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### **Innovations**

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## **Innovations**

### **Decision Making- How can I help someone make important decisions?**



**Created by the Innovations Advocacy Council**

## How can I help?

Does a person with developmental disabilities need your help to make decisions? If so, you may be wondering what is required of you, what processes you need to complete, and how long the commitment is. These are all very important questions and depending on what type of decision-making help is needed, the answers can be different.

The first thing to know is that you are not alone and there are resources for you to access that will help you figure out the processes. This brochure is designed to help you understand the various ways that you can assist a person with developmental disabilities make important decisions, as well as, outlining your responsibilities and the process that is required.

The following pages will discuss:

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



## How comfortable do I feel making decisions for other people?

The following questions are geared to help you ascertain the level of assistance you feel comfortable providing.

Check all that apply to you!

- I feel comfortable making the decision of where someone should live.
- I feel comfortable making the decision of what medications and restrictions a person should have.
- I feel comfortable making medical decisions for another person.
- I feel comfortable advocating for what a person wants in life.
- I feel comfortable helping a person manage their benefit money.
- I feel comfortable making a long-term commitment to assisting another person in making decisions.
- I only feel comfortable assisting another person making decisions for a short-term.

Taking a look at what you have marked should give you an idea of which aspects of assisting others with decision making you are comfortable with. The following pages outline the various ways you can assist others.

**Please note that these are not paid positions.**

## What does a Guardian do?

A guardian is a person who has the legal power to make decisions for another person in regards to medical issues, housing, medications, and services that are provided. If a person requires a guardian, it typically indicates that the person is unable to make decisions for themselves for various reasons and they need another person to make important decisions for them. Examples of decisions that guardians are required to make are:

- Should a person live independently or do they need a 24-hour assistance?
- Should a person take psychotropic medications?
- Should a person start a new day program or stay with their current day program?
- Should a person be kept on life support or taken off?
- Should a person have a restrictive procedure as part of a behavior program?

Becoming a guardian is not something that should pursue unless you are certain that you are willing and able to assist someone in making important life decisions. You must make sure that you have the time and resources available to fulfill the requirements of guardianship. A guardian can only be appointed by a court of law and the entire guardianship process can be time-consuming and there are costs associated. If you are interested in becoming a guardian, you will need to go to court and once you are an individual's guardian, you will remain that individual's guardian permanently unless a court order removes your guardianship. A guardian's responsibilities encompass all medical decisions including end of life issues, residential choice decisions, and service provider decisions. A guardian is required to make decisions for an individual and is considered to be on the person's IDT (Inter-Disciplinary Team). The guardian should be present for yearly planning meetings and be available to sign all required consents and releases. There are paperwork obligations that guardians must fill out each year and file with the courts.

A guardian should act as an advocate for the individual that they are assisting and should always take into consideration the individual's preferences and quality of life when making decisions.

## Medical Proxy or Medical Power of Attorney-

### A different option!

For individuals who feel that they can make their own decisions but may need help with medical issues, there is the option of a Medical Proxy or Medical Power of Attorney. If you are looking at becoming someone's Medical Proxy or Medical Power of Attorney, it is important to know what decisions you are being asked to make and whether it is a long-term status or if it is situational.

To start with, a Medical Proxy or Medical Power of Attorney is someone who assists another person in making medical and health decisions. These could be routine, emergency, or end-of-life decisions. If you are thinking about being a Medical Proxy or Medical Power of Attorney, you must ask yourself if you feel comfortable making medical decisions for another person and if you are willing to the time commitment involved. To become a Medical Proxy or Medical Power of Attorney requires that all parties involved fill out official paperwork that is then notarized. The process does not require court approval and the costs may be minimal to pay for notarizing the paperwork.



A Medical Proxy or Medical Power of Attorney can be set-up for all medical decisions and situations or a particular medical issue or time frame can be listed. A Medical Proxy or Medical Power of Attorney can be dissolved at any time by either parties and all that is required is the dissolution be in writing. In cases where an emergency occurs, a medical proxy or power of attorney would be the responsible party that could give consent for major medical decisions.

## What is a Power of Attorney?

There are times in which someone may need assistance making decisions on a particular issue and once the issue is resolved, the assistance is no longer needed. In these situations, a person may need a Power of Attorney to help them make decisions. A Power of Attorney can be set up to assist individuals with:

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

A Power of Attorney is a contract between two parties that clearly specifies what assistance a person will receive and what time-frame the assistance will be valid. A Power of Attorney is established through paperwork that is notarized and it can be dissolved by written notice by either party.

A Power of Attorney is a useful tool for individuals to obtain the help they need in making specific decisions while not having to relinquish any rights that they do not want to lose.



## What is a Representative Payee?

A Representative Payee is a person or organization that assists an individual with all aspects of managing Social Security and benefit money. The Representative Payee is responsible for:

- Managing all benefit money received in a person's name
- Paying all of the person's bills
- Assisting the person in budgeting for larger purchases
- Ensuring that the person's money is protected from government limits
- Filling out and filing all paperwork required to keep a person eligible for various funding sources

In order for a person or organization to become a Representative Payee, paperwork must be submitted to Social Security petitioning to be named the Representative Payee. Essentially, the process will deem whether a person can be their own Representative Payee and if not, Social Security will name the petitioner to be the Representative Payee. Once a person is named the Representative Payee, they are responsible for receiving benefit monies and dispersing benefit monies. A Representative Payee is also responsible for adhering to all rules and regulations set forth by Social Security, the State, the county and housing entities. The Representative Payee is required to fill out all paperwork to maintain benefit eligibility and to resolve any Social Security questions or problems.

**If a Representative Payee does not do the requirements that are mandated by Social Security, the individual in questions could potentially lose their benefit money and residential placement.**



## What is an Advocate?

The developmental disability system in the State of Colorado can be difficult to navigate and it can become confusing. An individual may not feel that they need help making decisions, but they may feel that they need help navigating the resources available to them. In this case, an individual may need an advocate. An advocate is a person who can assist an individual to voice their opinions to their team and support an individual in making decisions for themselves. An advocate can be a person who an individual is close to 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 an advocate is the right choice for an individual, all that is required is the signing of an agreement between the individual and the advocate that the advocate will support the individual in voicing their opinions and choices. An advocate does not have any legal power to assist with medical or legal decisions and the agreement can be verbally dissolved by either party.

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



## Helping others-What more can I do?

Often, people will ask their family or friends to assist them in making decisions, but what happens if a person does not have close family or friends? Individuals in this situation may feel as if there is no assistance available to them and this can cause problems with obtaining needed medical services. If you are looking through this brochure in order to assist someone that you know, you may also want to think about how you could help other individuals.

An important point to consider is what resources are available to you and how you may be able to help other individuals in need. If you feel that you could assist people you do not know with decision-making, then you might want to make your availability known. You can do this by contacting the Community Centered Board (CCB) in your area, the ACL, or the ARC. The contact information for all of these agencies are located in the back of this brochure.



There is no legal limitation

## Turning 21-Transition into adult services!

It is important to know that even if you are a legal guardian of a person who is under the age of 21, upon turning 21 the individual will revert to being their own legal guardian unless a adult guardianship petition is submitted to the courts. It is a common misconception that guardianship will transition from a minor into adulthood. If the individual that you are a guardian for is getting close to turning 21 and the person still needs a guardian, you should begin the legal process before the individual becomes an adult.

This could also be a beneficial time to look at the individual in question and really start to decide what type of decision-making assistance they really need as an adult. There are other alternatives to guardianship that may be a better option as discussed in this brochure.



## So, what decisions do you feel comfortable making?

After reviewing all of the options –What type of assistance do you feel comfortable giving someone else?

- I'm willing to be a guardian!
- I'm willing to be a Medical Proxy!
- I'm willing to be a Medical Power of Attorney!
- I'm willing to be a Power of Attorney!
- I'm willing to be a Representative Payee!
- I'm willing to be an Advocate!

Now that you have figured out what type of assistance you could provide to another person, the next question is what to 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 which option you are pursuing is PATIENCE! Several of the processes involved can take time to implement and it often will take several months to finalize the process. So, be patient and don't hesitate to ask questions and rely on others for support.

**Read on for more information on the available options!**



## What are the next steps?

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By now you have figured out what decision-making assistance you feel comfortable, so what are the next steps? Well, that depends on the type of assistance you will be providing. The following pages show what is needed for each type of assistance as well as useful web-sites 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 become a guardian you will need to petition the court and go to court. If the individual you are assisting requires a guardian, please see the following web-sites or organizations that can help you out or provide additional information:

#### Guardianship Alliance of Colorado

[guardianshipallianceofcolorado.org](http://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](http://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](http://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](http://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

If you are looking for Medical Proxy or Medical Power of Attorney paperwork, the following websites have the required documents. 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 proof that the individual in question is unable to make sound decisions. If the individual you are assisting works with a residential agency and the agency has a nurse, the nurse can also be a valuable resource.

#### Medical Power of Attorney form

[www.coloroadvancedirectives.com/MDPOA\\_form.pdf](http://www.coloroadvancedirectives.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](http://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 Power of Attorney paperwork, the following websites have the documents that you will need. You will need to have the paperwork notarized.

#### Colorado Bar Association

[www.cobar.org](http://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...

### POA Forms

[poaform.org](http://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 out there is:

[www.ssa.gov/payee/](http://www.ssa.gov/payee/)

This is the only source that has the documents that are required for Representative Payee petitioning and filing. However, if the individual that you are assisting has a residential agency supporting them, it is always a good idea to talk with that agency for additional support.

### Advocates

Two great websites to look at when looking for advocacy information:

[aclboulder.org](http://aclboulder.org)

[www.arcofco.org](http://www.arcofco.org)

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

### Additional Resources

#### The Legal Center

[www.thelegalcenter.org](http://www.thelegalcenter.org)

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

#### Network of Care

[networkofcare.org](http://networkofcare.org)

#### Legal Aid Foundation of Colorado

[www.legalaidfoundation.org](http://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 Chaffé, Custer, and Fremont Counties  
700 South 8th Street  
Canon City, CO 81215  
(719) 275-1616

