

**OPG Commission meeting
Director Report
08.23.2023**

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 08.23.2023 meeting:

- Attachment 1: SCAO/Judicial provided Final FY 2023 Budget Summary
- Attachment 2: SCAO/Judicial provided a FY 2024 Budget Summary as of 08.13.2023
- Attachment 3: Staff Attorney job posting draft
- Attachment 4: OPG Bylaws draft

I. Budget and Administrative Update.

- a. I previously provided the monthly budget summary report as of 08.13.2023 provided to me from Mike Henthorn, Judicial Budget Analyst II. **See Attachment 1.**
- b. I previously provided the reconciled Final FY 2023 budget summary report provided to me from Mike Henthorn, Judicial Budget Analyst II. **See Attachment 2.**
- c. FY23-24 Supplemental Budget Requests – due to JBC by January 2024. I previously reported that I spoke with Alfredo Kemm, the JBC Committee Staff, and he was comfortable with me moving forward with expenses associated with adding office space and a staff attorney. I spoke with our legislative liaison on 08.15.2023 and we discussed a Workforce Development position. I would need to discuss this with Mr. Kemm as well.
 - i. Lease space
 - ii. Staff attorney
 - iii. Considering a Workforce Development position
 - iv. Items that ASIA and Judicial MOU does/does not cover such as IT Support, Administrative Services, and office space

The Workforce Development position is in line with the recommendations in the Final Report, challenges in the workforce across of the country, the COPG's experiences, other public guardianship programs experiences, and my request for Workforce Development and Wellness Program for guardians as a strategic plan pillar. I envision this position to lead efforts in recruitment, training, and retention of staff.

- d. FY24 Budget Requests – due to Judicial Budget Analyst by October 1, 2023.
 - i. Lease space
 - ii. Staff attorney
 - iii. Considering a Workforce Development position
 - iv. Items that ASIA and Judicial MOU does/does not cover such as IT Support, Administrative Services, and office space

- e. Case Management System: We are making some updates to make entering items more user-friendly and quicker for guardians
 - i. Critical Incident Report Form – Check-box style and concise follow up action items
 - ii. Weekend On-Call Form/Case Memorandum - Check-box style and concise summary and contact information
 - iii. Consent Category Case Note – Instead of Medication and Treatment Forms

- f. I met with the Behavioral Health Guardianship/Momentum Team on 07.25.2023 and discussed CMHI's ongoing critical needs for guardianship and to determine if there are other avenues, funding, or partnerships we can explore. We discussed having a strong partnership throughout Colorado to assist with Olmstead and community placements. We are sharing data for their target area needs and how that may fit into our expansion and how to build upon our current infrastructure and our combined FY25 budget requests. We have a tentative follow up meeting on 08.31.2023.

- g. Board updates:
 - i. The Governor's Office: We have one reappointment and three new Board members:
 - 1. Chair Stephanie Garcia, reappointed and representing the 3rd Congressional District

2. Jeffrey Bird, representing the 8th Congressional District
 3. Chandra Matthews, representing the 4th Congressional District
 4. Aisha Young, representing the 5th Congressional District
- ii. The Chief Justice Office: No update – still need to appoint a 3rd nominee. I emailed Ms. Slagle and she is reaching out the Chief Justice’s Office for an update.
- h. 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 is scheduled for 09.05.2023.
- i. I met with the Capitol Complex facilities to initiate the process for an estimate of space and costs for FY25 budget proposal considerations. They are working on estimates. We are planning on touring the facilities on 09.26.2023.
- j. I spoke with DPA State Fleet Management on 08.15.2023 in anticipation of the FY25 budget proposal. In Denver, there is the option to rent from the motor pool at daily, weekly or monthly rates. Across the state, however, there is not a rental option. The COPG would have to purchase and finance fleet vehicles that are then managed by the State Fleet Management. I am still getting more information about this economic impact on the COPG.
- k. I reached back out to the Colorado Action Lab as they provided us with assistance during the writing of the 2023 Final Report to the Legislature. Dr. Courtney Everson responded with information about formalized projects and partnerships to review. I will begin reviewing this information for FY25 budget proposal considerations: <https://coloradolab.org/working-with-us/how-we-can-help/>
- l. Renegotiation for Judicial MOU: AG Finke and I met on July 24, 2023, to strategize for support outlined in SB23-064 and until ASIA is up and running. We have had to reschedule this meeting twice due to AG Finke’s schedule. We do not have a meeting scheduled with SCAO.

- m. Our Legislative Liaison and I are meeting with the Attorney General's Office on 8.17.2023 to discuss COPG's current legal representation needs and needs as the office expands.
- n. 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. Our second meeting is scheduled for 08.17.2023. This meeting will address ASIA Board membership, Bylaws, ASIA Director job posting/hiring.
- o. Human Resources Update
 - i. 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.
 - ii. Loretta Vigil resigned, and her last day will be 08.28.2023.
 - iii. Ginger Geissinger will join our office on 09.18.2023 as a 2nd JD guardian. She is an attorney with experience in juvenile law, criminal defense, and disability law.
 - iv. We continue to post for 2nd JD guardians and will interview as we receive qualified applicants. We have 4 applicants that we are in the process of interviewing and contacting references.
 - v. I anticipate making an offer for the 16th JD guardian position on 08.18.2023.
 - vi. Update: The new Director for the Center for Organizational Effectiveness, through DPA, reached out to me about our training needs. I met with Chelsea Winegar on 08.07.2023. EDI courses are under review so there is no requirement currently. DPA is implementing a statewide Learning Management System (LMS), but this is sometime within the next year. Ms. Winegar is exploring if she can grant me a work-around, but the current compliance courses are not in compliance due to changes in the definition of "harassment." She expects the courses to be updated next month. We have a meeting scheduled for 09.14.2023 for an update.

- p. 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. The AG's Office filed the motion which was denied and the Court ordered the client's Trust to pay for the evaluation.
 - ii. The AG's Office is working on placement and level of care issues for another client.
 - iii. We are waiting for the AG's Office to file another Motion to Intervene in Mental Health proceedings under CRS §27-65-111(6).
 - iv. The AG's Office initially offered to hire an AG specific to the COPG. This AG supports two programs, the COPG and the BRIDGES Program. The job posting went live on 06.19.2023 and I was informed that it was reposted and the job description may need to be changed.
 - v. I provided a Staff Attorney job posting and requested feedback. **See Attachment 3.** This position is needed 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.). I have not received the requested written opinion from the AG's office.
 - vi. At the July meeting, the Commission requested several items from the AG's Office, please see Agenda item VI. **See Attachment 4 – OPG Bylaws draft.**

- q. I am meeting with the Montrose Assistant County Attorney regarding the petition filing process for current referrals (7th JD) on 08.23.2023.

- r. The NGA Public Guardianship Special Interest Group asked us to present at the August 2023 meeting about our 2022 Final Report. Grant Yoder will present with me.

- s. I am presenting a CLE at the CBA Elder Law Section meeting on 09.06.2023: Updates on SB23-064 - Continuation of the Colorado Office of Public Guardianship and the 2022 Final Report to the Legislature. This presentation will provide information about the Colorado Office of Public

Guardianship Pilot Project best practices, eligibility and referral process, implementation, data, and outcomes of the Pilot Program, leading to the 2022 Final Report to the Legislature and the future of the Office as it moves into its permanent and statewide status.

- t. I met with Barbara Boyer, Executive Director, of AgeWise Colorado who requested that COPG joins as a vetted resource and requested that I do a webinar and an article about guardianship. <https://agwisecolorado.org/provider/colorado-office-of-public-guardianship-2/>

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. I emailed AG Alison Kyles, whose focus is Human Resources, for assistance, on 07.24.2023. I have not received any assistance.
- b. Expansion Plan: I am updating this from the proposed plan in the 2023 Final Report to the Legislature. I will prepare a draft and request Board input prior to a retreat, strategic planning, and FY25 Budget Request and planning. This will require thought and exploring conversations in a number of areas based on our legislative liaisons advice and the need to remain flexible with the changing budgetary and political landscapes.
- 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 on 08.16.2023.
- ii. Internal trainings/Procedures:
1. Ft. Logan Process – Transition/Discharge Planning Procedure
 2. Code Status and Hospice Procedure - completed
 3. Fax Training
 4. Naxolene Policy
 5. Update Client Visit Protocol
 6. Update Modification/Termination of Guardianship Protocol
 7. 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.
1. We met on 07.27.2023 and each of us was tasked with creating an outline. We determined that each of us had different enough topics to offer and audiences to reach. We decided to start writing, determine which journals, etc. to submit and meet again on 08.31.2023.

d. Intake Eligibility, Prioritization and Referral Process.

- i. Update on number of registered users, referrals, accepted cases, etc. as of **08.15.2023**
 1. 82 Active guardianships (includes 7th JD)
 2. 0 referrals pending in court proceedings
 3. 8 Complete
 4. 22 Partial referrals

5. 1 Registered
6. 23 clients passed away since COPG appointment
7. 18 Hold status (now includes OBH/CHMI-Ft. Logan/Pueblo referrals that are non-OBH/Momentum contract referrals)

8. The OBH/Momentum dedicated caseload for one guardian is full and all 12 guardianships are active
 - a. Registered 0
 - b. Partial 0
 - c. Waiting for Court Appointment 0
 - d. Complete 1 (waiting review)

9. 7th Judicial District
 - a. 1 active guardianship
 - b. Partial 1 (Delta)
 - c. Complete 4 (Montrose)

10. Declined referrals – pre-Hold status
 1. 80 Denver declined referrals (some declined were prior to establishing the Hold status)
 - a. 6 - Family available to serve
 - b. 39 - Expired/Incomplete information
 - c. 8 – Not appropriate referral
 - d. 4 - Not adult
 - e. 4 - Withdrawn by Ft. Logan
 - f. 4 - No OPG Capacity
 - g. 6 - Withdrawn, not incapacitated
 - h. 9 - Withdrawn, other Guardian Available non-Family member
 2. Texas inquiry - 1
 3. Nebraska referral - 1
 4. Alaska inquiries – 2
 5. Colorado inquiries - 9

11. 114 streamlined referrals (Non-Denver County) – Declined
 1. Adams County – 7
 2. Alamosa County - 1
 3. Arapahoe County – 18

4. Boulder County – 6
5. Broomfield County – 1
6. Crowley - 2
7. “Denver County” – 2
8. El Paso County – 26
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.

Attachment 1. FY23 OPG Budget Summary Reconciled

OPG Personal Services and Operating - FY 2023 - Reconciled

Budget Type	Budget	YTD + Projected Exp	Surplus / (Deficit)	YTD
Personal Services	\$1,360,000	\$ 969,121	\$390,879	
Operating	\$360,586	\$ 281,819	\$78,767	Balance remaining for operating
Total Appropriation	\$1,720,586	\$1,250,940	\$469,646	Total remaining in program line

	Cash Fund Balance	
	PRIOR YEAR (FY 2022)	Projected Revenue less YTD Expenses
Total Revenue	\$1,220,753	\$1,318,638
Total Expenditures	\$837,109	\$1,244,279
Net Change	\$383,644	\$74,360
Beg Fund Balance	\$1,294,174	\$1,645,409
= Fund Balance	\$1,645,409	\$1,719,769

Salaries	Pos. #	Current Salaries	Actuals											
			July	August	September	October	November	December	January	February	March	April	May	June
Director	87001	\$ 10,167	\$ 10,167	\$ 10,167	\$ 10,167	\$ 10,167	\$ 10,167	\$ 10,167	\$ 10,167	\$ 10,167	\$ 10,167	\$ 10,167	\$ 10,167	\$ 10,167
Staff Assistant	87002	\$ 4,718	\$ 4,718	\$ 4,718	\$ 4,718	\$ 4,718	\$ 4,718	\$ 4,718	\$ 4,718	\$ 4,718	\$ 4,718	\$ 4,718	\$ 4,718	\$ 4,718
Public Guardian	87003	\$ 5,305	\$ 5,305	\$ 5,305	\$ 5,305	\$ 5,305	\$ 5,305	\$ 5,305	\$ 5,305	\$ 5,305	\$ 5,305	\$ 5,305	\$ 5,305	\$ 5,305
Public Guardian	87004	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128
Public Guardian	87005	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128
Public Guardian	87006	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128	\$ 5,128
Public Guardian	87007	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 3,980
Deputy Director	87008	\$ 8,833	\$ 7,992	\$ 8,833	\$ 8,833	\$ 8,833	\$ 8,833	\$ 8,833	\$ 8,833	\$ 8,833	\$ 8,833	\$ 8,833	\$ 8,833	\$ 8,833
Public Guardian	87009	\$ 5,000	\$ -	\$ -	\$ -	\$ 3,064	\$ 5,003	\$ 4,983	\$ 4,983	\$ 4,983	\$ 4,983	\$ 4,983	\$ 4,983	\$ 4,983
Public Guardian	87010	\$ 5,000	\$ -	\$ -	\$ -	\$ 3,095	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 3,827	\$ -	\$ -
Case Management Aide	87011	\$ 4,533	\$ -	\$ -	\$ -	\$ -	\$ 5,357	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500
Public Guardian	87012	\$ 4,983	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,586	\$ 4,983	\$ 4,983	\$ 4,983	\$ 4,983	\$ 4,983
Vacant, Public Guardian	87XXX	\$ 5,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Vacant, Public Guardian	87XXX	\$ 5,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Salaries			\$ 48,714	\$ 49,556	\$ 49,556	\$ 55,715	\$ 64,916	\$ 64,039	\$ 60,802	\$ 63,717	\$ 63,717	\$ 61,867	\$ 53,590	\$ 52,419
Employee Benefits			\$ 16,878	\$ 18,910	\$ 18,869	\$ 21,018	\$ 24,971	\$ 24,769	\$ 24,061	\$ 25,496	\$ 24,785	\$ 27,737	\$ 19,701	\$ 33,321
Total Personal Services			\$ 65,592	\$ 68,465	\$ 68,424	\$ 76,733	\$ 89,887	\$ 88,807	\$ 84,863	\$ 89,213	\$ 88,502	\$ 89,604	\$ 73,290	\$ 85,740

	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals
1920 -Other Professional Services	\$ 6,872	\$ (4,685)	\$ 315		\$ 12,555	\$ 12,315	\$ 5,334	\$ 12,052	\$ 494	\$ 992	\$ 13,442	\$ 2,700		
1935 - Attorneys	\$ 202	\$ 342			\$ 301	\$ 62				\$ 216	\$ 216	\$ 216		
1940 -Medical Services														
1950 -Professional Services from Other Colorado Departments														
1960 -Professional IT Services	\$ 890	\$ 4,923	\$ 2,474	\$ 300	\$ 2,076	\$ 550	\$ 550	\$ 13,858	\$ 495	\$ 1,100	\$ 852	\$ 495		
2250 -Miscellaneous Rentals														
2255 -Rental of Meeting Rooms & Leased Space	\$ 2,000		\$ 3,614		\$ 3,900	\$ 2,175	\$ 1,900	\$ 1,900	\$ 3,390	\$ 3,800	\$ 2,150			
2510 -General Travel (Employee)		\$ 162	\$ 439	\$ 527	\$ 172	\$ 26				\$ 1,454	\$ 30	\$ 548		
2511 -Common Carrier Fares														
2512 -Meals (Employee)			\$ 58						\$ 294					
2513 -Mileage Reimbursement (Employee)	\$ 928	\$ 164	\$ 1,079	\$ 445		\$ 956	\$ 612	\$ 848	\$ 856	\$ 669	\$ 716	\$ 305		
2530 -General Travel					\$ 747									
2531 -Common Carrier Fares				\$ 221										
2532 -Meals	\$ -	\$ -	\$ -	\$ -	\$ 127									
2610 -Advertising Services	\$ -	\$ -	\$ 273	\$ 58	\$ 809	\$ 61	\$ 100		\$ 382	\$ 574	\$ 520	\$ 531		
2631 -Communication Services from Outside Sources		\$ 574	\$ 675	\$ 649	\$ 674	\$ 653	\$ 1,449	\$ 868	\$ 1,028	\$ 2,063	\$ 1,012	\$ 1,021		
2641 -ADP Services from Outside Sources	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 25,883	\$ 7,359	\$ 10,524	\$ 11,515			
2680 -Printing & Reproduction Services - Vendors			\$ 47			\$ 45	\$ 16,790	\$ 168	\$ 11	\$ 18	\$ 35	\$ 3		
3113 -Clothing & Uniforms														
3118 -Food & Food Services Supplies		\$ 583	\$ 27	\$ 104		\$ 362		\$ 69			\$ 99			
2820 -Monitoring Services		\$ 5,119	\$ 119	\$ 119	\$ 136	\$ 136	\$ 136	\$ 146	\$ 261	\$ 272.00	\$ 231	\$ 136		
3110 -Identification & Safety Supplies	\$ 3		\$ 44	\$ 6	\$ 3		\$ 3		\$ 107					
3120 -Books / Periodicals / Subscriptions										\$ 35				
3121 -Case Jackets		\$ 344	\$ 622	\$ 352	\$ 1,174		\$ 169	\$ 182	\$ 1,273	\$ 175	\$ 192			
3123 -Postage	\$ 6	\$ -	\$ -	\$ 20	\$ 93	\$ 42		\$ 48	\$ 154					
3140 -Noncapitalized IT Software		\$ 198	\$ 1,272	\$ 5,034	\$ 17,940	\$ 312	\$ 2,859	\$ 793	\$ 13,068	\$ 620	\$ 3,915	\$ 498		
3145 -Noncapitalized IT Purchases														
4100 -Other Operating Expenditures									\$ 173					
4140 -Dues & Memberships			\$ -			\$ 2,250			\$ 1,140			\$ 225		
4170 -Miscellaneous Fees & Fines		\$ 150	\$ 10		\$ 52						\$ 10	\$ -		
4220 -Registration Fees		\$ 15	\$ 249	\$ 765			\$ 45		\$ (21)	\$ 577	\$ 295	\$ 402		
4256 -Other Employee Benefits - Eco Pass														
Total		\$ 10,901	\$ 7,888	\$ 10,668	\$ 8,773	\$ 39,897	\$ 20,788	\$ 30,232	\$ 56,727	\$ 29,600	\$ 23,920	\$ 35,053	\$ 7,371	

Total - YTD + Projections Program Line \$ 76,493 \$ 76,353 \$ 79,092 \$ 85,506 \$ 129,785 \$ 109,596 \$ 115,095 \$ 145,940 \$ 118,102 \$ 113,524 \$ 108,343 \$ 93,111

Over/(under) Program Line

Attachment 2. FY24 OPG Budget Summary as of 08.13.2023

OPG Personal Services and Operating - FY 2024 - Through 8/13/2023

Budget Type	Budget	YTD + Projected Exp	Surplus / (Deficit)
Personal Services	\$1,321,126	\$ 1,136,669	\$184,457
Operating	\$582,162	\$ 262,978	\$319,184
Total Appropriation	\$1,903,288	\$1,399,646	\$503,642

YTD
Balance remaining for operating
Total remaining in program line

Cash Fund Balance		
	PRIOR YEAR (FY 2023)	Projected Revenue less YTD Expenses
Total Revenue	\$1,318,638	\$1,318,638
Total Expenditures	\$1,244,279	\$1,399,646
Net Change	\$74,360	(\$81,008)
Beg Fund Balance	\$1,645,409	\$1,719,769
= Fund Balance	\$1,719,769	\$1,638,760

Salaries	Pos. #	Current Salaries	Actual	Projection July	Projection August	Projection September	Projection October	Projection November	Projection December	Projection January	Projection February	Projection March	Projection April	Projection May	Projection June
Director	87001	\$ 10,675	\$ 10,675	\$ 10,675	\$ 10,675	\$ 10,675	\$ 10,675	\$ 10,675	\$ 10,675	\$ 10,675	\$ 10,675	\$ 10,675	\$ 10,675	\$ 10,675	\$ 10,675
Staff Assistant	87002	\$ 4,954	\$ 4,954	\$ 4,954	\$ 4,954	\$ 4,954	\$ 4,954	\$ 4,954	\$ 4,954	\$ 4,954	\$ 4,954	\$ 4,954	\$ 4,954	\$ 4,954	
Public Guardian	87003	\$ 5,250	\$ 5,250	\$ 5,250	\$ 5,250	\$ 5,250	\$ 5,250	\$ 5,250	\$ 5,250	\$ 5,250	\$ 5,250	\$ 5,250	\$ 5,250	\$ 5,250	
Public Guardian	87004	\$ 5,384	\$ 5,384	\$ 5,384	\$ 5,384	\$ 5,384	\$ 5,384	\$ 5,384	\$ 5,384	\$ 5,384	\$ 5,384	\$ 5,384	\$ 5,384	\$ 5,384	
Vacant - Public Guardian	87005	\$ 5,384	\$ 11,641	\$ -	\$ -	\$ -	\$ 5,384	\$ 5,384	\$ 5,384	\$ 5,384	\$ 5,384	\$ 5,384	\$ 5,384	\$ 5,384	
Vacant - Public Guardian	87006	\$ 4,852	\$ 4,039	\$ -	\$ -	\$ -	\$ 4,852	\$ 4,852	\$ 4,852	\$ 4,852	\$ 4,852	\$ 4,852	\$ 4,852	\$ 4,852	
Public Guardian	87007	\$ 5,408	\$ 5,408	\$ 5,408	\$ 5,408	\$ 5,408	\$ 5,408	\$ 5,408	\$ 5,408	\$ 5,408	\$ 5,408	\$ 5,408	\$ 5,408	\$ 5,408	
Deputy Director	87008	\$ 9,275	\$ 9,275	\$ 9,275	\$ 9,275	\$ 9,275	\$ 9,275	\$ 9,275	\$ 9,275	\$ 9,275	\$ 9,275	\$ 9,275	\$ 9,275	\$ 9,275	
Public Guardian	87009	\$ 5,232	\$ 5,232	\$ 5,232	\$ 5,232	\$ 5,232	\$ 5,232	\$ 5,232	\$ 5,232	\$ 5,232	\$ 5,232	\$ 5,232	\$ 5,232	\$ 5,232	
Public Guardian	87010	\$ 5,000	\$ -	\$ -	\$ -	\$ -	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	
Case Management Aide	87011	\$ 4,725	\$ 4,725	\$ 4,725	\$ 4,725	\$ 4,725	\$ 4,725	\$ 4,725	\$ 4,725	\$ 4,725	\$ 4,725	\$ 4,725	\$ 4,725	\$ 4,725	
Public Guardian	87012	\$ 5,232	\$ 5,232	\$ 5,232	\$ 5,232	\$ 5,232	\$ 5,232	\$ 5,232	\$ 5,232	\$ 5,232	\$ 5,232	\$ 5,232	\$ 5,232	\$ 5,232	
Vacant, Public Guardian - for Staff attorney	87XXX	\$ 5,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Vacant, Public Guardian - for Staff attorney	87XXX	\$ 5,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Total Salaries		\$ 81,371	\$ 71,815	\$ 56,135	\$ 56,135	\$ 71,371	\$ 71,371	\$ 71,371	\$ 71,371	\$ 71,371	\$ 71,371	\$ 71,371	\$ 71,371	\$ 71,371	
Employee Benefits		\$ 28,723	\$ 26,616	\$ 22,917	\$ 22,917	\$ 26,422	\$ 26,422	\$ 26,422	\$ 26,422	\$ 26,422	\$ 26,422	\$ 26,422	\$ 26,422	\$ 26,422	
Total Personal Services		\$ 1,321,126	\$ 98,430	\$ 79,052	\$ 79,052	\$ 97,793	\$ 97,793	\$ 97,793	\$ 97,793	\$ 97,793	\$ 97,793	\$ 97,793	\$ 97,793	\$ 97,793	

	Actuals	Projections	Projections	Projections	Projections	Projections	Projections	Projections	Projections	Projections	Projections	Projections	Projections
1920 -Other Professional Services		416.00	435.90										
1935 - Attorneys													
1940 -Medical Services													
1950 -Professional Services from Other Colorado Departments													
1960 -Professional IT Services			495.00										
2250 -Miscellaneous Rentals													
2255 -Rental of Meeting Rooms & Leased Space	\$	1,900											
2510 -General Travel (Employee)	\$	5											
2511 -Common Carrier Fares													
2512 -Meals (Employee)	\$	40											
2513 -Mileage Reimbursement (Employee)	\$	306											
2530 -General Travel													
2531 -Common Carrier Fares													
2532 -Meals													
2610 -Advertising Services													
2631 -Communication Services from Outside Sources													
2641 -ADP Services from Outside Sources	\$	3,613	4,700										
2680 -Printing & Reproduction Services - Vendors	\$	37											
3113 -Clothing & Uniforms													
3118 -Food & Food Services Supplies													
2820 -Monitoring Services													
3110 -Identification & Safety Supplies													
3120 -Books / Periodicals / Subscriptions													
3121 -Case Jackets	\$	357	331										
3123 -Postage	\$	4											
3140 -Noncapitalized IT Software			871										
3145 -Noncapitalized IT Purchases			367										
4100 -Other Operating Expenditures													
4140 -Dues & Memberships													
4170 -Miscellaneous Fees & Fines													
4220 -Registration Fees													
4256 -Other Employee Benefits - Eco Pass													
Total		\$ 6,678	\$ 23,300	\$ 23,300	\$ 23,300	\$ 23,300	\$ 23,300	\$ 23,300	\$ 23,300	\$ 23,300	\$ 23,300	\$ 23,300	\$ 23,300

Total - YTD + Projections Program Line \$ 105,108 \$ 102,352 \$ 102,352 \$ 121,093 \$ 121,093 \$ 121,093 \$ 121,093 \$ 121,093 \$ 121,093 \$ 121,093 \$ 121,093 \$ 121,093 \$ 121,093 \$ 121,093

Over/(under) Program Line

**JOB POSTING -
COLORADO OFFICE OF PUBLIC GUARDIANSHIP,
STAFF ATTORNEY**

Title: Entry-Level Attorney

Job Location: Denver, Colorado

Salary Range: \$8,833.33 - -\$9,583.33 per month*

Employment Type: Full-Time (40 hours/week); benefits and PERA eligible

Apply By: September 22, 2023

*Each position within the Judicial Branch has a certain salary range assigned. Based on experience and other factors, newly hired employees typically begin their employment towards the beginning of the pay range.

Agency Statement:

The Colorado Office of Public Guardianship (COPG) provides guardianship services to eligible indigent and incapacitated adult individuals who have no responsible family members or friends who are available and appropriate to serve as guardian; lack adequate resources to compensate a private guardian and pay the costs associated with an appointment proceeding; and are not subject to a petition for appointment of guardian filed by a county adult protective services unit or otherwise authorized by C.R.S. § 26-3.1-104. The COPG is mandated to be statewide by December 31, 2030.

Position Purpose and Objectives/Definition of Work:

The Colorado Office of Public Guardianship (COPG) is accepting applications for one (1) staff attorney. This position is responsible for all aspects of legal consultation, analysis and of COPG client matters post-appointment in guardianship, financial matters, and other matters as needed. The Staff Attorney will provide guidance to the Director, Deputy Director, guardians, case management aid, staff assistant, and other staff as needed on topics including fiduciary responsibility, accounting, public benefits, probate claims, criminal matters, housing matters, mental health intervention matters, and litigation. The position requires significant time in a courtroom setting and provides other opportunities for advocacy to medical, social work, and legal professionals. The COPG is focused on providing a high level of guardianship services and requires the Staff Attorneys' advocacy on guardianship issues and mental health law issues. Potential for hybrid work environment and virtual court appearances. This position requires shared weekly and weekend on-call responsibilities.

ESSENTIAL JOB FUNCTIONS

- Provides guidance regarding guardianship decisions involving medical and mental health treatment, including consents for treatment and medical procedures.
- Prepares and files pleadings related to probate, benefits, mental health, and fiduciary issues.
- 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.
- Coordinates estate administration with conservators, including the Public Administrators, gives instructions on fiduciary duties and provides legal advice to guardians, Director, Deputy Director, and other COPG staff.
- Handles administrative hearings to obtain and maintain benefits or other matters.
- Handles intervention matters for COPG clients in criminal matters.
- Provides an analysis of legal issues, with possible suggestions or resolutions; and presents these findings to the Director and the Attorney General.
- Interacts with court personnel including filing of pleadings, instructions on notice required

to other parties in lawsuits, responding to questions by the court, presentation of ex parte petitions to judges and asking questions on nonroutine requirements of court proceedings.

- Handles cases that include the restoration or modification of rights of a ward deemed to have regained capacity, a petition to determine liability against a former fiduciary.
- Performs other related duties as required/assigned.

KNOWLEDGE, SKILLS, AND ABILITIES

- At least 5 years' experience in legal consultation, analysis and representation of a state agency or similar organization in its fiduciary capacity as a guardian or conservator.
- Knowledge of, and at least 5 years, experience in probate law, guardianship law, conservatorship law, mental health law, topics of fiduciary responsibility, public benefits, discharge issues, guardian consent issues, ethics, medical decision-making, advocacy on guardianship issues.
- Knowledge of office procedures, policies and ethical considerations of the COPG.
- Knowledge of laws and regulations governing the administration of guardianship, fiduciary duties, including probate practice and procedure.
- Knowledge of laws and regulations governing benefits, care, services, and placements available to wards whether they be provided to the ward in their homes or in residential or institutional settings.
- Knowledge of mental health systems and services, social service agencies, state developmental disability waiver systems and services, and state systems and services for the aged.
- Skill and knowledge in general matters of law, including criminal law, municipal law, contract law, landlord/tenant law, public benefits law, family law, name changes, etc.
- Skill in oral and written communication as related to appearances in judicial and administrative proceedings, negotiations and instructions to staff.
- Skill in legal research.
- Skill in drafting pleadings, letters, instruction memoranda to office staff, etc.
- Skill in the use of Microsoft Suite and word processing programs.
- Skill in tracking time spent in individual cases, despite interruptions.
- Ability to set priorities and remain organized despite shifting priorities, large caseload, numerous interruptions and high stress work environment.

Minimum Qualifications/Professional Qualifications:

- Juris Doctorate from an accredited law school.
- Licensed in Colorado and member in good standing of the Colorado State Bar.
- No history or disciplinary action by any state bar licensing authority.
- Ability to communicate effectively, both orally and in writing.
- Ability to maintain confidentiality, establish effective working relationships, and thoroughly document work.
- Must submit to and pass a pre-employment background check.
- To perform this job successfully, an individual must be able to satisfactorily perform each of the above essential functions. The requirements listed are representative of the knowledge, skill, ability, physical and environmental conditions required of the employee on the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

PHYSICAL DEMANDS: While performing the duties of this job, the employee is regularly required to talk or hear. The employee frequently is required to sit and reach with hands and arms and perform repetitive motions with wrists, hands, and fingers. The employee is occasionally required to stand and walk. The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, and ability to adjust focus. Some time is spent in judicial and quasi-judicial settings, or out the office performing research, making educational presentations, and investigating cases. Extensive travel will be required.

WORK ENVIRONMENT: This position is subject to varying and unpredictable situations; may handle emergency or crisis situations; is subject to many interruptions; may handle multiple calls and inquiries simultaneously; and will be required to maintain an on-call schedule. Position may be open to telecommuting and a flexible work schedule due to the required on-call schedule. The noise level in the work environment is usually moderate. Extensive travel will be required.

OTHER: No felony conviction or misdemeanor conviction involving moral turpitude. Possess a valid Motor Vehicle Operator's license or alternate means of transportation. Individuals chosen for the position will be subject to an extensive background check and CAPS check.

HOW TO APPLY:

Application packet must include the following:

1. Cover letter
2. Resume
3. Legal writing sample
4. Minimum of three (3) *professional* references

Email application packet to: Info@Colorado-OPG.org

PLEASE NOTE: Applications will be reviewed, and interviews scheduled/conducted as they are received; applications are encouraged to submit their application materials as soon as possible.

THE OFFICE OF THE PUBLIC GUARDIANSHIP BOARD

BY-LAWS

ARTICLE I: PREAMBLE / ORGANIZATION

SB 23-064 established the Office of Public Guardianship (“Office”) created within the Colorado Judicial Department. The bill established a Board of Directors (the “Board”) to oversee the office and repealed the existing Commission effective August 31, 2023. SB 23-064 also requires the Office to operate in every judicial district in the state of Colorado by December 13, 2030.

The legislative purpose of establishing the Office is to provide guardianship services to certain indigent and incapacitated adults who have otherwise lacked the financial resources or do not have responsible family or friends available and appropriate to serve as a guardian.¹ The legislative purpose of the Office is to provide public guardians for certain indigent and incapacitated adults and appoint public guardians only to the extent necessary without altering or expanding judicial authority regarding determinations of mental capacity or altering or expanding the authority vested in the State Department of Human Services or County Departments of Human Services.²

ARTICLE II: THE BOARD

Section 2.1 Composition and Term of Service.

The Board is comprised of seven members.³ The appointing officials for the Board include the Chief Justice of the Colorado Supreme Court (the “Chief Justice”) and the Governor. The Board is comprised as follows:

- Three members are appointed by the Chief Justice, all of which must be attorneys licensed to practice law in the state of Colorado.⁴ Each of these members must reside in a different congressional district, and no more than

¹ § 13-94-102(1), C.R.S. (2023).

² §§ 13-94-102(2)(a)(I), (3), C.R.S. (2023).

³ § 13-94-104.1(1), C.R.S. (2023).

⁴ § 13-94-104.1(1)(a)(I), C.R.S. (2023).

two members appointed by the Chief Justice may be from the same political party.⁵

- Four non-attorney members are appointed by the Governor, three of which must have lived experience with a family member who is an at-risk adult or who have expertise and experience in advocating for the at-risk adult population, including advocacy and representation in the areas of aging, mental health, substance use disorders, homelessness, veterans issues, intellectual and developmental disabilities, healthcare, and law enforcement and criminal justice. At least one of those three members must be a person with lived experience with a family member who is an at-risk adult. The fourth non-attorney member must be an individual who has not served directly in an advocacy role for at-risk adults.⁶ Each of the members appointed by the Governor must reside in a different congressional district, and no more than three members appointed by the Governor may be from the same political party.⁷

Each member serves at the pleasure of the member's appointing authority.⁸ Except for the initial appointments to the Board made pursuant to § 13-94-104(2)(b)(I), C.R.S., each member's term of appointment is four years.⁹ A member shall not serve more than two consecutive years.¹⁰

Section 2.2 Compensation.

Members of the Board shall serve without compensation but are entitled to be reimbursed for actual and necessary expenses incurred in the performance of their duties.

Section 2.3 Board Vacancy Appointments.

The Chair, the Vice-Chair, or the Director shall immediately notify the relevant appointing authority of any Board member vacancy. The relevant appointing official shall fill any vacancy of the Board for the remainder of any time.

⁵ § 13-94-104.1(1)(b)(I), C.R.S. (2023).

⁶ § 13-94-104.1(1)(a)(II)(A), C.R.S. (2023).

⁷ § 13-94-104.1(1)(b)(II), C.R.S. (2023).

⁸ § 13-94-104(2)(a), C.R.S. (2023).

⁹ *Id.*

¹⁰ *Id.*

ARTICLE III: BOARD CHAIR AND VICE-CHAIR

The Board shall elect by a majority vote a Board Chair and Vice-Chair to oversee Board business. Thereafter, the Board Chair and Vice-Chair shall serve one-year terms that coincide with the state fiscal year of July 1 to June 30. The Chair shall preside over the meetings of the Board and work with the Director to set the Board agenda. The Vice-Chair will act as the Chair-Elect.

The Vice-Chair shall act in the absence of the Chair.

The election for the Vice-Chair, who will serve as the next Chair-Elect, shall take place six months prior to the expiration of the term of service as Board Chair. In the event the individual serving as Board Chair no longer serves on the Board prior to the expiration of the term as Chair, the Vice-Chair shall serve as the Board Chair for the remainder of that term.

The Chair or Director shall immediately notify the relevant appointing authority of any Board member resignation. The relevant appointing official shall fill any vacancy of the Board for the remainder of any time.

ARTICLE IV: COMMISSION MEETINGS

Section 4.1 Regular Meetings.

Regular Board meetings are held monthly on the third Wednesday of the month, unless otherwise noticed. Meetings are from 10:00 AM-noon, unless otherwise specified. Meetings can be conducted virtually, telephonically or in person, or any combination of the foregoing.

Emergency or special meetings of the Board may be called by the Chair or Director or other acting liaison. Notice of an emergency or special Board meeting shall be delivered by electronic mail or telephone to each Board member, which will include the date, time, location and purpose of the meeting. Notice of the special or emergency Board meeting shall be provided to the Board member no later than 24 hours prior to the time set for the meeting.

Section 4.3 Quorum.

A majority of the members of the Board, when present at any meeting, shall constitute a quorum.

Section 4.4 Notice of Meetings.

The Board shall provide public notice of all its meetings on the Office website, or through such other means as the Chair or Director or acting liaison deems appropriate until an Office website is established. The notice shall include the date, time, location, and agenda for the meeting.

Section 4.5 Conduct of Meetings.

All regular meetings of the Board shall be open to the public where public business is discussed. Meetings of the Board shall be conducted generally in keeping with Roberts Rules of Order, except as otherwise provided in these By-Laws, but shall be as informal as circumstances permit.

Members of the public who attend shall be provided a reasonable opportunity to speak during the public comment section, subject to the Board policy on public comment. The Board may from time to time and by a majority vote adopt or amend its policy for the receipt of public comment.

The Board may vote to conduct certain business in Executive Session. Such circumstances that may necessitate Executive Session include, but are not limited to, information that must be kept confidential subject to the attorney-client privilege, personnel matters related to the Director, or information that must be kept confidential subject to other state or federal laws. The Chair shall announce to the public the general topic for discussion in Executive Session and call for a motion to enter into Executive Session. The Board must vote by two-thirds majority of its membership before it may enter into Executive Session. If the Board votes to enter Executive Session, only those persons invited by the Board may be present during the Executive Session.

Section 4.6 Voting.

Each member of the Board shall be entitled to one vote in the affairs of the Board. A majority of the quorum passes a measure unless otherwise specified in these By-Laws.

Section 4.7 Minutes.

Minutes for all Board meetings shall be taken. The Board shall have an opportunity to review the minutes of a prior meeting at its next regularly scheduled meeting, and shall approve the minutes by a majority vote, subject to any amendments or corrections. The approved minutes shall constitute the Board's official record of proceedings. The approved minutes shall be made available to the public via the Office website, or through other approved means.

Section 4.8 Attendance.

Attendance to all regular Board meetings is mandatory, unless previously excused by the Chair, Vice-Chair or Director. If a Board member has more than three consecutive unexcused absences, the Chair, in his or her discretion and as may be delegated to the Director, may report such circumstances to the Board member's appointing authority.

ARTICLE V: BOARD DUTIES

Section 5.1 Board Duties Generally.

The Board's duties include:

- Appointment and evaluation of the Director;
- Establish bylaws and operating policies for the Board;
- Develop and periodically evaluate a strategy to wind up the Office's affairs in the event the Office is discontinued;
- Work collaboratively with the Director to provide governance of the Office, fiscal oversight of the general operating budget of the Office, and programmatic oversight, as established in the bylaws and operating procedures of the Board.

Section 5.2 Fundraising Activities.

The Board shall draft and approve separate fundraising guidelines and materials in furtherance of those activities.

Section 5.3 Appointment of the Director.

The Board shall appoint a Director by a two-thirds majority vote of the Commission membership. The Board shall make its initial appointment of a Director no later than December 31, 2023.

The Board shall work with Human Resources for the State Court Administrator's Office ("SCAO"), which may provide assistance with the hiring process for the Director, will be outlined in a Memorandum of Understanding between the Colorado Judicial Department and the Office, or any successor agreement.

The Board shall review the applications that are received, narrow the pool to a certain number of finalists, conduct interviews of the finalists, conduct reference checks, and vote by a two-thirds majority for appointment of the Director. The Board shall provide reasonable transparency in the hiring process, while protecting the privacy rights of candidates subject to any applicable laws.

Section 5.4 Evaluation of the Director.

The Board shall set the compensation of the Director, subject to the guidelines established or best practices engaged in by other state agencies in the compensation of their executive level staff directors, as well as subject to funding availability.

The Board shall conduct Annual Evaluations of the Director, which shall include at minimum, a completed self-evaluation by the Director, comments and feedback from the Office staff, and completed evaluation forms of Board members. The Board may delegate to the Chair, or other designee, the responsibility of preparing a draft Annual Evaluation that combines the Director's self-evaluation, Office staff comments and feedback, and Board member evaluations. The Board shall review the draft Annual Evaluation, and by majority vote, approve a final Annual Evaluation subject to any corrections, amendments, or deletions. The final Annual Evaluation shall be delivered to the Director, who shall at the next regularly scheduled meeting

have an opportunity to provide a response, either through written or verbal means, or both.

Section 5.5 Termination of the Director.

The Board may terminate the Director's employment by a two-thirds majority vote of the Board membership.

A decision by the Board to terminate the Director is final and not subject to appeal, review, or grievance.

Section 5.6 Advisory Role of the Board to the Director.

The Board shall provide any and all assigned tasks to the Director as the Board deems appropriate, and when appropriate in consultation with the Director.

The Board shall from time to time offer suggestions, advice, recommendations or other input to the Director, as the Board deems appropriate.

ARTICLE VI: BOARD DOCUMENTS

The Board shall draft and approve a separate Document Retention Policy that complies with the retention and destruction of Board Documents in compliance with state and, to the extent applicable, federal law.

ARTICLE VII: AMENDMENTS

Section 7.1 Procedures.

The change in state or federal law, or other circumstances, may warrant the amendment of these By-Laws. These By-Laws may be amended or repealed, in whole or in part, by a majority vote at any publicly noticed meeting of the Board and are effective upon adoption or amendment.

Section 7.2 Distribution.

The Chair, as may be delegated to the Director, shall provide a copy of the latest version of these By-Laws to any person who requests a copy. The latest version of

the By-Laws shall be made available to the public via the Office website, or through other means until an Office website is established.

Section 7.3 History.

Adopted and effective by the Board on _____, 2023.

COLORADO OFFICE OF THE PUBLIC GUARDIANSHIP BOARD:

Board Chair

Board Vice-Chair

DRAFT