency medical care; or
- dies.

The bill establishes situations when notification is not required, and requires a ward or protected person's guardian and family members to create and annually update a care plan that is submitted to and reviewed by the courts. Care plans must include why the guardianship is necessary; any restrictions on visitation; the handling of a ward or protected person's finances; and how a ward or protected person and their family members can have questions answered.

Background and Assumptions

There are roughly 3,000 new conservatorship and guardianship cases filed each year in Colorado. The fiscal note assumes that the new notification and care plan requirements apply to all minor and adult conservatorships and guardianships, and that these requirements will each add 15 minutes per case on average to monitoring and administration workload by trial court staff and judicial officers.

State Expenditures

The bill increases state expenditures in the Judicial Department by \$173,168 in FY 2022-23 and \$239,163 in FY 2023-24 from the General Fund. Workload will also increase in the Office of Public Guardianship and the Department of Human Services. Expenditures are shown in Table 2 and detailed below.

Table 2
Expenditures Under HB 22-1271

	FY 2022-23	FY 2023-24
Judicial Department		
Personal Services	\$131,696	\$195,585
Operating Expenses	\$1,425	\$2,185
Capital Outlay Costs	\$13,200	\$800
Centrally Appropriated Costs ¹	\$26,847	\$40,593
Total Cost	\$173,168	\$239,163
Total FTE	1.5 FTE	2.3 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Judicial Department. Based on the amount of additional time required per conservatorship and guardianship case outlined in the Assumptions section, trial courts require 2.0 FTE in FY 2022-23 and 2.3 FTE in FY 2023-24. Costs in FY 2022-23 are prorated for the General Fund pay date shift and for a September 1, 2022, start date. The fiscal note assumes that any changes in workload in out years will be adjusted for and requested in the annual budget process.

- *Notification requirements.* To explain the new notification requirements to appointed guardians during hearings and to monitor their compliance, trial courts will require an additional 0.4 FTE Magistrate. Monitoring will include receiving, reviewing, and processing notices in the court's case management system; ensuring all appropriate parties have received notification; reviewing notices for noncompliance; and holding additional hearings when required. Standard operating and capital outlay costs are not included for the magistrate pursuant to common policies; however, these costs may need to be addressed through the annual budget process once a cumulative impact occurs. Based on standard court staffing, an additional 1.2 FTE support staff—including court clerks, law clerks and court reporters—is required to support new magistrates, resulting in a total 1.6 FTE. Standard operating and capital outlay costs are included for the support staff.
- *Care plans.* The fiscal note assumes that care plans are required for all court appointments on behalf of wards and protected persons, in addition to existing annual guardian's reports, and that trial courts will review care reports to ensure compliance. This work will require an additional 0.4 FTE of court staff in FY 2022-23, and 0.7 FTE of court staff in FY 2023-24. The fiscal note assumes that cases with care plans will be ongoing to some extent from year to year, and will require annual updates, which will add to workload from newly filed cases.

Office of Public Guardianship. Workload will increase for the Office of Public Guardianship (OPG) to comply with notification and care plan requirements for protected persons under their supervision. The fiscal note assumes that complying with notification care plan requirements will take 2.5 hours per protected person on average, that OPG's caseload includes 75 persons on average, and that this number will remain relatively constant in future years. The fiscal note assumes these costs are absorbable and do not require additional appropriations.

Department of Human Services. Workload will increase for the Department of Human Services to update policies and training for Adult Protective Services workers. This work can be accomplished within existing appropriations.

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 include employee insurance and supplemental employee retirement payments, are shown in Table 2.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve beginning in FY 2022-23. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, which will decrease the amount of General Fund available for other purposes.

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 2022-23, the bill requires an appropriation of \$146,321 to the Judicial Department from the General Fund and 1.5 FTE.

State and Local Government Contacts

Counties	Health Care Policy and Financing
Human Services	Judicial
Law	Office of Public Guardianship