DOWNLOAD-Guardianship Bill of Rights – Update effective August 12, 2026

Effective August 12, 2026 — relevant to residents with a court-appointed guardian

Governor Polis signed House Bill 26-1100 on May 29, 2026, adding a new “Guardianship Bill of Rights” to Colorado law (C.R.S. § 15-14-103) and amending guardian duties under § 15-14-314. The law applies to any resident who is under an active court guardianship (a “ward”). Two provisions are directly relevant to our operations and should be reviewed with admissions, social work, and nursing leadership.

1. Thirty-Day Advance Notice Before Admission

Under new § 15-14-314(2)(h), a guardian must notify the ward at least 30 days before a planned permanent move into a nursing home or other facility that restricts the ward’s ability to leave or have visitors — unless the move is already specified in the guardian’s care plan or separately authorized by the court.

- Admissions/social work should confirm, for any incoming resident with a guardian, that this notice was given (or that an exception applies) as part of intake documentation.
- This is a guardian obligation, not a facility obligation — but facilities should be prepared to document that it was met, since it may be reviewed if a placement is contested.

2. Capacity Determinations Must Be Right-Specific

The new bill of rights (§ 15-14-103(1)(s)) gives a ward the right to a court review if a question arises about their capacity to exercise a specific right. A single global cognitive score or overall capacity finding may not be used to restrict multiple, unrelated rights at once.

- Capacity assessments and physician statements should tie any recommended restriction to the specific decision at issue (e.g., medical treatment, finances, social contact) rather than citing a BIMS score or global cognitive screen as a blanket justification.
- This reinforces existing best practice under the DOJ–Colorado Settlement Agreement

(Olmstead/ADA) and should be reflected in physician statement templates and IDT documentation going forward.

Also Worth Knowing

Residents under guardianship retain rights to privacy, religious practice, personal dignity, and participation in care decisions “to the extent possible,” even with an active guardian. The full text enumerates additional rights (legal counsel, hearing participation, confidentiality, and the right to petition the court to modify or end the guardianship) that are more relevant to the guardianship proceeding itself than to day-to-day facility operations, but staff fielding resident or family questions about guardianship should be aware they exist.

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