

**OPG Board meeting
Director Report
09.25.2024**

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.

- Attachment 1: SCAO/Judicial provided a FY 2024 Budget Summary as of 08.31.2024
- Attachment 2: SB23-064 Fiscal Note

I. Budget and Administrative Update.

- a. I previously provided the monthly budget summary report as of 08.31.2024 provided to me by Mike Henthorn, Judicial Budget Analyst II.
See Attachment 1.
- b. OPG Board vacancies – the Board has one Chief Justice vacancy. Criteria: Attorney, not from the 2nd or 7th Congressional Districts; not from the Boulder or Arvada Judicial Districts/Localities; from any Party.
 1. On 08.30.2024, SA Murphy and I met with Chief Justice Monica Marquez and her Chief Counsel, Andrew Rottman. We discussed including us OPG in identifying our needs for the Board when vacancies arise. Other details of our meeting are outlined later in the report.
 2. As reported at the 08.28.2024 meeting, Chair Fields will send vacancy information to the Elder Law and Trust and Estates sections before the September meeting (the August meeting was canceled).
 3. An attorney reached out to Chair Fields and me about the vacancy. The attorney seems to meet the eligibility criteria and is completing the application.
- c. I am working on next fiscal year's budget and meeting with Judicial Budget Analyst, JBC Analyst Alfredo Kemm, and legislative liaison to monitor the JBC and forecast for our expansion and requests. The SB23-064 Fiscal Note provided for a \$1.2 million budget for FY25-26 allowing for 10 FTE.
See Attachment 1. As the Office is at capacity in Denver, needs to hire

guardians and the Workforce Development Manager to create the groundwork for recruitment and retention, the best foot forward is to create the foundation before expanding further. This is also being mindful of the budget forecast. I'm still working with our legislative liaison, the budget analyst and JBC analyst on how to best strategize and work with the JBC.

1. We have been looking at a different office space for FY26. Via the MOU the OPG was to be housed in the Carr building and therefore, never budgeted for rent/lease. The OPG is the only independent agency that has a rent/lease expenditure. Therefore, the OPG must request General Funds for rent/lease in this next budget request.
- d. Additionally, we will need to monitor our financial needs if UGCOPPA is pushed again. I will present the Board with information once I have conducted these meetings. Our legislative liaison recommended that we potentially sponsor a separate bill with Denver APS and other stakeholders. I've been in contact with other stakeholders who have expressed interest and I've asked our legislative liaison to reach out to stakeholders and do some research. We are meeting with our legislative liaison on 09.22.2024, so hopefully I will have some updates for our Board meeting.
- e. Human Resources Update
- i. Happy 1 year Work Anniversary to Mary Olguin- 16th Judicial District Guardian
 - ii. We are posting for the 2nd JD guardian position and have two interviews scheduled and are requesting additional information from several candidates.
 - iii. We interviewed for the second CMHI guardian position and we are in the process of making an offer.
 - iv. The Employer's Council has been retained to complete a job analysis to complete a full job description and job posting for the Workforce Development Manager. I completed a phone call with the consultant on 09.13.2024.
- f. Legal Administration – SA Murphy continues to assist with day-to-day legal matters, policy review, and mental health motions to intervene, etc.

- g. Former Chair Deb Bennett-Woods, Research Assistant Grant Yoder and I are continuing with publishing our article based on the 2023 Report to the Legislature with a meeting on 10.01.2024.
- h. Attorney General's Office Update
 - 1. On 08.20.2024 we received the AG's Office memorandum regarding the office's duties on protecting a client's ALF's residency when drug use is suspected. SA Murphy has reviewed and provided several questions to the AG's Office in response. We are awaiting a Checklist from the AG's Office that has been presented as a tool to assist the guardians and SA Murphy.
 - 2. I requested the FY2023-2024 AG Usage Report for request for budgeting purposes. I should receive the Usage Reports ongoing. I received and reviewed the Report and will address some questions with the AG's Office. AG Finke addressed my questions on 06.18.024 and he will make some corrections to the billing. I further addressed some timekeeping and ongoing oversight issues on 08.20.2024.
- i. Office of Administrative Services for Independent Agencies (ASIA) completed interviews for the Executive Director, an offer was accepted and Melissa Jamieson starts on 09.16.2024. As a Board member, I will be responsible for onboarding and training. There are 3 phases of onboarding and the Board members are working through identifying and sharing the responsibilities.
- j. On 08.30.2024, SA Murphy and I met with Chief Justice Monica Marquez and her Chief Counsel, Andrew Rottman. It was a great opportunity to share about the OPG. I shared all aspects of the OPG, and the Chief Justice inquired about the lack of resources and offered to reach out to the Judicial Department and the Attorney General's Office to assist in collaboration with our office.

II. **Colorado OPG Pilot Program Commission and Operating Policies Updates.** Please note that Commission and Operating Polices are available on the OPG website: <https://colorado-opg.org/opg-in-depth/>

- a. **Trainings and Projects – Ongoing.** A list can be provided quarterly.

- b. Internal trainings/Policies/Procedures – in review with Josh Murphy.
- c. Ms. Villegas is a Physician Assistant with Longevity Health Plan, a specialized Medicare Advantage health plan serving people living in skilled nursing facilities.
 - 1. Last session on 06.24.2024 – Trauma Informed Care.
 - 2. Upcoming session on 11.13.2024 – Death and Dying.
- ii. Internal trainings/Procedures – In review with DD Cantu and SA Murphy.
 - 1. Next policy to review: Tiered client visitation system.
- iii. Finalizing Telecommute/Remote Work Policy/Agreement with the assistance of Employer’s Council. SA Murphy and I finalized the policy and sent it back to Employer’s Council to review on 08.20.2024. SA Murphy met with Employer’s Council on 09.05.2024 about rolling it out appropriately. We are waiting on Employer’s Council for their final review of the policy.

d. Intake Eligibility, Prioritization and Referral Process.

- i. Update on number of registered users, referrals, accepted cases, etc. as of **9.11.2024**
 - 1. 74 Active guardianships
 - 2. 0 referrals pending in court proceedings
 - 3. 0 Complete
 - 4. 3 Partial referrals
 - 5. 3 Registered
 - 6. 29 clients passed away since COPG appointment
 - 7. 1 Terminated – Successor Guardian
 - 8. 33 Hold status (now includes OBH/CHMI-Ft. Logan/Pueblo referrals that are non-OBH/Momentum contract referrals)
 - 9. The OBH/Momentum dedicated caseload for one guardian is full and all 12 guardianships are active
 - 10. 7th Judicial District
 - a. Accepted – 1 Montrose
 - b. Declined Not incapacitated – 1 Delta
 - c. Declined No OPG Capacity – 1 Montrose
 - d. Withdrawn – 2 Montrose

11. Declined referrals – pre-Hold status
 1. 141 Denver declined referrals (some declined were prior to establishing the Hold status)
 - a. 9 - Family available to serve
 - b. 62 - Expired/Incomplete information
 - c. 12 – Not appropriate referral
 - d. 5 - Not adult
 - e. 2 – Not Indigent
 - f. 4 - Withdrawn by Ft. Logan
 - g. 11 - No OPG Capacity
 - h. 4 - Withdrawn Death
 - i. 11 - Withdrawn, not incapacitated
 - j. 21 - Withdrawn, other Guardian Available non- Family member
 2. Texas inquiry - 1
 3. Nebraska referral - 1
 4. Alaska inquiries – 2
 5. Colorado inquiries – 20
12. 119 streamlined referrals (Non-Denver County) – Declined
 1. Adams County – 8
 2. Alamosa County - 1
 3. Arapahoe County – 21
 4. Baca – 1
 5. Boulder County – 8
 6. Broomfield County – 1
 7. Crowley - 1
 8. “Denver County” – 2
 9. El Paso County – 25
 10. Fremont - 1
 11. Garfield County – 1
 12. Gunnison County – 1
 13. Huerfano County - 3
 14. Jefferson County – 11
 15. Lake County - 1
 16. La Plata County – 2
 17. Larimer County - 6
 18. Las Animas County - 2
 19. Mesa County – 1

20. Montrose County – 3 *
21. Otero County – 3
22. Pueblo County – 9
23. 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

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

- a. On 08.14.2024, DD Cantu and I met with Christina McKinley, Department of Human Services, El Paso County and Sam Stephenson, Guardian ad Litem, El Paso County regarding a referral.
- b. On 08.16.2024, DD Cantu, SA Murphy and I met with Emily Bowers-Kogut, Client Advocacy Services Assistant Manager, Harford County Office on Aging (Maryland Public Guardian Office) to discuss and compare public guardianship matters/programs.
- c. I presented with Board member Roseanne Collison and Naomi Richardson at the 2024 CBA Elder Law Retreat on Limited Guardianships - it was received well, and we received several compliments.
- d. I am presenting to the Denver Forensics Collaborative Group on 10.09.2024.
- e. I was asked to speak at the El Paso CBA Bar Section this Fall – TBD.
- f. Working with Bradley Torch, Program Manager of Colorado Guardianship Alliance, about a training program for First Responders.
- g. I have a meeting scheduled on 10.30.2024 with Leora Joseph, Executive Director, Office of Civil and Forensic Mental Health, to discuss improving the CMHI-Ft. Logan/Pueblo partnership.
- h. Representative Shannon Bird reached out to me on behalf of a constituent needing assistance for their incapacitated adult child.
- i. I met with former 4th Judicial District Magistrate Vincent Rahaman on 08.30.2024 regarding consultation with the OPG.

Attachment 1. FY24 OPG Budget Summary as of 08.31.2024

OPG PS and Operating - FY 2025 - Through 8/31/2024

FY 2025				
	Budget	Budget	YTD Exp + Projection	Surplus / (Deficit)
YTD	PS	\$1,481,499	\$1,282,197	\$199,302
Operating includes Indirect Costs and Legal Services	All Oper	\$911,315	\$ 354,601	\$556,714
Total remaining in program line	Total Appr	\$2,392,814	\$1,636,798	\$756,016

Cash Fund Balance					
	FY23 Final	FY24 Final	FY25 Projected	FY26 Projected	FY27 Projected
Revenue	\$1,119,689	\$1,138,411	\$1,161,179	\$1,161,179	\$1,161,179
CDHS Transfer	\$198,949	\$197,393	\$224,513	\$230,126	\$235,879
Total Revenue	\$1,318,638	\$1,335,804	\$1,385,692	\$1,391,305	\$1,397,058
Total Exp	\$1,244,279	\$1,257,718	\$1,636,798	\$1,873,144	\$1,929,339
Net Change	\$74,360	\$78,086	(\$475,618)	(\$711,965)	(\$768,159)
Reg Fund Bal	\$1,645,409	\$1,719,769	\$1,797,854	\$1,322,236	\$610,271
= Fund Balance	\$1,719,769	\$1,797,854	\$1,322,236	\$610,271	(\$157,888)

		Actual	Projection	Projection	Projection	Projection	Projection	Projection	Projection	Projection	Projection	Projection	Projection	Projection
Salaries	Pos. #	Current Full Fill Salaries	July	August	September	October	November	December	January	February	March	April	May	June
Director	87001	\$ 11,106	\$ 11,106	\$ 11,106	\$ 11,106	\$ 11,106	\$ 11,106	\$ 11,106	\$ 11,106	\$ 11,106	\$ 11,106	\$ 11,106	\$ 11,106	\$ 11,106
Staff Assistant	87002	\$ 5,153	\$ 5,153	\$ 5,153	\$ 5,153	\$ 5,153	\$ 5,153	\$ 5,153	\$ 5,153	\$ 5,153	\$ 5,153	\$ 5,153	\$ 5,153	\$ 5,153
Guardian, Vacant	87003	\$ 5,305	\$ 5,305	\$ 2,894	\$ -	\$ -	\$ -	\$ 5,305	\$ 5,305	\$ 5,305	\$ 5,305	\$ 5,305	\$ 5,305	\$ 5,305
Guardian, Vacant	87004	\$ 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
Guardian	87005	\$ 5,150	\$ -	\$ 5,741	\$ 5,741	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150
Leave Vacant - Guardian	87006	\$ 5,150	\$ -	\$ 5,741	\$ 5,741	\$ 5,741	\$ 5,741	\$ 5,741	\$ 5,741	\$ 5,741	\$ 5,741	\$ 5,741	\$ 5,741	\$ 5,741
Leave Vacant - Guardian	87007	\$ 5,150	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Deputy Director	87008	\$ 9,649	\$ 9,649	\$ 9,649	\$ 9,649	\$ 9,649	\$ 9,649	\$ 9,649	\$ 9,649	\$ 9,649	\$ 9,649	\$ 9,649	\$ 9,649	\$ 9,649
CMHI Guardian	87009	\$ 5,150	\$ -	\$ -	\$ -	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150
CMHI Vacant - Guardian (Pending offer)	87010	\$ 5,150	\$ -	\$ -	\$ -	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150
Case Management Aide	87011	\$ 4,915	\$ 4,915	\$ 4,915	\$ 4,915	\$ 4,915	\$ 4,915	\$ 4,915	\$ 4,915	\$ 4,915	\$ 4,915	\$ 4,915	\$ 4,915	\$ 4,915
Guardian	87012	\$ 5,443	\$ 5,443	\$ 5,443	\$ 5,443	\$ 5,443	\$ 5,443	\$ 5,443	\$ 5,443	\$ 5,443	\$ 5,443	\$ 5,443	\$ 5,443	\$ 5,443
Guardian	87013	\$ 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
Legal Counsel	87014	\$ 9,579	\$ 9,579	\$ 9,579	\$ 9,579	\$ 9,579	\$ 9,579	\$ 9,579	\$ 9,579	\$ 9,579	\$ 9,579	\$ 9,579	\$ 9,579	\$ 9,579
Leave Vacant - Potential Case Management Aide or other	87XXX	\$ 4,725	\$ -	\$ -	\$ -	\$ 4,725	\$ 4,725	\$ 4,725	\$ 4,725	\$ 4,725	\$ 4,725	\$ 4,725	\$ 4,725	\$ 4,725
Total Salaries		\$ 92,235	\$ 61,760	\$ 70,831	\$ 67,938	\$ 72,071	\$ 82,371	\$ 87,676	\$ 87,676	\$ 87,676	\$ 87,676	\$ 87,676	\$ 87,676	\$ 87,676
Employee Benefits		\$ 31,223	\$ 24,373	\$ 26,283	\$ 26,283	\$ 26,283	\$ 26,283	\$ 26,283	\$ 26,283	\$ 26,283	\$ 26,283	\$ 26,283	\$ 26,283	\$ 26,283
Total Personal Services		\$ 1,481,499	\$ 86,133	\$ 97,115	\$ 94,221	\$ 98,355	\$ 108,655	\$ 113,960	\$ 113,960	\$ 113,960	\$ 113,960	\$ 113,960	\$ 113,960	\$ 113,960

		Based on Prior Year Actuals											
		Actual	Actual	Projection	Projection	Projection	Projection	Projection	Projection	Projection	Projection	Projection	Projection
		July	August	September	October	November	December	January	February	March	April	May	June
1920 -Other Professional Services		-	11,291	468	1,463	9,918	936	3,393	432	432	22,779	3,447	648
1935 - Attorneys		-	-	-	51	289	43	269	332	9	216	-	-
1960 -Professional IT Services		650	-	495	-	495	495	550	1,045	550	550	-	1,666
2231 -IT Hardware & Software Maintenance & Repair Services		327	-	-	-	-	-	-	-	-	-	216	245
2255 -Rental of Meeting Rooms & Leased Space		4,000	-	-	10,100	-	8,450	-	12,050	-	4,300	4,800	4,000
2510 -General Travel (Employee)		-	1,208	209	1,204	1,330	77	31	895	137	442	530	2,789
2511 -Common Carrier Fares		-	267	-	-	-	-	-	-	-	-	-	274
2512 -Meals (Employee)		-	151	65	-	-	26	-	-	-	-	103	61
2513 -Mileage Reimbursement (Employee)		355	1,394	303	518	979	1,125	862	338	9	71	2,147	1,073
2530 -General Travel		-	-	-	-	-	1,459	-	-	-	-	-	-
2531 -Common Carrier Fares		-	-	-	-	417	830	-	-	-	-	-	-
2532 -Meals		-	-	-	-	-	189	-	-	-	-	-	-
2610 -Advertising Services		-	758	-	410	873	127	578	82	514	599	704	1,610
2631 -Communication Services from Outside Sources		-	958	1,009	1,009	1,010	959	959	959	898	898	898	1,915
2641 -ADP Services from Outside Sources		11,140	-	6,186	6,005	-	-	27,005	-	8,615	-	12,505	2,815
2680 -Printing & Reproduction Services - Vendors		6	-	12	212	-	182	36	171	-	7	35	158
2690 -Legal Services		57,481	-	-	-	-	-	-	-	-	-	-	-
2820 -Monitoring Services		-	179	156	156	388	156	156	156	156	156	156	312
3110 -Identification & Safety Supplies		-	-	-	47	147	-	-	-	-	57	102	-
3118 -Food & Food Services Supplies		-	249	17	316	28	23	74	217	-	157	863	281
3121 -Case Jackets		230	44	-	110	345	56	-	293	252	-	414	-
3123 -Postage		2	-	198	8	-	76	25	104	-	20	70	32
3140 -Noncapitalized IT Software		-	-	161	4,344	122	-	-	2,576	60	60	60	-
3145 -Noncapitalized IT Purchases		504	160	367	-	368	3,758	14,014	826	443	443	4,032	1,643
4140 -Dues & Memberships		-	2,722	-	-	-	-	1,583	253	1,000	-	-	450
4170 -Miscellaneous Fees & Fines		-	20	20	-	-	-	10	-	10	30	-	1,373
4190 -Patient & Client Care - Excluding Housing		-	50	31	-	-	-	-	-	-	-	-	-
4220 -Registration Fees		-	2,590	150	620	315	-	-	-	-	-	93	-
4256 -Other Employee Benefits - Eco Pass		-	-	260	-	-	-	-	-	-	-	-	-
XXXX - Indirect Costs		-	-	-	18,527	-	-	-	-	-	-	-	-
Total		\$ 74,694	\$ 22,039	\$ 10,107	\$ 45,099	\$ 17,023	\$ 18,977	\$ 49,545	\$ 20,728	\$ 13,085	\$ 30,784	\$ 31,176	\$ 21,345
Total - YTD + Projections Program Line		\$ 160,827	\$ 119,154	\$ 104,328	\$ 143,453	\$ 125,677	\$ 132,936	\$ 163,505	\$ 134,688	\$ 127,045	\$ 144,744	\$ 145,135	\$ 135,305

Over/(under) Program Line



Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number: LLS 23-0263 Date: July 11, 2023
Prime Sponsors: Sen. Gardner; Ginal Bill Status: Signed into Law
Rep. Snyder; Armagost Fiscal Analyst: John Armstrong | 303-866-6289
john.armstrong@coleg.gov

Bill Topic: CONTINUE OFFICE OF PUBLIC GUARDIANSHIP

- Summary of Fiscal Impact:
[X] State Revenue [] TABOR Refund
[X] State Expenditure [] Local Government
[] State Transfer [] Statutory Public Entity

The bill expands the Office of Public Guardianship to provide services in all judicial districts. Starting in FY 2025-26, the bill will increase state expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the enacted bill.

Table 1
State Fiscal Impacts Under SB 23-064

Table with 5 columns: Category, Budget Year FY 2023-24, Out Year FY 2025-26, Out Year FY 2026-27, Out Year FY 2027-28. Rows include Revenue, Expenditures (General Fund, Centrally Appropriated, Total Expenditures, Total FTE), Transfers, and Other Impacts (General Fund Reserve).

Summary of Legislation

The Office of Public Guardianship (“the office”), established by House Bill 17-1087, currently operates as a pilot program in three Judicial districts. This bill makes the office permanent and requires the office to operate in all Judicial districts by 2030. The bill establishes the office as an independent judicial agency, similar to the Office of the Child’s Representative, for administrative purposes. The bill establishes a board of directors within the Judicial Department to appoint the director of the office and develop rules for governance. The director must begin administering the office by December 31, 2023, with agreed-upon assistance from the Judicial Department. The office will hire public guardians to provide services to indigent and incapacitated adults in each judicial district. The office may accept gifts, grants and donations.

Background and Assumptions

The office currently serves indigent and incapacitated individuals in the 2nd judicial district. The office received 316 referrals as of December 2022, and has served a total of 102 guardianships, including 83 currently active guardianships. Many referrals to the office were denied because clients were not in the 2nd judicial district. Demand for guardianship services across the state is expected to be high. A statistical analysis conducted by the office suggests an unmet statewide need of between 2,754 and 3,736 individuals requiring assistance from a guardian.

State Revenue

Beginning in FY 2025-26, revenue to the Records and Reports Cash Fund will increase to conduct additional CAPS background checks on newly hired public guardians. Based on the assumed number of new public guardians hired, the fiscal note assumes increases to the cash fund will be minimal. The current fee for a CAPS background check is \$9.00. Revenue to the CAPS Cash Fund is subject to the TABOR revenue limit.

State Expenditures

The bill increases state General Fund expenditures by about \$1.2 million in FY 2025-26, \$2.0 million in FY 2026-27, and \$2.9 million in FY 2027-28, as shown in Table 2 and described below. These costs are in the newly expanded Office of Public Guardianship and the Office of the State Court Administrator, both within the Judicial Department

**Table 2
Expenditures Under SB 23-064**

	FY 2023-24	FY 2025-26	FY 2026-27	FY 2027-28
Office of Public Guardianship				
Personal Services	-	\$759,893	\$1,380,924	\$2,032,124
Legal Services	-	\$95,166	\$95,166	\$95,166
Operating Expenses	-	\$14,850	\$25,650	\$36,450
Capital Outlay Costs	-	\$73,370	\$53,360	\$60,030
Vehicle Costs	-	\$30,672	\$61,344	\$97,128
Centrally Appropriated Costs ¹	-	\$181,337	\$330,937	\$489,970
FTE – Personal Services	-	10.0 FTE	18.3 FTE	27.2 FTE
FTE – Legal Services	-	0.5 FTE	0.5 FTE	0.5 FTE
OPG Subtotal	-	\$1,155,288	\$1,947,381	\$2,810,868
State Court Administrator				
Court-Ordered Appointments	-	\$61,687	\$68,311	\$78,454
OSCA Subtotal		\$61,687	\$68,311	\$78,454
Total Costs	-	\$1,216,975	\$2,015,692	\$2,889,322
Total FTE	-	10.0 FTE	18.3 FTE	27.2 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Office of Public Guardianship

Between FY 2025-26 and FY 2027-28, the office will expand to all 23 judicial district in the state, resulting in additional staffing, legal services and operating costs, which are shown in Table 2 above and described in more detail in the following sections. Costs are assumed to come from the General Fund.

Staff costs. By FY 2027-28, the office will require 28.0 FTE to implement the expanded public guardianship program. The fiscal note assumes that this staff will be phased in over a 3-year period beginning in FY 2025-26. Staff costs include personal services costs, operating costs, and capital outlay costs as shown in Table 2. The fiscal note assumes a July 1 start date and the General Fund pay date shift for new staff across all three years of the expansion.

- **Public guardians.** The fiscal note assumes a public guardian can serve between 15 and 20 indigent or incapacitated adults in the judicial districts that they serve. Based on this standard, the office will hire 19 new public guardians by FY 2027-28, who will provide services to around 405 clients. The fiscal note also assumes the office will take a phased in approach by hiring 6 new guardians in FY 2025-26, 6 new guardians in FY 2026-27 and 7 new guardians in FY 2027-28.
- **Support staff.** In addition, the office will require two training coordinators to create and implement training curriculums for guardians and create an employee wellness program; one grants and research specialist to expand the office's funding resources and complete a cost-benefit analysis evaluation of the office; a staff attorney to provide in-house counsel; a staff assistant to assist the director of the office with the expansion and day-to-day operations of the office; two human resources analysts to manage personnel matters, a case management aide to assist guardians with managing cases in the 1st and 18th judicial districts; and public guardian supervisor to manage newly hired and existing public guardians. Similar to the public guardians, these support staff positions will phase in through FY 2027-28.

Legal services. As a result of the expansion, the office is expected to require additional legal services from the Department of Law. In FY 2021-22, the office used about 360 hours of legal services. Accounting for the expected growth in caseload, it is estimated that an additional 900 hours of legal services will be required annually beginning in FY 2025-26. Legal services are provided at a rate of \$105.74 per hour by the Department of Law, which will require the equivalent of 0.5 FTE for this work.

Vehicle costs. Each new public guardian will require a fleet vehicle, managed by the Department of Personnel and Administration. Vehicle leases are estimated to cost \$3,000 per vehicle and maintenance and operating for each vehicle is estimated at about \$2,100 per year based on approximately 9,100 miles of driving to serve their clients, on average. The Department of Personnel and Administration will bill the office for fleet vehicle services and reappropriated spending authority will be adjusted as necessary through the annual budget process starting in FY 2025-26.

Office of the State Court Administrator

The bill increase costs to the courts and the Office of the State Court Administrator additional court-ordered appointments. Each new guardianship case can result in additional court-ordered appointments of guardians ad litem, court visitors, and legal counsel, whether required by statute or at the discretion of the court. Based on data from the pilot program, it is estimated that a guardian ad litem will attend 15 percent of guardianship hearings and an attorney will attend 29 percent of the hearings. Other hearings are attended by lay individuals working on behalf of the guardian. Costs for these appointments are shown in Table 2 above.

Department of Human Services.

Starting in FY 2025-26, workload to the Department of Human Services will increase to conduct additional CAPS background checks. The fiscal note assumes this work can be accomplished within existing appropriations.

Governor's Office

Workload will minimally increase for the Governor's Office of Boards and Commissions to make the required appointment under the bill. This work can be accomplished within existing appropriations.

Centrally Appropriated Costs

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 2.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

Effective Date

The bill was signed into law by the Lieutenant Governor on and took effect on May 30, 2023.

State and Local Government Contacts

Judicial
Human Services

Law

Office of Public Guardianship