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# Colorado Office of Public Guardianship

## Commissioners

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



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## PUBLIC MEETING

March 27, 2019

## Record of Proceedings

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### 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 10:09 AM by Commission Chair Bennett-Woods.

A quorum of the Commission was present.

### **Commission Members Present**

Deb Bennett-Woods, Chair      Marco Chayet\*  
Kelsey Lesco, Vice-Chair      Karen Kelley

### **Others Present**

Representative Marc Snyder  
Hugh Wilson, Office of the State Court Administrator  
Connie Lind, Office of the State Court Administrator  
Ruth Aponte, Aponte & Busam  
Sueanna Johnson, Senior AAG\*

### **Public Attendance**

Robert M. Hernandez  
Maureen Welch  
Lara Vandervergh  
Jim Tatten

\* Appeared/Participated by Telephone

## **AGENDA ITEMS**

### **I. Approval of the February 27, 2019 Minutes**

It is unclear why the commission did not receive the draft minutes; therefore, this will be deferred to next month.

### **II. Update on the Commission Vacancy**

Commission Chair Bennett-Woods advised the vacancy was posted with applications due by March 22nd. Ms. Lind advised she received 3 responses and those responses were forwarded to the Chief Justice's Counsel. Ms. Lind did not have a timeframe for when the Chief Justice would be reviewing the submissions.

### **III. Monthly Budget Report**

Mr. Wilson advised that there were no changes from the prior month.

### **IV. Update on the Budget Supplemental and Legislative Strategy**

Representative Snyder advised he has been working diligently with stakeholders; met with individuals from the Colorado Bar Association - Elder Law and the Trust and Estates Sections to discuss increasing probate filing fees by \$35 for current filing fees of \$164 and a percentage for filing fees less than \$164; no other source of funding at this time; met with Mr. Wilson and Mr. Scanlon from SCAO to discuss scaling down the pilot for the first year to the 2nd Judicial District only.

The Commission and attendees were provided a handout – an email from Mr. Wilson to Representative Snyder, Ruth Aponte, Commission Chair Bennett-Woods, Mr. Scanlon, and Ms. Minore detailing the recommendations to reduce the fiscal note for scaling down the pilot. Representative Snyder advised they are not abandoning the other two districts.

Ms. Aponte advised general funds are still needed.

Ms. Welch sought clarification regarding running a new bill.

Mr. Wilson arrived at 10:26 a.m. Mr. Wilson advised he had a conversation with Judge Leith as noted in the handout; he, Representative Snyder and Ms. Aponte discussed the remaining details in the handout; and fielded questions from the Commission regarding, but not limited to:

- FTE – Executive Director, Administrative Staff, Staff Attorney, Guardians, etc.;
- Not a full pilot even within the 2nd Judicial District;
- OPG to serve as nominee only
- Issues such as post adjudication - modifications, objections, terminations, etc.;
- Data points;
- Scope;
- Needing a strategic plan for using 4 Guardians;
- Target prioritization:
  - Greatest need
  - Mental health and law enforcement cases
  - Can't meet all needs
- Mental health component – most work needed / intensive cases (noting mental health statutes and rights under Title 27);
- Unfriended community – no one, no family members, etc.;
- Jail/State Hospital – individuals released back into society;
- Measurement for statistics;

The goal is to launch the pilot; scaling down funding; triaging and managing cases; and ability to collect data. Representative Snyder is not asking for a vote from the Commission but rather seeking its support to move in this direction. It was pointed out that Representative Snyder can run any bill he wishes.

Commission agrees and supports this movement. The Commission also remains comfortable with Ms. Aponte working with Commission Chair Bennett-Woods.

**V. Monthly Budget Report**

Not provided.

**VI. Planning for April 2019 Meeting**

Commission Chair Bennett-Woods advised this may be a moot topic.

Commissioner Chayet recommends not gathering stakeholders until funding is received. He also recommends a short letter to update stakeholders.

Commission Chair Bennett-Woods advises she will draft a letter and have it ready for the Commission to look at in April. She also asks the Commission to look at the original statute and bill and inform AAG Johnson of any concerns or need to change.

**VII. Fundraising Efforts / Community Outreach**

***Commission Chair Bennett-Woods***

Commission Chair Bennett-Woods has a number of contacts in the long term care community that could possibly be brought in as stakeholders and possible funding. The fact sheet needs to be revised again.

She has also spoken with Carl Glatstein, Esq. regarding a FAQ that he is drafting. She will follow-up with Mr. Glatstein to see when it might be available.

***Commission Vice-Chair Lesco***

She will be going to Montrose in April.

She provides OPG and legislative updates as well as education outreach to Long Term Care Advisory Committee and Ethics Committee.

***Commissioner Chayet***

He advised nothing of substance to report, however, as a side note, his office receives calls regarding what one can do to get free guardianship for their family member(s) (mom used in this example), and the Commission and Office will need to address how to handle this once services are being provided.

### ***Commissioner Kelley***

She reported she attended a local meeting last Friday on aging. Encourages individuals to go to the OPG website and asked for questions for putting on the website.

### **VIII. Public Comment**

***Ms. Maureen Welch***'s primary concern is with the Denver Office of Public Guardianship and it no longer being the Colorado Office of Public Guardianship; harder sell; initial concerns – safeguards, regulations, etc.; stakeholders not present for these discussions; premature – guardianship reform, rights and safeguards for wards is needed; and was not asked for public comment prior to the Commission voting today on moving this forward.

Commission Chair Bennett-Woods clarified, no vote was taken.

***Mr. Tatten*** advised he is a resident of Denver and spoke to the Commission about his story, his struggles, etc.; there needs to be a focus on transparency and accountability; concerns about profiling; stakeholder reach out; and wants to understand why those needing services – the services aren't there.

Commission Chair Bennett-Wood thanked Mr. Tatten for sharing his story and that she heard his concerns about the judiciary; and although his concerns are not about the OPG, he could be a valuable resource moving forward.

***Mr. Rob Hernandez*** wished he would have been allowed to comment prior to the consensus for moving forward; concern with it being the Denver Office of Public Guardianship; concerns with Adult Protective Services (APS) being a pipeline to OPG; too much power for APS; no oversight; individuals tell him stories; OPG is not ready.

Commission Chair Bennett-Woods stated the Commission has heard their same concerns and comments during each meeting and asked, "What do you want?"

Mr. Hernandez replied, only hears that a plan is coming. Mr. Hernandez went on to discuss Judge Leith's courtroom, at which time AAG Johnson attempted to interject, however, Commission Chair Bennett-Woods allowed Mr. Hernandez to continue. Mr. Hernandez stated he does not appreciate AAG Johnson interrupting him and only him, and continued to provide comments including but not limited to:

- Showing a picture of a sign placed outside Judge Leith's courtroom at the Denver Probate Court;
- Transparency is needed and the courtroom should be open;
- Concerns with LGBTQ plus and IVD community being listened to; and
- Wants the Commission to make sure Judge Leith's courtroom is open and the court docket posted.

AAG Johnson being allowed to speak reminded all attendees of the public comment policy and that public comment is limited to 3 minutes each and that the Chair can cut off a discussion at any time. The public has always been allowed more than three minutes.

The OPG Commission does not have jurisdiction over Judge Leith and that such concerns should be taken to the Chief Judge or SCAO.

Ms. Welch stated she wants the OPG to let this bill die.

Commission Chair Bennett-Woods advised the Commission understands they are not supportive.

Mr. Tatten stated he appreciates the role of the OPG and for listening to them.

Commission Chair Bennett-Woods stated she has never received a suggestion from the attendees for what to do right now with those unserved in the community. She and the Commissioners are in favor of safeguards.

Ms. Welch stated Commissioner Chayet was against 1072 Safeguards.

Commissioner Chayet advised, he does not take a position, the Colorado Bar Association does – no one lawyer, and takes offense to Ms. Welch's generalization as to 1072.

**Ms. Vandevergh** has no comment.

## **IX. Adjourn**

Commission Chair Bennett-Woods called for the meeting to be adjourned, and with no objections, the meeting adjourned at 11:51 AM.

**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.

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Deb Bennett-Woods  
Commission Chair

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Kelsey Lesco  
Commission Vice-Chair

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Date

\_\_\_\_\_  
Date

For OPG Commission Review - 4-24-2019