

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

March 27, 2024  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB24-136 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, page 3, line 20, strike "INCLUDES" and substitute  
2 "INCLUDES, BUT IS NOT LIMITED TO,".

3 Page 5, after line 5 insert:

4 "(17) "MEMBER OF THE RESPONDENT'S SUPPORTIVE COMMUNITY"  
5 MEANS A PERSON WHO THE RESPONDENT ADULT HAS IDENTIFIED AND  
6 TRUSTS TO ENGAGE IN THE SUPPORTED DECISION-MAKING PROCESS  
7 CONCERNING THE RESPONDENT ADULT AND WHO UNDERSTANDS THE  
8 RESPONDENT ADULT'S DESIRES AND PERSONAL VALUES.".

9 Renumber succeeding subsections accordingly.

10 Page 6, line 25, after "WISHES." add "THE TERM MAY INCLUDE SUPPORTED  
11 DECISION-MAKING AGREEMENTS, AS PROVIDED IN PART 8 OF ARTICLE 14  
12 OF THIS TITLE 15.".

13 Page 11, line 27, after the period add "AT LEAST ONE OF THE  
14 CO-GUARDIANS OR CO-CONSERVATORS APPOINTED BY THE COURT MUST BE  
15 A FIDUCIARY, AS DEFINED IN SECTION 15-1-103.".

16 Page 20, line 15, strike "THE COURT MAY ASSESS COSTS AND EXPENSES".

17 Page 20, strike lines 16 and 17.

18 Page 20, after line 21, insert:

19 "(5) NOTHING IN THIS SECTION EXEMPTS AN ACTOR, AS

1 APPLICABLE, FROM COMPLYING WITH SECTION 18-6.5-108."

2 Page 26, strike lines 7 through 11.

3 Page 32, line 5, strike "**minor.**" and substitute "**minor - definitions.**".

4 Page 33, after line 26 insert:

5 "(7) (a) FOR PURPOSES OF THIS SUBSECTION (7) ONLY, "MINOR"  
6 MEANS AN UNMARRIED INDIVIDUAL WHO HAS NOT ATTAINED TWENTY-ONE  
7 YEARS OF AGE.

8 (b) THE COURT MAY ENTER AN ORDER APPOINTING A GUARDIAN OF  
9 A MINOR, AS DEFINED IN SUBSECTION (7)(a) OF THIS SECTION, AND A  
10 DETERMINATION OF WHETHER THE MINOR SHALL BE REUNIFIED WITH A  
11 PARENT OR PARENTS, OF WHEN THE REQUIREMENTS OF SUBSECTION (2) OF  
12 THIS SECTION ARE MET, OF WHETHER THE ORDER IS IN THE MINOR'S BEST  
13 INTERESTS, AND:

14 (I) THE MINOR HAS NOT ATTAINED TWENTY-ONE YEARS OF AGE;

15 (II) THE MINOR IS RESIDING WITH AND DEPENDENT UPON A  
16 CAREGIVER; AND

17 (III) A REQUEST IS MADE FOR FINDINGS FROM THE COURT TO  
18 ESTABLISH THE MINOR'S ELIGIBILITY FOR CLASSIFICATION AS A SPECIAL  
19 IMMIGRANT JUVENILE PURSUANT TO 8 U.S.C. SEC. 1101 (a)(27)(J).

20 (c) IF A REQUEST IS MADE FOR FINDINGS ESTABLISHING THE  
21 MINOR'S ELIGIBILITY FOR CLASSIFICATION AS A SPECIAL IMMIGRANT  
22 JUVENILE UNDER FEDERAL LAW AND THE COURT DETERMINES THERE IS  
23 SUFFICIENT EVIDENCE TO SUPPORT THE FINDINGS, THE COURT SHALL  
24 ENTER AN ORDER, INCLUDING FACTUAL FINDINGS AND CONCLUSIONS OF  
25 LAW, DETERMINING THAT:

26 (I) THE MINOR HAS BEEN PLACED UNDER THE CUSTODY OF AN  
27 INDIVIDUAL APPOINTED BY THE COURT THROUGH THE APPOINTMENT OF A  
28 GUARDIAN;

29 (II) REUNIFICATION OF THE MINOR WITH ONE OR BOTH PARENTS IS  
30 NOT VIABLE DUE TO ABUSE, NEGLECT, ABANDONMENT, OR A SIMILAR BASIS  
31 FOUND PURSUANT TO STATE LAW. FOR PURPOSES OF THIS SUBSECTION  
32 (7)(c)(II), "ABANDONMENT" INCLUDES, BUT IS NOT LIMITED TO, THE DEATH  
33 OF ONE OR BOTH PARENTS.

34 (III) IT IS NOT IN THE BEST INTERESTS OF THE MINOR TO BE  
35 RETURNED TO THE MINOR'S OR PARENTS' PREVIOUS COUNTRY OF  
36 NATIONALITY OR COUNTRY OF LAST HABITUAL RESIDENCE."

37 Page 46, strike lines 6 through 8 and substitute:

1           "(XII)    A MEMBER OF THE RESPONDENT'S SUPPORTIVE  
2 COMMUNITY."

3 Page 54, strike lines 13 through 27.

4 Page 55, strike lines 1 through 25 and substitute:

5           "**15-14.7-308. Confidentiality of records.** THE COURT SHALL  
6 COMPLY WITH THE ADMINISTRATIVE RULES PROMULGATED BY THE  
7 JUDICIAL DEPARTMENT CONCERNING THE CONFIDENTIALITY OF COURT  
8 RECORDS."

9 Page 63, line 16, strike "GIVING" and substitute "SERVING".

10 Page 63, line 24, strike "FIVE" and substitute "SEVEN" and strike  
11 "APPOINTMENT." and substitute "APPOINTMENT UPON THE REQUEST OF THE  
12 RESPONDENT, THE RESPONDENT'S ATTORNEY, A MEMBER OF THE  
13 RESPONDENT'S SUPPORTIVE COMMUNITY, OR A PERSON INTERESTED IN THE  
14 WELFARE OF AN INDIVIDUAL SUBJECT TO GUARDIANSHIP OR  
15 CONSERVATORSHIP."

16 Page 84, strike lines 11 through 13 and substitute:

17           "(IX)    A MEMBER OF THE RESPONDENT'S SUPPORTIVE  
18 COMMUNITY;"

19 Page 87, line 2, strike "GIVEN TO" and substitute "SERVED ON".

20 Page 91, strike lines 3 through 10.

21 Page 94, strike lines 9 through 27.

22 Page 95, strike lines 1 through 23 and substitute:

23           "**15-14.7-409. Confidentiality of records.** THE COURT SHALL  
24 COMPLY WITH THE ADMINISTRATIVE RULES PROMULGATED BY THE  
25 JUDICIAL DEPARTMENT CONCERNING THE CONFIDENTIALITY OF COURT  
26 RECORDS."

27 Page 102, line 4, strike "GIVING" and substitute "SERVING".

28 Page 102, line 11, strike "FIVE" and substitute "SEVEN".

- 1 Page 102, line 13, strike "APPOINTMENT." and substitute "APPOINTMENT  
2 UPON THE REQUEST OF THE RESPONDENT, THE RESPONDENT'S ATTORNEY,  
3 A MEMBER OF THE RESPONDENT'S SUPPORTIVE COMMUNITY, OR A PERSON  
4 INTERESTED IN THE WELFARE OF AN INDIVIDUAL SUBJECT TO  
5 GUARDIANSHIP OR CONSERVATORSHIP."
- 6 Page 106, line 21, strike "STATE" and substitute "STATE, A PUBLIC  
7 ADMINISTRATOR NOMINATED AS A GUARDIAN OR CONSERVATOR, OR A  
8 STATE OR COUNTY AGENCY NOMINATED AS A GUARDIAN OR CONSERVATOR  
9 PURSUANT TO STATE LAW".
- 10 Page 111, line 13, strike "SIXTY" and substitute "NINETY".
- 11 Page 113, line 5, "SIXTY" and substitute "NINETY".
- 12 Page 117, strike line 13.
- 13 Page 142, strike lines 10 through 12 and substitute:
- 14 "(XI) A MEMBER OF THE RESPONDENT'S SUPPORTIVE COMMUNITY;  
15 AND".
- 16 Page 144, line 9, strike "GIVEN TO" and substitute "SERVED ON".
- 17 Page 148, strike lines 5 through 15.
- 18 Page 157, line 25, after "CONSERVATORSHIP." insert "THIS FORM MAY  
19 ALSO BE USED TO PETITION THE COURT TO MODIFY OR TERMINATE AN  
20 EXISTING GUARDIANSHIP OR CONSERVATORSHIP, REEVALUATE AN  
21 EXISTING GUARDIANSHIP PURSUANT TO THE STANDARD SET FORTH IN  
22 SECTION 15-14.7-301, OR REEVALUATE AN EXISTING CONSERVATORSHIP  
23 PURSUANT TO THE STANDARD SET FORTH IN SECTION 15-14.7-402."
- 24 Page 194, lines 10 and 11, strike "attorney, as described in ~~section~~  
25 ~~15-14-105~~ SECTION 15-14.7-128." and substitute "attorney. ~~as described~~  
26 ~~in section 15-14-105~~".
- 27 Page 194, lines 16 and 17, strike "attorney pursuant to ~~section 15-14-105~~  
28 SECTION 15-14.7-128." and substitute "attorney. ~~pursuant to section~~  
29 ~~15-14-105~~".
- 30 Page 194, strike line 26 and substitute "attorney. ~~as described in section~~  
31 ~~15-14-105~~".

- 1 Strike "GIVE" and substitute "SERVE" on: **Page 11**, line 16; **Page 15**, line  
2 11; **Page 23**, line 7; **Page 37**, line 8; **Page 42**, lines 18 and 25; **Page 48**,  
3 line 6; **Page 68**, line 24; **Page 73**, line 1; **Page 78**, line 16; **Page 87**, line  
4 5; **Page 102**, lines 5 and 22; **Page 107**, line 20; **Page 112**, line 8; **Page**  
5 **113**, line 11; **Page 130**, line 15; **Page 134**, line 16; **Page 144**, line 12; and  
6 **Page 151**, line 12.
- 7 Strike "GIVE" and substitute "SERVE" on: **Page 29**, line 2; **Page 63**, line  
8 18.

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