

Colorado Secretary of State

**PROBATE ~~WARD~~ PROTECTED PERSON BILL OF RIGHTS
(AMENDED)**

BE IT ENACTED BY THE PEOPLE OF THE STATE OF COLORADO:

NO PERSON SHALL BE DECLARED INCOMPETENT TO HANDLE THEIR OWN FINANCIAL AND MEDICAL AFFAIRS UNTIL SUCH TIME AS A QUALIFIED COLORADO BOARD ~~CERTIFIED~~ LICENSED PSYCHIATRIST HAS THOROUGHLY EXAMINED THE MENTAL STATUS OF SAID PERSON AND DETERMINED IN WRITING UNDER PENALTY OF PERJURY THAT THEY ARE MENTALLY INCOMPETENT AND UNCAPABLE OF MAKING SAID DECISIONS BY CLEAR AND CONVINCING EVIDENCE. IF SAID PERSON IS DECLARED COMPETENT, ALL PROBATE PROCEEDINGS PERTAINING TO SUCH PERSON SHALL BE IMMEDIATELY DISMISSED. EXPENSES FOR THE EXAMINATION SHALL BE PAID FOR BY THE PROTECTED PERSON AND SHALL NOT BE DENIED

ANY PERSON DECLARED INCOMPENT BY SAID PSYCHIATRIST SHALL BE IMMEDIATELY APPOINTED LEGAL REPRESENTATION.

THE JUDICIAL BRANCH SHALL ESTABLISH A POOL OF ATTORNEYS IN EACH JUDICIAL DISTRICT WHOSE NAMES SHALL BE RANDOMLY PICKED UNTIL ALL NAMES HAVE BEEN ASSIGNED A PROTECTED PERSON. AT SUCH TIME THE SELECTION PROCESS WILL START OVER. SAID ATTORNEY WILL SPECIFICALLY REPRESENT SAID INCOMPETENT PROBATE PROTECTED PERSON. SAID ATTORNEYS WILL BE PAID EXCLUSIVELY AN HOURLY RATE EQUAL TO THE PREVAILING RATES ALLOWED IN CURRENT COLORADO UNITED STATES BANKRUPTCY CASES AND PAYMENT SHALL TAKE PRECIDENCE IN BEING PAID FROM THE PROTECTED PERSON'S ASSETS.

~~SAID REPRESENTATION WILL DEFEND THE WARDS RIGHTS AND OBJECT TO ANY VIOLATIONS OF THE COLORADO RULES OF CIVIL PROCEEDURE, COLORADO PROBATE RULES AND THE COLORADO CONSTITUTION BY ANY INTERESTED PARTY, JUDGE, MAGISTRATE, PUBIC ADMINISTRATOR, CONSERVATOR, GAURDIAN OR ANY OTHER PERSON(S) ASSOCIATED WITH SAID PROCEEDING.~~

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1 ANY PRESIDING JUDGE IN A PROBATE PROCEEDING SHALL BE
2 PERSONALLY LIABLE FOR ANY VIOLATIONS OF THE COLORADO RULES
3 OF CIVIL PROCEEDURE, COLORADO PROBATE RULES, SUPREME COURT
4 DIRECTIVES AND THE COLORADO CONSTITUTION AS THEY RELATE TO
5 THE WARD IN SAID PROCEEDING.
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7 A FINAL FINDING BY A COLORADO COURT OF LAW CIVIL PROCEEDING
8 BROUGHT BY THE PROTECTED PERSON DECLARING THAT SAID PROBATE
9 JUDGE HAS VIOLATED A WARD'S CONSTITUTIONAL RIGHTS SHALL BE
10 IMMEDIATELY REMOVED FROM THE BENCH, DISBARRED AND HAVE HIS
11 LICENSE TO PRACTICE LAW PERMANENTLY REVOKED. ADDITIONALLY,
12 ALL ORDERS ISSUED BY SAID JUDGE IN THE RESPECTIVE ~~WARDS~~
13 PROTECTED PERSONS CASE SHALL BE VOIDED AND A NEW JUDGE
14 APPOINTED.
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16 THE ~~WARD~~ PROTECTED PERSON SHALL BE COMPENSATED 20 TIMES
17 DAMAGES FOR ANY VIOLATIONS OF HIS/HER RIGHTS IN A PROBATE
18 PROCEEDING AND IN NO INSTANCE SHALL THAT AMOUNT BE LESS
19 THAN \$5,000. ~~AND IN NO INSTANCE SHALL SAID AMOUNT COME FROM~~
20 ~~THE WARDS ASSETS.~~ ANY ATTORNEY REPRESENTING SAID PROTECTED
21 PERSON SHALL BE ENTITLED, IN ADDITION TO THEIR HOURLY
22 SALARY, ONE HALF OF ALL TOTAL DAMAGES ASSESSED BY THIS
23 SECTION.
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25 EVERY CONSERVATOR SHALL BE REQUIRED TO HAVE A SURETY BOND
26 FOR 2 TIMES THE VALUE OF THE ~~WARDS~~ PROTECTED PERSONS ASSETS
27 BEFORE ACTING IN ANY CAPACITY. BEFORE AN ACTUAL VALUE OF
28 THE ESTATE OF THE PROTECTED PERSON CAN BE ESTABLISHED, AN
29 APPROXIMATE VALUE WILL BE USED FOR PURPOSES OF THIS
30 SECTION.
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32 BEFORE ANY CONSERVATORSHIP IS CLOSED, THERE SHALL BE A
33 COMPLETE INDEPENDENT, PROFESSIONAL AUDIT BY A LICENSED
34 PUBLIC ACCOUNTANT OF THE CONSERVATORS FINANCIAL RECORDS. IF
35 THE RECORDS ARE SUBSTANTIALLY COMPLETE INCLUDING DETAILED
36 BACKUP DOCUMENTS; THE AUDIT WILL BE PAID BY THE ~~WARDS~~
37 PROTECTED PERSON'S ESTATE. IF THE CONSERVATOR'S RECORDS ARE
38 INCOMPLETE OR LACK BACKUP DOCUMENTATION OR FUNDS OR ASSETS
39 ARE MISSING, THE CONSERVATOR SHALL IMMEDIATELY PAY FOR SAID
40 AUDIT. THE COURT SHALL ORDER IMMEDIATE RESTITUTION OF ANY

1 MISSING FUNDS OR PROPERTY TO THE WARDS ESTATE AS THE RESULT
2 OF SAID AUDIT.

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4 SELF-EXECUTING, SEVERABILITY, CONFLICTING PROVISIONS.

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6 ALL PROVISIONS OF THIS SECTION ARE SELF-EXECUTING EXCEPT
7 AS SPECIFIED HEREIN, ARE SEVERABLE, AND, EXCEPT WHERE
8 OTHERWISE INDICATED IN THE TEXT, SHALL SUPERSEDE
9 CONFLICTING STATE STATUTORY, LOCAL CHARTER, ORDINANCE, OR
10 RESOLUTION, AND OTHER STATE AND LOCAL PROVISIONS.

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12 EFFECTIVE DATE.

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14 UNLESS OTHERWISE PROVIDED BY THIS SECTION, ALL PROVISIONS
15 OF THIS SECTION SHALL BECOME EFFECTIVE UPON OFFICIAL
16 DECLARATION OF THE VOTE HEREON BY PROCLAMATION OF THE
17 GOVERNOR, PURSUANT TO SECTION 1(4) OF ARTICLE V.

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