

May 2023

Dear Members of House Judiciary:

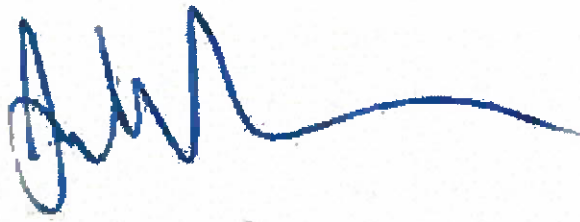
I am writing to express the strong support of the Colorado Cross-Disability Coalition on SB 23-064 expanding and continuing the Office of Public Guardianship. As a disability rights organization, CCDC is strongly committed to making sure that people do not have inappropriate restrictions on our liberty. We understand and appreciate that guardianship is a restriction and should only be used when necessary. There are people that do lack the ability to make decisions due to their disabilities who have no family or friends to take this role. This is where the OPG is essential. People need someone to look out for their interest, prevent exploitation, and often to prevent the person from situations that could result in grave injury or death. Some people may not be able to consent to medical treatment and without someone available to do this they could miss out on life saving or life enhancing medical care.

This is different than someone who does have the capacity making bad decisions. We believe that everyone has the right to fail and make mistakes and accept the consequences of those mistakes, and hopefully learn from this. The difference is that when someone does not have capacity to receive and evaluate information, they cannot make decisions and it is unfair of us as a society to expect people to accept consequences for something they cannot control. Because some of the consequences can be life and death this is particularly urgent.

We always support great restraint in guardianship and because the resources are so severely limited and will be even with this bill, that we are not concerned about overuse of guardianships. We have not seen any indication of this and would be the first ones in the courtroom and the Capitol if that were to happen.

We have authorized Sophia Alvarez to speak on our behalf at this hearing to be respectful of your very limited time.

Sincerely,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke at the end.

Julie Reiskin

Co-Executive Director



1355 S. Colorado Blvd., Suite 5
Denver, CO 80202
Main: 303-733-2888
Fax: 303-531-0404
www.cfpdtrust.org

May 1, 2023

Senate Judiciary Committee

Re: SB 23-064 Continue Office of Public Guardianship--SUPPORT

Dear Members of the Senate Judiciary Committee:

I am writing today on behalf of the board, staff and people served by the Colorado Fund for People with Disabilities (CFPD). CFPD is a non-profit organization, founded in 1994, serving over 1200 people with disabilities and older adults across the state of Colorado. CFPD is in support of the continuation of the Office of Public Guardianship (OPG). CFPD fully supports supported decision making and other alternatives to guardianship. However, there are many times that guardianship is necessary as a last resort.

As a Representative Payee, Case Manager and Trustee, CFPD has seen the need for the OPG for many years before it even existed and has certainly seen the value of the OPG for some of the people we serve. Here are some examples:

1. A woman in her early 40s had been hospitalized for years on the Adult Inpatient Psychiatric Unit. Her main diagnosis is Huntington's Disease. She was placed on the unit due to multiple attempts to take her own life. She also had not been out of a locked unit for years. She had her SSDI going to account that no one had touched for years. With the aid of the Office of Public Guardianship, she was moved out of the hospital and a Trust was opened for accumulated funds. We learned just the other day that her favorite thing is going outside. She is enjoying the change of seasons for the first time in years.
2. CFPD assisted a young man who had an intellectual/developmental disability and was experiencing homelessness. The resources with his family had been exhausted and he did not have the capacity to enroll for the services he needed. CFPD petitioned for the OPG to be appointed as his guardian and they helped him in his enrollment in services, and most importantly to secure housing and stable supports. He just commemorated his one-year anniversary of the OPG serving as his guardian. He was excited to celebrate this accomplishment, as he has historically struggled to maintain relationships.
3. The OPG serves another individual who was previously experiencing homelessness and they recently helped him enroll in the Special Olympics which helped him realize his dream of playing basketball!
4. CFPD was contacted in the past year by an attorney looking for a guardian in a very rural area of Colorado for a person who had dementia and an underlying mental health diagnosis and was at significant risk in his home environment. This rural county has little to no resources and a volunteer from Denver was eventually appointed due to lack of resources in his own community.

With the continuation and expansion of the OPG, some of Colorado's most vulnerable members will be protected and their quality of life will likely be enhanced like has for some of the people we mentioned above.

Sincerely,

Megan Brand
Executive Director, CFPD

Thank you, Chair Mike Weissman and House Judiciary Committee Members, for reading this letter of support. My name is Samantha Rabins, and I am one of the Program Managers and direct clinical supervisors for WellPower's Co-Responder team. I am here today to show my complete and wholehearted support for Senate Bill 23-064, a bill that would allow the Office of Public Guardianship Pilot Program to become permanent and exist statewide in all judicial districts. As it stands, the Office of Public Guardianship operates in two Judicial Districts, including our Second Judicial District – Denver County. As a Denver County Community Partner, I, on behalf of WellPower, am here today to give my support on the critical continuation and expansion of this pilot. With the hopeful expansion, we as providers can collectively and further support our Denver County Residents and residents within the entire state of Colorado.

Our WellPower mission states that we as agency “enrich lives and minds by focusing on strengths and well-being.” We as providers meet people where they are at in their recovery process, allowing a space where people can advocate for their needs, receive equitable care and support, and be treated with dignity and respect. We champion other agencies whose values parallel ours and have been an advocate for collaboration within our community. The Office of Public Guardianship's values reflect this vision directly: to treat people with dignity, allow self-determination, be able to appropriately access quality care, collaborate with partners, and remain transparent in holding themselves accountable to the mission defined.

As a member of the Co-Responder team since its inception in 2016, I have had the privilege of witnessing how this type of community collaboration and support can directly and positively impact our most vulnerable populations. As many people here know, our at-risk adult population is rising. We respond to at-risk adults in crisis, and some of them lack financial assets and/or family/social support. Without these supports, individuals risk having limited or no access to housing, healthy food, appropriate and equitable physical and mental health care, and maintaining other basic needs. Though we often hear the phrase “pick yourself by your own bootstraps,” our most vulnerable citizens can lack the capacity to do so. We as humans depend on one another to survive and to support those who cannot support themselves. As directly stated in the Office of Public Guardianship's 2022 Final Report to the Colorado Legislature Executive Summary, “A public guardian can mitigate these risks and promote the health and safety of this vulnerable population.” As a Co-Responder – a person first on scene with our First Responder partners – our time spent with individuals is brief but impactful. Our job is to reduce recidivism within the criminal justice system for people with severe and persistent mental illness, improve coordination of care across the systems, and reduce the financial burden related to people in crisis who aren't appropriately connected to suitable care. Per the report, 29% of people who qualified for a guardian through the Office of Public Guardianship pilot program had a mental illness or psychiatric condition. To have the Office of Public Guardianship as a vital resource to provide an additional level of recovery is a necessity. To have this resource permanently expand to all our at-risk Colorado citizens is vital.

This expansion is crucial in supporting our collective goal to find a comprehensive solution to better help those in dire need. Our Co-Responder team has directly worked with guardians from the Office of Public Guardianship and have seen the success this collaboration can have. We have found that after someone meets criteria and is appointed a guardian, our ability to navigate community partners in a moment of crisis has increased in effectiveness. For instance, if we are in the position where we have to place someone on a mental health hold, a guardian is crucial to navigate that person's needs during and post hospitalization. They have the capability of coordinating care between all service providers and being the link to successful and appropriate discharge. As First responders, this gives us a safety net knowing that when we have to walk away from a situation, the individual will continue to be supported and advocated for until they reach safety and stability. As an agency, this allows WellPower staff the community partnership that is required to advocate and support the people that we serve as well as reduce the burden on current providers and create more space to connect people to mental health treatment effectively and appropriately.

I am honored to be sharing this space with my fellow colleagues and unequivocally agree that Senate Bill 23-064 should be passed and allow for the expansion and permanency of the Office of Public Guardianship.

Thank you, Chair Mike Weissman and House Judiciary Committee Members, and I am happy to engage in further conversation as needed.



Samantha Rabins, LCSW
Program Manager – Co-Responder Program

GLATSTEIN & O'BRIEN LLP

ATTORNEYS AND COUNSELORS AT LAW

2696 South Colorado Boulevard, Suite 350
Denver, Colorado 80222
Telephone: (303) 757-4342
Facsimile: (303) 757-4570
WWW.DENVERPROBATELAW.COM

M. CARL GLATSTEIN
MARCIA G. O'BRIEN (DECD.)
ARLENE S. BARRINGER
MICHAEL F. LAVIGNE

MARK D. MASTERS
OF COUNSEL

May 1, 2023

RE: Senate Bill 23-064 -- Office of Public Guardianship

To the House Judiciary Committee:

Please vote yes on SB 23-064. The Legislature's continued support of the Office of Public Guardianship is absolutely necessary. The three-year pilot project has been authorized to expand from the City and County of Denver alone to include the 7th and 16th Judicial Districts. SB 23-064 is necessary to enable the Office of Public Guardianship to fulfill the vision for a statewide program as recommended by the Public Guardianship Advisory Committee to the Supreme Court, to which I was an appointee.

In my 30 years of practice handling countless guardianship cases, working with various non-profits, county departments of human services, family, friends, professional guardians, and the courts, and teaching about guardianship, I have seen that the need for coordinated statewide guardianship services is tremendous and growing. Volunteers and non-profits cannot begin to meet the demand as the "Silver Tsunami" of aging baby boomers washes over us.


The courts cannot require the county Departments of Human Services to assume guardianship. Under current regulations, DHS will not assume guardianship solely to make medical decisions. As a result, many isolated indigent and incapacitated persons must endure prolonged and unnecessary hospital stays, often at taxpayer expense, meanwhile hospital social workers try to navigate appropriate placement and discharge plans.

Just a few years ago, prior to the creation of the Office of Public Guardianship, an elderly gentleman was "found down" with no identification. He ended up at a metropolitan area hospital for over 400 days while that facility struggled to find him a home and a legal means to discharge him safely. Imagine the cost savings and the benefit to communities across Colorado if those hospital beds could be made available to the truly sick, and not as waystation for the incapacitated. Medicare does not pay for hospital stays when they are not medically necessary. However, federal funds will match Colorado's contribution in Medicaid dollars when these individuals are discharged safely into the community, assisted living or skilled nursing facilities. The savings will be significant, as already established by OPG.

The Office of Public Guardianship has just over 80 clients currently - and a wait list. This is but a drop in the bucket compared with the unmet need of over 5000 persons for a public guardian, statewide. This staggering figure was estimated by the population extrapolation methods of Prof. Winsor Schmidt, University of Kentucky College of Medicine, which were provided to the Public Guardianship Advisory Committee. The extent of the unmet need was one of the few issues upon which that Committee could not reach consensus, but we were unanimous that the need is there.

I urge you to vote yes on SB 23-064.

Very truly yours,



M. Carl Glatstein

**OFFICE OF THE
CLERK OF COURT**
Div.W – Probate
270 S. Tejon, W 150
P.O. Box 2980
Colorado Springs, CO 80903
Telephone: (719) 452-5396



**Vincent Rahaman
MAGISTRATE**

Reagan Shoults, Judicial Assistant
NaKiera Johnson, Judicial Assistant
Olga Kim, Judicial Assistant
Shilo Raimer, Monitor (PPM)
Anastacia Moffit, Monitor (PPM)
Sarah Ortiz, Registrar

Web site: www.courts.state.co.us

Date: April 30, 2023

To: Colorado House Judiciary Committee Members

Dear Colorado House Judiciary Committee Members,

I write this letter to you in support of the Colorado Office of Public Guardianship (C.O.P.G.) and its Director, Ms. Sophia Alvarez. It is my pleasure to give full backing to Ms. Alvarez and the continuation – indeed, the expansion - of the Colorado Office of Public Guardianship

If I may first provide you some context regarding my letter of support for C.O.P.G. I serve as Probate Court Magistrate for El Paso County. Annually, approximately three thousand Probate cases are filed in El Paso County alone, where many of those cases include adult guardianships. Additionally, I serve on a local committee with twenty-five other individuals from law enforcement, first responders, human services, local assisted living/nursing home facilities, area agencies on aging, and mental health providers. The committee's primary responsibility is to ensure that our senior and disabled populations have a safe living environment and competent decision makers when the need arises. Frankly, the demand for guardianship services outstrips the supply of good, competent guardians.

The Office of Public Guardianship will be an invaluable resource to our community. I have had multiple instances and cases over the years where seniors and adults alike are experiencing situational or chronic mental health challenges. The Office of Public Guardianship can step up as guardians/decision makers when these individuals have no family or friends to make health and welfare decisions for them. I can therefore say with confidence that there is a need for C.O.P.G. services in El Paso and Teller counties.

One of my first experiences with the Office of Public Guardianship involved a case with an individual at the Colorado Mental Health Institute. This individual had no one to assist them with guardianship decision-making situations. C.O.P.G. helped and supported this individual with critical guardianship services.

Thank you for your attention regarding my recommendation letter on behalf of C.O.P.G. Please feel free to contact me at the below phone and email information. I would be happy to further elaborate on my experiences working with Ms. Alvarez and the Colorado Office of Public Guardianship.

Vincent Rahaman

719-452-5393 or vincent.rahaman@judicial.state.co.us

Sophia M. Alvarez J.D., M.S., NCG
Director
Colorado Office of Public Guardianship
3900 East Mexico Avenue, Suite 300
Denver, Colorado 80210

May 1, 2023

I am writing this letter of support as an individual citizen to encourage the passage of this bill because it is essential for the well-being of some of the most vulnerable Coloradans.

I, and other faculty at the Center for Bioethics and other sister institutions, have been actively involved for decades in trying to be a voice for those among us without anyone to advocate for them – namely – the unrepresented.

I am a philosopher ethicist and a professor in the Department of Pediatrics and the Center for Bioethics and Humanities, and I direct the Center's clinical ethics efforts. I spend most of my time doing ethics consultation at the University of Colorado hospital and the Children's hospital. Many of the consults at the University of Colorado involve unrepresented people.

I also represent ethics on our hospital guardianship committee and provide ethics education and support for the public guardianship program. The data from the report speaks to the great need. I want to emphasize the story of the public guardianship pilot's success. Public guardians are the voice of people who need a voice. And more importantly, unrepresented people are getting the right voices that balance attention to their individual values, goals and preferences as their needs are being met. In all of the consults the ethical framework is the same, serve the client in a way that respectfully balances their individual preferences with their needs for safety and care in the least restrictive environment.

A recent client story illustrates this balance – a younger person with severe mental health issues who also had a lively and active life. The public guardian tried every possible thing to get this person the needed services – going above and beyond - but in a way that supported services without institutionalization. Without the support of this public guardian, the person would have probably died on the street long ago.

Sincerely,



Jacqueline J. Glover, PhD, HEC-C
Professor, University of Colorado Department of Pediatrics
Center for Bioethics and Humanities



Br. James Patrick Hall,BSG. (he/him)
Rocky Mountain Refuge
6090 Smith Road Rm 102
Denver CO, 80216

To whom it may concern,

My name is Br. James Patrick Hall, BSG. I'm the executive director of Rocky Mountain Refuge. We are a specialized shelter for people experiencing homelessness to access hospice care. The residents who come to us are some of the most vulnerable in Colorado. Generally sick and alone, they have no where else to turn.

Last year I became aware of the Colorado Office of Public Guardianship. Working with an extremely vulnerable population has taught me the value of the COPG. Every day I interact with folks who struggle to get the care they need. Often they need another person to be their guardian and impartially judge what is best for them. COPG provides this vital solution to our most marginalized and vulnerable neighbors.

I strongly support continued funding and even expansion of this service. When folks have no one to look out for them, they are often helpless to navigate the maze of support services Colorado offers.

If you have any questions, I can be reached at br.jp@lazarusgate.org .

Thank you for your time and consideration.

A handwritten signature in black ink that reads "Br. James Patrick Hall". The signature is written in a cursive, flowing style.

Br. James Patrick Hall

Elizabeth D. Leith
Presiding Judge, Denver Probate Court
REMARKS TO THE House Judiciary Committee
IN FAVOR of passing SB23-064

To the chair and members of this committee and members of the general assembly, thank you for this opportunity to support SB 23-064 which if passed, will establish the Colorado Office of Public Guardianship (COPG) as a permanent office and independent agency in the State of Colorado.

My name is Elizabeth Leith, and I serve as the Presiding Judge for the Denver Probate Court. I have been privileged to serve in this position since July 1, 2011. I have spoken to this body previously in support of the COPG and thank you all most sincerely for the support you and members of the general assembly have shown through the passage of legislation to create and sustain this office. It is difficult to put into words powerful enough that show the importance of the office and the meaningful work it has done through the pilot program, which has primarily been run through Denver County.

The Denver Probate Court is the only independent probate court in the State of Colorado, created from provisions in the Colorado State Constitution. This means that the Denver Probate Judge is the only judge specifically appointed to preside over and hear probate cases in Colorado, although each judicial district does have a district level judge or judges assigned to sit in probate. Generally, probate courts in Colorado are responsible for overseeing mental health cases, guardian and conservator appointment cases, wills and trusts.

Having served as the Denver Probate Judge, I have observed first-hand the struggles and situation of individuals who are unable to navigate basic living skills on their own due to physical and mental health issues. Some of these individuals no longer have family or friends who are willing or able to assist them and they typically have no funds to pay for housing, food, shelter or medical care. Many of the people we see are unable to complete and maintain applications for public assistance benefits such as social security and Medicaid, which would help to defray their costs of living. Some of these individuals have had their parents serve as their caregivers or guardians, with no family member to continue following the death of their parents. Other individuals have become estranged from their families for reasons that include alcohol and substance abuse.

It is important to understand that the establishment of a permanent public guardianship office will not affect the statutory requirements for a guardianship. Guardianships are only established for individuals who qualify for and need a guardianship, and for whom no other avenues exist for their support. The Public Guardian assists individuals who are incapacitated, indigent and without the support of family or friends.

These are the people we typically see living in parks or in alleys. We see them in hospital emergency rooms and in county jails. There is a significant cost to the state and taxpayers to cover emergency room care and housing in the jail. When individuals who are overwhelmed and incapacitated by their health issues are cared for and in appropriate housing with the appropriate benefit coverage, the reduction in cost is evident. These facts are outlined in the COPG report that was recently published to the general assembly. What may not be so evident is how a public guardian provides humanity for a person whose basic life needs are not being met. It has always been my personal opinion that

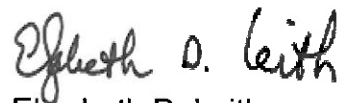
we can do better for these people who have no voice. Establishing the COPG as a permanent office and independent agency is a huge step forward in doing better and the general assembly is to be applauded for its foresight and willingness to provide concrete and positive support for this group of individuals.

I view the COPG as part of the basic infrastructure required in Colorado to assist with the provision of basic support needs for our neighbors who have no friends or family, no money and who are without the capacity to find appropriate housing and daily living needs. Colorado has had a volunteer system for many decades, which has historically been unable to meet the needs of Colorado citizens in this regard. The county departments of human services have provided support, but are not required to provide guardianship services to adults in need. The COPG has been filling this gap within its present limitations and needs to expand statewide as part of the basic infrastructure for our social network.

The Denver Probate Court has worked with the COPG to establish court procedures that align with statutory requirements for guardianship and can be replicated in courts across the state. The probate court's experience with the public guardians is that the guardians are compassionate, caring and knowledgeable professional individuals. The guardians take the time to ensure each of their wards is appropriately cared for and that needs are met. This includes locating housing for at least one individual that could accommodate his pets, an important personal consideration. Many other personal stories are included in the recent report.

Thank you for your consideration of this legislation. I urge each of you to support this new office whole heartedly and to urge your colleagues to do the same.

In great appreciation for your consideration and support,

A handwritten signature in black ink that reads "Elizabeth D. Leith". The signature is written in a cursive, flowing style.

Elizabeth D. Leith
Presiding Judge
Denver Probate Court



**Written Testimony Supporting SB23-064 to the
Colorado House Judiciary Committee
May 2, 2023**

Colorado House Judiciary Committee Members, thank you for this opportunity to provide written testimony in support of SB23-064.

My name is Rev. Amy Petré-Hill, and I am speaking on behalf of Mental Health & Inclusion Ministries, a Colorado interfaith, behavioral health, and disability rights ministry. For eleven years, I have served people of all faiths living with disabilities across Colorado as a pastor at three Front Range churches, a behavioral health chaplain at the Colorado Health Institute at Fort Logan, and a Spiritual Care Fellow at UC Medical School's JFK Partners, the state's University Center of Excellence in Developmental Disabilities. Today, I serve over 100 families a year through my ministry and as a volunteer with JFK Partners' Advisory Board, Colorado Disability Law's Protection and Advocacy System for Individuals with Mental Illness Advisory Council, and the Colorado Cross Disability Coalition (CCDC).

Just this year, a beloved participant in my ministry program, Sylvia (her name and details have been changed to maintain her confidentiality), lost her ability to make decisions about her life. She's a 62-year-old woman who was abused as a child. She lives in a host home with intellectual and developmental disabilities, severe mental health challenges, diabetes, a fading memory, and a lessening ability to perform simple daily tasks. She is medically fragile and has outlived a family with little ability or interest in planning for her long-term needs. Luckily, I could step in and be her family, advocating for her to remain in the community and work with her Community Center Board and agencies to maintain her dignity and humanity. But for every Sylvia, many more medically fragile Coloradoans fall through the safety net without family, friends, community, or even a home. Unfortunately, many of these individuals cycle in and out of hospital ICUs, ERs, Colorado Mental Health Institutes, jail, or the street in a never-ending cycle.

I firmly believe in CCDC's motto, "Nothing about us, without us, ever!" Having a disability, becoming ill, or growing older is part of the human experience; having different abilities does not make a person unable to make decisions about their own life. Yet, a few individuals are so medically fragile, poor, have experienced such abuse, neglect, and exploitation—like Sylvia—and have such complex needs that faith leaders, community members, advocacy groups, or even state agencies cannot ensure their safety or dignity. When this happens, we must have an Office of Public Guardians to ensure these individuals are safe, treated with respect, and can remain in the community.

Research within the last twenty years demonstrates that while Offices of Public Guardians must be held to high standards, not having such public guardians is more expensive and less humane.¹ The number of older and disabled Americans without family or friends is going to grow as baby boomers age, and those without family and friends to serve as "squeaky wheels" in long-term care systems will suffer.²

Today, you can ensure Colorado takes care of its most vulnerable members by voting "yes" to SB23-064, continuing and expanding Colorado's Office of Public Guardian.

¹ Patrick Hecker, *Legally Alone: The Redeemability of Guardianship and Recommendations Toward Equitable Access*, 18 NW. J. L. & SOC. POL'Y. 74 (2023).

² Katie Thomas, Robert Gebeloff, & Jessica Silver-Greenberg, *Phony Diagnoses Hide High Rates of Drugging at Nursing Homes*, N.Y. TIMES (Oct. 15, 2021).

