

Testimony for SB 24 136

Thank you Chair Snyder, Vice-chair Joseph, and esteemed members of House Finance. Thank you Representatives Young and Soper for bringing this bill. My name is Michael Neil and I rise to strongly support SB24-136 on behalf of Colorado Cross-Disability Coalition and myself. Individuals under some level of guardianship span the spectrum of intellectual and developmental disabilities. Some may need assistance with healthcare decision-making, some with money matters, and many with other matters, but rarely with all of the above (although sometimes this will be true). Given this variance in need and experience, Colorado law needs to ensure less-restrictive alternatives, stronger protections, greater independence, and uphold the rights of individuals subject to guardianship. HB 24 136 not only Removes stigmatizing language of “ward” and “incapacitated”, but it also promotes independence by encouraging the use of protective arrangements and less restrictive alternatives and expands the procedural rights ensuring due process for individual’s alleged to need a guardian. By prohibiting courts from establishing full guardianship or conservatorship if a limited guardianship or conservatorship would meet the respondent's needs, 24-136 provides for needed flexibility and the maximum independence possible in the least restrictive environment. I ask for an aye vote on SB 24 136.

My name is Julian Wang. I am from Fort Collins. I am part of a Youth Voice Youth Choice project that helps educate youth with an understanding of guardianship and alternatives to guardianship. Every year, we have a new set of youth who tell us about their experiences. Many of them have their parents tell them they are going to court, and they find out they are getting guardianship. I wish that more people who should learn have time to know what they can do by making their own decisions and showing that they can always make choices first. Then, as a last resort to using guardianship. We need to cut down the list of people who do not need guardianship and have it for those who need it.

Thank you for all your time.

- It has been **twenty-three (23) years** since Colorado has done a comprehensive update to its guardianship and conservatorship statute and since that time:
 - Colorado has enacted SB21-075 concerning Supported Decision-Making Agreements
 - The National Guardianship Summit (2021) convened and issued 22 Recommendations for maximizing autonomy and ensuring accountability in guardianship and conservatorship
 - The National Guardianship Association has issued a Bill of Rights for adults with a Guardian, ○ The Uniform Law Commission has introduced the Uniform Guardianship, Conservatorship, and other Protective Arrangements Act (UGCOPAA) as the most comprehensive guardianship statute for the twenty-first century.
- Colorado's guardianship and conservatorship law is out of date and out of alignment with national and global human rights standards and best practices. This includes those recognized by the National Guardianship Association (NGA), National Disability Rights Network (NDRN), National Guardianship Network (NGN), and the UN Convention on Rights of Persons with Disabilities (UN CRPD).
- Legislation that impacts the civil rights of Coloradans is about **all of us**. We are ALL one moment away from being impacted by a guardianship or conservatorship order: one slip and

fall, one birth of loved one with an intellectual or developmental disability, one traumatic brain injury, car accident, or mental health emergency, one diagnosis of a parent or sibling aging with a dementia or Alzheimer's diagnosis...the list goes on. How do you or your loved one want to be treated? What civil and human rights protections do *you* want?

- To better understand the impact and investment in disability related legislation, in 2021 the CDC estimates there were over 864,000 Coloradans with a disability. That's 20% of our total population. If you consider that each individual has an average household of size of 3 people, the minimum number of individuals impacted increases instantly to nearly 2.6 million Coloradans. That's nearly ½ our population. We must update our current law to better align and honor the human and civil rights of Coloradans.
- A vote in SUPPORT of SB24-136 is your showing that we – the disability community – matter. That you and your loved ones who are or may someday be subject to guardianship or conservatorship matter.
- This bill was drafted with extensive input from experienced guardianship judges and organizations that advocate for guardianship reform. Stakeholder Engagement has included over 70 Colorado organizations and agencies, and hundreds of stakeholders.
- This Act promotes person-centered planning to incorporate an individual's preferences and values into a guardianship order and requires courts to order the least-restrictive means necessary for protection of persons who are unable to fully care for themselves.
- Current Colorado law strips Coloradans of fundamental rights without requiring evidence that a less-restrictive alternative would be appropriate. We can and must do better.
- We NEED legislators to step in and step up, limiting when judges can order guardianships, providing them with alternatives, better oversight and protection of our most vulnerable population.
- We believe the fiscal note is inflated and doesn't consider the anticipated reduction that will result from putting less restrictive alternatives at the forefront of our guardianship and conservatorship law.

- We must make an investment in updating it and Legislation that impacts the civil rights of Coloradans is about all of us...**liberty and justice for ALL.**

National Core Indicators Data Show that People with Intellectual and/or Developmental Disabilities Who Do Not Have Guardians are More Likely to Make Important Life Decisions Than Those Who Have Guardians.

MADE IMPORTANT DECISIONS ABOUT...

PEOPLE WITH IDD WHO DO NOT HAVE GUARDIANS

PEOPLE WITH IDD WHO HAVE GUARDIANS



WHERE TO LIVE



WHO TO LIVE WITH



DAILY SCHEDULE



WHAT TO BUY WITH THEIR MONEY



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The Center on Youth Voice, Youth Choice (CYVYC) does research, advocacy, and education about alternatives to guardianship. We also support youth with disabilities by talking about alternatives to guardianship and working together. CYVYC a project of the Institute for Community Inclusion at UMass Boston, in partnership with the Center for Public Representation, Self Advocates Becoming Empowered, and the Human Services Research Institute, and in consultation with experts from the Harvard Law School Project on Disability and the Georgia Advocacy Office. It is funded by the Administration on Community Living, US Dept. of Health and Human Services.

National Core Indicators (NCI) is a voluntary effort by public developmental disabilities agencies to measure and track their own performance. The core indicators are standard measures used across states to assess the outcomes of services provided to individuals and families. Indicators address key areas of concern including employment, rights, service planning, community inclusion, choice, and health and safety. NCI is a collaboration of participating states, HSRI, and NASDDDS.

Molly's testimony SB136

Thank you, Mr. Chair and Committee Members. My name is Molly Kirkham. I serve as a Legislative Policy Advocate for the Arc of Colorado. I am also President of the statewide self-advocacy organization, Speaking for Ourselves. I am here to testify today in support of Senate Bill 136.

This bill is *very* important because it will make sure voices like mine are heard and listened to fully, *even if* subject to guardianship or conservatorship.

People in Colorado who may be subject to guardianship deserve to have independence and have their civil rights protected. They deserve to have person-centered plans that include the individual's preference, values, and short and long-term goals. Our current, outdated law does not do that. THIS bill does.

People seeking a guardianship should be required to put on evidence of whether less restrictive alternatives have been tried and if not, tell the Court *why* they've not been tried first. Then courts should be required to order the least-restrictive means necessary for protection. Our current, 23-year old law does not do that. THIS bill does.

I support this bill because it provides guidance for guardians and conservators and ensures that decisions are in the best interest of the person under guardianship...not just the best interest or convenience of the guardian or conservator. As a person living with a disability, I can tell you how important it is to feel you are in control of your own life. THIS bill would promote independence by encouraging the use of protective arrangements and less restrictive alternatives.

Having someone else decide for you is tough enough, but imagine not being able to talk to or visit the people you have in your life. THIS bill will protect visitation and communication rights with family and friends.

I am grateful that the bill removes the stigmatizing language of "ward" and "incapacitated." Not all people under guardianship are totally "incapacitated" and no one wants to be identified as a "ward." We no longer use the word "retarded" in Colorado law for the same stigmatizing reason. THIS bill updates the outdated language in that same way.

This bill also provides increased oversight to make sure that people under guardianship or conservatorship are not being taken advantage of.

To me, this bill is just about treating everyone fairly and not abusing power just because you have it. It provides equity and justice for ALL...not just some.

Coloradans subject to guardianship and conservatorship in Colorado are some of our most vulnerable population and deserve better. They deserve to have their human rights protected. Our outdated law does not do that. THIS bill does.

I believe this bill gives more people living with disabilities in Colorado the dignity and respect that we deserve as fellow human beings. I urge you to support this important piece of legislation to make sure that the voices of people under guardianship are heard.

I'm happy to stay for questions.