
Colorado Office of Public Guardianship

Commissioners

Deb Bennett-Woods, Chair
Kelsey Lesco, Vice-Chair
Marco Chayet
Karen Kelley
Alison Zinn



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PUBLIC MEETING

October 23, 2019

Record of Proceedings

CONVENE

The meeting of the Colorado Office of Public Guardianship Commission was convened in the Ralph Carr Judicial Building at 1300 Broadway, Conference Room 2B in Denver, Colorado at 10:03 AM by Commission Chair Bennett-Woods.

A quorum of the Commission was present.

Commission Members Present

Deb Bennett-Woods, Chair
Karen Kelley

Vice-Chair Kelsey Lesco
Alison Zinn*

OPG Director

Sophia M. Alvarez

Others Present

Hugh Wilson, State Court Administrator Office
Connie Lind, State Court Administrator Office
Sueanna Johnson, Senior AAG
Steve Allen, Joint Budget Committee Staff Member

Public Attendance

Maureen Welch
Robert M. Hernandez
Marianne Goodland
Lara Vandervergh

* Participated by telephone

AGENDA ITEMS

I. Call to Order

The meeting was called to order.

II. Approval of the September 25, 2019 Meeting Minutes

Commissioner Kelley moves to approve the September 25th Meeting Minutes. Vice-Chair Lesco seconds the motion. The motion passes unanimously.

Introduction and Welcome of Sophia M. Alvarez, Director of the OPG.

The Commission and public welcome Director Alvarez.

III. Open Remarks/Director Report (Sophia M. Alvarez)

Director Alvarez stated she is very pleased to have been selected for the position of the Director of the OPG, and that this work is near and dear to her interest and heart. Director Alvarez provided information regarding her background, experience, etc., including that from the Nebraska Office of Public Guardianship where she worked when accepting this position.

IV. Budget Update (Mr. Hugh Wilson)

Mr. Wilson advised to date, \$179,628.00 has been received as a result of increased probate filing fees as provided for in HB 19-1045.

(Commissioner Zinn joins the meeting via phone.)

Mr. Wilson provided a hand-out and discussed, but not limited to:

- Zero (0) expenditures to date;
- FY 2021 Budget submission; PERA rate; the Annualization (provided in the hand-out);
- Cash Fund and General Fund;
- 4.5 FTE but 6 individuals;
- Case Management System; and
- Judicial line item budget for the OPG;

Mr. Allen spoke about the OPG budget being a single line item within Judicial's budget – "Long Bill". In the future, it may require more detail.

AAG Johnson advised the Commission can work with Director Alvarez for a more detailed budget.

V. Update on Administration Infrastructure for the Office (Deb Bennett-Woods, Sophia M. Alvarez, Hugh Wilson)

Chair Bennett-Woods advises she spent half of Monday with Director Alvarez. She and Director Alvarez met with Judge Leith, Magistrate Tomerlin, and Amber Roth of the Denver Probate Court (DPC), along with Connie Lind of SCAO. Director Alvarez was given a tour of her office space at the City and County of Denver Building, provided contacts, etc.

Mr. Wilson advises he will meet with Director Alvarez in the near future.

Director Alvarez advised she started on Monday. Discussion included but not limited to:

- Meeting with the staff from the DPC, along with Chair Bennett-Woods and Ms. Lind, and was given a tour of her office space;
- Met with Ms. Johnson, AG's Office;
- Met with Ms. Lind and Ms. Kennetha Julien, SCAO regarding a website, computers, internet, etc.;
- Discussed with Chair Bennett-Woods the priorities for the first 90 days;
- Has spoken with Dave Bernhardt from Denver Adult Protective Services, as well as the Colorado Bar Association; and
- Plans to meet with Judge Theresa Spahn, who was the founding Director of the Office of Child Representative (OCR).

Priorities include but not limited to:

- Meeting with Mr. Wilson regarding budget and purchases;
- Develop Personnel Rules and Policies;
- Case/intake prioritization;
- Job postings for an Administrative Assistant and the Guardians;
- Training for staff;
- Reach out to stakeholders for comments and input;
- Purchase Case Management System;
- Develop a strategic plan for the Office (OPG); and
- Identify any grant opportunities and seek help with data research and cost analysis.

Chair Bennett-Woods advises that reaching out to Judge Spahn and the current director of OCR will be beneficial to learn the challenges they faced when setting up a new office and gain from their insight.

VI. Discussion of Transition of Chair Duties to Vice-Chair LEsco and election of new Vice-Chair at December 2019 meeting

Initially, the Chair and Vice-Chair were to serve for 1 year. AAG Johnson advised the Bylaws may need to be amended. Election could be held in November for Vice-Chair, which would take over in January 2020, when current Vice-Chair Lesco takes over as the Chair.

AAG Johnson asks if there are other changes needed, other than to the Bylaws? AAG Johnson will draft 2 separate amendments to the Bylaws and discuss them with Deb.

Chair Bennett-Woods asks AAG Johnson if an updated MOU is needed. AAG Johnson advised yes, but it will likely not be ready to review in November. The original MOU was for the Director to Act. Services is a question – more or less support needed for the Office. AAG Johnson is in contact with the State Court Administrator's Office regarding the MOU.

VII. Potential Reschedule of November and December Regular Meetings

Move November 27th meeting to November 21st. Agreed on.

Move December 25th meeting to December 18th. Agreed on.

Ms. Lind to secure meeting rooms for the new dates and advise AAG Johnson so that she can draft a Notice to post on the OPG webpage.

VIII. Public Comment

Ms. Maureen Welch welcomes Director Alvarez; provides comments and concerns including but not limited to:

- Serious concerns in Denver;
- Encourages the creation of:
 - List of Stakeholder for emailing;
 - Record the meetings;
 - Audio and transcripts of the meetings be provided; and
 - Verbatim meeting minutes.
- Concerned with Denver Probate Court closing their courtroom for hearings held. No consistency around the state for closing the courtroom.
- Dave Bernhardt, Denver APS serves in dual roles:
 - APS or Assistant County Attorney;
 - Court Visitor; and
 - Guardian
- And toggles between roles.
- He has spoken on behalf of the client while acting as a court visitor.

- LGBTQ+ community is targeted by law enforcement.
- She is looking forward to working with Director Alvarez, the Commission, and Judge Leith.

Ms. Lara Vandervergh asked what type of training Director Alvarez is considering for her staff, particularly guardians.

Director Alvarez responded, she has not yet identified all the training needs. She spoke of her experience while working in NE at the Office of the Public Guardianship and their requirements.

Mr. Robert Hernandez provides comments including but not limited to:

- Court visitors submits reports to the court, however, rarely are they put on the stand. Family provides reports, but the court visitor reports are not factual.
- Judge Terry oversees all probate courts in the state;
- Consider hierarchy of appointments;
- LGBTQ+ community are having assets taken from them and resold; they are an at risk community;
- Attorneys move to close the courtroom;
- Ex parte communications for emergency guardianships;
- No court visitor training, certification, etc.; and
- Needs to be communication with stakeholders.

Mr. Steve Allen comments include but not limited to:

- He is pleased the Office is underway;
- Urges Director Alvarez and the Commission re:
 - January 2023 reporting to the General Assembly for moving the Office forward
 - What savings to expand on for OPG services (costing less for the OPG to handle vs hospital expenses, expenses to the state, etc.);
 - Clients, their needs, costs.
- May need to mandate hospitals track what it's costing them when there is not a guardian, patient needs to be moved to another setting; "study period" – what information / data is needed.

Chair Bennett-Woods asks if Mr. Allen if Director Alvarez should contact anyone specific, and if he/his office would share contact information. She believes grant funding for academic reporting data is necessary.

Ms. Vandervergh advises she tracks data and will collaborate with Director Alvarez, although it is only a small sliver of data.

Ms. Welch further comments on Bills; requirements in NE; and setting a goal of having a list of statewide thresholds for requirements.

Mr. Hernandez further comments on APS undergoing an audit – statewide; and APS should not be in the guardianship business.

No other public comment.

IX. Adjourn

At 11:08 a.m., Vice-Chair Lesco moves to adjourn. Commissioner Kelley seconds the motion. The motion passes unanimously.

ATTESTATION

As Commission Chair and Commission Vice-Chair, we attest that these minutes of the open public meeting of the Colorado Office of Public Guardianship Commission substantially reflect the substance of the discussion and action taken related to the matters under the authority of the Commission.

Deb Bennett-Woods
Commission Chair

Kelsey Lesco
Commission Vice-Chair

Date

Date