

**OPG Commission meeting
Director Report
06.28.2023**

Purpose: The Director Report will provide information about new matters, updates about the previous month's matters, and next steps for the following month. The Director will provide the Director Report to all Commission members. Questions about the Director Report will be addressed at the Commission meetings, if necessary. Commissioners are encouraged to reach out to the Director directly regarding any questions in between meetings.

Attachments for the 06.28.2023 meeting:

- Attachment 1: SCAO/Judicial provided a FY 2023 Budget Summary as of 06.21.2023
- Attachment 2: Attorney General job posting

I. Budget and Administrative Update.

- a. I previously provided the monthly budget summary report provided to me from Mike Henthorn, Judicial Budget Analyst II. **See Attachment 1**
 - i. FY23 Budget Closing and End of Year matters are in progress with most deadlines in July. A final Budget will be provided at the end of July/beginning of August.
 - ii. Part of the Judicial Branch's JBC request for FY24, they requested a 5% base salary increase for all Judicial Branch employees. I completed the paperwork so that all COPG employees will receive a 5% base salary increase effective July 1, 2023.
 1. This also applies to the new COPG hires base salaries.
 - iii. I am meeting with Robin Smart, the Judicial Department Budget Manager on 06.26.2023 as an introductory and collaboration meeting.
 - iv. I had a debrief meeting with the Legislative Liaisons on 05.31.2023 and discussed the potential of a new contract.
 - v. I met with JBC Analyst Alfredo Kemm on 06.09.2023 who advised me on the following:
 1. Spend the next two fiscal years honing our operational needs;
 2. Approval and support of my request for leasing additional space in our current location or the Capitol Complex facilities;
 3. Approval of legislative liaison contract; and
 4. Approval and support of my request for hiring 1.0 FTE staff attorney.

- b. I am meeting with the Behavioral Health Guardianship/Momentum Team on 07.25.2023 to discuss the CMHI's ongoing critical needs for guardianship and determine if there are other avenues, funding, or partnerships we can explore.
- c. COPG bill, SB23-064, signing ceremony occurred on 05.30.2023 in Ft. Collins. The Lt. Governor signed our bill and a few COPG supporters attended.
- d. Board update:
 - i. The Chief Justice's Office informed me on 06.21.2023 that Commissioners Fields and Thiessen were appointed to the COPG Board effective September 1, 2023. Unfortunately, due to overlap in Judicial Districts, Commissioner Crona is unable to be appointed.
 - ii. I do not have any updates from the Governor's Office.
- e. The Colorado Guardianship Association Board voted to place a half-page ad in this year's CBA Senior Law Handbook congratulating the passage of SB23-064.
- f. State Audit: While not scheduled until 2027 – 2030, I reached out to the State Auditor for a meeting to ensure that I understand the process and can lay the groundwork for a successful audit. A meeting has not been scheduled yet.
- g. Renegotiation for Judicial MOU: AG Finke and I are meeting on July 24, 2023 to strategize for support outlined in SB23-064 and until ASIA is up and running. I am also meeting with our Legislative Liaisons on strategy regarding the renegotiation.
- h. Office of Administrative Services for Independent Agencies (ASIA) updates.
 - i. Through June 30, 2024, the Administrative Board is chaired by the Director of the Office of Child Protection Ombudsman.
 - ii. The CPO sent out a survey requesting each agency indicate its needs of ASIA.
 - iii. An initial meeting of all agencies is scheduled for 07.11.2023.
- i. Human Resources Update
 - i. Congratulations to Camille Price, who was recertified in June 2023 as a National Certified Guardian by the Center for Guardianship Certification.

- ii. We continue case coverage, transfers and had to limit accepting new clients. Our 7th JD guardian is covering cases while the Director, Deputy Director, and Case Management Aid conduct client visits and additional support as needed.
- iii. Welcome to Vannesa Cruz, a new Denver guardian who started on 06.22.2023. Vannesa worked as a Family Coach at Ability Connection Colorado (associated with Colorado Guardianship Alliance); as a Student Engagement Advocate at Aurora Public Schools and Dean of Culture at Denver Public Schools. Vannesa has experience working with people with disabilities, families, community resources and is bilingual in Spanish. The goal is for Vanessa to start working with her own caseload in mid-August.
- iv. A contingent offer to a second Denver guardian was accepted on Friday/06.23.2023. As long as the background check and CAPs check results are favorable, this guardian will begin on 07.03.2023.
- v. We are finishing reference checks for the last open Denver guardian position this week.
- vi. America, our Staff Assistant, has been following up with referring parties the Hold status referrals.
- vii. We already accepted one referral for the second 2nd JD OBH/Momentum caseload.
- viii. In April, we opened referrals in the 7th JD. We received one referral. However, the AIP resides in Otero County (16th JD) with the intention of continuing to reside there
- ix. Multiple facilities have reported COVID outbreaks so guardians and the Case Management Aid are attempting multiple client visits via in-person and virtual as well as multiple calls and check-ins with clients and medical staff and providers
- x. Update: Janelle Cantu and America Paz Pastrana traveled to the 6th Judicial District for a “Meet & Greet” on June 13-16, 2023. They traveled to Bent and Crowley Counties on the 14th and visited Otero County on the 15th. The purposes of the Meet and Greet were to introduce the COPG to the area and identify the best way to hire a local guardian.
 - 1. They met with court staff, APS and CDHS representatives, senior center Directors, Single-Entry Point representatives, nursing home

Directors, Bank Managers, VA Service representatives, etc. Janelle and America provided small bags with candy and our business cards.

2. The overall themes regarding the workforce were that the workforce is limited, and employers are short-staffed, employees will not have bachelor's degrees, but will have years of experience in the human services areas.
 3. We have one applicant. I received an email from a potential applicant that was not available when Janelle and America were in town. I am speaking with her on 06.26.2023.
- xi. Update: The new Director for the Center for Organizational Effectiveness, through DPA, reached out to me about our training needs. We are meeting on 07.07.2023.
1. The COPG Personnel Rules do not include the Judicial Department mandatory state compliance education rule. The COPG Personnel Rules and trainings include the topics under the rule. Since the courses were available and free, new COPG employees completed the courses: equity, diversity and inclusion, ethics and conflict of interest, preventing discrimination and harassment in the workplace, preventing sexual harassment in the workplace. Since these became unavailable in the usual way and through the Judicial Department, I reached out to the other independent state agencies, and they referred me to resources on the State Employee Assistance Program website and we discussed working together through ASIA. I also reaching back out to the original agency, Colorado Division of Human Resources (DPA), for a possible contract to access state trainings.
- j. Update: I was notified the Patient Navigator/Escort grant submitted for the Next Fifty Initiative Flexible Funding grant was not awarded. I will also submit the grant for the Next 50 Initiative Advancing Aging in Innovation grant.
- k. Updates: The Attorney General's Office has been assisting our office with several matters:
- i. The AG's Office has been working on a trial where the issue is level of and placement for a client. We have been waiting on the AG's Office to file a Motion to hold Ft. Logan accountable for fees/costs related to a formal evaluation required to determine level of placement.

- ii. The AG's Office is working on placement and level of care issues for another client.
 - iii. The AG's Office filed two Motions to Intervene in Mental Health proceedings under CRS §27-65-111(6). These Motions have been successful.
 - iv. The AG's Office initially offered to hire an AG specific to the COPG. This AG is supporting two programs, the COPG and the BRIDGES Program. The job posting went live on 06.19.2023 and I believe the AG's Office sent that out to the Commission. The job is posted on the COPG website. **See Attachment 2.**
<https://coag.gov/careers/position/assistant-attorney-general-office-of-public-guardianship-and-bridges/>
 - v. As previously mentioned, I am exploring hiring a Staff Attorney to better meet the client and Office's day-to-day needs such as contract review, admission packet review, court report review, weekend/emergency on-call, emergency 24/7 issues (i.e. discharge issues, elopement/missing persons, criminal issues, etc.). It is the AG's position that the COPG is not allowed to hire a Staff Attorney. I asked the AG's Office to provide a written opinion.
 - vi. I completed the CORA request related to the Director's salary and number of staff supervised.
- l. No update: The Honorable Elizabeth D. Leith of the Denver Probate Court approached me about the 2nd Judicial District Court submitting a proposal for funding of a COPG Public Guardian for the Criminal REACH Docket. Judge Leith submitted the proposal for funding and has kept me updated.
- m. The CBA asked me to present a CLE in September 2023 to the Elder Law Section.
- n. Update: Christopher Gregory, Executive Director of the newest independent agency, Colorado Commission on Judicial Discipline, reached out to me about joining his agency and some other independent agencies for Microsoft training: There will be 5 Lunch and Learn webinars – Free of Charge to the COPG - on May 31/June 1/June 5/June 6/June 22. Some topics include Editing and Proofing, Security, Formatting, Automation Techniques, Redlining, Table of Contents and Authorities.

- II. **Stakeholder Engagement Plan.** This item is on hold until the Office is permanent. I will be updating this in the coming months and would like the new Board to be a part of this, possibly as part of the Strategic Planning.

- III. **Colorado OPG Pilot Program Commission and Operating Policies Updates – No updates.** Please note that Commission and Operating Policies are available on the OPG website: <https://colorado-opg.org/opg-in-depth/>
 - a. Once the Office is permanent a review and update of Personnel and Operating Policies is needed. AG Finke suggested that I reach out to AG Alison Kyles for assistance.
 - b. Expansion Plan: This will need to be updated from the proposed plan in the 2023 Final Report to the Legislature.

 - c. **Trainings and Projects – Ongoing.** A list will be provided quarterly.
 - i. Janelle Cantu and I met with Allison Villegas on 03.16.2023 to discuss creating training modules for our office. Ms. Villegas is a Physician Assistant with Longevity Health Plan, a specialized Medicare Advantage health plan serving people living in skilled nursing facilities. We discussed a program to discuss collaborative communication with the interdisciplinary team at nursing facilities and common medical and behavioral conditions that affect patients and how guardians can identify and follow up on treatment, etc. We will be following up with the guardians for input and scheduling of training. I will be following with Ms. Villegas on a contract for the training.
 - 1. Our first training was on 04.19.2023 entitled Communication and Collaboration and focused on working with healthcare professionals as an interdisciplinary team.
 - 2. Our second training was on 06.21.2023 entitled UTIs and focused on identifying symptoms of all types of bacteria in the urine, identifying symptoms and evaluate medical evidence and ask questions to identify if a client has a UTI or other medical issue.
 - 3. Upcoming session: Advance Planning (Code Status)/Hospice/Palliative Care
 - ii. Internal trainings/Procedures:
 - 1. Ft. Logan Process
 - 2. Code Status and Hospice Procedure
 - 3. Fax Training

4. Strategic Planning – Workforce Wellness and Development

- iii. Articles with Chair Bennett-Woods and Research Assistant Grant Yoder. We met on 06.15.2023 to brainstorm articles we could publish from our experiences establishing the COPG Pilot through the 2023 Final Report. Please see the Chair’s June 2023 Report for details.

d. **Intake Eligibility, Prioritization and Referral Process.**

- i. Update on number of registered users, referrals, accepted cases, etc. as of **06.20.2023**

1. 82 Active guardianships
2. 2 referrals pending in court proceedings (accepted 2 Hold referrals)
3. 31 Partial referrals
4. 0 Registered
5. 22 clients passed away since COPG appointment
6. 17 Hold status for 6 months (now includes OBH/CHMI-Ft. Logan/Pueblo referrals that are non-OBH/Momentum contract referrals)
7. The OBH/Momentum dedicated caseload is full and all 12 guardianships are active
 - a. Registered 0
 - b. Partial 2
 - c. Waiting for Court Appointment 1
 - d. Complete 0 (waiting review/Decision)

8. Declined referrals – pre-Hold status

1. 67 Denver declined referrals (some declined were prior to establishing the Hold status)
 - a. 7 - Family available to serve
 - b. 36 - Expired/Incomplete information
 - c. 8 – Not appropriate referral
 - d. 4 - Not adult
 - e. 4 - Withdrawn by Ft. Logan
 - f. 4 - No OPG Capacity
 - g. 4 - Withdrawn, not incapacitated
2. Texas inquiry - 1
3. Nebraska referral - 1
4. Alaska inquiries – 2

5. Colorado inquiries - 8

9. 109 streamlined referrals (Non-Denver County) – Declined

1. Adams County – 6
2. Alamosa County - 1
3. Arapahoe County – 17
4. Boulder County – 5
5. Broomfield County – 1
6. Crowley - 2
7. “Denver County” – 2
8. El Paso County – 24
9. Garfield County – 1
10. Gunnison County – 1
11. Huerfano County - 3
12. Jefferson County – 11
13. Lake County - 1
14. La Plata County – 2
15. Larimer County - 5
16. Las Animas County - 2
17. Mesa County – 1
18. Montrose County – 3 *
19. Otero County – 6
20. Pueblo County – 8
21. Weld County – 7

*Montrose County: Two referrals were declined prior to April 2023. 1 referral was declined in May 2023 due to the AIP residing in Otero County

IV. **Colorado OPG Strategic Plan.** Draft previously provided. Once the new Board is created, facilitated Strategic Planning sessions may be optimal.

V. **Stakeholder Outreach – Ongoing.** A list can be provided if requested.

Assistant Attorney General (Office of Public Guardianship and Bridges)

Details

Section: Business & Licensing

Position Number: LAA-0945-06/2023

Salary Range: \$83,292.00 - \$120,000.00 Yearly

Apply By: Monday, June 26, 2023, 11:59 pm

FLSA: Exempt

Work Unit: Financial & Health Services

Job Location: 1300 Broadway, Denver, CO 80203

Release Date: Monday, June 12, 2023

Employment Type: Full-Time

Position Type: Non-Classified



The Business & Licensing section of the Colorado Department of Law is seeking a dedicated and driven attorney to do important guardianship and mental health work for our Financial & Health Services team. As a dedicated public servant, you will help protect Coloradans through the work of the Office of Public Guardianship and the Bridges Program. Further, you will have the opportunity to do both litigation and general counsel work. If you are seeking an intellectually challenging position handling financial issues and want to directly impact the lives of Coloradans, apply today

Applications for this position will be reviewed on a rolling basis and interviews may be conducted prior to the job closing. We encourage you submit your application early if possible.

WHAT YOU WILL DO

The Financial & Health Services Unit represents the Office of Public Guardianship and the Bridges Program, and other programs within the Business & Licensing Section. This work promotes protection of vulnerable individuals and access to mental health services.

The attorneys on our team represent our clients' interests in a variety of settings, including civil litigation in District Court. The position also involves an administrative law practice before the Office of Administrative Courts, as well as practice before the Colorado Court of Appeals and Supreme Court. Additionally, our work involves advising our clients in all aspects of their regulatory functions and responsibilities, including assisting with promulgation of rules, open meetings, and open records law requests. This attorney's primary role will be to serve as litigation counsel to the Office of Public Guardianship and general counsel to the Bridges Program. This is a fantastic opportunity for an experienced attorney who is eager to work in a multi-disciplinary team and enjoys both litigation and general counsel advising.

This recruitment may be used to fill multiple attorney positions in the Department of Law.

Salary note: The Department of Law uses a wage progression compensation model. Although a salary range is listed, salary will be set commensurate with the successful candidate's qualifications and in compliance with the Equal Pay for Equal Work Act.

WHAT WE ARE LOOKING FOR

Qualified applicants must be licensed to practice law in Colorado or be clearly eligible to waive into the Colorado Bar. Candidates eligible to waive into the Colorado Bar will be required to submit proof of their completed application before the first day of employment.

For this role, we are seeking candidates who have at least 5 years practicing probate, guardianship, conservatorship or mental health law. The candidate should have knowledge and the ability to provide guidance on topics of fiduciary responsibility, public benefits, discharge issues, guardian consent issues and medical decision-making.

Essential skills for this position:

- Ability to manage a heavy caseload Reviews and negotiates proposed treatment plans for potential wards prior to office's appointment as guardian.
- Prepares and files petitions for guardianships and other pleadings related to guardianship.

- Investigates liability of former fiduciaries, including determination of asset location, value and ownership.
Prosecutes petitions to discover assets, petitions to determine liability, and petitions for accounting. Provides guidance regarding guardianship decisions involving medical and mental health treatment, including consents for treatment and medical procedures.
- Coordinates estate administration, gives instructions on fiduciary duties and provides legal advice to guardians, Director, Deputy Director, and other Office staff.
- Provides an analysis of legal issues, with possible suggestions or resolutions; and presents these findings to the Director and general counsel.
- Interacts with court personnel including filing of pleadings, instructions on notice required to other parties in lawsuits, responding to questions by court auditors regarding settlements, presentation of ex parte petitions to judges and asking questions on nonroutine requirements of estate administration.
- Handles cases that include the restoration of rights of a ward deemed to have regained capacity, a petition to determine liability against a former fiduciary or a petition to determine heirship in a decedent estate.
- Comfortable litigating cases and advising clients in a general counsel role
- Excellent research, writing, and interpersonal skills
- Demonstrated ability to provide advice on complex matters
- Enjoys wearing different hats, sometimes multiple times per day
- Committed and eager to serve the public in a consumer protection-related role
- Enthusiastic about working with a smart, collaborative, and fun team – while still able to work independently and exercise strong professional judgment

Conditions of Employment:

- Candidates eligible to waive into the Colorado Bar will be required to submit proof of their completed application and application for Practice Pending Admission before the first day of employment. For more information about admission to the Colorado bar please review information on the Colorado Supreme Court [Office of Attorney Regulation Counsel](#) website.
- The final candidate for employment must successfully pass a thorough criminal background investigation.

View the full [job announcement](#) for more information and to apply.

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Contact the Office of the Attorney General

CONTACT

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