



COLORADO OFFICE OF PUBLIC GUARDIANSHIP

POLICY 3: ORGANIZATIONAL STRUCTURE

Policy 3.1. Governing Authority

The Colorado Office of Public Guardianship (OPG) is a public agency established by the Colorado General Assembly. The Director and the Governing Body have the decision-making authority to determine agency policy. The Director serves at the pleasure of the Governing Body pursuant to § 13-94-104(3), C.R.S. (2019). National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, VI, V and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.

Pursuant to § 13-94-104(1), C.R.S. (2017), the Colorado General Assembly created the Office of Public Guardianship within the Judicial Department. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard II; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice 1, 2, 23, and 24.

The OPG is a pilot program initially operating in the Second Judicial District and subsequently the Seventh and Sixteenth Judicial Districts conditional upon securing additional funding effective until June 30, 2023, at which time the agency will either continue, discontinue, or be expanded by the General Assembly pursuant to § 13-94-111, C.R.S. (2019). National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, VI, V and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.

Policy 3.2. Governing Body

The Colorado Office of Public Guardianship (OPG) Commission is the Governing Body of the Colorado OPG. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, VI, V and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.

Pursuant to § 13-94-104(1), C.R.S. (2017), the Colorado General Assembly created the Office of Public Guardianship Commission. The Commission is comprised of 5 members. Three of the members are appointed by the Colorado Supreme Court, of which two must be attorneys admitted to practice law in Colorado and one must be a resident of Colorado not admitted to practice law. The remaining two members are appointed by the Governor, one who must be an attorney admitted to practice law in this state and one who must be a resident of Colorado not admitted to practice law. National Guardianship Agency Standards of Practice for Agencies and

Programs Providing Guardianship Services Standard I, II, VI, V and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.

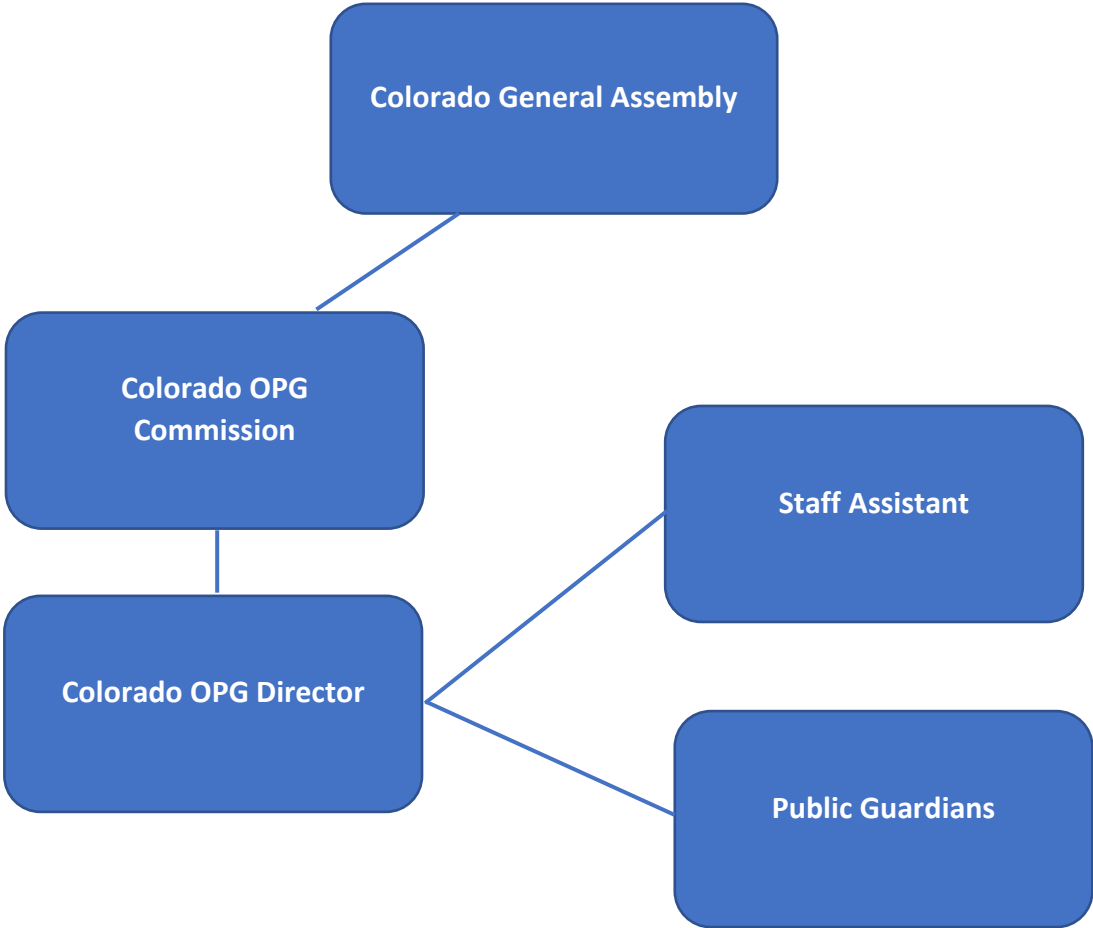
Pursuant to HB 19-1045, signed into law on May 30, 2019, effective on July 1, 2019, the Commission is charged with appointing the Director for the Office of Public Guardianship. The Director serves at the pleasure of the Commission pursuant to § 13-94-104(3), C.R.S. (2019). National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, VI, V and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.

Policy 3.3. Organizational Structure

The Colorado Office of Public Guardianship (OPG) operates at arms-length and functions independently from the Judicial Branch and other entities providing direct services and courts having direct decision-making authority. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, VI, V and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.

The Colorado OPG operates separately from the services which many wards will need to access. This separation of powers ensures that Public Guardians are not providing services by contract or directly so that no conflict of interest or potential conflict of interest to the possible detriment to the ward. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standards; National Guardianship Association Ethical Principles 6 - 10; National Guardianship Association Standards of Practice 1 – 5, 11, 16 – 20, and 24.

Structural Overview



Policy 3.4. Duties and Services

The Colorado Office of Public Guardianship (OPG) shall provide guardianship services; gather data to help the general assembly determine the need for, and the feasibility of, a statewide office of public guardianship; and that the office is a pilot program, to be evaluated and then continued, discontinued, or expanded at the discretion of the general assembly in 2023. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standards; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.

Reporting Requirements

1. On or before January 1, 2023, the Director shall submit to the judiciary committees of the senate and house of representatives, or to any successor committees, a report concerning the office.
2. The Report, at a minimum, must:
 - a. Quantify, to the extent possible, Colorado's unmet need for public guardianship services for indigent and incapacitated adults;
 - b. Quantify, to the extent possible, the average annual cost of providing guardianship services to indigent and incapacitated adults;
 - c. Quantify, to the extent possible, the net cost or benefit, if any, to the state that may result from the provision of guardianship services to each indigent and incapacitated adult in each judicial district of the state;
 - d. Identify any notable efficiencies or obstacles that the office incurred in providing public guardianship services pursuant to statute;
 - e. Assess whether an independent statewide office of public guardianship or a nonprofit agency is preferable and feasible;
 - f. Analyze costs of and off-setting savings to the state from the delivery of public guardianship services;
 - g. Provide uniform and consistent data elements regarding service delivery in aggregate format that does not include any personal identifying information of any adult; and
 - h. Assess funding models and viable funding sources for an independent office of public guardianship or a nonprofit agency, including the possibility of funding with a statewide increase in probate court filing fees.

3. The Director, in consultation with the OPG Commission, shall develop a strategy for the discontinuation of the office in the event that the general assembly declines to continue or expand the office in 2023. The strategy must include consideration of how to meet the guardianship needs of adults who will no longer be able to receive guardianship services from the office.