

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

**REENGROSSED**

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

LLS NO. 17-0198.01 Richard Sweetman x4333

**HOUSE BILL 17-1087**

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**HOUSE SPONSORSHIP**

**Young,**

**SENATE SPONSORSHIP**

**Lundberg,**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING AN OFFICE OF PUBLIC GUARDIANSHIP.**

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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 creates the office of public guardianship (office) within the judicial department to provide legal guardianship services to indigent and incapacitated adults who:

- ! Have no responsible family members or friends who are available and appropriate to serve as a guardian; and
- ! Lack adequate resources to compensate a private guardian and pay the costs and fees associated with an appointment proceeding.

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

HOUSE  
3rd Reading Unamended  
April 3, 2017

HOUSE  
Amended 2nd Reading  
March 31, 2017

The office is established as a pilot program, to be evaluated and then continued, discontinued, or expanded at the discretion of the general assembly in 2021. On or before January 1, 2021, the director of the office shall submit a report to the judiciary committees of the senate and the house of representatives. The report, at a minimum, must:

- ! Quantify, to the extent possible, Colorado's unmet need for public guardianship services for indigent and incapacitated adults;
- ! Quantify, to the extent possible, the average annual cost of providing guardianship services to indigent and incapacitated adults;
- ! Quantify, to the extent possible, the net cost or benefit, if any, to the state that may result from the provision of guardianship services to each indigent and incapacitated adult in each judicial district of the state;
- ! Assess whether an independent statewide office of public guardianship is preferable and feasible;
- ! Analyze costs and off-setting savings to the state from the delivery of public guardianship services; and
- ! Provide uniform and consistent data elements regarding service delivery in an aggregate format that does not include any personal identifying information of any person.

The bill creates the public guardianship commission (commission) within the judicial department and charges the commission with appointing a director of the office. The director serves at the pleasure of the commission.

The bill creates the office of public guardianship cash fund (fund) in the state treasury. The fund consists of any money that the office receives from gifts, grants, or donations as well as any other money appropriated to the fund by the general assembly.

The office and the fund are repealed, effective June 30, 2021.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 93 to title  
3 13 as follows:

4 **ARTICLE 93**

5 **Office of Public Guardianship**

6 **13-93-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 93 IS  
7 THE "OFFICE OF PUBLIC GUARDIANSHIP ACT".

1           **13-93-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
2 FINDS AND DECLARES THAT:

3           (a) DUE TO INCAPACITY, SOME ADULTS IN COLORADO ARE UNABLE  
4 TO MEET ESSENTIAL REQUIREMENTS FOR THEIR HEALTH OR PERSONAL  
5 CARE;

6           (b) PRIVATE GUARDIANSHIP IS NOT AN OPTION FOR SUCH AN ADULT  
7 WHEN:

8           (I) NO RESPONSIBLE FAMILY MEMBERS OR FRIENDS ARE AVAILABLE  
9 AND APPROPRIATE TO SERVE AS A GUARDIAN; AND

10          (II) HE OR SHE LACKS ADEQUATE RESOURCES TO COMPENSATE A  
11 PRIVATE GUARDIAN AND PAY THE COSTS ASSOCIATED WITH AN  
12 APPOINTMENT PROCEEDING;

13          (c) VOLUNTEER AND PUBLIC SERVICE PROGRAMS ARE CURRENTLY  
14 INADEQUATE TO PROVIDE LEGAL GUARDIANSHIP SERVICES TO INDIGENT  
15 AND INCAPACITATED ADULTS IN COLORADO;

16          (d) COLORADO COURTS STRUGGLE TO ADDRESS THE NEEDS OF  
17 INDIGENT AND INCAPACITATED ADULTS WHO LACK THE RESOURCES TO  
18 PROVIDE FOR THEIR OWN GUARDIANSHIP NEEDS; AND

19          (e) WITHOUT A SYSTEM PROVIDING LEGAL GUARDIANSHIP  
20 SERVICES TO INDIGENT AND INCAPACITATED ADULTS, THE COURTS ARE  
21 LEFT WITH FEW OPTIONS FOR ADDRESSING THESE ADULTS' NEEDS.

22          (2) IN ESTABLISHING THE OFFICE OF PUBLIC GUARDIANSHIP, THE  
23 GENERAL ASSEMBLY INTENDS:

24          (a) THAT THE OFFICE WILL:

25          (I) PROVIDE GUARDIANSHIP SERVICES TO INDIGENT AND  
26 INCAPACITATED ADULTS WHO:

27          (A) HAVE NO RESPONSIBLE FAMILY MEMBERS OR FRIENDS WHO

1 ARE AVAILABLE AND APPROPRIATE TO SERVE AS A GUARDIAN; ■

2 (B) LACK ADEQUATE RESOURCES TO COMPENSATE A PRIVATE  
3 GUARDIAN AND PAY THE COSTS ASSOCIATED WITH AN APPOINTMENT  
4 PROCEEDING; AND

5 (C) ARE NOT SUBJECT TO A PETITION FOR APPOINTMENT OF  
6 GUARDIAN FILED BY A COUNTY ADULT PROTECTIVE SERVICES UNIT OR  
7 OTHERWISE AUTHORIZED BY SECTION 26-3.1-104; AND

8 (II) GATHER DATA TO HELP THE GENERAL ASSEMBLY DETERMINE  
9 THE NEED FOR, AND THE FEASIBILITY OF, A STATEWIDE OFFICE OF PUBLIC  
10 GUARDIANSHIP; AND

11 (b) THAT THE OFFICE IS A PILOT PROGRAM, TO BE EVALUATED AND  
12 THEN CONTINUED, DISCONTINUED, OR EXPANDED AT THE DISCRETION OF  
13 THE GENERAL ASSEMBLY IN 2021.

14 (3) IN CREATING THE OFFICE OF PUBLIC GUARDIANSHIP, IT IS ALSO  
15 THE INTENTION OF THE GENERAL ASSEMBLY TO:

16 (a) TREAT LIBERTY AND AUTONOMY AS PARAMOUNT VALUES FOR  
17 ALL STATE RESIDENTS;

18 (b) AUTHORIZE PUBLIC GUARDIANSHIP ONLY TO THE EXTENT  
19 NECESSARY TO PROVIDE FOR HEALTH OR SAFETY WHEN THE LEGAL  
20 CONDITIONS FOR APPOINTMENT OF A GUARDIAN ARE MET;

21 (c) PERMIT INCAPACITATED ADULTS TO PARTICIPATE AS FULLY AS  
22 POSSIBLE IN ALL DECISIONS THAT AFFECT THEM;

23 (d) ASSIST INCAPACITATED ADULTS TO REGAIN OR DEVELOP THEIR  
24 CAPACITIES TO THE MAXIMUM EXTENT POSSIBLE;

25 (e) PROMOTE THE AVAILABILITY OF GUARDIANSHIP SERVICES FOR  
26 ADULTS WHO NEED THEM AND FOR WHOM ADEQUATE SERVICES MAY  
27 OTHERWISE BE UNAVAILABLE;

1 (f) MAINTAIN AND NOT ALTER OR EXPAND JUDICIAL AUTHORITY TO  
2 DETERMINE THAT ANY ADULT IS INCAPACITATED; AND

3 (g) MAINTAIN AND NOT ALTER OR EXPAND ANY AUTHORITY  
4 VESTED IN THE STATE DEPARTMENT OF HUMAN SERVICES AND COUNTY  
5 DEPARTMENTS OF HUMAN OR SOCIAL SERVICES.

6 **13-93-103. Definitions.** (1) EXCEPT AS OTHERWISE INDICATED IN  
7 THIS SECTION, THE DEFINITIONS SET FORTH IN SECTION 15-14-102 APPLY  
8 TO THIS ARTICLE 93.

9 (2) AS USED IN THIS ARTICLE 93, UNLESS THE CONTEXT OTHERWISE  
10 REQUIRES:

11 (a) "COMMISSION" MEANS THE PUBLIC GUARDIANSHIP COMMISSION  
12 CREATED PURSUANT TO SECTION 13-93-104.

13 (b) "DIRECT CARE PROVIDER" MEANS A HEALTH CARE FACILITY, AS  
14 DEFINED IN SECTION 15-14-505 (5), OR A HEALTH CARE PROVIDER, AS  
15 DEFINED IN SECTION 15-14-505 (6).

16 (c) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE APPOINTED  
17 BY THE COMMISSION PURSUANT TO SECTION 13-93-104.

18 (d) "GUARDIAN" OR "GUARDIAN-DESIGNEE" MEANS AN INDIVIDUAL  
19 EMPLOYED BY THE OFFICE TO PROVIDE GUARDIANSHIP SERVICES ON  
20 BEHALF OF THE OFFICE TO ONE OR MORE ADULTS.

21 (e) "OFFICE" MEANS THE OFFICE OF PUBLIC GUARDIANSHIP  
22 CREATED IN SECTION 13-93-104.

23 (f) "PUBLIC GUARDIANSHIP SERVICES" MEANS THE SERVICES  
24 PROVIDED BY A GUARDIAN APPOINTED UNDER THIS ARTICLE 93 WHO IS  
25 COMPENSATED BY THE OFFICE.

26 **13-93-104. Public guardianship commission created - office of**  
27 **public guardianship created - appointment of director -**

1 **memorandum of understanding.** (1) THE PUBLIC GUARDIANSHIP  
2 COMMISSION IS HEREBY CREATED WITHIN THE JUDICIAL DEPARTMENT. THE  
3 COMMISSION INCLUDES FIVE MEMBERS, TO BE APPOINTED AS FOLLOWS:

4 (a) ON OR BEFORE NOVEMBER 1, 2017, THE COLORADO SUPREME  
5 COURT SHALL APPOINT THREE MEMBERS, NO MORE THAN ONE OF WHOM IS  
6 FROM THE SAME POLITICAL PARTY. TWO OF THE SUPREME COURT'S  
7 APPOINTEES MUST BE ATTORNEYS ADMITTED TO PRACTICE LAW IN THIS  
8 STATE, AND ONE MUST BE A RESIDENT OF COLORADO NOT ADMITTED TO  
9 PRACTICE LAW IN THIS STATE.

10 (b) ON OR BEFORE NOVEMBER 1, 2017, THE GOVERNOR SHALL  
11 APPOINT TWO MEMBERS. ONE OF THE GOVERNOR'S APPOINTEES MUST BE  
12 AN ATTORNEY ADMITTED TO PRACTICE LAW IN THIS STATE, AND ONE MUST  
13 BE A RESIDENT OF COLORADO NOT ADMITTED TO PRACTICE LAW IN THIS  
14 STATE.

15 (c) IN MAKING APPOINTMENTS TO THE COMMISSION, THE SUPREME  
16 COURT AND THE GOVERNOR SHALL CONSIDER PLACE OF RESIDENCE, SEX,  
17 RACE, AND ETHNIC BACKGROUND; AND

18 (d) NO MEMBER OF THE COMMISSION MAY BE A JUDGE,  
19 PROSECUTOR, PUBLIC DEFENDER, OR EMPLOYEE OF A LAW ENFORCEMENT  
20 AGENCY DURING HIS OR HER SERVICE ON THE COMMISSION.

21 (2) EACH MEMBER OF THE COMMISSION SERVES AT THE PLEASURE  
22 OF HIS OR HER APPOINTING AUTHORITY, EXCEPT THAT EACH MEMBER'S  
23 TERM OF SERVICE CONCLUDES WITH THE REPEAL OF THIS ARTICLE 93  
24 PURSUANT TO SECTION 13-93-111.

25 (3) NOT MORE THAN ONE MONTH AFTER RECEIVING AT LEAST ONE  
26 MILLION SEVEN HUNDRED THOUSAND DOLLARS IN GIFTS, GRANTS, AND  
27 DONATIONS TO THE OFFICE OF PUBLIC GUARDIANSHIP CASH FUND CREATED

1 IN SECTION 13-93-108, THE COMMISSION SHALL APPOINT A DIRECTOR TO  
2 ESTABLISH, DEVELOP, AND ADMINISTER THE OFFICE OF PUBLIC  
3 GUARDIANSHIP, WHICH OFFICE IS HEREBY CREATED WITHIN THE JUDICIAL  
4 DEPARTMENT. THE DIRECTOR SERVES AT THE PLEASURE OF THE  
5 COMMISSION.

6 (4) THE OFFICE AND THE JUDICIAL DEPARTMENT SHALL OPERATE  
7 PURSUANT TO A MEMORANDUM OF UNDERSTANDING BETWEEN THE TWO  
8 ENTITIES. THE MEMORANDUM OF UNDERSTANDING MUST CONTAIN, AT A  
9 MINIMUM:

10 (a) A REQUIREMENT THAT THE OFFICE HAS ITS OWN PERSONNEL  
11 RULES;

12 (b) A REQUIREMENT THAT THE DIRECTOR HAS INDEPENDENT  
13 HIRING AND TERMINATION AUTHORITY OVER OFFICE EMPLOYEES;

14 (c) A REQUIREMENT THAT THE OFFICE MUST FOLLOW JUDICIAL  
15 FISCAL RULES; AND

16 (d) ANY OTHER PROVISIONS REGARDING ADMINISTRATIVE SUPPORT  
17 THAT WILL HELP MAINTAIN THE INDEPENDENCE OF THE OFFICE.

18 **13-93-105. Office of public guardianship - duties - report.**

19 (1) THE DIRECTOR SHALL ESTABLISH, DEVELOP, AND ADMINISTER THE  
20 OFFICE TO SERVE INDIGENT AND INCAPACITATED ADULTS IN NEED OF  
21 GUARDIANSHIP IN THE SECOND, SEVENTH, AND SIXTEENTH JUDICIAL  
22 DISTRICTS AND SHALL COORDINATE ITS EFFORTS WITH COUNTY  
23 DEPARTMENTS OF HUMAN SERVICES AND COUNTY DEPARTMENTS OF  
24 SOCIAL SERVICES WITHIN THOSE DISTRICTS. NOT MORE THAN FIVE MONTHS  
25 AFTER RECEIVING AT LEAST ONE MILLION SEVEN HUNDRED THOUSAND  
26 DOLLARS IN GIFTS, GRANTS, AND DONATIONS TO THE OFFICE OF PUBLIC  
27 GUARDIANSHIP CASH FUND CREATED IN SECTION 13-93-108, THE DIRECTOR

1 SHALL ADMINISTER THE OFFICE IN ACCORDANCE WITH THE MEMORANDUM  
2 OF UNDERSTANDING DESCRIBED IN SECTION 13-93-104 (4).

3 (2) IN ADDITION TO CARRYING OUT ANY DUTIES ASSIGNED BY THE  
4 COMMISSION, THE DIRECTOR SHALL ENSURE THAT THE OFFICE PROVIDES,  
5 AT A MINIMUM, THE FOLLOWING SERVICES TO THE DESIGNATED JUDICIAL  
6 DISTRICTS:

7 (a) A REVIEW OF REFERRALS TO THE OFFICE;

8 (b) ADOPTION OF ELIGIBILITY CRITERIA AND PRIORITIZATION TO  
9 ENABLE THE OFFICE TO SERVE INDIVIDUALS WITH THE GREATEST NEEDS  
10 WHEN THE NUMBER OF CASES IN WHICH SERVICES HAVE BEEN REQUESTED  
11 EXCEEDS THE NUMBER OF CASES IN WHICH PUBLIC GUARDIANSHIP  
12 SERVICES CAN BE PROVIDED;

13 (c) APPOINTMENT AND POST-APPOINTMENT PUBLIC GUARDIANSHIP  
14 SERVICES OF A GUARDIAN-DESIGNEE FOR EACH INDIGENT AND  
15 INCAPACITATED ADULT IN NEED OF PUBLIC GUARDIANSHIP;

16 (d) SUPPORT FOR MODIFICATION OR TERMINATION OF PUBLIC  
17 GUARDIANSHIP SERVICES;

18 (e) RECRUITMENT, TRAINING, AND OVERSIGHT OF  
19 GUARDIAN-DESIGNEES;

20 (f) DEVELOPMENT OF A PROCESS FOR RECEIPT AND CONSIDERATION  
21 OF, AND RESPONSE TO, COMPLAINTS AGAINST THE OFFICE, TO INCLUDE  
22 INVESTIGATION IN CASES IN WHICH INVESTIGATION APPEARS WARRANTED  
23 IN THE JUDGMENT OF THE DIRECTOR;

24 (g) IMPLEMENTATION AND MAINTENANCE OF A PUBLIC  
25 GUARDIANSHIP DATA MANAGEMENT SYSTEM;

26 (h) OFFICE MANAGEMENT, FINANCIAL PLANNING, AND BUDGETING  
27 FOR THE OFFICE TO ENSURE COMPLIANCE WITH THIS ARTICLE 93;



1 (i) IDENTIFICATION AND ESTABLISHMENT OF RELATIONSHIPS WITH  
2 STAKEHOLDER AGENCIES, NONPROFIT ORGANIZATIONS, COMPANIES,  
3 INDIVIDUAL CARE MANAGERS, AND DIRECT-CARE PROVIDERS TO PROVIDE  
4 SERVICES WITHIN THE FINANCIAL CONSTRAINTS ESTABLISHED FOR THE  
5 OFFICE;

6 (j) IDENTIFICATION AND ESTABLISHMENT OF RELATIONSHIPS WITH  
7 LOCAL, STATE, AND FEDERAL GOVERNMENTAL AGENCIES SO THAT  
8 GUARDIANS AND GUARDIAN-DESIGNEES MAY APPLY FOR PUBLIC BENEFITS  
9 ON BEHALF OF WARDS TO OBTAIN FUNDING AND SERVICE SUPPORT, IF  
10 NEEDED; AND

11 (k) PUBLIC EDUCATION AND OUTREACH REGARDING THE ROLE OF  
12 THE OFFICE AND GUARDIAN-DESIGNEES.

13 (3) THE DIRECTOR SHALL ADOPT PROFESSIONAL STANDARDS OF  
14 PRACTICE AND A CODE OF ETHICS FOR GUARDIANS AND  
15 GUARDIAN-DESIGNEES, INCLUDING A POLICY CONCERNING CONFLICTS OF  
16 INTEREST.

17 (4) ON OR BEFORE JANUARY 1, 2021, THE DIRECTOR SHALL SUBMIT  
18 TO THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF  
19 REPRESENTATIVES, OR TO ANY SUCCESSOR COMMITTEES, A REPORT  
20 CONCERNING THE ACTIVITIES OF THE OFFICE. THE REPORT, AT A MINIMUM,  
21 MUST:

22 (a) QUANTIFY, TO THE EXTENT POSSIBLE, COLORADO'S UNMET  
23 NEED FOR PUBLIC GUARDIANSHIP SERVICES FOR INDIGENT AND  
24 INCAPACITATED ADULTS;

25 (b) QUANTIFY, TO THE EXTENT POSSIBLE, THE AVERAGE ANNUAL  
26 COST OF PROVIDING GUARDIANSHIP SERVICES TO INDIGENT AND  
27 INCAPACITATED ADULTS;

1 (c) QUANTIFY, TO THE EXTENT POSSIBLE, THE NET COST OR  
2 BENEFIT, IF ANY, TO THE STATE THAT MAY RESULT FROM THE PROVISION  
3 OF GUARDIANSHIP SERVICES TO EACH INDIGENT AND INCAPACITATED  
4 ADULT IN EACH JUDICIAL DISTRICT OF THE STATE;

5 (d) IDENTIFY ANY NOTABLE EFFICIENCIES AND OBSTACLES THAT  
6 THE OFFICE INCURRED IN PROVIDING PUBLIC GUARDIANSHIP SERVICES  
7 PURSUANT TO THIS ARTICLE 93;

8 (e) ASSESS WHETHER AN INDEPENDENT STATEWIDE OFFICE OF  
9 PUBLIC GUARDIANSHIP IS PREFERABLE AND FEASIBLE;

10 (f) ANALYZE COSTS AND OFF-SETTING SAVINGS TO THE STATE  
11 FROM THE DELIVERY OF PUBLIC GUARDIANSHIP SERVICES; AND

12 (g) PROVIDE UNIFORM AND CONSISTENT DATA ELEMENTS  
13 REGARDING SERVICE DELIVERY IN AN AGGREGATE FORMAT THAT DOES  
14 NOT INCLUDE ANY PERSONAL IDENTIFYING INFORMATION OF ANY ADULT.

15 (5) IN ADDITION TO PERFORMING THE DUTIES DESCRIBED IN THIS  
16 SECTION, THE DIRECTOR, IN CONSULTATION WITH THE COMMISSION, SHALL  
17 DEVELOP A STRATEGY FOR THE DISCONTINUATION OF THE OFFICE IN THE  
18 EVENT THAT THE GENERAL ASSEMBLY DECLINES TO CONTINUE OR EXPAND  
19 THE OFFICE AFTER 2021. THE STRATEGY MUST INCLUDE CONSIDERATION  
20 OF HOW TO MEET THE GUARDIANSHIP NEEDS OF ADULTS WHO WILL NO  
21 LONGER BE ABLE TO RECEIVE GUARDIANSHIP SERVICES FROM THE OFFICE.

22 **13-93-106. Waiver of court costs and filing fees.** THE COURT  
23 SHALL WAIVE COURT COSTS AND FILING FEES IN ANY PROCEEDING IN  
24 WHICH AN INDIGENT AND INCAPACITATED ADULT IS RECEIVING PUBLIC  
25 GUARDIANSHIP SERVICES FROM THE OFFICE.

26 **13-93-107. Director shall develop rules.** (1) THE DIRECTOR  
27 SHALL DEVELOP RULES TO IMPLEMENT THIS ARTICLE 93. THE RULES, AT A

1 MINIMUM, MUST INCLUDE POLICIES CONCERNING:

2 (a) CONFLICTS OF INTEREST FOR GUARDIANS AND  
3 GUARDIAN-DESIGNEES EMPLOYED PURSUANT TO THIS ARTICLE 93; AND

4 (b) THE SOLICITATION AND ACCEPTANCE OF GIFTS, GRANTS, AND  
5 DONATIONS PURSUANT TO SECTION 13-93-108 (3).

6 **13-93-108. Office of public guardianship cash fund - created.**

7 (1) THE OFFICE OF PUBLIC GUARDIANSHIP CASH FUND, REFERRED TO IN  
8 THIS SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE  
9 FUND CONSISTS OF ANY MONEY THAT THE OFFICE RECEIVES FROM GIFTS,  
10 GRANTS, OR DONATIONS, AS WELL AS ANY OTHER MONEY APPROPRIATED  
11 TO THE FUND BY THE GENERAL ASSEMBLY.

12 (2) THE MONEY IN THE FUND IS ANNUALLY APPROPRIATED TO THE  
13 JUDICIAL DEPARTMENT TO PAY THE EXPENSES OF THE OFFICE. ALL  
14 INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF  
15 MONEY IN THE FUND IS CREDITED TO THE FUND. ANY UNEXPENDED AND  
16 UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A FISCAL  
17 YEAR MUST REMAIN IN THE FUND AND NOT BE CREDITED OR TRANSFERRED  
18 TO THE GENERAL FUND OR ANY OTHER FUND; EXCEPT THAT ANY MONEY  
19 REMAINING IN THE FUND ON JUNE 30, 2021, SHALL BE TRANSFERRED TO  
20 THE GENERAL FUND.

21 (3) THE OFFICE MAY SEEK AND ACCEPT GIFTS, GRANTS, OR  
22 DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS  
23 ARTICLE 93; EXCEPT THAT THE OFFICE MAY NOT ACCEPT A GIFT, GRANT, OR  
24 DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH  
25 THIS ARTICLE 93 OR ANY OTHER LAW OF THE STATE. THE OFFICE SHALL  
26 TRANSMIT ALL PRIVATE AND PUBLIC MONEY RECEIVED THROUGH GIFTS,  
27 GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT

1 THE SAME TO THE FUND.

2 **13-93-109. No entitlement created.** PUBLIC GUARDIANSHIP  
3 SERVICES ARE DEPENDENT UPON THE AVAILABILITY OF FUNDING, AND  
4 NOTHING IN THIS ARTICLE 93 CREATES AN ENTITLEMENT.

5 **13-93-110. Immunity.** AS AN AGENCY OF THE JUDICIAL  
6 DEPARTMENT, THE OFFICE IS A PUBLIC ENTITY, AS DEFINED IN SECTION  
7 24-10-103 (5), FOR THE PURPOSES OF THE "COLORADO GOVERNMENTAL  
8 IMMUNITY ACT", ARTICLE 10 OF TITLE 24.

9 **13-93-111. Repeal.** THIS ARTICLE 93 IS REPEALED, EFFECTIVE  
10 JUNE 30, 2021. PRIOR TO SUCH REPEAL, THE GENERAL ASSEMBLY, AFTER  
11 REVIEWING THE REPORT SUBMITTED BY THE DIRECTOR PURSUANT TO  
12 SECTION 13-93-105 (4), SHALL CONSIDER WHETHER TO ENACT  
13 LEGISLATION TO CONTINUE, DISCONTINUE, OR EXPAND THE OFFICE.

14 **SECTION 2. Safety clause.** The general assembly hereby finds,  
15 determines, and declares that this act is necessary for the immediate  
16 preservation of the public peace, health, and safety.