

Support HB 19-1045
Continuation of the Office of Public Guardianship Pilot
Reps. Marc Snyder, Matt Soper & Senator Joann Ginal

Lawmakers are urged to prioritize \$282,000 (\$564,000 total)
in General Fund set aside dollars to support Colorado's most
vulnerable citizens

HB 19-1045 funds a pilot program to provide public guardians to Colorado citizens who lack the mental capacity to act on their own behalf and are without relatives, friends or any other resource to assist them with basic decisions regarding health care, living arrangements, and all other needs to ensure their safety and wellbeing. These are decisions that most of us can take for granted would be made on our behalf by persons that know and care about us.

This bill will help a range of citizens caught in these most unfortunate life circumstances: a US veteran suffering from PTSD or other war-related conditions, an elder suffering from dementia, or any adult incapacitated by mental illness, traumatic head injury or other capacity limitations. Whether the incapacity is permanent, temporary, complete or limited...these fellow citizens are the most vulnerable among us and in need of state support.

These individuals can't wait. HB 1045 is a big step we can take this year to dramatically improve their welfare.

Please speak up for those without a voice in every community in our state: Place HB 1045 on the priority list to be funded this session!

SUPPORTING ORGANIZATIONS

Commission for the Colorado Office of Public Guardianship
AARP – Colorado
Alzheimer's Association of Colorado
The Alliance
The Arc of Colorado
Colorado Bar Association
Colorado Coalition for the Homeless
Colorado Hospital Association
Colorado Senior Lobby
Denver Health
United Veteran's Coalition of Colorado

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WHAT IS THE OFFICE OF PUBLIC GUARDIANSHIP PILOT PROJECT?

The Office of Public Guardianship (OPG) Commission, created pursuant to HB 17-1087, will, once funded, initiate a pilot program to provide guardianship services to indigent and incapacitated adults who meet the following criteria:

- Have no responsible family member or friends who are available and appropriate to serve as a guardian;
- Lack adequate resources to compensate a private guardian and pay the costs and fees associated with an appointment proceeding.
- Are not subject to a petition for appointment of guardian filed by a county adult protective services unit or otherwise authorized by law.

The pilot project will start with services in the **Second** (Denver) and then, dependent upon future funding, will expand to the **Seventh** (Delta, Gunnison, Hindsdale, Montrose, Ouray, San Miguel) and **Sixteenth** (Bent, Crowley, Otero) **Judicial Districts**. The goal is to collect data on the costs and benefits of a statewide public guardianship office.

The pilot project is supported by four expert reports: 2012 Elder Abuse Task Force, two 2014 advisory reports to the Chief Justice of the Supreme Court and the 2016 Initial Strategic Action Plan on Aging. ***These reports found that public guardianship is an effective tool to ensure older adults and people with disabilities can live free from abuse, neglect and exploitation.***

HOW CAN PUBLIC GUARDIANS HELP VULNERABLE COLORADOANS?

Public guardianship involves making personal decisions about the incapacitated person, such as

- where the individual will live;
- the kind of medical treatment, care and assistance the individual will receive;
- how the individual will be protected;
- the kind of supervision the individual will receive.

In making these decisions, a guardian shall consider the expressed desires and personal values of the ward to the extent known to the guardian. At all times, a guardian shall act in the ward's best interest and exercise reasonable care, diligence, and prudence.

For the **overall system** public guardian involvement can provide the following benefits:

- Reduced delays in treatment, discharge or transfer of an incapacitated individual thus promoting better health outcomes and cost savings
- Reduce the time incapacitated individuals are unnecessarily confined in restrictive institutionalized settings such as hospitals or jails or may become homeless.
- Reduce costs to state services such as Medicaid, Adult Protective Services and law enforcement.
- Provide the Courts the ability to secure the appointment of a guardian where needed, including the appointment of a guardian for individuals determined permanently incompetent to proceed on criminal matters.
- Allow APS to focus on investigation of referrals for adult neglect, abuse and exploitation.
- Provide uniform guardianship services and ensure guardians act in accordance with the highest ethical standards.

WHY IS FUNDING THE OPG PILOT PROGRAM IMPORTANT TO COLORADO?

While the exact number is not known, a 2014 population-based extrapolation model estimated that approximately **5,800 individuals statewide** may need public guardianship services. Currently there are no consistent, reliable or funded options for those persons who need a guardian and lack the capacity, resources, and friend or family support to make decisions concerning their well-being. The result is that many of these individuals are:

1. maintained in inappropriate and most restrictive and expensive settings such as a hospital ICU or other inpatient acute care setting, a long-term care facility, or a county jail; or
2. become homeless as they are unable to successfully apply for services to assist them to obtain housing, food, and medical services.

Volunteer programs have proven to be inadequate for the demonstrated need.

WHY HB 19-1045?

The initial legislation required the OPG pilot program to be implemented with \$1.7 million in gifts, grants and donations. The Commission, despite its numerous and best efforts, has been unable to secure the funds necessary to carry out its charge.

HB 19-1045 acknowledges that a stable and ongoing funding source is needed to bring the OPG pilot program into reality.