

**OPG Commission meeting  
Director Report  
10.26.2022**

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 for any questions in between meetings.

Attachments for the 10.26.2022 meeting:

- Attachment 1: SCAO/Judicial provided a FY 2023 Budget Summary as of 10.18.2022
- Attachment 2: Denver Probate Court Letter

I. Introduction of New Staff

- a. 2<sup>nd</sup> JD Public Guardian – Nancy Bowden
- b. 2<sup>nd</sup> JD OBH/CMHI Public Guardian – Loretta Vigil

II. **Budget and Administrative Update.**

- a. I previously provided the monthly budget summary report for provided to me from Hugh Wilson, Judicial Budget Manager. **See Attachment 1.**
- b. Client Visit Verification System – in progress. System is a site verification system (not an ongoing cell phone tracking system) that is linked to the existing Case Management System.
- c. Human Resources Update.
  - i. Case Management Aid – 2<sup>nd</sup> Judicial District will start 10.26.2022

- ii. We are in process of reposting for the 16<sup>th</sup> Judicial District Public Guardian position.
  - iii. The 7<sup>th</sup> Judicial District Public Guardian accepted our offer and then declined the position. We are interviewing another candidate on November 2.
  
- d. With the assistance of Hugh Wilson and the Attorney General's Office, I am considering an Interim Language Fluency Pay Differential Policy for staff. The policy will apply to staff that are demonstrably fluent in a second language who effectively communicate with their assigned and/or assist other COPG staff with interpreter/translation needs with COPG clients. The COPG also provides Language Line services to public guardians to communicate with our clients.
  - i. The Judicial Office of Language Access provides an Oral Proficiency Interview at no cost to Judicial employees.
  
- e. With the assistance of the Attorney General's Office, we are considering filing Motions to Intervene in Mental Health proceedings under CRS §27-65-111(6). The COPG will be noticed to these proceedings and may present evidence. On 10.04.2022 I met with Mr. Finke and Deputy Reichert to discuss the OPG's needs and how the AG's office will staff this need. Mr. Finke needs to follow up with me after internal AG meetings.
  
- f. The Honorable Elizabeth D. Leith of the Denver Probate Court approached me about the 2<sup>nd</sup> Judicial District Court submitting a proposal for funding of a COPG Public Guardian for the Criminal REACH Docket. I provided a letter to Judge Leith in support of the District Court's proposal. Judge Leith provided a letter in support of the continuation and expansion of the OPG. Judge Leith also offered to testify as it related to the Denver Probate Court needing the OPG. **See Attachment 2.**

- III. **Stakeholder Engagement Plan – In progress.**
  
- IV. **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. **OPG Email Policy – Completed.** To be posted on OPG website.
  
  - b. **Policy 5. Colorado OPG Fiscal Policy – Client Emergency Fund – In Progress.** Will be considered with Final Report.
  
  - c. Reviewing and updating protocols as part of the Spring meetings to assess the procedures, caseloads, etc. of the office.
  
  - d. **Trainings and Projects – Ongoing.** A list will be provided quarterly.
  
  - e. **Intake Eligibility, Prioritization and Referral Process.**
    - i. Update on number of registered users, referrals, accepted cases, etc. as of **10.18.2022.**
      - 1. 86 Active guardianships
      - 2. 2 referrals pending in court proceedings (accepted 2 Hold referrals)
      - 3. 9 Partial referrals
      - 4. 17 clients passed away since CO OPG appointment
      - 5. 19 Hold status for 6 months (now includes OBH/CHMI-Ft. Logan/Pueblo referrals that are non-OBH/Momentum contract referrals)
      - 6. The OBH/Momentum dedicated caseload is full and all 12 guardianships are active

7. 33 Declined referrals
  1. 26 Denver declined referrals
    - a. 5 - Family available to serve
    - b. 16 - Expired/Incomplete information
    - c. 1 – Not appropriate referral
    - d. 1 - Not adult
    - e. 1 - Withdrawn by Ft. Logan
    - f. 4 - No OPG Capacity
  2. Not incapacitated – 2
  3. Texas referral - 1
  4. Nebraska referral - 1
  5. Alaska referral – 2
  
8. 78 streamlined referrals (Non-Denver County) – Declined
  1. Adams County – 4
  2. Alamosa County - 1
  3. Arapahoe County – 13
  4. Boulder County – 4
  5. Broomfield County - 1
  6. “Denver County” - 2
  7. El Paso County – 17
  8. Garfield County – 1
  9. Gunnison County – 1
  10. Huerfano County - 3
  11. Jefferson County – 9
  12. Lake County - 1
  13. La Plata County – 2
  14. Larimer County - 4
  15. Las Animas County - 2
  16. Mesa County – 1
  17. Montrose County – 2
  18. Otero County – 3
  19. Weld County – 7

- V. **Colorado OPG Strategic Plan.** Draft previously provided – no updates.
  
- VI. **Stakeholder Outreach – Ongoing.** A list can be provided if requested.
  - a. 09.14.2022: I was interviewed by Tom Scherberger, a Florida journalist that writes the monthly National Guardianship Association Newsletters. We discussed public guardianship, the COPG legislative history, current COPG status, 2022 survey results, preliminary focus group themes, goals for the COPG, my experience with the Nebraska Office of Public Guardian, and his struggles with locating data about public guardian programs across the US. He will provide me with a draft of the article to preview and edit. He expects the article will be out in November or December 2022.
  
- VII. **Data gathering and Final Report - In progress.** A rough draft will be sent to the Commission to review in October. We will need some working sessions to finalize the report. The research team is meeting several times a week and reaching out to various agencies for cost data points to finalize the report.

# Attachment 1. FY23 Initial OPG Budget Summary as of 10.18.2022

## OPG Personal Services and Operating Summary - FY 2023

Budget Type	Budget	YTD + Projected Exp	Surplus / (Deficit)	YTD
Personal Services	\$1,360,000	\$ 1,046,966	\$313,034	
Operating	\$360,586	\$ 117,456	\$243,130	Balance remaining for operating
<b>Total Appropriation</b>	<b>\$1,720,586</b>	<b>\$1,164,422</b>	<b>\$556,164</b>	Total remaining in program line

	Cash Fund Balance	
	PRIOR YEAR (FY 2022)	Projected Revenue less YTD Expenses
Total Revenue	\$1,220,753	\$1,169,370
Total Expenditures	\$780,395	\$1,164,422
Net Change	\$440,358	\$4,948
Beg Fund Balance	\$1,294,174	\$1,734,532
<b>= Fund Balance</b>	<b>\$1,734,532</b>	<b>\$1,739,480</b>

Salaries	Pos. #	Current Salaries	Actuals	Projections											
				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	\$ 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	\$ 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	\$ 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	\$ 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	\$ 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	\$ 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	\$ 5,150	\$ 5,150
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	\$ 8,833
Vacant, Public Guardian	87XXX	\$ 4,888	\$ -	\$ -	\$ -	\$ -	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888
Vacant, Public Guardian	87XXX	\$ 4,888	\$ -	\$ -	\$ -	\$ -	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888
Vacant, Public Guardian	87XXX	\$ 4,888	\$ -	\$ -	\$ -	\$ -	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888
Vacant, Public Guardian	87XXX	\$ 4,888	\$ -	\$ -	\$ -	\$ -	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888
Vacant, Public Guardian	87XXX	\$ 4,888	\$ -	\$ -	\$ -	\$ -	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888	\$ 4,888
Vacant, Case Management Aide	87XXX	\$ 4,092	\$ -	\$ -	\$ -	\$ -	\$ 4,092	\$ 4,092	\$ 4,092	\$ 4,092	\$ 4,092	\$ 4,092	\$ 4,092	\$ 4,092	\$ 4,092
<b>Total Salaries</b>			\$ 48,714	\$ 49,556	\$ 49,556	\$ 49,556	\$ 78,088	\$ 78,088	\$ 78,088	\$ 78,088	\$ 78,088	\$ 78,088	\$ 78,088	\$ 78,088	\$ 78,088
<b>Employee Benefits</b>			\$ 16,878	\$ 18,910	\$ 18,910	\$ 18,910	\$ 18,910	\$ 18,910	\$ 18,910	\$ 18,910	\$ 18,910	\$ 18,910	\$ 18,910	\$ 18,910	\$ 18,910
<b>Total Personal Services</b>			\$ 65,592	\$ 68,465	\$ 68,465	\$ 68,465	\$ 96,997	\$ 96,997	\$ 96,997	\$ 96,997	\$ 96,997	\$ 96,997	\$ 96,997	\$ 96,997	\$ 96,997

	Actuals	Projections												
		July	August	September	October	November	December	January	February	March	April	May	June	
1920 -Other Professional Services	\$ 6,872	\$ (4,685)	\$ 315											\$ 2,502
1935 - Attorneys	\$ 202	\$ 342												\$ 544
1940 -Medical Services														\$ -
1950 -Professional Services from Other Colorado Departments														\$ -
1960 -Professional IT Services	\$ 890	\$ 4,923	\$ 2,474											\$ 8,286
2250 -Miscellaneous Rentals														\$ -
2255 -Rental of Meeting Rooms & Leased Space	\$ 2,000		\$ 3,614											\$ 5,614
2510 -General Travel (Employee)		\$ 162	\$ 439											\$ 601
2511 -Common Carrier Fares														\$ -
2512 -Meals (Employee)			\$ 58											\$ 58
2513 -Mileage Reimbursement (Employee)	\$ 928	\$ 164	\$ 1,079											\$ 2,171
2530 -General Travel														\$ -
2531 -Common Carrier Fares														\$ -
2610 -Advertising Services	\$ -	\$ -	\$ 273											\$ 273
2631 -Communication Services from Outside Sources		\$ 574	\$ 675											\$ 1,250
2680 -Printing & Reproduction Services - Vendors			\$ 47											\$ 47
3113 -Clothing & Uniforms														\$ -
3118 -Food & Food Services Supplies		\$ 583												\$ 583
2820 -Monitoring Services		\$ 5,119	\$ 119											\$ 5,238
3110 -Identification & Safety Supplies	\$ 3		\$ 44											\$ 47
3120 -Books / Periodicals / Subscriptions														\$ -
3121 -Case Jackets		\$ 344												\$ 344
3123 -Postage	\$ 6	\$ -												\$ 6
3140 -Noncapitalized IT Software		\$ 198	\$ 1,272											\$ 1,470
3145 -Noncapitalized IT Purchases														\$ -
4140 -Dues & Memberships			\$ -											\$ -
4170 -Miscellaneous Fees & Fines		\$ 150	\$ 10											\$ 160
4220 -Registration Fees		\$ 15	\$ 249											\$ 264
4256 -Other Employee Benefits - Eco Pass														\$ -
<b>Total</b>		\$ 10,901	\$ 7,888	\$ 10,668	\$ 11,000	\$ 11,000	\$ 11,000	\$ 11,000	\$ 11,000	\$ 11,000	\$ 11,000	\$ 11,000	\$ 11,000	\$ 117,456

<b>Total - YTD + Projections Program Line</b>	\$ 76,493	\$ 76,353	\$ 79,133	\$ 79,465	\$ 107,997	\$ 107,997	\$ 107,997	\$ 107,997	\$ 107,997	\$ 107,997	\$ 107,997	\$ 107,997	\$ 107,997	\$ 1,164,422
														Over/(under) Program Line \$556,164

*Denver Probate Court*



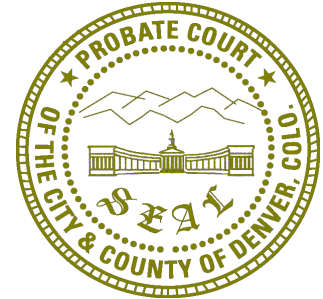
1437 Bannock Street, Room 230  
Denver, CO 80202-5382

Telephone: (303) 606-2303

**Elizabeth D. Leith**  
Presiding Judge

**Beth Tomerlin**  
Magistrate

**Amber Roth**  
Court Executive/  
Clerk of Court



Sophia Alvarez  
Director  
Office of Public Guardianship

Debra Bennett-Woods  
Chair  
Commission for Office of Public Guardianship

October 12, 2022

Re: Legislative Report for the Office of Public Guardianship

Dear Ms. Alvarez and Ms. Bennett-Woods:

It is my understanding that the Office of Public Guardianship must soon file a report with the Colorado General Assembly regarding the effectiveness of the pilot program established in Denver County as to the Office. With respect to guardianships and as applicable to the Office of Public Guardianship, the Denver Probate Court is responsible for establishing and overseeing or monitoring guardianships for adults pursuant to Title 15. It is therefore appropriate for comments to be provided from the Denver Probate Court.

When I was appointed to serve as the Denver Probate Judge in July 2011, it became readily apparent to me that a public guardian was absolutely necessary to properly serve the people of the City and County of Denver.

During the first year following my appointment, elder law attorneys constantly let me know that a public guardian for the State of Colorado was desperately needed and had long been sought. Because this issue was brought to my attention so frequently, I began to investigate and study public guardianship. The result of my initial investigation was the creation of a white paper, followed by the establishment of a Public Guardian Advisory Committee authorized by the Chief Justice for the Colorado Supreme Court in 2013 and for which I served as chair.

The Public Guardian Advisory Committee (Committee) consisted of individuals from the judiciary, the governor's office, the Colorado Department of Human Services, the AARP, the ARC of Aurora, the Colorado Collaborative for Unrepresented Patients, the Elder Law Section of the Colorado Bar Association, the Legal Center for People with Disabilities and Older People and a county commissioner. Committee members were concerned over the lack of a public guardian in Colorado for individuals who need a guardian, but are indigent, isolated and without support from family or friends. The Committee studied guardianship and how other states handle this issue. Ultimately, the Committee determined the model as currently established would best support Colorado citizens. The initial legislation to establish and fund the Office of Public Guardianship (OPG) provided for a pilot program in three Judicial Districts representing a large, medium and small district. During the legislative process the pilot program was reduced to only the Second Judicial District.

It is now time for the legislature to review the OPG, its progress, process and procedures, and to expand the office into the other two judicial districts as originally intended. It is my sincere hope that the OPG will become a permanently established office for the entire State of Colorado. The Court Executive for the Denver Probate Court has worked tirelessly with the OPG Director to establish process and procedures that comport with statutory requirements for guardianship and that can be copied in other judicial districts. The OPG, through its guardian-designees, has met and exceeded expectations for providing guardianship services to persons who are indigent, isolated and without family or friends who can serve on their behalf.

The Guardian-Designees are knowledgeable and compassionate individuals who care for and about their Wards. As an example, one of my cases involved an individual who could no longer live in their home due to dementia and medical issues but could not bear to be parted from their cat. The Guardian-Designee was able to find an appropriate placement for this person that would provide the care that was needed and would also allow the cat to continue to live with the person. Through the Guardian-Designees, the OPG provides very personalized, appropriate and compassionate care for the adults who qualify for public guardianship services. The OPG, like all other guardians appointed by the court, is statutorily required to submit written reports to the court. The Denver Probate Court staff reviews every report filed and have never found any issues with the arrangements made by the OPG for the care of their Wards. Many of the Wards require end of life care and this is no different from Wards whose family members are their guardians. As an example, many adults who require guardianship suffer from end-stage diseases that affect their ability to understand and direct their own medical care such as Alzheimer's dementia. The difference between the Wards cared for by the OPG and



others is that individuals receiving OPG services are indigent and do not have personal income or wealth that would pay for a private guardian and are isolated, meaning they do not enjoy the support of family or friends who can help them without payment.

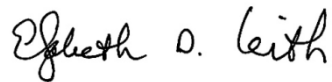
During the time that the OPG has been operating in Denver County, no complaints have been received at the court and all of the available spaces are full. There is a waiting list for assignment to a guardian-designee. I am aware that the OPG has partnered with the Office of Behavior Health to move people who qualify for a guardian from acute hospital care into a lower level of care such as a nursing home. It is my understanding that those slots are also full and there is a waitlist. The full caseloads and waitlists reflect the ongoing need for the OPG services. I am confident the experience in Denver Probate Court will be repeated elsewhere in the State.

The Denver Probate Court and the Denver District Court have formed a partnership to work with criminal defendants who are incompetent to proceed (ITP) on their criminal cases. These defendants are coordinated on a docket in the adult treatment court and receive staffing services designed to identify the reasons why they have been found ITP and to research alternatives to incarceration. We have asked the OPG to consider adding a Guardian-Designee to assist with the process of moving these ITP defendants out of incarceration and into community care. The cost for incarceration at the Denver Detention Center and County Jail is \$161.74 per day per inmate. This translates to roughly \$4852.20 per 30 days for each individual held in the County Jail or Detention Center at a cost of approximately \$58,226.40 per year per inmate. Currently there are approximately 80 defendants on the ITP docket who are incarcerated, with at least 200 other defendants who could become eligible for placement on this docket. Many of these individuals have been incarcerated for two years or more awaiting restoration treatment. Many factors are present when reviewing these cases for treatment in the community. Some of the defendants can never proceed to trial and we are working to identify those individuals early on and put safeguards and placements into place in community settings. A guardian is a part of that process to provide oversight and ensure the community placement does not result in further incarceration. Because many of these defendants are indigent and isolated appointment of the public guardian is necessary. This situation is repeated in every judicial district in Colorado.

It is important to understand the necessity for the OPG and the broad support it enjoys in the community from the court to community organizations that support the homeless, the mentally ill and many others. I am aware of only two individuals who oppose the OPG and can confidently say these two people choose to be uninformed and have agendas which they do not share. It is my hope that the unwarranted negativity espoused by these two individuals is not amplified or embraced by anyone else.

In sum, please accept this Letter as full support for the continued and expanded operations of the Office of Public Guardianship. Because the OPG exists, adult individuals who have no one else to rely on are able to receive personalized care and oversight appropriate to their situation. This is a win for Colorado and the General Assembly is to be commended for choosing to support this important effort. Thank you in advance for the continuing support in the form of funding and expansion.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth D. Leith".

Elizabeth D. Leith  
Presiding Judge  
Denver Probate Court