

# Colorado Office of Public Guardianship

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09.08.2020

# Colorado Office of Public Guardianship

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- OPG Commission established – 07.2017
- Funded by donations, grants, gifts
- Appropriation & extension to 12.31.2023
  - Limited to 2<sup>nd</sup> Judicial District
  - Director Report to General Assembly due by 01.01.2023
- Director started 10.21.19: Public Guardian and Legal Counsel with Nebraska Office of Public Guardian

# Public Guardianship Services

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- Legal decision-making authority depends on court determination
- Housing/placement
- State and Federal Benefits
- Medical, other care and treatments
- Delegate some decision-making to the ward
- Least restrictive and person-centered planning
- CO OPG specifically does not provide financial services

# Colorado Office of Public Guardianship

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- Colorado OPG launched April 30th
- 4 Public Guardians (PG)
- 1 Staff Assistant
- Eventually, a caseload of approximately 20 clients per PG

# Eligibility

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- Resident of Denver County\*
- Adult
- Indigent
- Incapacitated
- No responsible family or friends who are available and appropriate to serve as guardian
- Not subject to an APS guardianship petition

# Referral Process

- Must refer PRIOR to filing petition for guardianship
- Must have legal counsel to file the petition for guardianship
- One-time **registration** needed to make referrals
- Online referral process through CO OPG website and by phone:  
**<https://colorado-opg.org> or 303.606.2500**
- **Referral Checklist**
  - Demographic information
  - Income & benefits information
  - Incapacity information, evaluation & medical documentation
  - Family or friend availability or appropriateness information
  - Petition and other pending court cases

# Expectations of Referrals

- Attorney filing the petition

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- Individual (pro se) or entity/Legal representation filing the petition
- Incapacity:
  - Intellectual Disability/Developmental Disability
  - Cognitive impairment
  - Significant mental health issue
  - Substance abuse issue
- Concern with number of referrals decreasing once OPG reaches caseload availability
- **Streamlined referral process for non-Denver County residents**

# Expectations of Referrals

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- Emergency Referrals – Rare. Call Sophia to discuss prior to on-line referral
- Concern with number of referrals decreasing once OPG reaches caseload availability
- **Streamlined referral process for non-Denver County residents**



# Best Practices

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- ✓ Individualized Guardianship Plan – include the client
- ✓ Person-Centered Planning
- ✓ Least restrictive alternatives

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# Guardianship Standards of Practice

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- **National Guardianship Association** <https://www.guardianship.org/>
  - Standards for Agencies and Programs Providing Guardianship Services
  - Ethical Principles
  - Standards of Practice
- **Center for Guardianship Certification** <https://guardianshipcert.org/>

# Limitations to Guardianship

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- Individual's free will & ability to refuse
- Cannot force medication, must follow court process
- Cannot force a hold, must follow court process
- Limited funds
- Community inefficiencies (housing, funds, availability of appropriate programs)

# Director Report – 01.01.2023

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- Stakeholder Advisory Panel
- **Quantify CO's unmet need for public guardianship services**
- **Quantify the average annual cost of providing guardianship services**
- **Quantify the net cost or benefit, if any, to the state that may result from the provision of guardianship services**
- Identify any notable efficiencies and obstacles that the office incurred

# Director Report – 01.01.2023

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- Assess whether an independent statewide OPG or a nonprofit agency is preferable and feasible
- **Analyze cost and off-setting savings to the state from delivery of services**
- Provide uniform and consistent data elements regarding service delivery
- Assess funding models and viable funding sources for an independent OPG or nonprofit agency
- Strategy for discontinuation

# Barriers

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- Referring parties not having legal representation due to:
  - Not having funds to hire a lawyer
  - Not having funds to pay filing fee
  - Entity's in-house counsel is unwilling to file petitions
- Other avenues for publicity or awareness of the OPG
- New unanticipated expenditures: Office space, IT support

# Colorado OPG contact information

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- Phone #: **303.606.2500**
- Email: **[Info@Colorado-opg.org](mailto:Info@Colorado-opg.org)**
- Web site: **<https://colorado-opg.org>**
- Sophia M. Alvarez: **[sophia.alvarez@colorado-opg.org](mailto:sophia.alvarez@colorado-opg.org)**