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Innovations



Decision Making: How much help do I really need?



Created by the Innovations Advocacy Council

How Much Help Do I Really Need?

The following statements will make it easier to figure out what type of help you require. Check all that apply to you!

- I want to make important decisions for myself.
- I feel that I am able to make important decisions for myself.
- I want to choose where I live.
- I am able to communicate my wants and needs to my team.

If you marked any of the above boxes, a guardian may not be the right option for you.

- I do feel that I need help with aspects of my life.
- I feel that I need help making medical decisions.
- I feel that I need help making financial decisions and managing money.
- I feel that I need help advocating for myself and advocating for my choices.

However, if you marked any of the boxes in this second section, you may need some assistance with decisions that are important to your life.

If you feel that you do need help, the following pages will help you get a better idea of what type of help you really need.

Do I need a guardian?

So, you are feeling like you need help making decisions and you are not sure whether you need a guardian or not. The answer may be as simple as deciding what type of help you need. This brochure will give you a quick rundown of the options that you have available to you, the resources that you need to make an educated decision, and what is required for each option.

The following pages will discuss:

- Guardianship
- Medical Proxy/Medical Power of Attorney
- Power of Attorney
- Representative Payee
- Advocate



What does a Guardian do?

The first thing you should know is that if you do have a guardian appointed to you, there are certain decision-making rights that you will lose. While a guardian should consult you about decisions being made, a guardian does have the right to choose where you live, what medical care you receive, what programs you receive, and in some states, it can impede your right to vote.

If you do decide that a guardian is the right choice for you, then here are several things you need to know about how a person becomes a guardian. First, a guardian has to be court appointed. It requires your potential guardian and you go to court and appeal to the courts to appoint the person you chose as your guardian. There are fees associated with the guardianship process and if you are asking for a guardian to be appointed, some of those costs may be your responsibility.

Once the person of your choice becomes your guardian, there are yearly reports that have to be filled out in order to maintain the guardianship and the guardian has to report personal information about you in official court documents.

Another thing to know about guardianship is that once a person becomes your guardian, it is difficult for you to have the guardian removed. It does involve going through additional court proceedings. Essentially, in order to appoint a guardian, a person has to be deemed by the court system to be unable to make their own sound judgments. If you no longer want a guardian, the courts may refer back to the original paperwork which indicates that you cannot make sound judgments for yourself. Therefore, the courts may not approve a new guardian or remove a current guardian.

Lastly, if you are under the age of 21 and you have a guardian, when you turn 21, your guardianship will automatically transition back to you unless a new petition for guardianship of an adult is completed and approved by the courts.



With all of this in mind, is a guardian the right choice for you? If not, here are other options.

What is a Medical Proxy or Medical Power of Attorney?

If you have decided that you do not need a guardian, but you answered that you need help with medical decisions, this is the section for you!

You may be wondering what is the difference between a Medical Proxy and a Medical Power of Attorney? A Medical Proxy is someone who is appointed to assist with a medical decision that is specific to a period of time or a particular medical situation. Once the period of time or situation has elapsed, then the Medical Proxy no longer has authorization to assist you in making medical decisions. For example, if you need help with cataract issues, you can have a Medical Proxy that will help you only with issues surrounding cataracts. There are situations in which a Medical Proxy is appointed for long-term care.

A Medical Power of Attorney is someone who is appointed to assist you in making all medical decisions and there is no time frame associated with a Medical Power of Attorney. This does not mean that a Medical Power of Attorney cannot be changed or terminated, it just means that it does not happen automatically and would require you voicing and writing a letter to change or terminate the Medical Power of Attorney.



Both of these documents are legal documents, but neither option requires court proceedings and usually only requires someone to notarize the signed paperwork. Each of these options deal only with medical issues and neither appointed person can make decisions about your programs, where you live, or your finances.

What is a Power of Attorney?

If you only need help with a specific aspect of your life, then you may want to consider a Power of Attorney.

A Power of Attorney can be limited in its time frame and situation or it can be created to be in effect until one or both parties wish to terminate it. A Power of Attorney may be appointed to assist you with various aspects of your life such as:

- Finances
- Creating a trust
- Dealing with court issues
- Making important life decisions
- Helping to choose an appropriate housing situation

For example, you need help making some financial decisions about setting up a trust and you are not sure what decisions to make. A person could be appointed as your Power of Attorney for assisting you to set up a trust. After the trust has been set up, they would no longer be your Power of Attorney because they were only appointed for that specific task.

Like the Medical Power of Attorney and Medical Proxy paperwork, the Power of Attorney paperwork is legal paperwork. However, it does not require court proceedings to create and usually only requires that someone notarize the paperwork.

If you should decide that you do not want to have a Power of Attorney anymore, all you would have to do is verbally state that you do not want a Power of Attorney and you would need to write a letter and submit it to the Power of Attorney. The Power of Attorney would then be dissolved and the person would no longer be able to assist you.

What is a Representative Payee?

Managing and budgeting money is not an easy task when you have several different sources of funding with many different rules. There is a big difference between being able to make day-to-day purchases to being able to manage all finances. This may include paying bills to making sure that all paperwork is submitted in a timely manner to continue benefits. Many individuals in services ask their residential provider to become their Representative Payee. This is what a Representative Payee does:

- Manages all benefit money received in a person's name
- Pays all of the person's bills
- Assists the person in budgeting for larger purchases
- Ensures that the person's money is protected from government limits
- Fills out and files all paperwork required to keep a person eligible for various funding sources

Managing money can be a difficult task to navigate and if you feel that you need assistance in this area, you may need a Representative Payee. Becoming a Representative Payee requires a petition to Social Security and the process can take 2-3 months to complete. Once a person has a Representative Payee, it is difficult for a person to become their own Representative Payee again. This may be something you want to think about before making the decision to have someone become your Representative Payee..



What is an Advocate?

The development disability system in the State of Colorado can be difficult to navigate and it can become confusing. You may not feel that you need help making decisions, but you may feel that you need help navigating the resources available to you. In this case, you may need an advocate. An advocate is a person who can assist you to voice your opinions to your team and will support you in making decisions for yourself. An advocate can be a person who you are close to who is willing to assist you or it can be a person who is associated with an advocacy group such as the ACL (Association for Community Living) or the ARC. If you decide an advocate is the right choice for you, the only requirement is to sign an agreement between you and the advocate stating that they will support you in voicing your opinions and choices. An advocate does not have any legal power to assist you with medical or legal decisions and if you should decide to not have an advocate anymore, the agreement can be verbally dissolved by either party.

Advocate agencies such as the ACL or the ARC can also assist you with attending classes that are geared towards empowering you to be your own advocate and empowering you to make your own decisions.



So, what help do I really need?

After reviewing all of the options available to you, what type of assistance do you need?

- I need a guardian!
- I need a Medical Proxy!
- I need a Medical Power of Attorney!
- I need a Power of Attorney!
- I need a Representative Payee!
- I need an Advocate!



Now that you have figured out what type of assistance you need, what do you do next?

On the following pages, you will find resources to contact for assistance, internet links to find out more information about the various options, and where to find the paperwork that is required for several of the options. The most important thing to remember regardless of which option you have decided upon is PATIENCE! Several of the processes involved can take time to implement and it often will take several months to finalize. So, don't hesitate to ask questions and rely on your team for support.

Turn the page for more information on which option you have chosen!



How do I find someone who is willing to help me?

Finding a person who wants to become a Guardian, Medical Proxy, Power of Attorney, or an Advocate can be a difficult process. It involves a lot of time and requirements and some people do not have the resources to assist you in your decision. However, there are people who are willing to help you.

You have already taken the first step which was to decide what type of help you need. The next step is to find out who to approach for additional assistance. Here are some key people who can help you.

- Family Members
- Trusted Friends
- Residential Agency Staff
- CCB Case Management
- Advocacy Groups

When asking for help, it is important that you make your needs clear. Use the following structure to help you talk with others about your decisions.

Step 1: I have decided that I need help in these areas:	Step 2: Here is the person who will help me or I need help finding someone to help me.
Step 3: Here are the processes that have to be completed:	Step 4: Here is the support that I need from my team:

What are the next steps?

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By now you have some idea of what help you need and who will provide that help to you. What are the next steps? That depends on the type of help that you need. The following pages show what is needed for each type of assistance along with useful websites on where to obtain the required documents needed.

Guardianship

If you are looking for guardianship paperwork or assistance with guardianship, please remember that in order to have a guardian appointed, you will need to petition the court and go to court. If a guardian is the right choice for you, please see the following websites or organizations that can help you out or provide additional information:

Guardianship Alliance of Colorado

guardianshipallianceofcolorado.org

Provides information on the process of guardianship in the State of Colorado, classes and educational material, and access to a volunteer program of individuals who would be interested in being a guardian.

ACL (ARC of Boulder and Broomfield Counties)

aclboulder.org

Provides advocacy for individuals with disabilities as well as assistance to individuals who want to obtain a guardian.

The ARC of Colorado

www.thearcofco.org

Provides advocacy for individuals with disabilities as well as assistance to individuals who want to obtain a guardian.

Judicial Branch-State of Colorado

www.courts.state.co.us/Forms/Forms_List.cfm?From_Type_ID=57

The website contains all of the official court documents needed to apply for guardianship in the State of Colorado.

Next Steps continued...

Medical Proxy and Medical Power of Attorney

Looking for Medical Proxy or Medical Power of Attorney information? The following websites have information and the required paperwork needed. You will need to have the paperwork notarized. Most banks have notaries on their payroll. Also, please note that Medical Proxy paperwork does not require the individual's signature, while the Medical Power of Attorney does require the individual's signature and may require you to prove that you are unable to make sound medical decisions. If you work with a residential agency and your agency has a nurse, the nurse can also be a valuable resource.

Medical Power of Attorney form

www.coloradoadvancedirectives.com/MDPOA_form.pdf

Accesses the form that must be filled out to appoint a Durable Medical Power of Attorney.

Caring Connections

www.caringinfo.org

This website offers state-specific Advance Directive paperwork as well as additional resources for planning.

Medical Power of Attorney and Proxy Paperwork

<http://www.imaginecolorado.org/documents/CM/ADULT/FORMS/MedicalDurablePowerOfAttorney.pdf>
http://senioranswers.org/wp-content/uploads/2014/08/Medical.Health.Care_Proxy_.pdf

Power of Attorney

If you are looking for a power of attorney, the following websites have the required paperwork needed. You will need to have the paperwork notarized. Most banks have notaries on their payroll.

Colorado Bar Association

www.cobar.org

This website offers information about Power of Attorney and answers questions that you may have about the legality of the paperwork.

Next Steps continued...

Power of Attorney Forms

poaform.org

Has forms listed for each state for durable, general, limited, and medical power of attorney paperwork.

Representative Payee

If you are looking for paperwork for representative payee information, the best website for more information is:

www.ssa.gov/payee/

This is the only source that has the paperwork that is required for representative payees. If you have a residential agency supporting you, it is always a good idea to talk with your agency for additional support.

Advocates

Two great websites to look at when looking for an advocate are:

aclboulder.org

www.arcofco.org

These organizations have advocates within their agency and they can assist you in filling out the advocacy paperwork.

Additional Resources

The Legal Center

www.thelegalcenter.org

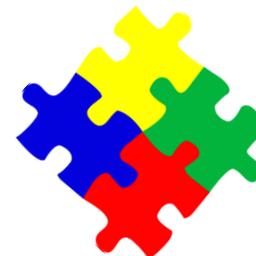
This website offers information about legal representation for individuals with disabilities.

Network of Care

networkofcare.org

Legal Aid Foundation of Colorado

www.legalaidfoundation.org



Community Centered Boards in Colorado

Inspiration Field

Serving Bent, Crowley, and Otero Counties
1500 San Juan Avenue
La Junta, CO 81050
(719) 384-8741

Blue Peaks Developmental Services

Serving Alamosa, Conejos, Costilla, Mineral, Rio Grande, and Saguache Counties
703 Fourth Street
Alamosa, CO 81101
(719) 589-5135

Colorado Bluesky Enterprises

Serving Pueblo County
115 West 2nd Street
Pueblo, CO 81003
(719) 546-0572

Community Connections

Serving Archuleta, Dolores, La Plata, Montezuma, and San Juan Counties
281 Sawyer Drive, #200
Durango, CO 81303
(970) 259-2464

Foothills Gateway

Serving Larimer County
301 Skyway Drive
Fort Collins, CO 80525
(970) 226-2345

Horizons Specialized Services

Serving Grand, Jackson, Moffat, Rio Blanco, and Routt Counties
405 Oak
Steamboat Springs, CO 80477
(970) 879-4466

Community Options

Serving Delta, Gunnison, Hinsdale, Montrose, Ouray, and San Miguel Counties
336 South 10th Street
Montrose, CO 81402
(970) 249-1412

Rocky Mountain Human Services

Serving Denver County
9900 E. Iliff Ave.
Denver, CO 80231
(303) 636-5600

Mountain Valley Developmental Services

Serving Eagle, Garfield, Lake, and Pitkin Counties
700 Mount Sopris Drive
Glenwood Springs, CO 81602
(970) 945-2306

North Metro Community Services

Serving Adams (except for Aurora) County
1001 West 124th Ave.
Westminster, CO 80234
(303) 252-7199
(303) 457-1001

Eastern Colorado Services

Serving Cheyenne, Elbert, Kit Carson, Lincoln, Logan, Morgan, Phillips, Sedgwick, Washington, and Yuma Counties
617 South 10th Ave.
Sterling, CO 80751
(970) 522-7121

Envision

Serving Weld County
1050 37th Street
Evans, CO 80620
(970) 339-5360

Community Centered Boards in Colorado

Developmental Disabilities Resource Center

Serving Clear Creek, Gilpin, Jefferson, and Summit Counties
11177 W. 8th Avenue
Lakewood, CO 80215
(303) 233-3363

Developmental Pathways

Serving Arapahoe, Aurora (City), and Douglas, Counties
325 Inverness Drive South
Englewood, CO 80112
(303) 360-6600

Strive

Serving Mesa County
950 Grand Avenue
Grand Junction, CO 81502
(970) 243-3702

The Resource Exchange

Serving El Paso, Park, and Teller Counties
418 South Weber
Colorado Springs, CO 80903
(719) 380-1100

Southeastern

Developmental Services

Serving Baca, Kiowa, Bent, and Prowers Counties
1111 South Fourth Street
Lamar, CO 81052
(719) 336-3244

Southern Colorado Developmental Services

Serving Huerfano and Las Animas Counties
1205 Congress Drive
Trinidad, CO 81082
(719) 846-4409

Imagine!

Serving Boulder and Broomfield Counties
1400 Dixon Avenue
Lafayette, CO 80026
(303) 665-7789

Starpoint

Serving Chaffee, Custer, and Fremont Counties
700 South 8th Street
Canon City, CO 81215
(719) 275-1616

