

JOINT BUDGET COMMITTEE



STAFF FIGURE SETTING FY 2023-24

JUDICIAL DEPARTMENT Independent Agencies

JBC WORKING DOCUMENT - SUBJECT TO CHANGE
STAFF RECOMMENDATION DOES NOT REPRESENT COMMITTEE DECISION

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HOW TO USE THIS DOCUMENT

The Department Overview contains a table summarizing the staff recommended incremental changes followed by brief explanations of each incremental change. A similar overview table is provided for each division, but the description of incremental changes is not repeated, since it is available under the Department Overview. More details about the incremental changes are provided in the sections following the Department Overview and the division summary tables.

Decision items, both department-requested items and staff-initiated items, are discussed either in the Decision Items Affecting Multiple Divisions or at the beginning of the most relevant division. Within a section, decision items are listed in the requested priority order, if applicable.

In some of the analysis of decision items in this document, you may see language denoting certain 'levels of evidence', e.g. theory-informed, evidence-informed, or proven. For a detailed explanation of what is meant by 'levels of evidence', and how those levels of evidence are categorized, please refer to Section 2-3-210 (2), C.R.S.

JUDICIAL – INDEPENDENT AGENCIES OVERVIEW

This document addresses the Judicial Independent Agencies. The Courts and Probation are addressed in a separate document.

In addition to the Courts and Probation – understood as the traditional *Judicial Branch* and state court system – the Judicial Department also includes the following independent agencies:

- The *Office of the State Public Defender* (OSPD) provides legal representation for indigent defendants in criminal and juvenile delinquency cases where there is a possibility of incarceration. The OSPD is comprised of a central administrative office, an appellate office, and 21 regional trial offices.
- The *Office of Alternate Defense Counsel* (OADC) oversees the provision of legal representation to indigent defendants in criminal and juvenile delinquency cases when the OSPD has an ethical conflict of interest. This office provides legal representation by contracting with licensed attorneys across the state.
- The *Office of the Child's Representative* (OCR) oversees the provision of legal services for children, including legal representation of children involved in the court system due to abuse or neglect.
- The *Office of the Respondent Parents' Counsel* (ORPC) oversees the provision of legal representation for indigent parents or guardians who are involved in dependency and neglect proceedings.
- The *Office of the Child Protection Ombudsman* (OCPO) serves as an independent and neutral organization to investigate complaints and grievances about child protection services, make recommendations about system improvements, and serve as a resource for persons involved in the child welfare system.
- The *Independent Ethics Commission* (IEC) hears complaints, issues findings, assesses penalties, and issues advisory opinions on ethics-related matters concerning public officers, state legislators, local government officials, or government employees.
- The *Office of Public Guardianship* (OPG) is a pilot program that provides legal guardianship services for incapacitated and indigent adults in the 2nd, 7th, and 16th Judicial Districts, in Denver, Southwest Colorado, and Southeast Colorado, respectively, who have no other guardianship prospects.
- The *Commission on Judicial Discipline* (CJD) supports the operations of the Commission to investigate and resolve potential judicial misconduct.

DEPARTMENT-LEVEL OR MULTIPLE AGENCY DECISION ITEMS

DECISION ITEMS AFFECTING MULTIPLE DIVISIONS OR HAVING DEPARTMENT-LEVEL IMPACTS

→ CONTRACTOR RATE INCREASES

REQUEST: The OADC, OCR, and ORPC request a \$15 per hour rate increase for attorneys (17.7 percent) from \$85 to \$100 and equivalent 18 percent increases for non-attorney contractors as outlined in the following table.

CONTRACTOR RATE INCREASES				
	TOTAL FUNDS	GENERAL FUND	REAPPROPRIATED FUNDS	FTE
OADC R8 Contractor rate increase - Attorneys	\$4,724,448	\$4,724,448	\$0	0.0
OCR R1 Contractor rate increase - Attorneys	3,769,013	3,769,013	0	0.0
ORPC R1 Contractor rate increase - Attorneys	3,377,211	3,369,883	7,328	0.0
OADC R9 Contractor rate increase - Non-attorneys	1,361,808	1,361,808	0	0.0
ORPC R4 Contractor rate increase - Non-attorneys	1,263,685	446,420	817,265	0.0
OCR R4 Contractor rate increase - Non-attorneys	366,844	350,753	16,091	0.0
TOTAL	\$14,863,009	\$14,022,325	\$840,684	0.0

RECOMMENDATION: Staff recommends that the Committee approve the request for the attorney contractor rate increase to \$100 per hour. Staff recommends that the Committee deny the request for non-attorney contractor rate increases at this time. The following table outlines the recommendation.

CONTRACTOR RATE INCREASES				
	TOTAL FUNDS	GENERAL FUND	REAPPROPRIATED FUNDS	FTE
OADC R8 Contractor rate increase - Attorneys	\$4,724,448	\$4,724,448	\$0	0.0
OCR R1 Contractor rate increase - Attorneys	3,769,013	3,769,013	0	0.0
ORPC R1 Contractor rate increase - Attorneys	3,377,211	3,369,883	7,328	0.0
OADC R9 Contractor rate increase - Non-attorneys	0	0	0	0.0
OCR R4 Contractor rate increase - Non-attorneys	0	0	0	0.0
ORPC R4 Contractor rate increase - Non-attorneys	0	0	0	0.0
TOTAL	\$11,870,672	\$11,863,344	\$7,328	0.0

ANALYSIS

ATTORNEY CONTRACTOR RATE INCREASE REQUEST

The three independent agencies, the OADC, the OCR, and the ORPC, have requested a contractor rate increase for attorneys for FY 2023-24. The increase request of \$15 per hour, from \$85 to \$100, represents a 17.7 percent increase.

The attorney contractor rate increase totals \$12.7 million including the adjustment for the Courts. The following table outlines the cost by agency along with the increase on the budget base for each of the independent agencies.

ATTORNEY CONTRACTOR RATE INCREASE COST AND INCREASE ON BASE		
	TOTAL REQUEST	INCREASE ON AGENCY BASE
OADC	\$4,724,448	9.3%
OCR	3,769,013	11.1%
ORPC	3,377,211	10.8%
Courts (estimated)	862,719	
Total	\$12,733,391	

The agencies identify the following reasons for the request:

- Salaries and total compensation for private attorneys remain significantly greater than the earnings of agency contract attorneys.
- Hourly rates for other contract public attorneys remain greater than rates paid to agency contract attorneys.
- The Consumer Price Index has increased in the most recent period at a significantly greater rate causing general wage inflation for attorney pay particularly. The September 2022, Legislative Council Staff (LCS) revenue forecast estimates an 8.2 percent CPI for 2022 for the Denver-Aurora-Lakewood core, which is often used as a proxy for the inflation rate of Colorado.
- The agencies are experiencing increased challenges in attorney contractor retention in the current period related to inflationary job market pressures.

CONTRACTOR RATE RESPONSIBILITIES IN STATUTE

Section 13-91-105 (1)(a)(VI), C.R.S., requires the OCR as follows (emphasis added):

13-91-105. Duties of the office of the child's representative – guardian ad litem and counsel for youth programs. (1) *In addition to any responsibilities assigned to it by the chief justice, the office of the child's representative shall:*

(a) *Enhance the provision of GAL or counsel for youth services in Colorado by:*

(VI) *Establishing fair and realistic state rates by which to compensate state-appointed guardians ad litem or counsel for youth that take into consideration the caseload limitations placed on guardians ad litem or counsel for youth and that are sufficient to attract and retain high-quality, experienced attorneys to serve as guardians ad litem or counsel for youth;*

Section 13-92-104 (1)(b), C.R.S., requires the ORPC as follows (emphasis added):

13-92-104. Duties of the office of the respondent parents' counsel. (1) *The office has the following duties, at a minimum:*

(b) *Establishing fair and realistic state rates by which to compensate respondent parent counsel. The state rates must take into consideration any caseload limitations placed upon respondent parent counsel and must be sufficient to attract and retain high-quality, experienced attorneys to serve as respondent parent counsel.*

Section 21-2-105 (2), C.R.S., requires the OADC as follows (emphasis added):

21-2-105. Contracts with attorneys and investigators. (2) *Contracts made pursuant to this section shall provide for reasonable compensation and reimbursement for expenses necessarily incurred, to be fixed and paid from state funds appropriated therefor. The office of alternate defense counsel shall review the bills submitted for reimbursement by any contract attorney or investigator and may approve or deny the payment of such bills in whole or in part based on the terms set forth in the contract negotiated between the alternate defense counsel and the contract attorney or investigator.*

While the OCR and ORPC are charged with establishing "fair and realistic state rates", the OCR is charged with providing "reasonable compensation".

PRIVATE ATTORNEY MARKET RATE

The ORPC provided the following data: Bureau of Labor Statistics (BLS) identifies that the 2021 base average annual salary for Colorado attorneys was \$141,760. Additionally, BLS identifies that salary accounts for 68.8 percent of total compensation, suggesting total compensation for attorneys of \$206,047. This metric compares to the contractor rate of \$85 per hour x 2,080 hours per year (40 hours x 52 weeks), or total potential contractor revenue of \$176,800 for a contractor who might bill for every possible full-time hour in the year. As a contractor, that total revenue is not simply salary – the contract attorney is also responsible for benefits and administrative office overhead within that contract revenue.

Before taking account of the cost of administrative overhead, the ORPC provides a reasonable methodology to arrive at its estimated value of the current contractor rate relative to the market rate for a private salaried attorney of 54.6 percent and a contractor rate of \$146.28 as equivalent to the market rate for a private salaried attorney. Similarly, the Colorado Bar Association's (CBA) most recent Economics of Law Practice Survey from 2017 reported \$254 as the median hourly rate for a solo practitioner.

FEDERAL CONTRACT ATTORNEY RATES

The Equal Access to Justice Act (EAJA) authorizes the payment of attorney fees to a prevailing party in an action against the United States. The EAJA attorney rate for the Western region was set at \$125 in 1985, is adjusted for inflation annually, and is currently \$245.56, or 2.9 times the current \$85 agency rate. **More representative of agency legal services, the Federal Criminal Justice Act rate paid to independent contractors for representing indigent defendants in federal court was \$158 and increased on January 1, 2023, to \$164. The current agency rate represents 51.8 percent of the equivalent federal rate.**

RECENT CONTRACTOR RETENTION EXPERIENCE

The ORPC reports that over the last three years, the percentage of attorneys accepting full-time salaried positions with benefits as their number one reason for leaving ORPC contract work increased from 13 percent in FY 2019-20 to 31 percent in FY 2020-21 to 47 percent in FY 2021-22.

The OCR states that it "is on the brink of an attorney shortage in several judicial districts, has exhausted all available applicants to fill the needs in some districts, and is increasingly relying on less experienced and out-of-district attorneys to fill district needs in several rural and front range jurisdictions." The OCR further reports that new contract applications have declined from just under 100 received in FY 2018-19 to just over 50 received in FY 2021-22.

The OADC states (emphasis added):

The OADC believes and has extensive anecdotal evidence that experienced contractors would decline OADC work if the rates paid to contractors do not remain competitive. Experienced contractors are more effective and efficient. There may be a steady supply of newly minted inexperienced lawyers who will do OADC work, but history shows that new, inexperienced lawyers lack competency in various areas of criminal and youth defense representation. The lack of competencies ultimately costs OADC more money in inefficiencies, additional training, mentoring, oversight, and post-conviction (ineffective assistance of counsel) claims.

As suggested in the comments, both ORPC and OCR involved in representation in child welfare cases are finding it harder to refill contract positions that are leaving contract service for salaried positions. Additionally, the OADC reports that it has less concern about finding contractors and more concern with the increased costs and inefficiencies that come with inexperienced contract attorneys. The State benefits from a more stable and experienced attorney contractor workforce for all of these agencies, suggesting an additional increase in contractor rates may be fiscally effective as well as urgent or necessary as stated by all three agencies.

OSPD SYSTEM MAINTENANCE STUDY

The Committee approved the OSPD system maintenance study recommended salary range adjustments to better align OSPD positions with the market. Those adjustments include the following attorney salary ranges and percentage changes.

OSPD ATTORNEY JOB CLASS SALARY RANGE ADJUSTMENTS FY 2023-24				
	MIN	MIDPOINT	MAX	% CHANGE
Regional Office Attorneys				
Deputy SPD	\$81,946	\$98,336	\$114,725	23.8%
Senior Deputy SPD	93,629	117,036	140,443	16.9%
Lead Deputy SPD	110,305	137,881	165,457	14.4%
Supervising Deputy SPD	128,660	160,825	192,990	12.3%
Managing Deputy SPD	148,696	185,870	223,044	15.7%
Deputy/Senior/Lead Average Change				17.8%

There is a difference between the hourly pay of staff attorneys and the billable hours of contract attorneys which limits the validity of comparison on an hourly basis. However, the average change for the non-supervisory attorney classes is 17.8 percent. This aligns almost exactly with the requested adjustment of 17.7 percent for attorney contractors.

Staff recommends that the Committee approve the attorney contractor rate increase as requested.

NON-ATTORNEY CONTRACTOR RATE INCREASE REQUEST

The three independent agencies, the OADC, the OCR, and the ORPC, have requested a contractor rate increase for non-attorneys for FY 2023-24.

The non-attorney contractor rate increase totals \$3.1 million, including \$2.3 million General Fund.

NON-ATTORNEY CONTRACTOR RATE INCREASE COST	
	TOTAL REQUEST
OADC	\$1,361,808
OCR	366,844
ORPC	1,263,685
Courts (estimated)	116,214
Total	\$3,108,551

However, unlike the attorney contractor rate request, there is less consistent information provided across the agencies for the non-attorney contractors. Staff cannot determine if there is a standard hourly rate for paralegals, investigators, and other legal team contractors.

The OADC requested this item as their 9th prioritized request and only provided a budget schedule 13 and no narrative for this portion of the request.

The OCR requested this item as their 4th prioritized request and provided the following specific non-attorney contractor rate data:

Increase the OCR's CAC appropriation for FY 2023-24 by \$366,844 (\$350,753 General Funds and \$16,091 Reappropriated Funds) to allow OCR to increase its Case Consultant rate to \$55/hour, Licensed Cased Consultant rate to \$66/hour and paralegal rate to \$42/hour. This 18% increase in the hourly rates for these professionals is commensurate to the rate OCR requests for its attorneys in Decision Item R-1.

In this case, it appears that the request for an equivalent 18 percent increase as requested for attorney contractors. This data also provides specific rate data for each type of contractor.

The ORPC requested this item as their 4th prioritized request and the ORPC is requesting an 18 percent increase for all non-attorney contractors. A table identifies the following rates by contractor: paralegals \$35; investigators \$47; licensed clinical social workers \$56; licensed social workers \$47; family advocates \$47; and parent advocates \$35.

Based on the information provided across agency requests, this is the data staff starts with:

NON-ATTORNEY CONTRACTOR RATES		
	CURRENT RATE	RATE W/18% INCREASE
ORPC		
Paralegal	\$35	\$41
Investigator	47	55
LCSW	56	66
Licensed Social Worker	47	55
Family Advocate	47	55
Parent Advocate	35	41
OCR		
Paralegal	\$36	\$42
Case Consultant	47	55
Licensed Case Consultant	56	66

The ORPC increase rates are calculated from the current rate; the OCR starting rates are calculated from the requested rate. Staff assumes that the current rate for paralegals is \$35 and an 18 percent increase would generate an hourly rate of \$41. Nevertheless, there appears to be significantly less coordination and consistent information provided across the agencies for the non-attorney contractor request.

Staff has had a successful work relationship with each of these agencies. However, this item was not structured in a way for staff to reasonably understand the components of increasing hourly rates. The narrative provided by the ORPC includes a good amount of cost-of-living justification; however, there does not appear to be position-specific, job class comparison information. The OCR request does not include increase-specific justification, but rather states the importance to the OCR of these contractors. The OADC does not include any narrative with its request.

Were it not for the number of request items across the independent agencies and additional significant issues that drew on staff's attention for this figure setting, staff may have been able to generate a more precise and better founded recommendation for the Committee on this item. At this time, staff does not have enough contractor-specific job class information and justification to recommend adjustments.

Based on OSPD system maintenance studies, paralegals received an average 18.5 percent increase; investigators received an average 17.2 percent increase; and social workers received an average 12.9 percent increase. While staff could use these percentages as a reasonable round figure for increase, staff has no additional data to determine whether the current contractor rates are starting from a similar level of underfunding as the OSPD positions. Rounding to the 18 percent requested generally fits for paralegals and investigators but would appear to overfund increases for social workers.

Staff is inclined to believe that contract paralegals paid at \$35 per hour, and due to their connection to attorneys, should be increased. It is reasonable that increases related to the percentage increases for the other contractors may also be in order. However, the requests do not express the same urgency of need with as much specificity as provided for the attorney contractor increase. Staff is not able to discern whether the agencies feel they will lose their non-attorney contractor staff without an increase. Each agency's request for the attorney contractor increase addressed this issue directly and with urgency. At this time staff is not prepared to offer an increase recommendation on the basis of the requests submitted.

Staff recommends that the agencies may wish to submit a comeback with more data and precision for each contractor position that is genuinely experiencing a need that would cause the loss of contractors.

→ STAFF-INITIATED: STATUTORY ADJUSTMENT FOR ATTORNEY CONTRACTORS

REQUEST: This item was not submitted as an agency request.

RECOMMENDATION: As a secondary recommendation related to the attorney contractor rate adjustment request, staff recommends that the Committee pursue legislation to create an adjustment mechanism for attorney contractors for the Judicial agencies.

Staff recommends three primary components for this mechanism:

- 1 Target the federal Criminal Justice Act (CJA) rate paid to independent contractors for representing indigent defendants in federal court; currently \$164.
- 2 Set the State target rate at 75 percent of the federal CJA rate, rounded to the dollar; currently \$123.
- 3 Provide for adjustments of up to \$5 per hour per year, until the target rate is reached; theoretically, \$105 for FY 2024-25; \$110 for FY 2025-26; \$115 for FY 2026-27; \$120 for FY 2027-28; and \$123 for FY 2028-29 (if the federal rate has not increased beyond \$164).

Maintenance adjustments would continue as necessary in each succeeding year using the same criteria. The OADC, the OCR, and the ORPC would be responsible for submitting budget requests to remain in compliance with the statutory mechanism. (The Committee would continue to review these adjustments within the budget process; this simply provides a standard measure and method for adjustment.)

ANALYSIS/EXPLANATION

Staff is concerned that the OADC, OCR, and ORPC may not be meeting the requirements specified for providing reasonable compensation for attorney contractors specifically. The current rate of \$85 per hour is equal to 58 percent of the federal CJA rate. Colorado's economy is generally high performing and therefore includes a relatively higher cost of living – particularly in the front range – and salaries for professions are set in the market accordingly.

Attorney contractors are the primary method for delivering legal services for these independent agencies. Attorneys exist in a particular, high skill, high reward job market that tends to move a bit more distinctly than most job classes in state employment generally.

The budget process is intended and structured to respond adequately, and in depth when necessary, to discretionary program and policy change requests from state agencies. The budget process also provides less discretionary mechanical adjustments and responses to the economy generally based on the routine metrics and standards that keep state appropriations in a reasonable place relative to those distinct or broad markers in economic change. The latter minimizes the effort and time spent on analysis, consideration, and decision making for routine adjustments.

Staff sees attorney contractor rates as something that could be more summarily determined as an ongoing mechanism adjustment, reducing the effort spent on identifying and justifying the empirical changes that accompany this budget policy item.

In particular, given the scale of this year's request, this increases pressure on the budget in years like this when large increases appear to be required. Staff believes that providing an automatic mechanism that is intentionally incremental will offer a more sustainable budget path and a more functional budget process for this particular item in any given year. Setting an increase cap of \$5 per year, pushes achievement of the target rate out at least five years based on the current federal CJA rate of \$164. Nevertheless, this policy change communicates the Committee's intention to incrementally increase the rate on an ongoing basis until the target rate is achieved. This is an achievable plan when compared to funding an additional \$23 per hour increase for FY 2024-25.

Even with this statutory direction, the rate change and funding process would still require approval through the budget process. Optionally, statutory language could be included that provides discretion for the Committee to not fully fund an increase in any year in order to accommodate Committee flexibility in revenue downturns and tight budget years.

The change includes a reasonable empirical marker to point to and measure against and ensure budget sustainability; and communicates the budget policy intention to maintain rates at a reasonable level.

➔ STAFF-INITIATED: ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES

REQUEST: This item was not submitted as an agency request.

RECOMMENDATION: Staff recommends that the Committee pursue legislation to create an Administrative Services for Independent Agencies (ASIA) office as an independent agency within the Judicial Department. The recommendation includes staffing of 6.0 FTE to include: a Director, an Administrative Office Manager, a Human Resources Analyst IV, an Accountant II and a Payroll Analyst. Staff estimates first year and out-year costs as outlined in the following table:

ASIA OFFICE RECOMMENDATION - ESTIMATED APPROPRIATION				
	FY 2023-24		FY 2024-25	
	RECOMMENDATION		REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost
Personal Services				
Director	1.0	\$148,962	1.0	\$167,631
Admin Office Manager	1.0	86,990	1.0	97,892
HR Analyst IV	1.0	103,765	1.0	116,770
Budget Analyst IV	1.0	99,138	1.0	111,563
Accountant II	1.0	85,882	1.0	96,646
Payroll Analyst	1.0	58,067	1.0	66,614
POTS		115,985		128,359
Operating Expense		8,100		8,100
Capital Outlay		40,020		0
Subtotal	6.0	\$746,909	6.0	\$793,575

ANALYSIS

INDEPENDENT AGENCIES OVERVIEW

There are currently eight independent agencies located in the Judicial Department. The first four shown below are appropriated administrative support services staff internally and do not need primary administrative support through an administrative services office.

- Office of the State Public Defender (OSPD), established (as an independent agency) 1970
- Office of the Alternate Defense Counsel (OADC), established 1996
- Office of the Child's Representative (OCR), established 2000
- Office of the Respondent Parents' Counsel (ORPC), established 2014

The four that follow have been provided administrative support through memorandums of understanding (MOUs) with the State Court Administrator's Office (SCAO).

- Independent Ethics Commission (IEC), established 2006
- Office of the Child Protection Ombudsman (OCPO), established 2010/independent 2015
- Office of Public Guardianship (OPG), established 2017
- Commission on Judicial Discipline (CJD), established 1966/ independent 2022

The creation of independent agencies in the Judicial Department has increased in recent years, with four added in the last eight years, and there is interest from the Courts that independent agency status would be beneficial or more appropriate for at least two additional programs or offices currently

located in the Courts' budget: the Bridges Program (Statewide Behavioral Health Court Liaison Program) and the Office of Judicial Performance Evaluation.

CENTRAL ADMINISTRATIVE AND FISCAL SERVICES

As judicial independent agencies mature there is an organizational need to provide increased administrative and fiscal support internally through the creation of administrative support staff within each agency. Given its scale and longevity as an independent agency, the OSPD takes care of all of its internal administrative and fiscal support service needs.

Additionally, the OADC, the OCR, and the ORPC, the three agencies primarily engaged in contracting legal services for indigent defendants and participants in the child welfare adjudication process, also have been staffed with internal administrative and fiscal support staff for most administrative and fiscal processes; although the SCAO continues to provide payroll services and basic HR support related to recruitment and benefits for these three agencies.

The four smaller agencies are statutorily provided administrative and fiscal support services through MOUs with the SCAO. However, to be clear, the SCAO has never been provided additional support staff through the fiscal note process with the statutory establishment of each independent agency. The fiscal assumption was that the SCAO could and would simply absorb the additional workload. However, with each new independent agency, the MOUs with the SCAO have necessarily become leaner and include fewer guarantees of service. And the SCAO is experiencing strain in continuing to attend to the independents given the identification of its own organizational and fiscal lapses and issues in recent years.

The IEC is the smallest agency at 1.5 FTE and has generally been satisfied with support from the SCAO. Prior to the CJD, which established a limited period of support from the SCAO for administrative support services, the OCPO and OPG memorandums of understanding (MOUs) with the SCAO include "leaner" services and guarantees of services from the SCAO.

Pursuant to statute, the Commission on Judicial Discipline will no longer receive administrative support after the current fiscal year. Section 13-5.3-103 (3), C.R.S., added in S.B. 22-201 (Commission on Judicial Discipline) specifies that the Judicial Department (SCAO) would provide the CJD with accounting support, IT support, HR and payroll services, and similar support services through June 30, 2023. For FY 2023-24, the CJD will require additional resources for the provision of administrative and fiscal support services (CJD BA1) or another solution for administrative support.

Additionally, the OCPO has not received adequate support from the SCAO for a current HR-related issue over the last year and has requested and been approved through a supplemental for additional HR support services support. The SCAO provided initial and ongoing communications to the OCPO as its HR issue began to develop that the SCAO would not provide HR consulting services for OCPO on its issue and that OCPO should seek legal services help from the Attorney General's (AG) office for this issue. Relying on the AG is a more expensive solution that addresses larger issues of legal liability effectively, but does not provide day-to-day operations decision making support for the developing HR issue itself.

Finally, the SCAO, due to its recent organizational need to focus on its internal administrative support and fiscal controls processes, recognizes that it is no longer able to serve this purpose reasonably or effectively, and is generally supportive of relief from this responsibility.

The Committee can continue to fund one-off requests each time an independent agency requires central administrative or fiscal services that are not being provided through the SCAO, whether adequately based on interpretations of the MOU or by statute. However, this will create larger staff patterns across agencies for central services that could be addressed more efficiently through consolidation of these services. Staff has had ongoing conversations with these four agencies for more than a year in seeking a solution and these agencies also recognize and acknowledge that they would prefer to be fully engaged in their mission and purpose and not in overseeing administrative staff resources and processes.

BENEFITS AND COSTS OF THE INDEPENDENT AGENCY STRUCTURE

The independent agency organizational structure has delivered highly efficient and effective, dedicated mission services for the provision of Judicial-system or Judicial-adjacent services and programs with very light administrative and executive footprints. However, the proliferation has also generated increased administrative complexity and effort for the legislative budget process. Due to the statutory designation, each independent agency is accommodated as a sovereign budget entity within the legislative budget process.

While this process work includes only a minimum of additional Committee time and interaction in budget hearings primarily, there is the attendant decision work and related Committee discussions that accompany each agency's full list of decision items (43 requests across the eight independent agencies for FY 2023-24). Staff is charged with comprehensive budget analysis responsibilities that accompany any department or agency budget assignment for each independent agency. This includes information collection and discussions with each agency on each budget item. It is not unusual for agencies to have slightly different methods and practices for reporting budget data and for requesting budget items.

A consolidated, centralized budget office could take a uniform approach, simplifying JBC staff's workload in processing data, understanding requests, in requesting additional information for analysis, and in making coordinated recommendations to the Committee where there is theme or policy overlap across agency requests. A single point of budget contact for the four smaller agencies and any future agencies added would lead to greater efficiency and ultimately more time to address the substance of requests from each agency.

While a streamlined budget process will never eliminate the statutory agency sovereignty that accompanies each agency's internal decision to submit any given number of requests, it is more likely that a single budget office for these agencies might deliver coordinated and consolidated requests for similar items across agencies. For example, in most years, most independent agencies submit a Compensation Plan Maintenance request in order to apply structural salary range adjustments (from the Judicial Branch, the OSPD, or the executive branch compensation systems) to which their positions are tied and related increases to avoid misalignment and increase staff retention.

Theoretically and practically, all positions across agencies could be addressed in a single coordinated request item with an HR professional managing and maintaining the compensation and HR processes for all agencies. With a single administrative office providing fiscal and HR support, it would be in the interest of the agencies to maintain an actively updated and consolidated compensation plan across agencies regardless of the unique roles and positions in each agency. That is just one example of how fiscal and budget processes could be enhanced and streamlined through the centralized provision of fiscal services.

In the long run, there are two potential solutions to address this issue:

- 1 Suspend the creation of additional independent agencies and fund separate administrative support staff for each agency; or
- 2 Create a more efficient system for the administrative and fiscal support of the agencies, streamline the legislative budget process, and provide a sustainable model and solution for the addition of future independent agencies.

JBC STAFF OBSERVATIONS

For all of its complexity and budget workload, staff believes that the independent agencies are incredibly effective and efficient in delivering on policy purposes established in statute. Unlike large organizations, and traditional department organizational structures with hierarchical layers of management and attendant bureaucracy, the independent agencies, guided by their governing boards and commissions, are almost fully engaging all the resources appropriated to them to deliver on their statutory purpose.

Unlike large agency budgets where budget "widgets" are added and results are washed out due to scale as much as bureaucracy, when staff makes a recommendation for additional funds for the independent agencies, staff is confident that the return on investment is tangible and faithful. Because of their scale they are nimble, entrepreneurial, creative, and resourceful in their approach; however, more critically from an organizational resources perspective, they are tightly focused on their mission. It is reasonable to think of each of them as a JBC staff office unit and the sense of mission, purpose, expertise, and impact that comes with that model at each agency.

When staff began this JBC staff assignment for the Judicial Department, staff had no idea how effective and powerful this concept works in practice for delivering results. The key to maintaining this "magic formula" is – can we, on the legislative budget side, manage the accumulating effort that multiple small agencies bring to the budget process. Staff believes it is entirely worth the effort to retain the use of the independent agency model. Staff also believes that it is possible to more efficiently deliver central administrative and fiscal services on an ongoing basis, while also streamlining and reducing the workload impacts on the legislative budget process.

STAFF CONCLUSION

Staff recommends that the Committee pursue legislation to create an Administrative Services for Independent Agencies (ASIA) office as an independent agency within the Judicial Department budget structure.

RECOMMENDED STATUTORY ORGANIZATIONAL STRUCTURE

ASIA will serve as a centralized administrative support services office for the "included agencies" – the current four smaller independent agencies and any additional independent agencies added in the future. The ASIA office will be governed by a board comprised of each director of the included agencies. The board will be charged with hiring and overseeing a director, and, with the director, establishing policies for the delivery of central administrative and fiscal support services to the included agencies.

ASIA will be primarily charged with providing budget, accounting, payroll, and human resource (HR) services for included agencies. Central budget support, as defined in statute, will include a consolidated

budget process that includes a consolidated budget submission for the included agencies and serving as the primary point of contact for budget and fiscal purposes for the included agencies. ASIA will also provide guidance and direction assistance for, but not execution of or primary provision of direct services for, contracts, purchasing, and procurement; each included agency is anticipated to have unique program needs related to contracts and procurement and thus require internal, specialized program expertise for execution and administration of these items.

In addition to the full menu of fiscal and administrative services provided to the included agencies, the ASIA would also be charged with providing payroll services and HR policy support guidance for the OADC, the OCR, and the ORPC. (Currently, only the OSPD takes care of its own payroll; all other independents rely on the SCAO for payroll services and general HR policy support.)

On its surface, this structure is unorthodox relative to traditional hierarchical organizational structures. However, keep in mind that this central administrative office needs to be organizationally structured to serve all of the included agencies, which are independent themselves. There is no overarching lead department or agency under which to place this office.

So while unusual in structure – as it would be constructed and established in statute – the actual work of the office under official guidance from the directors, would be fairly practical, minimal, and not technically or organizationally complicated. It is anticipated that ASIA will be expected to communicate with and work in an integrated and "partnership" manner with the SCAO in providing consistent Judicial Branch fiscal and HR policy support across the included agencies. The policies for the office would be established through that governance structure and should, on that basis, deliver organizational support, results, and outcomes that are in the included agencies' interest to the same degree that internal staff might deliver.

RECOMMENDED STAFF STRUCTURE AND COST

Staff recommends initial staffing of 6.0 FTE as follows:

- 1.0 FTE Director \$144,000 (average salary of \$155,000 for current included agency directors)
- 1.0 FTE Admin Office Manager (w/contracts and purchasing) (JUD) at midpoint: \$84,092
- 1.0 FTE HR Analyst IV (JUD) at minimum: \$100,309
- 1.0 FTE Budget Analyst IV (DPA) at minimum: \$95,836
- 1.0 FTE Accountant II (JUD) at midpoint: \$83,021
- 1.0 FTE Payroll Analyst (JUD) at midpoint: \$66,906

Staff estimates a first year cost of \$747,000 to stand up this office. The following table outlines the estimated appropriation.

ASIA OFFICE RECOMMENDATION - ESTIMATED APPROPRIATION				
	FY 2023-24		FY 2024-25	
	RECOMMENDATION		REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost
Personal Services				
Director	1.0	\$148,962	1.0	\$167,631
Admin Office Manager	1.0	86,990	1.0	97,892
HR Analyst IV	1.0	103,765	1.0	116,770
Budget Analyst IV	1.0	99,138	1.0	111,563
Accountant II	1.0	85,882	1.0	96,646
Payroll Analyst	1.0	58,067	1.0	66,614

ASIA OFFICE RECOMMENDATION - ESTIMATED APPROPRIATION				
	FY 2023-24		FY 2024-25	
	RECOMMENDATION		REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost
POTS		115,985		128,359
Operating Expense		8,100		8,100
Capital Outlay		40,020		0
Subtotal	6.0	\$746,909	6.0	\$793,575

The following table outlines the relative cost and administrative proportion of the included agencies.

ASIA OFFICE - INCLUDED AGENCIES		
	FTE	FY 2023-24 REC
Office of the Child Protection Ombudsman	12.0	\$2,076,057
Independent Ethics Commission	1.5	352,508
Office of Public Guardianship	14.0	1,901,438
Commission on Judicial Discipline*	4.0	1,067,313
subtotal	31.5	\$5,397,316
Potential Additional Included Agencies		Request
Bridges (Statewide Behavioral Health Court Liaison Program)	12.0	\$2,802,491
Bridges Expansion	33.0	3,889,133
Office of Judicial Performance Evaluation	2.0	863,433
subtotal	47.0	\$7,555,057
Total	78.5	\$12,952,373
ASIA estimated	6.0	\$746,909
ASIA percentage on potential included agencies FY 2023-24 total	7.6%	5.8%

* CJD excludes BA1 for administrative support staff.

As outlined in the table, at an estimated \$747,000 operating base, ASIA represents approximately 5.8 percent of the total funds appropriations for anticipated agencies served, including potential changes for FY 2023-24. The ASIA office staffing and appropriation represents a more substantial 13.8 percent of current included agencies. This slight administrative over-staffing should help to accommodate the first-year stand-up period for the office. With the addition of anticipated and potential changes to included agencies, the ASIA office staffing and appropriation proportion may find itself approaching maximum organizational capacity by the end of FY 2023-24. Given the potential for a wide variability in total responsibility in its first year, additional staff and resource adjustments are best addressed in future years.

OTHER CONCEPTS CONSIDERED AND NOT INCLUDED IN THE RECOMMENDATION

IT SERVICES. Staff considered including information technology services as a central administrative service. However, each independent agency, due to the specific nature of its purpose and mission, often requires internal ownership and confidentiality of its IT systems and data. Basically, IT systems are program-centered and unique at each agency. The agencies feel ownership of their systems as integral to ownership of their purpose and programs. Through conversations with the independents, staff does not believe there is a good reason to consolidate or include centralized IT services as part of the ASIA recommendation. If organizational evolution of this unit determines that there is good reason to consolidate the provision of some aspect of IT services, that can be addressed through the budget process at a future point.

INCLUSION OF THE LARGER INDEPENDENT AGENCIES

Staff does not recommend attempting to include the larger independents – OADC, OCR, or ORPC. These agencies have administrative and fiscal support staff, including for over 20 years in the case of the OADC and OCR. At the budget hearing, these agencies communicated their unwillingness to participate in the ASIA concept on the basis that they prefer the internal provision of administrative and fiscal support services. While the ASIA will provide payroll services for these agencies, these agencies do not believe they require a solution for a problem they do not experience.

While there may be some efficiencies gained by including the larger agencies in an ASIA solution, due to the size, maturity, and attendant developed culture of these organizations, staff believes actual efficiencies may be minimal. Staff prefers to resolve the long-run sustainability issue for the "included agencies". Staff is concerned that attempting to force the larger agencies into this model of service provision will continue to delay a solution for the smaller agencies. Staff believes it is more critical to initiate this solution this budget cycle on the basis of what is readily achievable and is willing to accept that the existing system for these three larger agencies is well established and is not necessarily in need of change.

→ STAFF-INITIATED: BRIDGES PROGRAM EXPANSION AND INDEPENDENCE

REQUEST: This item was not submitted as a Department or agency request.

RECOMMENDATION: Staff recommends that the Committee pursue legislation to reposition the Bridges Program as an independent agency in the Judicial Department.

Staff further recommends expansion over three years for the Bridges Program to fully support individuals engaged in the competency system and expand services to create universal access within the criminal justice system to the Bridges Program and create and sustain a participant services fund funded at \$500,000 per year.

The RFI proposed expansion identifies an increase from \$2.8 million to \$14.0 million. Staff estimates an increase to \$16.9 million broadly using the same staff expansion plan. Staff recommends slight differences for administrative and executive team staff, but recommends the proposed liaison expansion plan which represents most of the expansion staff and appropriation increase.

ANALYSIS

BRIDGES PROGRAM OVERVIEW

The Bridges Program was established by S.B. 18-251 (Statewide Behavioral Health Court Liaison Program) in Section 16-11.9-201, et seq., C.R.S. The program began serving participants in the spring of 2019 and currently includes 29 Court Liaisons (9.0 FTE and 20 contractors) across Colorado's 22 judicial districts serving approximately 2,400 participants annually with significant mental or behavioral health challenges and who are also involved in the criminal justice system.

The statutory legislative declaration in Section 16-11.9-201, C.R.S., concludes:

Therefore, the general assembly declares that a statewide behavioral health court liaison program must provide a method for collaboration and consultation among behavioral health providers, district attorneys, and defense attorneys about available community-based behavioral health services and supports, competency evaluations, restoration to competency services, and other relevant decisions and issues facing individuals with mental health or co-occurring behavioral health conditions who are involved with the criminal justice system, including appropriateness for community treatment and resource availability.

Section 16-11.9-203 (1)(b) and (2), C.R.S., describe the purpose of the Program as follows:

(1)(b) The purpose of the program is to identify and dedicate local behavioral health professionals as court liaisons in each state judicial district. The court liaisons shall facilitate communication and collaboration between judicial and behavioral health systems.

(2) The program is designed to keep judges, district attorneys, and defense attorneys informed about available community-based behavioral health services, including services for defendants who have been ordered to undergo a competency evaluation or receive competency restoration services pursuant to article 8.5 of this title 16. The program is further designed to promote positive outcomes for individuals living with mental health or co-occurring behavioral health conditions.

In the 2022 budget process, the Committee requested an RFI for the Bridges Program with the intention of identifying the need for additional resources to expand capacity to address unmet need statewide for competency and early intervention services.

The RFI response further communicates the work of the Bridges Program as follows:

Liaisons are generalists, boundary spanners, and creative problem solvers who work to identify need and help connect participants to appropriate services, in part by avoiding or reducing the multitude of complex barriers that exist for participants. Not only do court liaisons provide support to participants, they also function as court appointed experts, who provide more information for legal problem-solving and decision-making. They inform courts and attorneys of participant need, available community-based services, and individual and systemic barriers and related solutions. While liaisons are neutral in legal proceedings, they advocate for the best interests of the participant's behavioral health both in and out of the court setting. Liaisons communicate with courts and attorneys through approximately 8,000 reports and 6,000 court appearances annually. By statute, priority is given to serve participants who are also involved in the competency system (due to a question of their ability to aid and assist in their own defense). Currently, 84% of Bridges participants are in the competency process, and 16% are non-competency.

RFI RECOMMENDATIONS

From mid-July through mid-October, the SCAO and the Bridges Program conducted a series of nine public stakeholder meetings and received input from the National Center for State Courts, focus groups, and individual consultations in arriving at its recommendations for the organization and expansion of the Bridges Program. The RFI response identifies four general recommendations: expansion, location, resources, and framework.

As follows, staff has re-ordered the recommendations to address them in a more logical sequence of decision points for the Committee to consider: first, organizational structure; second, organizational resources (staff and capacity), identified as expansion; and third, cost of expansion. Staff adds a fourth discrete item as a point of consideration: system cost avoidance.

ORGANIZATIONAL STRUCTURE (LOCATION):

Establish the Bridges Program as an independent agency, governed by a board of commissioners, within the Colorado Judicial Branch to allow the program to function as a neutral party without any potentially conflicting allegiance to the mission of any other state agency or the Courts.

As the program has matured, the role of the court liaison has become more defined, with liaisons functioning as court-appointed mental health advocates. Courts increasingly turn to liaisons to make recommendations based on the mental health needs of a participant. Judicial officers more often make decisions with confidence, rather than a sense of hope and chance, from information provided by liaisons for critical and complex case decisions, such as release from custody, case dismissal, and issuance of show cause orders.

Liaisons also work as mental health advocates in the community, both challenging and collaborating with systems, and identifying resources, to ensure that each participant's mental health, community resource, and related life stability needs are met. Sometimes the mental health needs of a participant necessitate that the liaison facilitate second opinions or make recommendations to the court that differ from a course of action occurring with a third party – most commonly an Office of Civil and Forensic Mental Health (OCFMH, formerly Office of Behavioral Health or OBH) provider or the jails.

The behavioral health court liaison role would benefit from independence from the following:

- Its current location in the Courts and the Courts' institutional role of neutrality related to defendants in the criminal justice system; as compared to Bridges Program advocacy for participant health, stability, and sustainability outcomes that simultaneously reduce justice system involvement and resources.
- Organizational placement within the Department of Human Services (DHS) – as a study consideration. Independence is recommended relative to DHS lead involvement with and direct provision of clinical services for competency; and compares to Bridges Program neutrality regarding the selection and use of participant service providers and the ability to advocate when there are systems conflicts undermining the best behavioral health interests of the participant.

Related points of consideration:

Maintain Proximity to the Courts: Establish the independent agency within the Judicial Branch in order to maintain close proximity and direct access to courts, thereby facilitating the statutory duties of court liaisons to inform courts and attorneys of participant needs and community-based services. As created in statute, the Behavioral Health Court Liaison was always intended and positioned as a Court or judicial process relief function to "comprehensively bridge the criminal justice system and the community behavioral health systems across the state..."

Contribute to Community Capacity Building: Establishment within the Judicial Branch, provides the Program and Liaisons to build local community capacity through the integrated relationships between judicial districts, the counties in which they are located, and community-based resources.

Protect Confidentiality of Participant Information: Independence protects confidentiality of participant information, particularly in liaison communications with defense counsel for the purpose of achieving improved participant health outcomes.

Fully Access Resources: Independence allows the Program to access all possible resources necessary to comprehensively serve the target population, including access to state funding and grants that may not otherwise be available to a Courts program.

Maintain Neutrality: Independence provides maximum opportunity to maintain neutrality and the ability to advocate when there are systems conflicts undermining the best behavioral health interests of the participant.

Deepen Program Expertise and Upward Mobility: Independence provides for a governing board and organizational structure that deepens the expertise throughout the organization, retains a flat administrative structure, and supports long-term career path opportunities and professional growth for liaisons.

Independence more completely enables the Bridges Program to address the best behavioral health interests of participants:

by creating a specialized, statutorily defined, mission-driven organization that provides liaisons with the training, support, flexibility, and expertise to:

- meet participants where their needs are,
- engage with meaningful services and supports,
- problem solve collaboratively with courts and providers, and

- address both individual and systemic barriers to participant well-being and stability within their communities.

Staff agrees with the points identified in the proposal and recommends restructuring the Bridges Program as an independent agency in the Judicial Department.

2. ORGANIZATIONAL RESOURCES (EXPANSION):

Expand the program to fully meet the competency need in the State by adding 67 additional court liaisons, including 16 in FY 2023-24, 33 in FY 2024-25, and 18 in FY 2025-26, bringing the total to 96 court liaisons by June 30, 2026.

As staff understands it, on the basis of staff budget builds submitted by the SCAO as supporting documents for the RFI proposal, the following table outlines the proposed staff expansion.

BRIDGES PROGRAM RFI PROPOSED STAFF EXPANSION				
	Admin/Exec FTE	Direct Program Management FTE	Liaison/Contractor FTE	Total FTE
FY 2023-24 Base	2.0	1.0	29.0	32.0
FY 2023-24 Rec	5.0	14.0	45.0	64.0
FY 2024-25	7.0	14.0	78.0	99.0
FY 2025-26	8.0	14.0	96.0	118.0
FY 2026-27	8.0	14.0	96.0	118.0

Liaisons and Direct Program Management

The proposed fully staffed organizational structure for liaisons and direct liaison program management envisions:

- 96 liaisons on six statewide teams of 16 liaisons, including 12 liaisons and 4 senior liaisons;
- 12 liaison supervisors, providing two supervisors for each 16-liaison team, requiring each supervisor to directly supervise 8 liaisons;
- 2 program directors statewide, requiring each director to manage 6 supervisors.

Additionally, the two Program Directors will specialize as the Legal Program Director, addressing liaison policy needs with the Courts, and the Clinical Program Director, addressing liaison policy needs with the OCFMH/OBH.

It is similarly envisioned that 6 of the 12 liaison supervisors will function as a clinical specialist for each team, and the other 6 supervisors will function in a statewide specialist role providing additional program or policy expertise, including, but not limited to, housing and transitions specialist, rural and resort communities specialist, benefits enrollment specialist, juvenile and family specialist, disabilities specialist, and competency specialist.

Liaison/Contractor Staff: Current program includes 29 Liaison/Contractors. The recommendation includes an additional: 16.0 FTE in the first year; 33.0 FTE in the second year; and 18.0 FTE in the third year.

The current program of 29 liaisons include 9.0 FTE of staff liaisons and 20 contract liaisons. The program has authority to flexibly fill liaison positions on either a staff or contractor basis, due to early program challenges in identifying contractors statewide. The Program anticipates retaining flexibility

in order to continue to work with successful contractors. The ongoing and future use of contractors or staff will be defined on a performance-driven basis rather than a structural basis. While the expansion plan is communicated as a staff model expressed in FTE, the expansion plan is best defined as a hybrid model.

Staff recommends the Liaison expansion as proposed.

Direct Program Management Staff: Current program includes one Liaison Supervisor. The recommendation includes an additional 11 Liaison Supervisors and two Program Directors to be added in the first year in order to establish consistent and standard program practices and expectations statewide at the management team level.

Staff recommends the 11 Liaison Supervisors and two Program Directors as proposed.

Admin/Executive Staff

As staff understands it, the current program includes an Executive Director and a Staff Assistant.

- In the first year, an additional 3.0 FTE of administrative and executive leadership staff are proposed, including an Office Manager, a DEI Program Director, and a Director of Administrative Services.
- In the second year, an additional 2.0 FTE are proposed, including a Data Analyst and a Participant Services Fund Coordinator.
- In the third year, an additional 1.0 FTE Data Analyst is proposed.

Staff recommends the Office Manager and the DEI Program Director in the first year. Staff recommends that the DEI Program Director also be charged to lead HR policy for the Program due to the scale of the fully staffed Program.

Staff recommends delaying approval for a Director of Administrative Services until additional, dedicated administrative staff are determined to be necessary. For the immediate future, the Bridges Program should rely on the ASIA office for administrative and fiscal support services.

However, staff recommends a Chief Financial Officer in the first year, due to the criticality of initiating and maintaining sustainable fiscal practices and long-range planning for this program. This position will be an executive team position that would serve as direct liaison with the ASIA office for fiscal support services but not directly deliver budget or accounting services for the Program.

Additionally, staff recommends a Data Analyst in the first year, rather than in the second year, and does not recommend the second Data Analyst in the third year. The Data Analyst should be considered critical to establishing data collection standards and methods including any provided through a future case management system. Staff is not convinced that a second Data Analyst is necessary, once standards, methods, and automation have been established for the Program.

Staff recommends:

- In the first year, an Office Manager, a DEI/HR Program Director, a Chief Financial Officer, and a Data Analyst.
- In the second year, a Participant Services Fund Coordinator.

The following table outlines the staff recommendation for Program expansion.

JBC STAFF RECOMMENDED BRIDGES PROGRAM EXPANSION					
	ADMIN/EXEC FTE	DIRECT PROGRAM MANAGEMENT FTE	LIAISON/CONTRACTOR FTE	TOTAL FTE	
FY 2023-24 Base	2.0	1.0	29.0	32.0	
FY 2023-24 Rec	6.0	14.0	45.0	65.0	
FY 2024-25	7.0	14.0	78.0	99.0	
FY 2025-26	7.0	14.0	96.0	117.0	
FY 2026-27	7.0	14.0	96.0	117.0	

Program Capacity

In FY 2021-22, the Bridges Program experienced a 107 percent increase in participants over the previous two years. The Bridges Program states that liaisons are currently serving a maximum capacity of competency and non-competency cases. The current liaison competency caseload averages 30 participants involved in 66 cases.

On June 30, 2022 (point in time metrics), liaisons were serving a competency caseload of 866 participants involved in 1,925 cases. On June 30, 2022, there were 1,618 participants involved in 3,596 cases who were unserved by the program. The current Bridges Program is serving 34.9 percent of the total competency caseload. With an expansion to 98 liaisons, calculated on current competency caseload totals (not including an anticipated caseload increase over four years), the liaison caseload would average 25 participants involved in 56 cases.

Additionally, Bridges is also charged with serving early intervention participants in non-competency cases. These are justice-involved individuals who are experiencing significant mental or behavioral health challenges who have not yet experienced decompensation of mental health that leads to the competency process. On June 30, 2022, liaisons were serving 184 early intervention participants involved in 367 non-competency cases; an average of six additional participants involved in 13 cases per liaison; or a total competency plus non-competency caseload of 36 participants involved in 79 cases per liaison.

Bridges estimates that it is serving 6.4 percent of early intervention participants of an estimated total of 2,881 individuals involved in 5,761 non-competency cases with high degrees of mental or behavioral health challenges who could benefit from the support of a court liaison and remain diverted from the competency process.

Related points of consideration:

Avoid Duplication of Efforts: Collaborate with the Forensic Support Team in the OCFMH/OBH to identify areas where there may be duplication of efforts for individuals awaiting restoration services while in custody and redirect resources to better serve out-of-custody, early intervention, and post-competency individuals. (OCFMH/OBH estimates that 12 percent of the competency population at any point in time are unlikely to be released from custody and therefore less likely to require support of a liaison in terms of community-based case planning.)

Early Intervention: Enhance the Program's ability to divert individuals from the competency process entirely by serving all justice-involved individuals who are experiencing significant mental or behavioral health challenges, regardless of competency status.

Equity of Access: Utilize early intervention appointments more equitably to confer the benefits of the Bridges Program on populations who are overrepresented in the criminal justice system and reduce the negative impacts of long wait times for competency services.

Post-Competency: Enhance the ability of the Bridges Program to prevent the revolving door out of and back into the competency system by serving participants one they are found by the court to be either "permanently incompetent to proceed" or "competent to proceed" after undergoing competency services.

Post-Legal System Involvement: Extend the length of time a court liaison may work with justice-involved individuals for 60-90 days beyond final case disposition. Lengthen involvement in order to provide support during typically high need times of transition from courts, jails, and the state hospital and to provide a further bridge to case management and care outside the criminal justice or corrections systems.

3. COST OF EXPANSION (RESOURCES):

Over three years, increase the annual budget from \$2.8 million to \$14.0 million for the Bridges Program to fully support individuals engaged in the competency system and expand services to create universal access within the criminal justice system to the Bridges Program. Create and sustain a participant services fund funded at \$500,000 per year. And provide the necessary administrative and infrastructure support for the program.

The following table outlines the staff estimated appropriation over four years based on the staff recommendation for expansion.

BRIDGES PROGRAM EXPANSION RECOMMENDATION - ESTIMATED APPROPRIATION								
	FY 2023-24		FY 2024-25		FY 2025-26		FY 2026-27	
	RECOMMENDATION		RECOMMENDATION		RECOMMENDATION		RECOMMENDATION	
	FTE	Cost	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services								
Executive Director	1.0	\$148,962	1.0	\$167,631	1.0	\$172,403	1.0	\$177,843
DEI/HR Director	1.0	76,370	1.0	157,559	1.0	162,044	1.0	167,156
Chief Financial Officer	1.0	76,370	1.0	157,559	1.0	162,044	1.0	167,156
Office Manager	1.0	61,873	1.0	85,101	1.0	87,522	1.0	90,283
Staff Assistant	1.0	74,752	1.0	77,110	1.0	79,315	1.0	81,818
Data Analyst	1.0	45,555	1.0	93,985	1.0	96,663	1.0	99,713
Participant Services Fund Coordinator	0.0	0	1.0	85,101	1.0	87,522	1.0	90,283
Legal Program Director	1.0	76,370	1.0	157,559	1.0	162,044	1.0	167,156
Clinical Program Director	1.0	76,370	1.0	157,559	1.0	162,044	1.0	167,156
Court Liaison Supervisor	12.0	764,419	12.0	1,577,075	12.0	1,621,952	12.0	1,673,128
Senior Court Liaison	12.0	662,448	12.0	1,366,698	12.0	1,405,660	12.0	1,450,010
Court Liaison	33.0	1,503,325	66.0	6,203,027	84.0	6,766,396	84.0	8,375,864
Subtotal - PS	65.0	3,566,814	99.0	10,285,964	117.0	10,965,609	117.0	12,707,566
POTS		1,015,387		2,698,153		2,824,863		3,162,096
Operating Expense		87,750		133,650		157,950		157,950
Capital Outlay		433,550		226,780		120,060		0
Liaison Travel (\$1,000/yr)		33,000		61,500		87,000		96,000
Leased Space		25,000		25,750		26,523		27,319
Training		25,000		25,000		25,000		25,000
IT Support		100,000		100,000		100,000		100,000
Case Management System		200,000		165,000		165,000		165,000
Participant Services Fund		0		500,000		500,000		500,000
Subtotal	65.0	\$5,486,501	99.0	\$14,221,797	117.0	\$14,972,005	117.0	\$16,940,930

BRIDGES PROGRAM EXPANSION RECOMMENDATION - ESTIMATED APPROPRIATION									
	FY 2023-24		FY 2024-25		FY 2025-26		FY 2026-27		
	RECOMMENDATION		RECOMMENDATION		RECOMMENDATION		RECOMMENDATION		
	FTE	Cost	FTE	Cost	FTE	Cost	FTE	Cost	
Current FY 2023-24 Base	2.0	\$2,802,491							
Net Annual Increase		\$2,684,010		\$8,735,296		\$750,208		\$1,968,925	

Staff has substituted a CFO for the proposed Director of Administrative Services at the same proposed salary; and eliminated the second Data Analyst proposed for the third year. Staff used the same metric of \$1,000 per year for liaison travel; the same leased space estimate with annual escalators; the same annual training amount; the same IT support; the same initial and annual cost of a case management system; and the same amount for funding the Participant Services Fund.

Due to the scale of staff and program resources added over four years and time constraints, staff used certain budget build conventions to generate an estimate. Those conventions include:

- incrementally increased specified salaries to comply with Committee compensation policy for funding at the FY 2023-24 salary range (rather than the current year salary range);
- averaged first year staff funding at six months for most positions and estimated 12 months of funding for all positions in out years.

These conventions will tend to incrementally overestimate minimum funding.

The current base appropriation for FY 2023-24 totals \$2.8 million. The RFI proposed expansion budget identifies:

- \$4.9 million for FY 2023-24;
- \$10.5 million for FY 2024-25; and
- \$13.6 million for FY2025-26;
- with an annualized, full-year total of \$14.0 million for FY 2026-27.

In comparison, the staff estimated appropriation for the staff recommended expansion totals:

- \$5.5 million for FY 2023-24;
- \$14.2 million for FY 2024-25;
- \$15.0 million for FY 2025-26; and
- \$16.9 million for FY 2026-27.

Staff estimates an expansion increase over the base totaling \$14.1 million over the four-year expansion period.

Based on assumptions used in the staff estimate as stated above, it is staff's opinion that actual costs related to this expansion would be more precisely calculated through the fiscal note process as slightly lower than staff's estimate, but likely closer to the staff estimate than the RFI proposed budget estimate.

4. SYSTEM COST AVOIDANCE:

Supporting participants successfully out of custody and into community-based services represents significant cost avoidance across systems. Bridges Program participants are most costly for services provided in custody, for the competency evaluation and restoration process, and in terms of

recidivism. Creating alternative interventions, particularly those designed to address long-term stability, can avoid and reduce these criminal justice system costs.

A formal economic evaluation, planned for the next two-to-five years, will enable Bridges to more accurately assess the economic impact of the program by measuring cost avoidance for jails, hospitalizations, competency wait time, fines, new crime arrests, new crime prosecution, failure to appear arrests, and future court involvement. Currently, general research regarding jail cost avoidance suggests significant net criminal justice system savings.

According to a report by the Vera Institute of Justice, in 2015 it cost \$39,303 annually to jail one person in Colorado (\$3,275 per month, \$756 per week, \$108 per day). On that basis, for each Bridges participant who is released from custody, there is a jail cost avoidance of \$108 per day. The average Bridges Program cost is \$3 per day. A net system savings on identifiable jail cost of \$105 per day for each participant released from custody.

Competency cases have an average case length of more than 450 days. For each Bridges competency participant who is released from custody, there is a potential jail cost avoidance of up to \$48,600 over 450 days. A Bridges Program cost of \$1,350 over 450 days, generates a potential net system savings of approximately \$47,000 per competency participant released from custody.

The program currently experiences an annual service level of approximately 2,000 competency participants of which approximately half are on bond prior to appointment. An estimated additional 333 were transitioned out of custody, a third of those in custody at appointment.

At a potential net system savings of \$47,000, this generates potential system savings of approximately \$15.6 million per year. At a full capacity service level of 6,444 competency participants, the Program is projected to support an estimated 1,074 competency participants who transition out of custody, generating potential system saving of approximately \$50.5 million per year.

Exclusively on the basis of estimated jail custody savings of \$50.5 million, the expansion recommendation of an additional \$14.1 million represents a return on investment of 358 percent at full capacity for competency cases; every dollar spent on Bridges may save up to \$3.58 in jail cost.

System costs also include medical care and hospitalizations, new crime arrests and prosecution and long term recidivism, current judicial process efficiencies and long-term judicial system cost avoidance. Those system costs will be addressed in the planned evaluation. Additional costs are those borne by the Department of Human Services related to fines for the consent decree regarding competency services; at this time, staff has no way of estimating a potential impact on outcomes related to the consent decree. Nevertheless, one of the primary intentions of the legislation that created the Bridges Program was to mitigate the critical delay defendants experience in accessing competency services, which leads to significant decompensation of mental health in jail settings.

Finally, and most relevantly, staff recommends Bridges Program expansion on the basis that it has proven itself as an effective solution to addressing competency issues for the State and exceeded the original expectations as a solution for competency and behavioral health issues in the courts. It has generated and maintains broad-based support and enthusiasm among stakeholders. Its track record suggests an almost guaranteed return on investment relative to other policy solutions that may be proposed to address competency as a state issue.

(5) OFFICE OF STATE PUBLIC DEFENDER

The Office of State Public Defender (OSPD) is established by Section 21-1-101, et seq., C.R.S., as an independent agency within the Judicial Branch to provide legal representation for indigent defendants who are facing incarceration. This provision requires the OSPD to provide legal representation to indigent defendants "commensurate with those available to non-indigents, and conduct the office in accordance with the Colorado rules of professional conduct and with the American bar association standards relating to the administration of criminal justice, the defense function." The five-member Public Defender Commission, appointed by the Supreme Court, governs the OSPD and appoints the State Public Defender. The OSPD provides representation through staff attorneys located around the state. The OSPD is the largest independent agency within the Judicial Department, its central administrative office is located in the Ralph L. Carr Colorado Judicial Center, and, except for a small amount of cash funds from training fees and grants, is funded by General Fund.

OFFICE OF STATE PUBLIC DEFENDER						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 Appropriation						
HB 22-1329 (Long Bill)	\$130,021,877	\$129,866,877	\$155,000	\$0	\$0	1,050.3
SB 23-120 (Supplemental)	165,152	165,152	0	0	0	0.2
Other legislation	(168,126)	(168,126)	0	0	0	0.0
TOTAL	\$130,018,903	\$129,863,903	\$155,000	\$0	\$0	1,050.5
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$130,018,903	\$129,863,903	\$155,000	\$0	\$0	1,050.5
Comp Plan Maintenance (OSPD R1/BA1)	13,398,898	13,398,898	0	0	0	0.0
OSPD R2 Leased Space	705,612	705,612	0	0	0	0.0
OSPD R3 Central Support Staff	364,332	364,332	0	0	0	4.1
OSPD R4 Training	0	0	0	0	0	0.0
OSPD BA2 Third Bond Hearing Office	203,523	203,523	0	0	0	0.6
OSPD BA3 Interpreter Rate Increase	233,454	233,454	0	0	0	0.0
Centrally appropriated line items	7,113,297	7,113,297	0	0	0	0.0
Annualize prior year legis/budget actions	3,278,586	3,278,586	0	0	0	43.5
TOTAL	\$155,316,605	\$155,161,605	\$155,000	\$0	\$0	1,098.7
INCREASE/(DECREASE)	\$25,297,702	\$25,297,702	\$0	\$0	\$0	48.2
Percentage Change	19.5%	19.5%	0.0%	0.0%	0.0%	4.6%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$875,710	\$875,710	\$0	\$0	\$0	(0.0)

DESCRIPTION OF INCREMENTAL CHANGES

COMP PLAN MAINTENANCE (OSPD R1/BA1): The recommendation includes an increase of \$13.4 million General Fund for compensation plan maintenance for the OSPD based on recommendations from a system maintenance study completed by Logic Compensation Group, a third-party compensation consulting firm. The recommendation is consistent with Committee action on statewide compensation.

OSPD R2 LEASED SPACE: The recommendation includes an increase of \$705,612 General Fund for the OSPD for leased space increases necessary to accommodate the additional paralegal staff approved last year.

OSPD R3 CENTRAL SUPPORT STAFF: The recommendation includes an increase of \$364,332 General Fund and 4.1 FTE for the OSPD for administrative support staff related to the additional paralegal staff approved last year.

OSPD R4 TRAINING: The recommendation includes a budget neutral transfer of \$350,000 General Fund from operating expenses and no additional funding for the OSPD for a new training line item.

OSPD BA2 THIRD BOND HEARING OFFICE: The recommendation includes an increase of \$203,523 General Fund and 0.6 FTE for the OSPD for additional contract attorney support for the Courts' request for a third regional bond hearing office pursuant to H.B. 21-1280 (Pre-trial Detention Reform), and approved by the Committee as a supplemental for the current fiscal year.

OSPD BA3 INTERPRETER RATE INCREASE: The recommendation includes an increase of \$233,454 General Fund for the OSPD for an equivalent adjustment to language translator and interpreter rate adjustment requested by the Courts, and approved by the Committee as a supplemental for the current fiscal year.

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of \$7.1 million total funds for centrally appropriated items, summarized in the following table.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Salary survey	\$4,212,901	\$4,212,901	\$0	\$0	\$0	0.0
Health, life, and dental	1,780,510	1,780,510	0	0	0	0.0
AED	323,361	323,361	0	0	0	0.0
SAED	323,361	323,361	0	0	0	0.0
PERA Direct Distribution	277,101	277,101	0	0	0	0.0
Leased space	203,896	203,896	0	0	0	0.0
Short-term disability	2,861	2,861	0	0	0	0.0
Vehicle lease payments	(10,694)	(10,694)	0	0	0	0.0
TOTAL	\$7,113,297	\$7,113,297	\$0	\$0	\$0	0.0

ANNUALIZE PRIOR YEAR LEGIS/BUDGET ACTIONS: The recommendation includes a net increase of \$3.3 million General Fund to reflect the impact of bills and prior year budget actions, summarized in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OSPD FY23 R2 Paralegal Staff	\$2,078,079	\$2,078,079	\$0	\$0	\$0	40.3
OSPD FY23 R1 Public Defense Digital	1,411,389	1,411,389	0	0	0	2.2
OSPD FY23 S2 Interpreter rate increase	(122,793)	(122,793)	0	0	0	0.0
OSPD FY23 R3 Discovery Clerk Staff	(45,730)	(45,730)	0	0	0	1.2
OSPD FY23 S1 Third bond hrg office	(42,359)	(42,359)	0	0	0	(0.2)
TOTAL	\$3,278,586	\$3,278,586	\$0	\$0	\$0	43.5

MAJOR DIFFERENCES FROM THE REQUEST

The total difference for staff recommendations relative to the request identified in the OSPD table is \$875,710 General Fund. This includes differences of:

- \$350,000 less for the R4 Training request;
- \$175,535 less for the R3 Central Support Staff request;
- \$445,474 less for the Paid Family and Medical Leave Insurance request;
- \$277,101 more to reflect inclusion of the PERA Direct Distribution payment.

Other adjustments include incremental differences for compensation policies and new staff budget builds.

DECISION ITEMS – OFFICE OF THE STATE PUBLIC DEFENDER

→ OSPD R2 LEASED SPACE

REQUEST: The OSPD requests \$705,612 General Fund to provide office space for new FTE received in FY 2022-23.

RECOMMENDATION: Staff recommends that the Committee approve the request.

ANALYSIS

The OSPD currently has 21 regional offices across the state. These offices serve as the primary work and meeting spaces for our Defenders and clients. For FY 2022-23, the OSPD requested and was approved for 104 paralegal FTEs but was not approved for a leased space component to accommodate the new staff.

The following table outlines the OSPD offices and additional space requested.

OSPD R2 LEASED SPACE - REGIONAL OFFICES				
TRIAL OFFICE	CURRENT GSF	LS COST	ADD'L GSF	ADD'L LS COST
Alamosa	6,000	\$116,530	500	\$9,711
Arapahoe (Centennial)	27,638	689,868	0	0
Boulder	13,556	355,228	2,000	52,409
Brighton	26,570	719,106	0	0
Colorado Springs	53,989	1,187,999	8,000	208,000
Denver	49,976	1,331,904	9,912	250,502
Dillon	5,040	118,390	0	0
Douglas (Castle Rock)	11,200	299,849	0	0
Durango	9,129	217,457	975	22,543
Fort Collins	16,183	411,409	1,564	25,650
Glenwood Springs	4,856	125,172	500	12,888
Golden	29,552	749,881	0	0
Grand Junction	16,010	477,773	0	0
Greeley	18,393	353,998	3,897	75,000
La Junta	6,659	103,991	0	0
Lamar	510	5,100	0	0
Montrose	8,321	165,664	0	0
Pueblo	17,520	313,091	2,065	36,909

OSPД R2 LEASED SPACE - REGIONAL OFFICES				
TRIAL OFFICE	CURRENT GSF	LS COST	ADD'L GSF	ADD'L LS COST
Salida	7,592	130,402	286	0
Steamboat Springs	5,801	203,889	0	0
Sterling	8,125	104,975	2,875	12,000
Trinidad	6,683	65,192	0	0
Total	349,303	\$8,246,868	32,574	\$705,612

For FY 2022-23 staff did not recommend this component of the request due to a lack of detail provided to staff to support the appropriations included in the request. Staff is satisfied with the detail provided and recommends that the Committee fund this request.

→ OSPD R3 CENTRAL SUPPORT STAFF

REQUEST: The OSPD requests \$539,867 General Fund and 4.1 FTE for FY 2023-24 for central administrative support staff to support the paralegal staff added in FY 2022-23.

RECOMMENDATION: Staff recommends that the Committee approve an appropriation of \$364,332 and 4.1 FTE for FY 2023-24 and annualizations for FY 2024-25 as outlined in the table at the end of the analysis section.

ANALYSIS

In FY 2022-23 the OSPD was appropriated 104 new paralegal FTEs, to be phased in over two years. The OSPD states that consistent with its historical practice, it included central administrative support staff equal to 4.5 percent of its program staffing in its request, but was not approved for the central support staff. The OSPD states that its administrative functions are centralized to provide all of its offices across the state with support, including payroll and benefits, IT, policy, finance, human resources, recruiting, hiring, workforce development, and training.

Similar to the leased space request, for FY 2022-23 staff did not recommend this component of the request due to a lack of budget build details provided to staff to support the appropriation totals included in the request. It is staff's practice to recommend appropriations on the basis of actual positions requested for the program or policy purpose identified. However, the OSPD practice is to submit a "round" appropriation figure approximately equal to 4.5 percent of its primary program staffing request.

For FY 2023-24, the OSPD specifies the need for 4.5 FTE and submitted a "generic" administrative support staff salary of \$7,500 per month, equal to what the OSPD has determined is its administrative staff average salary. Staff is willing to accept this general structure of funding administrative "widget" positions totaling 4.5 FTE at an average salary. However, staff prefers to more specifically delineate an average as outlined in the following table:

OSPД R3 CENTRAL SUPPORT STAFF - AVERAGE SALARY	
CLASSIFICATION	FY 2023-24 RANGE MIN
Sr Acct Tech/Payroll Tech	\$4,236
Payroll Coordinator/Recruit Coordinator	5,114
Budget/Financial Analyst	5,755
Sr HR Analyst/Contracts & Procurement	6,076

OSPD R3 CENTRAL SUPPORT STAFF - AVERAGE SALARY	
CLASSIFICATION	FY 2023-24 RANGE MIN
Accounting Supervisor	6,888
Sr Budget/Financial Analyst	6,888
Average Monthly Minimum Salary	\$5,826

Using an average of \$5,826 monthly (\$69,912 annual), from updated salary ranges approved by the Committee in statewide compensation figure setting, for a generic administrative support position at the minimum of the range, excluding funding for POTS consistent with Committee policy for a request with fewer than 20 FTE, staff recommends the following appropriation.

OSPD R3 CENTRAL SUPPORT STAFF REQUEST AND RECOMMENDATION						
	FY 2023-24 REQUEST		FY 2023-24 RECOMMENDATION		FY 2024-25 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
Central Admin Support	4.1	\$419,327	4.1	\$325,447	4.5	\$366,235
POTS		80,640		0		84,889
Operating Expense		4,750		3,735		4,275
Automation Plan		1,800		1,800		1,800
Capital Outlay		33,350		33,350		0
Subtotal	4.1	\$539,867	4.1	\$364,332	4.5	\$457,199
FY 2023-24 R2 line item adjustments						
Personal Services			4.1	\$325,447		
Operating Expenses				3,735		
Automation Plan				1,800		
Capital Outlay				33,350		
HLD				0		
STD				0		
AED				0		
SAED				0		
PFMLI				0		
Subtotal - OSPD R3			4.1	\$364,332		
FY 2024-25 R2 line item adjustments						
Personal Services					4.5	\$366,235
Operating Expenses						4,275
Automation Plan						1,800
Capital Outlay						0
POTS included in Statewide Comp						0
Subtotal - OSPD R3					4.5	\$372,310

→ OSPD R4 TRAINING

REQUEST: The OSPD requests \$350,000 General Fund for a new training line item and funding to accommodate the recent historical cost of staff training programs and initiatives, including continuing legal education (CLE) programs.

RECOMMENDATION: Staff recommends that the Committee approve the request to create a new training line item; however, staff recommends that the Committee deny the request for additional

funding. Staff recommends a budget neutral transfer of \$350,000 from operating expenses to the new training line item.

ANALYSIS

The OSPD states that to comply with its statutory function to "provide legal services to indigent persons" it must have the necessary resources, including adequately trained attorneys and support staff. The OSPD must provide CLE training (including credit hours in the areas of legal ethics or legal professionalism and equity, diversity, and inclusivity) as required by the Colorado Supreme Court for approximately 577 staff attorneys. The OPSD states that since 2014, the legislature has appropriated \$350,000 annually to the Department of Law to allocate to the Colorado District Attorneys Council for prosecution "training, seminars, continuing education programs, and other prosecution-related services."

The OSPD states that for many years it has been able to self-fund training within existing resources but that is not a sustainable, ongoing option. The OSPD cites (1) increased turnover and attrition and the need to devote more resources to training new employees and (2) the increased costs of goods and services (inflation) to self-fund training for a system of more than a thousand employees.

STAFF CONSIDERATIONS

Staff agrees that the OSPD has experienced increased turnover requiring an increase in the use of resources for training new employees. However, the OSPD has traditionally funded training from its base funding in its operating expenses line item; staff is not convinced that this item was historically unfunded simply because it was included in operating expenses. Similarly, staff is not convinced that training is necessarily underfunded within the context of all operating expenses needs of the agency. This request is a request to augment OSPD base funding and to more discretely fund and track training expenditures in a new line item.

Staff is not averse to recommend increased resources for training. However, the OSPD has requested and received significant increased funding in the current fiscal year and the budget year for:

- an IT data storage project, including technical staff;
- an organizational efficiency plan for paralegal staff, totaling 104 paralegals;
- the creation of a central discovery clerk unit of 15 staff;
- a system maintenance study for compensation plan adjustments totaling \$13.4 million (approved in statewide compensation);
- current requests for leased space and additional administrative support staff as a result of staff increases.

This item was the lowest prioritized request item from the OSPD for FY 2023-24. The additional \$350,000 requested represents only 0.2 percent of the current OSPD base; i.e., this request is "incremental" and on that basis, the Committee may wish to consider funding this item. However, staff has recommended higher need items with significantly higher costs for the OSPD over the current two-year cycle, and staff is not convinced, on the basis of the scale of the request (0.2 percent of base appropriations), that the OSPD could not manage its training needs for at least another year with current base appropriations.

Staff recommends the creation of the new line item, in order to discretely identify future appropriations and expenditures for this purpose. Staff recommends a transfer of \$350,000 from the operating expenses line item for FY 2023-24.

→ OSPD BA2 THIRD BOND HEARING OFFICE

REQUEST: The OSPD requests \$386,995 General Fund and 0.6 FTE for staff and contract attorney resources related to the Courts' S2/BA2 request for a third regional bond hearing office pursuant to H.B. 21-1280 (Pre-trial Detention Reform).

RECOMMENDATION: Staff recommends that the Committee approve an appropriation of \$203,523 General Fund and 0.6 FTE.

ANALYSIS

As staff communicated in the supplemental recommendation:

The OSPD assumptions and methodology identify the following components: \$600 per attorney per day; 2 contract attorneys; 52 weeks; 2 days per weekend. Staff calculates this as 2 weekend days x 52 weeks = 104 days; 104 days x 2 contract attorneys = 208 contract attorney days; 208 contract attorney days x \$600 = **\$124,800 for FY 2023-24.** (The request identifies \$249,600 for this item.)

The request includes the use of 0.2 FTE of a Supervisor Attorney and 0.4 FTE of a Senior Paralegal for the full year in FY 2023-24. **Staff is fine with the request for this scale of staff resources.**

Monthly salary is identified as \$13,296 for the supervisor attorney and \$5,159 for the senior paralegal. **Staff instead recommends funding at salary midpoint of \$12,534 and \$5,738, respectively, for FY 2023-24.**

Staff recommended the supplemental and FY 2023-24 budget amendment annualization amounts as outlined in the following table. **The last column reflects staff's recommendation for FY 2023-24.**

OSPD S1 THIRD BOND HEARING OFFICE REQUEST AND RECOMMENDATION						
	FY 2022-23 Request		FY 2022-23 Recommendation		FY 2023-24 BA2 Rec. Annualiz.	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
Superv Dep SPD	0.1	\$2,704	0.1	\$4,041	0.2	\$33,999
Senior Paralegal	0.1	2,097	0.1	1,850	0.4	31,130
Subtotal - Personal Services	0.2	\$4,801	0.2	\$5,891	0.6	65,129
POTS		11,439		0		12,784
Contract Attorneys		48,000		24,000		124,800
add'l unidentified PS		25,371		0		0
Operating Expense		950		68		810
Capital Outlay		6,600		12,400		0
Subtotal	0.2	\$97,161	0.2	\$42,359	0.6	\$203,523
FY 2022-23 S2 line item adjustments						
OSPD - PS			0.2	\$29,891		
OSPD - OE				68		

OSPD S1 THIRD BOND HEARING OFFICE REQUEST AND RECOMMENDATION						
	FY 2022-23 Request		FY 2022-23 Recommendation		FY 2023-24 BA2 Rec. Annualiz.	
	FTE	Cost	FTE	Cost	FTE	Cost
Cap Outlay				12,400		
Subtotal			0.2	\$42,359		
FY 2023-24 BA2 line item adjustments						
OSPD - PS					0.6	\$189,929
OSPD - OE						810
HLD						6,930
STD						92
AED						2,881
SAED						2,881
Cap Outlay						0
Subtotal					0.6	\$203,523

➔ **OSPD BA3 INTERPRETER RATE INCREASE**

REQUEST: The OSPD requests \$233,454 General Fund for an equivalent adjustment for the language translator and interpreter rate adjustment included in the Court's R3 request.

RECOMMENDATION: Staff recommends that the Committee approve the request.

ANALYSIS

The OSPD identifies a 22 percent increase in interpreter costs in FY 2023-24 related to a \$10 per hour increase in rates. Consistent with staff's presentation for the OSPD supplemental request for this item, staff recommends that the Committee approve the request.

LINE ITEM DETAIL – OFFICE OF THE STATE PUBLIC DEFENDER

PERSONAL SERVICES

This line item provides funding to support staff in the central administrative and appellate offices in Denver, as well as the 21 regional trial offices.

STATUTORY AUTHORITY: Section 21-1-101 et seq., C.R.S.

REQUEST: The OSPD requests \$96,471,793 General Fund and 1,097.6 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE STATE PUBLIC DEFENDER, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$90,786,187	\$90,786,187	\$0	\$0	\$0	1,049.2
SB 23-120 (Supplemental)	\$29,891	\$29,891	\$0	\$0	\$0	0.2
TOTAL	\$90,816,078	\$90,816,078	\$0	\$0	\$0	1,049.4

OFFICE OF THE STATE PUBLIC DEFENDER, PERSONAL SERVICES

	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$90,816,078	\$90,816,078	\$0	\$0	\$0	1,049.4
Annualize prior year legis/budget actions	4,866,102	4,866,102	0	0	0	43.5
OSPD R3 Central Support Staff	325,447	325,447	0	0	0	4.1
OSPD BA2 Third Bond Hearing Office	189,929	189,929	0	0	0	0.6
TOTAL	\$96,197,556	\$96,197,556	\$0	\$0	\$0	1,097.6
INCREASE/(DECREASE)	\$5,381,478	\$5,381,478	\$0	\$0	\$0	48.2
Percentage Change	5.9%	5.9%	0.0%	0.0%	0.0%	4.6%
FY 2023-24 EXECUTIVE REQUEST	\$96,471,793	\$96,471,793	\$0	\$0	\$0	1,097.6
Request Above/(Below) Recommendation	\$274,237	\$274,237	\$0	\$0	\$0	(0.0)

HEALTH, LIFE, AND DENTAL

This line item provides funding for the employer's share of health, life, and dental insurance.

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (9), C.R.S.

REQUEST: The OSPD requests \$12,988,961 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE STATE PUBLIC DEFENDER, HEALTH, LIFE, AND DENTAL

	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$11,157,201	\$11,157,201	\$0	\$0	\$0	0.0
SB 23-120 (Supplemental)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$11,157,201	\$11,157,201	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$11,157,201	\$11,157,201	\$0	\$0	\$0	0.0
Centrally appropriated line items	1,780,510	1,780,510	0	0	0	0.0
OSPD BA2 Third Bond Hearing Office	6,930	6,930	0	0	0	0.0
OSPD R3 Central Support Staff	0	0	0	0	0	0.0
TOTAL	\$12,944,641	\$12,944,641	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$1,787,440	\$1,787,440	\$0	\$0	\$0	0.0
Percentage Change	16.0%	16.0%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$12,988,961	\$12,988,961	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$44,320	\$44,320	\$0	\$0	\$0	0.0

SHORT-TERM DISABILITY

This line item provides funding for the employer's share of short-term disability insurance premiums.

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (13), C.R.S.

REQUEST: The OSPD requests \$158,391 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE STATE PUBLIC DEFENDER, SHORT-TERM DISABILITY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$131,956	\$131,956	\$0	\$0	\$0	0.0
SB 23-120 (Supplemental)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$131,956	\$131,956	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$131,956	\$131,956	\$0	\$0	\$0	0.0
Comp Plan Maintenance	22,889	22,889	0	0	0	0.0
Centrally appropriated line items	2,861	2,861	0	0	0	0.0
OSPD BA2 Third Bond Hearing Office	92	92	0	0	0	0.0
OSPD R3 Central Support Staff	0	0	0	0	0	0.0
TOTAL	\$157,798	\$157,798	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$25,842	\$25,842	\$0	\$0	\$0	0.0
Percentage Change	19.6%	19.6%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$593	\$593	\$0	\$0	\$0	0.0

S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT (AED)

Pursuant to S.B. 04-257, this line item provides additional funding to increase the state contribution for PERA amortization payments.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The OSPD requests \$4,949,702 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE STATE PUBLIC DEFENDER, S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$3,889,657	\$3,889,657	\$0	\$0	\$0	0.0
SB 23-120 (Supplemental)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$3,889,657	\$3,889,657	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						

OFFICE OF THE STATE PUBLIC DEFENDER, S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT

	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 Appropriation	\$3,889,657	\$3,889,657	\$0	\$0	\$0	0.0
Comp Plan Maintenance	715,287	715,287	0	0	0	0.0
Centrally appropriated line items	323,361	323,361	0	0	0	0.0
OSPD BA2 Third Bond Hearing Office	2,881	2,881	0	0	0	0.0
OSPD R3 Central Support Staff	0	0	0	0	0	0.0
TOTAL	\$4,931,186	\$4,931,186	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$1,041,529	\$1,041,529	\$0	\$0	\$0	0.0
Percentage Change	26.8%	26.8%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$4,949,702	\$4,949,702	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$18,516	\$18,516	\$0	\$0	\$0	0.0

S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT (SAED)

Pursuant to S.B. 06-235, this line item provides additional funding to increase the state contribution for PERA amortization payments.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The OSPD requests \$4,949,702 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE STATE PUBLIC DEFENDER, S.B. 06-235 SUPPLEMENTAL AED						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$3,889,657	\$3,889,657	\$0	\$0	\$0	0.0
SB 23-120 (Supplemental)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$3,889,657	\$3,889,657	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$3,889,657	\$3,889,657	\$0	\$0	\$0	0.0
Comp Plan Maintenance	715,287	715,287	0	0	0	0.0
Centrally appropriated line items	323,361	323,361	0	0	0	0.0
OSPD BA2 Third Bond Hearing Office	2,881	2,881	0	0	0	0.0
OSPD R3 Central Support Staff	0	0	0	0	0	0.0
TOTAL	\$4,931,186	\$4,931,186	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$1,041,529	\$1,041,529	\$0	\$0	\$0	0.0
Percentage Change	26.8%	26.8%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$4,949,702	\$4,949,702	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$18,516	\$18,516	\$0	\$0	\$0	0.0

SALARY SURVEY

The OSPD uses this line item to pay for annual salary increases.

STATUTORY AUTHORITY: Pursuant to Section 24-50-104, C.R.S.

REQUEST: The OSPD requests \$20,690,340 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation, including the system maintenance study funded in the R1/BA1 Comp Plan Maintenance request.

OFFICE OF STATE PUBLIC DEFENDER, SALARY SURVEY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$2,463,110	\$2,463,110	\$0	\$0	\$0	0.0
TOTAL	\$2,463,110	\$2,463,110	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$2,463,110	\$2,463,110	\$0	\$0	\$0	0.0
Comp Plan Maintenance	11,945,435	11,945,435	0	0	0	0.0
Centrally appropriated line items	4,212,901	4,212,901	0	0	0	0.0
Annualize prior year legis/budget actions	(2,463,110)	(2,463,110)	0	0	0	0.0
TOTAL	\$16,158,336	\$16,158,336	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$13,695,226	\$13,695,226	\$0	\$0	\$0	0.0
Percentage Change	556.0%	556.0%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$16,158,336	\$16,158,336	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

PERA DIRECT DISTRIBUTION (NEW LINE ITEM)

This line item is included as a common policy allocation payment for the state portion of the PERA Direct Distribution created in Section 24-51-414, C.R.S., which was enacted in S.B. 18-200. Prior year appropriations were paid by the Courts for all agencies in the Judicial Department. This year's statewide compensation request includes a distribution to several Judicial agencies, including the OSPD.

STATUTORY AUTHORITY: Section 24-51-414 (2) C.R.S.

REQUEST: This appropriation was not requested. (Prior year appropriations were paid by the Courts for all agencies in the Judicial Department. This year's statewide compensation request includes a distribution to several Judicial agencies, including the OSPD.)

RECOMMENDATION: Staff recommends an appropriation of \$277,101 General Fund, consistent with the Committee decision for statewide compensation.

PAID FAMILY AND MEDICAL LEAVE INSURANCE

Colorado Proposition 118, *Paid Family Medical Leave Initiative*, was approved by voters in November 2020. The newly created paid family and medical leave insurance program requires employers and employees in Colorado to pay a payroll premium to finance paid family and medical leave insurance

benefits beginning January 1, 2023 in order to finance up to 12 weeks of paid family medical leave for eligible employees beginning January 1, 2024. The premium is 0.9 percent with at least half of the cost paid by the employer.

Pursuant to H.B. 22-1133 (Family and Medical Leave Insurance Fund), the State's portion of the insurance premium is prepaid until the balance in the Fund reaches zero.

STATUTORY AUTHORITY: Section 8-13.3-501 et seq., C.R.S.

REQUEST: The Department requests an appropriation of \$445,474 General Fund.

RECOMMENDATION: Staff recommends no appropriation pursuant to H.B. 22-1133 and consistent with the Committee decision for statewide compensation.

OPERATING EXPENSES

This line item provides funding for general operating expenses, including travel and motor pool, equipment rental and maintenance, office supplies, printing, postage, and employee training.

STATUTORY AUTHORITY: Section 21-1-101 et seq., C.R.S.

REQUEST: The OSPD requests a total of \$2,555,578 total funds, including \$2,525,578 General Fund and \$30,000 cash funds from training fees.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE STATE PUBLIC DEFENDER, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$2,511,878	\$2,481,878	\$30,000	\$0	\$0	0.0
SB 23-120 (Supplemental)	\$68	\$68	\$0	\$0	\$0	0.0
TOTAL	\$2,511,946	\$2,481,946	\$30,000	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$2,511,946	\$2,481,946	\$30,000	\$0	\$0	0.0
Annualize prior year legis/budget actions	37,932	37,932	0	0	0	0.0
OSPD R3 Central Support Staff	3,735	3,735	0	0	0	0.0
OSPD BA2 Third Bond Hearing Office	810	810	0	0	0	0.0
OSPD R4 Training	(350,000)	(350,000)	0	0	0	0.0
TOTAL	\$2,204,423	\$2,174,423	\$30,000	\$0	\$0	0.0
INCREASE/(DECREASE)	(\$307,523)	(\$307,523)	\$0	\$0	\$0	0.0
Percentage Change	(12.2%)	(12.4%)	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$2,555,578	\$2,525,578	\$30,000	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$351,155	\$351,155	\$0	\$0	\$0	0.0

VEHICLE LEASE PAYMENTS

This line item provides funding for annual payments to the Department of Personnel for the cost of vehicle lease-purchase payments for new and replacement motor vehicles.

STATUTORY AUTHORITY: Pursuant to Section 24-30-1104 (2), C.R.S.

REQUEST: The OSPD requests \$100,503 General Fund.

RECOMMENDATION: **This recommendation is pending** the Committee's common policy for this line item. Staff requests permission to include the appropriation consistent with the Committee's action on this item.

CAPITAL OUTLAY

This line item provides funding for one-time furniture and computer costs for new employees.

STATUTORY AUTHORITY: Section 21-1-101 et seq., C.R.S.

REQUEST: The OSPD requests \$281,350 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE STATE PUBLIC DEFENDER, CAPITAL OUTLAY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$533,200	\$533,200	\$0	\$0	\$0	0.0
SB 23-120 (Supplemental)	\$12,400	\$12,400	\$0	\$0	\$0	0.0
TOTAL	\$545,600	\$545,600	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$545,600	\$545,600	\$0	\$0	\$0	0.0
OSPD R3 Central Support Staff	33,350	33,350	0	0	0	0.0
Annualize prior year legis/budget actions	(297,600)	(297,600)	0	0	0	0.0
TOTAL	\$281,350	\$281,350	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	(\$264,250)	(\$264,250)	\$0	\$0	\$0	0.0
Percentage Change	(48.4%)	(48.4%)	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$281,350	\$281,350	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

LEASED SPACE AND UTILITIES

This line item funds lease payments at 22 OSPD locations statewide. This line item covers all OSPD leases except those associated with the OSPD's central administrative and appellate offices, which are located at the Ralph L. Carr Colorado Judicial Center. All Carr Center leased space costs for judicial agencies are included in the line item appropriation in the Courts Administration section of the budget.

STATUTORY AUTHORITY: Section 21-1-101 et seq., C.R.S.

REQUEST: The OSPD requests an appropriation of \$8,952,480 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE STATE PUBLIC DEFENDER, LEASED SPACE AND UTILITIES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$8,042,972	\$8,042,972	\$0	\$0	\$0	0.0
TOTAL	\$8,042,972	\$8,042,972	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$8,042,972	\$8,042,972	\$0	\$0	\$0	0.0
OSPD R2 Leased Space	705,612	705,612	0	0	0	0.0
Centrally appropriated line items	203,896	203,896	0	0	0	0.0
TOTAL	\$8,952,480	\$8,952,480	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$909,508	\$909,508	\$0	\$0	\$0	0.0
Percentage Change	11.3%	11.3%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$8,952,480	\$8,952,480	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

AUTOMATION PLAN

This line item funds the maintenance and lifecycle replacement of the following types of equipment for all 23 OSPD offices: phone systems; data circuits for electronic data transmission; multifunction scanner/copier/fax/printers; desktop computers, laptop/tablet computers, docking stations, and screens; software licenses (includes Adobe Professional and specialized courtroom and case analysis software); servers and network equipment (routers, switches, racks, etc.); presentation, analysis, and recording equipment (cameras, projectors, digital voice recorders, etc.); and IT security protection services. In addition, this line item funds technology-related supplies and contractual expenses for online legal research resources.

STATUTORY AUTHORITY: Section 21-1-101 et seq., C.R.S.

REQUEST: The OSPD requests \$3,452,419 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE STATE PUBLIC DEFENDER, AUTOMATION PLAN						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$2,192,564	\$2,192,564	\$0	\$0	\$0	0.0
TOTAL	\$2,192,564	\$2,192,564	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$2,192,564	\$2,192,564	\$0	\$0	\$0	0.0
Annualize prior year legis/budget actions	1,258,055	1,258,055	0	0	0	0.0

OFFICE OF THE STATE PUBLIC DEFENDER, AUTOMATION PLAN						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OSPD R3 Central Support Staff	1,800	1,800	0	0	0	0.0
TOTAL	\$3,452,419	\$3,452,419	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$1,259,855	\$1,259,855	\$0	\$0	\$0	0.0
Percentage Change	57.5%	57.5%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$3,452,419	\$3,452,419	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

ATTORNEY REGISTRATION

This line item covers the cost of annual attorney registration fees for OSPD attorneys.

STATUTORY AUTHORITY: Section 21-1-101 et seq., C.R.S.

REQUEST: The OSPD requests continuation funding of \$156,634 General Fund.

RECOMMENDATION: Staff recommends the requested appropriation.

CONTRACT SERVICES

This line item allows the OSPD to hire attorneys to represent the Public Defender's attorneys in grievance claims filed by former clients.

STATUTORY AUTHORITY: Section 21-1-101 et seq., C.R.S.

REQUEST: The OSPD requests a continuation appropriation of \$49,395 General Fund.

RECOMMENDATION: Staff recommends the requested appropriation.

MANDATED COSTS

This is one of several line item appropriations for mandated costs. These costs are associated with activities, events, and services that accompany court cases that are required in statute and/or the U.S. and Colorado Constitutions to ensure a fair and speedy trial, and to ensure the right to legal representation. The OSPD also incurs costs for discovery, transcripts, expert witnesses, interpreter services, and travel.

STATUTORY AUTHORITY: Section 21-1-101 et seq., C.R.S.

REQUEST: OSPD requests an appropriation of \$4,046,597 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE STATE PUBLIC DEFENDER, MANDATED COSTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$3,813,143	\$3,813,143	\$0	\$0	\$0	0.0
SB 23-120 (Supplemental)	\$122,793	\$122,793	\$0	\$0	\$0	0.0
TOTAL	\$3,935,936	\$3,935,936	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$3,935,936	\$3,935,936	\$0	\$0	\$0	0.0
OSPD BA3 Interpreter Rate Increase	233,454	233,454	0	0	0	0.0
Annualize prior year legis/budget actions	(122,793)	(122,793)	0	0	0	0.0
TOTAL	\$4,046,597	\$4,046,597	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$110,661	\$110,661	\$0	\$0	\$0	0.0
Percentage Change	2.8%	2.8%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$4,046,597	\$4,046,597	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

TRAINING (NEW LINE ITEM)

This line item is requested for training expenses, formerly included in operating expenses.

STATUTORY AUTHORITY: Section 21-1-101 et seq., C.R.S.

REQUEST: OSPD requests an appropriation of \$350,000 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE STATE PUBLIC DEFENDER, TRAINING						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
OSPD R4 Training	\$350,000	\$350,000	\$0	\$0	\$0	0.0
TOTAL	\$350,000	\$350,000	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$350,000	\$350,000	\$0	\$0	\$0	0.0
Percentage Change	n/a	n/a	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$350,000	\$350,000	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

GRANTS

This line item authorizes the OSPD to receive and expend various grants.

STATUTORY AUTHORITY: Section 21-1-101 et seq., C.R.S.

REQUEST: The OSPD requests a continuation appropriation of \$125,000 cash funds.

RECOMMENDATION: Staff recommends a continuation appropriation.

(6) OFFICE OF ALTERNATE DEFENSE COUNSEL

The Office of Alternate Defense Counsel (OADC) is an independent agency within the Judicial Department that provides legal representation for indigent defendants in criminal and juvenile delinquency cases in which the Office of the State Public Defender (OSPD) is precluded from doing so because of an ethical conflict of interest. Common types of conflicts include cases in which the OSPD represents co-defendants or represents both a witness and a defendant in the same case. The OADC provides legal representation by contracting with licensed attorneys and investigators. The OADC is governed by the uncompensated, nine-member Alternate Defense Counsel Commission, appointed by the Supreme Court. Its office is located in the Ralph L. Carr Colorado Judicial Center. Except for a small amount of cash funds from training registration fees, the OADC is funded by General Fund.

OFFICE OF ALTERNATE DEFENSE COUNSEL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 Appropriation						
HB 22-1329 (Long Bill)	\$50,570,572	\$50,490,572	\$80,000	\$0	\$0	20.5
Other legislation	(4,919)	(4,919)	0	0	0	0.0
TOTAL	\$50,565,653	\$50,485,653	\$80,000	\$0	\$0	20.5
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$50,565,653	\$50,485,653	\$80,000	\$0	\$0	20.5
Contractor Rate Increases	4,724,448	4,724,448	0	0	0	0.0
Comp Plan Maintenance	131,182	131,182	0	0	0	0.0
OADC R1 EDI/HR Coordinator	135,421	135,421	0	0	0	0.9
OADC R2 Holistic Defense Coordinator	0	0	0	0	0	0.0
OADC R3 Post Conviction Unit	0	0	0	0	0	9.0
OADC R4 Appointment Specialist	74,441	74,441	0	0	0	0.9
OADC R5 Municipal Court Prog Analyst	0	0	0	0	0	0.0
OADC R6 Social Worker Fellowships	0	0	0	0	0	1.8
OADC Technical Operating Alignment	0	0	0	0	0	0.0
Centrally appropriated line items	193,992	193,992	0	0	0	0.0
Annualize prior year legis/budget actions	(13,619)	(13,619)	0	0	0	0.5
TOTAL	\$55,811,518	\$55,731,518	\$80,000	\$0	\$0	33.6
INCREASE/(DECREASE)	\$5,245,865	\$5,245,865	\$0	\$0	\$0	13.1
Percentage Change	10.4%	10.4%	0.0%	0.0%	0.0%	63.9%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$1,634,550	\$1,634,550	\$0	\$0	\$0	1.8

DESCRIPTION OF INCREMENTAL CHANGES

CONTRACTOR RATE INCREASES (OADC R8-R9): The recommendation includes an increase of \$4.7 million General Fund for the OADC for the multi-agency, attorney contractor rate increase request to fund a 17.7 percent increase in attorney contractor rates from \$85 to \$100 per hour. The recommendation includes denial of the non-attorney contractor rate increase request to fund an 18.0 percent increase in hourly rates for paralegal, investigator, and social worker contractors.

COMP PLAN MAINTENANCE (OADC R7): The recommendation includes an increase of \$131,182 General Fund for the OADC for compensation plan maintenance adjustments, consistent with Committee action on statewide compensation.

OADC R1 EDI/HR COORDINATOR: The recommendation includes an increase of \$135,421 General Fund and 0.9 FTE for the OADC for an equity, diversity, and inclusion coordinator who will also serve as the human resources coordinator for the agency.

OADC R2 HOLISTIC DEFENSE COORDINATOR: The recommendation includes denial of an increase of \$186,000 General Fund and 0.9 FTE for the OADC for a Holistic Defense Coordinator. The concept of holistic defense includes the use of social workers, clinical advocates, and resource advocates, in addition to attorneys, paralegals, and investigators to resolve cases more effectively and reduce recidivism.

OADC R3 POST CONVICTION UNIT: The recommendation includes a net-neutral adjustment from the Conflict-of-interest Contracts line item totaling \$1.3 million to fund a 10-member Post Conviction Unit for the OADC. The OADC currently contracts with attorneys for all legal services; however, the OADC believes it would be more effective and cost-effective to assign at least half of post-conviction cases to a more experienced and dedicated in-house team. The team would include a managing attorney, four attorneys, two investigators, a paralegal, a social worker, and an administrative assistant.

OADC R4 APPOINTMENT SPECIALIST: The recommendation includes an increase of \$74,441 General Fund and 0.9 FTE for the OADC for an appointment specialist to assist the appointment manager who is currently the only staff charged with intake and administration of case appointments.

OADC R5 MUNICIPAL COURT PROGRAM ANALYST: The recommendation includes denial of an increase of \$87,000 General Fund and 0.9 FTE for the OADC for a municipal court program analyst to handle the financial administration and management aspects of the Municipal Courts Program. The program currently includes a coordinator and administrative assistant provided in S.B. 18-203 (Conflict-free Representation in Municipal Courts). While the program support staff are funded by General Fund, the Municipal Court Program itself is cash-funded with a continuously appropriated cash fund.

OADC R6 SOCIAL WORKER FELLOWSHIPS: The recommendation includes a net-neutral adjustment from the Conflict-of-interest Contracts line item totaling \$196,000, and adding 2.0 FTE, for the OADC to establish two, ongoing, two-year social worker fellowships modeled on the Greater Colorado and Inclusivity attorney fellowships approved last year. The Greater Colorado Fellow is intended to serve rural communities and the Inclusivity Fellow is for the targeted recruitment of forensic social workers who identify as Black, Indigenous, and people of color (BIPOC).

OADC TECHNICAL OPERATING ALIGNMENT: The recommendation includes a net-neutral adjustment for the OADC from the Conflict-of-interest Contracts line item to operating expenses totaling \$84,211 to accommodate increased costs related to IT infrastructure and Westlaw/Lexis subscriptions.

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of \$193,992 General Fund for centrally appropriated items, summarized in the following table.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Salary survey	\$125,040	\$125,040	\$0	\$0	\$0	0.0
Health, life, and dental	51,406	51,406	0	0	0	0.0
AED	8,749	8,749	0	0	0	0.0
SAED	8,749	8,749	0	0	0	0.0
Short-term disability	48	48	0	0	0	0.0
TOTAL	\$193,992	\$193,992	\$0	\$0	\$0	0.0

ANNUALIZE PRIOR YEAR LEGIS/BUDGET ACTIONS: The recommendation includes a net decrease of \$13,619 General Fund to reflect the impact of bills and prior year budget actions, summarized in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OADC FY23 R3 IS Director	\$3,739	\$3,739	\$0	\$0	\$0	0.1
OADC FY23 R2 Staff Acct	1,242	1,242	0	0	0	0.1
OADC FY23 R5 GC&I Fellowships	(12,400)	(12,400)	0	0	0	0.2
OADC FY23 R1 CAS	(6,200)	(6,200)	0	0	0	0.1
TOTAL	(\$13,619)	(\$13,619)	\$0	\$0	\$0	0.5

MAJOR DIFFERENCES FROM THE REQUEST

The total difference for staff recommendations relative to the request identified in the OADC table is \$1.6 million General Fund. This includes differences of:

- \$1,361,808 less for the R9 Non-attorney Contractor Rate Increase request;
- \$185,906 less for the R2 Holistic Defense Coordinator request; and
- \$87,312 less for the R5 Municipal Court Program Analyst request.

Other adjustments include incremental differences for compensation policies and new staff budget builds.

DECISION ITEMS – OFFICE OF THE ALTERNATE DEFENSE COUNSEL

→ OADC R1 EDI/HR COORDINATOR

REQUEST: The OADC requests \$140,409 General Fund and 0.9 FTE for an equity, diversity, and inclusion coordinator who will also serve as the human resources coordinator for the agency.

RECOMMENDATION: Staff recommends that the Committee approve the request as outlined in the table at the end of the analysis section.

ANALYSIS

The OADC states that over the last year it partnered with an independent EDI consultant for strategic guidance in creating a new Agency-wide EDI philosophy, model, and foundation, led by its EDI strategic team. The EDI strategic team created sub-committees to focus on evaluating and redesigning internal Agency practices around equity, diversity, and inclusion models. These EDI focused sub-

committees are currently working on, among other things, best practice internal hiring and onboarding, contractor trainings, and billing system practices and re-design. The OADC states that the addition of an EDI/HR Coordinator will lead and further develop strategies, consistencies, systems, and programs that align with its mission and values.

Additionally, the OADC began with 3 FTE in 1997 and will have grown to 21 FTE by the end of FY23; and depending on the outcome of the current budget request, the OADC could employ almost 40 FTE by June 30, 2024. Over its 25 years, the OADC has never hired internal staff dedicated to Human Resources. The OADC states that current HR and personnel tasks are performed by the Director, the Deputy Director, the CFO, and the financial/data analyst in addition to their existing workloads. The OADC currently utilizes a few HR resources from the SCAO, including processing payroll, background checks for new hires, and worker compensation claims. Internal OADC HR tasks include hiring and termination processes, job position posting and analysis, paid time off tracking, FMLA, benefits, PERA, and ADA inquires and tracking, salary analysis, and personnel rules and procedures implementation and revision.

The OADC requests a Human Resources Analyst III in the Judicial Branch Compensation System, funded at the midpoint of the salary range due to the position's need for an experienced candidate who will provide leadership in systemic equity.

Staff appreciates the request for an EDI/HR consultant in addressing two related but distinct agency needs. Staff recommends the position requested at midpoint given the leadership and technical expertise expected for the position. Staff also recommends funding POTS in the first year due to the scale of the agency and its relative inability to pay for POTS from vacancy savings. Staff recommends that the Committee approve the request as outlined in the following table.

OADC R1 EDI/HR COORDINATOR REQUEST AND RECOMMENDATION						
	FY 2023-24 REQUEST		FY 2023-24 RECOMMENDATION		FY 2024-25 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
EDI/HR Coordinator	0.9	\$107,328	0.9	\$107,167	1.0	\$120,598
POTS		24,061		20,234		22,389
Operating Expense		2,350		1,350		1,350
Capital Outlay		6,670		6,670		0
Subtotal	0.9	\$140,409	0.9	\$135,421	1.0	\$144,337
FY 2023-24 R1 line item adjustments						
Personal Services			0.9	\$107,167		
Operating Expenses				1,350		
Capital Outlay				6,670		
HLD				10,586		
STD				152		
AED				4,748		
SAED				4,748		
Subtotal - OADC R1			0.9	\$135,421		
FY 2024-25 R1 line item adjustments						
Personal Services					1.0	\$120,598
Operating Expenses						1,350
Capital Outlay						0
POTS included in Statewide Comp						0
Subtotal - OADC R1					1.0	\$121,948

→ OADC R2 HOLISTIC DEFENSE COORDINATOR

REQUEST: The OADC requests \$185,906 General Fund and 0.9 FTE for a Holistic Defense Coordinator.

RECOMMENDATION: Staff recommends that the Committee deny the request.

ANALYSIS

The OADC provides the following background on holistic defense:

In the traditional model of criminal defense, defense attorneys view the client's criminal charges as the sole concern to address through advocacy with the court. This approach ignores the unique needs and characteristics of the person being charged, including several environmental and socioeconomic factors that may have contributed to, or will be affected by, incurring those charges.

Through a holistic criminal defense model, defense attorneys and their interdisciplinary teams consider several other societal factors that drive individuals into the criminal legal system (poverty, food insecurity, housing instability and displacement, substance use and dependence, familial instability caused by child or parent removal, inefficient or inadequate access to benefits or resources, etc.) as well as factors that are significantly impacted by criminal legal system involvement (employment opportunities, housing, transportation, continuity of care between penal institutions and community providers, etc.). True holistic defense adheres to the Four Pillars of Holistic Defense (as identified by the Bronx Defenders) which are:

- *Seamless access to services that meet clients' legal and social support needs;*
- *Dynamic interdisciplinary communication;*
- *advocates with an interdisciplinary skill set; and*
- *a robust understanding of, and connection to, community.*

... The OADC has been offering more holistic defense practice model options to the contract attorneys who have chosen to take advantage of a broader range of resources. The OADC has not, until now, established an Agency initiative to embrace interdisciplinary team practice as the model from which to recruit, train, and fulfill its mandate. Furthermore, the OADC has not had the capacity to examine ways in which the Agency can and should engage the community in seeking better outcomes for their clients.

The OADC states that the Holistic Defense Coordinator will:

- work with current OADC staff to develop a cohesive strategy towards incorporating all aspects of operations into a holistic defense approach;
- work to recruit and contract with attorneys, investigators, social workers, paralegals, and resource advocates who are invested in pursuing the holistic model of practice in the community in which they are practicing, through seeking to learn what needs are unique to the community where their clients are living;
- assist the Municipal Court Coordinator, the Attorney Development Coordinator, and the Youth Defense Coordinator in seeking out and contracting with both youth and adult defense attorneys who are committed to the interdisciplinary team practice necessary to effect adequate legal representation for clients at all levels of the system;

- forge new strategic partnerships with other agencies who provide services that do not fall under the OADC mandate to increase efficiency in securing resources for clients and strengthening the quality of legal advocacy for OADC clients;
- develop trainings for contractors that enhance understanding, learning, and practices of working from an interdisciplinary, holistic defense model and will work with the Evaluation and Training Director to enhance the application of holistic concepts to all trainings provided by the OADC;
- work with the Social Worker Coordinator and the Social Worker Outreach Coordinator to modernize onboarding and trainings to support true interdisciplinary team practices;
- work with the IT Coordinator and the Training and Technology Specialist to redevelop the agency website so that clients can utilize it as a hub to find information related not only to OADC's legal representation, but also to information regarding housing, benefits, treatment options, and resources around civil legal assistance and immigration considerations; and
- integrate these same concepts through strategic partnering with the new Post-Conviction Unit.

Staff is generally supportive of the OADC's program orientation toward holistic defense. However, staff sees this item as one of several program expansion pieces in the OADC's budget request for FY 2023-24. In particular, staff considers the R1 and R2 request items as "next steps" in building the OADC mission program, with additional leadership staff requested for each item, including additional General Fund. However, given funding constraints, and the larger prioritization of significantly higher cost items like a contractor rate increase across the three agencies, and the OADC prioritization order for these two items, staff recommends that the Committee deny the R2 request item at this time.

However, if the Committee wishes to fund this item, staff recommends the following recommendation table rather than the request. The recommendation is built on the requested position equivalent to a First Assistance Legal Counsel job class in the Judicial Branch Compensation System at the midpoint of the range.

OADC R2 Holistic Defense Coordinator Request and Recommendation						
	FY 2023-24		FY 2023-24		FY 2024-25	
	Request		Recommendation		Rec. Annualization	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
Holistic Defense Coordinator	0.9	\$149,075	0.9	\$148,857	1.0	\$167,513
POTS		27,811		23,989		26,607
Operating Expense		2,350		1,350		1,350
Capital Outlay		6,670		6,670		0
Subtotal	0.9	\$185,906	0.9	\$180,866	1.0	\$195,470
FY 2023-24 R2 line item adjustments						
Personal Services			0.9	\$148,857		
Operating Expenses				1,350		
Capital Outlay				6,670		
HLD				10,586		
STD				211		
AED				6,596		
SAED				6,596		
Subtotal - OADC R2			0.9	\$180,866		
FY 2024-25 R2 line item adjustments						
Personal Services					1.0	\$167,513
Operating Expenses						1,350

OADC R2 Holistic Defense Coordinator Request and Recommendation						
	FY 2023-24		FY 2023-24		FY 2024-25	
	Request		Recommendation		Rec. Annualization	
	FTE	Cost	FTE	Cost	FTE	Cost
Capital Outlay						0
POTS included in Statewide Comp						0
Subtotal - OADC R2					1.0	\$168,863

→ OADC R3 POST CONVICTION UNIT

REQUEST: The OADC requests a net-neutral adjustment of General Fund totaling \$1,232,836 from the conflict-of-interest contracts (the OADC's court-appointed counsel line item) and 9.0 FTE to build an internal, 10-person staff, Post Conviction Unit.

RECOMMENDATION: Staff recommends that the Committee approve the request as outlined in the table at the end of the analysis section.

ANALYSIS

A Post-Conviction Relief motion is a proceeding where an OADC attorney demonstrates that a client was denied their constitutional right to effective assistance of counsel or were otherwise deprived of a constitutional right. This process can proceed after a Public Defender or OADC client has been convicted and sentenced, either by way of a plea bargain or a trial, and if available, the case has gone up on direct appeal and the conviction and sentence affirmed.

Once a post conviction case is assigned to the OADC, the Appeals and Post-Conviction Coordinator reaches out to contractors to try and find someone who is qualified and available to take the case. The OADC states:

Finding contractors to work these types of cases has always been challenging given the lengthy timeframe it takes to complete the work and the nature of the work itself. This challenge not only creates an administrative burden to the Agency's staff by having to find and assign an available and willing contractor, it also, and more importantly creates a strain and, at times, negative impact to the client's motion process/timeline. Further, it is a constant source of frustration to the courts and their staff, who keep checking with the Agency's Appeals and Post-Conviction Coordinator to see if counsel has been assigned. The Agency believes that creating an in-house Post-Conviction Unit will alleviate some of this frustration and delay and will significantly reduce the difficulty finding contractors to take these cases (by reducing the need to find contractors by roughly half).

To fulfill the OADC obligations to meet the workload needs and requirements of these cases the OADC would like to create an in-house post-conviction unit comprised of 10 FTE focused solely on handling post conviction cases. Based on FY 2021-22 caseload the OADC believes that the 10 FTE unit will be able to work on approximately half of the annual caseload; the remainder will continue to be handled by independent contractors. Some independent contractors will always be necessary as the internal Post-Conviction Unit will invariably have some conflicts that will need to be contracted out.

The OADC will also need to develop an in-house Case Management System that will either be attached to the Agency's current billing system or exist as a standalone case management system for the Post-Conviction Unit to utilize for tracking client and casework obligations as well as for conflict

management. The OADC is currently working with existing programmers to find the best and most cost-efficient solution; but estimates the cost for a case management system to be \$300,000 that was not included in the request.

The job classes requested, all at 25 percent of the range except the LCSW and admin assistant requested at 75 percent of the range, include:

- 1.0 FTE managing attorney equivalent to a Supervising Deputy Public Defender;
- 4.0 FTE attorneys equivalent to a Senior Deputy Public Defender;
- 1.0 FTE paralegal equivalent to an OSPD Senior Paralegal;
- 2.0 FTE investigators equivalent to an OSPD Lead Investigator;
- 1.0 FTE licensed clinical social worker equivalent to an OSPD Lead Social Worker; and
- 1.0 FTE administrative assistant equivalent to an OSPD Senior Admin Assistant.

The budget-neutral request is a shift of resources from base funding for contract attorneys to internal legal and support staff for a specified purpose that is difficult to contract. On that basis, staff recommends that the Committee approve this request. Staff recommends funding at the second quartile (25 percent of the range as requested) for those positions requested as such, and at midpoint for the LCSW and admin assistant, and an adjustment for POTS. Additionally, staff recommends \$300,000 funding for the case management system. Staff recommendation is outlined in the following table:

OADC R3 POST CONVICTION UNIT REQUEST AND RECOMMENDATION						
	FY 2023-24 REQUEST		FY 2023-24 RECOMMENDATION		FY 2024-25 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
PCU-Managing Attorney	0.9	\$140,250	0.9	\$149,731	1.0	\$168,496
PCU-Attorneys	3.6	389,552	3.6	435,848	4.0	490,472
PCU-Paralegal	0.9	64,551	0.9	71,252	1.0	80,182
PCU-Investigator	1.8	173,818	1.8	188,696	2.0	212,345
PCU-Lic Clin Social Worker	0.9	89,925	0.9	91,347	1.0	102,795
PCU-Admin Assistant	0.9	58,034	0.9	58,451	1.0	67,053
POTS		226,506		195,467		216,284
Operating Expense		23,500		13,500		13,500
Capital Outlay		66,700		66,700		0
Conflict-of-interest Contracts		(1,232,836)		(1,270,992)		(1,351,127)
Subtotal	9.0	\$0	9.0	\$0	10.0	\$0
FY 2023-24 R3 line item adjustments						
Personal Services			9.0	\$995,325		
Operating Expenses				13,500		
Capital Outlay				66,700		
Conflict-of-interest Contracts				(1,270,992)		
HLD				105,858		
STD				1,411		
AED				44,099		
SAED				44,099		
Subtotal - OADC R3			9.0	\$0		
FY 2024-25 R3 line item adjustments						
Personal Services					10.0	\$1,121,343
Operating Expenses						13,500
Capital Outlay						0
Conflict-of-interest Contracts						(1,351,127)

OADC R3 POST CONVICTION UNIT REQUEST AND RECOMMENDATION						
	FY 2023-24 REQUEST		FY 2023-24 RECOMMENDATION		FY 2024-25 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
POTS included in Statewide Comp						216,284
Subtotal - OADC R3					10.0	\$0

→ OADC R4 APPOINTMENT SPECIALIST

REQUEST: The OADC requests \$85,526 General Fund and 0.9 FTE for an Appointment Specialist position to support the increased workload needs of the Appointments Manager and the Court Appointed Attorney Payment System (CAAPS).

RECOMMENDATION: Staff recommends that the Committee approve the request as outlined in the table at the end of the analysis section.

ANALYSIS

Since 1997, the OADC has had one staff dedicated to the intake, review, and audit of attorney court appointments. Since that time the Agency has increased caseload from 7,000 cases in FY 1997-98 to 25,000 in FY 2021-22. New attorney appointments make up approximately 70 percent of caseload. As of FY 2017-18, the OADC has averaged 17,566 new attorney appointments per year, or approximately 67 each day that are being entered into CAAPS. The OADC seeks to maintain timely approval and administration of appointments and requests an additional staff position to assist the Appointments Manager.

The appointments process has minimal staff cross-training and backup due to the OADC lean staff footprint and knowledge-specific processes of the CAAPS system. The OADC expresses concern about succession planning and cross-training based on the critical importance of this administrative function and the current staff footprint. This position will support the Appointments Manager by:

- entering court case designation and documentation into the Agency's CAAPS system;
- verifying active/inactive case status within the Courts data access system;
- administration of post-conviction contracts;
- administration and audit of case appointment billing rates; and
- administration of case related credit card tracking.

The OADC requests a Specialist position from the Judicial Branch Compensation System at 25 percent of the salary range "due to the position's need for an experienced professional".

Staff recommends that the Committee approve the request for the positions requested; however, staff is not persuaded by the need for an experienced professional for this position and recommends funding at the minimum of the range. Staff recommends funding for POTS. Staff recommendation is outlined in the following table.

OADC R4 APPOINTMENT SPECIALIST REQUEST AND RECOMMENDATION						
	FY 2023-24 REQUEST		FY 2023-24 RECOMMENDATION		FY 2024-25 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
Appointment Specialist	0.9	\$59,697	0.9	\$51,224	1.0	\$57,644
POTS		19,539		15,197		16,730
Operating Expense		2,350		1,350		1,350
Capital Outlay		6,670		6,670		0
Subtotal	0.9	\$88,256	0.9	\$74,441	1.0	\$75,724
FY 2023-24 R4 line item adjustments						
Personal Services			0.9	\$51,224		
Operating Expenses				1,350		
Capital Outlay				6,670		
HLD				10,586		
STD				73		
AED				2,269		
SAED				2,269		
Subtotal - OADC R4			0.9	\$74,441		
FY 2024-25 R4 line item adjustments						
Personal Services					1.0	\$57,644
Operating Expenses						1,350
Capital Outlay						0
POTS included in Statewide Comp						0
Subtotal - OADC R4					1.0	\$58,994

→ OADC R5 MUNICIPAL COURT PROGRAM ANALYST

REQUEST: The OADC requests \$87,312 General Fund and 0.9 FTE for a municipal court program analyst to handle the financial administration and management aspects of the Municipal Courts Program.

RECOMMENDATION: Staff recommends that the Committee deny the request.

ANALYSIS

Senate Bill 18-203 (Conflict-free Representation in Municipal Courts) required municipalities to provide independent indigent defense where there is a possibility of incarceration. Independent defense is overseen by the municipality but provided by a nonpartisan entity that is independent of the municipal court. The OADC or any ABA-accredited Colorado law school legal aid clinic that is accredited by the is authorized to provide or evaluate independent defense.

Section 21-2-103 (1)(c), C.R.S., requires a contract between OADC, for the provision of indigent defense in municipal court, and the municipality, which is financially responsible for all services rendered and expenses incurred. Section 21-2-108 (8), C.R.S., created the Conflict-free Municipal Defense Fund as a continuously appropriated cash fund for the purposes of the fund and bill.

The program currently includes a coordinator and administrative assistant provided in S.B. 18-203 (Conflict-free Representation in Municipal Courts). While the program support staff are funded by General Fund, the Municipal Court Program itself is cash funded with a continuously appropriated cash fund.

The fiscal note included the following description of the staff positions:

OADC — municipal courts coordinator/evaluator. Beginning in FY 2018-19, the OADC requires 1.0 FTE for a municipal courts coordinator/evaluator. It is assumed that this position will need to be filled by an attorney with criminal defense experience and be paid a salary similar to other OADC division coordinator positions. This position will set up the municipal independent defense program within the OADC and provide guidance to municipalities requesting indigent evaluation or contractual defense services. By September 1, 2018, this position will review requests for OADC evaluation services, which must be approved by May 1, 2019. Evaluation will begin on January 1, 2020 for an assumed 30 to 50 municipalities. Standard operating and capital outlay costs are included, as well as travel costs for evaluations taking place outside of the Denver metro area. FY 2018-19 costs are prorated for the General Fund paydate shift and the bill's effective date. The exact number of municipalities requesting evaluation services is unknown, should additional or fewer appropriations be needed, they will be requested through the annual budget process.

OADC — administrative specialist. Beginning in FY 2019-20, the OADC requires 1.0 FTE for an administrative specialist to provide support to the coordinator/evaluator, assist with the compilation of municipal evaluation contract materials, compile an evaluation schedule, and make travel arrangements for between 30 and 50 municipal independent defense evaluations. Standard operating and capital outlay costs are included and FY 2019-20 costs are prorated for the General Fund paydate shift.

The OADC states that due to the growth of the program, the OADC needs an additional FTE.

As of October 1, 2022, four municipalities (Denver, Aurora, Westminster, and Northglenn) contracted with the OADC. Each municipality estimates quarterly costs and retainer balances associated with these cases and sends the OADC a check, which is processed and deposited into the Cash Fund and then used to reimburse the contractors. To assist the municipalities in the administration of their funding, the OADC prepares financial reports tracking cash fund balances and expenditures to date to comply with the terms of the contract. Some municipalities require a monthly summary and invoice, while others, who manage their funding together with the Department of Local Affairs (DOLA), require quarterly reporting that contains much more detail due to their federal grant agreements. Most of these tasks are currently being performed by, and added to the workload of, existing OADC staff within the financial division.

In addition to the reporting requirements listed above, there is also the administration of the OADC's Municipal Appointment Attorney Payment System (MAAPS) which is used by the contractors entering invoices related to their work on municipal cases. This system is very similar to (but independent from) the OADC's 'Court Appointed Attorney Payment System' (CAAPS) and is also used to track and upload payments to be processed to the State's Colorado Operations Resource Engine (CORE). Like the reporting processes mentioned above, most of these tasks are currently being performed by, and added to the workload of, existing OADC staff within the financial division.

Staff is generally supportive of the OADC's request for additional staff for this program. However, as with the case of prioritizing R1 and R2 for a funding recommendation, staff sees the R4 and R5 requests as generally equivalent in nature. Given funding constraints and the OADC prioritization order for these two items, staff recommends that the Committee deny the R5 request at this time.

Additionally, although the fiscal note for S.B. 18-203 identified the use of General Fund for this municipal courts indigent defense program, staff believes that the cash fund created for the program should have been the source of funding for support staff from the beginning of this program. At this time, staff is not ready to make a recommendation on refinancing General Fund with cash funds for

the 2.0 FTE currently supporting the program. However, staff believes that any additional administrative support, especially for the special financial reporting described by the OADC "to assist the municipalities in the administration of their funding, the OADC prepares financial reports..." that is provided with current contracts, should be paid by those cash-funded contracts.

The original appropriation included in the bill assumed state funding for the administrative support of this program. Given the public nature of the provision of indigent defense, staff agrees that this may be a reasonable use of state funds. However, the municipal courts indigent defense program was not structured to be directly supported by state funds and always assumed that the municipalities would completely cover the costs of the provision of indigent defense for municipal courts. Staff believes that the administration of this program, and the relative cost of administering the program, as defined by capacity or complexity, should probably be borne by the users of the program.

→ OADC R6 SOCIAL WORKER FELLOWSHIPS

REQUEST: The OADC requests a net-neutral adjustment of General Fund totaling \$196,843 from the conflict-of-interest contracts (the OADC's court-appointed counsel line item) and 1.8 FTE for two social worker fellowships.

RECOMMENDATION: Staff recommends that the Committee approve the requests as outlined in the table at the end of the analysis section.

ANALYSIS

OADC SOCIAL WORKERS

The OADC began contracting with forensic social workers in 2014 with six contract, Masters level social workers and now contracts with over 50 forensic workers and clinical advocates. Forensic social work, defined for this purpose, is a social worker working as a member of a criminal defense team as a part of holistic defense. Holistic defense requires defense teams to expand their focus beyond the discrete legal matter at hand to address factors that impact recidivism and criminal system involvement such as lack of housing, unemployment, and more.

Currently, contracted forensic social workers are mostly located in the front range. This is particularly problematic for jurisdictions such as Mesa County with high case volumes but limited access to forensic social work, without requiring a FSW contractor to travel from the front range to the western slope. This is not only a cost burden to the OADC but can place some limitations on the ability of the contractor to interact with the client and impacts the forensic social workers understanding of local resources and communities both of which are integral to the client's holistic defense.

The root causes of the lack of forensic social work contractors willing to live in and practice criminal defense social work in rural areas of Colorado and the limited number of forensic social work contractors who identify as Black, Indigenous, and People of Color (BIPOC) may be different, but the solution is the same: targeted recruitment and a stable process that will increase the likelihood of long-term financial success for BIPOC and rural practitioners.

THE GREATER COLORADO FELLOWSHIP

Each forensic social worker selected for a rural fellowship will receive a single two-year term. The OADC intends to locate one forensic social work practitioner in one area of need in FY 2023-24, and in each second subsequent year, the OADC will attempt to locate one practitioner in a different area of need. The OADC intends to provide two years of financial stability to enable the Greater Colorado Forensic Social Work Fellow to develop a private practice. After those two years, it will be expected that the Greater Colorado Forensic Social Work Fellow will contract with the OADC on an hourly basis. With these factors in mind, the OADC has prioritized the following Greater Colorado locations as possible placement areas for a rural fellow: Mesa County (21st Judicial District); Otero and Bent counties (16th Judicial District); Morgan and Logan counties (13th Judicial District); Fremont and Custer counties (11th Judicial District); and Eagle and Garfield counties (5th and 9th Judicial Districts).

THE INCLUSIVITY FELLOWSHIP

Contractors who identify as Black, Indigenous, and People of Color (BIPOC) are similarly difficult to recruit. Individuals familiar with the issues these communities face may not have to overcome trust issues or spend as much time fostering a willingness to participate and bring additional skill sets unique to their lived experience as members of BIPOC communities. The Inclusivity Fellowship is intended to address the difficulty of finding and recruiting BIPOC contractors. Each Inclusivity Fellow forensic social worker will receive a single two-year term, and the OADC would continue with a new Fellow every two years.

The OADC requests the midpoint of the OSPD Licensed Social Worker position for each fellowship. The OADC states that a midpoint salary would allow the agency to draw candidates in difficult to recruit areas of the state and for individuals in BIPOC communities that the OADC is seeking. The request includes travel expense of \$1,000 per year.

The Committee funded the equivalent OADC attorney fellowship positions last year. Staff similarly recommends approval of this budget-neutral request. Staff recommends the midpoint of the job class requested, POTS funding, and requested travel expenses. Staff recommendation is outlined in the following table.

OADC R6 SOCIAL WORKER FELLOWSHIPS REQUEST AND RECOMMENDATION						
	FY 2023-24		FY 2023-24		FY 2024-25	
	REQUEST		RECOMMENDATION		REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
Social Worker Fellowships	1.8	\$137,600	1.8	\$143,797	2.0	\$161,819
POTS		41,203		34,117		37,643
Operating Expense		4,700		4,700		4,700
Capital Outlay		13,340		13,340		0
Conflict-of-interest Contracts		(196,843)		(195,954)		(204,162)
Subtotal	1.8	\$0	1.8	\$0	2.0	\$0
FY 2023-24 R6 line item adjustments						
Personal Services			1.8	\$143,797		
Operating Expenses				4,700		
Capital Outlay				13,340		
Conflict-of-interest Contracts				(195,954)		
HLD				21,171		
STD				204		
AED				6,371		
SAED				6,371		

OADC R6 SOCIAL WORKER FELLOWSHIPS REQUEST AND RECOMMENDATION						
	FY 2023-24		FY 2023-24		FY 2024-25	
	REQUEST		RECOMMENDATION		REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Subtotal - OADC R6			1.8	\$0		
FY 2024-25 R6 line item adjustments						
Personal Services					2.0	\$161,819
Operating Expenses						4,700
Capital Outlay						0
Conflict-of-interest Contracts						(204,162)
POTS included in Statewide Comp						37,643
Subtotal - OADC R6					2.0	\$0

➔ OADC TECHNICAL OPERATING ALIGNMENT

REQUEST: The OADC requests a net-neutral adjustment of General Fund totaling \$84,211 from the conflict-of-interest contracts (the OADC's court-appointed counsel line item) for an operating expenses true-up adjustment.

RECOMMENDATION: Staff recommends that the Committee approve the request.

ANALYSIS

These amounts are well within the OADC's footnote authority for transfer. They request this technical adjustment as a true-up to budget from actual. Operating expenses adjustments will accommodate increased costs for IT infrastructure, Westlaw and Lexis subscriptions, internal staff trainings, and for staff technology for work-from-home solutions. Staff recommends that the Committee approve this budget-neutral, true-up request.

LINE ITEM DETAIL – OFFICE OF THE ALTERNATE DEFENSE COUNSEL

PERSONAL SERVICES

This line item provides funding to support a central administrative office in Denver.

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests \$4,055,076 General Fund and 35.4 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF ALTERNATE DEFENSE COUNSEL, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$2,403,623	\$2,403,623	\$0	\$0	\$0	20.5
TOTAL	\$2,403,623	\$2,403,623	\$0	\$0	\$0	20.5
FY 2023-24 RECOMMENDED APPROPRIATION						

OFFICE OF ALTERNATE DEFENSE COUNSEL, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 Appropriation	\$2,403,623	\$2,403,623	\$0	\$0	\$0	20.5
OADC R3 Post Conviction Unit	995,325	995,325	0	0	0	9.0
OADC R6 Social Worker Fellowships	143,797	143,797	0	0	0	1.8
Comp Plan Maintenance	120,372	120,372	0	0	0	0.0
OADC R1 EDI/HR Coordinator	107,167	107,167	0	0	0	0.9
Annualize prior year legis/budget actions	105,376	105,376	0	0	0	0.5
OADC R4 Appointment Specialist	51,224	51,224	0	0	0	0.9
OADC R2 Holistic Defense Coordinator	0	0	0	0	0	0.0
OADC R5 Municipal Court Prog Analyst	0	0	0	0	0	0.0
TOTAL	\$3,926,884	\$3,926,884	\$0	\$0	\$0	33.6
INCREASE/(DECREASE)	\$1,523,261	\$1,523,261	\$0	\$0	\$0	13.1
Percentage Change	63.4%	63.4%	0.0%	0.0%	0.0%	63.9%
FY 2023-24 EXECUTIVE REQUEST	\$4,055,076	\$4,055,076	\$0	\$0	\$0	35.4
Request Above/(Below) Recommendation	\$128,192	\$128,192	\$0	\$0	\$0	1.8

HEALTH, LIFE, AND DENTAL

This line item provides funding for the employer's share of health, life, and dental insurance.

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (9), C.R.S.

REQUEST: The OADC requests \$556,015 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF ALTERNATE DEFENSE COUNSEL, HEALTH, LIFE, AND DENTAL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$290,390	\$290,390	\$0	\$0	\$0	0.0
TOTAL	\$290,390	\$290,390	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$290,390	\$290,390	\$0	\$0	\$0	0.0
OADC R3 Post Conviction Unit	105,858	105,858	0	0	0	0.0
Centrally appropriated line items	51,406	51,406	0	0	0	0.0
OADC R6 Social Worker Fellowships	21,171	21,171	0	0	0	0.0
OADC R1 EDI/HR Coordinator	10,586	10,586	0	0	0	0.0
OADC R4 Appointment Specialist	10,586	10,586	0	0	0	0.0
OADC R2 Holistic Defense Coordinator	0	0	0	0	0	0.0
OADC R5 Municipal Court Prog Analyst	0	0	0	0	0	0.0
TOTAL	\$489,997	\$489,997	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$199,607	\$199,607	\$0	\$0	\$0	0.0
Percentage Change	68.7%	68.7%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$556,015	\$556,015	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$66,018	\$66,018	\$0	\$0	\$0	0.0

SHORT-TERM DISABILITY

This line item provides funding for the employer's share of short-term disability insurance premiums.

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (13), C.R.S

REQUEST: The OADC requests \$5,538 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF ALTERNATE DEFENSE COUNSEL, SHORT-TERM DISABILITY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$3,437	\$3,437	\$0	\$0	\$0	0.0
TOTAL	\$3,437	\$3,437	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$3,437	\$3,437	\$0	\$0	\$0	0.0
OADC R3 Post Conviction Unit	1,411	1,411	0	0	0	0.0
OADC R6 Social Worker Fellowships	204	204	0	0	0	0.0
Comp Plan Maintenance	160	160	0	0	0	0.0
OADC R1 EDI/HR Coordinator	152	152	0	0	0	0.0
OADC R4 Appointment Specialist	73	73	0	0	0	0.0
Centrally appropriated line items	48	48	0	0	0	0.0
OADC R2 Holistic Defense Coordinator	0	0	0	0	0	0.0
OADC R5 Municipal Court Prog Analyst	0	0	0	0	0	0.0
TOTAL	\$5,485	\$5,485	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$2,048	\$2,048	\$0	\$0	\$0	0.0
Percentage Change	59.6%	59.6%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$5,538	\$5,538	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$53	\$53	\$0	\$0	\$0	0.0

S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT (AED)

Pursuant to S.B. 04-257, this line item provides additional funding for PERA amortization payments.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The OADC requests \$184,565 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF ALTERNATE DEFENSE COUNSEL,
S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT

	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$107,418	\$107,418	\$0	\$0	\$0	0.0
TOTAL	\$107,418	\$107,418	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$107,418	\$107,418	\$0	\$0	\$0	0.0
OADC R3 Post Conviction Unit	44,099	44,099	0	0	0	0.0
Centrally appropriated line items	8,749	8,749	0	0	0	0.0
OADC R6 Social Worker Fellowships	6,371	6,371	0	0	0	0.0
Comp Plan Maintenance	5,325	5,325	0	0	0	0.0
OADC R1 EDI/HR Coordinator	4,748	4,748	0	0	0	0.0
OADC R4 Appointment Specialist	2,269	2,269	0	0	0	0.0
OADC R2 Holistic Defense Coordinator	0	0	0	0	0	0.0
OADC R5 Municipal Court Prog Analyst	0	0	0	0	0	0.0
TOTAL	\$178,979	\$178,979	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$71,561	\$71,561	\$0	\$0	\$0	0.0
Percentage Change	66.6%	66.6%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$5,586	\$5,586	\$0	\$0	\$0	0.0

S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT (SAED)
Pursuant to S.B. 06-235, this line item provides additional funding for PERA amortization payments.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The OADC requests \$184,565 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF ALTERNATE DEFENSE COUNSEL,
S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT

	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$107,418	\$107,418	\$0	\$0	\$0	0.0
TOTAL	\$107,418	\$107,418	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$107,418	\$107,418	\$0	\$0	\$0	0.0
OADC R3 Post Conviction Unit	44,099	44,099	0	0	0	0.0
Centrally appropriated line items	8,749	8,749	0	0	0	0.0
OADC R6 Social Worker Fellowships	6,371	6,371	0	0	0	0.0
Comp Plan Maintenance	5,325	5,325	0	0	0	0.0
OADC R1 EDI/HR Coordinator	4,748	4,748	0	0	0	0.0
OADC R4 Appointment Specialist	2,269	2,269	0	0	0	0.0
OADC R2 Holistic Defense Coordinator	0	0	0	0	0	0.0

OFFICE OF ALTERNATE DEFENSE COUNSEL,
S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT

	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OADC R5 Municipal Court Prog Analyst	0	0	0	0	0	0.0
TOTAL	\$178,979	\$178,979	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$71,561	\$71,561	\$0	\$0	\$0	0.0
Percentage Change	66.6%	66.6%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$184,565	\$184,565	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$5,586	\$5,586	\$0	\$0	\$0	0.0

SALARY SURVEY

This line item is used for annual salary increases.

STATUTORY AUTHORITY: Pursuant to Section 24-50-104, C.R.S.

REQUEST: The OADC requests \$125,040 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF ALTERNATE DEFENSE COUNSEL, SALARY SURVEY

	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$56,984	\$56,984	\$0	\$0	\$0	0.0
TOTAL	\$56,984	\$56,984	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$56,984	\$56,984	\$0	\$0	\$0	0.0
Centrally appropriated line items	125,040	125,040	0	0	0	0.0
Annualize prior year legis/budget actions	(56,984)	(56,984)	0	0	0	0.0
TOTAL	\$125,040	\$125,040	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$68,056	\$68,056	\$0	\$0	\$0	0.0
Percentage Change	119.4%	119.4%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$125,040	\$125,040	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

OPERATING EXPENSES

This line item provides funding for the operating expenses and IT asset maintenance.

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests an appropriation of \$261,357 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF ALTERNATE DEFENSE COUNSEL, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$139,546	\$139,546	\$0	\$0	\$0	0.0
TOTAL	\$139,546	\$139,546	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$139,546	\$139,546	\$0	\$0	\$0	0.0
OADC Technical Operating Alignment	84,211	84,211	0	0	0	0.0
OADC R3 Post Conviction Unit	13,500	13,500	0	0	0	0.0
OADC R6 Social Worker Fellowships	4,700	4,700	0	0	0	0.0
OADC R1 EDI/HR Coordinator	1,350	1,350	0	0	0	0.0
OADC R4 Appointment Specialist	1,350	1,350	0	0	0	0.0
OADC R2 Holistic Defense Coordinator	0	0	0	0	0	0.0
OADC R5 Municipal Court Prog Analyst	0	0	0	0	0	0.0
TOTAL	\$244,657	\$244,657	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$105,111	\$105,111	\$0	\$0	\$0	0.0
Percentage Change	75.3%	75.3%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$261,357	\$261,357	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$16,700	\$16,700	\$0	\$0	\$0	0.0

CAPITAL OUTLAY

This line item pays for one-time costs for new employees (furniture, computer, software, etc.).

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests \$106,720 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF ALTERNATE DEFENSE COUNSEL, CAPITAL OUTLAY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$31,000	\$31,000	\$0	\$0	\$0	0.0
TOTAL	\$31,000	\$31,000	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$31,000	\$31,000	\$0	\$0	\$0	0.0
OADC R3 Post Conviction Unit	66,700	66,700	0	0	0	0.0
OADC R6 Social Worker Fellowships	13,340	13,340	0	0	0	0.0
OADC R1 EDI/HR Coordinator	6,670	6,670	0	0	0	0.0
OADC R4 Appointment Specialist	6,670	6,670	0	0	0	0.0
OADC R2 Holistic Defense Coordinator	0	0	0	0	0	0.0
OADC R5 Municipal Court Prog Analyst	0	0	0	0	0	0.0
Annualize prior year legis/budget actions	(31,000)	(31,000)	0	0	0	0.0
TOTAL	\$93,380	\$93,380	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$62,380	\$62,380	\$0	\$0	\$0	0.0

OFFICE OF ALTERNATE DEFENSE COUNSEL, CAPITAL OUTLAY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Percentage Change	201.2%	201.2%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$106,720	\$106,720	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$13,340	\$13,340	\$0	\$0	\$0	0.0

TRAINING AND CONFERENCES

This line item pays for training for contract attorneys, investigators, paralegals, and social workers.

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests a continuation appropriation of \$100,000, including \$20,000 General Fund and \$80,000 cash funds from registration fees.

RECOMMENDATION: Staff recommends the continuation appropriation.

CONFLICT OF INTEREST CONTRACTS

This line item provides funding for contract attorneys and legal team contractors.

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests \$48,971,619 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF ALTERNATE DEFENSE COUNSEL, CONFLICT-OF-INTEREST CONTRACTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$44,430,264	\$44,430,264	\$0	\$0	\$0	0.0
TOTAL	\$44,430,264	\$44,430,264	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$44,430,264	\$44,430,264	\$0	\$0	\$0	0.0
Contractor Rate Increases	4,724,448	4,724,448	0	0	0	0.0
OADC R3 Post Conviction Unit	(1,270,992)	(1,270,992)	0	0	0	0.0
OADC R6 Social Worker Fellowships	(195,954)	(195,954)	0	0	0	0.0
OADC Technical Operating Alignment	(84,211)	(84,211)	0	0	0	0.0
Annualize prior year legis/budget actions	(31,011)	(31,011)	0	0	0	0.0
TOTAL	\$47,572,544	\$47,572,544	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$3,142,280	\$3,142,280	\$0	\$0	\$0	0.0
Percentage Change	7.1%	7.1%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$48,971,619	\$48,971,619	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$1,399,075	\$1,399,075	\$0	\$0	\$0	0.0

MANDATED COSTS

This line item pays for legally required case costs, including expert witnesses, discovery costs, transcripts, interpreters, and expert witness travel reimbursement.

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests a continuation appropriation of \$2,895,573 General Fund.

RECOMMENDATION: Staff recommends the continuation appropriation.

(7) OFFICE OF THE CHILD'S REPRESENTATIVE

The Office of the Child's Representative (OCR) provides legal representation for children involved in the court system due to dependency and neglect proceedings that involve child abuse, abandonment, or neglect. In addition, courts have the discretion to appoint an attorney to represent children in cases involving juvenile delinquency, truancy, paternity, probate, mental health issues, alcohol or drug abuse, and high-conflict divorce.

The OCR was established as an independent agency within the Judicial Department effective July 1, 2000. Previously, these services were provided through the Courts. The OCR is governed by the Child's Representative Board, comprised of nine, uncompensated members appointed by the Supreme Court. The Director's compensation is set by the General Assembly. In most judicial districts, OCR provides legal representation through contract attorneys. In El Paso County (4th Judicial District), the OCR employs attorneys and other staff to provide services through a centralized office rather than through contracted services. This office was established in response to S.B. 99-215, which directed the Judicial Department to pilot alternative methods of providing GAL services. The OCR's central administrative office is located in the Ralph L. Carr Colorado Judicial Center and except for some reappropriated funds from federal Title IV-E funding transferred from the Department of Human Services, the OCR is supported entirely by General Fund appropriations.

OFFICE OF THE CHILD'S REPRESENTATIVE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 Appropriation						
HB 22-1329 (Long Bill)	\$33,940,024	\$31,844,975	\$0	\$2,095,049	\$0	35.9
Other legislation	(7,385)	(6,666)	0	(719)	0	0.0
TOTAL	\$33,932,639	\$31,838,309	\$0	\$2,094,330	\$0	35.9
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$33,932,639	\$31,838,309	\$0	\$2,094,330	\$0	35.9
Contractor Rate Increases	3,769,013	3,769,013	0	0	0	0.0
Comp Plan Maintenance	220,836	198,516	0	22,320	0	0.0
OCR R2 Court-appointed Counsel Caseload	(362,203)	(634,018)	0	271,815	0	0.0
OCR R3 EDI Staff Attorney	180,866	180,866	0	0	0	1.0
OCR R5 Admin Staff	109,291	109,291	0	0	0	1.1
OCR R7 Training Increase	80,000	0	0	80,000	0	0.0
Centrally appropriated line items	213,520	190,942	0	22,578	0	0.0
Annualize prior year legis/budget actions	(33,301)	(27,101)	0	(6,200)	0	0.0
TOTAL	\$38,110,661	\$35,625,818	\$0	\$2,484,843	\$0	38.0
INCREASE/(DECREASE)	\$4,178,022	\$3,787,509	\$0	\$390,513	\$0	2.1
Percentage Change	12.3%	11.9%	0.0%	18.6%	0.0%	5.8%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$300,867	\$286,975	\$0	\$13,892	\$0	0.0

DESCRIPTION OF INCREMENTAL CHANGES

CONTRACTOR RATE INCREASES (OCR R1 AND R4): The recommendation includes an increase of \$3.8 million General Fund for the OCR for the multi-agency, attorney contractor rate increase request

to fund a 17.7 percent increase in attorney contractor rates from \$85 to \$100 per hour. The recommendation includes denial of the non-attorney contractor rate increase request to fund an 18.0 percent increase in hourly rates for paralegal, investigator, and social worker contractors.

COMP PLAN MAINTENANCE (OCR R6): The recommendation includes an increase of \$220,836 total funds, including an increase of \$198,516 General Fund for the OCR for compensation plan maintenance adjustments, consistent with Committee action on statewide compensation and the staff recommended adjustment to maintain consistency with Committee policies.

OCR R2 COURT-APPOINTED COUNSEL CASELOAD: The recommendation includes a net decrease of \$362,203 total funds, including a decrease of \$634,018 General Fund for the OCR for a projected decrease in caseload and an increase of \$271,815 reappropriated funds from federal Title IV-E funds for additional representation in caseload funded by Title IV-E funds.

OCR R3 EDI STAFF ATTORNEY: The recommendation includes an increase of \$180,866 General Fund and 1.0 FTE for the OCR for a staff attorney to lead equity, diversity, and inclusion initiatives and awareness for the agency.

OCR R5 ADMIN STAFF: The recommendation includes an increase of \$109,291 General Fund and a net increase of 1.1 FTE for the OCR for adjustments to two positions: to move the Case Operations Assistant from half- to full-time (+0.5 FTE) in support of the Foster Youth in Transition Program created in H.B. 21-1094; and to reclassify the current 0.4 FTE staff assistant position to a full time Accountant II position (+0.6 FTE) to better support finance and operations functions.

OCR R7 TRAINING INCREASE: The recommendation includes an increase of \$80,000 reappropriated funds originating from federal Title IV-E funds for the OCR for enhanced training initiatives and programs.

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of \$213,520 total funds for centrally appropriated items, summarized in the following table.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Salary survey	\$184,026	\$166,852	\$0	\$17,174	\$0	0.0
Leased space	14,114	14,114	0	0	0	0.0
AED	5,914	5,371	0	543	0	0.0
SAED	5,914	5,371	0	543	0	0.0
Health, life, and dental	3,705	(628)	0	4,333	0	0.0
Short-term disability	(153)	(138)	0	(15)	0	0.0
TOTAL	\$213,520	\$190,942	\$0	\$22,578	\$0	0.0

ANNUALIZE PRIOR YEAR LEGIS/BUDGET ACTIONS: The recommendation includes a net decrease of \$33,301 total funds to reflect the impact of bills and prior year budget actions, summarized in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OCR FY23 R2 Staff Attorney	\$6,699	\$12,899	\$0	(\$6,200)	\$0	0.0

ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OCR FY23 R4 IT Operating	(40,000)	(40,000)	0	0	0	0.0
TOTAL	(\$33,301)	(\$27,101)	\$0	(\$6,200)	\$0	0.0

MAJOR DIFFERENCES FROM THE REQUEST

The total difference for staff recommendations relative to the request identified in the OCR table is \$300,867 total funds, including \$286,975 General Fund. This includes a difference of:

- \$366,844 less (\$350,753 General Fund) for the R4 Non-attorney Contractor Rate Increase request.

Other adjustments include incremental differences for compensation policies and new staff budget builds.

DECISION ITEMS – OFFICE OF THE CHILD'S REPRESENTATIVE

→ STAFF-INITIATED: COMP PLAN MAINTENANCE (OCR R6)

RECOMMENDATION: Staff recommends that the Committee make an adjustment to the Comp Plan Maintenance amount approved in Statewide Compensation figure setting for the OCR. Staff recommends an additional appropriation of \$45,665 to provide movement-to-minimum adjustments to maintain compensation plan alignment with approved OSPD adjustments.

ANALYSIS

There are 12 attorney positions in the El Paso County GAL office that are tied to the OSPD compensation plan. The Committee approved the system maintenance study adjustments for the OSPD at statewide compensation figure setting. In order to maintain alignment for the OCR attorney positions, staff recommends an additional appropriation of \$45,665 General Fund. These adjustments do not provide movement-to-position (in the range) but are only for movement-to-minimum to ensure all positions are at least at the minimum of the range.

Compensation methodology background: Due to the independence of the Judicial Branch, relative to the executive branch compensation system, and due to the independence of the independent agencies in establishing their compensation systems, there is no single adjustment mechanism or authority for all positions in the Judicial Department. Nevertheless, all positions in the independent agencies are aligned with positions in the Judicial Branch, the OSPD, or the executive branch compensation systems, enabling these agencies to maintain alignment, but often at least a year behind the approval process. Due to the scale of adjustments in the current budget cycle, and the Committee's policy to apply currently approved job class salary range adjustments to all positions in FY 2023-24, staff believes this recommendation is consistent with current Committee policy and decisions.

→ OCR R2 COURT-APPOINTED COUNSEL CASELOAD ADJUSTMENT

REQUEST: The OCR requests a net reduction of \$362,203 total funds, including a decrease of \$634,018 General Fund for a projected decrease in caseload and an increase of \$271,815 increase in reappropriated funds originating from federal Title IV-E funding. The request is reflection of projected decreased caseload relative to current budget, and includes a refinancing of a portion through the use of federal Title IV-E funding to provide client-directed counsel for youth pursuant to H.B. 22-1038 (Right to Counsel for Youth).

RECOMMENDATION: Staff recommends that the Committee approve the request.

ANALYSIS

This request is related to long-term trends in dependency and neglect and a shift in needs for legal representation as a result of H.B. 22-1038. Prior to the bill, statute required the appointment of a guardian ad litem (GAL) for children or youth in dependency and neglect cases. House Bill 22-1038 requires that "client-directed" counsel for youth (CFY) be appointed for children or youth 12 years of age or older (except for those with diminished capacity) to provide specialized client-directed legal representation.

The OCR has experienced an overall decline in its dependency and neglect (D&N) appointments since FY 2017-18. Cases are anticipated to increase slightly due to case length in the current and budget years compared to FY 2021-22 actuals. In the majority of D&N cases involving sibling groups, one attorney is appointed as GAL to represent all the children of the sibling group. Conflicts requiring more than one GAL appointment for a sibling group are anticipated to peak in late FY 2022-23 and early FY 2023-24 as attorneys make the transition to client-directed representation for children over 12, and any costs associated with increased caseload related to conflicts will be absorbed by the OCR. Nevertheless, OCR continues to project an overall decreased D&N caseload in FY 2023-24 relative to its budgeted FY 2022-23 caseload.

Additionally, the OCR is able to spend federal Title IV-E dollars for providing legal services to children in or at risk of foster care placement. For such legal representation the OCR is able to use federal Title IV-E dollars rather than General Fund. This request represents some refinancing of that General Fund, in addition to the reduction related to budgeted caseload. Staff recommends that the Committee approve this request.

→ OCR R3 EDI STAFF ATTORNEY

REQUEST: The OCR requests \$181,935 General Fund and 1.0 FTE for a staff leadership position to guide policy and initiatives related to equity, diversity, and inclusion principles.

RECOMMENDATION: Staff recommends that the Committee approve an appropriation of \$180,866 and 1.0 FTE as outlined in the table at the conclusion of the analysis section.

ANALYSIS

The OCR states that in 2020 it began engaging in efforts and programming to specifically target racial disparities in the child welfare, juvenile justice, truancy, and other systems in which it provides attorney services. OCR established a multidisciplinary EDI Committee consisting of contractors and employees. Informed by the work of this committee, the OCR identified principles and strategies it should employ to address the disparities and injustices prevalent in so many of its case types and create an OCR work force that better reflects the communities OCR's attorneys represent. The OCR required a minimum of two annual EDI training hours for attorney contractors and has created a EDI page on its website.

In 2021, the OCR engaged the Equity Project to do an organizational assessment. During that process, the Equity Project conducted a statewide survey, a series of focus groups, and a review of internal data. The resulting report was shared with staff in late 2021 and is the impetus for an OCR retreat slated to be held this year where staff, supported by a local EDI expert facilitator, will engage in further planning to implement the recommendations of the Equity Project report and the EDI committee.

The OCR assigned coordination of the EDI committee's efforts to existing staff, and with each new staff attorney position hired, has identified responsibilities for addressing diversity, equity, inclusion, and justice in the case types in which they specialize. While existing staff have invested time in attending and offering trainings; reviewing, updating, and disseminating materials; coordinating the work of the EDI committee; and strategizing and attempting to address the diversification of OCR's work force, existing staff do not have the time or expertise to conduct agency-wide strategic planning and coordination.

The OCR states that an EDI Attorney would:

- bring specialized knowledge;
- engage in agency-wide strategic planning for EDI initiatives and efforts for contractors and staff;
- identify and implement effective strategies for recruiting, retaining, and supporting professional development and career advancement for attorneys, case consultants, and staff;
- develop resources, materials, and training to support attorneys and other contractors in advocating against discrimination and disproportionality, addressing bias, accessing culturally competent services and resources, and advocating for equity and justice in their cases;
- engage in case staffings and consultations with legal representation teams;
- assess OCR's oversight procedures and sources to ensure that they are equitable to contractors and support OCR in identifying and addressing bias.
- track child welfare, juvenile justice, truancy, and other EDI data to identify disparities and disproportionality; and
- inform OCR's policy and systemic advocacy efforts with data, research, and the perspective of children, youth, and families.

The OCR requests a staff attorney position equivalent to a First Assistant Legal Counsel position in the Judicial Branch Compensation System, and requests a salary at 85 percent of range maximum.

Staff recommends that the Committee approve the request. Staff recommends funding at midpoint, given the leadership component and specialized skills of this position. Due to the size of the agency

and therefore the lack of vacancy savings generally, staff recommends funding POTS in this case. The following table outlines the staff recommendation for this request.

OCR R3 EDI Staff Attorney Request and Recommendation						
	FY 2023-24 Request		FY 2023-24 Recommendation		FY 2024-25 Rec. Annualization	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
EDI Staff Attorney	1.0	\$140,155	1.0	\$148,857	1.0	\$167,513
POTS		33,760		23,989		26,607
Operating Expense		8,020		8,020		1,350
Subtotal	1.0	\$181,935	1.0	\$180,866	1.0	\$195,470
FY 2023-24 R3 line item adjustments						
Personal Services			1.0	\$148,857		
Operating Expenses				8,020		
HLD				10,586		
STD				211		
AED				6,596		
SAED				6,596		
Subtotal - OCR R3			1.0	\$180,866		
FY 2024-25 R3 line item adjustments						
Personal Services					1.0	\$167,513
Operating Expenses						1,350
POTS included in Statewide Comp						0
Subtotal - OCR R3					1.0	\$168,863

→ OCR R5 ADMIN STAFF ADJUSTMENTS

REQUEST: The OCR requests \$109,291 General Fund and a net increase of 1.1 FTE for adjustments to two positions: to move the Case Operations Assistant from half- to full-time (+0.5 FTE) in support of the Foster Youth in Transition Program created in H.B. 21-1094 (Foster Youth in Transition Program); and to reclassify the current 0.4 FTE staff assistant position to a full-time Accountant II position (+0.6 FTE) to better support finance and operations.

RECOMMENDATION: Staff recommends that the Committee approve the request.

ANALYSIS

For HB21-1094, the OCR received a 0.5 FTE Case Operations Assistant position to support the Foster Youth in Transition Program (FYTP). Generally, youth between the ages of 18 and 21 who have or had an open D&N case are eligible to receive developmentally appropriate services as they transition into adulthood. The Assistant position is the first point of contact and receives inquiries from youth interested in the program, determines if they are eligible for the program, assigns an attorney to represent the youth, verifies accurate setup of the appointment in OCR's billing system, and follows up to ensure all interested and eligible youth are contacted and represented by their assigned attorney. The Assistant tracks all referrals to ensure every youth hears from the OCR.

While the OCR has engaged in targeted youth outreach and stakeholder training efforts, many eligible youth remain unfamiliar with the program. The OCR continues to strategize outreach and education to youth, legal and service organizations, community leaders, and other stakeholders. The Case

Operations Assistant is a natural fit for additional community and youth outreach strategies to ensure that eligible Colorado youth know of the benefits available to them as they transition to adulthood. The OCR states that due to the FYTP's success, the OCR expects interest, participation, oversight, and support needs will continue to grow and the workload of a half-time Case Operations Assistant is currently beyond capacity and requires additional organizational support.

Based on the success of the program as created in H.B. 21-1094 and the OCR's efficient use of resources provided in the original fiscal note and the need for additional capacity, staff recommends that the Committee approve this portion of the request.

The OCR requests to reclassify a current 0.4 FTE staff assistant position to a full-time Accountant II position to support finance and operations functions. The OCR states that its budget has grown from \$23 million in FY 2014-15 to nearly \$34 million in FY 2022-23 and staff has increased by over 30 percent since FY 2014-15, increasing the need for payroll and HR support. Administrative support staff (budget, accounting, payroll, human resources, etc.) has not increased over that 10-year period. Over those years, OCR has increased the number of staff and contract attorneys, has adapted to increasingly complex review requirements due to new case types and policies, and has expanded its review of contractor expenditures.

The OCR also states that since FY 2017-18, it has significantly improved its review of court-appointed counsel expenditures by implementing a multi-level review process of contractor invoices. This process has improved compliance with the OCR billing policies and procedures and overall billing accuracy. Organizational growth and mission and program improvements over the last 10 years are straining its staff resources. The OCR states that its Chief Operating Officer routinely processes vendor payments during unpredictable high-volume weeks so accounts payable may remain current.

Based on the lack of central administrative support added over the last 10-year period, staff recommends that the Committee approve the request for an additional 0.6 FTE and reclassification to a full-time Accountant II position. Staff recommends the amounts requested as being generally consistent with the corresponding internal resources already funded.

→ OCR R7 TRAINING INCREASE

REQUEST: The OCR requests \$80,000 reappropriated funds from federal Title IV-E funds transferred from the Department of Human Services for enhanced technical and organizational support for hybrid training initiatives and programs.

RECOMMENDATION: Staff recommends that the Committee approve the request.

ANALYSIS

The OCR training program is mandated by statute and federal law requiring states to certify that each GAL appointed in a D&N proceeding has received training appropriate to the role. The OCR states that it has developed a robust training program centered on core competencies and over several years, the it has enhanced and expanded its training program significantly.

While the OCR 2020 and 2021 Fall Conferences were entirely online events with no in-person option, the 2022 Fall Conference was a hybrid event to allow participants to attend in-person, attend via livestream, or view recordings after the event. The OCR states that its 2022 Fall Conference was the most successful and well attended training event in recent years. For the 2022 Fall Conference, the OCR contracted with a professional AV company to record and livestream sessions. Although one of the highest cost components from the 2022 Fall Conference, AV services were necessary due to the technical expertise and staffing required for a hybrid event.

In order to maximize attendance, participation, and accessibility, the OCR states that it intends to provide most future trainings using a hybrid format with both in-person and virtual options. The OCR benefits from offering multiple formats for inclusive live participation but also by extending the return on investment with high-quality recordings permanently available online. Attorneys will be able to view content as necessary and revisit content when applicable to specific situations in their cases and OCR will remain current with emerging technologies and provide more effective training opportunities. The request for additional reappropriated funds spending authority will enable the OCR to contract with AV experts so the OCR can concentrate its resources and expertise on providing high quality, relevant content for attendees.

The current training base appropriation is \$58,000 General Fund and \$20,000 reappropriated funds; this will increase the training appropriation to \$58,000 General Fund and \$100,000 reappropriated funds. This is a particularly efficient use of available federal funds that should increase OCR's training effectiveness. Staff recommends that the Committee approve this request.

LINE ITEM DETAIL – OFFICE OF THE CHILD'S REPRESENTATIVE

PERSONAL SERVICES

This line item provides funding to support a central administrative office in Denver and the El Paso county office, which provides Guardian Ad Litem services through legal support staff.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests \$4,306,394 total funds, including \$3,921,337 General Fund and \$385,057 reappropriated funds, and 38.0 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE CHILD'S REPRESENTATIVE, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$3,791,932	\$3,433,263	\$0	\$358,669	\$0	35.9
TOTAL	\$3,791,932	\$3,433,263	\$0	\$358,669	\$0	35.9
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$3,791,932	\$3,433,263	\$0	\$358,669	\$0	35.9
Comp Plan Maintenance	202,638	182,158	0	20,480	0	0.0
OCR R3 EDI Staff Attorney	148,857	148,857	0	0	0	1.0
Annualize prior year legis/budget actions	113,288	107,380	0	5,908	0	0.0

OFFICE OF THE CHILD'S REPRESENTATIVE, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OCR R5 Admin Staff	100,284	100,284	0	0	0	1.1
TOTAL	\$4,356,999	\$3,971,942	\$0	\$385,057	\$0	38.0
INCREASE/(DECREASE)	\$565,067	\$538,679	\$0	\$26,388	\$0	2.1
Percentage Change	14.9%	15.7%	0.0%	7.4%	0.0%	5.8%
FY 2023-24 EXECUTIVE REQUEST	\$4,306,394	\$3,921,337	\$0	\$385,057	\$0	38.0
Request Above/(Below) Recommendation	(\$50,605)	(\$50,605)	\$0	\$0	\$0	0.0

HEALTH LIFE AND DENTAL

This line item provides funding for the employer's share of the cost of group benefit plans providing health, life, and dental insurance for OCR staff.

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (9), C.R.S.

REQUEST: The OCR requests \$485,271 total funds, including \$448,129 General Fund and \$37,142 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE CHILD'S REPRESENTATIVE, HEALTH, LIFE, AND DENTAL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$481,776	\$446,768	\$0	\$35,008	\$0	0.0
TOTAL	\$481,776	\$446,768	\$0	\$35,008	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$481,776	\$446,768	\$0	\$35,008	\$0	0.0
OCR R3 EDI Staff Attorney	10,586	10,586	0	0	0	0.0
Centrally appropriated line items	3,705	(628)	0	4,333	0	0.0
TOTAL	\$496,067	\$456,726	\$0	\$39,341	\$0	0.0
INCREASE/(DECREASE)	\$14,291	\$9,958	\$0	\$4,333	\$0	0.0
Percentage Change	3.0%	2.2%	0.0%	12.4%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$485,271	\$448,129	\$0	\$37,142	\$0	0.0
Request Above/(Below) Recommendation	(\$10,796)	(\$8,597)	\$0	(\$2,199)	\$0	0.0

SHORT-TERM DISABILITY

This line item provides funding for the employer's share of short-term disability insurance premiums.

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (13), C.R.S.

REQUEST: The OCR requests \$5,663 total funds, including \$5,156 General Fund and \$507 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE CHILD'S REPRESENTATIVE, SHORT-TERM DISABILITY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$5,282	\$4,788	\$0	\$494	\$0	0.0
TOTAL	\$5,282	\$4,788	\$0	\$494	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$5,282	\$4,788	\$0	\$494	\$0	0.0
Comp Plan Maintenance	270	242	0	28	0	0.0
OCR R3 EDI Staff Attorney	211	211	0	0	0	0.0
OCR R5 Admin Staff	133	133	0	0	0	0.0
Centrally appropriated line items	(153)	(138)	0	(15)	0	0.0
TOTAL	\$5,743	\$5,236	\$0	\$507	\$0	0.0
INCREASE/(DECREASE)	\$461	\$448	\$0	\$13	\$0	0.0
Percentage Change	8.7%	9.4%	0.0%	2.6%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$80)	(\$80)	\$0	\$0	\$0	0.0

S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT (AED)

Pursuant to S.B. 04-257, this line item provides additional funding to increase the state contribution for Public Employees' Retirement Association (PERA) for OCR staff.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The OCR requests \$188,716 total funds, including \$171,854 General Fund and \$16,862 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE CHILD'S REPRESENTATIVE, S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$165,053	\$149,640	\$0	\$15,413	\$0	0.0
TOTAL	\$165,053	\$149,640	\$0	\$15,413	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$165,053	\$149,640	\$0	\$15,413	\$0	0.0
Comp Plan Maintenance	8,964	8,058	0	906	0	0.0
OCR R3 EDI Staff Attorney	6,596	6,596	0	0	0	0.0

OFFICE OF THE CHILD'S REPRESENTATIVE,
S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT

	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Centrally appropriated line items	5,914	5,371	0	543	0	0.0
OCR R5 Admin Staff	4,437	4,437	0	0	0	0.0
TOTAL	\$190,964	\$174,102	\$0	\$16,862	\$0	0.0
INCREASE/(DECREASE)	\$25,911	\$24,462	\$0	\$1,449	\$0	0.0
Percentage Change	15.7%	16.3%	0.0%	9.4%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$188,716	\$171,854	\$0	\$16,862	\$0	0.0
Request Above/(Below) Recommendation	(\$2,248)	(\$2,248)	\$0	\$0	\$0	0.0

S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT (SAED)
Pursuant to S.B. 06-235, this line item provides additional funding to increase the state contribution for PERA for OCR staff.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The OCR requests \$188,716 total funds, including \$171,854 General Fund and \$16,862 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE CHILD'S REPRESENTATIVE,
S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT

	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$165,053	\$149,640	\$0	\$15,413	\$0	0.0
TOTAL	\$165,053	\$149,640	\$0	\$15,413	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$165,053	\$149,640	\$0	\$15,413	\$0	0.0
Comp Plan Maintenance	8,964	8,058	0	906	0	0.0
OCR R3 EDI Staff Attorney	6,596	6,596	0	0	0	0.0
Centrally appropriated line items	5,914	5,371	0	543	0	0.0
OCR R5 Admin Staff	4,437	4,437	0	0	0	0.0
TOTAL	\$190,964	\$174,102	\$0	\$16,862	\$0	0.0
INCREASE/(DECREASE)	\$25,911	\$24,462	\$0	\$1,449	\$0	0.0
Percentage Change	15.7%	16.3%	0.0%	9.4%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$188,716	\$171,854	\$0	\$16,862	\$0	0.0
Request Above/(Below) Recommendation	(\$2,248)	(\$2,248)	\$0	\$0	\$0	0.0

SALARY SURVEY

This line item to pay for annual salary increases.

STATUTORY AUTHORITY: Pursuant to Section 24-50-104, C.R.S.

REQUEST: The OCR requests \$184,026 total funds, including \$166,852 General Fund and \$17,174 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE CHILD'S REPRESENTATIVE, SALARY SURVEY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$100,389	\$94,481	\$0	\$5,908	\$0	0.0
TOTAL	\$100,389	\$94,481	\$0	\$5,908	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$100,389	\$94,481	\$0	\$5,908	\$0	0.0
Centrally appropriated line items	184,026	166,852	0	17,174	0	0.0
Annualize prior year legis/budget actions	(100,389)	(94,481)	0	(5,908)	0	0.0
TOTAL	\$184,026	\$166,852	\$0	\$17,174	\$0	0.0
INCREASE/(DECREASE)	\$83,637	\$72,371	\$0	\$11,266	\$0	0.0
Percentage Change	83.3%	76.6%	0.0%	190.7%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$184,026	\$166,852	\$0	\$17,174	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

OPERATING EXPENSES

This line item provides funding for operating expenses and information technology asset maintenance in both the Denver and El Paso offices.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests \$402,720 total funds, including \$320,820 General Fund and \$81,900 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE CHILD'S REPRESENTATIVE, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$440,900	\$352,800	\$0	\$88,100	\$0	0.0
TOTAL	\$440,900	\$352,800	\$0	\$88,100	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$440,900	\$352,800	\$0	\$88,100	\$0	0.0
OCR R3 EDI Staff Attorney	8,020	8,020	0	0	0	0.0
Annualize prior year legislation and budget actions	(46,200)	(40,000)	0	(6,200)	0	0.0

OFFICE OF THE CHILD'S REPRESENTATIVE, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
TOTAL	\$402,720	\$320,820	\$0	\$81,900	\$0	0.0
INCREASE/(DECREASE)	(\$38,180)	(\$31,980)	\$0	(\$6,200)	\$0	0.0
Percentage Change	(8.7%)	(9.1%)	0.0%	(7.0%)	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$402,720	\$320,820	\$0	\$81,900	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

LEASED SPACE

This line item currently funds lease payments for OCR's the Colorado Springs office.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests \$147,247 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE CHILD'S REPRESENTATIVE, LEASED SPACE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$133,133	\$133,133	\$0	\$0	\$0	0.0
TOTAL	\$133,133	\$133,133	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$133,133	\$133,133	\$0	\$0	\$0	0.0
Centrally appropriated line items	14,114	14,114	0	0	0	0.0
TOTAL	\$147,247	\$147,247	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$14,114	\$14,114	\$0	\$0	\$0	0.0
Percentage Change	10.6%	10.6%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$147,247	\$147,247	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

CASA CONTRACTS

This line item provides funding for grants to Colorado CASA, the nonprofit organization of court-appointed special advocate (CASA) volunteers. This funding is used to pay both personnel and operating costs. Since FY 2008-09, Colorado CASA has continued to retain a portion of the funding for general operating costs, but the remainder has been allocated to local CASA Programs.

Background Information. Court-appointed special advocates (CASA) are trained volunteers who may be appointed to enhance the quality of representation for children¹. Pursuant to Section 19-1-202, C.R.S., CASA programs may be established in each judicial district pursuant to a memorandum of

¹ Pursuant to Section 19-1-206 (1), C.R.S., a judge or magistrate may appoint a CASA volunteer in any domestic, probate, or truancy matter when a child affected by the matter may require services that a CASA volunteer can provide.

understanding between the district's chief judge and a community-based CASA program. A CASA volunteer may: conduct an independent investigation regarding the best interests of the child; and determine if an appropriate treatment plan has been created for the child, whether appropriate services are being provided to the child and family, and whether the treatment plan is progressing in a timely manner. A CASA volunteer may also make recommendations consistent with the best interests of the child regarding placement, visitation, and appropriate services. The Judicial Department may contract with a nonprofit entity for the coordination and support of CASA activities in Colorado.

STATUTORY AUTHORITY: Section 13-91-105, C.R.S.

REQUEST: The OCR requests a continuation appropriation of \$1,750,000 General Fund.

RECOMMENDATION: Staff recommends the requested appropriation.

TRAINING

The OCR is charged with "ensuring the provision and availability of high-quality, accessible training" for GALs, judges and magistrates who regularly hear matters involving children and families, CASA volunteers, and attorneys who are appointed to serve as a child's legal representative or a child and family investigator. The OCR is also charged with making recommendations to the Chief Justice concerning minimum practice standards for GALs and overseeing the practice of GALs to ensure compliance with all relevant statutes, orders, rules, directives, policies, and procedures. In addition to the individuals noted above, the OCR invites respondent parent counsel, county attorneys and social workers, foster parents, and law enforcement to their training programs.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests an appropriation of \$158,000 total funds, including \$58,000 General Fund and \$100,000 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE CHILD'S REPRESENTATIVE, TRAINING						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$78,000	\$58,000	\$0	\$20,000	\$0	0.0
TOTAL	\$78,000	\$58,000	\$0	\$20,000	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$78,000	\$58,000	\$0	\$20,000	\$0	0.0
OCR R7 Training Increase	80,000	0	0	80,000	0	0.0
TOTAL	\$158,000	\$58,000	\$0	\$100,000	\$0	0.0
INCREASE/(DECREASE)	\$80,000	\$0	\$0	\$80,000	\$0	0.0
Percentage Change	102.6%	0.0%	0.0%	400.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$158,000	\$58,000	\$0	\$100,000	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

COURT-APPOINTED COUNSEL

This line item pays for contract attorneys appointed by the court to serve as Guardians ad Litem (GALs) and child legal representatives in dependency and neglect, delinquency, truancy, high conflict divorce, alcohol or drug abuse, mental health issues, and probate matters. The OCR is charged with enhancing the provision of GAL services by "establishing fair and realistic state rates by which to compensate state-appointed guardians ad litem, which will take into consideration the caseload limitations place on guardians ad litem and which will be sufficient to attract and retain high-quality, experienced attorneys to serve as guardians ad litem".

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests \$30,507,666 total funds, including \$28,691,344 General Fund and \$1,816,322 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE CHILD'S REPRESENTATIVE, COURT-APPOINTED COUNSEL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$26,734,012	\$25,205,596	\$0	\$1,528,416	\$0	0.0
TOTAL	\$26,734,012	\$25,205,596	\$0	\$1,528,416	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$26,734,012	\$25,205,596	\$0	\$1,528,416	\$0	0.0
Contractor Rate Increases	3,769,013	3,769,013	0	0	0	0.0
OCR R2 Court-appointed Counsel Caseload	(362,203)	(634,018)	0	271,815	0	0.0
TOTAL	\$30,140,822	\$28,340,591	\$0	\$1,800,231	\$0	0.0
INCREASE/(DECREASE)	\$3,406,810	\$3,134,995	\$0	\$271,815	\$0	0.0
Percentage Change	12.7%	12.4%	0.0%	17.8%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$366,844	\$350,753	\$0	\$16,091	\$0	0.0

MANDATED COSTS

This line item pays for legally required case costs, including expert witnesses, discovery costs, transcripts, process servers, interpreters, and expert witness travel reimbursement.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests continuation funding of \$60,200 General Fund.

RECOMMENDATION: Staff recommends the requested appropriation.

GRANTS

This line item reflects anticipated expenditures from a federal Title IV-E training grant and money transferred from the Courts. This line item is included in the Long Bill for informational purposes

only and is not intended to limit the OCR's expenditure of federal funds. While these moneys originate as federal funds, the Title IV-E funds are transferred to the OCR from the Department of Human Services and are thus reflected as reappropriated funds.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR request a continuation appropriation of \$26,909 reappropriated funds.

RECOMMENDATION: Staff recommends the requested appropriation.

(8) OFFICE OF THE RESPONDENT PARENTS' COUNSEL

The Office of the Respondent Parents' Counsel (ORPC) was established on January 1, 2016, as an independent agency within the Judicial Department. The ORPC is charged with the provision of legal representation for indigent respondent parents involved in dependency and neglect proceedings. The ORPC is governed by the uncompensated, nine-member Respondent Parents' Counsel Governing Commission appointed by the Supreme Court. The ORPC is located in the Ralph L. Carr Judicial Center. Except for cash funds from training fees and reappropriated funds from federal Title IV-E funding transferred from the Department of Human Services, the ORPC is funded by General Fund.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 Appropriation						
HB 22-1329 (Long Bill)	\$31,191,058	\$25,529,320	\$48,000	\$5,613,738	\$0	15.8
SB 23-120 (Supplemental)	62,832	62,832	0	0	0	0.3
Other legislation	(4,193)	(3,907)	0	(286)	0	0.0
TOTAL	\$31,249,697	\$25,588,245	\$48,000	\$5,613,452	\$0	16.1
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$31,249,697	\$25,588,245	\$48,000	\$5,613,452	\$0	16.1
Contractor Rate Increases	3,377,211	3,369,883	0	7,328	0	0.0
ORPC BA1 Admin Specialist	97,632	97,632	0	0	0	1.0
ORPC BA2 IT Costs	21,999	21,999	0	0	0	0.0
ORPC R2 Policy and Legis Staff Attorney	180,866	180,866	0	0	0	1.0
ORPC R3 Paralegal	104,126	104,126	0	0	0	1.0
ORPC R5 Parent Advocacy Coordinator	0	0	0	0	0	0.0
ORPC R6 Medical Consultant	0	0	0	0	0	0.0
Centrally appropriated line items	160,548	141,759	0	18,789	0	0.0
Annualize prior year legis/budget actions	(57,446)	(57,446)	0	0	0	(0.1)
TOTAL	\$35,134,633	\$29,447,064	\$48,000	\$5,639,569	\$0	19.0
INCREASE/(DECREASE)	\$3,884,936	\$3,858,819	\$0	\$26,117	\$0	2.9
Percentage Change	12.4%	15.1%	0.0%	0.5%	0.0%	18.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$1,534,714	\$717,449	\$0	\$817,265	\$0	2.0

DESCRIPTION OF INCREMENTAL CHANGES

CONTRACTOR RATE INCREASES (ORPC R1 AND R4): The recommendation includes an increase of \$3.4 million General Fund for the ORPC for the multi-agency, attorney contractor rate increase request to fund a 17.7 percent increase in attorney contractor rates from \$85 to \$100 per hour. The recommendation includes denial of the non-attorney contractor rate increase request to fund an 18.0 percent increase in hourly rates for paralegal, investigator, and social worker contractors.

ORPC BA1 ADMIN SPECIALIST: The recommendation includes an increase of \$97,632 General Fund and 1.0 FTE for the ORPC for an administrative specialist.

ORPC BA2 IT COSTS: The recommendation includes an increase of \$21,999 General Fund for the ORPC for a Westlaw price increase.

ORPC R2 POLICY AND LEGISLATIVE STAFF ATTORNEY: The recommendation includes an increase of \$180,866 General Fund and 1.0 FTE for the ORPC for a policy and legislative staff attorney position to support increased policy tracking, oversight, and coordination across the networks of local, state, and federal legislation and policies and to better support work with legislative committees engaged in child welfare reform.

ORPC R3 PARALEGAL: The recommendation includes an increase of \$104,126 General Fund and 1.0 FTE for the ORPC for a staff paralegal position to support daily operations of the agency with research, coordination, and communications.

ORPC R5 PARENT ADVOCACY COORDINATOR: The recommendation includes denial of a request for an increase of \$113,458 General Fund and 1.0 FTE for the ORPC for a parent advocacy coordinator to enhance the voice of parents and families in the child welfare and judicial systems.

ORPC R6 MEDICAL CONSULTANT: The recommendation includes denial of a request for an increase of \$146,037 General Fund and 1.0 FTE for the ORPC for a medical consultant position to serve as a legal expert and resource for family defense legal teams.

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of \$160,548 total funds for centrally appropriated items, summarized in the following table.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Salary survey	\$110,284	\$102,824	\$0	\$7,460	\$0	0.0
Health, life, and dental	29,793	19,594	0	10,199	0	0.0
AED	10,175	9,612	0	563	0	0.0
SAED	10,175	9,612	0	563	0	0.0
Short-term disability	121	117	0	4	0	0.0
TOTAL	\$160,548	\$141,759	\$0	\$18,789	\$0	0.0

ANNUALIZE PRIOR YEAR LEGIS/BUDGET ACTIONS: The recommendation includes a net decrease of \$57,446 General Fund to reflect the impact of bills and prior year budget actions, summarized in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
ORPC FY23 R2 EDI Specialist	\$4,888	\$4,888	\$0	\$0	\$0	0.1
ORPC FY23 R3 Social Work Coord	498	498	0	0	0	0.1
ORPC FY23 S2 IT costs supp	(37,811)	(37,811)	0	0	0	0.0
ORPC FY23 S1 Admin specialist supp	(25,021)	(25,021)	0	0	0	(0.3)
TOTAL	(\$57,446)	(\$57,446)	\$0	\$0	\$0	(0.1)

MAJOR DIFFERENCES FROM THE REQUEST

The total difference for staff recommendations relative to the request identified in the ORPC table is \$1.5 million total funds, including \$717,449 General Fund. This includes differences of:

- \$1,263,685 less (\$446,420 General Fund) for the R4 Non-attorney Contractor Rate Increase request;
- \$113,458 less for the R5 Parent Advocacy Coordinator request;
- \$146,037 less for the R6 Medical Consultant request;

Other adjustments include incremental differences for compensation policies and new staff budget builds.

DECISION ITEMS – OFFICE OF THE RESPONDENT PARENTS’ COUNSEL

→ ORPC BA1 ADMIN SPECIALIST

REQUEST: The ORPC requests \$109,453 General Fund and 1.0 FTE for an administrative specialist.

RECOMMENDATION: Staff recommends that the Committee approve the request, as recommended for the annualization of the supplemental ORPC S1 request approved by the Committee. The following table outlines the approved FY 2022-23 supplemental and FY 2023-24 recommendation.

ORPC S1 ADMIN SPECIALIST						
	FY 2022-23 Request		FY 2022-23 Recommendation		FY 2023-24 BA1 Rec. Annualiz.	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
Admin Specialist	0.2	\$13,292	0.3	\$18,483	1.0	\$77,746
POTS		4,000		0		18,536
Operating Expense		1,350		338		1,350
Capital Outlay		6,670		6,200		0
Subtotal	0.2	\$25,312	0.3	\$25,021	1.0	\$97,632
FY 2022-23 S1 line item adjustments						
ORPC - PS			0.3	\$18,483		
ORPC - OE				6,538		
Subtotal			\$0	\$25,021		
FY 2023-24 BA1 line item adjustments						
ORPC - PS					1.0	\$77,746
ORPC - OE						1,350
HLD						11,548
STD						110
AED						3,439
SAED						3,439
Subtotal					1.0	\$97,632

ANALYSIS

From the staff analysis for the supplemental request:

The ORPC states that growth in staff, contractors, and additional policy-directed commitments has outstripped the ability of the ORPC's current administrative staff of 1.0 FTE to provide the services needed by the office. As a result, attorneys and other professional staff have been performing administrative tasks that could be more efficiently and effectively done by support staff.

One ORPC staff attorney estimates that she spends an average of 7-9 hours per week on administrative tasks. The ORPC Training Director, estimates that she spends 35 percent of her time on administrative tasks, including researching and booking training venues and catering services; creating and reviewing registration forms and lists; researching and purchasing training supplies and materials; presenter outreach, scheduling, and payment; CLE applications; AV/IT set-up and testing; and creating, compiling, and distributing training materials, including PowerPoint presentations, agendas, presenter biographies, and session descriptions. Another staff attorney with over 25 years of experience spends a significant amount of time scheduling meetings and other tasks, coordinating travel arrangements, coordinating reimbursements, and overseeing the ORPC Intern Program, which includes keeping track of applications, interviews, supervision paperwork, and student practice act documents, as well as coordinating intern activities with supervising practice attorneys. The Executive Director, the Deputy Director, and the Chief Financial Officer have assumed administrative tasks that include document organization and retention, scheduling, social media updates, ordering furniture and overseeing its installation, and picking up and distributing mail.

The current administrative specialist has the following tasks and responsibilities: maintain appointment lists; find overflow/conflict RPC; client/public interface; ORPC Commission admin support; contract management, accounts, and support; onboard/offboard ORPC contractors; branding and outward facing materials; document editing, formatting, and production; executive workflow support; creation and maintenance of forms; general office support; schedule appointments and meetings for executive director and deputy director; schedule office-wide meetings and calendar office-wide priorities; training support; maintain and update all ORPC website pages, including public-facing and Attorney Center pages.

The ORPC states that the addition of the Administrative Specialist will help alleviate administrative backlogs and allow the entire ORPC staff to complete their assigned roles more efficiently. In June 2022, the ORPC unsuccessfully attempted to contract for administrative assistance. In the current job market, the ORPC believes that it will not be possible to attract a qualified candidate for this position unless the agency is able to offer a full-time job with benefits and therefore requests 1.0 FTE. The ORPC requests a salary range for the classification as reflected in the compensation plan and requests a salary at the midpoint to attract a candidate with the needed education, experience, and expertise.

→ ORPC BA2 IT COSTS

REQUEST: The ORPC requests \$21,999 General Fund for a Westlaw price increase.

RECOMMENDATION: Staff recommends that the Committee approve the request.

ANALYSIS

The ORPC Westlaw contract ended in September 2022 and the new contract is significantly more expensive. The ORPC provides Westlaw access to its contract attorneys, as do the Office of the Alternate Defense Counsel and the Office of the Child's Representative.

The Committee approved the supplement adjustment for this item. Staff recommends approval of the FY 2023-24 request and the annualization increase to \$25,722 for FY 2024-25.

→ ORPC R2 POLICY AND LEGISLATIVE STAFF ATTORNEY

REQUEST: The ORPC requests \$185,839 General Fund and 1.0 FTE for a policy and legislative staff attorney position to support increased policy tracking, oversight, and coordination across the networks of local, state, and federal legislation and policies and to better support work with legislative committees engaged in child welfare reform.

RECOMMENDATION: Staff recommends that the Committee approve the request as outlined in the table at the end of the analysis section.

ANALYSIS

The ORPC states that during the 2022 legislative session, its staff tracked 82 bills that had significance for families involved in the child welfare system. Of those bills, agency staff provided testimony before both chambers on seven bills and participated in stakeholder meetings on more. The last two years of legislation have created five task forces the ORPC is statutorily required to participate on, including two for which ORPC is the lead agency. The work on these five task forces amounts to 60-80 hours per month. The ORPC staffs numerous other task forces and working groups created by federal or state law, requiring another 15 hours of work each month. ORPC staff also sit on over 55 additional committees and workgroups creating policy that affects parents, children, and families, resulting in a substantial investment of time.

An important element of child welfare policy in Colorado is commonly referred to as Volume 7, which are the Department of Human Services (DHS) regulations for the child welfare system. In 2020, DHS made almost twenty regulatory rule changes pertaining directly to child welfare. The DHS public calendar weekly includes multiple committee meetings, often at the same time, to discuss and implement important regulatory changes to the child welfare system. It is not uncommon for ORPC staff to not be advised of or invited to meetings even where parents will be directly affected by policy changes. As a result, ORPC staff must closely monitor public calendars and bulletins and follow up with communication to other stakeholders to ensure the ORPC is able to stay involved in important changes that affect parents.

The ORPC states that it does not have a staff position committed solely to legislative and policy advocacy. At its inception, the agency's then Appellate Staff Attorney took on legislative advocacy work as an extra duty, balanced with the full-time job of starting and staffing the ORPC's appellate advocacy program from the ground up. When the Appellate Staff Attorney left, the legislative duties were split among multiple staff attorneys as well as the Director of Programs. Sharing legislative advocacy among team members strengthens the ORPC's advocacy. This position would not replace this approach but, instead, prioritize engagement at the policy and legislative levels. Further, a full-

time position focused solely on legislative and policy advocacy is necessary to track and engage with numerous legislative and policy changes initiated by other stakeholders, while still having enough capacity to initiate important policy and legislative changes on behalf of the ORPC more effectively.

The ORPC states that its goals for a Policy and Legislative Staff Attorney include:

Research: Through collaboration with Colorado and outside state partners, research successful child welfare reform policies and legislation that could positively impact families in Colorado. When policy and legislative initiatives in Colorado are introduced, research similar policies and legislation in other states and network with other states to determine how such initiatives have been implemented, how successful they have been, and learn of any potential consequences in advance.

Advocacy: Track all introduced legislation and regulatory changes at both the state and federal levels that could impact Colorado parents with child welfare involvement. Research introduced initiatives to determine the best position for ORPC to take and coordinate testimony of parents with lived experience and subject matter experts, as well as outreach to legislators and decision makers on important issues. Research, draft, initiate, and shepherd the ORPC's policy and legislative priorities through the legislative process. Collaborate with EDI Director, Carrie Ann Lucas Disability Advocacy Director, and Research and Data Manager to ensure that legislative and policy initiatives reduce racial and ethnic disparities, promote inclusion of persons with disabilities, and are thoroughly supported by data.

Training: Ensure ORPC contractors are aware of major legislative and policy changes affecting their practices and have the tools to implement major changes, such as fact sheets, motions, forms, podcasts, webinars, and other training tools.

The ORPC requests funding for salary at midpoint for a First Assistant Legal Counsel job class in the Judicial Branch Compensation System.

Staff recommends that the Committee approve the request for the job class, salary at midpoint given the leadership expectations for this position, and POTS funding. The staff recommendation is outlined in the following table.

ORPC R2 Policy and Legislative Staff Attorney Request and Recommendation						
	FY 2023-24		FY 2023-24		FY 2024-25	
	Request		Recommendation		Rec. Annualization	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
Policy and Legis Staff Attorney	1.0	\$148,983	1.0	\$148,857	1.0	\$167,513
POTS		28,836		23,989		26,607
Operating Expense		1,350		1,350		1,350
Capital Outlay		6,670		6,670		0
Subtotal	1.0	\$185,839	1.0	\$180,866	1.0	\$195,470
FY 2023-24 R2 line item adjustments						
Personal Services			1.0	\$148,857		
Operating Expenses				8,020		
HLD				10,586		
STD				211		
AED				6,596		
SAED				6,596		
Subtotal - ORPC R2			1.0	\$180,866		

ORPC R2 Policy and Legislative Staff Attorney Request and Recommendation						
	FY 2023-24		FY 2023-24		FY 2024-25	
	Request		Recommendation		Rec. Annualization	
	FTE	Cost	FTE	Cost	FTE	Cost
FY 2024-25 R2 line item adjustments						
Personal Services					1.0	\$167,513
Operating Expenses						1,350
POTS included in Statewide Comp						0
Subtotal - ORPC R2					1.0	\$168,863

→ ORPC R3 PARALEGAL

REQUEST: The ORPC requests \$98,866 General Fund and 1.0 FTE for a staff paralegal position to support daily operations of the agency with research, coordination, and communications.

RECOMMENDATION: Staff recommends that the Committee approve the request as outlined in the table at the end of the analysis section.

ANALYSIS

The ORPC states that due to the small size of the ORPC team and the volume of substantive and administrative duties, current staff are struggling to keep pace with the demands of the ORPC mandate and program. As a result, attorneys and other professional staff have been performing tasks that could be more efficiently and effectively handled by a paralegal at a lower cost.

The ORPC identifies the following paralegal responsibilities:

- research case law for arguments before the Colorado Supreme Court;
- research case law and social science, including nationwide trends, to understand, develop, and advocate for legislative and policy change;
- coordinate and maintain lists of legislators and outside agency stakeholders to facilitate communication and collaboration on ORPC legislative initiatives;
- maintain the ORPC database of published and unpublished Colorado appellate court opinions necessary to identify trends in Colorado case law;
- coordinate court observations by identifying attorneys who need to be observed, pulling dockets to determine opportunities for observation, and scheduling observations with attorney staff;
- observe counsel, social workers, and family advocates in court to ensure high quality legal representation and strong interdisciplinary teamwork;
- research, coordinate, draft, and format weekly and monthly ORPC publications provided to assist independent contractors;
- coordinate and facilitate administrative communication for the appointment of appellate counsel;
- review and approve or deny administrative requests from independent contractors such as requests for excess fees, travel expenses, and experts;
- update and maintain the ORPC's large pool of expert and investigator information, including areas of expertise and concentration, contact information, qualifications, and rates;
- update, redact, format, and cite check incoming motions for the ORPC motions bank used to assist counsel in litigation;

- communicate with parents and coordinate and track parent and other stakeholder complaints;
- schedule internal and external meetings, including meetings with legislators, other agencies, legislation stakeholders, and independent contractors;
- draft minutes at internal and external meetings and send out tasks and agendas for follow-up meetings;
- assist with contactor recruitment, including coordinating applications, scheduling interviews, drafting, sending, and filing contracts, and on- and off-boarding contractors; and
- maintain ORPC’s website and updates to the ORPC’s motions bank.

The ORPC requests a paralegal position as included in the Common Compensation Plan for the ORPC-OCR-OADC at midpoint due to the singular position and general leadership and independence expected for this position.

Staff agrees that the ORPC would greatly benefit in efficiency with the addition of a paralegal and recommends that the Committee approve this request. Staff is unable to find a paralegal position currently included in the Common Compensation Plan. However, the OADC R3 request and recommendation included the OSPD Senior Paralegal job class for its paralegal. The OSPD Senior Paralegal job class appears to fit the responsibility and salary description included in the ORPC request. Staff recommends the OSPD Senior Paralegal job class with funding at midpoint due to the lead and independent nature of this singular position in the ORPC and recommends funding for POTS. The staff recommendation is outlined in the following table.

ORPC R3 PARALEGAL REQUEST AND RECOMMENDATION						
	FY 2023-24 REQUEST		FY 2023-24 RECOMMENDATION		FY 2024-25 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
Paralegal	1.0	\$69,194	1.0	\$78,457	1.0	\$88,290
POTS		21,652		17,649		19,485
Operating Expense		1,350		1,350		1,350
Capital Outlay		6,670		6,670		0
Subtotal	1.0	\$98,866	1.0	\$104,126	1.0	\$109,125
FY 2023-24 R3 line item adjustments						
Personal Services			1.0	\$78,457		
Operating Expenses				8,020		
HLD				10,586		
STD				111		
AED				3,476		
SAED				3,476		
Subtotal - ORPC R3			1.0	\$104,126		
FY 2024-25 R3 line item adjustments						
Personal Services					1.0	\$88,290
Operating Expenses						1,350
POTS included in Statewide Comp						0
Subtotal - ORPC R3					1.0	\$89,640

→ ORPC R5 PARENT ADVOCACY COORDINATOR

REQUEST: The ORPC requests \$113,458 General Fund and 1.0 FTE for a parent advocacy coordinator to enhance the voice of parents and families in the child welfare and judicial systems.

RECOMMENDATION: Staff recommends that the Committee deny the request.

ANALYSIS

The ORPC states that it has successfully added more than 15 parent advocate contractors in the past two years, and their influence on parent defense teams, in training, and in legislative reform has been embraced by the ORPC and wider child welfare and judicial stakeholder community. The ORPC states that a Parent Advocacy Coordinator who has lived expertise and successfully navigated the child welfare system and has additional experience advocating for parents as a member of a parent defense team, would increase ORPC's ability to support high quality legal representation for parents across Colorado and increase the scope of the ORPC's policy reform efforts by bringing parent and family voice to critical decision-making committees, task forces, and legislators.

The Parent Advocacy Coordinator would:

- offer realistic consultation and guidance to attorneys representing parents with a myriad of issues (e.g. mental health, domestic violence, lack of stable housing, and substance abuse disorders);
- be a tremendous asset to the ORPC training program by offering their experience navigating systems and highlighting how attorneys can understand the systemic racism and discrimination based on poverty and other important factors which contribute to the overrepresentation of poor people, people with disabilities, and people of color in the child welfare system; and
- would be instrumental in recruiting, training and mentoring future contract parent advocates. ORPC staff would benefit from the inclusion of a colleague who can provide great insight into the lives of the parents that ORPC contractors represent.

Staff is generally supportive of the ORPC's use of parent advocate contractors, and the Coordinator might enhance the ORPC's effectiveness with this model. However, staff sees this item as one of several program expansion pieces in the ORPC's budget request for FY 2023-24. In particular, staff considers the R2 and R3 request items as more critical pieces for the ORPC mission program. Given funding constraints, and the larger prioritization of significantly higher cost items like a contractor rate increase across the three agencies, and the ORPC lower prioritization for this item, staff recommends that the Committee deny the R5 request item at this time.

→ ORPC R6 MEDICAL CONSULTANT

REQUEST: The ORPC requests \$146,037 General Fund and 1.0 FTE for a medical consultant position to serve as a legal expert and resource for family defense legal teams.

RECOMMENDATION: Staff recommends that the Committee deny this request.

ANALYSIS

The ORPC provides the following background on this request:

The ORPC's mandate includes providing uniform, high quality legal representation for parents involved in judicial dependency and neglect proceedings in Colorado. In fulfilling this mandate, the ORPC provides to parents and their counsel experts in numerous fields, including experts in physical injuries and forensic analyses. Since the creation of ORPC, it has become increasingly common for respondent parents' counsel (RPC) to utilize medical experts in challenging county Departments of Human Services (DHS) allegations against parents. Often, these experts are not used in litigated hearings but are, instead, used to consult with RPC on cases to provide counsel a better understanding regarding the case itself and whether it makes sense to challenge the allegations through litigation such as discovery, motions practice, or setting contested court hearings.

Considering the increasing costs of litigation, the ORPC believes it would be more efficient to have an in-house nurse-level medical consultant to handle many of these consultations with RPC. Nurse practitioners are registered nurses who have specialized graduate education, such as in physical injuries or other areas. An in-house medical consultant position staffed with a nurse practitioner would be able to handle medical trainings for RPC so they would be better able to review complex court documents on their own and determine whether an outside expert is truly warranted. Additionally, when an expert is warranted, the RPC would take less of the expert's time due to the ability to ask more educated questions and better understand the expert's analyses, thereby creating efficiencies in both legal practice and in expending state taxpayer dollars. Moreover, the ORPC anticipates that, over time, the agency will see a reduction in expert consultation fees sufficient to pay for the nurse practitioner position entirely.

Finally, ORPC staff would benefit from the inclusion of a colleague who can provide specialized insight into the medical field. This position would assist the ORPC with the growing number of outside requests for the agency to launch a medical-legal partnership. Medical-legal partnerships are supported by both the American Academy of Pediatrics (AAP) and the American Bar Association and in 2007, the AAP passed a resolution promoting medical-legal partnership as a strategy to improve the health and well-being of children by encouraging "closer and more frequent collaboration between legal service and medical professionals."

Staff is generally supportive of the ORPC's request for a medical consultant given the particular nature of this expertise in D&N cases. However, staff sees this item as one of several program expansion pieces in the ORPC's budget request for FY 2023-24. In particular, staff considers the R2 and R3 request items as more critical pieces for the ORPC mission program. Given funding constraints, and the larger prioritization of significantly higher cost items like a contractor rate increase across the three agencies, and the ORPC lower prioritization for this item, staff recommends that the Committee deny the R6 request item at this time.

LINE ITEM DETAIL – OFFICE OF THE RESPONDENT PARENTS' COUNSEL

PERSONAL SERVICES

This line item provides funding to support a central administrative office in Denver.

STATUTORY AUTHORITY: Section 13-92-101 et seq., C.R.S.

REQUEST: The ORPC requests \$2,768,582 total funds, including \$2,607,134 General Fund and \$161,448 reappropriated funds, and 21.0 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$2,199,742	\$2,042,482	\$0	\$157,260	\$0	15.8
SB 23-120 (Supplemental)	\$18,483	\$18,483	\$0	\$0	\$0	0.3
TOTAL	\$2,218,225	\$2,060,965	\$0	\$157,260	\$0	16.1
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$2,218,225	\$2,060,965	\$0	\$157,260	\$0	16.1
ORPC R2 Policy and Legis Staff Attorney	148,857	148,857	0	0	0	1.0
ORPC R3 Paralegal	78,457	78,457	0	0	0	1.0
ORPC BA1 Admin Specialist	77,746	77,746	0	0	0	1.0
Annualize prior year legis/budget actions	53,393	49,205	0	4,188	0	(0.1)
ORPC R5 Parent Advocacy Coordinator	0	0	0	0	0	0.0
ORPC R6 Medical Consultant	0	0	0	0	0	0.0
TOTAL	\$2,576,678	\$2,415,230	\$0	\$161,448	\$0	19.0
INCREASE/(DECREASE)	\$358,453	\$354,265	\$0	\$4,188	\$0	2.9
Percentage Change	16.2%	17.2%	0.0%	2.7%	0.0%	18.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$191,904	\$191,904	\$0	\$0	\$0	2.0

HEALTH, LIFE, AND DENTAL

This line item provides funding for the employer's share of health, life, and dental insurance.

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (9), C.R.S.

REQUEST: The request includes \$362,778 total funds, including \$336,853 General Fund and \$25,925 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, HEALTH, LIFE, AND DENTAL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$254,473	\$238,747	\$0	\$15,726	\$0	0.0
SB 23-120 (Supplemental)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$254,473	\$238,747	\$0	\$15,726	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$254,473	\$238,747	\$0	\$15,726	\$0	0.0
Centrally appropriated line items	29,793	19,594	0	10,199	0	0.0
ORPC BA1 Admin Specialist	11,548	11,548	0	0	0	0.0
ORPC R2 Policy and Legis Staff Attorney	10,586	10,586	0	0	0	0.0
ORPC R3 Paralegal	10,586	10,586	0	0	0	0.0

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, HEALTH, LIFE, AND DENTAL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
ORPC R5 Parent Advocacy Coordinator	0	0	0	0	0	0.0
ORPC R6 Medical Consultant	0	0	0	0	0	0.0
TOTAL	\$316,986	\$291,061	\$0	\$25,925	\$0	0.0
INCREASE/(DECREASE)	\$62,513	\$52,314	\$0	\$10,199	\$0	0.0
Percentage Change	24.6%	21.9%	0.0%	64.9%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$362,778	\$336,853	\$0	\$25,925	\$0	0.0
Request Above/(Below) Recommendation	\$45,792	\$45,792	\$0	\$0	\$0	0.0

SHORT-TERM DISABILITY

This line item provides funding for short-term disability insurance premiums.

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (13), C.R.S.

REQUEST: The ORPC requests \$3,821 total funds, including \$3,613 General Fund and \$208 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, SHORT-TERM DISABILITY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$2,953	\$2,749	\$0	\$204	\$0	0.0
SB 23-120 (Supplemental)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$2,953	\$2,749	\$0	\$204	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$2,953	\$2,749	\$0	\$204	\$0	0.0
ORPC R2 Policy and Legis Staff Attorney	211	211	0	0	0	0.0
Centrally appropriated line items	121	117	0	4	0	0.0
ORPC R3 Paralegal	111	111	0	0	0	0.0
ORPC BA1 Admin Specialist	110	110	0	0	0	0.0
ORPC R5 Parent Advocacy Coordinator	0	0	0	0	0	0.0
ORPC R6 Medical Consultant	0	0	0	0	0	0.0
TOTAL	\$3,506	\$3,298	\$0	\$208	\$0	0.0
INCREASE/(DECREASE)	\$553	\$549	\$0	\$4	\$0	0.0
Percentage Change	18.7%	20.0%	0.0%	2.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$3,821	\$3,613	\$0	\$208	\$0	0.0
Request Above/(Below) Recommendation	\$315	\$315	\$0	\$0	\$0	0.0

S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT (AED)

Pursuant to S.B. 04-257, this line item provides additional funding for PERA amortization payments.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The ORPC requests \$124,458 total funds, including \$117,532 General Fund and \$6,926 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$92,283	\$85,920	\$0	\$6,363	\$0	0.0
SB 23-120 (Supplemental)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$92,283	\$85,920	\$0	\$6,363	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$92,283	\$85,920	\$0	\$6,363	\$0	0.0
Centrally appropriated line items	10,175	9,612	0	563	0	0.0
ORPC R2 Policy and Legis Staff Attorney	6,596	6,596	0	0	0	0.0
ORPC R3 Paralegal	3,476	3,476	0	0	0	0.0
ORPC BA1 Admin Specialist	3,439	3,439	0	0	0	0.0
ORPC R5 Parent Advocacy Coordinator	0	0	0	0	0	0.0
ORPC R6 Medical Consultant	0	0	0	0	0	0.0
TOTAL	\$115,969	\$109,043	\$0	\$6,926	\$0	0.0
INCREASE/(DECREASE)	\$23,686	\$23,123	\$0	\$563	\$0	0.0
Percentage Change	25.7%	26.9%	0.0%	8.8%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$8,489	\$8,489	\$0	\$0	\$0	0.0

S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT (SAED)
Pursuant to S.B. 06-235, this line item provides additional funding for PERA amortization payments.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The ORPC requests \$124,458 total funds, including \$117,532 General Fund and \$6,926 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						

OFFICE OF THE RESPONDENT PARENTS' COUNSEL,
S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT

	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
HB 22-1329 (Long Bill)	\$92,283	\$85,920	\$0	\$6,363	\$0	0.0
SB 23-120 (Supplemental)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$92,283	\$85,920	\$0	\$6,363	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$92,283	\$85,920	\$0	\$6,363	\$0	0.0
Centrally appropriated line items	10,175	9,612	0	563	0	0.0
ORPC R2 Policy and Legis Staff Attorney	6,596	6,596	0	0	0	0.0
ORPC R3 Paralegal	3,476	3,476	0	0	0	0.0
ORPC BA1 Admin Specialist	3,439	3,439	0	0	0	0.0
ORPC R5 Parent Advocacy Coordinator	0	0	0	0	0	0.0
ORPC R6 Medical Consultant	0	0	0	0	0	0.0
TOTAL	\$115,969	\$109,043	\$0	\$6,926	\$0	0.0
INCREASE/(DECREASE)	\$23,686	\$23,123	\$0	\$563	\$0	0.0
Percentage Change	25.7%	26.9%	0.0%	8.8%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$124,458	\$117,532	\$0	\$6,926	\$0	0.0
Request Above/(Below) Recommendation	\$8,489	\$8,489	\$0	\$0	\$0	0.0

SALARY SURVEY

The ORPC uses this line item to pay for annual salary increases.

STATUTORY AUTHORITY: Pursuant to Section 24-50-104, C.R.S.

REQUEST: The ORPC requests \$110,284 total funds, including \$102,824 General Fund and \$7,460 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, SALARY SURVEY

	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$54,090	\$49,902	\$0	\$4,188	\$0	0.0
TOTAL	\$54,090	\$49,902	\$0	\$4,188	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$54,090	\$49,902	\$0	\$4,188	\$0	0.0
Centrally appropriated line items	110,284	102,824	0	7,460	0	0.0
Annualize prior year legis/budget actions	(54,090)	(49,902)	0	(4,188)	0	0.0
TOTAL	\$110,284	\$102,824	\$0	\$7,460	\$0	0.0
INCREASE/(DECREASE)	\$56,194	\$52,922	\$0	\$3,272	\$0	0.0
Percentage Change	103.9%	106.1%	0.0%	78.1%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$110,284	\$102,824	\$0	\$7,460	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

OPERATING EXPENSES

This line item provides funding for operating expenses for the ORPC.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The ORPC requests \$184,529 total funds, including \$183,579 General Fund and \$950 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$141,500	\$140,550	\$0	\$950	\$0	0.0
SB 23-120 (Supplemental)	\$44,349	\$44,349	\$0	\$0	\$0	0.0
TOTAL	\$185,849	\$184,899	\$0	\$950	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$185,849	\$184,899	\$0	\$950	\$0	0.0
ORPC BA2 IT Costs	21,999	21,999	0	0	0	0.0
ORPC R2 Policy and Legis Staff Attorney	8,020	8,020	0	0	0	0.0
ORPC R3 Paralegal	8,020	8,020	0	0	0	0.0
ORPC BA1 Admin Specialist	1,350	1,350	0	0	0	0.0
ORPC R5 Parent Advocacy Coordinator	0	0	0	0	0	0.0
ORPC R6 Medical Consultant	0	0	0	0	0	0.0
Annualize prior year legis/budget actions	(56,749)	(56,749)	0	0	0	0.0
TOTAL	\$168,489	\$167,539	\$0	\$950	\$0	0.0
INCREASE/(DECREASE)	(\$17,360)	(\$17,360)	\$0	\$0	\$0	0.0
Percentage Change	(9.3%)	(9.4%)	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$184,529	\$183,579	\$0	\$950	\$0	0.0
Request Above/(Below) Recommendation	\$16,040	\$16,040	\$0	\$0	\$0	0.0

TITLE IV-E LEGAL REPRESENTATION

This line item provides spending authority for reappropriated funds received from the Title IV-E cash fund in the Department of Human Services.

STATUTORY AUTHORITY: Section 26-2-102.5, C.R.S.

REQUEST: The Department requests \$5,789,842 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, TITLE IV-E LEGAL REPRESENTATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$5,025,969	\$0	\$0	\$5,025,969	\$0	0.0
TOTAL	\$5,025,969	\$0	\$0	\$5,025,969	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$5,025,969	\$0	\$0	\$5,025,969	\$0	0.0
Contractor Rate Increases	7,328	0	0	7,328	0	0.0
TOTAL	\$5,033,297	\$0	\$0	\$5,033,297	\$0	0.0
INCREASE/(DECREASE)	\$7,328	\$0	\$0	\$7,328	\$0	0.0
Percentage Change	0.1%	0.0%	0.0%	0.1%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$5,789,842	\$0	\$0	\$5,789,842	\$0	0.0
Request Above/(Below) Recommendation	\$756,545	\$0	\$0	\$756,545	\$0	0.0

TRAINING

This line item provides funding for training opportunities for contract attorneys and other contractors.

STATUTORY AUTHORITY: Section 13-92-101 et seq., C.R.S.

REQUEST: The Department requests a continuation appropriation of \$106,000 total funds, including \$30,000 General Fund, \$48,000 cash funds from training fees, and \$28,000 reappropriated funds.

RECOMMENDATION: Staff recommends a continuation appropriation.

COURT-APPOINTED COUNSEL

This line item provides funding for contract attorneys appointed to represent respondent parents.

STATUTORY AUTHORITY: Section 13-92-101 et seq., C.R.S.

REQUEST: The ORPC requests \$26,124,589 total funds, including \$25,726,535 General Fund and \$398,054 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, COURT-APPOINTED COUNSEL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$22,247,566	\$21,910,232	\$0	\$337,334	\$0	0.0
TOTAL	\$22,247,566	\$21,910,232	\$0	\$337,334	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$22,247,566	\$21,910,232	\$0	\$337,334	\$0	0.0
Contractor Rate Increases	3,369,883	3,369,883	0	0	0	0.0
TOTAL	\$25,617,449	\$25,280,115	\$0	\$337,334	\$0	0.0

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, COURT-APPOINTED COUNSEL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
INCREASE/(DECREASE)	\$3,369,883	\$3,369,883	\$0	\$0	\$0	0.0
Percentage Change	15.1%	15.4%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$26,124,589	\$25,726,535	\$0	\$398,054	\$0	0.0
Request Above/(Below) Recommendation	\$507,140	\$446,420	\$0	\$60,720	\$0	0.0

MANDATED COSTS

This line item pays for legally required case costs, including expert witnesses and expert witness travel reimbursement, transcripts, and interpreters.

STATUTORY AUTHORITY: Section 13-92-101 et seq., C.R.S.

REQUEST: The ORPC requests a continuation appropriation of \$938,911 General Fund.

RECOMMENDATION: Staff recommends a continuation appropriation.

GRANTS

This line item that reflects federal grant funds received from the Department of Human Services.

STATUTORY AUTHORITY: Section 13-92-101 et seq., C.R.S.

REQUEST: The ORPC requests a continuation appropriation of \$31,095 reappropriated funds.

RECOMMENDATION: Staff recommends a continuation appropriation.

(9) OFFICE OF THE CHILD PROTECTION OMBUDSMAN

The Office of the Child Protection Ombudsman was created in 2010 to serve as an independent and neutral organization to investigate complaints about child protection services, make recommendations about system improvements, and serve as a resource for persons involved in the child welfare system. The Office operated as a non-profit organization under contract with the Department of Human Services (DHS). Senate Bill 15-204 established the Office of the Child Protection Ombudsman (OCPO) in the Judicial Department as an independent agency, and established its governing Child Protection Ombudsman Board. The OCPO is funded by General Fund, is located in the Ralph L. Carr Colorado Judicial Center, and pursuant to statute, through an MOU with the SCAO, is provided "limited support with respect to" administrative resources for accounting, budget, HR, and payroll.

OFFICE OF THE CHILD PROTECTION OMBUDSMAN						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 Appropriation						
HB 22-1329 (Long Bill)	\$1,355,945	\$1,355,945	\$0	\$0	\$0	10.5
Other legislation	195,467	195,467	0	0	0	0.0
SB 23-120 (Supplemental)	143,391	143,391	0	0	0	0.0
TOTAL	\$1,694,803	\$1,694,803	\$0	\$0	\$0	10.5
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$1,694,803	\$1,694,803	\$0	\$0	\$0	10.5
Comp Plan Maintenance (OCPO R4)	88,560	88,560	0	0	0	0.0
OCPO R1 HR Support Services	113,026	113,026	0	0	0	0.0
OCPO R2 Client Services Analyst	103,052	103,052	0	0	0	1.0
OCPO R3 Comm Engage and Outreach	89,000	89,000	0	0	0	0.5
OCPO R5 Operating Restoration	10,000	10,000	0	0	0	0.0
OCPO R6 Contract Investigator Services	0	0	0	0	0	0.0
Centrally appropriated line items	152,318	152,318	0	0	0	0.0
Annualize prior year legis/budget actions	(174,702)	(174,702)	0	0	0	0.0
TOTAL	\$2,076,057	\$2,076,057	\$0	\$0	\$0	12.0
INCREASE/(DECREASE)	\$381,254	\$381,254	\$0	\$0	\$0	1.5
Percentage Change	22.5%	22.5%	0.0%	0.0%	0.0%	14.3%
FY 2023-24 EXECUTIVE REQUEST	\$2,141,793	\$2,141,793	\$0	\$0	\$0	13.0
Request Above/(Below) Recommendation	\$65,736	\$65,736	\$0	\$0	\$0	1.0

DESCRIPTION OF INCREMENTAL CHANGES

COMP PLAN MAINTENANCE (OCPO R4): The recommendation includes an increase of \$88,560 General Fund for compensation plan maintenance adjustments, consistent with Committee action on statewide compensation.

OCPO R1 HR SUPPORT SERVICES: The recommendation includes an increase of \$113,026 General Fund and no FTE to fund a term-limited Human Resources Analyst II position for the OCPO.

OCPO R2 CLIENT SERVICES ANALYST: The recommendation includes an increase of \$103,052 General Fund and 1.0 FTE for the OCPO for an additional client services analyst position due to increased caseload.

OCPO R3 COMM ENGAGE AND OUTREACH: The recommendation includes an increase of \$89,000 General Fund and 0.5 FTE for the OCPO for two of three requested community engagement and outreach components: (1) an increase of \$54,000 and 0.5 FTE to transition the Public Information Coordinator to full time; and (2) one-time funding of \$35,000 for an equity, diversity, and inclusion contract consultant to evaluate the agency's culture, processes, and program landscape. The recommendation includes denial for FY 2023-24 of component (3) an increase of \$40,000 to fund the Tori Shuler Youth Program for youth outreach initiatives and programs, with a contingent approval of component (3) as an annualization of R1 for FY 2024-25, once the need for R1 is resolved.

OCPO R5 OPERATING RESTORATION: The recommendation includes an increase of \$10,000 General Fund for the OCPO for the restoration of an equivalent base reduction taken in FY 2020-21 that previously supported IT infrastructure, licenses, and subscriptions.

OCPO R6 CONTRACT INVESTIGATOR SERVICES: The recommendation includes denial of R6 for FY 2023-24, with a contingent approval as an annualization of R1 for FY 2024-25, once the need for R1 is resolved.

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of \$152,318 General Fund for centrally appropriated items, summarized in the following table.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Salary survey	\$61,291	\$61,291	\$0	\$0	\$0	0.0
Health, life, and dental	54,447	54,447	0	0	0	0.0
AED	18,053	18,053	0	0	0	0.0
SAED	18,053	18,053	0	0	0	0.0
Short-term disability	474	474	0	0	0	0.0
TOTAL	\$152,318	\$152,318	\$0	\$0	\$0	0.0

ANNUALIZE PRIOR YEAR LEGIS/BUDGET ACTIONS: The recommendation includes a net decrease of \$174,702 General Fund to reflect the impact of bills and prior year budget actions, summarized in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
SB 18-200 PERA unfunded liability	\$1,552	\$1,552	\$0	\$0	\$0	0.0
OCPO FY23 S2 Client services analyst	(72,346)	(72,346)	0	0	0	0.0
OCPO FY23 S1 HR support sup	(71,045)	(71,045)	0	0	0	0.0
OCPO H.B. 22-1240 Mand Reporters	(13,500)	(13,500)	0	0	0	0.0
OCPO FY23 R9 Office Infrastructure	(9,300)	(9,300)	0	0	0	0.0
OCPO H.B. 22-1375 Child Res Trtmt	(8,000)	(8,000)	0	0	0	0.0
OCPO FY23 R8 Pub Info Coord	(2,063)	(2,063)	0	0	0	0.0
TOTAL	(\$174,702)	(\$174,702)	\$0	\$0	\$0	0.0

MAJOR DIFFERENCES FROM THE REQUEST

The total difference for staff recommendations relative to the request identified in the OCPO table above is \$65,736 General Fund. This includes differences of:

- \$33,491 less for the R3 Community Engage and Outreach request; and
- \$48,191 less for the R6 Contract Investigator Services request.

Other adjustments include incremental differences for compensation policies and new staff budget builds.

DECISION ITEMS – OFFICE OF THE CHILD PROTECTION OMBUDSMAN

→ OCPO R1 HR SUPPORT SERVICES

REQUEST: The OCPO requests \$110,803 General Fund and 1.0 FTE for a Human Resource Analyst II position to function as HR support services manager.

RECOMMENDATION: Staff recommends that the Committee approve an appropriation of \$113,026 General Fund and no FTE as outlined in the following table.

OCPO R1 HR SUPPORT SERVICES REQUEST AND RECOMMENDATION						
	FY 2023-24 REQUEST		FY 2023-24 RECOMMENDATION		FY 2024-25 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
Human Resources Analyst II	1.0	\$86,877	0.0	\$91,220	0.0	\$0
POTS		13,616		18,786		0
Operating Expense		3,210		1,350		0
Capital Outlay		7,100		1,670		0
Program Costs		0		0		88,000
Subtotal	1.0	\$110,803	0.0	\$113,026	0.0	\$88,000
FY 2023-24 R1 line item adjustments						
OCPO - Program Costs			0.0	\$113,026		
FY 2024-25 R1 (R3 and R6) line item adjustments						
OCPO - Program Costs					0.0	\$88,000

The recommendation is to provide funding for one year for the identified position with an annualization for ongoing contingency funding for R3 and R6 as follows:

R3 – \$40,000 to fund the Tori Shuler Youth Program

R6 – \$48,000 for Contract Investigator Services

ANALYSIS

As staff communicated at supplemental and briefing presentations, the OCPO began experiencing difficulties and complexities created by an internal HR problem that began in early 2022. The SCAO provided initial and ongoing communications to the OCPO that the SCAO would not provide HR consulting services for OCPO on its HR issue and that OCPO should seek legal services help from the Attorney General's office for this issue – a generally much more expensive solution than consulting

HR professionals and an operationally inappropriate solution for actively addressing an ongoing HR problem.

The OCPO did what it could internally, assigning the Deputy Ombudsman to this task that took more than 300 hours of the Deputy's time over six months through August; equivalent to a third of available work hours that were not available for regular responsibilities.

The Committee approved staff's recommendation for the OCPO's requested six months of contract HR support services as an FY 2022-23 supplemental to address OCPO's need for dedicated HR support for the resolution of this ongoing, but discrete and likely one-time issue.

CONSIDERATIONS IN THE STAFF RECOMMENDATION

The OCPO has determined that it wishes to hire a full time staff position dedicated to this effort for FY 2023-24. And the request is submitted as an ongoing staff position beyond FY 2023-24.

ONE-TIME OR ONGOING

Based on the distress experienced over the last year and the continuing need at this point in time, staff is supportive of providing resources for this purpose. Although the OCPO seeks a permanent staff member for this position, the actual need is to bridge their immediate need for HR support that should be resolved over or within the next year.

Due to the one-time nature of this need, staff is recommending that if this position is funded for FY 2023-24, that it be funded as a one-year, term-limited position.

If approved, and the OCPO determines it is best to hire an internal staff position and that it has an ongoing need for the position, the OCPO would need to submit a request in FY 2024-25 to continue the position beyond FY 2023-24. This does not prevent the opportunity to present justification for an ongoing need; it simply, orders it as a multi-step, multi-fiscal year decision given the uncertain need beyond the next fiscal year. It sets an expectation for or a limit on OCPO that this resource be considered as a one-year resource.

The Committee approved the staff recommendation for the supplemental request to fund six months of contract HR services. While this FY 2023-24 recommendation provides enough funding that would allow the hiring of a HR Analyst II for one year as identified in the R1 request, staff instead recommends that the OCPO consider using contract HR services as necessary through the fiscal year. However, staff also recognizes that based on previous HR contract services purchased and the intensity of the day-to-day need, the OCPO may determine that it is more cost effective to have internal staff for this support. The funding is provided for that purpose for the year.

CONTINGENT FUNDING

Further, as addressed below for items R3 and R6, staff is recommending that the Committee deny and contingently approve components of those requests as annualizations of the base funding provided for R1. Specifically, staff recommends "denial/contingent approval" for the following components:

- R3 – \$40,000 to fund the Tori Shuler Youth Program
- R6 – \$48,000 for Contract Investigator Services

The "contingent" qualification refers to the use of funding from the HR Support Services request item in future fiscal years. The staff calculated recommendation for R1 totals \$113,026 and therefore, the

greater portion of that appropriation could be used in future years to adequately fund the identified \$88,000 of ongoing requests items in R3 and R6.

Structuring approval for these items on this "contingent" basis, provides an incentive for the OCPO to address its HR needs to the extent it needs, but no further than it needs, so that it could pursue the other priorities in its request list. Staff recommends providing ongoing funding of \$88,000 for these purposes, and assumes that the OCPO would begin addressing these items once its HR support services need is past. This recommendation is for a single, ongoing appropriation, intended for HR support in the first year, and then for the "contingent approval" items requested in R3 and R6 once HR support services are no longer needed by the OCPO.

→ OCPO R2 CLIENT SERVICES ANALYST

REQUEST: The OCPO requests \$103,052 General Fund and 1.0 FTE for an additional Client Services Analyst (CSA). This request has the effect of converting the current contract CSA funded as a FY 2022-23 supplemental to a permanent position.

RECOMMENDATION: Staff recommends that the Committee approve an appropriation of \$109,459 and 1.0 FTE as outlined in the following table.

OCPO R2 CLIENT SERVICES ANALYST REQUEST AND RECOMMENDATION						
	FY 2023-24 REQUEST		FY 2023-24 RECOMMENDATION		FY 2024-25 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
Client Services Analyst	1.0	\$79,500	1.0	\$83,349	1.0	\$93,795
POTS		13,242		18,090		19,980
Operating Expense		3,210		1,350		1,350
Capital Outlay		7,100		6,670		0
Program Costs		0		0		0
Subtotal	1.0	\$103,052	1.0	\$109,459	1.0	\$115,125
FY 2023-24 R2 line item adjustments						
OCPO - Program Costs			1.0	\$109,459		
FY 2024-25 R2 line item adjustments						
OCPO - Program Costs					1.0	\$115,125

ANALYSIS

The OCPO’s Client Services Team is currently comprised of five full-time CSAs and one contract CSA, approved as a FY 2022-23 supplemental. CSAs are equivalent to a Probation Services Analyst occupational classification in the Judicial compensation plan.

CSAs are the primary staff position in the OCPO and are charged with responding to the concerns and questions brought to the agency by citizens. Each CSA is required to carry a caseload. Each case brought to the CPO is unique and can require hours to months of work by each analyst. Cases vary in complexity, as well as the systems that they involve. Many of the cases brought to the CPO require CSAs to study the practices and requirements of multiple systems – including child welfare services, Medicaid, and behavioral health services – and determine whether the interactions between those

systems are adequately serving children and families in the State. The demand for these reviews has grown consistently – and substantially – during the past four fiscal years.

Since FY 2018-19, the CPO has seen an average increase of 20 percent in cases each year. During the past fiscal year, the CPO opened a record number of cases – totaling 982 cases. As the caseloads continue to increase, the CPO has not shifted its requirements that each case receive a complete and thorough review. To accommodate the increase in the cases, and maintain the standards required for each case, the CPO’s five CSAs and the Director of Client Services have had to carry higher caseloads and keep cases on their caseloads longer. With few exceptions, the CPO aims to complete each case review within 60-business days. For CSAs to meet this mark, while also taking on new cases, the CPO has determined that each analyst should carry a caseload of 20 to 25 cases.

Beginning early 2022, the CPO experienced multiple vacancies and extended leave cases for multiple analysts. Between February and August of 2022, the CPO was down at least one CSA position – due to vacancy or extend leave – each month. During three of those seven months, the CPO was down to three CSAs. These vacancies, which are more easily absorbed by larger agencies, had significant impacts to the CPO. Caseloads for the remaining CSAs and Director of Client Services increased to 70 to 90 cases per analyst.

In July 2022, due to the urgency and severity of caseloads, the OCPO sought a full-time, contract CSA and hired in September. The contract position carries all the duties of a full-time CSA and has helped the agency return its caseloads to a manageable level. Staff recommended and the Committee approved the OCPO supplemental request to backfill the cost of the contract position. The OCPO’s FY 2023-24 R2 request converts that contract CSA to a permanent position, given the ongoing need. Staff recommends that the Committee approve the request as outlined in the table above.

→ OCPO R3 COMMUNITY ENGAGE AND OUTREACH

REQUEST: The OCPO requests \$129,095 General Fund and 0.5 FTE for Community Engagement and Outreach components that include: (1) \$54,095 and 0.5 FTE to transition its Public Information Coordinator (PIC) from a half-time to a full-time position; (2) \$35,000 for one-time funding to hire an equity, diversity, and inclusion (EDI) contract consultant to evaluate and make recommendations for the Office's culture, processes, and program landscape; and (3) \$40,000 to fund the Tori Shuler Youth Program for youth outreach initiatives and programs.

RECOMMENDATION: Staff recommends that the Committee approve the first and second components of the request as outlined in the following table. Staff recommends that the Committee fund the third component on a delayed, contingent basis, using the base funding provided in R1, as explained in R1.

OCPO R3 COMMUNITY ENGAGE AND OUTREACH REQUEST AND RECOMMENDATION						
	FY 2023-24 REQUEST		FY 2023-24 RECOMMENDATION		FY 2024-25 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
Public Information Coordinator	0.5	\$51,480	0.5	\$49,682	0.5	\$51,249
POTS		2,615		10,247		10,381
Operating Expense		0		675		675
Capital Outlay		0		0		0

OCPO R3 COMMUNITY ENGAGE AND OUTREACH REQUEST AND RECOMMENDATION						
	FY 2023-24 REQUEST		FY 2023-24 RECOMMENDATION		FY 2024-25 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
EDI Consultation		35,000		35,000		0
Tori Shuler Youth Program		40,000		0		0
Subtotal	0.5	\$129,095	0.5	\$95,604	0.5	\$62,305
FY 2023-24 R2 line item adjustments						
OCPO - Program Costs			0.5	\$95,604		
FY 2024-25 R2 line item adjustments						
OCPO - Program Costs					0.5	\$62,305

ANALYSIS

1. PUBLIC INFORMATION COORDINATOR

The OCPO was approved for a part-time PIC for FY 2022-23. Prior to this, the Office had relied on outside vendors for specialized communications and delivered most reports with existing leadership staff, reducing time and attention to other management items. Due to the increasing number of documents and need for ongoing communication, a part-time position was deemed to be more cost effective than increasing the purchase of contract services. The PIC was hired in August 2022, quickly engaged with its mission, products, and existing outreach methods, and absorbed the following duties:

- Responding to media inquiries regarding OCPO cases and public policy initiatives;
- Creating material for and maintaining the OCPO’s social media accounts;
- Promoting and publishing updates and notices about the Timothy Montoya Task Force to Prevent Children from Running Away from Out-of-Home Placements and the Mandatory Reporting Task Force which are both housed within the OCPO; and
- Maintaining website content.

Especially as related to the work of the task forces, the PIC quickly reached full capacity which is leading to increased delays and backlogs in pending reports and communications. A full-time position would allow the OCPO to more timely report on trends and issues sooner. For example, there are several instances each year in which the CPO identifies concerns or trends regarding how child protection services are delivered, including:

- A series of cases in which child welfare workers were not making required, monthly contact with children involved in open child welfare cases;
- Data that demonstrated parents in a specific jurisdiction were not getting timely or regular visits with their children after they were removed from their care; and
- Multiple cases that involve children and youth who spend weeks or months in emergency rooms waiting for placement in a behavioral health facility.

Based on the incremental nature of this request, the efficient use of previously provided resources for this purpose, and the increased need for these resources, staff recommends that the Committee approve the PIC component of the R3 request.

2. EDI CONSULTATION

The OCPO states that it is acutely aware of the disproportionate impact the child protection system has on communities of color and under resourced communities. The agency has long monitored these impacts and keeps up-to-date with the expansive amount of literature detailing these disparate impacts.

As such, the OCPO seeks to ensure that its staff and the OCPO Advisory Board, are appropriately trained regarding EDI principles so the agency may not only appropriately handle cases involving concerns of racism and exclusion, but the agency may also serve as the most effective advocates for citizens who call with these concerns.

The OCPO states that it is aware that many similar-sized agencies are employing full-time employees to monitor and carry out this work. The OCPO has determined that it must first determine what is needed to successfully carry out this work. The OCPO anticipates potential requests in future fiscal years to ensure the agency continues to implement EDI work into its practices.

The OCPO received quotes from multiple vendors in researching the request and determined that \$35,000 is an appropriate figure to ensure the contract allows for ample training, thorough assessment and the necessary support to implement the work.

Staff recommends that the Committee approve this one-time funding component of the R3 request.

3. TORI SHULER YOUTH PROGRAM

The OCPO includes the following background information on this component:

When Tori Shuler first learned that the state of Colorado was considering establishing a child protection ombudsman office, she was a young adult with experience in Colorado's foster care system. Ms. Shuler was a fierce advocate for the formation of the agency, and then for transitioning the agency to an independent state agency. While legislation was under consideration by the General Assembly, Ms. Shuler would wait to catch legislators in the hallway and, on one occasion, stopped then Gov. John Hickenlooper as he walked to his office. Passionately, and repeatedly, she told each of them, "We need this office for foster kids."

Ms. Shuler, as an advocate and as a six-year member of the CPO Advisory Board, has long recognized the potential of the CPO to elevate the experience, perspective and knowledge of youth impacted by Colorado's child protection system.

Unfortunately, the CPO has not yet been able to fully realize her vision or the vision of many others and fulfill a charge for which it was created. Thousands of children are impacted by the child protection system every year. But the CPO is not hearing from them. During the past fiscal year, the CPO only heard from 53 children and youth. This is not a result of a lack of effort. During the past two years, the CPO has worked to make meaningful connections with children and youth to inform them of the CPO's services, and to learn how we can improve those services to better serve them. For example, the agency formed the CPO Board Youth Voice Subcommittee. This subcommittee utilized the expertise and connections of CPO Board members to connect with and learn from other organizations that work with youth in Colorado. The subcommittee also completed a review of the CPO's youth-specific materials to identify improvements and is working to develop ongoing reviews to ensure these materials are fresh and engaging. These efforts revealed the need to create more streamlined messaging for children and youth, and the need to develop ongoing outreach efforts to ensure that the lived experience of children and youth are represented in the CPO's ongoing work.

The OCPO is requesting \$40,000 annually to establish the Tori Shuler Youth Program.

- \$20,000 will be used to contract with Fostering Great Ideas, a local vendor who will support OCPO in connecting and coordinating youth and young adults who have experience with the child protection system to provide their input and response to the OCPO's ongoing projects.
- \$15,000 will be used for youth-focused messaging to improve outreach efforts to inform youth about their right to access OCPO services. This figure based on estimates provided by the vendor who provides the OCPO with design services and website development. Estimates included revisions and updates to the website and online complaint form, design and printing, and producing a new youth-centered video for the website. The funds may also be used for travel expenses for in-person outreach campaigns to meet youth in the community.
- \$5,000 for acknowledgements for the time and expertise of the youth and young adults who participate in the OCPO's stakeholder meetings, panels and other discussions. Acknowledgements are a common practice among agencies who engage youth and young adults with lived experience in the child protection system. The standard acknowledgement for youth and young adults who participate in similar panels is \$25 to \$30 an hour, as used by the Office of Colorado's Child Representative Lived Experts Action Panel and the DHS Family Voice Counsel, and will provide for approximately 167 to 200 hours of youth and young adult engagement.

Staff sees this component as a significant program development piece for the Office. The Office has been engaged in addressing youth-related access issues for some time and currently lacks the resources to engage youth more systematically. Staff agrees that the OCPO will continue to struggle in its outreach to youth without resources for this program component. Staff is persuaded that the Office has thoughtfully considered and evolved this concept over time and staff agrees that it is a reasonable and incremental next step for program funding. Although staff supports this request in principle, based on more pressing immediate needs for the Office, staff recommends that the Committee consider funding this component on a delayed and contingent basis, using the base funding appropriated in R1, once the R1 issue has been resolved. This contingent recommendation was similarly described in the R1 recommendation write-up.

→ OCPO R5 OPERATING RESTORATION

REQUEST: The OCPO requests \$10,000 General Fund to restore an operating expenses decrease taken in FY 2020-21 in response to the revenue downturn due to the pandemic.

RECOMMENDATION: Staff recommends that the Committee approve the request.

ANALYSIS

The OCPO received an operating expenses reduction of \$10,000 General Fund in FY 2020-21 related to pandemic budget cuts. Cuts effected by the Office include:

- Information Technology Contracts: \$1,800
Eliminated unnecessary database subscriptions by requiring staff to share software licenses and negotiated a less expensive IT maintenance contract. The agency renegotiated IT contracts to receive reduced rates. This included reducing the number of licenses for working programs such as Adobe and reducing the number of employees with access to the internal Salesforce database.

Today, the OCPO team continues to share working licenses and not all team members have access to the Salesforce database and includes three more staff (2.5 FTE).

- **Office Supplies: \$3,500**
Reduced print and photocopy expenses and increased use of virtual technology. The agency set a strict cap on office supply and printing costs. With the hybrid schedule currently in use, the agency has managed to keep its office supply budget down. However, as the agency has increase the number of employees, the cost of baseline office supplies has increased.
- **Conferences and Continuing Education: \$3,452**
Eliminated travel and conferences for the majority of staff. Over the past few fiscal years, the OCPO has used vacancy savings to provide training opportunities for staff, as well as increased virtual training opportunities. Long-term, the OCPO needs to offer increased opportunities for professional development.
- **OCPO Board Meeting Expenses: \$1,456**
Eliminated all expenses for board meetings and the one mandated out-of-town board meeting. Virtual meetings allow the agency to continue to host all meetings with significantly lower expenses. The OCPO's enabling statute requires the agency to host at least one OCPO Board meeting in a rural jurisdiction each calendar year. This condition was waived during the pandemic, however, this practice will resume in 2023.

Staff recommends that the Committee approve the request.

→ OCPO R6 CONTRACT INVESTIGATOR SERVICES

REQUEST: The OCPO requests \$48,191 General Fund for a part-time contract investigator to provide support to the Client Services team for long-term systemic investigations.

RECOMMENDATION: Staff recommends that the Committee approve this request on a delayed and contingent basis, using the base funding appropriated in R1, once the R1 issue has been resolved.

ANALYSIS

The OCPO states that an investigator is necessary to conduct specialized investigations into concerns about facilities that house Colorado youth. The OCPO states that regardless of age, youth in facilities including Division of Youth Services in the Department of Human Services, group homes, residential child care centers, and qualified residential treatment programs, are the most vulnerable youth in our child protection system. These youth are not only removed from their families and support systems and placed in a facility, they also frequently suffer from behavioral health and substance use disorders. These two factors make these youth vulnerable and entirely dependent upon facility staff for their well-being and care. These youth not only lack access to support systems who can assist them when needed, they also lack legal rights that guarantee their care and well-being. And because they are isolated from family, they can become victims of staff misconduct, neglect, and abuse.

A part-time investigator would increase the OCPO's capacity to conduct independent systemic investigations on behalf of youth in facilities. This position would:

- Gather facts by conducting site visits and interviewing witnesses;
- Secure records for analysis including law enforcement, autopsy, and hospital records;
- Identify, collect, analyze, and summarize evidence in cases;
- Determine if regulatory violations have occurred; and
- Make recommendations for system reform.

The OCPO has identified the Compliance Investigator Position in the executive branch personnel system is the job class most closely aligned with the skill set required for this task. The OCPO requests \$48,191 annually to fund this contract position.

Staff agrees that the OCPO would be well served by having an in-house investigator. Staff appreciates the incremental approach requested to begin this program enhancement with a half-time contract investigator. Staff recommends that the Committee approve this request item on a contingent basis, using the base funding appropriated in R1, once the R1 issue has been resolved.

LINE ITEM DETAIL – OFFICE OF THE CHILD PROTECTION OMBUDSMAN

PROGRAM COSTS

This is a consolidated line item that includes funding for OCPO operations, including personal services, employee benefits, and operating expenses. It does not include legal expenses.

STATUTORY AUTHORITY: Section 19-3.3-101 et seq., C.R.S.

REQUEST: The OCPO requests \$2,141,793 General Fund and 13.0 FTE.

RECOMMENDATION: Staff recommends an appropriation of \$2,076,057 and 12.0 FTE as outlined in the following table. The recommendation includes the R1-R6 recommendations previously outlined and adjustments consistent with Committee decisions for statewide compensation (including R4).

OFFICE OF THE CHILD PROTECTION OMBUDSMAN, PROGRAM COSTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$1,355,945	\$1,355,945	\$0	\$0	\$0	10.5
Other legislation	\$195,467	\$195,467	\$0	\$0	\$0	0.0
SB 23-120 (Supplemental)	\$143,391	\$143,391	\$0	\$0	\$0	0.0
TOTAL	\$1,694,803	\$1,694,803	\$0	\$0	\$0	10.5
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$1,694,803	\$1,694,803	\$0	\$0	\$0	10.5
Centrally appropriated line items	152,318	152,318	0	0	0	0.0
OCPO R1 HR Support Services	113,026	113,026	0	0	0	0.0
OCPO R2 Client Services Analyst	103,052	103,052	0	0	0	1.0
OCPO R3 Comm Engage and Outreach	89,000	89,000	0	0	0	0.5
Comp Plan Maintenance (OCPO R4)	88,560	88,560	0	0	0	0.0
OCPO R5 Operating Restoration	10,000	10,000	0	0	0	0.0
OCPO R6 Contract Investigator Services	0	0	0	0	0	0.0

OFFICE OF THE CHILD PROTECTION OMBUDSMAN, PROGRAM COSTS

	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Annualize prior year legis/budget actions	(174,702)	(174,702)	0	0	0	0.0
TOTAL	\$2,076,057	\$2,076,057	\$0	\$0	\$0	12.0
INCREASE/(DECREASE)	\$381,254	\$381,254	\$0	\$0	\$0	1.5
Percentage Change	22.5%	22.5%	0.0%	0.0%	0.0%	14.3%
FY 2023-24 EXECUTIVE REQUEST	\$2,141,793	\$2,141,793	\$0	\$0	\$0	13.0
Request Above/(Below) Recommendation	\$65,736	\$65,736	\$0	\$0	\$0	1.0

(10) INDEPENDENT ETHICS COMMISSION

The Independent Ethics Commission (IEC) was established by a constitutional amendment approved by voters in 2006. The IEC gives advice and guidance on ethics-related matters arising under the Colorado Constitution and any other standards of conduct or reporting requirements provided by law concerning public officers, members of the General Assembly, local government officials, or government employees. The IEC hears complaints, issues findings, assesses penalties and sanctions where appropriate, and issues advisory opinions. The five members of the IEC serve without compensation and are appointed by the Governor, the Chief Justice of the Supreme Court, the Senate, the House of Representatives, and the IEC itself. The IEC is an independent agency within the Judicial Department, funded by General Fund. The SCAO provides administrative support to the IEC for accounting, budget, procurement, HR, and payroll.

INDEPENDENT ETHICS COMMISSION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 Appropriation						
HB 22-1329 (Long Bill)	\$273,878	\$273,878	\$0	\$0	\$0	1.5
Other legislation	(299)	(299)	0	0	0	0.0
TOTAL	\$273,579	\$273,579	\$0	\$0	\$0	1.5
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$273,579	\$273,579	\$0	\$0	\$0	1.5
IEC R1 Website Upgrade for HB21-1110	50,000	50,000	0	0	0	0.0
Centrally appropriated line items	30,796	30,796	0	0	0	0.0
Annualize prior year legis/budget actions	(1,867)	(1,867)	0	0	0	0.0
TOTAL	\$352,508	\$352,508	\$0	\$0	\$0	1.5
INCREASE/(DECREASE)	\$78,929	\$78,929	\$0	\$0	\$0	0.0
Percentage Change	28.9%	28.9%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$954)	(\$954)	\$0	\$0	\$0	0.0

DESCRIPTION OF INCREMENTAL CHANGES

IEC R1 WEBSITE UPGRADE FOR HB21-1110: The recommendation includes an increase of \$50,000 General Fund for the IEC for a website upgrade in compliance with H.B. 21-1110 (CO Laws for Persons with Disabilities).

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of \$30,796 General Fund for centrally appropriated items, summarized in the following table.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Health, life, and dental	\$19,213	\$19,213	\$0	\$0	\$0	0.0
Salary survey	8,683	8,683	0	0	0	0.0
AED	1,435	1,435	0	0	0	0.0
SAED	1,435	1,435	0	0	0	0.0
Short-term disability	30	30	0	0	0	0.0
TOTAL	\$30,796	\$30,796	\$0	\$0	\$0	0.0

ANNUALIZE PRIOR YEAR LEGIS/BUDGET ACTIONS: The recommendation includes a net decrease of \$1,867 General Fund to reflect the impact of bills and prior year budget actions, summarized in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
SB 18-200 PERA unfunded liability	\$261	\$261	\$0	\$0	\$0	0.0
IEC FY23 R1 IEC Staffing	(2,128)	(2,128)	0	0	0	0.0
TOTAL	(\$1,867)	(\$1,867)	\$0	\$0	\$0	0.0

MAJOR DIFFERENCES FROM THE REQUEST

The total difference for staff recommendations relative to the request identified in the IEC table is \$954 General Fund reflecting incremental differences for compensation policies.

DECISION ITEMS – INDEPENDENT ETHICS COMMISSION

→ IEC R1 WEBSITE UPGRADE FOR H.B. 21-1110

REQUEST: The IEC requests a one-time appropriation of \$50,000 General Fund to hire an IT consultant to facilitate the IEC's compliance with H.B. 21-1110 (CO Laws for Persons with Disabilities).

RECOMMENDATION: Staff recommends that the Committee approve the request.

ANALYSIS

House Bill 21-1110 strengthens state discrimination laws for individuals with disabilities: (1) adding three discrimination violations; (2) providing additional responsibility for the Governor's Office of Information Technology (OIT) to improve the accessibility of state agency web content; and (3) prohibiting state agencies from failing to comply with OIT accessibility standards. State agencies are required to fully implement their accessibility plans by July 1, 2024.

The *Other state agencies* section in the fiscal note identifies that workload will increase for state agencies for compliance costs and that these will be addressed through the annual budget process:

Other state agencies. This bill will increase workload for state agencies to evaluate their level of compliance with the accessibility standards established by OIT. ... Once each agency identifies the gaps between their current accessibility and the new requirements by July 1, 2022, they will identify the costs to bring their systems into compliance by July 1, 2024. These costs will be addressed through the annual budget process.

The IEC shared communications with a vendor that identifies a roughly estimated cost for remediation of the website for just under \$50,000. Staff recommends that the Committee approve this request.

LINE ITEM DETAIL – INDEPENDENT ETHICS COMMISSION

PROGRAM COSTS

This is a consolidated line item that includes funding for the administrative office that supports the Commission, including personal services, employee benefits, and operating expenses.

STATUTORY AUTHORITY: Article XXIX of the State Constitution and Section 24-18.5-101 *et seq.*, C.R.S.

REQUEST: The IEC requests an appropriation of \$351,554 General Fund and 1.5 FTE.

RECOMMENDATION: Staff recommends an appropriation of \$352,508 General Fund and 1.5 FTE, as outlined in the following table. The recommendation includes IEC R1 and adjustments consistent with Committee decisions for statewide compensation.

INDEPENDENT ETHICS COMMISSION, PROGRAM COSTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$273,878	\$273,878	\$0	\$0	\$0	1.5
Other legislation	(299)	(299)	0	0	0	0.0
TOTAL	\$273,579	\$273,579	\$0	\$0	\$0	1.5
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$273,579	\$273,579	\$0	\$0	\$0	1.5
IEC R1 Website Upgrade for HB21-1110	50,000	50,000	0	0	0	0.0
Centrally appropriated line items	30,796	30,796	0	0	0	0.0
Annualize prior year legis/budget actions	(1,867)	(1,867)	0	0	0	0.0
TOTAL	\$352,508	\$352,508	\$0	\$0	\$0	1.5
INCREASE/(DECREASE)	\$78,929	\$78,929	\$0	\$0	\$0	0.0
Percentage Change	28.9%	28.9%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$954)	(\$954)	\$0	\$0	\$0	0.0

(11) OFFICE OF PUBLIC GUARDIANSHIP

The Office of Public Guardianship (OPG), which is overseen by the Public Guardianship Commission, was created by H.B. 17-1087 and subsequently modified by H.B. 19-1045. Article 94 of Title 13, C.R.S., establishes a pilot program in the 2nd, 7th, and 16th Judicial Districts – Denver, Southwest Colorado, and Southeast Colorado – to provide legal guardianship services for indigent and incapacitated adults who have no family members or friends who are available and appropriate to serve as a guardian and lack adequate resources to secure a private guardian.

The Office is funded by: (1) cash funds from increased probate fees pursuant to H.B. 19-1045; (2) cash funds from grant funding from institutional health care providers for the provision of guardianship services for patients of those institutions; and (3) reappropriated funds from the mental health institutes at the Department of Human Services for the provision of guardianship services for patients of those institutions.

Current statute requires the pilot program to be evaluated and continued, discontinued, or expanded by the General Assembly during the 2023 session based in part on a detailed report that the Office must submit by January 1, 2023. If the General Assembly decides not to renew the OPG in 2023, the wind-down process may be lengthy as the OPG will need to continue operating until substitute guardians can be assigned for wards. The program will continue to need revenue and appropriations during the wind-down period.

OFFICE OF PUBLIC GUARDIANSHIP						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 Appropriation						
HB 22-1329 (Long Bill)	\$1,720,586	\$0	\$1,521,637	\$198,949	\$0	14.0
Other legislation	(1,100)	0	(961)	(139)	0	0.0
TOTAL	\$1,719,486	\$0	\$1,520,676	\$198,810	\$0	14.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$1,719,486	\$0	\$1,520,676	\$198,810	\$0	14.0
Centrally appropriated line items	223,493	0	218,815	4,678	0	0.0
Annualize prior year legis/budget actions	(41,541)	0	(35,446)	(6,095)	0	0.0
TOTAL	\$1,901,438	\$0	\$1,704,045	\$197,393	\$0	14.0
INCREASE/(DECREASE)	\$181,952	\$0	\$183,369	(\$1,417)	\$0	0.0
Percentage Change	10.6%	0.0%	12.1%	(0.7%)	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$6,037)	\$0	(\$5,663)	(\$374)	\$0	0.0

DESCRIPTION OF INCREMENTAL CHANGES

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of \$223,493 total funds for centrally appropriated items, summarized in the following table.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Health, life, and dental	\$128,698	\$0	\$128,042	\$656	\$0	0.0
Salary survey	63,613	0	60,017	3,596	0	0.0
AED	32,979	0	32,765	214	0	0.0
SAED	32,979	0	32,765	214	0	0.0
Short-term disability	940	0	942	(2)	0	0.0
Legal services	(35,716)	0	(35,716)	0	0	0.0
TOTAL	\$223,493	\$0	\$218,815	\$4,678	\$0	0.0

ANNUALIZE PRIOR YEAR LEGIS/BUDGET ACTIONS: The recommendation includes a net decrease of \$41,541 total funds to reflect the impact of bills and prior year budget actions, summarized in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
SB 18-200 PERA unfunded liability	\$1,859	\$0	\$1,754	\$105	\$0	0.0
OPG FY23 R1/BA1 OPG Staff	(43,400)	0	(37,200)	(6,200)	0	0.0
TOTAL	(\$41,541)	\$0	(\$35,446)	(\$6,095)	\$0	0.0

MAJOR DIFFERENCES FROM THE REQUEST

The total difference for staff recommendations relative to the request identified in the OSPD table above for the OSPD is \$6,037 total funds reflecting incremental differences for compensation policies.

DECISION ITEMS – OFFICE OF PUBLIC GUARDIANSHIP (NONE)

LINE ITEM DETAIL – OFFICE OF PUBLIC GUARDIANSHIP

PROGRAM COSTS

This is a consolidated line item that includes all program funding for the Office of Public Guardianship, including personal services, employee benefits, legal services, and operating expenses.

STATUTORY AUTHORITY: Section 13-94-101, C.R.S., and following sections.

REQUEST: The Office requests an appropriation of \$1,895,401 total funds, including \$1,698,382 cash funds and \$197,019 reappropriated funds and 14.0 FTE.

RECOMMENDATION: Staff recommends an appropriation of \$1,901,438 total funds, including \$1,704,045 cash funds and \$197,393 reappropriated funds, as outlined in the following table. The recommendation includes adjustments consistent with Committee decisions for statewide compensation.

OFFICE OF PUBLIC GUARDIANSHIP, PROGRAM COSTS

	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$1,720,586	\$0	\$1,521,637	\$198,949	\$0	14.0
Other legislation	(1,100)	0	(961)	(139)	0	0.0
TOTAL	\$1,719,486	\$0	\$1,520,676	\$198,810	\$0	14.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$1,719,486	\$0	\$1,520,676	\$198,810	\$0	14.0
Centrally appropriated line items	223,493	0	218,815	4,678	0	0.0
Annualize prior year legis/budget actions	(41,541)	0	(35,446)	(6,095)	0	0.0
TOTAL	\$1,901,438	\$0	\$1,704,045	\$197,393	\$0	14.0
INCREASE/(DECREASE)	\$181,952	\$0	\$183,369	(\$1,417)	\$0	0.0
Percentage Change	10.6%	0.0%	12.1%	(0.7%)	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$6,037)	\$0	(\$5,663)	(\$374)	\$0	0.0

(12) COMMISSION ON JUDICIAL DISCIPLINE

The general authority and function for the Colorado Commission on Judicial Discipline (CJD) are defined by Section 23 of Article VI of the Colorado Constitution, created in Amendment 3, passed by the voters in 1966. The overriding purpose of Colorado’s merit-based system of judicial selection, retention, and oversight is to reinforce judicial independence through an ongoing and reliable verification of judicial qualifications. The CJD protects the public interest in circumstances where, due to disability or violation of ethical standards, a judge is unable to perform the duties of his or her office. The CJD comprises 10 members, serving without compensation, including two district court judges, two county court judges, two attorneys, and four non-lawyer/non-judge citizens. Judicial members are selected by the Supreme Court and the attorney and lay members are selected by the Governor and confirmed by the Senate.

The CJD is authorized to remove or discipline judges for willful misconduct in office, willful or persistent failure to perform duties, intemperance, and violations of the Colorado Code of Judicial Conduct. Within the context of its disciplinary powers, the CJD is further authorized to conduct investigations, order informal remedial action, order a formal hearing before the Commission, or appoint a panel of three special masters (who must be qualified judges or justices) to hold a hearing and issue a report to the Commission. The CJD may initiate formal proceedings in the Supreme Court by filing recommendations. The Supreme Court may conduct further proceedings before either approving or rejecting the CJD's recommendations, in whole or in part. CJD proceedings and records are confidential prior to the filing of recommendations with the Colorado Supreme Court.

In 2022, the General Assembly passed S.B. 22-201 (Commission on Judicial Discipline) to establish the Commission and the Office of Judicial Discipline as an independent agency in the Judicial Department and codify in statute its organizational structure in Section 13-5.3-101, et seq., C.R.S.

COMMISSION ON JUDICIAL DISCIPLINE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 Appropriation						
HB 22-1329 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
Other legislation	1,143,438	1,143,438	0	0	0	4.0
TOTAL	\$1,143,438	\$1,143,438	\$0	\$0	\$0	4.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$1,143,438	\$1,143,438	\$0	\$0	\$0	4.0
Comp Plan Maintenance (CJD R1)	128,977	128,977	0	0	0	0.0
CJD BA1 Admin Support Staff	339,073	339,073	0	0	0	4.0
CJD R2 Rule Revision Consultation	25,000	25,000	0	0	0	0.0
CJD R3 IT Services	25,000	25,000	0	0	0	0.0
Centrally appropriated line items	174,959	174,959	0	0	0	0.0
Annualize prior year legis/budget actions	(430,061)	(430,061)	0	0	0	0.0
TOTAL	\$1,406,386	\$1,406,386	\$0	\$0	\$0	8.0
INCREASE/(DECREASE)	\$262,948	\$262,948	\$0	\$0	\$0	4.0
Percentage Change	23.0%	23.0%	0.0%	0.0%	0.0%	100.0%
FY 2023-24 EXECUTIVE REQUEST	\$1,402,410	\$1,402,410	\$0	\$0	\$0	8.0
Request Above/(Below) Recommendation	(\$3,976)	(\$3,976)	\$0	\$0	\$0	0.0

DESCRIPTION OF INCREMENTAL CHANGES

COMP PLAN MAINTENANCE (CJD R1): The recommendation includes an increase of \$128,977 General Fund for the CJD for compensation plan maintenance adjustments, consistent with Committee action on statewide compensation.

CJD BA1 ADMIN SUPPORT STAFF: The recommendation includes an increase of \$339,073 General Fund and 4.0 FTE for the CJD for administrative support staff.

CJD R2 RULE REVISION CONSULTATION: The recommendation includes an increase of \$25,000 General Fund for the CJD for consultation services to review and revise the current Colorado Rules of Judicial Discipline.

CJD R3 IT SERVICES: The recommendation includes an increase of \$25,000 General Fund for the CJD for IT infrastructure and related services, licenses, and subscriptions.

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of \$174,959 General Fund for centrally appropriated items, summarized in the following table.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Health, life, and dental	\$70,154	\$70,154	\$0	\$0	\$0	0.0
Legal services	33,207	33,207	0	0	0	0.0
Salary survey	25,283	25,283	0	0	0	0.0
AED	22,815	22,815	0	0	0	0.0
SAED	22,815	22,815	0	0	0	0.0
Short-term disability	685	685	0	0	0	0.0
TOTAL	\$174,959	\$174,959	\$0	\$0	\$0	0.0

ANNUALIZE PRIOR YEAR LEGIS/BUDGET ACTIONS: The recommendation includes a net decrease of \$430,061 General Fund to reflect the impact of bills and prior year budget actions, summarized in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
SB 18-200 PERA unfunded liability	\$739	\$739	\$0	\$0	\$0	0.0
CJD SB 22-201 Comm on Jud Discipline	(430,800)	(430,800)	0	0	0	0.0
TOTAL	(\$430,061)	(\$430,061)	\$0	\$0	\$0	0.0

MAJOR DIFFERENCES FROM THE REQUEST

The total difference for staff recommendations relative to the request identified in the CJD table is \$3,976 General Fund reflecting incremental differences for compensation policies.

DECISION ITEMS – OFFICE OF JUDICIAL DISCIPLINE

→ CJD BA1 ADMIN SUPPORT STAFF

REQUEST: The CJD requests \$339,073 General Fund and 4.0 FTE for administrative support staff for the Office of Judicial Discipline.

RECOMMENDATION: Staff recommends that the Committee approve the request because statute specifies an administrative support end date of June 30, 2023 from the State Court Administrator's Office (SCAO) and the CJD and its Office require an administrative support services solution for FY 2023-24.

Although staff has recommended legislation for the creation of the Administrative Services for Independent Agencies (ASIA) unit to address this exact need, as well as providing those services for the OCPO, the IEC, the OPG (and possibly the Bridges Program and the Office of Judicial Performance), this administrative support should be initially provided for CJD through a budget action and then unwound or reversed through a negative appropriation in legislation that would serve to fulfill and replace this funding need.

ANALYSIS

Section 13-5.3-103 (3), C.R.S., added in S.B. 22-201 (Commission on Judicial Discipline) specifies that the Judicial Department (SCAO) would provide the CJD with accounting support, IT support, HR and payroll services, and similar support services through June 30, 2023. For FY 2023-24, the CJD will require additional resources for the provision of administrative and fiscal support services.

The request for four additional administrative support staff includes an Accountant II, an HR Analyst II, an IT Support Tech I, and a Payroll Analyst.

In most cases staff would more critically review the positions requested, and make slightly altered recommendations. Specifically, every independent agency except for the OSPD substantially contracts for IT support services. Nevertheless, an administrative support services team of 4.0 FTE is a generally accurate staff resource assessment for such support. However, staff anticipates that this administrative support will be replaced by the creation of the ASIA unit for administrative support of small independent agencies including CJD.

For budget purposes, staff recommends using the figures provided through the request as a simple "placeholder" for this administrative support need at this point in the process. In the event the legislation for the creation of the ASIA unit is not passed by the General Assembly or signed by the Governor, the CJD will have resources to address its immediate need for administrative support.

→ CJD R2 RULE REVISION CONSULTATION

REQUEST: The CJD requests one-time funding of \$25,000 General Fund for consultation services from a national organization to review and revise the current Colorado Rules of Judicial Discipline (RJD).

RECOMMENDATION: Staff recommends that the Committee approve the request.

ANALYSIS

The CJD states that revisions and updates to the RJD are necessary to respond to statutory direction included in S.B. 22-201 and other proposed legislation considered by the 2022 Interim Committee on Judicial Discipline. The cost of consultation for rule revisions is estimated to require approximately 100 hours at a rate of \$225 per hour.

Section 23 (3)(H) of Article VI of the Colorado Constitution directs the Supreme Court to provide rules for judicial discipline. Section 13-5.3-107, C.R.S., appears to foresee a functional partnership in establishing rules for judicial discipline and specifies that the Supreme Court shall engage in good-faith efforts to resolve potential differences with CJD.

As staff understands this request, given the changes in the codification of the CJD and its Office as an independent agency, and within the context of current potential legislation related to CJD, it is reasonable that the CJD should actively engage in revisions and updates for the RJD. Given the Supreme Court's authority over rules, and the "partnership" nature of the rules process, it is staff's opinion that a nominal expenditure of one-time funds for consultation services from a third party would appear to be in the best interest of the structure and process across both entities for recommendations on revising and updating rules.

On that basis, staff recommends that the Committee approve the request.

→ CJD R3 IT SERVICES

REQUEST: The CJD requests \$25,000 General Fund on an ongoing basis for the purchase of IT support services as it transitions to support its own IT-related needs.

RECOMMENDATION: Staff recommends that the Committee approve the request.

ANALYSIS

The request includes the following IT cost estimates:

CJD R3 IT SERVICES	
Desktop and networking support	\$9,600
Case management software (CMS) licenses	4,500
CMS consulting and support	2,250
Case analysis software subscriptions	2,000
Acrobat DC licenses	1,000
Microsoft government user licenses	1,100
VOIP phone service	1,500
Internet service fees	2,000
Subtotal	\$23,950

The CJD states that it has nearly completed a transition to outside IT support services, which requires the CJD to pay monthly support fees, purchase its own hardware, and maintain its own software subscriptions. The CJD also anticipates implementing a case management system before the end of

the current fiscal year that will require the associated server hardware, technical support, and annual maintenance costs.

LINE ITEM DETAIL – COMMISSION ON JUDICIAL DISCIPLINE

OFFICE OF JUDICIAL DISCIPLINE

This is a consolidated line item that includes all standard operations funding for the Office of Judicial Discipline, including personal services, employee benefits, legal services, and operating expenses.

STATUTORY AUTHORITY: Section 13-5.3-101, C.R.S., and following sections.

REQUEST: The Commission requests an appropriation of \$1,402,410 General Fund and 8.0 FTE, including CJD R1 Comp Plan Maintenance, CJD R2 Rule Revision Consultation, CJD R3 IT Services, and CJD BA1 Admin Support Staff.

RECOMMENDATION: Staff recommends an appropriation of \$1,406,386 General Fund and 8.0 FTE. The recommendation includes approval of CJD R1 (previously approved in statewide compensation figure setting), CJD R2, and CJD R3, and budget action approval of CJD BA1 (anticipated to be reversed through JBC legislation), as outlined in the following table.

COMMISSION ON JUDICIAL DISCIPLINE, OFFICE OF JUDICIAL DISCIPLINE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
Other legislation	743,438	743,438	0	0	0	4.0
TOTAL	\$743,438	\$743,438	\$0	\$0	\$0	4.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$743,438	\$743,438	\$0	\$0	\$0	4.0
CJD BA1 Admin Support Staff	339,073	339,073	0	0	0	4.0
Centrally appropriated line items	174,959	174,959	0	0	0	0.0
Comp Plan Maintenance (CJD R1)	128,977	128,977	0	0	0	0.0
CJD R2 Rule Revision Consultation	25,000	25,000	0	0	0	0.0
CJD R3 IT Services	25,000	25,000	0	0	0	0.0
Annualize prior year legis/budget actions	(30,061)	(30,061)	0	0	0	0.0
TOTAL	\$1,406,386	\$1,406,386	\$0	\$0	\$0	8.0
INCREASE/(DECREASE)	\$662,948	\$662,948	\$0	\$0	\$0	4.0
Percentage Change	89.2%	89.2%	0.0%	0.0%	0.0%	100.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$3,976)	(\$3,976)	\$0	\$0	\$0	0.0

APPROPRIATION TO THE COMMISSION ON JUDICIAL DISCIPLINE SPECIAL CASH FUND

Pursuant to Section 13-5.3-104, C.R.S., this line item provides funding for evaluations, investigations, formal proceedings undertaken by contract investigators and special counsel as needed. The Commission on Judicial Discipline Special Cash Fund is continuously appropriated to the Commission for this purpose. And subsection (7) specifies that the Fund shall receive appropriations

to maintain a balance of \$400,000: "In each subsequent fiscal year, the general assembly shall appropriate sufficient money to the fund, so that it begins the fiscal year with not less than four hundred thousand dollars." It is anticipated that this provision shall be addressed through supplemental appropriations in January, based on the prior fiscal year end balance for the fund.

STATUTORY AUTHORITY: Section 13-5.3-104, C.R.S.

REQUEST: The Office requests no appropriation.

RECOMMENDATION: Staff recommends no appropriation, including the annualization of the prior year appropriation, as outlined in the following table.

COMMISSION ON JUDICIAL DISCIPLINE, APPROPRIATION TO THE COMMISSION ON JUDICIAL DISCIPLINE SPECIAL CASH FUND						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
Other legislation	400,000	400,000	0	0	0	0.0
TOTAL	\$400,000	\$400,000	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$400,000	\$400,000	\$0	\$0	\$0	0.0
Annualize prior year legis/budget actions	(400,000)	(400,000)	0	0	0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	(\$400,000)	(\$400,000)	\$0	\$0	\$0	0.0
Percentage Change	(100.0%)	(100.0%)	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$0	\$0	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

LONG BILL FOOTNOTES AND REQUESTS FOR INFORMATION

LONG BILL FOOTNOTES

Staff recommends **CONTINUING** the following footnotes:

- 62 Judicial Department, Office of the State Public Defender -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 5.0 percent of the total Office of the State Public Defender appropriation may be transferred between line items in the Office of the State Public Defender.

COMMENT: This is the first of four footnotes that authorize the independent agencies to transfer a limited amount of funding among their own line item appropriations, over and above transfers that are statutorily authorized. Section 24-75-108 (5), C.R.S., allows the Chief Justice of the Colorado Supreme Court to authorize transfers between items of appropriation made to the Judicial Branch, subject to certain limitations. One of these limitations is expressed in Section 24-75-110, C.R.S., which limits the total amount of over expenditures and moneys transferred within the Judicial Branch to \$1.0 million per fiscal year. Staff recommends continuing the footnote.

- 63 Judicial Department, Office of the Alternate Defense Counsel -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 5.0 percent of the total Office of the Alternate Defense Counsel appropriation may be transferred between line items in the Office of the Alternate Defense Counsel.

COMMENT: This footnote provides the OADC with the authority to transfer up to 5.0 percent of its total annual appropriation between line items. Staff recommends continuing the footnote.

- 64 Judicial Department, Office of the Child's Representative -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 5.0 percent of the total Office of the Child's Representative's appropriation may be transferred between line items in the Office of the Child's Representative.

COMMENT: This footnote provides the OCR with the authority to transfer up to 5.0 percent of its total annual appropriation between line items. Staff recommends continuing the footnote.

- 65 Judicial Department, Office of the Respondent Parents' Counsel -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 5.0 percent of the total Office of the Respondent Parents' Counsel's appropriation may be transferred between line items in the Office of the Respondent Parents' Counsel.

COMMENT: This footnote provides the ORPC with the authority to transfer up to 5.0 percent of its total annual appropriation between line items. Staff recommends continuing the footnote.

REQUESTS FOR INFORMATION

Staff recommends **CONTINUING AND MODIFYING** the following request for information:

Requests Applicable to Judicial Branch Only

- 1 Judicial Department, Office of the State Public Defender – The State Public Defender is requested to provide by November 1, ~~2022~~ 2023, a report concerning the Appellate Division's progress in reducing its case backlog, including the following data for FY ~~2021-22~~ 2022-23: the number of new cases; the number of opening briefs filed by the Office of the State Public Defender; the number of cases resolved in other ways; the number of cases closed; and the number of cases awaiting an opening brief as of June 30, ~~2022~~ 2023.

COMMENT: This request, in combination with a companion request for the Department of Law's Appellate Unit, allows the Committee to monitor and respond to unexpected growth of the inter-related backlogs of appellate cases at the two agencies.

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
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JUDICIAL DEPARTMENT
Brian Boatright, Chief Justice

(5) OFFICE OF STATE PUBLIC DEFENDER

This independent agency provides legal counsel for indigent defendants in criminal and juvenile delinquency cases where there is a possibility of being jailed or imprisoned. Cash funds consist of training fees paid by private attorneys and grants.

Personal Services	<u>81,236,960</u>	<u>81,434,372</u>	<u>90,816,078</u>	<u>96,471,793</u>	<u>96,197,556</u> *
FTE	877.7	907.0	1,049.4	1,097.6	1,097.6
General Fund	81,236,960	81,434,372	90,816,078	96,471,793	96,197,556
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Health, Life, and Dental	<u>5,266,749</u>	<u>10,047,591</u>	<u>11,157,201</u>	<u>12,988,961</u>	<u>12,944,641</u> *
General Fund	5,266,749	10,047,591	11,157,201	12,988,961	12,944,641
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Short-term Disability	<u>119,436</u>	<u>117,636</u>	<u>131,956</u>	<u>158,391</u>	<u>157,798</u> *
General Fund	119,436	117,636	131,956	158,391	157,798
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
S.B. 04-257 Amortization Equalization Disbursement	<u>3,506,546</u>	<u>3,671,416</u>	<u>3,889,657</u>	<u>4,949,702</u>	<u>4,931,186</u> *
General Fund	3,506,546	3,671,416	3,889,657	4,949,702	4,931,186
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
S.B. 06-235 Supplemental Amortization Equalization Disbursement	<u>3,506,546</u>	<u>3,671,416</u>	<u>3,889,657</u>	<u>4,949,702</u>	<u>4,931,186</u> *
General Fund	3,506,546	3,671,416	3,889,657	4,949,702	4,931,186
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Salary Survey	<u>0</u>	<u>2,353,529</u>	<u>2,463,110</u>	<u>16,158,336</u>	<u>16,158,336</u> *
General Fund	0	2,353,529	2,463,110	16,158,336	16,158,336
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
PERA Direct Distribution	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>277,101</u>
General Fund	0	0	0	0	277,101
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>445,474</u>	<u>0</u> *
General Fund	0	0	0	445,474	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
Operating Expenses	<u>779,975</u>	<u>1,211,900</u>	<u>2,511,946</u>	<u>2,555,578</u>	<u>2,204,423</u> *
General Fund	779,975	1,207,200	2,481,946	2,525,578	2,174,423
Cash Funds	0	4,700	30,000	30,000	30,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Vehicle Lease Payments	<u>99,060</u>	<u>110,252</u>	<u>111,197</u>	<u>100,503</u>	<u>100,503</u>
General Fund	99,060	110,252	111,197	100,503	100,503
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Capital Outlay	<u>118,438</u>	<u>286,000</u>	<u>545,600</u>	<u>281,350</u>	<u>281,350</u> *
General Fund	118,438	286,000	545,600	281,350	281,350
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Leased Space and Utilities	<u>7,053,437</u>	<u>7,963,700</u>	<u>8,042,972</u>	<u>8,952,480</u>	<u>8,952,480</u> *
General Fund	7,053,437	7,963,700	8,042,972	8,952,480	8,952,480
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Automation Plan	<u>3,091,739</u>	<u>3,407,023</u>	<u>2,192,564</u>	<u>3,452,419</u>	<u>3,452,419</u> *
General Fund	3,091,739	3,407,023	2,192,564	3,452,419	3,452,419
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
Attorney Registration	<u>153,404</u>	<u>159,077</u>	<u>156,634</u>	<u>156,634</u>	<u>156,634</u>
General Fund	153,404	159,077	156,634	156,634	156,634
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Contract Services	<u>81,473</u>	<u>23,296</u>	<u>49,395</u>	<u>49,395</u>	<u>49,395</u>
General Fund	81,473	23,296	49,395	49,395	49,395
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Mandated Costs	<u>2,236,144</u>	<u>2,889,377</u>	<u>3,935,936</u>	<u>4,046,597</u>	<u>4,046,597</u> *
General Fund	2,236,144	2,889,377	3,935,936	4,046,597	4,046,597
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Training	<u>0</u>	<u>0</u>	<u>0</u>	<u>350,000</u>	<u>350,000</u> *
General Fund	0	0	0	350,000	350,000
Grants	<u>25,000</u>	<u>42,250</u>	<u>125,000</u>	<u>125,000</u>	<u>125,000</u>
FTE	0.3	0.4	1.1	1.1	1.1
General Fund	0	0	0	0	0
Cash Funds	25,000	42,250	125,000	125,000	125,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
Merit Pay	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
TOTAL - (5) Office of State Public Defender	107,274,907	117,388,835	130,018,903	156,192,315	155,316,605
<i>FTE</i>	<u>878.0</u>	<u>907.4</u>	<u>1,050.5</u>	<u>1,098.7</u>	<u>1,098.7</u>
General Fund	107,249,907	117,341,885	129,863,903	156,037,315	155,161,605
Cash Funds	25,000	46,950	155,000	155,000	155,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
(6) OFFICE OF ALTERNATE DEFENSE COUNSEL					
for training.					
Personal Services	<u>1,748,177</u>	<u>1,791,981</u>	<u>2,403,623</u>	<u>4,055,076</u>	<u>3,926,884</u> *
FTE	14.0	14.0	20.5	35.4	33.6
General Fund	1,748,177	1,791,981	2,403,623	4,055,076	3,926,884
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Health, Life, and Dental	<u>196,543</u>	<u>196,812</u>	<u>290,390</u>	<u>556,015</u>	<u>489,997</u> *
General Fund	196,543	196,812	290,390	556,015	489,997
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Short-term Disability	<u>2,133</u>	<u>2,240</u>	<u>3,437</u>	<u>5,538</u>	<u>5,485</u> *
General Fund	2,133	2,240	3,437	5,538	5,485
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
S.B. 04-257 Amortization Equalization Disbursement	<u>69,406</u>	<u>73,712</u>	<u>107,418</u>	<u>184,565</u>	<u>178,979</u> *
General Fund	69,406	73,712	107,418	184,565	178,979
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>69,406</u>	<u>73,712</u>	<u>107,418</u>	<u>184,565</u>	<u>178,979</u> *
General Fund	69,406	73,712	107,418	184,565	178,979
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Salary Survey	<u>0</u>	<u>55,221</u>	<u>56,984</u>	<u>125,040</u>	<u>125,040</u>
General Fund	0	55,221	56,984	125,040	125,040
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Operating Expenses	<u>164,639</u>	<u>205,098</u>	<u>139,546</u>	<u>261,357</u>	<u>244,657</u> *
General Fund	164,639	205,098	139,546	261,357	244,657
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Capital Outlay	<u>0</u>	<u>0</u>	<u>31,000</u>	<u>106,720</u>	<u>93,380</u> *
General Fund	0	0	31,000	106,720	93,380
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
Training and Conferences	<u>60,445</u>	<u>75,152</u>	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>
General Fund	20,000	20,000	20,000	20,000	20,000
Cash Funds	40,445	55,152	80,000	80,000	80,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Conflict-of-interest Contracts	<u>33,678,521</u>	<u>34,941,478</u>	<u>44,430,264</u>	<u>48,971,619</u>	<u>47,572,544</u> *
General Fund	33,678,521	34,941,478	44,430,264	48,971,619	47,572,544
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Mandated Costs	<u>1,381,156</u>	<u>1,649,231</u>	<u>2,895,573</u>	<u>2,895,573</u>	<u>2,895,573</u>
General Fund	1,381,156	1,649,231	2,895,573	2,895,573	2,895,573
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
Municipal Court Program	<u>202,306</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
FTE	2.0	0.0	0.0	0.0	0.0
General Fund	202,306	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Merit Pay	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
TOTAL - (6) Office of Alternate Defense					
Counsel	37,572,732	39,064,637	50,565,653	57,446,068	55,811,518
FTE	<u>16.0</u>	<u>14.0</u>	<u>20.5</u>	<u>35.4</u>	<u>33.6</u>
General Fund	37,532,287	39,009,485	50,485,653	57,366,068	55,731,518
Cash Funds	40,445	55,152	80,000	80,000	80,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
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(7) OFFICE OF THE CHILD'S REPRESENTATIVE

This independent agency provides legal representation for children involved in the court system due to abuse or neglect, delinquency, truancy, high conflict divorce, alcohol or drug abuse, mental health issues, and probate matters.

Personal Services	<u>2,958,130</u>	<u>2,947,952</u>	<u>3,791,932</u>	<u>4,306,394</u>	<u>4,356,999</u> *
FTE	32.4	34.9	35.9	38.0	38.0
General Fund	2,925,107	2,819,321	3,433,263	3,921,337	3,971,942
Cash Funds	0	0	0	0	0
Reappropriated Funds	33,023	128,631	358,669	385,057	385,057
Federal Funds	0	0	0	0	0
Health, Life, and Dental	<u>229,421</u>	<u>391,182</u>	<u>481,776</u>	<u>485,271</u>	<u>496,067</u> *
General Fund	211,177	379,834	446,768	448,129	456,726
Cash Funds	0	0	0	0	0
Reappropriated Funds	18,244	11,348	35,008	37,142	39,341
Federal Funds	0	0	0	0	0
Short-term Disability	<u>5,045</u>	<u>4,723</u>	<u>5,282</u>	<u>5,663</u>	<u>5,743</u> *
General Fund	4,754	4,415	4,788	5,156	5,236
Cash Funds	0	0	0	0	0
Reappropriated Funds	291	308	494	507	507
Federal Funds	0	0	0	0	0
S.B. 04-257 Amortization Equalization Disbursement	<u>149,422</u>	<u>147,606</u>	<u>165,053</u>	<u>188,716</u>	<u>190,964</u> *
General Fund	140,802	137,967	149,640	171,854	174,102
Cash Funds	0	0	0	0	0
Reappropriated Funds	8,620	9,639	15,413	16,862	16,862
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>149,422</u>	<u>147,606</u>	<u>165,053</u>	<u>188,716</u>	<u>190,964</u> *
General Fund	140,802	137,967	149,640	171,854	174,102
Cash Funds	0	0	0	0	0
Reappropriated Funds	8,620	9,639	15,413	16,862	16,862
Federal Funds	0	0	0	0	0
Salary Survey	<u>0</u>	<u>99,620</u>	<u>100,389</u>	<u>184,026</u>	<u>184,026</u>
General Fund	0	93,115	94,481	166,852	166,852
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	6,505	5,908	17,174	17,174
Federal Funds	0	0	0	0	0
Operating Expenses	<u>349,213</u>	<u>341,720</u>	<u>440,900</u>	<u>402,720</u>	<u>402,720</u> *
General Fund	296,713	341,720	352,800	320,820	320,820
Cash Funds	0	0	0	0	0
Reappropriated Funds	52,500	0	88,100	81,900	81,900
Federal Funds	0	0	0	0	0
Leased Space	<u>121,491</u>	<u>132,281</u>	<u>133,133</u>	<u>147,247</u>	<u>147,247</u>
General Fund	121,491	132,281	133,133	147,247	147,247
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
CASA Contracts	<u>1,550,000</u>	<u>1,550,000</u>	<u>1,750,000</u>	<u>1,750,000</u>	<u>1,750,000</u>
General Fund	1,550,000	1,550,000	1,750,000	1,750,000	1,750,000
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Training	<u>34,121</u>	<u>34,699</u>	<u>78,000</u>	<u>158,000</u>	<u>158,000</u> *
General Fund	34,121	34,699	58,000	58,000	58,000
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	20,000	100,000	100,000
Federal Funds	0	0	0	0	0
Court-appointed Counsel	<u>20,515,061</u>	<u>20,791,013</u>	<u>26,734,012</u>	<u>30,507,666</u>	<u>30,140,822</u> *
General Fund	20,479,617	20,688,661	25,205,596	28,691,344	28,340,591
Cash Funds	0	0	0	0	0
Reappropriated Funds	35,444	102,352	1,528,416	1,816,322	1,800,231
Federal Funds	0	0	0	0	0
Mandated Costs	<u>57,650</u>	<u>58,122</u>	<u>60,200</u>	<u>60,200</u>	<u>60,200</u>
General Fund	57,650	58,122	60,200	60,200	60,200
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Grants	<u>28,859</u>	<u>41,943</u>	<u>26,909</u>	<u>26,909</u>	<u>26,909</u>
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	28,859	41,943	26,909	26,909	26,909
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
TOTAL - (7) Office of the Child's Representative	26,147,835	26,688,467	33,932,639	38,411,528	38,110,661
<i>FTE</i>	<u>32.4</u>	<u>34.9</u>	<u>35.9</u>	<u>38.0</u>	<u>38.0</u>
General Fund	25,962,234	26,378,102	31,838,309	35,912,793	35,625,818
Cash Funds	0	0	0	0	0
Reappropriated Funds	185,601	310,365	2,094,330	2,498,735	2,484,843
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
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(8) OFFICE OF THE RESPONDENT PARENTS' COUNSEL

This independent agency provides legal representation for indigent parents involved in dependency and neglect proceedings. Cash funds are received from private attorneys for training.

Personal Services	<u>1,661,991</u>	<u>1,858,697</u>	<u>2,218,225</u>	<u>2,768,582</u>	<u>2,576,678</u> *
FTE	11.9	13.3	16.1	21.0	19.0
General Fund	1,593,206	1,767,767	2,060,965	2,607,134	2,415,230
Cash Funds	0	0	0	0	0
Reappropriated Funds	68,785	90,930	157,260	161,448	161,448
Federal Funds	0	0	0	0	0
Health, Life, and Dental	<u>112,070</u>	<u>187,275</u>	<u>254,473</u>	<u>362,778</u>	<u>316,986</u> *
General Fund	99,398	166,890	238,747	336,853	291,061
Cash Funds	0	0	0	0	0
Reappropriated Funds	12,672	20,385	15,726	25,925	25,925
Federal Funds	0	0	0	0	0
Short-term Disability	<u>2,344</u>	<u>2,437</u>	<u>2,953</u>	<u>3,821</u>	<u>3,506</u> *
General Fund	2,108	2,239	2,749	3,613	3,298
Cash Funds	0	0	0	0	0
Reappropriated Funds	236	198	204	208	208
Federal Funds	0	0	0	0	0
S.B. 04-257 Amortization Equalization Disbursement	<u>70,467</u>	<u>76,137</u>	<u>92,283</u>	<u>124,458</u>	<u>115,969</u> *
General Fund	64,247	69,955	85,920	117,532	109,043
Cash Funds	0	0	0	0	0
Reappropriated Funds	6,220	6,182	6,363	6,926	6,926
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>70,467</u>	<u>76,137</u>	<u>92,283</u>	<u>124,458</u>	<u>115,969</u> *
General Fund	64,247	69,955	85,920	117,532	109,043
Cash Funds	0	0	0	0	0
Reappropriated Funds	6,220	6,182	6,363	6,926	6,926
Federal Funds	0	0	0	0	0
Salary Survey	<u>0</u>	<u>49,829</u>	<u>54,090</u>	<u>110,284</u>	<u>110,284</u>
General Fund	0	45,785	49,902	102,824	102,824
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	4,044	4,188	7,460	7,460
Federal Funds	0	0	0	0	0
Operating Expenses	<u>105,166</u>	<u>159,171</u>	<u>185,849</u>	<u>184,529</u>	<u>168,489</u> *
General Fund	105,166	159,171	184,899	183,579	167,539
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	950	950	950
Federal Funds	0	0	0	0	0
Title IV-E Legal Representation	<u>909,094</u>	<u>690,898</u>	<u>5,025,969</u>	<u>5,789,842</u>	<u>5,033,297</u> *
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	909,094	690,898	5,025,969	5,789,842	5,033,297
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
Training	<u>30,827</u>	<u>45,880</u>	<u>106,000</u>	<u>106,000</u>	<u>106,000</u>
General Fund	20,473	39,405	30,000	30,000	30,000
Cash Funds	10,354	6,475	48,000	48,000	48,000
Reappropriated Funds	0	0	28,000	28,000	28,000
Federal Funds	0	0	0	0	0
Court-appointed Counsel	<u>18,527,743</u>	<u>18,161,124</u>	<u>22,247,566</u>	<u>26,124,589</u>	<u>25,617,449</u> *
General Fund	18,527,743	18,161,124	21,910,232	25,726,535	25,280,115
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	337,334	398,054	337,334
Federal Funds	0	0	0	0	0
Mandated Costs	<u>2,352,569</u>	<u>2,807,659</u>	<u>938,911</u>	<u>938,911</u>	<u>938,911</u>
General Fund	2,352,569	2,774,710	938,911	938,911	938,911
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	32,949	0	0	0
Federal Funds	0	0	0	0	0
Grants	<u>36,360</u>	<u>60,048</u>	<u>31,095</u>	<u>31,095</u>	<u>31,095</u>
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	36,360	60,048	31,095	31,095	31,095
Federal Funds	0	0	0	0	0
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
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	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
Merit Pay	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Capital Outlay	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Legal Services	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Case Management System	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
TOTAL - (8) Office of the Respondent Parents'					
Counsel	23,879,098	24,175,292	31,249,697	36,669,347	35,134,633
<i>FTE</i>	<u>11.9</u>	<u>13.3</u>	<u>16.1</u>	<u>21.0</u>	<u>19.0</u>
General Fund	22,829,157	23,257,001	25,588,245	30,164,513	29,447,064
Cash Funds	10,354	6,475	48,000	48,000	48,000
Reappropriated Funds	1,039,587	911,816	5,613,452	6,456,834	5,639,569
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
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	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
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(9) OFFICE OF THE CHILD PROTECTION OMBUDSMAN

protection services.

Program Costs	<u>930,231</u>	<u>1,119,781</u>	<u>1,694,803</u>	<u>2,141,793</u>	<u>2,076,057</u> *
FTE	8.0	9.9	10.5	13.0	12.0
General Fund	930,231	1,119,781	1,694,803	2,141,793	2,076,057
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

TOTAL - (9) Office of the Child Protection					
Ombudsman	930,231	1,119,781	1,694,803	2,141,793	2,076,057
<i>FTE</i>	<u>8.0</u>	<u>9.9</u>	<u>10.5</u>	<u>13.0</u>	<u>12.0</u>
General Fund	930,231	1,119,781	1,694,803	2,141,793	2,076,057
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
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(10) INDEPENDENT ETHICS COMMISSION

ment employees.

Program Costs	<u>172,876</u>	<u>178,706</u>	<u>273,579</u>	<u>351,554</u>	<u>352,508</u> *
FTE	1.0	1.0	1.5	1.5	1.5
General Fund	172,876	178,706	273,579	351,554	352,508
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

TOTAL - (10) Independent Ethics Commission	172,876	178,706	273,579	351,554	352,508
<i>FTE</i>	<u>1.0</u>	<u>1.0</u>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>
General Fund	172,876	178,706	273,579	351,554	352,508
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
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(11) OFFICE OF PUBLIC GUARDIANSHIP

The Office of Public Guardianship is a pilot program that provides legal guardianship services for incapacitated and indigent adults in Denver who have no other guardianship prospects.

Program Costs	<u>662,072</u>	<u>780,315</u>	<u>1,719,486</u>	<u>1,895,401</u>	<u>1,901,438</u>
FTE	6.0	7.0	14.0	14.0	14.0
General Fund	0	0	0	0	0
Cash Funds	662,072	690,631	1,520,676	1,698,382	1,704,045
Reappropriated Funds	0	89,684	198,810	197,019	197,393
Federal Funds	0	0	0	0	0

TOTAL - (11) Office of Public Guardianship	662,072	780,315	1,719,486	1,895,401	1,901,438
<i>FTE</i>	<u>6.0</u>	<u>7.0</u>	<u>14.0</u>	<u>14.0</u>	<u>14.0</u>
General Fund	0	0	0	0	0
Cash Funds	662,072	690,631	1,520,676	1,698,382	1,704,045
Reappropriated Funds	0	89,684	198,810	197,019	197,393
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
(12) COMMISSION ON JUDICIAL DISCIPLINE					
Office of Judicial Discipline	<u>0</u>	<u>0</u>	<u>743,438</u>	<u>1,402,410</u>	<u>1,406,386</u> *
FTE	0.0	0.0	4.0	8.0	8.0
General Fund	0	0	743,438	1,402,410	1,406,386
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Appropriation to the Commission on Judicial Discipline Special Cash Fund	<u>0</u>	<u>0</u>	<u>400,000</u>	<u>0</u>	<u>0</u>
General Fund	0	0	400,000	0	0
TOTAL - (12) Commission on Judicial Discipline	0	0	1,143,438	1,402,410	1,406,386
FTE	<u>0.0</u>	<u>0.0</u>	<u>4.0</u>	<u>8.0</u>	<u>8.0</u>
General Fund	0	0	1,143,438	1,402,410	1,406,386
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
TOTAL - Judicial Department	196,639,751	209,396,033	250,598,198	294,510,416	290,109,806
FTE	<u>953.3</u>	<u>987.5</u>	<u>1,153.0</u>	<u>1,229.6</u>	<u>1,224.8</u>
General Fund	194,676,692	207,284,960	240,887,930	283,376,446	279,800,956
Cash Funds	737,871	799,208	1,803,676	1,981,382	1,987,045
Reappropriated Funds	1,225,188	1,311,865	7,906,592	9,152,588	8,321,805
Federal Funds	0	0	0	0	0