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## House lawmakers target embattled Office of Public Guardianship, reject funding for expansion

By **Marianne Goodland** 03/30/2022 | updated 4 years ago



Problems with the state's Office of Public Guardianship, as reported by Colorado Politics last month, led state House lawmakers Wednesday to halt the program's expansion.

The decision to keep the program from expanding occurred during the debate in the legislature over the proposed 2022-23 state budget.

Democratic Reps. Meg Froelich of Greenwood Village and Adrienne Benavidez of Adams County, and Rep. Stephanie Luck, R-Penrose, persuaded their colleagues to support an amendment to eliminate \$1.5 million in cash funds from the next fiscal year's budget- money the Office of Public Guardianship sought to allow it to expand into two more judicial districts.

Lawmakers initially rejected the amendment on a voice vote, but later voted in favor of it on a bipartisan 35-29 vote.

Legislation in 2017 and again in 2019 authorized the guardianship office to run a three-district pilot program to provide guardianship to indigent and elderly Coloradans who have no one else to care for them. Currently, the program is operating in the 2nd Judicial District, which covers Denver.

The office, housed in Colorado's Judicial Department, is [under scrutiny from policymakers](#) who created it following warehousing in hospitals of elderly people who had no one to look after them. Alarmed by the deaths, Gov. Jared Polis earlier indicated he would seek more oversight of the Office of Public Guardianship, which, as legislators noted, began with the best of intentions but is beset with problems, precisely because it is dealing with a population that faces grave socio-economic, and acute care and behavioral health challenges.

The overarching question before legislators is whether to expand the pilot program or scuttle it, although the sentiment at the Capitol appears to favor continuing its work, at the very least.

In the program's first 14 months, 14 out of the 86 clients assigned to the office have died. With nearly two years under its belt, the office faces criticism in how it operates and monitors its guardians from one of its biggest backers and its primary source for client referrals – Denver Health, which has raised questions about the program's efficacy and professionalism

Despite those concerns, the Joint Budget Committee, on a 4-2 vote, approved a funding boost for the office in the upcoming year budget to allow it to expand into two more judicial districts – in LaJunta and Montrose.

Froelich, who has been critical of the program, told the House Wednesday the office serves an incredible need and noted testimony from Denver Health representative during a January SMART Act hearing that the health system does

The office already receives \$1.2 million in court fees to fund its operation, but there are big questions about the program, notably surrounding the death of 14 of its wards.

“There’s a lack of transparency and lack of responsiveness,” Froelich said.

The office currently has seven full-time employees and the funding increase it would receive in next year’s budget would allow for the hiring of another four, including a deputy director, said Benavidez, who questioned why a staff of 11 needs a deputy director and an executive director. She also pointed out that the additional funding is only for a short time – until January 2023 and suggested to colleagues waiting for the office’s required report, which is also due in January next year, before deciding to expand or nix the program.

At a minimum, the report must quantify the unmet need for public guardianship and the average cost, Benavidez said.

So far, 80 individuals have been clients of the office at a cost of \$5,000 per client, she estimated, adding, the office is “supposed to tell us” whether it should be a state agency or a non-profit entity.

“I’m not ready to say this is the best way to move forward... and why would we want to continue to put money in this program?” Benavidez said.

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Rep. Marc Snyder, D-Colorado Springs, who was among the sponsors of the 2019 legislation, told the House the additional funding would put the program on track to serve rural Coloradans.

“It’s had some troubles getting off the ground but is doing excellent work now,” Snyder said. “We need to keep the momentum going.”

Regardless of what’s going on with the office, the pilot’s scope was supposed to be narrow, and lawmakers need to ask whether it’s working before expanding it, said Luck, a Penrose Republican.

“We cannot show whether the program is working properly,” Luck added, noting an allegation by Denver Health that it had to escort the program’s guardians out of hospital premises for unprofessional conduct. OPG Executive Director Sophia Alvarez said she accepts “full responsibility for addressing any instances of unprofessional behavior once I have been provided with appropriate details.”

Rep. Susan Lontine, D-Denver, said eight people are waiting for a guardian at Denver Health, and they will stay there until a guardian becomes available. Because OPG isn’t adequately funded, they cannot be responsive to those needs and isn’t prepared to expand, Lontine said, adding, “I know there is unhappiness with the effectiveness of the pilot.”



Benavidez countered that Denver judicial district is still being served by the program, and the amendment only opposes expansion into the other two districts.

“We need to evaluate this program before it expands,” she said. “It’s not prudent to hire people for an expansion we could decide next year we don’t want.”

Benavidez also cited remarks by Alvarez on the deaths of wards. Alvarez had told Colorado Politics that she had no reason to disclose the 14 deaths during the January meeting with lawmakers.

Joint Budget Committee Chair Rep. Julie McCluskie, D-Dillon, asked colleagues to vote down the amendment, saying the guardianship office has no direct responsibility for medical care for its clients and noted that the latter are either indigent, elderly or medically frail.



The Colorado Office of Public Guardianship sits inside a building on the southwest corner of East Mexico Avenue and South Colorado Boulevard on Wednesday, March 2, 2022, in Denver, Colo. (Timothy Hurst/The Denver Gazette)

Timothy Hurst

Tags: [susan lontine](#), [benavidez](#), [legislation](#), [bill](#), [expansion](#), [denver health](#), [office of public guardianship](#), [susan lantine](#)

**Marianne Goodland**  
Reporter



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Michael Karlik michael.karlik@coloradopolitics.com Updated 34 minutes ago

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Michael Karlik michael.karlik@coloradopolitics.com Updated 4 hours ago

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Marissa Ventrelli [marissa.ventrelli@coloradopolitics.com](mailto:marissa.ventrelli@coloradopolitics.com) Updated 19 hours ago

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Marianne Goodland marianne.goodland@coloradopolitics.com Updated 18 hours ago

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Deborah Grigsby [deborah.smith@denvergazette.com](mailto:deborah.smith@denvergazette.com) Updated 4 hours ago

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Marianne Goodland marianne.goodland@coloradopolitics.com Updated 5 hours ago

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Ernest Luning [ernest.luning@coloradopolitics.com](mailto:ernest.luning@coloradopolitics.com) Updated 20 hours ago

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Marissa Ventrelli [marissa.ventrelli@coloradopolitics.com](mailto:marissa.ventrelli@coloradopolitics.com) Updated 21 hours ago

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