

<https://www.denver7.com/news/investigations/colorado-bill-on-guardianship-protections-elicits-passionate-testimony>

[NewsContact Denver7](#) [Denver7 Investigates](#)

- 
- 
- 

### **Colorado bill on guardianship protections elicits passionate testimony**

HB22-1271 would require guardians to inform family of loved one's status

A bill that would offer some protections for those under a court-appointed guardianship invited impassioned support from community members with first-hand experience dealing with guardians and conservators.



**HOUSE BILL 22-1271**

---





By: [Jennifer Kovaleski](#)

Posted 10:00 PM, Mar 25, 2022

and last updated 11:31 PM, Mar 25, 2022

DENVER — A bill that would offer some protections for those under a court-appointed guardianship invited impassioned support from community members with first-hand experience dealing with guardians and conservators.

[HB22-1271](#) was read before the Public and Behavioral Health and Human Services Committee earlier this week. The bill, sponsored by Rep. Kim Ransom (R-Douglas County), would require that a guardian notify a protected person’s close family member within seven days if the person changed residence, spent more than two days away from their primary residence, was admitted to a medical facility, or died.

Those who spoke in support of the bill at a Tuesday hearing said this bill was a step in the right direction but added that more legislation is needed.

“At least the families are going to be notified when their loved ones die,” said Luanne Fleming, an advocate for families with members in a guardianship or conservatorship.

A court can place a person under guardianship if they are deemed mentally unfit to handle their affairs. If a family member is unable to step in, the probate court will appoint someone to serve as a guardian and/or conservator. Those guardians and conservators would then have full control over the protected person’s finances, medical care, and legal decisions.

During the past year, [Denver7 Investigates has investigated situations where some guardians and conservators are bleeding people’s estates of its assets with little oversight from the judicial system.](#)

“We have a serious problem in the probate court,” Lange Burnett said while testifying during the hearing.

Ransom said [these issues need to be fixed](#) and that her bill, despite not addressing any of the financial issues, could help start that process as it’s the first bill in the past few years to tackle guardianship issues.

She said the bill would give “some assurances that the guardians will not make the decisions without notifying the family within a certain amount of time.”

During the hearing, Republican committee member Rep. Richard Holtorf (R-Akron) submitted an amendment to strengthen the bill, requiring that families be notified within 24 hours of a protected person’s death or 48 hours if the person is admitted to a medical facility or changes residence.

“Sometimes, you are compelled to do something that is right,” he said. “Imagine if your mother was sent to the emergency room and no one told you for days or weeks. That is wrong. That is wrong on a human level.”

Ultimately, the bill was put on hold to gather more information and for Ransom to speak to some stakeholders to see if they would be in support of any of the proposed amendments. Holtorf pulled his amendment for now, but said he plans to reintroduce it down the road.

“You cannot take seven days to notify a family member of a deceased mother or father,” he said. “It is common sense for anybody.”

The Colorado Bar Association, which represents attorneys and judges, opposes the bill, saying it is unnecessary and that some existing laws already cover the notification issue.

“Although the CBA very much believes that our state’s guardianship laws can and should be improved upon, this law unfortunately does not further that aim because it is not well-written,” said Emily McDaniel, an attorney representing the Colorado Bar Association at the hearing.

Denver<sup>7</sup> requested to speak with the attorneys representing the CBA, but they declined.

Holtorf said he feels the bar association needs to “get out of the way.”

“The bar association doesn’t run this Capitol and the bar association doesn’t speak for the people,” he said. “So, they need to find their place. And we need more representatives that aren’t scared to stand up and tell these special interests what their place is because the people come first.”

“This bill is a tiny step, but it is a step towards moving closer to what we need to have done,” Fleming said.