JUDICIAL DEPARTMENT

FY 2024-25 JOINT BUDGET COMMITTEE HEARING AGENDA

Monday, December 18, 2023

9:00 am – 3:15 pm

9:00-10:30 COURTS AND PROBATION (C&P)

Main Presenters:

- Chief Justice Brian D. Boatright, Colorado Supreme Court
- Steven Vasconcellos, State Court Administrator

Topics:

- Introduction and Opening Comments
- Common Questions: Page 1, Questions 1-4 in the packet
- Issue 2: C&P R2 Case Management System: Page 3, Questions 1-3 in the packet
- Issue 4: C&P R7 Ralph L. Carr Judicial Center: Page 6, Questions 1-4 in the packet
- Other Requests: Page 11, Questions 1-5 in the packet
- Issue 1: A Reconsideration of the Competency Crisis: Page 22, Question 1 in the packet

10:30-10:45 BREAK

JUDICIAL DEPARTMENT – COURTS AND PROBATION FY 2024-25 JOINT BUDGET COMMITTEE HEARING

Monday, December 18, 2023

9:00 am - 10:30 am

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

 Please describe one-time state and federal stimulus funds that have been allocated to the Department but are not expended as of September, 30, 2023, by bill, budget action, executive action, or other source that allocated funds. The description should include but is not limited to funds that originate from one-time or term-limited General Fund or federal funds originating from the American Rescue Plan Act (ARPA)/State and Local Fiscal Recovery Funds/Revenue Loss Restoration Cash Fund. Please describe the Department's plan to obligate or expend all allocated funds that originate from ARPA by December 2024.

Federal guidance now allows funding from the American Rescue Plan Act (ARPA) to be spent through December 2026 as long as it is encumbered by December 2024. The following table identifies funding from the Act that was appropriated to the Judicial Department and the remaining balance as of September 30, 2023. The majority of the funding was appropriated for information technology projects that are underway but delayed due to pandemic-related supply chain issues. Because the funding was appropriated annually and did not include roll-forward authority, the funds remain in the designated cash fund.

In order for the Department to utilize the funding, a FY 2023-24 supplemental request and FY 2024-25 budget amendment will be submitted on January 2, 2024. These decision items will request amendments to underspent appropriations (as of December 31, 2023) in order to reflect that all remaining ARPA funds are available to Department for the same purpose until December 31, 2026.

BILL	Bill	Fund		TOTAL	REMAINING
NUMBER	NAME	NAME	APPROP.	Spend	APPROP.
	ARPA Money to Invest	Eviction Legal Defense Fund			
H.B. 21-1329	Affordable Housing	(SLFRF)	\$1,500,000	\$1,217,603	\$282,397
	Federal COVID Funding for	Victims Assistance Fund (ARPA-			
H.B. 21-292	Victim's Services	CSFR)	3,000,000	2,785,221	214,779
	Federal COVID Funding for	Economic Recovery and Relief			
S.B. 21-292	Victim's Services	Cash Fund	750,000	152,805	597,195
		Economic Recovery and Relief			
H.B. 22-1329	BFY 2023 Long Bill	Cash Fund	71,478	70,690	788
		Revenue Loss Restoration Cash			
H.B. 22-1329	BFY 2023 Long Bill	Fund – SLFRF	114,368	63,048	51,320
		Judicial Information Technology			
H.B. 22-1335 ²	Transfer to Judicial IT Cash Fund	Cash Fund - SLFRF Funds	24,131,390	4,314,087	19,817,303

BILL	BILL	Fund		TOTAL	REMAINING
NUMBER	NAME	NAME	APPROP.	Spend	APPROP.
H.B. 22-183	Transfer for Crime Victims Services	Victims Assistance Fund (ARPA- CSFR)	3,000,000	1,318,499	1,681,501
	Health Needs of Persons in	Behavioral and Mental Health			
S.B. 22-196	Criminal Justice System	Cash Fund - SLFRF Funds	4,000,000	1,557,028	2,442,972
S.B. 23-214	BFY 2024 Long Bill	Economic Recovery and Relief Cash Fund	41,474	28,968	12,506
		Revenue Loss Restoration Cash			
S.B. 23-214	BFY 2024 Long Bill	Fund - SLFRF	114,368	8,842	105,526
Total			\$36,723,078	\$11,516,790	\$25,206,288

¹ Expenditures through AP03/Q1 (Sept. 30, 2023) BFY 2023-24.

2 House Bill 22-1335 transferred \$24,131,390 cash funds on July 1, 2022, from the Revenue Loss Restoration Cash Fund to the Judicial Department Information Technology Cash Fund. House Bill 22-1329 (FY 2023 Long Bill) and Senate Bill 23-214 (FY 2024 Long Bill) appropriated \$8,541,863 cash funds and \$8,515,899 cash funds respectively, the remaining appropriation is requested for FY 2024-25.

- 2. Please further describe any budget requests that replace one-time General Fund or ARPA funded programs with ongoing appropriations, including the following information:
 - a. Original fund source (General Fund, ARPA, other), amount, and FTE;
 - b. Original program time frame;
 - c. Original authorization (budget decision, legislation, other);
 - d. Requested ongoing fund source, amount, and FTE; and
 - e. Requested time frame (one-time extension or ongoing).

The Department's FY 2024-25 R11 Information Technology Services Infrastructure and Maintenance request includes an ongoing request for \$675,000 cash fund spending authority from the Judicial Department Information Technology Cash Fund (IT Cash Fund) for ongoing costs associated with the Software-Defined Wide Area Network (SDWAN) project. Initiation of the project was funded through American Rescue Plan Act funds. The project will significantly improve network performance and reliability, particularly for videoconferencing and live streaming through the installation of a local internet circuit at each location allowing most of the internet traffic to go through the local circuit. SDWAN facilitates seamless scalability, enabling network expansion as the organization grows or new locations are added to the system, without requiring major infrastructure changes or disruptions. Phase 3 of the project will begin near the end of FY 2023-24 and will improve how public access points and guest Wi-Fi are managed.

Through an approved budget request, the Department received an appropriation of \$1.3 million in FY 2021-22, \$0.65 million in FY 2022-23, and \$0.65 million in FY 2023-24 for this purpose. With videoconferencing and live streaming continuing into the future as a regular part of court operations, ongoing funding is required to augment the quality and speed of data transfer, institute redundancy in internet connectivity, and curtail downtime to ensure that court and probation operations can continue uninterrupted.

3. Please provide a description, calculation, and the assumptions for the fiscal impact of implementing compensation provisions of the Partnership Agreement, as well as a qualitative description of any changes to paid annual, medical, holiday or family leave as a result of the Agreement. Please describe any compensation and leave changes for employees exempt from the Agreement if applicable.

The Judicial Department (Courts and Probation) is not subject to the Partnership Agreement, however pursuant to Section 13-3-105 (4), C.R.S., the Supreme Court takes "into consideration the compensation and classification plans, vacation and sick leave provisions, and other conditions of employment applicable to employees of the Executive and Legislative Departments" of the State of Colorado in order to ensure that State employees are "treated generally in a similar manner." Having considered the changes made to the Executive Branch's compensation system pursuant to the Partnership Agreement, the Courts and Probation's FY 2024-25 total compensation request includes a step plan intended to minimize compensation disparities between branches of State government.

4. Provide a prioritized list of budget reductions the Department would propose if 10.0 percent General Fund appropriation reductions were required of every Department.

A 10 percent General Fund reduction will significantly and negatively impact the capacity of the Trial Courts and Probation Departments to fulfill their Constitutionally and statutorily required responsibilities. The Department was unable to perform the degree of analysis required to prepare the requested list by the Hearing deadline, however will work with the Joint Budget Committee and its staff during FY 2024-25 budget balancing, if it is determined that a 10 percent General Fund reduction is deemed necessary.

ISSUE 2: COURTS AND PROBATION R2 CASE MANAGEMENT SYSTEM

1. *[Rep. Taggart]* Is this intended to be an internally developed CMS or proposed as a third-party platform? How accurate is a two- to three-year cost estimate for a project that remains to be designed and vendor chosen? Please speak to the anticipated timeline and budget for the project.

The Department requests funding with multi-year spending authority for the design, development, and implementation of a new Judicial Case Management System (CMS). The Department will issue a request for proposals and select a third-party vendor to develop the system. The design and development of the system will be informed by Department business unit and other stakeholder needs. While the Department's R2 request for the project portion of the appropriation is over a two-year period, the request includes three-year spending authority for each fiscal year appropriation. This will ensure that project funding is available for four consecutive fiscal years. If project funding is approved over a three-year period with three-year spending authority for each fiscal year, as suggested by Joint Budget Committee staff, project funding will remain available for the Department's use for five fiscal years. Given the vendor solicitation and selection and project design and development timelines, the Department will require access to the project funding for a minimum of four years.

The Department has prepared a CMS replacement roadmap (see the Department's R2 budget request) that identifies and describes each phase of the project. Design and successful implementation of the CMS will require a thorough assessment of the current system's strength and weaknesses, analysis of system requirements, and extensive stakeholder engagement. Each phase of the project is marked by specific deliverables:

• Phase I: Discovery and Planning (14-16 months) – the Department will perform intensive and strategic analysis of the current system's functionality, user workflows and processes, and the broad scope of the court system and probation departments system-specific needs and requirements. Ensuring that the project allows for scalability and adaptability will create opportunities to account

for legislative and service delivery changes that may occur in the future. Additionally, the planning process will provide an opportunity to integrate industry-specific regulatory requirements with the system's functionality and processes.

- Phase 2: Design (8-9 months) The Department will engage, as appropriate, current case management system users in the development of new and more efficient workflows and business processes. In addition, a gap analysis will be performed to identify process intricacies and unique processes that require customization of the software. The design phase will conclude with completion, review, and approval of all technical specifications and the initiation of the development of the maintenance manual, training plan and manual, and user manual.
- Phase 3: Development (9-10 months) The Department will issue a competitive solicitation and work with the selected contracted vendor to transform the requirements and design specifications into a functional software solution. This includes coding and configuration, unit testing, integration of the components into a unified system, comprehensive testing, debugging, documentation, data migration, version control, and continuous integration and deployment.
- Phase 4: Testing (2-4 months) Testing of system modules will occur during development to address bugs or necessary modifications. Testing of the full capabilities of the system, including migrated data and software performance will be conducted by utilizing small test/user groups.
- Phase 5: Deployment The Information Technology Services team will ensure the system is operational and make it available to the Courts and Probation Departments through successful implementation and integration within the product environment.

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	FY 2024-25 RI		0	D	P
	TOTAL	GENERAL	Cash	REAPPROP	FEDERAL
LINE ITEM	Funds	Fund	Funds	Funds	Funds
Judicial Case Management System (project costs) ¹	\$10,560,000	\$6,560,000	\$4,000,000	\$ 0	\$0
IT Infrastructure (ongoing maintenance)	0	0	0	0	0
F	Y 2025-26 Annu	ALIZATION			
	TOTAL	GENERAL	Cash	REAPPROP	Federal
LINE ITEM	Funds	Fund	Funds	Funds	Funds
Judicial Case Management System (project costs) ¹	\$20,186,313	\$20,186,313	\$0	\$0	\$0
IT Infrastructure (ongoing maintenance)	5,216,143	0	5,216,143	0	0
	Y 2026-27 Annu	ALIZATION			
	TOTAL	GENERAL	CASH	REAPPROP	FEDERAL
LINE ITEM	Funds	FUND	FUNDS	FUNDS	FUNDS
Judicial Case Management System (project costs)	\$0	\$0	\$0	\$0	\$0
IT Infrastructure (ongoing maintenance)	5,476,950	0	5,476,950	0	
		v	5,470,950	0	0
F	Y 2027-28 Annu		0	D	
	TOTAL	GENERAL	Cash	REAPPROP	FEDERAL
LINE ITEM	Funds	Fund	Funds	Funds	Funds
Judicial Case Management System (project costs)	\$0	\$0	\$0	\$0	\$0
IT Infrastructure (ongoing maintenance)	5,750,797	0	5,750,797	0	0
	FY 2028-29 Annu	ALIZATION			
		GENERAL		REAPPROP	Federal
LINE ITEM	TOTAL FUNDS	Fund	Cash Funds	Funds	Funds
Judicial Case Management System (project costs)	\$ 0	\$0	\$0	\$0	\$0
IT Infrastructure (ongoing maintenance)	6,038,337	0	6,038,337	0	0
¹ Three-year spending authority is requested for all project-	related appropriation	c			

The Department's funding request is provided in the following table.

¹Three-year spending authority is requested for all project-related appropriations.

2. *[Sen. Kirkmeyer]* Please describe and detail the uses of the Judicial IT Cash Fund. Please describe and detail the fees and revenue sources for this cash fund. When was the last time that fees that support this cash fund were increased and by how much?

Pursuant to Section 13-32-114, C.R.S., the funds in the Judicial Department Information Technology Cash Fund are subject to annual appropriation to be used by the Judicial Department for "any expenses related to the Department's information technology needs." The fund consists of fees and cost recoveries related to electronic filings, network access and searches of court databases, electronic searches of court records and any other information technology services. Public access fees were increased by 10 percent in 2019, and e-filing fees were increased between 50 and 100 percent in 2020.

Judicial Department Information Technology Cash Fund Uses FY 2024-25	REQUESTED Appropriations (In millions)
FTE	\$8.1
Current ongoing applications (including Forum, UKG,	
Software-as-a-Service, etc.)	16.5
E-filing	3.8
Indirect costs	0.4
Cloud	1.0
Secondary circuits	0.7
Accessibility	1.5
Special bills	0.4
CMS	4.0
48-hour bond hearings	0.8
Total request	\$36.4

3. *[Staff]* Please provide a recent history of fiscal note and appropriations made from the Judicial IT Cash Fund for the last three years. How has this impacted the ability to fund more of the CMS project from the cash fund? Please discuss the considerations for the fund split included in the CMS request.

Long Bill appropriations from the Judicial Department Information Technology Cash Fund have varied over the past three years. The FY 2020-21 cash fund appropriation totaled \$16.1 million. That number increased significantly to \$24.9 million in FY 2021-22 when American Rescue Plan Act funding was transferred to the Judicial Department Information Technology Cash Fund and made available for specific information technology projects. The FY 2023-24 Long Bill appropriation is detailed in the table below.

FY 2023-24 LONG BILL APPROPRIATIONS	APPROPRIATIONS (IN MILLIONS)
FTE	\$8.1
Current ongoing applications (including Forum, UKG,	
Software-as-a-service, etc.)	16.5
E-filing	3.8
Indirect costs	0.4
Total request	\$28.8

In the last three fiscal years, four bills have impacted the cash fund, reducing the amount available for implementation of the new Judicial Case Management System. One-time funding was appropriated from the cash fund in H.B. 21-1110 (Colorado Laws for Person with Disabilities) and in H.B. 23-1186 (Remote Participation in Residential Evictions) in the amounts of \$250,000 and \$358,800, respectively. Ongoing impacts to the fund result from an annual appropriation of \$782,451 in H.B. 21-1280 (Pre-trial Detention

Reform) and a projected annual revenue reduction beginning in January of 2024 of \$700,000 for S.B. 23-075 (Deletion of Child's Name from Criminal Justice Records).

As of July 1, 2023, the balance in the cash fund was \$21.0 million. Based on anticipated annual revenues of approximately \$30.5 million, the Department projects that utilizing between \$4 and \$6 million annually for the CMS project (in FY 2024-25) and ongoing maintenance (beginning in FY 2025-26), the excess cash fund balance will be depleted by FY 2027-28. While funding a larger portion of the project cost with cash funds remains an option in the near term, an ongoing General Fund appropriation would be necessary for approximately one-third of the project cost and all of the annual maintenance costs into the future.

ISSUE 4: COURTS AND PROBATION R7 RALPH L. CARR JUDICIAL CENTER

1. *[Sen. Kirkmeyer]* Is this a request for a General Fund backfill? Please describe the policy intention and history of General Fund support for the Judicial Center.

This request is for the restoration of General Fund that was cut from the Department's budget as a result of FY 2020-21 COVID-19 pandemic-related budget balancing actions. The Justice Center Cash Fund is created in Section 13-32-101 (7)(a), C.R.S., and consists of all fees required by law to be deposited in the fund, any lease payments received by the Department from agencies occupying space at the Judicial Center, and parking fees paid by employees and members of the public who utilize the Carr Center parking garage. Pursuant to Section 13-32-101 (7)(a), C.R.S., "the moneys in the fund shall be subject to annual appropriation by the General Assembly for the expenses related to the design, construction, maintenance, operation, and interim accommodations for the state justice center, including but not limited to payments on any lease-purchase agreements."

While not expressly identified in statute, at the time the Fund was created, it was intended that filing fees and other revenues would be sufficient to cover all necessary costs. Due to an unexpected drop in filing fees between 2012 and 2015, a General Fund appropriation was required to ensure that funds were available to cover the cost of managing, operating, and maintaining the building. As a result of this, the Judicial Department submitted decision item R01 as part of its FY 2015-16 budget, requesting General Fund support for four cash funds, including the Justice Center Cash Fund. This FY 2015-16 decision item indicated that the Fund balance was not sustainable given existing revenues and expenditures. The following table shows the General Fund amount appropriated to the Fund since FY 2015-16.

GENERAL FUND APPROPRIATION TO THE JUSTICE CENTER CASH FUND									
FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	
\$5,000,000	\$4,806,525	\$4,704,365	\$4,598,683	\$4,492,915	\$883,418	\$883,418	\$883,419	\$883,418	

From FY 2015-16 through FY 2019-20, the General Fund appropriation was reduced by approximately 2 percent per year to offset the increase in lease appropriations for some of the tenants of the building. While General Fund appropriations to these tenants are reflected in the Department's budget as reappropriated funds, payments are deposited in the Fund and therefore are reflected as cash fund revenue. Recently created independent agencies receive no direct General Fund appropriation to cover lease costs and as a result no additional revenue is deposited in the Fund to cover those tenant-related costs. In addition, current appropriations for leased space do not factor in escalating building maintenance costs.

Historically, consistent General Fund appropriations combined with the Fund revenues ensured adequate funding to cover building-related expenses. The reduction in General Fund appropriations to less than \$0.9 million in the past four fiscal years has resulted in insufficient funding to cover the cost of management, operation, maintenance, and COP payments for the building.

2. *[Staff]* Please speak to Judicial Center Cash Fund sustainability issues. What is the history of the cash fund? What fees and revenue sources support the cash fund? When was the last time fees were increased and by how much? Please provide a 10-year history of cash fund revenue and expenditures.

As identified above, the Justice Center Cash Fund was created to cover expenses related to the design, construction, maintenance, operation, and COP payments for the Ralph L. Carr Judicial Center. Fee revenue deposited in the cash fund is established in statute (see table below), therefore fee adjustments are determined by the General Assembly.

COUNTY COURT SMALL CLAIMS (S) – (JURISDICTIONAL LIMIT OF	C.R.S. REFERENCE	Total Fee	Amount deposited
			in JCCF
			2
Plaintiff: Up to \$500.00 13-3		\$31.00	\$11.00
	-32-101(5)(k)	\$55.00	\$11.00
	-32-101(5)(j)	\$26.00	\$11.00
	-32-101(5)(l)	\$41.00	\$11.00
Party with counter claim: If Plaintiff's claim is \$500.00 or less			
	-32-101(5)(m)	\$31.00	\$11.00
Party with counter claim: If Plaintiff's claim is \$500.00 or less			
	-32-101(5)(n)	\$46.00	\$11.00
Party with counter claim: If Plaintiff's claim is between \$500.01			
	-32-101(5)(n)	\$46.00	\$11.00
	ıle 369; CRCP	\$70.00	\$20.00
COUNTY COURT CIVIL (C) – (JURISDICTIONAL LIMIT OF \$25,000 OR LESS)	.)		
	-32-101(1)(c)(III.5)(A)	\$85.00	\$38.00
Plaintiff, Petitioner (money claim between \$1000.00 and \$14,999.99) 13-3	-32-101(1)(c)(III.5)(C)	\$105.00	\$38.00
	-32-101(1)(c)(III.5)(E)	\$135.00	\$38.00
	-71-144	\$183.00	\$47.00
	-71-144	\$203.00	\$47.00
	-71-144	\$233.00	\$47.00
DISTRICT COURT CIVIL (CV)			
	-32-101(5)(o)	0005 66	\$ <0.00
	RCP 106(a)(4)(II)	\$235.00	\$68.00
	-32-101(5)(0)	\$466.00	\$88.00
	-32-101(5)(o)	\$234.00	\$68.00
	-32-101(5)(o)	\$234.00	\$68.00
	-32-101(5)(q)	\$192.00	\$68.00
	-32-101(5)(q)	\$423.00	\$88.00
	-32-101(1)(f)	\$421.00	\$136.00
5.7	-71-144	\$652.00	\$156.00
Defendant, Respondent filing a cross or counter claim or both 13-2	-32-101(5)(o)	\$234.00	\$68.00

Justice Center Ca Fee Rev	0 /		
Err	C.R.S. Reference	TOTAL	AMOUNT DEPOSITED
FEE	C.K.S. KEFERENCE	Fee	in JCCF
and answer fee <u>previously</u> paid			
Defendant filing an answer and also filing third party complaint	12 22 101(5)(-)	¢421.00	¢126.00
but not filing cross or counter claim Defendant filing an answer and a cross or counter claim and a	13-32-101(5)(q)	\$421.00	\$136.00
	13 32 101(5)(x)	\$655.00	\$204.00
third party complaint	13-32-101(5)(q)	\$655.00	\$204.00
Defendant filing an answer, cross or counter claim, third party	12 71 144	\$997.00	#224 00
complaint and jury demand	13-71-144	\$886.00	\$224.00
	13-32-103(6)	¢70.00	*2 0.00
Rule 69 Docket Fee; Judgment Creditor	Rule 69, CRCP	\$70.00	\$20.00
Petitioner under Rule 120, CRCP	13-32-103(3)	\$224.00	\$68.00
Respondent under Rule 120, CRCP	13-32-103(1)(f)	\$192.00	\$68.00
Entry of Foreign Judgment	13-53-106	\$201.00	\$15.00
Change of Name Petition	13-32-101(5)(o)	\$238.00	\$68.00
Defendant's Motion to Dismiss for Failure to File Complaint	13-32-103(2)	\$55.00	\$20.00
Civil Appeal: Appellant	13-32-101(5)(p)	\$163.00	\$68.00
Civil Appeal: Appellee	13-32-101(5)(q)	\$192.00	\$68.00
	13-32-103(1)		
Appeal from County or Municipal Court of Record	Criminal Rule 37	\$70.00	\$20.00
Jury Demand Fee	13-71-144	\$231.00	\$20.00
Petition to Seal Criminal Records	13-32-101(5)(o)	\$224.00	\$68.00
Petition to Seal Criminal Conviction (added 7/1/08)	24-72-308.5(4)(b)	\$224.00	\$68.00
Petition to Seal Marijuana Conviction (effec 8/9/17)	24-72-710	\$289.00	\$68.00
DISTRICT COURT JUVENILE (JV, JA)		#=07100	#00100
Adoption Petition	13-32-101(5)(r)	\$167.00	\$15.00
Action under Uniform Parentage Act	13-32-101(5)(o)	\$238.00	\$68.00
Juvenile Party Respondent Fee	13-32-101(5)(q)	\$192.00	\$68.00
Intervenor (adds new party)	13-32-101(5)(q)	\$234.00	\$68.00
District Court Domestic Relations (DR)	13-32-101(3)(0)	\$254.00	\$00.00
	12 22 101(5)()	¢220.00	*2 (00
Petition for Dissolution of Marriage	13-32-101(5)(a)	\$230.00	\$26.00
Petition for Legal Separation (note: \$5 DHOM added 7/1/08, per	12 22 101(5)()	¢220.00	*2 <00
Myra Dukes and Cyndi Hauber)	13-32-101(5)(a)	\$230.00	\$26.00
Petition for Invalidity of Marriage	13-32-101(5)(a)	\$230.00	\$26.00
Petitioner - Declaratory Judgment (note: \$5 DHOM & \$3			** * ***
VSTX added 7/1/08, per Myra Dukes and Cyndi Hauber)	13-32-101(5)(a)	\$230.00	\$26.00
Petition to Prevent Removal of Child (added 7/1/07)	13-32-101(5)(o)	\$235.00	\$68.00
	13-32-101(1)(d); Rule		
Intervenor	24(c), CRCP	\$234.00	\$68.00
Respondent	13-32-101(5)(b)	\$116.00	\$26.00
Foreign Decree	13-53-106	\$201.00	\$15.00
Registration of Child-Custody Determination issued by a court			
in another State (filed as a foreign judgment)	13-53-106	\$166.00	\$15.00
Motion to Modify, Amend or Alter Decree or Order (more			
than 60 days after decree entered)	13-32-101(5)(s)	\$105.00	\$10.00
Petition for Allocation of Parental Responsibility (Petition for			
Custody)	13-32-101(5)(a)	\$222.00	\$26.00
DISTRICT COURT PROBATE (PR)			
Small Estate			
(pursuant to 15-12-1203 and/or 15-14-118)	13-32-102(6)(a)	\$83.00	\$15.00
All Other Estates			
(those that do not meet the criteria of a Small Estate)	13-32-102(6)(b)	\$199.00	\$15.00
Guardianship	13-32-102(6)(b)	\$199.00	\$15.00
Conservatorship	13-32-102(6)(b)	\$199.00	\$15.00
Additional Fee for Supervised Administration (except contested			π-0.00
claims)	13-32-102(6)(c)	\$198.00	\$15.00
Petition for Allowance of Claim (Contested Claim by Claimant)	13-32-102(6)(d)	\$198.00	\$15.00
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Justice Center Ca Fee Rev			
		TOTAL	AMOUNT DEPOSITED
FEE	C.R.S. REFERENCE	FEE	IN JCCF
Trust Registration Statement	13-32-102(6)(e)	\$198.00	\$15.00
Filing First Papers Relating to a Trust (Petition for Trust			
Action)	13-32-102(6)(f)	\$199.00	\$15.00
Jury Demand Fee	13-71-144	\$231.00	\$20.00
Registration of Foreign Guardianship and/or Conservatorship <i>(added 7/1/08)</i>	13-53-106	\$201.00	\$15.00
DISTRICT COURT WATER (CW)			
Application, Complaint, Petition, or any other pleading			
initiating a water matter	13-32-101(5)(o)	\$235.00	\$68.00
Intervenor - treated as an applicant and charged an additional			
Fee	13-32-101(5)(o)	\$234.00	\$68.00
Intervenor - if simply protecting an interest; treated the same as			
a respondent in a civil case	13-32-101(5)(q)	\$192.00	\$68.00
Application for Change of Water Right or Plan for			
Augmentation	13-32-101(5)(o)	\$469.00	\$136.00
Statement of Opposition	13-32-101(5)(q)	\$192.00	\$68.00
Pleading in Protest or Support of Referee's Ruling (exempt			
from fee if already a party)	13-32-101(5)(q)	\$192.00	\$68.00
Protest to Abandonment List	37-92-401(5)	\$45.00	\$10.00
	13-32-103(6)		
Rule 69 Docket Fee; Judgment Creditor	Rule 69, CRCP	\$70.00	\$20.00
MISCELLANEOUS FEES			
Issuing and Docketing of Writ of Execution			
(and for filing the sheriff's return of the same)	13-32-104(3)(b)	\$45.00	\$10.00
Certificate of Dismissal or No Suit Pending	13-32-104(3)(c)	\$20.00	\$5.00
Certificate of Satisfaction of Judgment	13-32-104(3)(d)	\$20.00	\$5.00
Certifying a Copy of any record, proceeding, or paper on file	13-32-104(3)(f)	\$20.00	\$5.00
Certificate of Exemplification of any record, proceeding, or			
paper on file	13-32-104(3)(h)	\$20.00	\$5.00
Preparing and Issuing a Transcript of Judgment (except that this fee shall not be charged for a judgment			
entered pursuant to 18-1.3-701)	13-32-104(3)(g)	\$25.00	\$5.00
Issuing a Writ of Garnishment	13-32-104(3)(j)	\$45.00	\$10.00
Issuing a Writ of Attachment	13-32-104(3)(k)	\$65.00	\$10.00
COURT OF APPEALS (CA)	~ / ~ /		
Appellant/Petitioner	13-4-112	\$223.00	\$68.00
Appellee/Respondent	13-4-112	\$148.00	\$68.00
Appellee/Respondent	13-4-112	\$223.00	\$68.00

The Department has provided revenue and expenditures for the past nine fiscal years – since the implementation of CORE. Please note that while the Long Bill appropriations for the Ralph L. Carr Judicial Center include reappropriated funds, these funds are deposited in the Justice Center Cash Fund and therefore should not be considered an additional source of funding above cash fund revenue or appropriated General Fund for the Department to utilize for building management, operation, maintenance, and COP payments.

Justice Center Cash Fund Revenue and Expenditures									
FISCAL YEAR	2014-15*	2015-16*	2016-17*	2017-18**	2018-19**	2019-20**	2020-21**	2021-22**	2022-23**
Revenue:									
Fees	\$12,452,209	\$11,999,263	\$11,958,783	\$12,000,165	\$12,113,098	\$10,581,403	\$9,531,746	\$9,899,413	\$10,596,425
Leased Space	6,927,359	7,017,435	7,191,374	6,639,932	6,788,524	6,897,105	7,050,878	7,176,184	7,305,825

Justice Center Cash Fund Revenue and Expenditures									
FISCAL YEAR	2014-15*	2015-16*	2016-17*	2017-18**	2018-19**	2019-20**	2020-21**	2021-22**	2022-23**
Other	134,161	136,635	237,653	944,647	949,311	872,424	700,217	716,272	722,553
Total Revenue	\$19,513,729	\$19,153,334	\$19,387,810	\$19,584,744	\$19,850,934	\$18,350,932	\$17,282,841	\$17,791,869	\$18,624,803
Expenditures	\$20,990,523	\$16,330,504	\$16,307,486	\$16,775,130	\$16,569,321	\$21,821,149	\$18,583,664	\$19,528,727	\$19,209,249

*Parking fees are coded to Leased Space

**Parking fees coded to Other

3. [Sen. Zenzinger] Please describe the need for the request for legislation to repeal the current controlled maintenance reserve fund created in statute. Please describe how the Department seeks to address controlled maintenance in its place.

The Justice Center Maintenance Fund was created in Section 13-32-101 (7)(d)(I), C.R.S., for the purpose of funding the controlled maintenance needs of the Ralph L. Carr Judicial Center. Subsection (7)(d)(III) of the section defines "controlled maintenance" as having the "same meaning as set forth in section 24-30-1301 (4), C.R.S.; except that it may include any maintenance needs that would ordinarily be funded in the Judicial Department's operating budget and it may include information technology equipment to support network operations, such as servers or uninterruptible power supply units, or to regulate or control building systems, such as lighting or HVAC."

Prior to FY 2019-20, appropriations for controlled maintenance were made in the Controlled Maintenance line item of the Department's budget. This line item was replaced with the Justice Center Maintenance Fund (JCMF) Expenditures line item in FY 2019-20 when the JCMF was created in statute. The fund consists of moneys appropriated to it by the General Assembly, and such funds were subsequently reappropriated to the JCMF Expenditures line item for use by the Department for controlled maintenance of the Judicial Center. Section 13-32-101 (7)(d)(I) and (II), C.R.S., identify two critical funding requirements for controlled maintenance costs:

- Subsection (7)(d)(I) states that "the amount appropriated to the maintenance fund from the Justice Center Cash Fund must be equal to the amount described in subsection (7)(d)(II) of this section" and
- Subsection (7)(d)(II) states that "current and projected appropriations to the maintenance fund from the Justice Center Cash Fund should be sufficient to pay for current and projected controlled maintenance needs for the Ralph L. Carr Colorado Judicial Center as outlined in the report required in subsection (7)(d)(IV) of this section, taking into account any projected interest earnings on the maintenance fund."

As described in the previous question, the Justice Center Cash Fund revenue alone is not sufficient to cover the cost of management, operation, maintenance, and COP payments for the building. Because the funding appropriated to the JCMF came from the Justice Center Cash Fund and not the General Fund, the JCMF contributes to the JCCF insolvency, but above that, the mechanism created redundancy, inflated the Department's budget, increased accounting inefficiencies, and lends to a lack of transparency in the budget.

In an attempt to reduce some pressure on the JCCF, the cash fund appropriation to the JCMF Expenditures line item was eliminated at the time the General Fund appropriation to the Debt Services Payment line item was significantly reduced. Because the General Fund appropriation was refinanced with the JCCF spending authority, however, the pressure on the cash fund increased. The spending authority for the JCMF Expenditures line item remains at \$1.3 million, however the balance in the fund

is now approximately \$800,000 and will consistently decline, limiting the Department's ability to perform much needed maintenance on the building and resulting in increased future costs due to missed opportunity in the near term. Further, elimination of an appropriation to the JCMF and waning cash fund balance appear to violate Section 13-32-101 (7)(d)(I) and (II), C.R.S.

Because of this and the increased inefficiencies and lack of transparency that results from the management of this redundant fund, the Department believes that a better solution to ensure necessary funding for future controlled maintenance, capital renewal, and emergency projects is to directly appropriate funding to a newly created Judicial Center Controlled Maintenance and Capital Renewal line item and repeal the JCMF beginning July 1, 2024.

4. *[Sen. Kirkmeyer]* Why shouldn't this request for a controlled maintenance component for the Judicial Center go through the Capital Development Committee (CDC)?

In addition to creating the Justice Center Maintenance Fund, Section 13-32-101 (7)(d), C.R.S., specifically identifies a process through which a capital development review takes place. Subsection (7)(d)(I) states that "Subject to annual appropriation by the General Assembly and subject to capital development review of any controlled maintenance needs that the committee would typically review for state-funded projects, money from the maintenance fund may be expended for controlled maintenance needs of the Ralph L. Carr Colorado Judicial Center." Further, subsection (7)(d)(IV) of the section requires the Department to provide a written report to both the Joint Budget Committee and the Capital Development Committee on November 1st that documents expenditures that have been made from the maintenance fund and that documents projected future expenditures from the maintenance fund.

The Department's R7 decision item does not include a request for legislation to repeal the statutory language requiring Capital Development Committee review of controlled maintenance needs for the Ralph L. Carr Judicial Center; nor does it seek to eliminate the annual reporting requirement to the Joint Budget Committee and the Capital Development Committee. The request is related only to the repeal of the Justice Center Maintenance Fund in order to eliminate the appropriation redundancy, inflated budget, accounting inefficiencies, and lack of transparency caused by the current funding mechanism.

OTHER REQUESTS

1. *[Rep. Sirota]* Please describe the fees or revenue sources for the Court Security Cash Fund. Please describe how the Courthouse Security grant program distributes funding statewide.

Pursuant to Section 13-1-201 et. seq., C.R.S., the Judicial Department administers the Court Security Program and the associated Court Security Cash Fund. The Cash Fund consists of revenue from a \$5 surcharge assessed on: docket fees for criminal convictions, specified special proceeding filings, specified traffic infraction penalties, and civil infraction penalties; on fees for specified filings in water matters; on filing fees for specified probate filings; and on docket and jury fees for specified civil actions. Recommendations concerning grant awards from the Cash Fund are made to the State Court Administrator (SCA) by the Court Security Cash Fund Commission, a seven-member entity consisting of two county commissioners, two county sheriffs, two members of the Judicial Branch, and one member of the general public. The Commission is required to adopt guidelines prescribing the procedures to be followed in making, filing, and evaluating grant applications, the criteria for evaluation, and any other necessary guidelines.

Statute requires that funding from the Cash Fund distributed to counties must be used to supplement existing county funding for purposes related to security of facilities containing a state court or probation office and shall not be used to supplant moneys already allocated by the county for such purposes. The

Department may use up to ten percent of the amount annually appropriated for administrative costs associated with the Fund.

Grant applications are submitted by county local security teams who oversee court security issues. These teams consist of individuals including the Judicial District Chief Judge, the county sheriff, and a county commissioner or their designees. Grants from the Cash Fund are to be used in a facility containing a state court or probation office for the following:

- Court security staffing;
- The purchase of security equipment or related structural improvements;
- The provision of training on issues of court security; or
- Miscellaneous funding needs associated with issues of court security or security equipment.

Counties applying for court personnel services and meeting at least two of the following statutorily defined need-based criteria are to be prioritized:

- Counties in which the total population is below the state median;
- Counties in which the per capita income is below the state median;
- Counties in which property tax revenues are below the state median; or
- Counties in which the total county population living below the federal poverty line is greater than the state median.

COURTHOUSE SECURITY LINE ITEM APPROPRIATIONS									
	TOTAL	GENERAL	Cash	REAPPROP.	Federal				
FISCAL YEAR	Funds	Fund	Fund	Funds	Funds				
FY 2017-18	\$2,727,567	\$503,468	\$2,224,099	\$ 0	\$ 0				
FY 2018-19	2,730,314	381,215	2,349,099	0	0				
FY 2019-20	3,253,564	379,465	2,874,099	0	0				
FY 2020-21	3,027,320	0	3,027,320	0	0				
FY 2021-22	2,527,329	0	2,527,329	0	0				
FY 2022-23	2,930,635	400,000	2,530,635	0	0				
FY 2023-24	3,033,591	500,000	2,533,591	0	0				

Courthouse Security Long Bill appropriations are identified in the following table.

With decreasing revenues for four of the past five years, General Fund appropriations have been necessary to maintain total grant awards at or near \$2.0 million per year and maintain cash fund solvency. Statutory restrictions on eligible uses of the Cash Fund do not apply to the General Fund; however historically, awards made from General Fund appropriations were made based on the same guidelines established by statute and the Commission.

COURT SECURITY CASH FUND REVENUES					
FISCAL		ANNUAL	PERCENT		
YEAR	REVENUE	CHANGE	CHANGE		
FY 2017-18	\$2,241,145	n/a	n/a		
FY 2018-19	2,223,560	(17,585)	(0.8%)		
FY 2019-20	1,942,084	(281,476)	(12.7%)		
FY 2020-21	1,819,647	(122,437)	(6.3%)		
FY 2021-22	1,795,017	(24,630)	(1.4%)		
FY 2022-23	1,925,519	130,502	7.3%		
FY 2023-24 (est.)	1,926,000	481	0.0%		

 [Sen. Kirkmeyer] For the R6 Courthouse and Probation Security request, please explain what an additional \$2.0 million buys in terms of security.

The Department's request for an increase of \$2.0 million General Fund will increase the total available grant funding for courthouse and probation office security to \$4.1 million. The legislative declaration for this program [Section 13-1-201 (1)(c), C.R.S.,] acknowledges that "although the provision of security for state court facilities is a county responsibility, the variation in funds available to individual counties may not allow fundamental security measures to be met in each county." The expectation of the Department is that security would be provided at all courthouses and probation offices during regular business hours, however, is aware of satellite probation offices and courthouses that either entirely lack security or are provided insufficient security.

The Department believes that the increased appropriation of \$2.0 million General Fund should be allocated to counties through the grant program, with a portion of the funding earmarked to for satellite probation office security. Generally, Courthouse Security grant requests exceed available funding each fiscal year. The FY 2023-24 grant requests totaled over \$5.1 million, greatly exceeding the \$2.2 million available for award. Most grant requests for equipment were denied as the funding priority identified in statute is for staffing in counties with the most limited financial resources. Nonetheless, security equipment including magnetometers and x-ray machines in many counties has exceeded useful life and need replacement. Grant awards for equipment totaled \$130,350 in FY 2023-24. The Commission received nine equipment-related funding requests totaling \$498,232 from large counties that do not meet at least two of the four statutory criteria. Four requests totaling \$182,688 were submitted by counties that only met two of the four criteria. Because the Commission prioritized counties meeting three or four of the criteria, these requests were not funded.

COURT SECURITY CASH FUND GRANT AWARD TOTALS						
FISCAL	PERSONNEL	Equipment	ADMINISTRATIVE	INDIRECT		
YEAR	GRANTS	GRANTS	EXPENSES	Costs	TOTAL	
FY 2016-17*	\$1,724,968	\$0	\$ 0	\$84,919	\$1,809,887	
FY 2017-18*	1,874,859	0	0	80,764	1,955,623	
FY 2018-19*	2,036,695	0	0	94,415	2,131,110	
FY 2019-20*	2,370,179	0	0	91,104	2,461,283	
FY 2020-21	2,077,004	130,842	138,463	12,287	2,358,596	
FY 2021-22	2,260,098	7,962	136,670	14,209	2,418,939	
FY 2022-23	1,916,933	40,659	186,366	14,323	2,158,281	
FY 2023-24 (est.)+	1,500,000	40,000	16,366	13,005	1,569,371	

*All program costs are included in "Personnel Grants" in FY 2016-17 through FY 2019-20.

+\$500,000 in "Personnel Grants" are assumed to be from the FY 2023-24 General Fund appropriation.

FY 2023-24 Courthouse Security Grant Awards				
County	Amount			
Alamosa	\$133,914			
Archuleta	133,768			
Baca	75,663			
Bent	57,756			
Cheyenne	8,500			
Conejos	75,000			
Costilla	60,140			
Crowley	93,426			
Custer	88,000			
Delta	69,674			
Dolores	67,975			

FY 2023-24 Courthouse Security Grant Awards		
County	Amount	
Fremont	4,600	
Huerfano	48,458	
Jackson	17,000	
Kiowa	77,000	
Kit Carson	131,756	
Lake	52,638	
Las Animas	37,045	
Lincoln	39,000	
Mineral	5,800	
Moffat	149,283	
Otero	135,101	
Phillips	50,247	
Prowers	176,256	
Rio Blanco	11,200	
Rio Grande	142,958	
Saguache	97,530	
Sedgwick	36,348	
Washington	10,368	
Yuma	90,000	
TOTAL FY 2023-24 AWARDS	\$2,176,404	

3. *[Staff]* Please briefly summarize the process for and considerations given to the development of the Courts and Probation compensation plan step system.

The Courts and Probation compensation plan step system is included in the statewide Total Compensation request. Of the Department's total request, \$28.7 million total funds, including \$26.1 million General Fund, is related to the compensation renovation project. It is important to note that the development of the Courts and Probation updated compensation system complies with Section 13-3-105 (4), C.R.S., which requires the Supreme Court to take "into consideration the compensation and classification plans, vacation and sick leave provisions, and other conditions of employment applicable to employees of the Executive and Legislative Departments" of the State of Colorado in order to ensure that State employees are "treated generally in a similar manner." Having considered the changes made to the Executive Branch's compensation request includes a step plan and a 3.0 percent across the board salary increase and pay band adjustment in order to minimize compensation disparities between branches of State government.

Updates made to the Department's Compensation Plan are based on:

- **Modifications to position descriptions** for approximately 80 percent of the Department's job classes (specifically the largest job classifications that include the lowest-paid employees) to ensure that position descriptions reflect the actual responsibilities of staff;
- An evaluation of pay ranges of any modified, newly created, or existing unmodified job classes to ensure that pay bands are appropriate for each job class;
- An evaluation of the pay grades in comparison to market salary conditions; and,
- The development of a mechanism through which employees can move through the pay band to which their salaries are assigned.

The Department's compensation plan has not received a thorough review and position descriptions have not been holistically updated for approximately 10 years. As a result it was necessary to update position

descriptions prior to determining the placement of each employee within the appropriate pay band. This placement process requires the following actions:

- Each salary range will be modified to reflect a 50 percent range spread¹ and either adjusted by the approved market range adjustment or the Judicial Department compensation study recommended market adjustment;
- Each employee will receive the approved across the board salary increase (the FY 2024-25 request is 3 percent);
- Each employee will be placed within the appropriate salary range depending upon years of experience and classification;
- An employee may be adjusted to the appropriate step within the range if their salary is below the assigned salary step.

Funding for future market-related adjustments will be requested through the annual budget process.

4. [Staff] Please describe the Department's staff requests included in R3, R4, R5, R9, and R12.

<u>R3 Judicial District Administrative Staff.</u> The Department requests \$1.7 million General Fund and 17.75 FTE is to ensure that the State's 22 judicial districts have adequate staff in both the Probation Departments and Trial Courts to support the district. The same legislation that has driven necessary changes to the Department's Compensation Plan is also increasing the associated workload in the Department. Administrative Staff in both District Probation Departments and Trial Courts are the most cost-effective means to improve business processes. These employees:

- Support District financial responsibilities such as budgeting, accounting, and financial reporting;
- Support human resource functions, including recruitment, employee onboarding, and policy enforcement;
- Conduct orientations for new employees;
- Assist in the development and communication of administrative policies, directives, rules, and regulations; and
- Serve as local experts on the implementation and support of various processes and programs related to court and probation operations.

<u>R4 Probation Resources.</u> The Department requests \$0.8 million General Fund for 7.0 FTE, including:

- \$0.4 million General Fund for 3.0 Division of Probation Services Professional Development Unit FTE
 - o 2.0 Education Specialist FTE
 - 0 1.0 Probation Analyst III FTE
- \$0.4 million General Fund for 4.0 Probation Officer FTE.

The Division of Probation Services supports the judicial district Probation Departments through coordinated training, evaluation, and policy and program development and implementation. The Professional Development Unit (PDU) in the Division is responsible for developing new training content and analyzing training data to inform decision making; however capacity

¹ Salary range spread = (maximum pay – minimum pay)/minimum pay

limitations prevent the PDU from meeting statewide required and requested training demands. Additional FTE in the PDU will improve the timeliness and effectiveness of probation staff by:

- Expanding training opportunities to ensure that new staff receive statutorily required training;
- Developing new training content when requested or required;
- Analyzing training data; and
- Making data-driven training decisions.

These three PDU positions will:

- Increase the supply of educational content to District Probation Departments;
- Diversify learning opportunities and methods for Probation staff;
- Modernize current educational content and methods;
- Develop a data infrastructure to measure learning effectiveness; and
- Apply evidence-based project management, instructional design, and implementation frameworks to improve effectiveness and efficiency.

In addition to FTE requested to improve training capacity, the Department requests funding for 4.0 Probation Office FTE. District Probation Departments are currently operating at an average staffing level of approximately 80.0 percent. To be fully staffed statewide, Probation Departments would require just over 200 additional FTE to meet the statutorily required activities and demands related to supervision, investigations, and victim services. While in other service areas it may be possible to shift staff to other locations to meet workload demands, given the volume of the work, the type of training required to perform it, and the expectations defined in the Victim Rights Amendment, short-term contracts or utilization of other already over-extended employee resources is not possible.

Two district Probation Departments (the 5th and 21st) are disproportionately understaffed at 65 and 73 percent. Based on District Probation staffing model calculations, increasing Probation Programs FTE by 4.0 will increase staffing levels to 75 percent in both departments.

<u>R5 Court Resources.</u> Recent legislation and evolving processes are changing the landscape of Colorado's judicial system, placing considerable strain on existing resources. These changes have led to heightened intricacies in legal cases, increased workload, direct impacts on other programs and departments, delays in case processing, overwhelmed staff, and extended wait times for some court proceedings. The Department's request contain 5 staffing categories and is for \$2.8 million General Fund for 28.0 FTE.

Trial Courts Staff (5.0 in-district FTE). The Department requests \$0.5 million General Fund for 3.0 Family Court Facilitator FTE and 2.0 Self-represented Litigant Coordinator (Sherlock) FTE. These specialized staff address the unique needs of unrepresented litigants, who constitute approximately 75 percent of all litigants in Colorado domestic relations cases and approximately 60 percent in county court civil cases, including divorce, child custody, child support, eviction, and protection order cases.

Based on the FY 2023-24 Staffing Allocation Model, 9 districts fall below the statewide Family Court Facilitator staffing average of 78.3 percent, reflecting a need for 10.52 additional Family Court Facilitator FTE statewide. Similarly, 9 districts fall below the statewide Sherlock staffing average of 78.9 percent, reflecting a need for 10.33 additional Sherlock FTE statewide. While the Department is not requesting the 20.85 FTE that would be required to fully staff the existing 22 judicial districts, the addition of 3.0 Family Court Facilitator FTE and 2.0 Sherlock FTE to the statewide staffing pattern will improve the staffing average and thereby improve the support given to unrepresented litigants who interact with the judicial system.

Peer Training and Coordination (14.0 in-district FTE). The Department requests \$1.2 million General Fund for 14.0 Peer Training Specialist FTE. This is the second year in a multi-year request to improve training and skills development in the State's 22 judicial districts. These specialized staff provide training to court staff in order to:

- Ensure the timely and accurate coding and data entry of 15 unique case classes and 200 unique case types into multiple complex data systems;
- Provide critical support to the courts for the utilization of virtual platforms (livestreaming, remote/WebEx access to court proceedings) and the rollout of new software; and
- Support the development of customer service skills to support those engaging with the Courts.

Currently, only 6 judicial districts have access to a Peer Training Specialist. The 16 judicial districts lacking Peer Training Specialists, include more than 1,000 court staff and must rely on the local supervisors and existing court staff for onboarding and on-the-job training. This requires these existing staff to prioritize training above their regularly assigned responsibilities, placing additional strain on the district capacity and causing delays in service delivery.

Office of Language Access (3.0 in-district FTE; 1.0 Court Services FTE). The Department requests \$0.4 million General Fund for:

- 3.0 Court Interpreter FTE; and
- 1.0 Court Program Analyst II FTE who will identify, recruit, and contract rare language and Languages other than Spanish (LOTS) interpreters for the State's 22 judicial districts.

Language services are mandated by federal law under 42 U.S.C. § 2000d et seq., which requires Colorado Courts to comply with Title VI of the Civil Rights Act of 1964. The Office of Language Access (OLA) in the Division of Court Services provides access to interpreter services in 112 languages to limited English proficiency (LEP) individuals, improving their access to justice. Recent data indicates that 16.3 percent of all Coloradans speak a language other than English in the home; and while 88 percent of the interpreting needs in the judicial system are Spanish, the demand for rare language or LOTS interpreting services is steadily increasing. As a result, the Courts have experienced a 34 percent increase in the demand for interpreting services from FY 2019-20 through FY 2022-23. The Department's request for funding to increase the number of court interpreters will build capacity to better serve non-English speaking individuals engaging with the judicial system. The addition of a Court Program Analyst II will reduce the time it takes to identify, recruit, and contract rare language and LOTS interpreters for the 22 judicial districts.

Court Services Administrative Support (1.0 FTE). The Department requests \$94,412 General Fund for 1.0 Staff Assistant FTE in the Division of Court Services. The Division is responsible for the supervision and administration of 19 specialty programs and currently is supported by only 1 staff assistant. The additional position will:

- Streamline administrative task support across all specialty programs and areas of work in the Division;
- Improve timeliness and consistency of administrative work; and
- Allow Court Program Analysts to focus on the programmatic needs of the Department.

Court of Appeals Staff Attorneys (4.0 FTE). The Department requests \$0.6 million General Fund for 3.0 Staff Attorney FTE and 1.0 Deputy Chief Staff Attorney FTE to improve the processing time of dependency and neglect (D&N) cases. D&N cases involve situations where children come under the

jurisdiction of the juvenile court, primarily due to allegations of neglect or abuse against the parent(s). Child(ren) may either continue to reside in the familial home under the supervision of the parent(s), or they may be removed from their home environment and placed either with a relative or in the care of a foster family. D&N cases are categorized as civil matters and do not entail criminal prosecution of the parent(s).

In 2000, the General Assembly established the Child Welfare Appeals Workgroup to consider changes to practices, rules, and statutes to ensure that appeals in cases concerning relinquishment, adoption, and D&N are resolved within 6 months (182 days) after filing. House Bill 22-1113 charged the Workgroup to continue for an additional two years to study the resources needed to ensure the resolution of D&N appeals within 6 months (see Children's Code §19-1-109(3), C.R.S.).

Because the welfare and rights of children and parents are at stake, the nature of D&N appeals can be extraordinarily complex and sensitive, requiring a significant amount of work by staff attorneys. Current D&N appeals processing time averages approximately 254 days. The Court of Appeals has initiated a series of polices and procedural adjustments aimed at mitigating the issue of delayed processing of D&N appeals:

- Rule changes limiting the use of continuances by parties to allow them to supplement the record;
- Added clear timeframes for filing and responding to appeals;
- Extensive appellate advocacy training tailored explicitly for judicial officers, trial attorneys, and appellate attorneys; and
- Early remanding of cases back to the trial court when non-compliance is evident.

<u>R9 State Court Administrator's Office Staffing</u>. The Department's request contains 3 staffing categories and is for \$1.3 million General Fund for 11.0 FTE.

Division of Administrative Services (3.0 FTE). The Department requests \$0.4 million General Fund for:

- 1.0 Chief Communications Officer FTE
- 1.0 Legislative Policy Analyst FTE
- 1.0 Administrative Assistant FTE

The Division of Administrative Services (formerly the Executive Division) of the State Court Administrator's Office (SCAO) consists of Governmental Outreach, Communications, Facility Services, Judicial Security, and Judicial Officer Training and Development. As the Courts and Probation Departments return to normal business operations post-pandemic and implement new initiatives intended to improve services, the SCAO requires additional staff to address the challenges associated with legislative policy analysis and internal and external communications.

Division of Human Resources (3.0 FTE). The Department requests \$0.3 million General Fund for:

- 1.0 Benefits Analyst FTE
- 2.0 Payroll Analyst FTE

The Division of Human Resources develops and manages the personnel system for the Department. The Division coordinates employee mediation and dispute resolution processes; maintains and interprets the personnel rules; ensures equal employment and diversity management; provides education and training; and performs compensation and classification studies, recruitment, performance management, workforce planning, risk management, and coordination of benefits. Recent changes related to employee benefits and compensation have resulted in an increased workload for Employee Services and Payroll staff.

Expansion of benefits programs including the State's Paid Family and Medical Leave Insurance (FAMLI) program and modifications to short-term disability have significantly increased the workload related to supporting employees and processing required documentation, exceeding the capacity of the existing 2.0 FTE in the Benefits Unit.

Similar to the Benefits Unit, the 4.0 FTE in the Payroll Unit have experienced a significant workload increase. The implementation of a new time and leave tracking system as a result of an audit has increased the workload associated with analyzing and processing payroll and time and leave actions for new hires, promotions, separations, and contracts by 51.0 percent. Utilizing data to perform a workload/time analysis, the Department estimates that an increase of 5.5 Payroll FTE is required to address the Unit's current capacity challenges. This is determined by:

- Assigning an average number of minutes to each UKG transaction type,
- Calculating the total number of hours to perform all transaction types,
- Dividing the number by 2,080 hours, and
- Applying a relief factor of 1.24.

Financial Services Division (5.0 FTE). The Department requests \$0.6 million General Fund for:

- 3.0 Accounting FTE; and
- 2.0 Purchasing FTE.

The Accounting Unit continues to experience increased workload associated with additional Government Accounting Standards Board Standards, vendor payments, systems functionality, and customer assistance. In addition the Unit currently has insufficient capacity to serve as the liaison between the Information Technology Services (ITS) Division and judicial districts for matters related to revenue transactions based on case level data entered in the Department's Case Management System.

The Procurement Unit has experienced a 20 percent increase in the number of executed solicitations in the past 4 fiscal years. The limited capacity in the Unit is insufficient to adequately train staff in 23 judicial districts on procurement rules and processes as well process the number of solicitations executed each fiscal year. One Purchasing Agent can:

- Effectively work on no more than 2 statewide solicitations at a time;
- Only complete 1 to 2 statewide solicitations per year;
- Process 3 to 4 formal ITS solicitations simultaneously; or
- Process between 6 and 9 formal ITS solicitations per year.

The Department currently experiences an average of at least 4.4 annually required statewide solicitations and processes an average of 12 ITS specific solicitations each year. Based on existing staffing ratios, the Department would require between 3.6 and 5.3 additional Purchasing Agent FTE to be staffed at the level of the Governor's Office Information Technology.

<u>R12 Leadership Development.</u> The Department's request is for \$0.5 million General Fund to implement an updated leadership development program that focuses both on theory and practical skills application and incorporates management and leadership development skills within the Department's programs, processes, and practice. In the past 10 years, the statewide staffing levels for the Department have increased 22.0 percent, and while business operations have moderately kept pace with the growth of the Department, resources related to leadership development have been reduced and remain insufficient.

This request covers the internal costs of implementing a leadership development program as well as the estimated costs for a third-party vendor, selected through a public solicitation process, to deliver the training. The increased funding and resulting leadership development programming will directly impact organizational capacity, effectiveness, and customer service support by improving employee engagement and retention.

Beginning in FY 2013-14, the Department received an appropriation of \$517,500 per year to implement a leadership development and education program at a cost of \$517,500 per year. As part of COVID-19 budget balancing actions, this appropriation was reduced by \$480,000 in FY 2020-21 and ongoing, effectively eliminating reliable funding for programmatic leadership development opportunities in the Department. During 2022 listening sessions throughout the State, the Supreme Court received consistent feedback from staff and judicial officers concerning the critical need for additional training and professional and leadership development. The negative impact of insufficient leadership training and development opportunities within the Department has been realized in diminished employee essential skills development; decreased organizational growth and development of future leaders; reduced internal and external collaborative opportunities; reductions in unit, division, and district succession planning; limited cooperation and synergy; and decreased opportunity for growth in organizational culture related to diversity, equity, inclusion, and accessibility. Through a formal, public solicitation, the Department will work with a vendor to develop and deliver training modules that cover individual leadership styles, team leadership skills, leadership within the organization, and skills and expertise related to: effective communication; conflict, change, and performance management; employment law; disciplinary processes; team building; and customer service.

5. *[Staff]* Please briefly describe the Department's additional requests.

<u>R8 Digital Accessibility (see written common question for additional details).</u> Pursuant to H.B. 21-1110 (Colorado Laws for Persons with Disabilities), the Department is implementing a sustainable digital accessibility program to ensure that digital technologies, platforms, and content are usable and inclusive for all individuals, including those with disabilities. The technologies include websites, applications, kiosks, digital signage, documents, video, audio, and third-party tools. The Division of Information Technology Services in the Department has inventoried over 8,000 digital assets that require accessibility compliance and maintenance. The request is for \$2.1 million total funds, including \$0.8 million General Fund, including:

- \$1.3 million cash funds for accessibility program implementation and remediation services; and
- \$0.8 million General Fund for 6.0 Information Technology Services FTE.

<u>R10 Office of Judicial Performance Evaluation</u>. The Department's request is for:

- \$0.2 million cash funds for 1.0 Staff Development Administrator FTE; and
- Legislation to make the Office of Judicial Performance Evaluation an independent agency and to move the administrative services from the SCAO to the Office of Administrative Services for Independent Agencies.

The Office is created within the Judicial Department but is governed by a state commission which appoints the Office's Executive Director. The Office relies on the State Court Administrator's Office for information technology, human resources, and financial services support. Given the creation of the Office of Administrative Services for Independent Agencies (ASIA), it is appropriate for the Office of

Judicial Performance Evaluation to be established as an independent agency and receive support from ASIA.

<u>R11 Information Technology Services Infrastructure and Maintenance.</u> The Department's request is for \$1.8 million total funds, including \$0.5 million General Fund and includes:

- \$0.5 million General Fund for 5.0 Information Technology Services FTE;
- \$0.7 million cash funds for secondary internet circuits in courthouses; and
- \$0.7 million cash funds for software-related inflationary costs.

Information technology circuits. The Department currently relies on a single internet circuit that provides internet access to the entire State. This network design is outdated and does not provide backup capabilities or the flexibility necessary for continuity of operations in the Trial Courts or Probation Departments. Initiation of the project was funded through the American Rescue Plan Act, however the Department requires ongoing funding to augment the quality and speed of data transfer, institute redundancy in internet connectivity, and curtail downtime. The investment will increase reliability and data volume, improve network security, and address inefficiencies and vulnerabilities in the current data network infrastructure.

Inflationary cost increases. The Department relies upon multiple information technology platforms that include Software-as-a-Service (SaaS) products and require software maintenance, subscriptions, and licenses. Vendor pricing has been increasing consistent with escalating product costs. Cost increases of between 3 and 10 percent throughout the pandemic have regularly been absorbed within the Department's existing resources. While the Department works with vendors to secure multi-year price contracts in order to manage costs, it is standard practice for vendor contract pricing to increase significantly at the time of renewal. The following table provides examples of recent software costs.

Example of Judicial Department Software Costs						
MICROSOFT O365						
Fiscal Year	FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24
Cost per license	\$200.85	\$200.85	\$339.46	\$339.46	\$349.93	\$386.43
Percentage Increase		0.0%	69.0%	0.0%	3.1%	10.4%
Estimated Total Cost for 4,500 Employees	\$903,825	\$903,825	\$1,527,570	\$1,527,570	\$1,574,685	\$1,738,935
FORTHERECORD (FTR)						
Fiscal Year	FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24
Software support cost per license	\$163.95	\$163.95	\$163.95	\$163.95	\$383.97	\$449.00
Percentage Increase		0.0%	0.0%	0.0%	134.2%	16.9%
Estimated Total Cost for 476 licenses	\$78,040	\$78,040	\$78,040	\$78,040	\$182,770	\$213,724
ATLASSIAN JIRA						
Fiscal Year	FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24
Total Subscription Cost		\$7,898	\$8,904	\$10,215	\$11,899	\$13,546
Percentage Increase			12.7%	14.7%	16.5%	13.8%

Information Technology Services Staffing (5.0 FTE). Additional staff are required to support expanded services in the 23 judicial districts. The FTE request includes:

- 1.0 Web Administrator FTE who will maintain, manage, and ensure the effective functioning of the Department's websites.
- 1.0 Customer Support Technician FTE to help address the increasing workload associated with information technology modernization and expansion.

• 3.0 Information Technology Support Technician FTE who will provide technology-related support both statewide and in courthouses and probation offices in the 23 Judicial Districts.

<u>R13 Courthouse Furnishings and Infrastructure Maintenance.</u> The Department's request is for \$145,000 General Fund for the State's share of the county-initiated courthouse infrastructure project that Las Animas County is initiating in FY 2024-25 and includes 2-year spending authority. Pursuant to Sections 13-3-104 and 108, C.R.S., Colorado counties provide and maintain adequate courtrooms and other court and probation facilities, while the State provides the furnishings and staffing that allow those facilities to function. Statute requires the Department to provide the furnishings to make the facility useable for its intended purpose.

<u>R14 Technical and Operational Adjustments.</u> The Department's request is for \$0.6 million total funds, including \$0.2 million General Fund and includes:

- \$16,608 General Fund for additional fleet vehicles for:
 - 0 1st Judicial District Probation
 - o 12th Judicial District Trial Courts and IT Technician
 - 23rd Judicial District Probation
 - Human Resources Grand Junction Office
- \$225,000 General Fund to cover the cost of annual professional license and certification renewal for the Department's professional employees
- \$350,000 cash funds spending authority for Trial Courts grants

The request also includes a net zero fiscal impact move of the Judicial Security Office line item from the (2) Courts Administration (A) Administration and Technology Long Bill subdivision to the (C) Centrally-administered Programs Long Bill subdivision.

ISSUE 1: A RECONSIDERATION OF THE COMPETENCY CRISIS

1. *[Staff]* Please respond to the staff issue brief on competency and the recommendation for diversion from competency. Please describe, and detail to the extent possible, activity in district and county courts to better address competency through the use of competency dockets, and activity at SCAO for support of competency dockets. Please comment on staff's recommendation for additional dedicated resources for state courts and for SCAO specialty courts programs.

Activity in Judicial Districts related to Competency Dockets

As of November 2023, there were ten judicial districts operating competency dockets (1*st* (January 2024) 2*nd*, 4*th*, 5*th*, 8*th*, 10*th*, 12*th*, 16*th*,18*th*, and 19*th*) serving about 350 clients and there were four judicial districts in various stages of implementation. While trial courts serve their local communities, often their competency stakeholders (forensic evaluators, court liaisons, forensic navigators, state hospital staff, and personal representatives) serve multiple judicial districts, county jails, and sometimes serve the entire state. According to the National Judicial Task Force to Examine State Courts' Response to Mental Illness, "an advantage of consolidation or centralization of dockets is that the ancillary resources implicated in competency cases are just that – ancillary, and only some of them are dedicated only to these cases.

Bringing them together at a consistent time and place with familiar faces and predictable processes is more efficient for them and for the court."²

Competency dockets are a multidisciplinary-collaborative approach to efficiently designate a time and place for stakeholders to meet and attend court; however, competency dockets are not problem-solving courts that have specific evidence-based practices. Because competency dockets are not problem-solving courts, they can be structured to meet the needs of the local jurisdictions.

Staff Support

As these courts begin to take shape, the judicial districts and the Criminal Justice Programs Unit (CJPU) in the State Court Administrator's Office (SCAO) have recognized the need for additional training, resources, technical assistance, and data and evaluation support. To assist with docket management and stakeholder engagement, several judicial districts have utilized problem solving court coordinators and other related staff. Recently, the Colorado Fines Committee³ provided funding for three competency court coordinators (1st, 2nd, 8th, 12th) which will require data collection and coordinated efforts with the SCAO to sustain funding for competency dockets and related positions. In a further effort to bolster these initiatives, the SCAO was also awarded funding through the Colorado Fines Committee for a term-limited competency diversion analyst. This position will provide crucial support in the areas of training, data collection and evaluation, and will be instrumental in establishing a statewide framework for competency dockets.

State Court Administrator's Office Support and Initiatives

While the courts currently receiving funding through the Colorado Fines Committee provide valuable support, the Department recognizes the need for a broader, long-term funding strategy. To this end, the Department is focusing on several key initiatives:

- 1. Data-Driven Advocacy: The SCAO has partnered with the problem solving courts to develop a robust case management system to support data collection and evaluation of these dockets. The Department is working closely with courts currently funded by the Colorado Fines Committee to ensure comprehensive data collection and evaluation efforts for competency dockets. This data will be instrumental in demonstrating the effectiveness of these dockets, justifying permanent funding support, and advocating for broader implementation across the state. Securing funding for court coordinator positions responsible for data entry is not simply a matter of administrative convenience, but a critical step in ensuring the long-term viability and effectiveness of competency dockets.
- 2. NCSC Grant Proposal: In collaboration with the National Center for State Courts (NCSC), the Department is developing a comprehensive grant proposal to research and evaluate the sustainability of competency dockets. This research will generate invaluable insights into the key components of a competency court and best practices and guide future funding requests and resource allocation strategies.

18-Dec-2023

deflect individuals from the competency system.

² Leading Reform: Competence to Stand Trial Systems. National Judicial Task Force to Examine State Courts' Response to Mental Illness, August 2021. Retrieved from https://www.ncsc.org/__data/assets/pdf_file/0019/66304/Leading_Reform-Competence_to_Stand_Trial.pdf. ³ The Colorado Fines Committee was established by a consent decree in federal court, the outcome of a lawsuit brought by Disability Law Colorado against the State of Colorado due to excessively long waitlist times for criminal defendants ordered to be evaluated and restored to competency. The State of Colorado pays fines associated with excessive waitlist times to the Fines Committee, which disburses funds to local programs implemented to

- 3. Exploring Alternative Funding Sources: The Department is actively exploring alternative avenues, recognizing that data collection and evaluation are crucial for demonstrating the effectiveness of these programs and garnering the support of legislative decision-makers.
- 4. In the summer of 2024, SCAO will be hosting a two-day Behavioral Health and Competency Convening to bring together competency court teams from around the state for:
 - a. Targeted Education and Support: Gain valuable insights and resources tailored to the specific needs of competency courts.
 - b. Collaborative Learning and Sharing: Discuss best practices, challenges, and strategies with colleagues from across the state.
 - c. Enhanced Effectiveness: Develop tools and approaches to optimize the operation and impact of competency dockets.

Response to JBC Recommendation

The 8th Judicial District's long-running competency docket has demonstrated promising results, including the dismissal of 78.0 percent of 118 cases during the period of June 2021 through December 2022. Of the 92 dismissed cases, 56.5 percent were felonies and 43.5 percent were misdemeanors. However, the current funding structure poses challenges to the long-term sustainability of these vital programs. As noted above, four judicial districts rely on the Colorado Fines Committee for funding court coordinators, and the SCAO has one competency analyst supporting diverse programs. This dependence on temporary funding creates uncertainty and hinders the potential for growth and innovation.

To ensure the continued success and expansion of competency dockets throughout Colorado, permanent and sustainable funding is crucial. This would allow for:

- Stable support for existing positions: Court coordinators and the SCAO competency analyst play critical roles in managing dockets, collecting data, and providing essential support. Secure funding would enable these individuals to continue their valuable work without fear of interruption.
- Development and expansion of programs: With stable funding, judicial districts can invest in further developing their competency dockets, exploring innovative practices, and expanding their reach to serve more individuals. One Colorado judicial district is pioneering a program to identify individuals caught in a cycle of competency evaluations. This initiative aims to stabilize these individuals and, ultimately, divert them entirely from the criminal justice system. The program's success will be closely evaluated, with the goal of replicating its approach across the state.
- Diversionary efforts: Competency dockets hold immense potential for diverting individuals from inpatient restoration, jail, and other restrictive settings. Continued funding would allow for exploring and implementing effective diversionary strategies, leading to better outcomes for individuals and the criminal justice system as a whole.
- Investing in the long-term sustainability of competency dockets is an investment in the well-being of individuals with mental health needs, the efficiency of the justice system, and the overall safety and well-being of our communities. Permanent funding can ensure that competency dockets continue to thrive and fulfill their promise of providing a more just and effective approach to justice involved individuals experiencing behavioral health crises.

JUDICIAL DEPARTMENT FY 2024-25 JOINT BUDGET COMMITTEE HEARING AGENDA

Monday, December 18, 2023 9:00 am – 3:15 pm

10:30-10:45 BREAK

10:45-11:15 OFFICE OF STATE PUBLIC DEFENDER (OSPD)

Main Presenters:

• Megan Ring, State Public Defender

Supporting Presenters:

- Lucienne Ohanian, Chief Deputy Public Defender
- Stephen Ettinger, Chief Financial Officer

Topics:

- Introduction and Opening Comments
- Common Questions: Page 1, Questions 1-3
- Requests: Page 2, Questions 4-8
- Issue 1: A reconsideration of the Competency Crisis: Page 8, Questions 9

JUDICIAL DEPARTMENT – OFFICE OF THE STATE PUBLIC DEFENDER FY 2024-25 JOINT BUDGET COMMITTEE HEARING AGENDA

Monday, December 18, 2023 10:45 am – 11:15 am

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

1 Please describe one-time state and federal stimulus funds that have been allocated to the Department but are not expended as of September, 30, 2023, by bill, budget action, executive action, or other source that allocated funds. The description should include but are not limited to funds that originate from one-time or term-limited General Fund or federal funds originating from the American Rescue Plan Act (ARPA)/State and Local Fiscal Recovery Funds/Revenue Loss Restoration Cash Fund. Please describe the Department's plan to obligate or expend all allocated funds that originate from ARPA by December 2024.

Please further describe any budget requests that replace one-time General Fund or ARPA funded programs with ongoing appropriations, including the following information:

- a. Original fund source (General Fund, ARPA, other), amount, and FTE;
- b. Original program time frame;
- c. Original authorization (budget decision, legislation, other);
- d. Requested ongoing fund source, amount, and FTE; and
- e. Requested time frame (one-time extension or ongoing).

The OSPD did not receive one-time state or federal stimulus funds.

2 Please provide a description, calculation, and the assumptions for the fiscal impact of implementing the provisions of the Partnership Agreement, including but not limited to changes in annual leave accrual, holiday pay, and paid family and medical leave. Please describe any compensation and leave changes for employees exempt from the Agreement if applicable.

The OSPD is not included in the Partnership Agreement.

3 Provide a prioritized list of budget reductions the Department would propose if 10.0 percent General Fund appropriation reductions were required of every Department.

About 87% of the OSPD's appropriation goes to staff salaries and benefits. OSPD has no cash funds to draw on and has little discretion over other significant parts of its budget, such as mandated costs. The primary way to reduce the OSPD's appropriation would be to reduce its appropriation for personal services. If, however, OSPD had to institute measures

to reduce personal services costs such as mandatory furloughs, the agency risks being unable to effectively represent its clients, which would drive increased costs in future years.

Requests:

- **R-1** Attorney FTE
- R-2 Social Workers and Client Advocates
- R-3 Digital Discovery

SPECIFIC QUESTIONS

4 [Rep. Bird] For R1, comparison was included for public defenders and district attorneys. How should the Committee appropriately consider the use of that comparison data, particularly for the R1 request? Please describe the OSPD perspective on the comparison. Please describe differences in attorney responsibility and workload experience for public defenders and district attorneys.

It has always been the position of the OSPD that both prosecutors and public defenders need enough staffing to effectively handle the number of cases they have, and each need enough lawyer staff to appear in the criminal dockets in each jurisdiction. Judges expect prosecutors and defenders to be present and on time on all the cases on the court's docket. In our current budget request, we are seeking attorneys to do the work that attorneys need to do and are also seeking the support staff needed to complete the other parts of our work that allow the attorneys to manage their workload effectively and efficiently. Historically, OSPD is always more lawyer-focused than district attorneys because of the client-centered nature of our work.

OSPD is often asked to compare its staffing to the staffing in district attorney offices, which is why we provided the JBC with comparison data. While this data point has some relevancy, the roles and responsibilities of public defenders differ greatly from that of district attorneys. Defender work is client-centered as required by our statute and American Bar Association Standards. Defenders guarantee the indigent the rights afforded by the Sixth Amendment to the United States Constitution. And while OSPD handles approximately 70% of the criminal cases filed across the state, we handle closer to 80-85% of the felony and more serious cases, which require the most attorney time and support staff.

We expect that district attorneys are asking their county commissioners to maintain or increase their staffing to help them with the explosion in discovery and other impacts from changes in their workload when prosecuting cases. District attorneys ask for the resources they need to perform their function as prosecutors and they will remain best situated to assess what they need in these changing times, including what the proper workload is for their attorneys and how their support staff can best operate. OSPD has never objected to or tried to negatively affect a budget request by any prosecutor's office for salary or staffing increases.

Our budget request for attorney FTE, social worker FTE and other support staff is based on our constitutional mandate and the requirements set out in our enabling statute. We believe that providing competent and effective representation for the indigent is essential to a fair and just legal system.

5 [Rep. Bird] When a defendant is in jail waiting for the competency process, what is the ongoing increase in workload for the defense attorney during that period? If there is additional handholding required by the attorney during the competency process, does that time period and activity require an attorney? Please describe the aspects that affect attorney workload for competency clients.

OSPD R-1 is a conservative request focused exclusively on a crucial point in the competency process – the time between a finding of incompetency and an in-custody client's transport for inpatient treatment. While there are other workload consequences to a public defender in working with a population overwhelming suffering from mental illness not addressed by the OSPD's R-1, this period requires particular effort by the attorney.

If a client is in jail awaiting restoration, the client has been found exceedingly mentally ill and needs ongoing care and legal representation, both inside and outside the courtroom. In the courtroom, the attorney must file legal motions, many that are factually and legally complex, to preserve the prejudice created by the client waiting extended periods for treatment. Issues commonly addressed through ongoing motions practice include:

• **Bond.** Incarcerated people have a statutory and constitutional right to liberty that is litigated through bond motions that must be reraised as the wait extends and as new options for out-of-jail placement are identified by the defense team. While OSPD's R-2 may help with the outpatient placement work, the attorney still must draft, file, and litigate bond. Denials of bond are appealed as a matter of right by statute and litigated by attorneys.

• Violations of the competency statute. Because the Office of Civil and Forensic Mental Health (OCFMH) routinely violates various provisions of Colorado's competency statute, counsel must file motions seeking court orders to the department to comply and then litigate remedies when the department does not.

• **Constitutional issues and access to necessary information.** At its core, delays in restoration are constitutional violations, which require a legal response from the client's attorney. Attorneys must file motions that are legally complex and require long and factually detailed testimonial hearings. OCFMH creates barriers to access to records and accurate information that require repeated motions, negotiation, and sometimes litigation over subpoenas before the hearing.

Outside the courtroom, the attorney must oversee and investigate the client's current circumstances as well as their medical, mental health, substance abuse, and social histories. Because incompetent clients are often inaccurate reporters and historians, the defense must spend time building rapport and gathering information. This work would not be so time-consuming if the client was timely treated and restored.

To share information in this process, the attorney ethically must try to seek informed consent from the client, which often requires long conversations and reminders because of the client's diminished capacity. Further, the attorney must oversee information-sharing that complies with the scope of the client's consent.

The Rules of Professional Conduct and the American Bar Association Standards require that the attorney maintain as normal a client relationship as possible with incompetent clients, including regular visits and correspondence. Clients who are incompetent still have legal and factual questions that the attorney must address, often repeatedly because the client's condition may impede their ability to understand and retain information. Maintaining communication with clients, even delusional or psychotic clients, can help prevent them from acting out or acquiring new charges while in custody.

Often, family members and people supporting the client wish to speak with the attorney. While support staff can help in this pursuit, family members and mental health professionals often wish to speak directly with the attorney.

Attorneys also must try to stay abreast of the client's presentation and whether the client is improving or declining and whether the client is taking medication. This requires a combination of record gathering and client visits. Attorneys may receive requests for reevaluation of the client and then must communicate with the client and make legal decisions about how to move forward. They must also advocate for humane treatment of the client while warehoused at the jail, including clients engaged in self-harm. Jails commonly only change behavior in their care of extremely mentally ill inmates upon pressure from defense lawyers.

When competency is raised, the trial and plea process are suspended but the work of the defense attorney is not.

6 [Sen. Kirkmeyer] Please detail the data points and describe the quantitative justification for the four categories of attorney need included in the R1 request.

Category #1: Continued Exponential Explosion of Discovery

- Managing the amount of discovery is the #1 workload concern that public defenders identify.
- In 2017, the OSPD published a workload study that provided time tracking data on OSPD attorney work in various categories including "Case Prep" and "Client Contact."
- As a conservative estimate, 50% of Case Preparation time and 25% of Client Contact time were dedicated to review, synthesis, and sharing discovery with clients.

- Since 2016, when the time tracking data was collected, the amount of material the OSPD stores in its client files has increased by 4500%. This increase is almost exclusively driven by new discovery material containing body worn camera, downloads of digital devices, and high-tech policing tools which were not common components of discovery in the past.
- The OSPD took the 4500% increase in total storage and reduced it by four factors:
- Duplicates
- Quality of media larger files for better image quality do not create more work
- o Increased reliance on PDF instead of paper documents since 2016
- Contribution of paralegals
- After these factors have been controlled for, the remaining percent increase in discovery material was applied to the time tracked by OSPD attorneys in the two categories, Case Prep and Client Contact, creating an estimate of the increased time necessary to spend on the increased amount and complexity of discovery material.

Category #2: Proliferation of Criminal Courtrooms, Special Courts, and Magistrates

- The OSPD staffs approximately sixty-five non-traditional dockets including specialty courts, competency courts, and setting dockets. These are dockets in addition to the many hundreds of traditional dockets.
- Since 2016, the Judicial Department has increased the number of magistrates by 23.2. Not all these magistrates are dedicated to criminal or delinquency dockets.
- Overall, approximately forty-four dockets are overseen by magistrates and staffed by public defenders. The OSPD has never asked for additional staffing to cover magistrate divisions.

Judges & Magistrates						
FY16 Actuals FY22 Actuals Increase variance						
Judges	271	284.7	13.7	5%		
Magistrates	60.1	83.3	23.2	39%		
Total	331.1	368.02	36.92	11%		
Senate Bill 19-043	15 judges added.	OSPD received	12 attorneys			

Category #3: Colorado's Competency Crisis

- In fiscal year 2023, the OSPD closed 3797 cases in which competency was raised. About a third had inpatient restoration orders. The OSPD recorded 9335 hearings involving competency across all jurisdictions. In August 2023 alone, the OSPD had 672 clients waiting to be transported to inpatient restoration.
- While competency cases demand more work whether the client is in custody or in the community, in drafting this budget request, the OSPD focused on the number of cases and workload associated with the inpatient waitlist for transport for restoration.
- OSPD took the number of additional hours to advocate for clients stuck in jail without treatment, the number OSPD cases (versus private counsel), and the number of additional months that the clients waited for transport to inpatient treatment.

Category #4: Juvenile Direct File and Transfer Cases

- Cases directly filed or sought to be transferred to adult court involve a multiple day hearing that requires the workload for a public defender equivalent to a jury trial. These hearings do not exist for other types of cases.
- *After the hearing, these cases then also must be handled through trial or other disposition.*
- Each year since 2016, there have been between 70 and 100 juvenile cases directly filed or successfully transferred to adult courts in Colorado.
- For the significant subset of these which were OSPD cases, the number of hours that OSPD's 2017 workload study indicated were necessary for the charge was then doubled for this subset of cases. After dividing the number of hours a public defender is available to do casework in a year, the resulting number of additional attorneys needed handle transfer hearings amounted to 10.

	# of lowers we added	EV 04 05	Projected Future	Request deferred or addressed through other solutions	
	# of lawyers needed	FT 24-25	Request		
Explosion of Discovery	180	40	50	Ninety FTE deferred because of recruitment constraints and state fiscal limitations. Additional paralegal allocation may be a mechanism to address a portion of this need in future budget requests.	
Proliferation of Courtrooms	20	10	10		
Competency Crisis	20	15	0	Five FTE deferred because of recruitment constraints and state fiscal limitations. Improvement to the competency system may also obviate this need.	
Children Charged as Adults	10	5	5		
Total	230	70	65	95	

7 [Sen. Gonzales] Please describe the R2 request, and if possible, as included for the R1 request, detail total staffing need for these items in comparison to the staff resources requested.

The OSPD requests 27.6 FTE and \$2,945,761 for FY25 and 36.7 FTE and \$3,300,526 for FY26 and on-going. Our request would fund 11.0 Licensed Social Workers, 5.0 Client Advocates, and 1.6 centralized staff for full 12 months of FY 2024-25 and an additional 20.0 Client Advocates beginning January 01, 2025, to provide clients with mitigation and community support services.

Because the OSPD has only twenty-three social worker FTE and zero client advocates for its twenty-one trial offices handling approximately 175,000 cases a year, most OSPD clients receive little assistance with housing, community, and behavioral health service setup and, where they do, often attorneys do the work at the expense of other responsibilities . The intent of this request is to reduce attorney workload related to release planning and service management and to improve the quality and breadth of this advocacy by using professionals who specialize in this work. The OSPD will realize efficiency and cost savings due to specialization by less costly non-attorney FTE. The state will realize cost savings through reduced incarceration and recidivism because of prosocial outcomes for accused people. Even with the potential workload reduction benefit for attorneys, these FTE do not substitute for the attorney FTE OSPD requests in R-1, as that request is already tempered significantly in recognition of state fiscal conditions and recruiting realities.

8 [Staff] Please describe the R3 request.

The OSPD requests 1.0 FTE and \$294,569 for FY25 and \$287,899 for FY26 and on-going, to address funding requirements necessary to support information technology (IT) needs for the Office and needed staff for project development.

As part of the FY23 budget, the Joint Budget Committee and Joint Technology Committee approved an OSPD IT decision item titled "Public Defense in the Digital Age" that was focused on several initiatives to address the massive increase in video, audio, cell phone, and other types of evidence. This FY23 appropriation included \$50,000 in one-time funding to develop an automated download process for discovery records with Evidence.com via the website's application programming interface (API).

When the OSPD submitted the original request, however, it did not include ongoing licensing costs because Axon first stated that OSPD would need only one license per site to use the API. Unfortunately, Axon's licensing model changed during negotiations, and it now requires licenses for all staff in an agency, whether they use the system or not, which significantly increases the funds needed. This also resulted in a need for twenty-one different Axon sites to manage and access. Because of this change, the OSPD now needs an additional \$121,212.

The second part of our request is for an IT manager FTE and \$173,357. As the amount of discovery and the complexity of investigative techniques continues to grow, not only does this present a challenge in storing and accessing the data but also creates problems in reviewing, analyzing, interpreting, and cataloguing the information and determining what is relevant to the case. The OSPD has continued to invest in various tools to address these needs, such as transcription, case management, discovery download, jury selection, and video analysis, but acquiring, implementing, and maintaining these systems requires considerable time and effort.

OSPD also expects the need to develop or buy new systems for payroll, personnel, and training. Investigating technology options, negotiating contracts, overseeing development projects, and managing the use of the expanding number of new IT systems requires additional FTE.

ISSUE 1: A RECONSIDERATION OF THE COMPETENCY CRISIS

9 [Staff] Please respond to the staff issue brief on competency and the recommendation for diversion from competency, including the nexus between this recommendation and the OSPD R1 request for attorneys related to the competency crisis and the OSPD R2 request for social workers and client advocates.

The OSPD is very concerned about the long-standing competency crisis in Colorado and agrees that diversion is one of many tools that should be used to address it. The special masters overseeing the federal consent decree in the state have identified that increasing capacity in the competency system alone will not resolve the waitlist or sustain a reduction. The OSPD is working with legislators and stakeholders to rethink the competency system and to divert clients from the system.

There is research and broad support for this approach. "[O]nce the courts are involved with someone who exhibits symptoms of a mental illness, legal competence is a natural issue to be raised, and an array of delays, incarceration, and other problems inevitably follow. There are, however, alternatives to this scenario, and these alternative approaches often work better for the individual as well as the community and use limited resources and available dollars more wisely." Leading Reform: Competence to Stand Trial System A Resource for State Courts, National Judicial Task Force to Examine State Courts' Response to Mental Illness, August 2021 v. 2. Our own State Court Administrator's Office, in a September 2023 report citing to the National Center for State Courts, suggests the most effective approach to addressing delays and deficiencies in the competency to stand trial system is diverting cases from the criminal justice system, whether pre- or post-arrest.

Competency restoration is not clinical care and does not address the underlying concerns that bring the person into the criminal legal system. The civics lessons and legal education done during competency restoration do nothing to address the mental or developmental disability or social factors in the client's life. Even where there is a component of clinical care, restoration is a limited treatment that ends when the court considers the client competent to proceed and the client returns to jail or is released upon conclusion of the case. The restoration process often leads clients through a vicious cycle of decompensation, reevaluation, readmission for restoration or new arrests and reentry into the criminal legal system. Shelly Bradbury, Failures in Colorado's Court Mental Health System Strands Hundreds in "Vicious Cycle" of Competency Process, Denver Post (Dec. 13, 2023).

Models in other states have shown this cycle can sometimes be broken with diversion. In Miami, FL, for example, recidivism rates among misdemeanant participants have decreased from 75% to 20% annually through a competency diversion program. From 2008 to 2020, total jail bookings and days spent in county jail among felony diversion program participants decreased by 59% and 57%, respectively, resulting in a difference of nearly 84 years of jail bed days. Jail diversion: the Miami model, CNS Spectrums (2020) p. 664.

Even with the needed reform, however, many clients will go through the competency process in our courts. Diversion will not eliminate people living with mental illness becoming entangled in the criminal legal system but will help reduce the number of cases.

The OSPD has considered the goal of improved competency processes in asking for only fifteen lawyers instead of the twenty lawyers that our data reflects is the full number of attorneys OSPD needs to manage increased work related to the competency crisis. OSPD expects that a diversion model would reduce the number of clients cycling through the competency system and reduce the number of people thus placed on a waitlist. But, many diversion models require ongoing court appearances and involvement with the criminal courts for several years, which will require the OSPD to staff more appearances as happens in other specialty courts.

In the last few months, Colorado has seen the longest wait times with the highest number of people on the waitlist (many more clients with much longer waits than when the state was original sued 11 years ago), and these clients urgently need attorney time spent on their cases. The waits for clients identified as Tier 1 or high acuity are exceptionally long. Successful diversion will require the development of a continuity of right-sized care in the community and connection for the criminal legal system involved with it. After 11 years of crises, even with a multi-faceted approach that includes diversion, it will take years to resolve the waitlist. OSPD's current clients have a pressing need for the requested resources in response to these conditions.

As it relates to the R2 request for social workers and client advocates, part of their work would involve supporting clients in the competency process, including those on the waitlist and in custody. If Colorado implements diversion, this staff will help identify and advocate for clients to enter diversion. Social workers and client advocates will also serve clients with mental health issues that do not rise to the level of incompetent to proceed, clients with substance abuse problems, and clients who need placements or connection to community resources. This is a much broader group of our indigent clients that needs additional services.

JUDICIAL DEPARTMENT

FY 2024-25 JOINT BUDGET COMMITTEE HEARING AGENDA

Monday, December 18, 2023

9:00 am – 3:15 pm

11:15-11:30 OFFICE OF ALTERNATE DEFENSE COUNSEL (OADC) Main Presenters:

• Darren Cantor, Deputy Director

Supporting Presenters:

• Daniel Nunez, Chief Operating Officer

Topics:

- Introduction and Opening Comments: Page 11 17
- Common Questions: Page 1 5, Questions 1-6 in the packet
- Written/Agency Responses: Page 6 10, Questions 1-8 in the packet
- Requests: Page 18 36

JUDICIAL DEPARTMENT – OFFICE OF ALTERNATE DEFENSE COUNSEL FY 2024-25 JOINT BUDGET COMMITTEE HEARING

Monday, December 18, 2023

11:15 am – 11:30 am

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

Please describe one-time state and federal stimulus funds that have been allocated to the Department but are not expended as of September, 30, 2023, by bill, budget action, executive action, or other source that allocated funds. The description should include but is not limited to funds that originate from one-time or term-limited General Fund or federal funds originating from the American Rescue Plan Act (ARPA)/State and Local Fiscal Recovery Funds/Revenue Loss Restoration Cash Fund. Please describe the Department's plan to obligate or expend all allocated funds that originate from ARPA by December 2024.

The OADC does not have any one-time state or federal stimulus funds.

Please further describe any budget requests that replace one-time General Fund or ARPA funded programs with ongoing appropriations, including the following information:

a. Original fund source (General Fund, ARPA, other), amount, and FTE;

N/A

b. Original program time frame;

N/A

c. Original authorization (budget decision, legislation, other);

N/A

d. Requested ongoing fund source, amount, and FTE; and

N/A

e. Requested time frame (one-time extension or ongoing).

N/A

Please provide a description, calculation, and the assumptions for the fiscal impact of implementing compensation provisions of the Partnership Agreement, as well as a qualitative description of any changes to paid annual, medical, holiday or family leave as a result of the Agreement. Please describe any compensation and leave changes for employees exempt from the Agreement if applicable.

As a Judicial Branch agency, the OADC is not subject to compensation provisions as they pertain to the COWINS Partnership Agreement. The OADC in conjunction with ORPC and OCR have participated in a compensation study. As of this hearing, the findings of that study have not been finalized with respect to changes in compensation for OADC employees. Please see our R4.

Provide a prioritized list of budget reductions the Department would propose if 10.0 percent General Fund appropriation reductions were required of every Department.

> It would be extremely challenging for the OADC to apply given our lean administrative structure. The vast majority of our funding is applied directly to contractors to fulfill our statutory mandate to provide effective assistance of counsel to those charged with the commission or crimes or delinquent acts. If necessary, the OADC could engage in a similar analysis as was done for the FY 20-21 budget but given the limited administrative staff, there would have to be a significant impact on the provision of services to clients if forced to cut 10% out of the budget.

REQUESTS

[Rep. Taggart] For the R3 request, please describe the purpose and scope of the attorney contractor training program, its historical funding structure, and the requested General Fund support.

In fulfilling our statutory charge and Agency mission, it is critically important to have robust training for all contractor types. Providing attorneys, investigators, forensic social workers, forensic clinical advocates, paralegals, case assistants, resource advocates, and legal researchers throughout Colorado with excellent and relevant trainings is something on which we pride ourselves, and our contractors repeatedly tell us how much they appreciate. Our trainings adhere to best practices by honoring adult learning principles, teaching to a variety of audiences and learning styles, and delivering legally and culturally responsive curriculum.

Over the last several years, the OADC has developed curriculum for, organized, and facilitated hundreds of hours in CLE approved trainings. We also facilitate regular roundtable brainstorming sessions for appellate and post-conviction practitioners, municipal court defense team members, and youth defense team members, while also offering ongoing interdisciplinary team brainstorming sessions and case consultations with our contractors who have cases set for trial or need support with challenging case scenarios or legal issues.

As an Agency, we are promoting the practice of holistic, interdisciplinary team defense, and because our contractor pool has grown significantly in recent years, we have a significant need for additional training funds to be able to train more contractors, and additional contractor types. Further, some of our contractors struggle to pay for the trainings even at our reduced cost. This is especially true for our lower-paid contractors.

Historically, the funding source for the trainings has largely been the contractors themselves. As independent contractors, they both pay for the training and also cannot earn during any time they are attending these trainings. We want to make them more available and also ensure that all contractors have the opportunity to become more educated (resulting in better outcomes for clients and also reduced cost to the state) by making all trainings that are exclusive to OADC contractors free of charge. The OADC provided 40 trainings that were free of charge to approximately 1,400 attendees in FY23.

The Agency is dedicated to furthering the development of all contractors that work with OADC clients. The OADC wishes to offer contractors the opportunity to attend continuing educational programs we sponsor and/or other training to enhance their legal and advocacy skills to effectively represent clients. To create and continue to maintain a robust training program for staff and for all contractor types, additional funding is critical. This funding would come from the General Fund request found in R3.

[Staff] Please briefly describe each of the OADC request items, R1 through R6.

R1 Non-Attorney Team Member Hourly Rate Increase : In conjunction with the Office of Respondent Parents' Counsel (ORPC) and the Office of the Child's

Representative (OCR), the OADC is seeking a 5% hourly rate increase for its Legal Team contractors to remain competitive with current federal, state, and private sector rates. To retain and attract high quality and effective defense contractors to represent indigent adults and youth, as required by the Colorado and United States Constitutions and Colorado statutes, the OADC is requesting a \$549,708 General Fund (GF) increase to its Conflict-of-interest Contracts LBLI beginning FY25.

R2 Contractor Process Coordinator : The Office of the Alternate Defense Counsel (OADC) requests 1.0 FTE and \$141,986 General Fund to create and staff the Contractor Process Coordinator position. The Contractor Process Coordinator will take over contractor-related tasks assigned to current OADC team members as well as work with various OADC team members to evaluate, develop, and implement state-wide contractor processes and initiatives. Using new technologies, the Contractor Process Coordinator will lead, organize, and streamline communication for contractor-related projects that involve multiple OADC team members. For example, by using programs such as Loom and Talent LMS to create and organize contractor tutorial videos, and Microsoft SharePoint and Planner for large group project tracking and communication, the Contractor Process Coordinator will help the OADC efficiently onboard new contractors as well as help reduce the time current OADC team members spend in group meetings, creating tutorial videos, and walking contractors through systems they need to do this work. Overall, the Contractor Process Coordinator will work with OADC team members to develop cohesive and improved contractor processes with the goal to further advocate and support OADC contractors while also increasing the efficiency in which contractors are onboarded, developed, evaluated, and assigned to represent indigent clients throughout the state.

R3 Operating & Training Increases : The Office of the Alternate Defense Counsel (OADC) is seeking a GF (General Fund) adjustment of \$162,000 to its Operating and Training LBLIs. The OADC wishes to offer contractors continuing educational programs we sponsor and/or other training to enhance their legal and advocacy skills to effectively represent clients. To create and continue to maintain a robust training program for staff and for all contractor types, additional funding is critical. The OADC requests a GF increase of \$82,000 to its Operating LBLI, and a base building GF increase of \$80,000 to it Training LBLI.

R4 Compensation Plan Placeholder : The Office of the Alternate Defense Counsel (OADC) is requesting \$622,304 General Fund placeholder in addition to the Common Policy Total Compensation Request of the Executive Branch to continue implementation of the common compensation plan it developed with the Office of the Respondent Parent's Counsel (ORPC) and the Office of the Child's Representative (OCR). The OADC, ORPC, and OCR have contracted with an independent compensation firm, Logic Compensation Group (LCG), to conduct a 2023 compensation study. This study revealed that, effective July 1, 2023, the three agencies' pay structure is below the market for 'Range Minimums', 'Range Maximums', Average Actual Salary', and 'Median Actual Salary'. This year, for the first time, the independent study done by LGC included all job classifications within the Agency in the market analysis. The study compared OADC, ORPC, and OCR salaries versus actual salaries with Colorado public sector organizations at the local, city and county, state, and federal government levels.

R5 Fellowship Salary Range Alignment : The Office of the Alternate Defense Counsel (OADC) is requesting a budget neutral request for salary range correction and alignments for the Fellowships FTE to be funded from a transfer of \$167,600 from its Conflict-of-interest Contracts, as these individuals will be representing indigent individuals in place of contracted attorneys. When creating and budgeting for the Greater Colorado and Inclusivity Fellowship positions, the OADC utilized the 'old' minimum of the Office of the State Public Defender's (OSPD) 'Deputy State Public Defender' job classification range. Since then, the OSPD has revised its compensation plan and the ranges for these positions have changed. The OADC currently has 4 Fellowship FTE positions and the budget for those positions that matches the old OSPD ranges. This request would correct the salary amounts to match the midpoint of the current OSPD ranges. The OADC is also asking to correct the Licensed Social Worker (LSW) Fellowship ranges that it received through the FY24 request. Similar to the attorney fellows above, these positions were budgeted at the old OSPD midpoints. This request would align those 2 FTE with the current OSPD entry level LSW midpoint.

R6 Fellows: The Office of the Alternate Defense Counsel (OADC) is requesting 2.0 FTE that will be funded from a transfer of \$267,922 from its Conflict-ofinterest Contracts, as these individuals will be representing indigent individuals in place of contracted attorneys. These 2.0 FTE positions will create two, two-year Greater Colorado Fellowships. A similar Fellowships request was approved by the JBC at the March 2023 Figure Setting hearing for the FY23-24 Budget. The OADC is asking to add two more positions for the Fellowships based on the recent applicant pool and realistic start date of many of our current law student applicants who will need to sit for and pass the Colorado bar.



Alternate Defense Counsel

the

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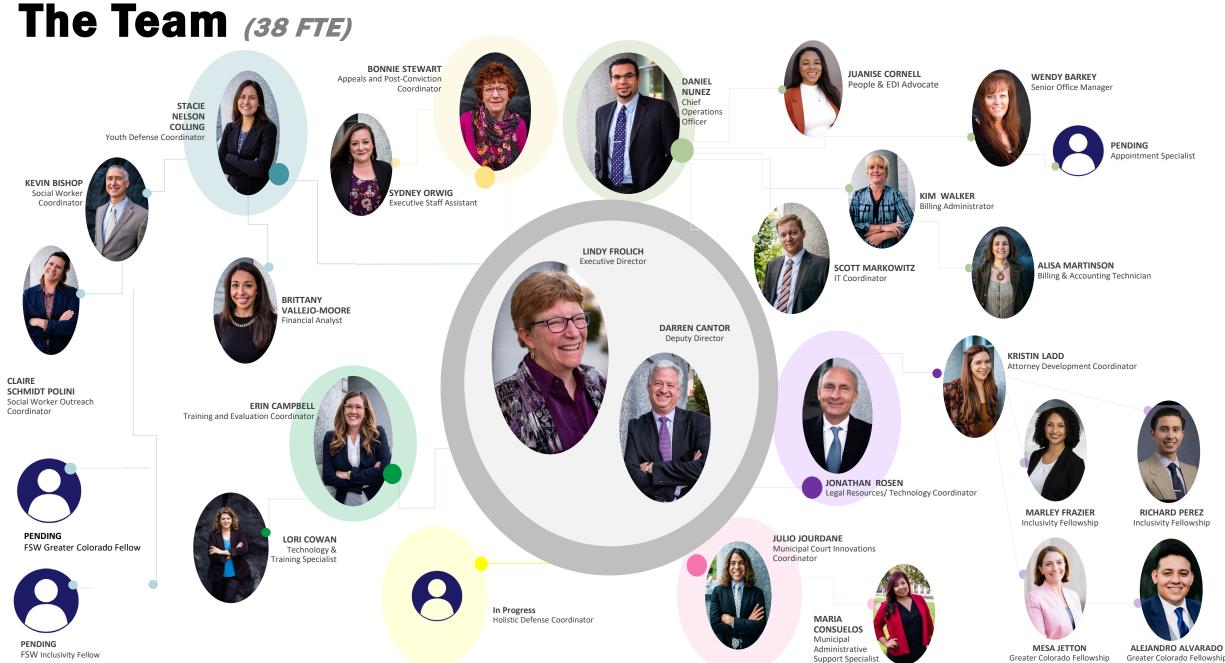
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Budget Presentation

FY2024-25 Request

Darren Cantor, Deputy Director December 18, 2023 Dear JBC members: I don't know if you have heard, but I was diagnosed with triple negative breast cancer back in September. I am almost done with my first round of chemotherapy (#12 of 12 weekly treatments is this afternoon). I am hanging in there, but my white blood count was low, and the docs are worried about infection. I had hoped to be with you and present today as it is something I look forward to every year. However, wiser minds than mine are telling me I should not be around lots of people so I will be on Zoom. I have no doubt that Darren and Daniel will do a great job representing the OADC and look forward to the presentation. Looking forward to next year, Lindy





Greater Colorado Fellowship Page 13 of 37

Postconviction Unit

LINDY FROLICH Executive Director

LYNN NOESNER Postconviction Unit Director



JENÉE BOWEN Postconviction Unit Coordinator

POSTCONVICTION UNIT - HIRING PENDING/IN PROCESS

- Four Attorneys
- Two Investigators
- One Forensic Social Worker
- One Paralegal

What we do

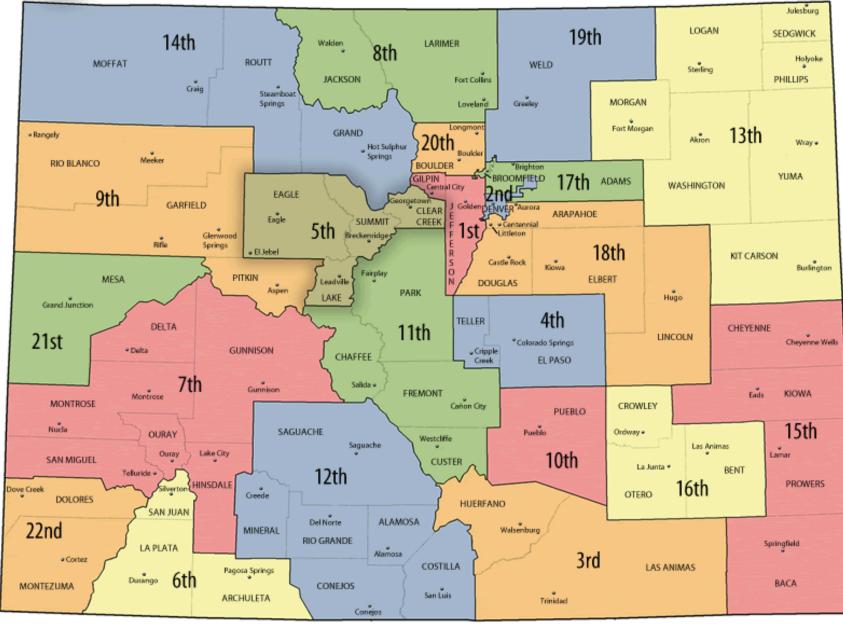
The Office of the Alternate Defense Counsel (OADC) is funded to provide legal representation for indigent persons in criminal and juvenile delinquency cases in which the Office of the State Public Defender (OSPD) has an ethical conflict of interest.

The OADC was established pursuant to C.R.S. § 21-2-101, *et seq.* as an independent governmental Agency of the State of Colorado Judicial Branch.









Page 17 of 37

Attorney Fellowships





Denver, Colorado

Started August 2023

Northeastern Region, Colorado Started October 2023

Page 19 of 37



ALEJANDRO ALVAREZ Greater Colorado Fellowship

Montrose, Colorado

Starting January 16, 2024

Glenwood Springs, Colorado Roaring Fork Valley Starting October 2024

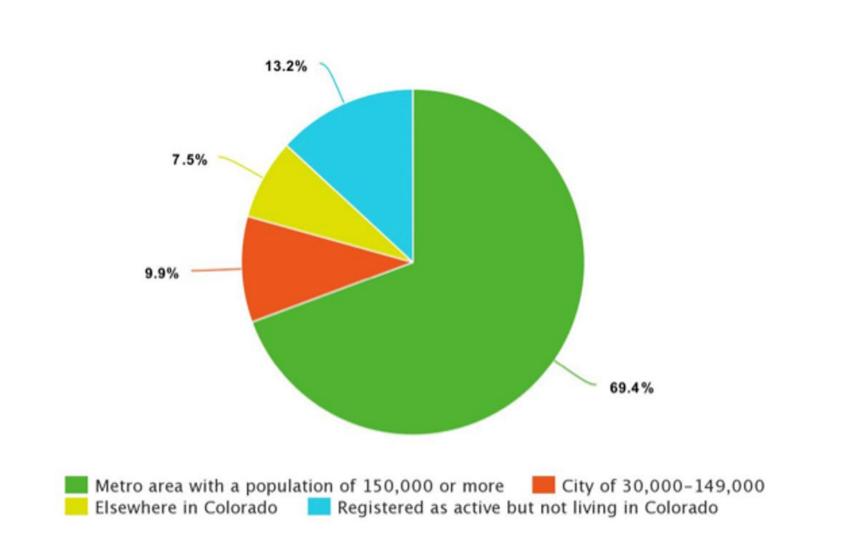
Page 20 of 37



Cañon City and Salida, Colorado

Postconviction and Trial Work Potential Start Date 10.2024 Durango/Cortez, Colorado OR Mesa County, Colorado

Potential Start Date 10.2024



Colorado's Legal Deserts- areas with fewer than one attorney for every 1,000 people.

Less than 1 % of CO attorneys have addresses in rural legal deserts

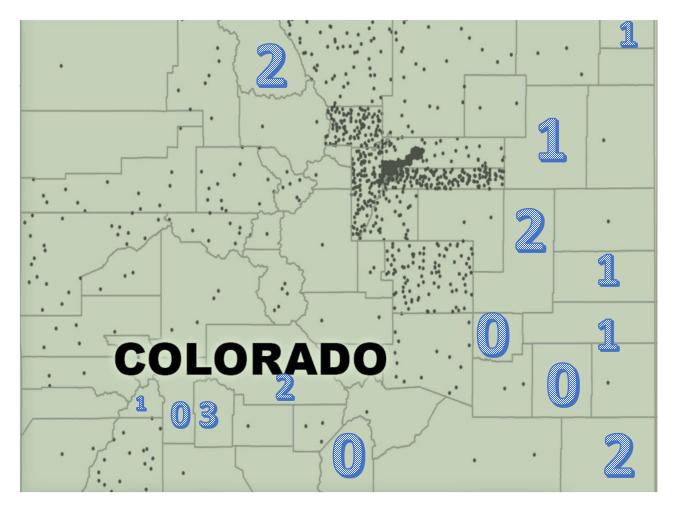
60% of Colorado's counties have less than 25 attorneys

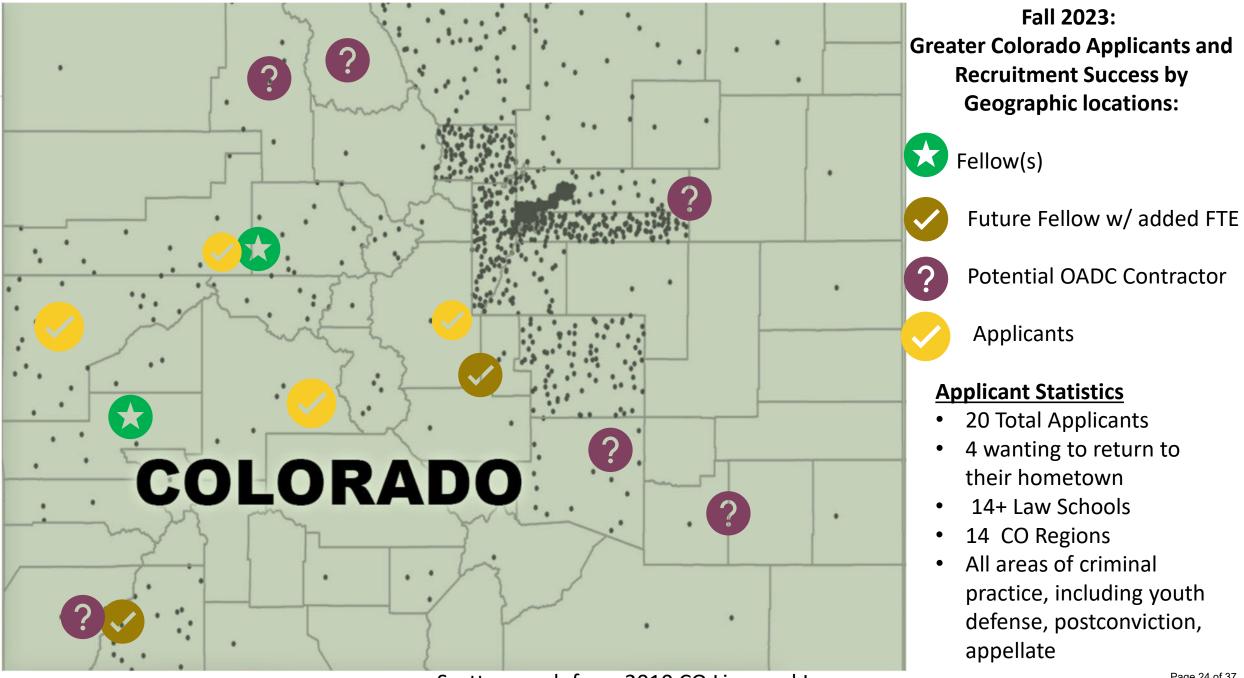
261,000 Colorado residents live in legal deserts

Counties w/o lawyers: Bent , Costilla, Crowley, and Hinsdale

Counties w/ 1: Washington, Sedgwick , Kiowa , Cheyanne, San Juan

Counties w/ 2-3: Lincoln, Saguache, Baca, Jackson, Mineral





Scatter graph from 2010 CO Licensed Lawyers

FELLOWSHIP HIRING TIMELINE

Process for recruitment, and hiring entry-level fellowship positions in law school



What the OADC is requesting for FY25

FY2024 – 2025 Decision Items (DIs) Summary

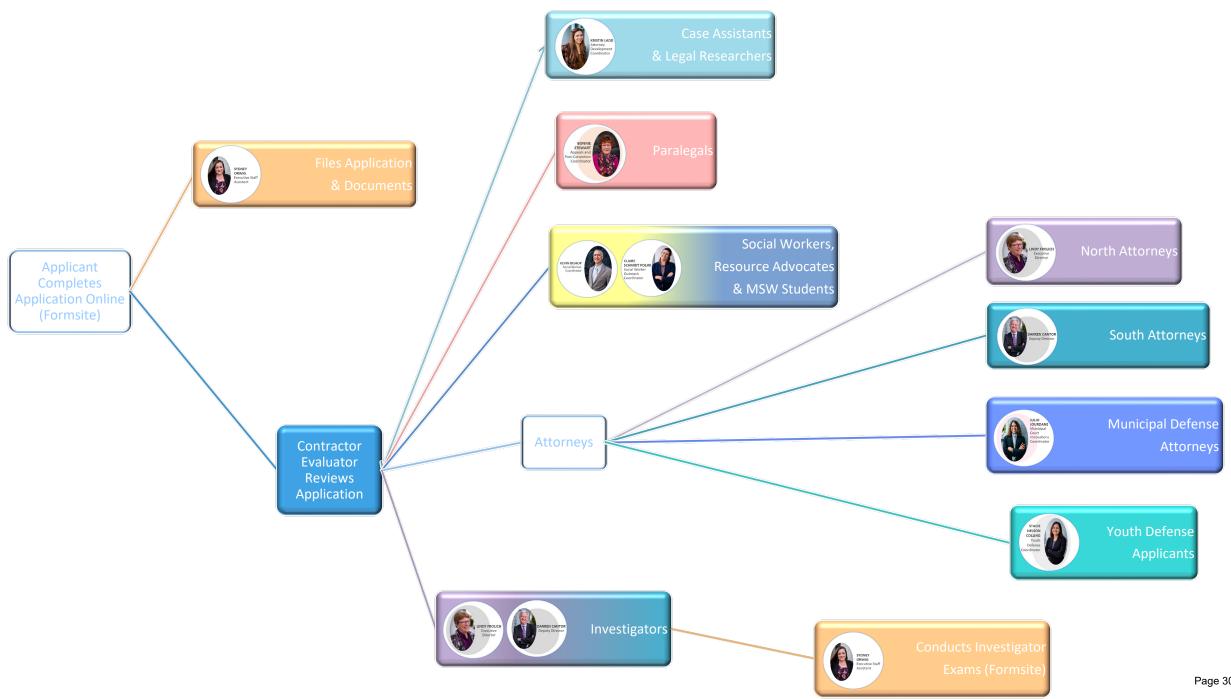
DI 1 – Non-Attorney Team Member Hourly Rate Increase \$ 549,708
DI 2 – Contractor Process Coordinator (1 FTE) \$ 141,986
DI 3 – Operating & Training Increases \$ 162,000
DI 4 – Compensation Plan Placeholder \$ 622,304

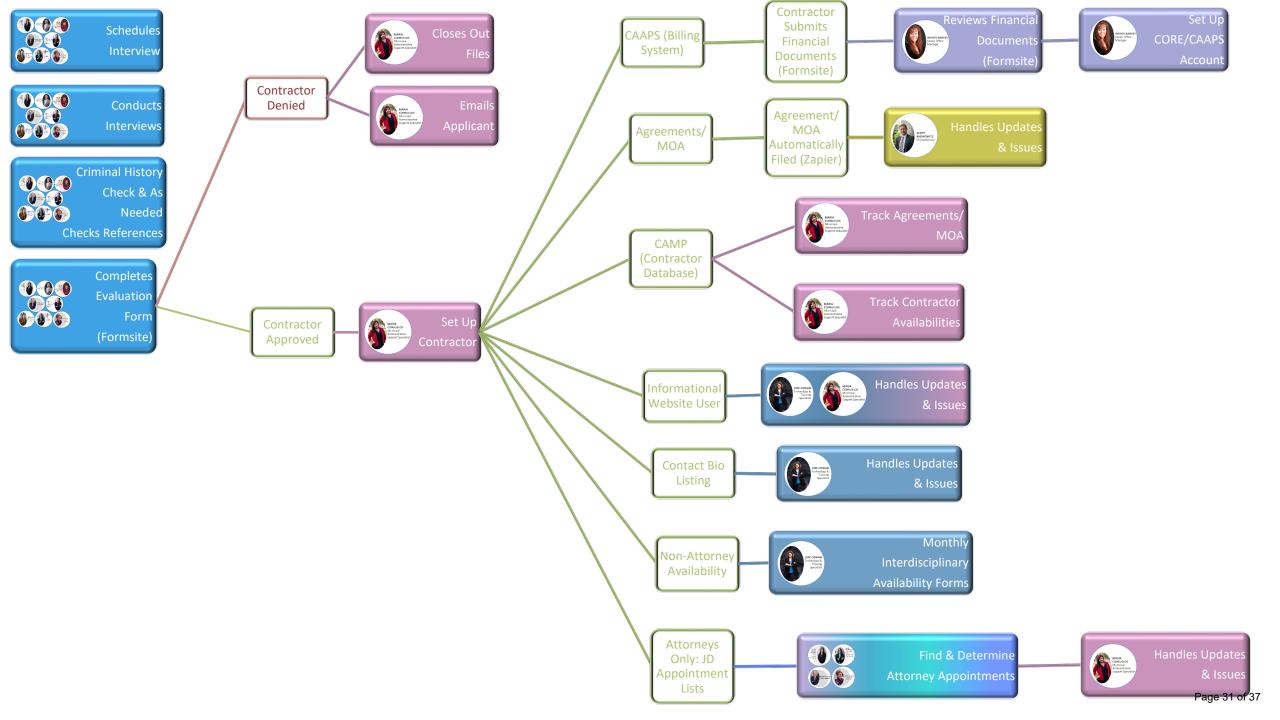
DI 5 – Fellowships Salary Range Alignments \$ 0 DI 6 – Fellows (2 FTE) \$ 0

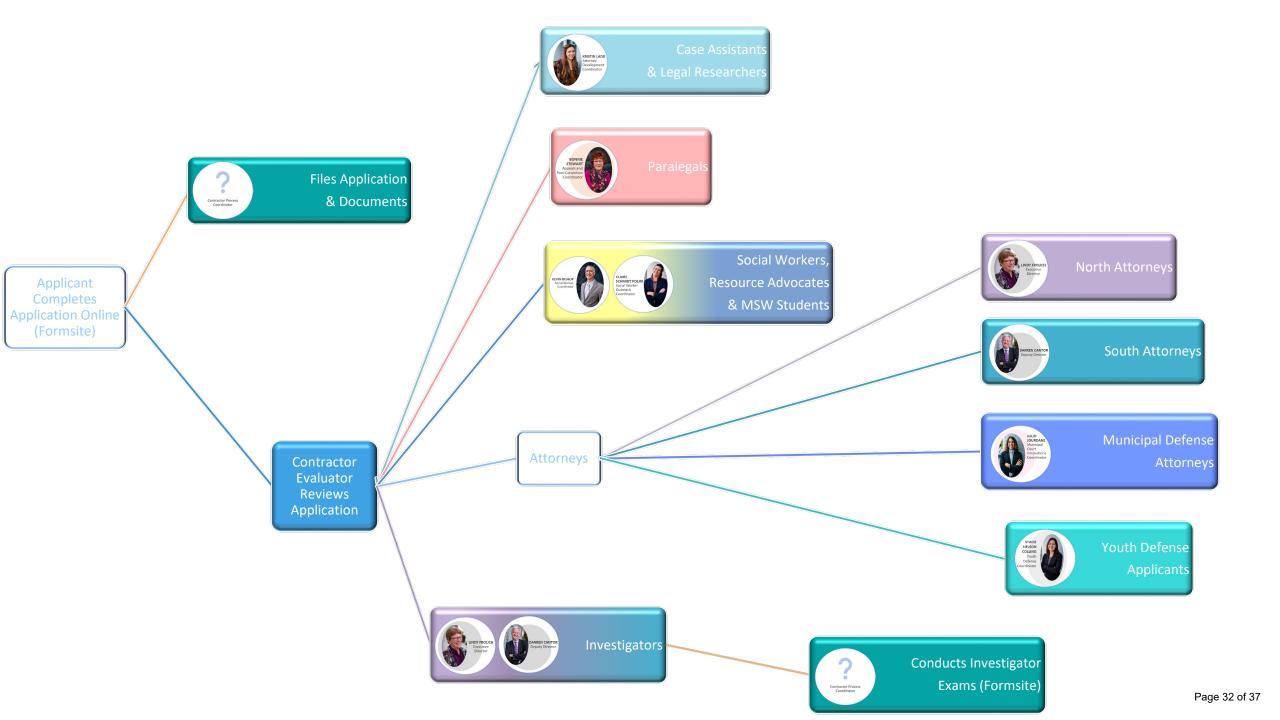
FY24-2025 – DI #2 : *Contractor Process Coordinator (1 FTE) \$ 141,986*

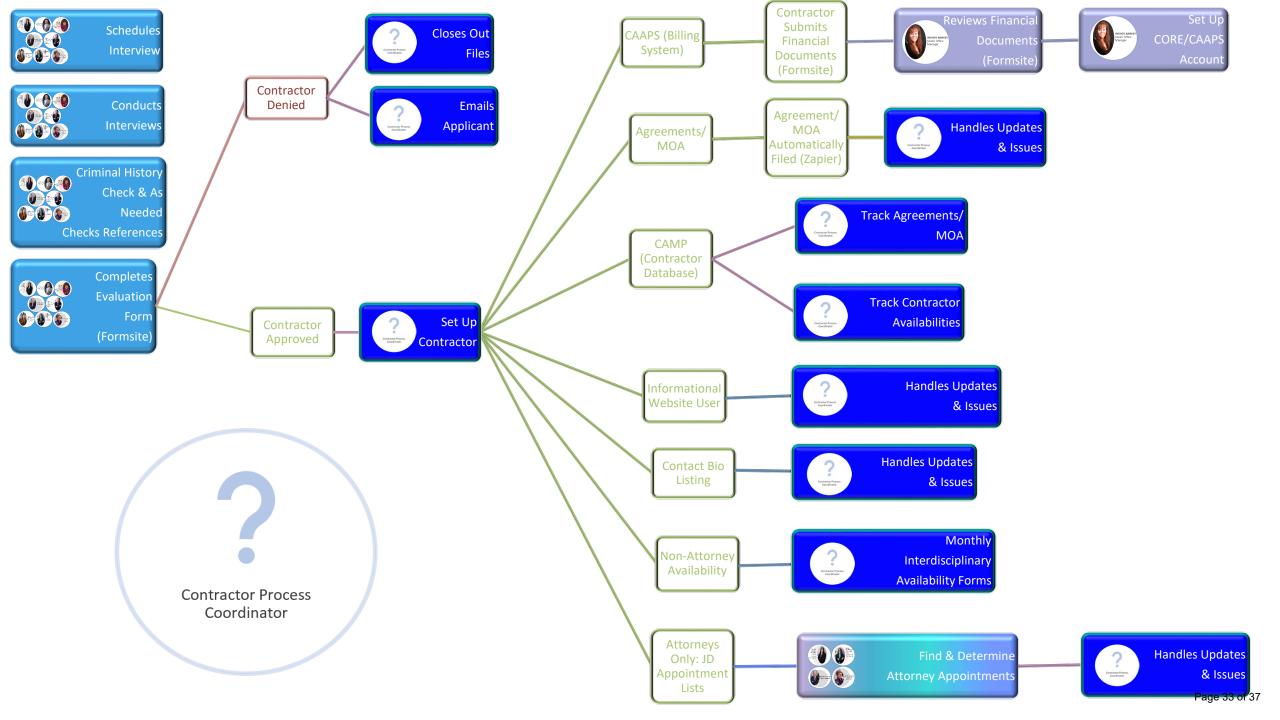
The Team (38 FTE) BONNIE STEWART JUANISE CORNELL WENDY BARKEY Appeals and Post-Conviction DANIEL People & EDI Advocate Senior Office Manager Coordinator NUNEZ Chief STACIE Operations NELSON COLLING Officer Youth Defense Coordinator PENDING Appointment Specialist **KEVIN BISHOP** SYDNEY ORWIG Social Worker KIM WALKER Executive Staff Assistant Coordinator **Billing Administrator** LINDY FROLICH **Executive Director** ALISA MARTINSON SCOTT MARKOWITZ Billing & Accounting Technician IT Coordinator BRITTANY VALLEJO-MOORE Financial Analyst DARREN CANTOR Deputy Director KRISTIN LADD Attorney Development Coordinator CLAIRE SCHMIDT POLINI Social Worker Outreach ERIN CAMPBELL Coordinator Training and Evaluation Coordinator JONATHAN ROSEN Legal Resources/ Technology Coordinator MARLEY FRAZIER **RICHARD PEREZ** Inclusivity Fellowship Inclusivity Fellowship PENDING LORI COWAN JULIO JOURDANE FSW Greater Colorado Fellow Municipal Court Innovations Technology & Training Specialist Coordinator In Progress MARIA Holistic Defense Coordinator CONSUELOS Municipal PENDING MESA JETTON ALEJANDRO ALVARADO Administrative FSW Inclusivity Fellow Greater Colorado Fellowship Greater Colorado Fellowship Support Specialist

Page 29 of 37









Filing Automation

Zapier

Contractor Application & Evaluation Form



Integrated Interview Scheduling

Calendly & Formsite

Integrate contractor interview scheduling



Talent LMS & Loom

Create contractor onboarding & billing tutorial videos





Contractor Onboarding Tutorial Videos

OneDrive & Zapier

Update Contractor Contact Information & notify court staff.





Appointment Lists Update & Notification Automation

CONTINUE TO IMPROVE PROCESS

OTHER CONTRACTOR-RELATED PROCESSES

Goal to further advocate & support OADC contractors that represent indigent clients.

Court Mock Trials Coordination

Streamline communication methods & process to request a mock trial, find contractors for trial, & schedule trial through the use of Formsite & Zapier.



Yearly Contractor Renewal Coordination

Organize, track & continue to streamline contractor renewal process through use of Formsite, SharePoint & Zapier.



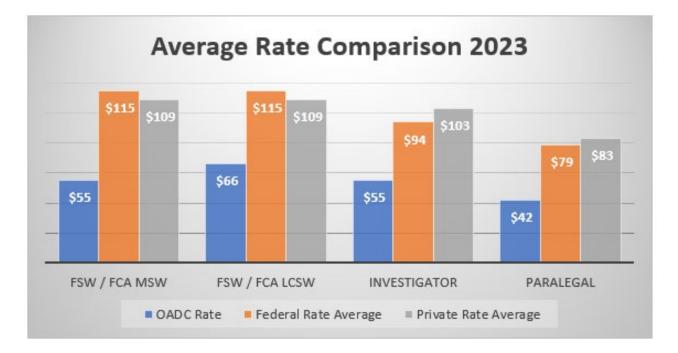
Streamline Attorney Appointments

Process

Collaborate with team to create an assignment process for COCCA/complex cases, 48-hour bond hearings, and attorney appointments in areas that have limited availability.



FY24-2025 – DI #1 : *Non-Attorney Team Member Hourly Rate Increase \$ 549,708*





Thank you

Questions?

Darren Cantor, Deputy Director darren@coloradoadc.com

Lindy Frolich, Director lindy@coloradoadc.com

Daniel Nunez, Chief Operating Officer daniel@coloradoadc.com

JUDICIAL DEPARTMENT

FY 2024-25 JOINT BUDGET COMMITTEE HEARING AGENDA

Monday, December 18, 2023

9:00 am – 3:15 pm

11:30-11:45 OFFICE OF THE CHILD'S REPRESENTATIVE (OCR) Main Presenters:

- Chris Henderson, Executive Director
- Ashley Chase, Staff Attorney and Legislative Liaison

Supporting Presenters:

None

Topics:

- Introduction and Opening Comments: Slides OCR-1 OCR-8
- Common Questions: Pages 2-3, Questions 1-3 in the packet, Slides OCR-9
- Requests: Pages 3-5, Questions 4-5 in the packet, Slides OCR-10 OCR-16
- Written Questions: Pages 6-11, Questions 1-8 in the packet

JUDICIAL DEPARTMENT – OFFICE OF THE CHILD'S REPRESENTATIVE FY 2024-25 JOINT BUDGET COMMITTEE HEARING

Monday, December 18, 2023

11:30 am - 11:45 am

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

1. Please describe one-time state and federal stimulus funds that have been allocated to the Department but are not expended as of September, 30, 2023, by bill, budget action, executive action, or other source that allocated funds. The description should include but is not limited to funds that originate from one-time or term-limited General Fund or federal funds originating from the American Rescue Plan Act (ARPA)/State and Local Fiscal Recovery Funds/Revenue Loss Restoration Cash Fund. Please describe the Department's plan to obligate or expend all allocated funds that originate from ARPA by December 2024.

Please further describe any budget requests that replace one-time General Fund or ARPA funded programs with ongoing appropriations, including the following information:

- a. Original fund source (General Fund, ARPA, other), amount, and FTE;
- b. Original program time frame;
- c. Original authorization (budget decision, legislation, other);
- d. Requested ongoing fund source, amount, and FTE; and
- e. Requested time frame (one-time extension or ongoing).

OCR Response: The Office of the Child's Representative (OCR) did not receive any onetime state or federal stimulus funds.

2. Please provide a description, calculation, and the assumptions for the fiscal impact of implementing compensation provisions of the Partnership Agreement, as well as a qualitative description of any changes to paid annual, medical, holiday or family leave as a result of the Agreement. Please describe any compensation and leave changes for employees exempt from the Agreement if applicable.

OCR Response: The OCR's employees are not subject to the Partnership Agreement. This will also be addressed during OCR's budget hearing. The OCR, along with the Office of Alternate Defense Counsel (ADC) and Office of Respondent Parents' Counsel (ORPC), is

currently working with a classification and compensation firm to establish a plan for all three agencies. While the final analysis is not yet complete, the OCR included a decision item in its request reflecting the estimated fiscal impact of implementing the plan once it is complete. A budget amendment may be necessary once the final analysis is completed.

3. Provide a prioritized list of budget reductions the Department would propose if 10.0 percent General Fund appropriation reductions were required of every Department.

OCR Response: A 10% reduction would be challenging to the OCR due to its lean administrative structure and because the overwhelming majority of the OCR's funding is applied directly to fulfill its statutory mandate to provide effective attorney services to children and youth (e.g., court-appointed counsel, mandated training, oversight of attorney services). If needed, the OCR will engage in a similar analysis as it did for the FY 2020-21 budget to minimize the impact of any budget reductions on children and youth.

REQUESTS

4. *[Staff]* Please describe and detail the quantitative data and justification for the R1 Caseload Adjustment request. How is caseload changing or anticipated to change for the budget year that requires a \$913,000 General Fund increase?

OCR Response: The OCR projects its overall cost by analyzing both caseload and workload trends across seven major case categories: Dependency and Neglect (D&N); Juvenile Delinquency (JD); Domestic Relations (DR); Paternity; Probate; Truancy; Other (e.g., Appeals, Foster Youth in Transition). D&N and JD appointments make up the vast majority of the OCR's costs/caseload. The OCR's projections for its court-appointed counsel appropriation relies on an analysis of both workload (i.e., hours spent on appointments) and caseload.

The OCR has seen increased workloads (i.e., more time spent) in all case types, resulting in higher costs. The OCR projects this increased workload to continue in FY 2024-25. OCR specifically projects an 8% increase in its D&N workload and a 2% increase in its JD workload in FY 2024-25 that will build on similar increases projected for FY 2023-24. As these case types comprise a significant percentage of OCR's expenditures (approximately 89%), these projected increases will have a significant impact on OCR's budgetary needs. As detailed in OCR's decision item R-1, OCR bases its workload analysis on historical and recent billing trends, its assessment of case complexity and demands, attorneys' ethical and practice obligations, and anecdotal reports from judicial officers and attorneys about the issues requiring additional time on cases. Placement challenges, difficulties accessing

appropriate services for children and families, increased litigation and contested hearings, and legal and practice developments are among the many factors contributing to an increased workload for OCR attorneys.

OCR projects this increased workload to be offset by a decrease in caseload. Caseload trends are not consistent across case types, and the OCR projects a decreased caseload in some case types in FY 2024-25, including its D&N caseload. Specifically, OCR projects its D&N caseload to decrease by 2% in FY2023-24 and by 2% in FY 2024-25. At the same time that OCR projects a decreased caseload, it projects an increase in JD and Truancy appointments. As detailed in decision item R-1, OCR bases these projections on an analysis of historical and recent filing and appointment trends.

The net result of the OCR's caseload and workload projections for its case types amounts to an overall projected cost increase of \$913,000.

5. [Staff] Please briefly describe each of the OCR request items, R2 through R4.

OCR Response:

R2 – Training Assistant Position: The OCR is requesting a full-time training assistant position using reappropriated funds (Title IV-E Administrative Cost Cash Fund) to support the Training Director in continuing to deliver high quality accessible trainings to attorneys and case consultants representing children and youth. Since its inception over 20 years ago, the OCR has never had more than one FTE dedicated to its training program. Training needs have increased significantly over the past several years, and it is no longer feasible to deliver OCR's expansive and highly technical training with a single position. As just one indicator of OCR's training demands, OCR offered more than 90 hours of new continuing legal education (CLE) in FY 2022-23. The OCR must provide training on multiple case types and tailor its training opportunities to address significant legal and practice developments along with the increasing complexity of cases. OCR has significantly increased its efforts to expand its training modalities to include a variety of inperson, hybrid, and online opportunities, allowing attorneys and CCs throughout Colorado (including rural areas of the state) to access relevant training using the most appropriate format and to obtain critical information when needed in their representation.

R3 – Classification and Compensation Study Implementation: The OCR is requesting funding to implement the first phase of a classification and compensation study being developed with the Office of Respondent Parents' Counsel (ORPC) and the Office of Alternate Defense Counsel (ADC). Based on requests from prior JBC staff, the OCR, ORPC, and ADC developed a common compensation plan that benchmarked their positions to positions in the Judicial Department, the Office of the State Public Defender (OSPD), and

the Executive Branch based on similar job duties. While this plan was a good initial step, it has become more difficult to identify relevant, common positions to "anchor" to in those agencies. The OCR, ORPC and ADC have been working with a compensation and classification firm to conduct the first phase of a study developing a classification and compensation plan. The OCR's request reflects an estimate of cost to implement that plan based on preliminary information from the contracted firm. It is essential for OCR to employ staff with relevant experience and expertise since they provide statewide support of legal representation of children and youth. The expertise, experience, and skill set of OCR's staff positions allow OCR to continue to provide that support and maintain its operations with a lean administrative structure that constitutes 10% of OCR's overall expenditures.

R4 – Contractor (Case Consultant and Paralegal) Rate Increase: The OCR, together with the OADC and ORPC, is requesting funding to increase the hourly rate paid to contract case consultants (CC) and paralegals. The requested 5% increase is equal to the increase already approved for attorneys in SB23-227 (from \$100 to \$105 per hour in fiscal year 2024-25). CCs and paralegals serve as integral members of OCR legal teams and are essential to high-quality legal representation. Furthermore, the use of non-attorneys to contribute to legal representation provides efficiencies since they perform work, all or much of which would be done by attorneys, at a lower hourly rate.

Budget Amendment – The OCR recently submitted an amendment seeking reappropriated funds (Title IV-E Administrative Cost Cash Fund) to replace its case management/billing system. CARES is the OCR's proprietary case management and billing system that supports efficient attorney practice and invoicing for its approximately 600 active users and multiple case types while allowing the OCR to monitor compliance with performance standards. At over five years old, it is reaching the age at which maintenance, reports, and modernizations become increasingly cumbersome and costly. The OCR's 2023 cost/benefit analysis for developing a replacement pointed to a fiscal year 2025-26 budget decision item. However, just after finalizing its fiscal year 2024-25 budget, the OCR received sudden notice that its main contract engineer was departing. This was unfortunate but presented a cost-savings opportunity: instead of spending time and resources to bring a replacement engineer up to speed on the complexities and idiosyncrasies of the current five-year-old system, the OCR believes the most efficient use of resources is to accelerate the replacement timeline. This shift, and the ability to better predict replacement timing, would inform maintenance strategies for the increasingly resource-hungry five-year-old system, allow an earlier launch date, and provide the most flexible timeline to ensure stronger specifications, scrutiny of bids, and strategic planning for staff resources. The amendment requests reappropriated funds in FY 2024-25 with the ability to carryover unspent funds to FY 2025-26.



Presentation to the Joint Budget Committee

December 18, 2023

OCR Mission

OCR gives children and youth a voice in Colorado legal proceedings through high-quality legal representation that protects and promotes their safety, interests, and rights.

Vision

Justice, opportunity, and healthy families for all court involved children and youth.

Values

Accountability: Colorado's children, attorneys, families, and communities can count on OCR to ensure that each decision we make and action we take advances our mission in a fair, inclusive and transparent manner.

Efficiency: OCR strives to accomplish its mission and conserve resources by streamlining efforts, adhering to deadlines, resolving conflict constructively, and honoring well-defined projects, processes, and roles. We balance our drive to achieve with thoughtful planning and implementation.

Empowerment: OCR cultivates an environment of respect and honesty. We value the diverse experiences and expertise of the children we serve, our attorneys, and our staff. We invest time to reflect and connect, focus on strengths, value feedback, and recognize success. We stand for justice and support each other in our mission to empower children.



Outstanding Children's Law Office Award

NACC

NACC

NACC

NACC

NACC

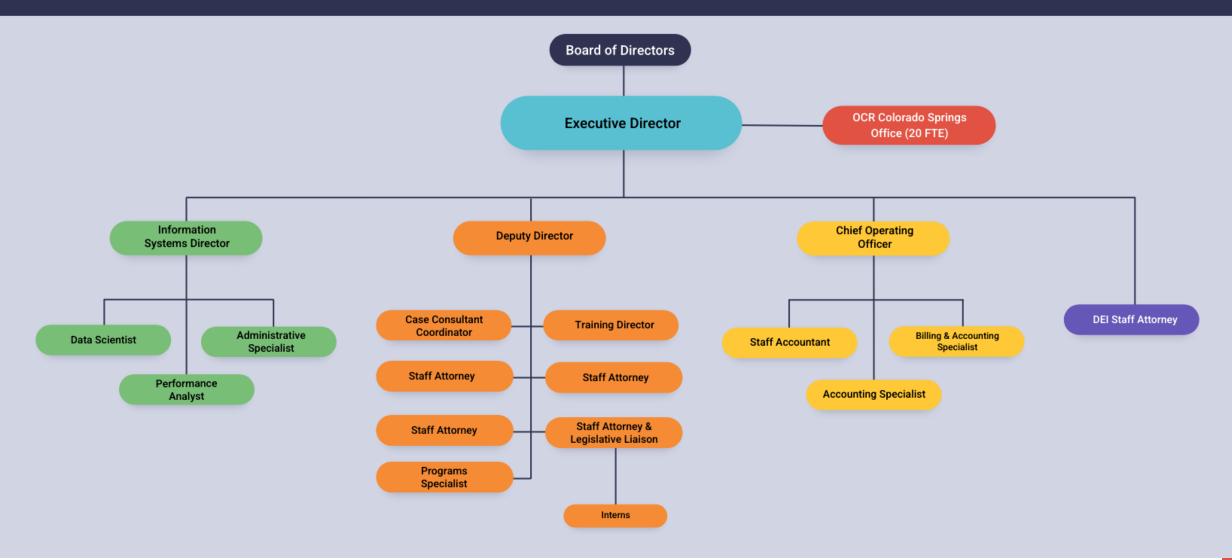
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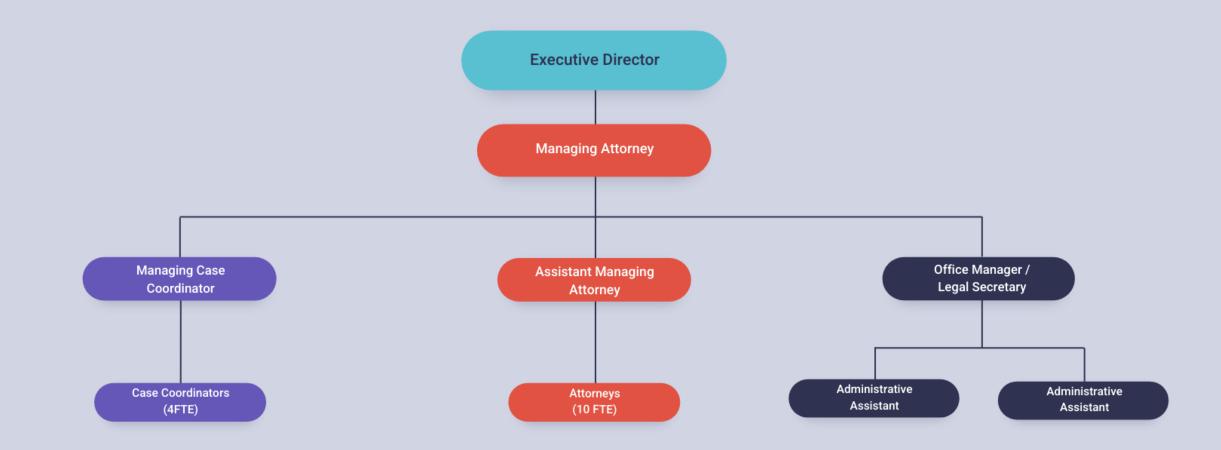


COLORADO OFFICE OF THE CHILD'S REPRESENTATIVE (OCR) DENVER OFFICE ORG. CHART (18 FTE)





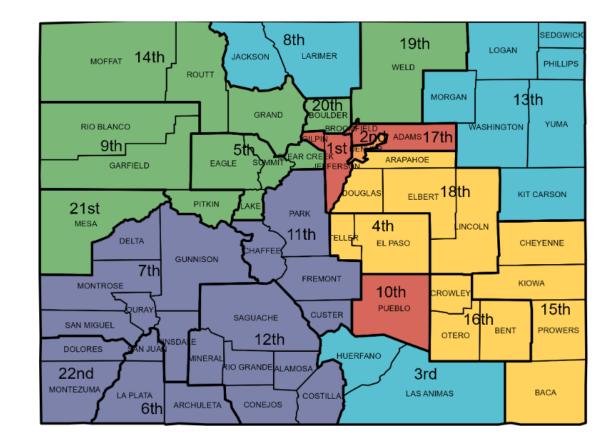
COLORADO OFFICE OF THE CHILD'S REPRESENTATIVE (OCR) COLORADO SPRINGS OFFICE ORG. CHART (20 FTE)





OCR Attorneys

- OCR contracts with approximately 285 attorneys and case consultants covering all 22 Judicial Districts.
- OCR employs 17 attorneys and case consultants in the El Paso Office.

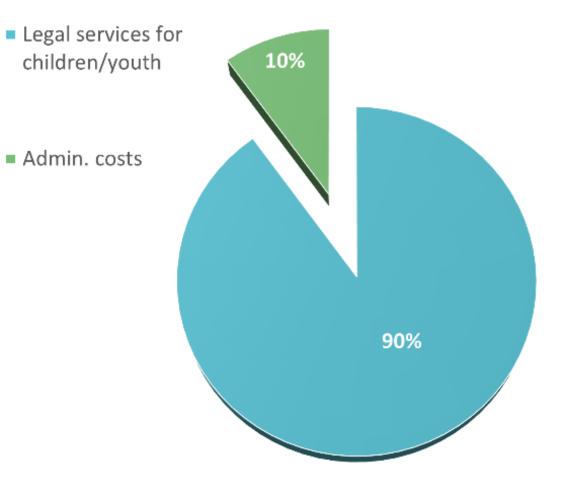






FY 23 Administrative Expenditures

Caseload Driven Budget





Common Questions

One-time state and federal stimulus funds:

None.

Fiscal Impact of the COWINS Partnership Agreement:

N/A - (OCR is not subject to the agreement).

Prioritized list of budget reductions if 10% GF reduction was required:

This would be challenging for the OCR due to its lean administrative structure. Most of OCR's funding is applied directly to mandated activities. If needed, the OCR will engage a similar analysis as was done for the FY21 budget and aim to minimize impact on children and youth.



Budget Overview

- R1 Caseload/Workload Adjustment
- R2 Training Assistant
- R3 Classification and Compensation Study
- R4 Non-Attorney Contractor Rate Increase
- Budget Amendment CARES



Caseload/Workload Adjustment

- Projected increase in discovery and transcript costs.
- While D&N appointments are projected to decrease, other case types are projected to increase.
- Workload has increased with increased litigation and case complexity.





Training Assistant

- Legislative Mandate to ensure the provision and availability of highquality, accessible training throughout the state.
- OCR has a robust training program.
- For over 20 years this has been accomplished with 1 FTE and it is no longer sustainable.
- Asking for **reappropriated IV-E funds** to add one additional FTE to assist.





Classification and Compensation Study

- OCR, ORPC, ADC contracted with a firm to conduct the first phase of a study, developing a classification and compensation plan.
- Goal is to ensure employees are placed in the midpoint of the new salary ranges identified.





Non-attorney Compensation

 Joint request from OCR, ORPC, and ADC to increase rates for paralegals and case consultants by 5% to match attorney increases.





CARES Replacement

- CARES is our proprietary case management and billing system.
- Anticipated a FY26 budget request due to age and architectural needs of the system.
- Just after budget submission a key engineer unexpectedly left.
- Accelerating the replacement timeline is more efficient and we are requesting reappropriated IV-E funds to do so.





Summary of OCR Requests

Request	General Fund	Reappropriated Funds
R1 – CAC Adjustment	\$913,269	-
R2 – Training Assistant	-	\$124, 812 (1 FTE)
R3 – Classification Study	\$422,148	\$109, 894
R4 – Non-Attorney Rate	\$121, 626	\$12, 744
Budget Amendment - CARES	\$100,000	\$1,500,000



OCR-16

Thank you!

Chris Henderson Executive Director chrishenderson@coloradochildrep.org

> I don't feel like she treats me as her mandatory job or client she treats me like a human and person and makes sure I know I have her support. I never questioned if she would stand up for my best interest and what I wanted.

> - Quote from a Youth in the 2023 Case Reference Interviews





JUDICIAL DEPARTMENT

FY 2024-25 JOINT BUDGET COMMITTEE HEARING AGENDA

Monday, December 18, 2023

9:00 am – 3:15 pm

11:45-12:00 OFFICE OF THE RESPONDENT PARENTS' COUNSEL (ORPC) Main Presenters:

• Melissa Michaelis Thompson, Executive Director

Supporting Presenters:

• Janet Miks, Chief Financial Officer

Topics:

- Introduction and Opening Comments: Page 9, Slides 9-13
- Common Questions: Pages 2-3, Questions 1-4 in the packet, Slide 11
- Requests: Pages 3-8, Questions 1-4 in the packet, Slides 14-20

JUDICIAL DEPARTMENT – OFFICE OF THE RESPONDENT PARENTS' COUNSEL

FY 2024-25 JOINT BUDGET COMMITTEE HEARING

Monday, December 18, 2023

11:45 am – 12:00 pm

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

 Please describe one-time state and federal stimulus funds that have been allocated to the Department but are not expended as of September, 30, 2023, by bill, budget action, executive action, or other source that allocated funds. The description should include but is not limited to funds that originate from one-time or term-limited General Fund or federal funds originating from the American Rescue Plan Act (ARPA)/State and Local Fiscal Recovery Funds/Revenue Loss Restoration Cash Fund. Please describe the Department's plan to obligate or expend all allocated funds that originate from ARPA by December 2024.

ORPC response: The ORPC did not receive any one-time state or federal stimulus funding.

- 2. Please further describe any budget requests that replace one-time General Fund or ARPA funded programs with ongoing appropriations, including the following information:
 - a. Original fund source (General Fund, ARPA, other), amount, and FTE;
 - b. Original program time frame;
 - c. Original authorization (budget decision, legislation, other);
 - d. Requested ongoing fund source, amount, and FTE; and
 - e. Requested time frame (one-time extension or ongoing).

ORPC response: The ORPC did not receive any state or federal stimulus funding and thus does not have any budget requests related to the replacement of these funds.

3. Please provide a description, calculation, and the assumptions for the fiscal impact of implementing compensation provisions of the Partnership Agreement, as well as a qualitative description of any changes to paid annual, medical, holiday or family leave as a result of the Agreement. Please describe any compensation and leave changes for employees exempt from the Agreement if applicable.

ORPC response: The Partnership Agreement does not apply to Judicial Branch Agencies like the ORPC. To preserve fairness and equity, the ORPC has adopted and will continue to adopt employee policies similar to some but not all of the policies in the Partnership Agreement as dictated by the ORPC's needs and capacity. Due to the small size of the ORPC, compliance with the entire Partnership Agreement is not feasible due to lack of staffing. The ORPC has aimed to incorporate the Partnership Agreement when possible. For instance, the ORPC in conjunction with the OCR and the OADC engaged a consultant to complete a salary compensation study analysis. This study was designed to review position functions (rather than job titles) and determine pay equity based on market rates for similar public interest and state agency work. Based on this study, the ORPC has submitted a decision item for increased pay to align staff salaries with similar public interest market rates.

4. Provide a prioritized list of budget reductions the Department would propose if 10.0 percent General Fund appropriation reductions were required of every Department.

ORPC response: The ORPC has a small footprint within the State system and the majority of costs (90%) incurred by the agency are for services to indigent parents that are mandated by law. The other general fund (10%) is used to fund personnel, operating, and program training costs. This is a small amount given the breadth of program expertise required to run the agency responsibly and fulfill the ORPC's legislative mandates. Due to the mandated costs of providing legal representation, the only General Fund that could legally be given up is the ORPC's personnel and operating costs. A 10% reduction to the agency's operating costs would essentially be a reduction to the entire office. Thus, the ORPC has no General Fund costs that could be reduced without jeopardizing the State's statutory requirement to provide required services to indigent parents.

Although the agency cannot decrease its footprint, the ORPC operates in a fiscally responsible manner by always looking for ways to operate more effectively and efficiently, exploring new funding opportunities (Title IV-E) to help relieve general fund, and keeping an eye on trends that could reduce its statutorily required spending. For example, in the current fiscal year the ORPC has recognized that statutorily required expenditures have decreased in its Court Appointed Council (CAC) Line for the first 5 months of the year. Thus, the agency is preparing a supplemental budget amendment to return unused general fund anticipated from this decline during the supplemental process.

REQUESTS

1. [Sen. Zenzinger] As it relates to the ORPC R1 request, how does the organizational composition and structure of the ORPC compare to the OADC and the OCR? Are there equivalent CFO and

COO positions in those agencies? In particular, how does executive leadership staff compare across these agencies?

ORPC response: In light of the feedback about the title of the COO position, we have changed it to the Director of Operations in these question responses. To clarify, the ORPC is not requesting funding for a CFO position. The ORPC has operated with a three-person executive leadership team consisting of an Executive Director, a Deputy Director, and a Chief Financial Officer since the agency's doors first opened in 2016. The ORPC has reached the point in its organizational development that requires an additional leadership role to adequately oversee essential functions of the growing agency, including human resources, information technology, Title IV-E programming, and strategic planning Many of the job duties of the Director of Operations are consistent with job duties for two positions that the OADC created when they recognized the need for their management team to have greater assistance with human resources and other management functions. A four-person executive leadership team is the norm in the other independent mid-sized Judicial agencies; both the OCR and the OADC operate with a four-person executive leadership team.

2. [*Rep. Taggart*] Please explain the need for CFO and COO level positions for a relatively small agency. Please describe and detail the tasks and responsibilities that warrant this level of specialized leadership for this size of an organization.

ORPC response: The ORPC maintains a small staff who are expected to be experts in their content area, perform operational functions, and coordinate with their colleagues to ensure alignment with the agency's mission and legislative mandate. Larger agencies have departments, headed by experts, with program and administrative staff to support the programming. This concept is also present at the Executive level, where both administrative expertise and functionality coexist. The requirements needed to oversee and perform all administrative functions require multiple experienced professionals to ensure accountability and oversight. Also, the expertise needed covers a wide range of professions and thus it is not efficient or effective to have one individual be the expert of all disciplines and hire staff to complete the tasks within these functions.

The CFO and Director of Operations will participate on the agency's management team alongside the Executive Director and Deputy Director. This team will ensure the ORPC may interact successfully with the public, provide responsive and effective service to their community of over 300 contractors and experts, and to ensure that staff have the resources to provide payment, training, oversight and expertise to the attorneys, social workers, and advocates who are working to provide high-quality legal representation to over 9,000 indigent parents in Colorado each year.

In particular, the ORPC has access to approximately \$10 million in reappropriated funds through federal Title IV-E funding. The Agency has developed strategic plans to utilize this funding to directly impact and support indigent families in Colorado. The contemplated programming will reduce dependency on the child welfare and juvenile court systems by providing families with earlier holistic representation that can prevent family separation and the need to file dependency and neglect actions

in court. These programs reduce the trauma of removal and separation and save Colorado tax dollars that would otherwise be spent on expensive foster care and court proceedings. The addition of a Director of Operations to the ORPC's staff will permit the Agency to follow through on the strategic plan to utilize available funding to implement programs, track outcomes, share data, and demonstrate cost savings.

Below is a table that outlines the specific duties and areas of responsibility for each of the 2 administrative leadership positions.

C	hief Financial Officer	D	Director of Operations
Financial Oversight and Initiatives	 Strategic planning Financial infrastructure Funding source expert Funding Plan Preparation of various budget and fiscal reports Various state financial partners liaison 	Program Oversight and Initiatives	 Strategic planning Infrastructure for all programs IV-E program development Program Staff Supervision Interdisciplinary legal representation expert Programmatic partners liaison
Budget Director	 Budget forecasting reports and models Budget formulation Oversight of budget execution and manage budgets in state systems Preparation of budget submissions and schedules through legislative process Fiscal note analysis for legislation 	Personnel Administration	 Overall compensation Personnel policy - employee manual and rules Employee hiring and professional development Leave policy and tracking Judicial HR, Benefits, and Payroll Liaison Human Resources activities
Controller	 Supervision of payment and accounting department staff Development and implementation of internal control structure Compliance with GAAP, Federal regulations, State accounting rules and protocol, and Preparation of state financial reporting requirements State Accounting system (CORE) oversite, security administrator, and approval Management of financial subsystems Fiscal rules Audit Liaison Contracts and procurement 	IT Strategy Contract Management	 Updated contractor billing system and outcomes tracking database Administration of hybrid work environment for staff and contractors. Oversight of 3rd party contracting for IT support, Website, Data and research, and Compensation Analysis

3. *[Staff]* Please describe the ORPC R3 request for Title IV-E Legal Representation Staff. Please describe the use of Title IV-E funding, including history, purpose, and use.

ORPC response:

<u>History</u>: The ORPC was established in July 2016, in response to a 2007 Assessment Report noting the dearth of resources for indigent parents and their counsel. In 2017, just one year after the creation of the ORPC, the Children's Bureau of the U.S. Department of Health and Human Services ("Children's Bureau") issued an information memorandum noting that high-quality legal

representation for parties in child welfare proceedings contributes to a fundamental increase in both the actual and perceived fairness of the proceedings, as well as increased engagement by parents. In April 2020, the Children's Bureau issued subsequent guidance to clarify that administrative costs for paralegals, investigators, parent advocates, and social workers may also be claimed as Title IV-E foster care administrative costs when they are necessary to support an attorney providing independent legal representation. Three months later, the Children's Bureau issued a Technical Bulletin that further clarified that states may claim allowable administrative costs of "pre-removal" independent legal representation by an attorney for a child that is at risk of entry into the child welfare system for Title IV-E foster care and/or his or her parent.

Additionally, in September 2023, the Children's Bureau proposed a new rule that includes and expands upon the previous guidance and interpretation to permit IV-E reimbursement for interdisciplinary legal representation of parents, children, and relative caregivers, including for representation of children and families at risk of entering foster care and for civil legal services. The proposed rule cites the promise of interdisciplinary legal representation, including a staggering 43% increase in reunification rates for parents represented by an interdisciplinary team when compared to parents represented solely by an attorney.

Since 2019, the ORPC has been appropriated about \$5.6 million annually in reappropriated funds that are earned from Federal Title IV-E. This is a complicated fund source that can only be spent on specific items for enhanced high-quality legal representation that are part of the plan the ORPC created with CDHS. Over time, Colorado's ability to draw down these funds to support foster care placement has decreased due to the increasing complexity in eligibility requirements, outdated metrics used to calculate draw rates, and lower utilization at the county level. However, the changing federal guidance has allowed the state to draw down these funds to support enhanced programming and legal representation for both the ORPC and the OCR, which assists the state's child welfare system broadly.

The ORPC has the plan and vision to spend these funds but has lacked the operational capacity to execute the programs to fully spend down this funding. Therefore, the ORPC has developed a new leadership position to oversee these initiatives as well as two additional staff positions to execute the strategic plan to fully implement the programming that will use these newly available federal funds. Providing the operational infrastructure to support these programs will allow the agency to comply with federal regulations, track effectiveness, and fully utilize these federal dollars while reducing overall reliance on general fund over time.

If these requests are not approved, the ORPC may continue to struggle to fully utilize available federal funds. The agency may not fully realize the reduction in case filings that would otherwise be possible through prevention programming, leading to families being unnecessarily separated and to additional general fund expenses for the state and long-term societal costs caused by family separation. Judges and attorneys may continue to be unaware of legislative changes, resulting in costly reversals and delays in permanency as well as legislation not being fully implemented or realized.

Purpose and Use: The ORPC requests a reallocation of \$376,720 Title IV-E Legal Representation reappropriated funds to the Personal Services and benefits reappropriated funds for 2.0 FTE to

oversee and provide support for the ORPC's preventive and ancillary civil legal services programming. This request has a net \$0 impact to the State's General Fund and ensures that more of the available Title IV-E funds are spent to enhance parent representation, reduced child welfare involvement, and decrease the State's cost of providing representation to indigent parents. The use of these federal funds is likely to continue to reduce overall case filings of dependency and neglect cases and continue to reduce the general fund line item for court appointed counsel as a result.

The Preventive and Civil Legal Services Manager will be an attorney with experience representing people in diverse legal proceedings. They will oversee legal and advocacy training for ORPC contractors who may need to learn a new aspect or area of the law, provide case consultation to interdisciplinary legal teams, and develop necessary infrastructure and processes around tasks such as referrals and tracking case outcomes to ensure a high-quality, transparent program. The Manager will work closely with the Colorado Evaluation and Action Lab to collect and analyze outcomes for the program and prepare budgetary reports.

The Program Coordinator will be a social worker with experience working with community partners. They will collaborate with state-wide community providers (e.g., county departments of human services, family resource centers, service providers for families experiencing homelessness, food insecurity and mental health needs) to identify critical referral sources, screen all referred parents, and connect eligible parents with interdisciplinary legal teams that include attorneys, social workers, and parent advocates to represent them in resolving their legal problems and avoiding unnecessary family separation.

The ORPC also requests a reallocation of \$228,845 Title IV-E Legal Representation reappropriated funds to its Personal Services and benefits reappropriated funds for 1.0 FTE to staff a new Collaborative Partnerships Director position. The Collaborative Partnerships Director would enhance the ORPC's ability to implement legislative and policy changes, increase interagency collaboration, and create programming that enhances parent representation in Colorado while increasing family voice. Utilizing re-appropriated Title IV-E funds to staff these three positions at no additional cost to the State will contribute to the ORPC's mission to support families and protect the fundamental right to parent.

4. [Staff] Please briefly describe each of the ORPC request items R2 and R4.

ORPC Response (R2): A fair and equitable compensation plan is essential to hiring and retaining highly qualified employees, who can ensure the agency fulfills its legislative mandate of providing high-quality legal representation to indigent parents in dependency and neglect cases. The ORPC partnered with the OADC and the OCR to contract with the Logic Compensation Group to conduct a classification and compensation study. The goal is to develop a common classification and compensation system by reviewing public sector market data and establishing a class structure. The agencies are sharing the costs for the study and meet regularly. The ORPC is committed to a fair and

equitable compensation plan, which should be re-evaluated on a regular basis. The agency does not have the internal capability to conduct ongoing public section market analysis due to its small size.

ORPC Response (R4): Providing competent and compassionate interdisciplinary legal representation for indigent parents in dependency and neglect cases results in fewer child removals and broken families. Additionally, research shows that when parents are represented by an interdisciplinary legal team that includes attorneys, social workers, and parent advocates, children placed in foster care are safely returned to their families about 43% more often in the first year and spend four fewer months in foster care when compared to children whose parents are represented solely by an attorney.

To move toward equity and to reflect the 5% rate increase recently approved for attorney contractors, the ORPC requests the same percentage rate increase for non-attorney contractors, including paralegals, investigators, social workers, family advocates, and parent advocates. This increase will help non-attorney contractors address the loss of real earnings in Colorado due to inflation and steep housing price increases. It will also improve retention of experienced non-attorney contractors who are integral to ORPC interdisciplinary legal defense teams and essential to providing high-quality legal representation – the fundamental mandate of the agency.

By providing a rate increase, the ORPC will be able to attract and retain experienced and dedicated independent contractors who do the difficult and critical work of providing representation to indigent parents and helping impoverished parents keep their families together. Keeping families together whenever possible will further the State's goals of increasing equity, diversity, and inclusion and of improving education, economic opportunity, and health for all Coloradans.



PRESENTATION TO THE JOINT BUDGET COMMITTEE

December 18, 2023

Melissa Michaelis Thompson, Esq. Executive Director



ColoradoORPC.org





OUR PURPOSE

The Office of the Respondent Parents Counsel (ORPC) supports Colorado parents in the fight to preserve families, their dignity, and the constitutional right to parent in dependency and neglect (D&N) cases. We recruit and train attorneys statewide, advocate for family-centered policies, and promote equity and transparency in the system through data. As a result of our work, more families are reunified and stronger together.

Common Questions

ColoradoORPC.org

State & Federal Stimulus Funds

Requests to Replace One-Time Funding

Partnership Agreement



3

10% General Fund Reduction

Achieving Permanency

Interdisciplinary

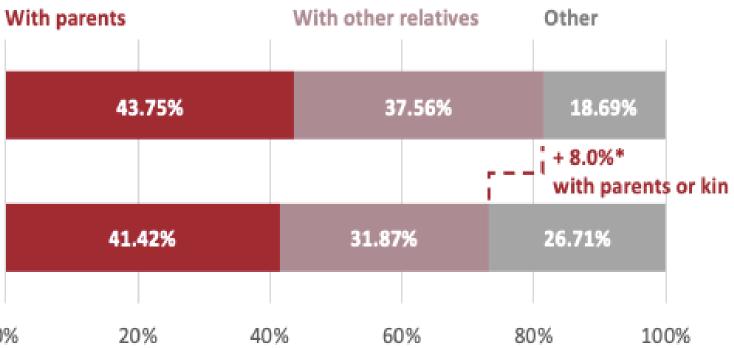
Attorney-Only

0%

The majority of children whose parents received interdisciplinary representation (81%) were reunified with their parents or living with a member of their family at case closure. For parents with attorney-only representation, this figure was 73%.

PROMOTING STRONG FAMILIES

Permanency Outcomes by Legal Representation Model



Preventing Future Risk of Harm

PROMOTING STRONG FAMILIES

Attorney-Or Representat 3.77%

nly tion	IDT Representation
	2.84%



ORPC R-1



Agency Staffing

Sen. Zenzinger – Question 1 – ORPC R-1 Rep. Taggart – Question 2 – ORPC R-1

14

DISTINCT ROLES



Chief Financial Officer

- ORPC Position Since January 1, 2016
- Payment Requests (approx. 1 million individual requests annually)
- Budget Management
- Accounting Oversight
- State Reporting & Compliance
- Fiscal Rule & Fiscal Note Management
- CPA



- IV-E Programming IT and Systems Maintenance Data Management Procedures **Operational Processes**

- Internal Policy Making • Personnel Administration • Employee Onboarding & Retention

ColoradoORPC.org

Director of Operations



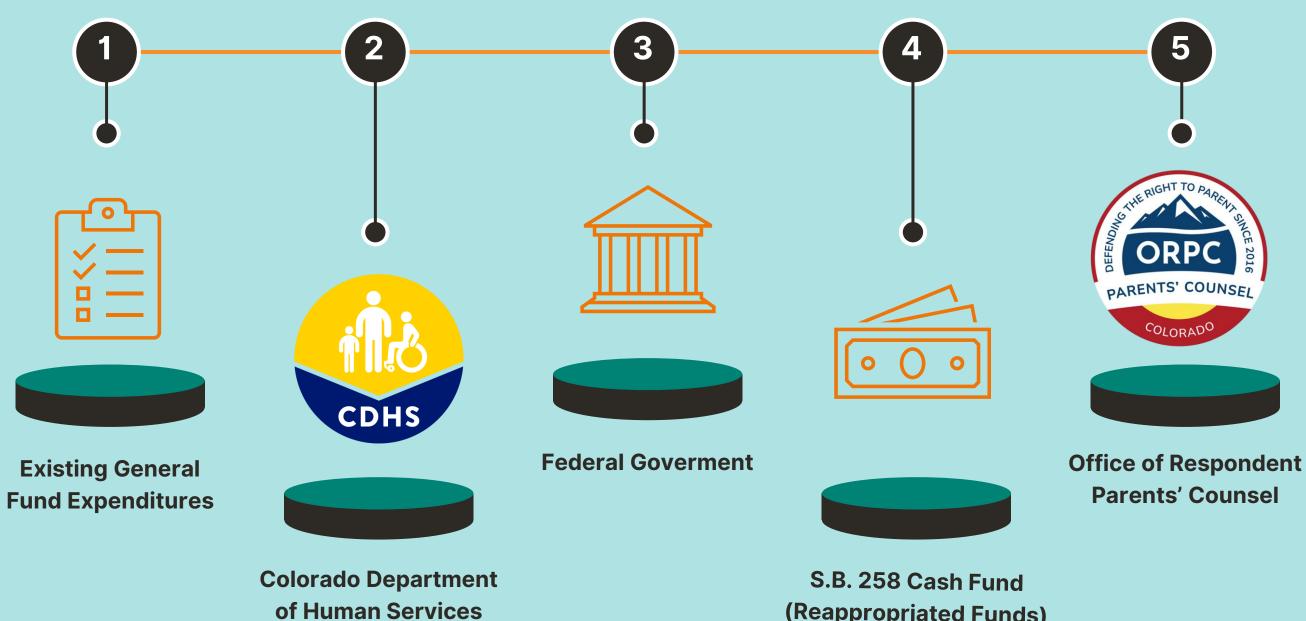
ORPC R-3



Title IV-E Legal Representation Priorities Staff – Question 3 – ORPC R-3

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IV-E FUNDING



ColoradoORPC.org

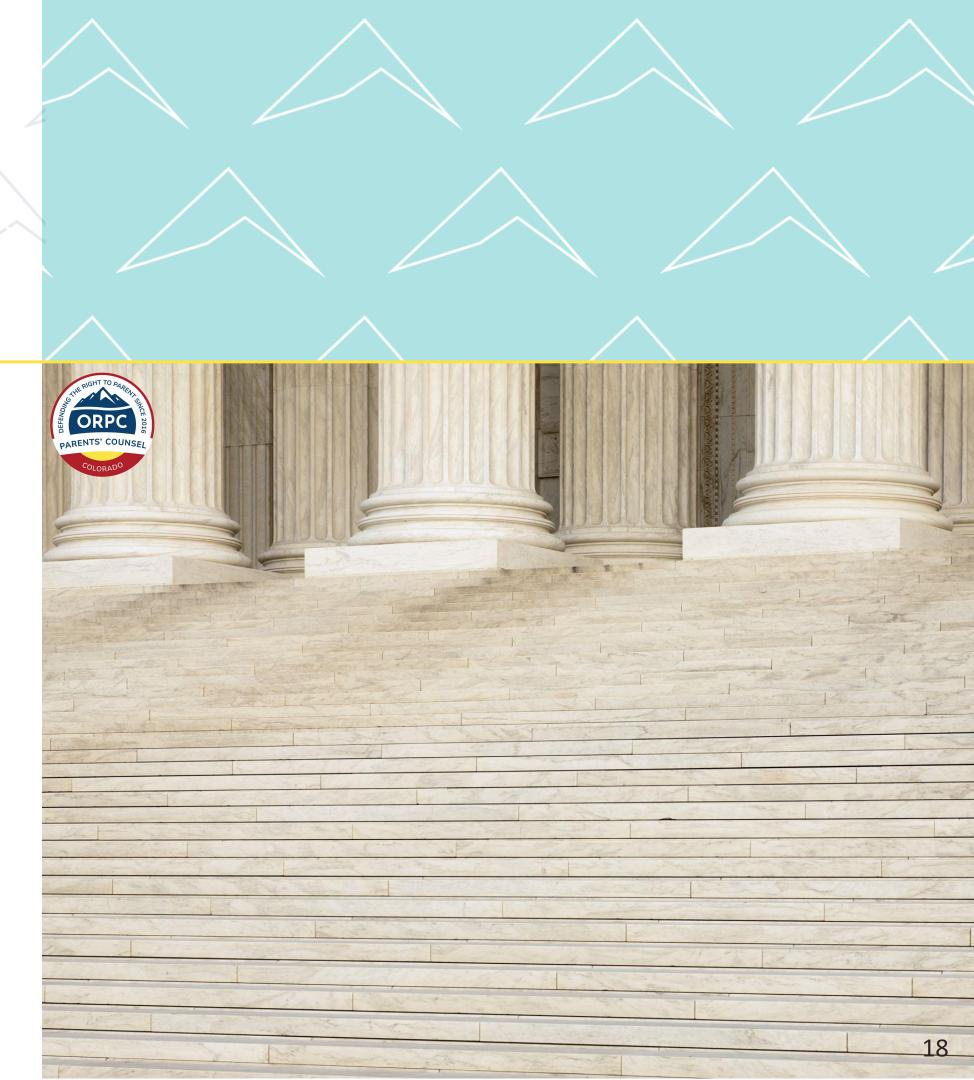
(Reappropriated Funds)

17

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FEDERAL IV-E PRIORITIES

- Expanding RPC access to interdisciplinary teams
- Ensuring early appointments
- Prioritizing prefiling & civil legal issues
- Growing ORPC capacity for evidence-based programming
- Increasing & formalizing parent voice & feedback



OFFICE OF RESPONDENT PARENTS' COUNSEL

PROGRAMMATIC STAFFING



Preventive and Civil Legal Services Manager



Collaborative Partnerships Director



Program Coordinator

ColoradoORPC.org





ORPC R-2 & ORPC R-4



Align Compensation to Market & Non-Attorney **Contractor Rate Increase**

Staff – Question 4 – ORPC R-2 & ORPC R-4

THE TRUE COST OF FOSTER CARE

Cost of 1 Year of Foster Care for 1 Colorado Child

Societal Cost of 1 Child Spending 1 Year in Foster Care

Societal Cost of 1 Child Aging Out of Foster Care

\$15,329

\$119,069

\$627,501

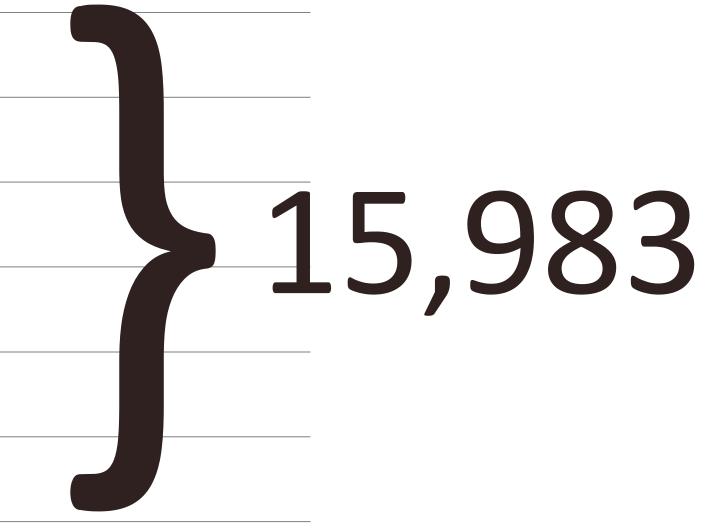
OFFICE OF RESPONDENT PARENTS' COUNSEL

Parents Reunified with Their Children

16,000	
	1,914
14,000	2,346
12,000	2,608
10,000	
8,000	2,615
6,000	2,897
4,000	 2,524
2,000	1,079
org	

ColoradoORPC.org

■ FY17 ■ FY18 ■ FY19 ■ FY20 ■ FY21 ■ FY22 ■ FY23







CONTACT THE ORPC

Melissa Michaelis Thompson, Esq. Executive Director mthompson@coloradoorpc.org (303) 731-8744

Judicial DEPARTMENT FY 2024-25 JOINT BUDGET COMMITTEE HEARING AGENDA

Monday, December 18, 2023

9:00 am – 3:15 pm

1:30-1:45 ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES (ASIA) Main Presenters:

• Stephanie Villafuerte, Chair, ASIA Board

Supporting Presenters:

NONE

Topics:

- Introduction and Opening Comments: Page 1 3
- ASIA Update: Page 1 3, Questions 1 in the packet

JUDICIAL DEPARTMENT – ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES (ASIA) UPDATE FY 2024-25 JOINT BUDGET COMMITTEE HEARING

Monday, December 18, 2023

1:30 pm – 1:45 pm

ASIA UPDATE

[Staff]

1. Please provide an update on the ASIA office implementation.

ASIA Board Response to Question 1: Senate Bill 23-228 established the Office for Administrative Services for Independent Agencies (ASIA) to act as an independent agency that provides centralized administrative and fiscal support for the included agencies.¹ ASIA is governed by an administrative board that consists of the director of each included agency (the Board).²

The Board is chaired by the Director of the Office of the Child Protection Ombudsman (OCPO) until June 30, 2024.³ The members of the Board conduct the duties listed in statute without compensation or additional administrative support. All other expenses associated with the Board's duties, including the recruitment and hiring of a new Director, are paid for through the ASIA budget.

The Board is responsible for hiring the director of ASIA (the Director), assisting the Director in establishing office policies and administrative board policies, and providing administrative oversight of ASIA.⁴ Pursuant to the statute, the Board was required to prioritize hiring a human resources consultant by July 1, 2023,⁵ and hiring the Director by October 1, 2023.⁶

Below is an update for each of these items.

In May 2023, the Board Chair, began research to identify a human resources expert who could assist the Board with recruitment and selection of the Director. The Board Chair also designed a needs assessment survey which was distributed to all independent agencies in early June 2023. The Board contracted with a human resources expert in July and held its first meeting on July

¹ C.R.S. 13-100-102

² C.R.S. 13-100-102(4)

³ C.R.S. 13-100-102 (5)

⁴ C.R.S. 13-100-102(6)

⁵ C.R.S. 13-100-102(6)(a)

⁶ C.R.S. 13-100-102(6)(b)

11, 2023. Since this time, the ASIA Board has met approximately ten times. Another dozen meetings have been held between the Board Chair and the employment and procurement divisions of the Colorado Attorney General's Office, the budget department of the Colorado Judicial Branch, and ASIA's human resource vendor.

A significant amount of time was expended on the Board's initial efforts to establish a preliminary infrastructure, in advance of hiring the Director of ASIA. Establishing this infrastructure included creating operating bylaws, securing conflict-free legal counsel from the Department of Law, and resolving which of the Colorado independent agencies were members of the ASIA Board.⁷ Due to the time required to resolve these important preliminary issues, the Board was unable to begin the recruitment and search process for the ASIA Director until late August 2023.

Executive Director Search

The Board contracted with Coach Craft, LLC to assist the Board with the recruiting and hiring process for the new Director position. The following is a summary of our progress.

- 1. Develop a detailed hiring strategy (Completed: August 28, 2023)
- 2. Job Description Optimization (Completed: September 12, 2023)
 - Review and refine the job description.
 - Developed two job postings that highlight the unique aspects of the role, such as building the office from the ground up and leading transformative change.
- 3. Talent Attraction and Sourcing (Completed: September 12, 2023)

Utilized various channels for sourcing candidates, including job boards, professional networks, LinkedIn, and industry-specific platforms. These included:

- Governmentjobs.com
- publicservicecareers.org
- CPO LinkedIn Page (amplified through reposts)
- Colorado Nonprofits Association Job Board
- Association for Public Policy Analysis and Management
- Colorado Bar Association Job Board
- HRJobs.com
- Colorado Judicial Branch Career Services courtesy posting
- State of Colorado courtesy posting

⁷ Specifically, the legal question concerned whether the directors of the Office of Alternate Defense Counsel, the Office of the Child's Representative, and the Office of the Respondent Parents' Counsel, were voting members of the ASIA Board. Cf. C.R.S. 13-100-102(4) and (9).

- Indeed.com
- 4. Targeted Candidate Outreach (Completed: November 13, 2023)
 - Posted job description on job boards (September 12, 2023 -- October 2, 2023)
 - Received 34 applicants -- 15 of whom did not meet the standards for second review.
 - Three Board members reviewed the remaining candidates and identified candidates to interview.
 - Reached out to potential candidates via personalized messages. Four candidates expressed interest in interviewing for the position.
- 5. Screening and Initial Interviews (Completed: November 17, 2023)
 - Conduct initial phone interviews to assess candidates' qualifications.
 - Set up first round interview dates.
- 6. Performance-Based Interview Preparation (Completed: November 26, 2023)
 - Developed a structured interview plan that focuses on behavior-based interviewing (BBI) questions. These questions gauge candidates past performance, problem-solving skills, leadership abilities, and alignment with high-performance expectations.
- 7. Performance-Based Interviews (Completed: November 2023)
 - Conduct performance-based interviews with shortlisted candidates, using the BBI questions to assess their experience in strategic leadership, financial management, legislative engagement, and human resources.
- 8. Candidate Presentation and Assessment (In Progress: Scheduled for the week of December 18, 2023)
 - Invite the top candidates for a final assessment and interview, which includes presenting a case study or strategic scenario relevant to the role.
 - Evaluate their ability to analyze complex situations, propose innovative solutions, and showcase their leadership and decision-making skills.

Conclusion

The Board is currently in the process of interviewing applicants for the Director position. The Board is hopeful that a candidate can be selected by the end of December 2023. Once a

candidate is selected the Board will conduct a thorough vetting and onboarding process so that the Director can begin by late January 2024.

Judicial DEPARTMENT FY 2024-25 JOINT BUDGET COMMITTEE HEARING AGENDA

Monday, December 18, 2023

9:00 am – 3:15 pm

1:45-2:00 Office of the Child Protection Ombudsman (OCPO)

Main Presenters:

- Stephanie Villafuerte, Colorado Child Protection Ombudsman
- Jordan Steffen, Deputy Ombudsman

Supporting Presenters:

NONE

Topics:

- Introduction and Opening Comments: Page 18 20, Slides 1 3
- Common Questions: Page 1 4, Questions 1-4 in the packet, Slide 4
- Requests: Page 4, Questions 5 in the packet, Slides 4-10

JUDICIAL DEPARTMENT – OFFICE OF THE CHILD PROTECTION OMBUDSMAN

FY 2024-25 JOINT BUDGET COMMITTEE HEARING

Monday, December 18, 2023

1:45 pm – 2:00 pm

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

 Please describe one-time state and federal stimulus funds that have been allocated to the Department but are not expended as of September 30, 2023, by bill, budget action, executive action, or other source that allocated funds. The description should include but is not limited to funds that originate from one-time or term-limited General Fund or federal funds originating from the American Rescue Plan Act (ARPA)/State and Local Fiscal Recovery Funds/Revenue Loss Restoration Cash Fund. Please describe the Department's plan to obligate or expend all allocated funds that originate from ARPA by December 2024.

OCPO Response to Question 1: The Office of the Colorado Child Protection Ombudsman (OCPO) received two one-time allocations for Fiscal Year 2023-24. Both one-time allocations originated from the General Fund. The two allocations were:

- Human Resources Support = \$110,803¹
- Equity, Diversity and Inclusion Consultation and Support = \$35,000²

The OCPO started expending funds out of both allocations during the first quarter of Fiscal Year 2023-24 and will continue to do so through the remainder of the fiscal year.

First, the OCPO has contracted with a human resources consultant to provide the OCPO with human resources support and help the agency develop internal human resources programs and processes. This funding became necessary after the Supreme Court

¹ See <u>OCPO Fiscal Year 2023-24 Agency Summary and Budget Request</u>, RI-01 Employee Support Services Manager, Page 10

² See <u>OCPO Fiscal Year 2023-24 Agency Summary and Budget Request</u>, RI-03(B) Employee Support Services Manager, Page 23

Administrator's Office (SCAO) ceased providing such support to the OCPO.³ To date, the HR consultant has worked with the OCPO to develop employee performance management and monitoring systems, address complex HR cases, revise the OCPO's personnel handbook, surveyed staff and created a strategic plan for agency improvement and serve as a resource for all OCPO staff.

Second, the OCPO has used the one-time funds for equity, diversity and inclusion (EDI) development to obtain training for OCPO staff. The agency will continue to execute contracts with EDI consultants to refine and implement strategic plans to address internal practices and ongoing training.

- 2. Please further describe any budget requests that replace one-time General Fund or ARPA funded programs with ongoing appropriations, including the following information:
 - a. Original fund source (General Fund, ARPA, other), amount, and FTE;
 - b. Original program time frame;
 - c. Original authorization (budget decision, legislation, other);
 - d. Requested ongoing fund source, amount, and FTE; and
 - e. Requested time frame (one-time extension or ongoing).

OCPO Response to Question 2: As part of its budget request for Fiscal Year 2024-25, the OCPO is seeking \$26,000 annually for ongoing EDI assessment and development.⁴ The OCPO noted that this request was like during its previous budget request, when it sought one-time funds during Fiscal Year 2023-24. In that request, the OCPO noted that similar sized agencies currently employ full-time positions to monitor and carry out this work. In that request, the OCPO stated that it would need to evaluate if subsequent requests and staff would be needed. At this time the OCPO has determined that \$26,000 in annual funding will allow the OCPO to continue this work, through the use of outside vendors and training. As the agency continues to grow and evaluate its practices, it will continue to assess if a full-time employee is appropriate in future years. Additional details regarding the request are below.

A. *Original Fund Source* – The original fund source for the one-time allocation was General Fund.

³ See <u>OCPO Fiscal Year 2023-24 Agency Summary and Budget Request</u>, RI-01 Employee Support Services Manager, Page 10

⁴ See <u>OCPO Fiscal Year 2024-25 Agency Summary and Budget Request</u>, RI-05 Staff Development and Training, Page 25

- B. **Original Program Timeframe** The original timeframe for the one-time funds was one year. However, the agency previously noted it would continue to assess how to fund these efforts in future fiscal years.
- C. Original Budget Decision OCPO Fiscal Year 2023-24 Budget Request, Request Item 03(B)⁵
- D. Requested Ongoing Fund Source, Amount and FTE The OCPO is seeking \$26,000 annually from the General Fund. The OCPO is not requesting any FTE to support this request.⁶
- E. *Requested Timeframe* Ongoing
- 3. Please provide a description, calculation, and the assumptions for the fiscal impact of implementing compensation provisions of the Partnership Agreement, as well as a qualitative description of any changes to paid annual, medical, holiday or family leave as a result of the Agreement. Please describe any compensation and leave changes for employees exempt from the Agreement if applicable.

OCPO Response to Question 3: The OCPO does not anticipate a fiscal impact for implementing the compensation provisions of the Partnership Agreement.

4. Provide a prioritized list of budget reductions the Department would propose if 10.0 percent General Fund appropriation reductions were required of every Department.

OCPO Response to Question 4: The OCPO's entire budget is funded through a General Fund appropriation. Assuming the OCPO maintains its Fiscal Year 2023-24 allocation during Fiscal Year 2024-25, a 10 percent reduction would require the agency to cut approximately \$193,859.⁷

The OCPO's prioritized reductions are as follows:

 \$40,000 Tori Shuler Youth Voice Program – During Fiscal Year 2023-24, the OCPO received an annual allocation of \$40,000 for the Tori Shuler Youth Voice Program.⁸

⁷ To calculate this figure, the OCPO removed all current one-time funding from its FY 2023-24 allocation. In total, the OCPO received \$2,170,852 during FY 2023-24. The OCPO reduced that figure by \$232,261, which represents the following one-time funding: (1) \$35,000 EDI consultation and training; (2) \$110,803 HR contract FTE; (3) \$65,000 for HB 22-1240, out year FY 2024-25; and (4) \$21,458 for HB 22-1375, out year 2024-25. The remaining allocation is \$1,938,591. A 10% reduction of that figure represents a reduction of \$193,859.

⁵ See <u>OCPO Fiscal Year 2023-24 Agency Summary and Budget Request</u>, RI-03(B) Employee Support Services Manager, Page 23

⁶ See <u>OCPO Fiscal Year 2024-25 Agency Summary and Budget Request</u>, RI-05 Staff Development and Training, Page 25

⁸ See OCPO Fiscal Year 2023-24 Agency Summary and Budget Request, RI-03(C) Tori Shuler Youth Program, Page 24

This program is an in-house program that centers on expanding and improving how the OCPO engages youth in systemic public policy initiatives. These funds are used to ensure the OCPO can continuously coordinate with organizations that work with youth and young adults who have entered the child protection system, so the agency is constantly engaged with their experience. This access and communication help the OCPO develop subject matter expertise and work to develop more youth-centered approaches to its work. If the OCPO was required to reduce its budget by 10 percent, the OCPO would suspend this program and revert these funds. This would impact the agency's ability to have timely communication with youth and young adults and hinder the agency's ability to carry out suggested changes.

- 2. \$10,000 Restoration Funds During Fiscal Year 2023-24, the OCPO received a \$10,000 annual allocation to retore the OCPO's operating budget.⁹ This allocation restored the agency's operating budget to the level it was prior to the onset of the COVID-19 pandemic. If the OCPO was required to reduce its budget by 10 percent, the OCPO would revert these funds. This will cause the agency to rely on vacancy savings – if applicable – to maintain the baseline functions of the agency. This will result in the OCPO utilizing outdated equipment and require staff to share program licenses. For example, as many as four staff will be required to share one Adobe license.
- 3. *\$143,859 Staff Furlough* The majority of a 10 percent reduction would have to be absorbed in the OCPO's personnel expenses. To accomplish this, the OCPO would opt to require furlough days for staff, instead of cutting positions. This will impact the agency's ability to retain and recruit staff.

REQUESTS

[Staff] Please briefly describe each of the OCPO request items, R1 through R6.

OCPO Response:

RI-01 Data Analyst – \$118,880 annually and 1.0 FTE

Two critical components of the Office of the Colorado Child Protection Ombudsman's (OCPO) statutory charge are to "educate the public concerning child maltreatment and the role of the community in strengthening families and keeping children safe,"¹⁰ and "recommend to the

⁹ See OCPO Fiscal Year 2023-24 Agency Summary and Budget Request, RI-05 Restoration of CPO Operating Budget, Page 36 ¹⁰ See C.R.S. §19-3.3-103(c)

general assembly, the executive director, and any appropriate agency or entity statutory, budgetary, regulatory, and administrative changes, including systemic changes, to improve the safety of and promote better outcomes for children and families receiving child protection services in Colorado."¹¹

The OCPO has a custom, internal database built on a Salesforce platform. Currently, the OCPO's database holds data concerning 7,748 cases reviewed by the agency. The OCPO selected the Salesforce platform in part, for its robust reporting capabilities. Unfortunately, extracting reports and analyzing data sets requires a unique skill set from someone with expertise in this area. The OCPO staff do not have the bandwidth nor the expertise to do so.

Using this database, the OCPO's Client Services Team obtains the following types of case information: client demographics, agencies involved in complaints, alleged law and regulatory violations, practice concerns and final OCPO case outcomes. The OCPO also tracks the nature and area of concern and monitors nearly 40 regional and statewide child protection trends. Examples of trends the OCPO has identified include: the lack of monthly contacts by caseworkers with parents and children, misuse of the Colorado Family Safety Assessment and Risk Tool, bias and discrimination by child protection professionals working with families, citizens' lack of access to behavioral health care services, and restraint and seclusion of youth in facilities. It is vital that child protection professionals understand the nature of OCPO clients' concerns but also the prevalence of these issues.

The OCPO sits as a truly unique state entity, charged with serving as a resource for individuals concerned, frustrated or confused by the child protection services they are receiving. Given this distinct charge, the agency has a duty to monitor its case data on two fronts: (1) What does the OCPO's data demonstrate about how the child protection system is serving all citizens including communities of color, people with disabilities and under-resourced communities; and (2) Are child protection services, and the OCPO, providing these populations with services that are improving their outcomes.

Currently, the OCPO struggles to inform agencies, stakeholders and the public about the many concerning issues that impact the child protection system. While the agency does provide general information in its annual report, the information is often based on anecdotal evidence and broad, high-level data from the OCPO's internal database. A data analyst would be charged with developing a plan to build and implement an external reporting system. The OCPO envisions building a reporting system that can timely and consistently inform professionals working with children and family about gaps and needed improvements in the state's child protection system.

¹¹ See C.R.S. §19-3.3-103(e)

In addition, to enhance the OCPO's ability to report to external agencies and partners, the OCPO needs to build a system that also measures the effectiveness of its internal programs including developing quality assurance standards. The OCPO wants to analyze its data to ensure that it is serving Colorado citizens in the most efficient and effective way possible. To do this, the OCPO needs an expert who can identify what type of data best captures client experiences in the child protection system, including its experiences with the OCPO.

The OCPO contacted other independent agencies within the Colorado Judicial Branch (Judicial Branch) that employ a full-time position focused on data collection and analysis.¹² The OCPO has modeled this position – and the correlating requested salary – based on these examples. In all examples reviewed by the OCPO, independent agencies utilize this position, in part, for reviewing internal data and developing quality assurance standards and protocols.

The OCPO is requesting \$118,880 (including PERA, Medicare, AED/SAED, and STD) and 1.0 FTE to hire a new full-time data analyst.

The OCPO is seeking an annual salary of \$86,496 for the position, which is comparable to similar positions in other independent agencies. This salary is necessary to attaract applicants with expereince collecting and analyzing complex data sets and developing systems for such work. This would also keep the salary comprable with other manager positions in the agency.

Impact if request is not granted: The OCPO will maintain its efforts to continue assessing internal and external data sets as workload and skillsets allow. However, the agency will not be able to consistently assess its data in the timely manner described above. The agency will also not be able to assess its own programming and effectiveness. Additionally, the OCPO will not be able to proactively monitor internal and external data sets for disproportional impacts to communities of color and systemic issues impacting the child protection system.

RI-02 Senior Client Services Analyst – \$118,685 annually and 1.0 FTE

The OCPO provides free and confidential services to hundreds of citizens each year who have urgent questions and concerns about the sufficiency of services provided to children and families by the state's child protection system.

These citizens include parents, grandparents, kin, youth, medical professionals, lawyers, social workers, police officers and many others. Citizens call with a variety of concerns including worries that a child's safety and well-being is not being properly addressed by local and state child protection agencies. Most citizens who contact the OCPO are often in crisis – often having attempted to maneuver various local and state agencies to resolve their problems. Often, by the time citizens contact the OCPO their concerns require timely review and delays can have a

¹² In researching this position, the OCPO contacted the Office of Respondent Parents' Counsel and the Office of the Alternative Defense Counsel.

significant impact in their lives. As such citizens are often frustrated, upset and overwhelmed when they call.

The OCPO employs a highly qualified staff to field these calls. OCPO staff possess many years of experience in the child protection system, frequently as former caseworkers, and are knowledgeable about how the state's child welfare and behavioral health systems operate. They are also specially trained in mediation and de-escalation techniques so that they can work more effectively with clients in crisis.

In each case a client services analyst (CSA) completes the following:

- Requests and reviews any information, records or documents, including records of third parties, that are necessary to conduct a thorough and independent review of a case.
- Independently and impartially review cases.
- Seek resolution of cases by working directly with both clients and community agencies.
- Recommend changes and promote best practices to improve the state's child protection services.

Each case brought to the OCPO is unique and can involve a review of multiple state systems, services, laws and regulations. The OCPO prioritizes high-quality customer service in all its cases. It is not unusual for a CSA to spend several hours on the phone with a client to learn about their concerns and help them find solutions to their problems. Caseload Increase

The OCPO's Client Services Team is comprised of the Director of Client Services, a Senior Client Services Analyst (SCSA) and five CSAs. The Director of Client Services directly supervises the SCSA, and three CSAs, while the SCSA supervises the remaining two CSAs. The citizen demand for the OCPO's services has grown consistently – and substantially – during the recent fiscal years. Since Fiscal Year 2018-19, the OCPO has seen an average increase of 18% during the past four years. During the past fiscal year, the OCPO opened a record number of cases – totaling 1,119 cases.

The increase in cases has occurred for three primary reasons, including increased referrals by local human service agencies, the passage of Senate Bill 23-210 and the OCPO's increased public outreach efforts.

With few exceptions, the OCPO aims to complete each case review within 60 business days. For CSAs to meet this mark, while also taking on new cases, the OCPO has determined that each CSA should carry an average caseload of 20 cases.

Currently, each CSA, the SCSA and the Director of Client Services are carrying an average of 40 cases. This is 20 cases more than the desired caseload. Operating at this capacity does not accommodate extended leave or vacancies for any of these positions. In the past, when the OCPO experienced a vacancy in any one of the CSA positions, caseloads for each of the remaining analysts reached 50 to 60 cases, creating a backlog that took months to resolve. In the past, this has created delays in the timeliness in which the OCPO may address clients' concerns.

The increase in cases also impacts the OCPO's ability to provide an adequate supervisory structure for the CSAs. Currently the Director of Client Services supervises three of the six CSA and the SCSA position, operates the program and carries a caseload. During the past two years, the OCPO has attempted to significantly decrease the Director of Client Services' caseload. Ideally, this would allow the position to focus on supervising the CSA team and running the program. However, this goal has not been achieved due to the rising number of cases and increase in cases involving complex, sensitive and multi-systemic issues.

Based on the growth experienced during previous fiscal years, the OCPO anticipates it will continue to see a steady increase in cases each year in the foreseeable future. The impact of these added cases, without a corresponding increase in personnel will cause service delays for Colorado citizens and will impact the CPO's ability to provide appropriate support and training to the CSA team.

The OCPO is requesting \$118,685 and 1.0 FTE for an additional SCSA position (including Medicare, AED/SAED and STD). This position would fall into the following category:

Probation Services Analyst II (R43486) Salary Range: \$73,884 – \$79,752 – \$102,216

The CPO is requesting an annual salary of \$86,329. The OCPO is seeking a salary between the mid and high points of the salary range to keep this position consistent with the salary of the current SCSA.

The OCPO is requesting this senior position for two reasons: (1) To reduce case numbers for the Director of Client Services so this position may provide appropriate supervision to existing staff; and (2) To reduce the number of staff the Director of Client Services is required to provide daily supervision from four staff members to two. Duties for this position would include:

- Carry a full caseload while also providing support and ongoing training of CSAs.
- Provide supervision for two CSAs.

- Provide CSAs with advanced writing support by reviewing and editing their externalfacing written product.
- Serve as a subject matter expert.
- Provide updates to the Director of Client Services regarding case processes and new state policies and procedures to increase efficiency and effectiveness.
- Provide input into CSA performance evaluations.
- Assist with preparation for quarterly and annual data reports as required.
- Support CSAs by assisting with research and database utilization.

Impact if request is not granted: Without an additional SCSA, the CPO will not be able to maintain caseloads of 20 for each CSA. This will result in cases remaining open longer and delayed service for citizens.

Additionally, the OCPO will be unable to ensure that the Director of the CSA team does not carry a full caseload. Requiring the Director of Client Services to carry a full caseload means that the OCPO's CSA program will lack sufficient oversight and consistency in practice which could negatively impact the overall quality of services provided to Colorado citizens. Additionally, it will impact the quality of training and supervision that can be provided to the other CSA's thereby impacting the OCPO's ability to recruit and retain employees.

RI-03 Administrative Office Specialist – \$100,181 annually and 1.0 FTE

The OCPO requests 1 FTE administrative support person to streamline day-to-day business operations, enhance staff productivity and to allow staff members to focus on their core job responsibilities. The OCPO currently employs 1.0 FTE, a Director of Administrative Services. This position has grown from one which strictly handles ministerial tasks, to one whose responsibilities include operationalizing the OCPO's financial, accounting and human resource functions.

During the past seven years, the OCPO has grown in staff size from 3 FTEs to 12 FTEs and more than a dozen vendors and multiple contract positions. The volume of cases the agency receives has increased as has the number of systemic reviews. The OCPO has also increased the number of policy meetings that it hosts and facilitates for systemic policy projects. The OCPO's Director of Administrative Services has not only taken on more substantive duties, but also has absorbed this increased workload created by additional staff without corresponding resources for several years. The OCPO is requesting a full-time administrative office specialist to support the Director of Administrative Services position.

When the OCPO was first established, an administrative position was created to address day-today tasks such as answering phones, sorting mail, preparing correspondence, photocopying, making files, ordering office supplies and handling phone calls from the public. During recent fiscal years, this position has taken on tasks that are less administrative in nature and are more fully imbedded in the agency's core business functions – namely, facilitation of human resources and financial matters.

Compared to other state agencies, the OCPO is relatively small and does not employ staff specifically designated to perform budgetary, accounting and human resource functions. In the past, the OCPO had a memorandum of understanding with the State Court Administrator's Office (SCAO) to provide support in these areas. However, the support provided by the SCAO was at a very high level. The OCPO was expected to handle all day-to-day work associated with these tasks. For example, while the SCAO provided the OCPO with human resource advice related to changes in employee benefit packages and discipline/termination matters, they did not handle the recruitment, interviewing, on-boarding of new employees or administration of leave for employees. Additionally, while the SCAO provided accounting services to the OCPO, the OCPO handled all business transactions leading up to that point including negotiating vendor contracts, ensuring vendor contracts comply with SCAO fiscal requirements, documenting expenses in Quick Books, managing all expenses, ensuring payment and processing of all invoices, maintaining inventory lists and ensuring compliance with the OCPO's document retention policies.

The SCAO will cease providing all services to the OCPO in July 2024, and such assistance is anticipated to come from the newly created Administrative Services Unit for Independent Agencies (ASIA). However, the OCPO will continue to be responsible for all in-house administrative functions. For example, while it is envisioned that ASIA will provide payroll support, the OCPO will continue to be responsible for entering time, approving leave cases and working with staff. ASIA will serve as the conduit between this work and Judicial's systems. As such, this additional position is necessary to absorb the additional workload created by the increased number of staff and expansion of program areas. Additionally, this position will ensure that the Director of Administrative Services is no longer tasked with absorbing this workload and, instead, may focus on their specific job duties.

As the OCPO has grown – staff, financial and human resource needs have also increased. The OCPO needs an administrative support person for ministerial tasks including general program support, records management, correspondence, meeting and event coordination, travel and logistics management. Until now, the OCPO has been able to manage these administrative tasks by delegating them to various individuals. However, this model is no longer sustainable. Staff require assistance to complete their job responsibilities and allow for the greatest efficiency possible.

The OCPO is requesting \$100,181 and 1.0 FTE for an administrative office specialist (including Medicare, AED/SAED and STD). This position would fall into the following category:

Administrative Office Specialist II (R41804) Salary Range: \$50,232 - \$62,436 - \$74,640

The OCPO is requesting an annual salary of \$64,167. The OCPO is requesting a salary slightly above the midpoint so it may recruit applicants with at least one to two years' experience in a similar position.

Impact if Request not granted: The OCPO will be unable to provide OCPO staff with administrative support to complete their daily responsibilities. This will delay staff from completing tasks in a timely manner and will negatively impact the integrity and services delivered by the OCPO.

RI-04 – IT Upgrades and Support \$31,300 (\$14,000 one-time / \$17,300 annually)

The OCPO opened as an independent agency in the Judicial Branch in January 2016. At that time, as an independent agency, the OCPO established its own information technology (IT) systems. This included both the necessary hardware, software and IT support services. When the OCPO opened as an independent agency, the agency had a total of three employees. Currently, the OCPO has a total of 12 full-time employees. However, the agency has not addressed or updated its IT infrastructure or its support systems since 2016.

In addition to its increased staff, the OCPO has also substantially expanded its services and caseloads – nearly tripling the number of cases handled per year since 2016. This has required the OCPO to expand the internal systems and programs utilized by the agency. Most notably, the OCPO has developed a unique Salesforce database for its casework. One of the reasons the OCPO selected Salesforce as its database platform was the ability of the database to be continually updated to accommodate the needs of the agency and the cases being brought to the OCPO. To ensure the agency is responsive to the needs of citizens and the legislature, the OCPO is continually updating its database to better capture case data and streamline processes – such as uploading media files and supporting evidence.

Finally, like all state agencies, the OCPO had to drastically change its daily operations during the COVID-19 pandemic. This included the utilization of online meeting platforms, cloud-based services and other programs that allow employees to work seamlessly while outside the office. While the OCPO has returned to a mandatory hybrid schedule – with employees splitting their time between the office and home – the agency continues to utilize these programs and systems. This also includes ensuring security measures are in place to protect agency data and information. Similar to most state agencies, maintaining a hybrid work schedule has become a key element in recruiting and retaining staff. As such, the OCPO has also worked to provide staff with an appropriate level of equipment in both their home and in-office settings.

The culminating impact of this increase in IT needs and support – combined with the outdated systems the OCPO is currently working on – is the agency's systems are operating in a precarious state. Many of the OCPO's crucial hardware systems are at, or nearing, the end of the expected lifespan for such systems. Any interruption to the OCPO's IT systems will directly correlate with delays and impacts to the services the agency provides for more than a thousand citizens each year. As such, the CPO is requesting funding for two IT needs.

RI-04(A) Replace OCPO's Server – \$14,000 one-time

The OCPO's current server was installed when the agency opened as an independent agency in 2016. The OCPO has continued to operate with this server. However, the OCPO has been advised that, beginning in January 2023, the server is now exceeding its recommended lifespan. The OCPO's IT support vendor has recommended the agency prioritize obtaining a replacement server immediately.

Based on estimates received by the OCPO, the OCPO is requesting one-time funds of \$14,000 to replace its existing server. This amount will cover the purchase of a new server, installation of the server, the requisite switches and adapters and a five-year warranty for the server itself.

Impact if request is not granted: The OCPO will continue to operate on a server that has exceeded its recommended lifespan. This places the agency's operations at risk of delay and interruption if the server fails. Such an event will directly impact the services the OCPO provides to citizens who contact the agency.

RI-04(B) Adjust for IT Services Inflation – \$17,300 annually

Like its server, the OCPO has not substantially adjusted its IT support budget since becoming an independent agency. However, as stated above, the needs of the agency have changed significantly and the OCPO now requires additional, annual funds to ensure its IT systems are adequate to ensure the functionality and security of the OCPO. The requested funds break down into four general categories.

• Security Updates and Data Storage – \$3,300 annually

The OCPO currently has security software and protocols in place for the agency. However, these security systems have not been substantially updated since 2016. The OCPO's IT support vendor has suggested the agency enhance its security and privacy protocols, including additional firewall systems, antivirus software and data encryption tools. The suggested security and privacy measures are far more advanced than what the agency is currently utilizing and may help to streamline some of the OCPO's internal processes. For example, the requested funds will not only protect the agency from outside threats, but it will also make it easier for the agency to back up files and quickly recover files in the event of an unexpected crash. The OCPO's IT support vendor has recommended the agency prioritize additional security systems immediately.

The OCPO is requesting \$3,300 annually (\$275 per month) for enhanced security systems and correlating data storage.

• IT Support Expenses – \$6,000 annually

As stated above, the OCPO has worked with the same IT support vendor – Computer Crews – since 2016. This vendor has continually worked with the agency to ensure the agency is receiving needed services at the most cost-effective rate possible. In fact, at the onset of the COVID-19 pandemic Computer Crews decreased the monthly rate it was charging the OCPO for unlimited helpdesk services. Maintaining this service is crucial as it allows employees to quickly resolve computer and technical issues at home or in the office – limiting the interruptions to the agency's workflow. Computer Crews has continued to under charge the agency for IT services. Up until September 2023, the vendor was charging the agency to provide services for seven full-time employees but was actually providing services for 12 employees. Understandably, the vendor has notified the OCPO that it will need to increase the OCPO's monthly charge to accommodate the full team.

During FY 2023-24, the OCPO did receive \$10,000 to restore its operating budget from the cuts entered during the COVID-19 pandemic. However, the increase cited by Computer Crews exceeds what the OCPO was paying for IT support prior to the cut by \$6,000.

As such, the OCPO is requesting \$6,000 annually to accommodate an increase in IT support services.

• Equipment Replacement -- \$6,000 annually

As stated above, the OCPO received \$10,000 to restore its operating line during the past fiscal year. A portion of those funds was used to replace outdated computers for staff. However, as the OCPO continues to assess its IT needs and operate as a hybrid workplace model, the agency has determined that it must implement a more effective system for replacing equipment regularly.

On average, it costs the OCPO approximately \$2,000 for a basic computer set up for employees that they may utilize at the office and at home. This figure – which accounts for the \$400 common policy – is enough to purchase a standard computer and dock for an employee. The recommended lifespan of each set up is three years, not to exceed four years. Currently, the OCPO keeps each computer in rotation for at least four years. As a result, at any given time, approximately one-fourth of the OCPO staff are operating on computers at a higher risk of failing. Additionally, the OCPO has a limited number of back-up computers to handout in such an event.

As such, the OCPO is requesting \$6,000 annually to implement an equipment replacement program for the current 12 full-time employees of the agency. These funds will allow the OCPO to replace three computers each year to ensure all computers are operating within the suggested lifespan.

• Ongoing Updates to the OCPO Database – \$2,000 annually

The OCPO is continually working to ensure its database properly serves the needs of the agency. Historically, the agency has worked to update tracking tools, data entry integration and additional entry fields that allow the OCPO to better capture the demographics about the clients its serves. The database is the single best tool for the agency to improve how it serves Colorado citizens. As such, the OCPO has prioritized updating the database as needed. However, these updates have historically been dependent on the agency experiencing vacancy savings. While the agency has experienced vacancy savings during the past three fiscal years, the OCPO does not want to be dependent on these funds to improve the database. The requested funds are to ensure the agency has a recurring budget to maintain the functionality and health of its database each year.

As such, the OCPO is requesting \$2,000 annually to ensure the agency is able to continue maintaining the health of its database and ensuring it serves the needs of the agency effectively.

IMPACT IF REQUEST IS NOT GRANTED: The OCPO will continue making efforts to ensure that agency data is secure, and staff have adequate support and equipment. However, the agency will continue to operate without systems recommended by it professionals and on equipment at risk of failing. Without upgrades, many of the OCPO's systems run the risk of becoming obsolete within the next two years. Any impacts to the functionality of the agency's it systems will have a direct impact to the services provided to Colorado citizens

RI-05 Staff Development and Training – \$50,000 annually

The expertise and skillsets of the OCPO's 12 employees are as vast as the scope of the OCPO's jurisdiction. The OCPO employes diverse professionals, including child welfare, communications and public policy experts. Each employee requires specialized and ongoing training to effectively carry out their respective duties. Additionally, like all employers, the OCPO recognizes the evolved expectations of the current workforce. Providing staff with recurring training, and professional development and growth, has become key to recruiting and retaining staff.

However, the OCPO does not have the necessary funding to ensure each staff member receives such training and development each year. Historically, the agency has relied on vacancy and surplus funds to provide training and development opportunities for staff. While precarious, the use of such funds has provided the OCPO with the confirmation that engaging staff in these development opportunities benefits the health of the agency and, more important, improves the services the agency provides citizens. For example, the OCPO experienced a substantial amount of vacancy savings during the past fiscal year. As such, the OCPO was able to send the majority of staff to the United States Ombudsman Association Conference in Atalanta, Georgia. During this conference, some staff were able to attend the New Ombudsman training and all staff were able to attend advance classes covering topics ranging from addressing the needs of clients in crisis, how to treat clients through a diversity, equity and inclusion lens and addressing secondary trauma. After returning from the conference all staff have started implementing these skill sets and using them to address internal practices and external casework.

Additionally, the OCPO has worked to ensure that customer service is a top priority, and this includes providing staff adequate training to ensure they are able to hear and identify each client's concerns. To enhance this skillset, the OCPO ensures all client services analysts have an opportunity to attend a 40-hour course on mediation through the Colorado Bar Association. These and other trainings have helped to elevate staff and provide them with the necessary tools to thoroughly and compassionately address client needs. But each of these training courses has been contingent on surplus and vacancy funds. Ideally, the OCPO will operate at full capacity during future fiscal years. However, doing so will all but eliminate the training and development budget the agency currently has.

Based on past years, the OCPO has determined that an annual training budget of \$2,000 per employee – \$24,000 annually – would allow the agency to provide each employee to participate in one conference or multiple online training courses per year. As stated above, each position in the OCPO requires a different skillset, and many require continuing education to maintain various licenses. By establishing a dedicated training budget, the OCPO will be able to ensure staff are able to maintain the necessary skillsets to do their work and stay up to date in their relative fields.

Secondly, the OCPO was provided one-time funds of \$35,000 in FY 2023-24 to contract with a vendor for equity, diversity and inclusion (EDI) consultation and support. These funds are

dedicated to evaluating the OCPO's own practices, messaging, and actions, and determining if they are conducive to EDI principles. This work, however, is not accomplished in one year. In fact, to ensure the agency is truly considering EDI principles and ensuring it is serving citizens in an inclusive way, the OCPO must continue to provide staff with training regarding explicit and implicit bias and continue to evaluate its own practices. This recurring evaluation and training are necessary to ensure changes are implemented and the agency adheres to EDI principles on a day-to-day basis. Additionally, in its FY 2023-24 Agency Summary and Budget Request, the OCPO noted that similar sized agencies currently employ full-time positions to monitor and carry out this work. In that request, the OCPO stated that it would need to evaluate if subsequent requests and staff would be needed. At this time, the OCPO has determined that \$26,000 in annual funding will allow the OCPO to continue this work, through the use of outside vendors and training. As the agency continues to grow and evaluate its practices, it will continue to assess if a full-time employee is appropriate in future years.

As such, the OCPO is seeking a total of \$50,000 annually for dedicated training funds and ongoing staff development. The agency will allocate approximately \$24,000 for staff training and \$26,000 to ongoing EDI assessment and development.

Impact if request is not granted: The OCPO will continue to dedicate vacancy and surplus funds to supporting staff development and training opportunities. It will also continue to independently work to implement EDI principles and evaluate agency practices. However, without additional, dedicated funding to these efforts, the agency will only be able to provide these services as resources and staff time allow. The agency may also struggle with recruitment and retention of employees seeking positions with more opportunity for skill development.

RI-06 Communications Budget – \$15,000 annually

As stated above, the OCPO has a statutory duty to, "educate the public concerning child maltreatment and the role of the community in strengthening families and keeping children safe."¹³ The agency has long recognized the importance of fulfilling this charge as it provides citizens, legislators and stakeholder partners with information about the issues identified by the OCPO. The agency also prioritizes connecting citizens with the OCPO's services, which they are entitled to and should have knowledge of. As such, during the past five fiscal years, the OCPO has dedicated resources to a variety of methods to ensure the agency is clearly and consistently communicating with the public it serves. Most recently, the OCPO was provided with a .5 FTE to make its part-time Communications Coordinator a full-time position. (That position has now been named the Director of Public Affairs.) This position has been instrumental in assessing how the agency may continue its outreach to various populations in Colorado – most notably children, youth and communities of color.

¹³ See C.R.S. §19-3.3-103(c)

During the past fiscal year, the OCPO has worked to determine where to best focus its communication efforts. The agency has initiated a number of outreach and education initiatives. The most successful of which were paid social media ads that allowed the OCPO to focus its efforts on connecting with certain populations and in-person community outreach events.

The OCPO utilized approximately \$1,400 in vacancy savings during the fourth quarter of FY 2022-23 to purchase a series of paid social media ads. This new outreach strategy allowed the agency to focus its efforts on reaching youth, caregivers and professionals in every region of the state. During the 11-day campaign, ads featuring information about the OCPO were viewed 37,232 times. This represents a 73% increase in views, compared to all of the social media the agency completed between March 2022 and March 2023. During the five months following the ad campaign, the OCPO saw a significant increase in the number of cases brought to the agency each month. On average, the agency saw a 34.8 percent increase in cases brought to the OCPO during that five-month period, compared to the same period the year before. While the OCPO was able to utilize vacancy funds to pay for the ads during the past fiscal year, the agency cannot guarantee that it will have similar funding during future years.

Additionally, following the end of the COVID-19 public health emergency protocols, the OCPO has initiated in-person community outreach events. For example, the OCPO met with youth and community members, in-person, at two events this summer. Both events demonstrated the need for the agency to connect in person with citizens, agencies and providers. However, the agency does not have funds to ensure the agency participates in multiple in-person events each year.

As such, the OCPO is requesting \$15,000 annually to support its outreach and education initiatives through focused ad campaigns and in-person outreach events.

Impact if request is not granted: The OCPO will continue its efforts to find ways to connect with citizens and agencies. However, without dedicated funding, such efforts will be limited by available resources.



Office of Colorado's Child Protection Ombudsman

Fiscal Year 2024-25 Agency Summary and Budget Request

December 18, 2023

Stephanie Villafuerte, Colorado Child Protection Ombudsman Jordan Steffen, Deputy Ombudsman

How We Serve Colorado Citizens

WHO WE ARE

The CPO is an independent state agency charged with helping youth, families and community members navigate complex child protection systems and educating stakeholders and the public.

INDIVIDUAL SUPPORT

- Provide free and confidential services
- Receive calls and online complaints
- Review more than 1,000 cases per year
- Neutrally review case records
- Answer questions and provide information
- Work to resolve concerns at ground level
- Connect people with services and resources

SYSTEMS CHANGE

- Identify and investigate systemic trends
- Illuminate issues within child protection
- Educate the public, legislators, stakeholders
- Collaborate on evidence-based solutions
- Make recommendations to the General Assembly and other policymakers to improve child protection systems and services



Increasing Caseloads

- Record 1,119 contacts in FY 2022-23, resulting in a 14% increase from previous fiscal year
- 80% increase in the number of cases initiated by youth
- Cases are increasingly complex and require more attention and time
- Average annual growth rate of 18%
- Currently, the CPO anticipates opening approximately **1,563** cases in FY 2024-25.

CPO Case History	Total # of Cases
Fiscal Year 2022-23	1,119
Fiscal Year 2021-22	982
Fiscal Year 2020-21	852
Fiscal Year 2019-20	725
Fiscal Year 2018-19	575



Discussion Questions

- One-time Funds
- Partnership Agreement
- Prioritized Budget Reductions





RI-01 – Data Analyst

Justification:

- CPO is charged with educating the public, stakeholders and legislators about issues impacting the child protection system
- Currently, CPO staff do not have the expertise nor bandwidth to consistently extract and analyze data sets from the 7,748 cases in the CPO's internal database.
- Requested position will allow the CPO to more consistently report and analyze how the child protection system is serving citizens, including communities of color.
- Requested position would be charged with developing an external reporting system for issues identified by the CPO, as well as internal assessments for program effectiveness.

Impact if Not Granted:

 The CPO won't have the capacity to consistently assess internal and external data for systemic trends – including disproportionate impacts to communities of color – and implement consistent internal program monitoring.

Total Request for RI-01

- \$118,880 annually
- 1.0 FTE

Requested Salary:

• \$86,496



RI-02 – Senior Client Services Analyst

Justification:

- Agency continues to see an increase in the number of cases received each fiscal year 18% average annual growth rate.
- Desired caseload is 20 cases per client services analyst, however the current Senior Client Services Analyst and Director of Client Services carry an average of 40 cases each.
- Requested position would decrease caseloads for senior staff and 5 client services analysts.
- A second senior analyst will allow a more balanced supervision model and allow senior staff to focus more time on program development and assessment.

Impact if Not Granted:

- Caseloads will remain high for the entire CSA team, resulting in possible delays in services.
- Senior level analyst will continue to carry high caseloads, impacting quality of training, supervision and the agency's ability to recruit and retain employees.

Total Request for RI-02

- \$118,685 annually
- 1.0 FTE

Position Classification and Range

- Probation Services Analyst II
- \$73,884 \$79,752 \$102,216



RI-03 – Administrative Office Specialist

Justification:

- The CPO has grown from 3 FTE to 12 FTE without any additional administrative supports.
- Role of the Director of Administrative Services has become less administrative and centered in the operationalization of the CPO's financial, accounting and human resource functions.
- Historic support from SCAO has decreased and or been eliminated.
- Relief from ASIA will not eliminate the agency's in-house administrative responsibilities.
- Requested position would absorb ministerial tasks currently being delegated to others.

Impact if Not Granted:

- The CPO will be unable to provide staff with administrative support to complete their daily responsibilities.
- Task delays will negatively impact agency integrity and services.

Total Request for RI-03

- \$100,181 annually
- 1.0 FTE

Position Classification and Range

- Administrative Office Specialist II
- \$50,232 \$62,436 \$74,640



RI-04 – IT Upgrades & Support

Justification:

- The CPO has not updated its IT infrastructure since becoming an independent agency in 2016.
- Agency growth has expanded services and caseloads, requiring updates to internal systems and programs.
- Continuous updates to the CPO database are needed to capture data, streamline processes and increase responsiveness.
- Critical hardware systems are at or nearing end of lifespan.
- Current security systems need to be updated and strengthened.

Impact if Not Granted:

- The agency's server will exceed its lifespan and create a risk for interruptions and delays in services to clients.
- CPO systems will potentially be obsolete within the next two years, creating additional risks to service delays or interruptions.

Total Request for RI-04(A)

- \$14,000 one-time
- Replace CPO server

Total Request for RI-04(B)

- \$17,300 annually
- Adjust for IT services inflation



RI-05 – Staff Development & Training

Justification:

- The CPO employs diverse professionals across multiple disciplines (e.g., child welfare, communications, policy).
- High-quality service for agency clients requires specialized trainings and ongoing professional development.
- Recurring evaluations and trainings of equity, diversity and inclusion (EDI) principles and practices ensure clients are served equitably and inclusively.

Impact if Not Granted:

- The CPO will continue to rely on vacancy/surplus funds, limiting its ability to provide staff trainings and ongoing EDI development and assessment as resources allow.
- Agency may struggle with recruitment/retention of employees seeking positions with greater opportunities for skill development.

Total Request for RI-05

- \$50,000 annually
 - \$24,000 = Staff Training
 - \$26,000 = Ongoing EDI Assessment and Development



RI-06 – Communications Budget

Justification:

- The CPO has a statutory duty to educate the public, legislators and stakeholder partners about identified issues.
- The agency has resumed in-person community outreach which is necessary to connect with youth, families, agencies and providers across the state.
- Addition of full-time Director of Public Affairs has expanded agency outreach and education initiatives.
- Demand for CPO collateral has increased and will likely continue to increase with the passage of Senate Bill 23-210.

Impact if Not Granted:

• The CPO's community engagement and outreach efforts will be limited by available resources.

Total Request for RI-06

• \$15,000 annually



QUESTIONS?



JUDICIAL DEPARTMENT

FY 2024-25 JOINT BUDGET COMMITTEE HEARING AGENDA

Monday, December 18, 2023

9:00 am – 3:15 pm

2:00-2:15 INDEPENDENT ETHICS COMMISSION (IEC) Main Presenters:

• Dino Ioannides, Executive Director

Supporting Presenters:

• Cole Wist, IEC Chair

Topics:

- Introduction and Opening Comments: Page 1
- Common Questions: Page 1, Questions 1 4 in the packet
- Requests: Page 2, Question 5 in the packet

JUDICIAL DEPARTMENT – INDEPENDENT ETHICS COMMISSION FY 2024-25 JOINT BUDGET COMMITTEE HEARING

Monday, December 18, 2023

2:00 pm – 2:15 pm

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

1. Please describe one-time state and federal stimulus funds that have been allocated to the Department but are not expended as of September, 30, 2023, by bill, budget action, executive action, or other source that allocated funds. The description should include but is not limited to funds that originate from one-time or term-limited General Fund or federal funds originating from the American Rescue Plan Act (ARPA)/State and Local Fiscal Recovery Funds/Revenue Loss Restoration Cash Fund. Please describe the Department's plan to obligate or expend all allocated funds that originate from ARPA by December 2024.

Not applicable. The IEC has not been allocated any such funds.

- 2. Please further describe any budget requests that replace one-time General Fund or ARPA funded programs with ongoing appropriations, including the following information:
 - a. Original fund source (General Fund, ARPA, other), amount, and FTE;
 - b. Original program time frame;
 - c. Original authorization (budget decision, legislation, other);
 - d. Requested ongoing fund source, amount, and FTE; and
 - e. Requested time frame (one-time extension or ongoing).

Not applicable.

3. Please provide a description, calculation, and the assumptions for the fiscal impact of implementing compensation provisions of the Partnership Agreement, as well as a qualitative description of any changes to paid annual, medical, holiday or family leave as a result of the Agreement. Please describe any compensation and leave changes for employees exempt from the Agreement if applicable.

Not applicable.

4. Provide a prioritized list of budget reductions the Department would propose if 10.0 percent General Fund appropriation reductions were required of every Department.

The Independent Ethics Commission (the "IEC") operates on a relatively slim budget. Historically (pre-COVID19), the IEC's primary operating expenditures included travel and meeting expenses. During the COVID period, those expenses were nearly eliminated, all while maintaining mission-critical functioning of the IEC. If necessary, the IEC would propose reduction or elimination of costs related to travel and meeting expenses. These reductions, if implemented, would save over 10% of the IEC's operating budget compared to historical usage.

REQUESTS

5. [Staff] Please briefly describe the IEC R1 request and progress on ADA compliance.

Initially, the IEC requested and obtained a \$50,000 decision item for FY 2023-24, to be used for implementing the requirements of HB 21-1110. The IEC expects to execute a vendor contract in the coming few days; and the vendor's work is expected to commence in early January 2024.

During its ADA-accessibility vendor selection process and the IEC's associated exploratory discussions with multiple vendors, it became apparent that the initial \$50,000 allocation was likely to be insufficient to optimize all of the IEC's public-facing assets. As such, the IEC has submitted a Decision Item with this year's budget request, asking for an additional \$50,000 for additional compliance efforts in FY 2024-25.

To date, with its tight personnel resources, the IEC has only made limited progress on compliance with HB21-1110. Nonetheless, the IEC remains committed to complying with HB21-1110 by the imposed deadline and, assuming sufficient resources in FY 2024-25, optimizing its compliance in the subsequent year.

JUDICIAL DEPARTMENT

FY 2024-25 JOINT BUDGET COMMITTEE HEARING AGENDA

Monday, December 18, 2023

2:15-2:30 Office of Public Guardianship (OPG)

Main Presenters:

• Sophia M. Alvarez, Executive Director

Topics:

- Introduction and Opening Comments: Pages 1 8
- Common Questions: Pages 9 13
- Requests: Pages 14 41; R-01 p18; R-02 p22

JUDICIAL DEPARTMENT – OFFICE OF PUBLIC GUARDIANSHIP FY 2024-25 JOINT BUDGET COMMITTEE HEARING

Monday, December 18, 2023

2:15 pm – 2:30 pm

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

Please describe one-time state and federal stimulus funds that have been allocated to the Department but are not expended as of September, 30, 2023, by bill, budget action, executive action, or other source that allocated funds. The description should include but is not limited to funds that originate from one-time or term-limited General Fund or federal funds originating from the American Rescue Plan Act (ARPA)/State and Local Fiscal Recovery Funds/Revenue Loss Restoration Cash Fund. Please describe the Department's plan to obligate or expend all allocated funds that originate from ARPA by December 2024. *Not applicable.*

Please further describe any budget requests that replace one-time General Fund or ARPA funded programs with ongoing appropriations, including the following information:

- a. Original fund source (General Fund, ARPA, other), amount, and FTE;
- b. Original program time frame;
- c. Original authorization (budget decision, legislation, other);
- d. Requested ongoing fund source, amount, and FTE; and
- e. Requested time frame (one-time extension or ongoing).

Please provide a description, calculation, and the assumptions for the fiscal impact of implementing compensation provisions of the Partnership Agreement, as well as a qualitative description of any changes to paid annual, medical, holiday or family leave as a result of the Agreement. Please describe any compensation and leave changes for employees exempt from the Agreement if applicable. *Not applicable.*

Provide a prioritized list of budget reductions the Department would propose if 10.0 percent General Fund appropriation reductions were required of every Department. *The COPG is currently funded by its CASH FUND only. This year's request is our first Genera Fund request for a total of \$307,589.*

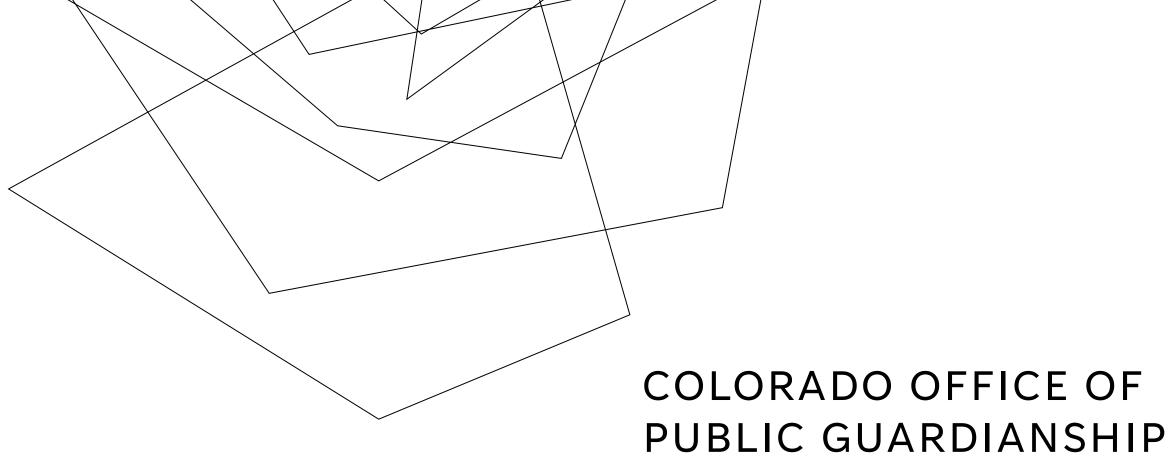
REQUESTS

[Staff] Please briefly describe each of the OPG request items, R1 and R2.

• Budget Request 1: Workforce Development Manager to create and maintain an Employee Wellness Pilot Project. This request was recommended in the COPG 2022 Final Report to the Legislature. Clients may experience a mental health or medical crisis at any time. Guardians are in the business of crisis management and parallel other public and private employees such as first responders and healthcare workers. Guardians are on-call 24/7 for their own clients during the week and alternate on-call weekends for all COPG clients. Guardians experience stress, secondary trauma and compassion fatigue. Fortunately, the COPG did not experience turnover until 2023. While it has always been clear that this position is stressful, this year has highlighted the immediate need to focus on employee wellness for recruitment and retention purposes. The Office also experienced difficulty in locating and hiring gualified individuals in the rural and

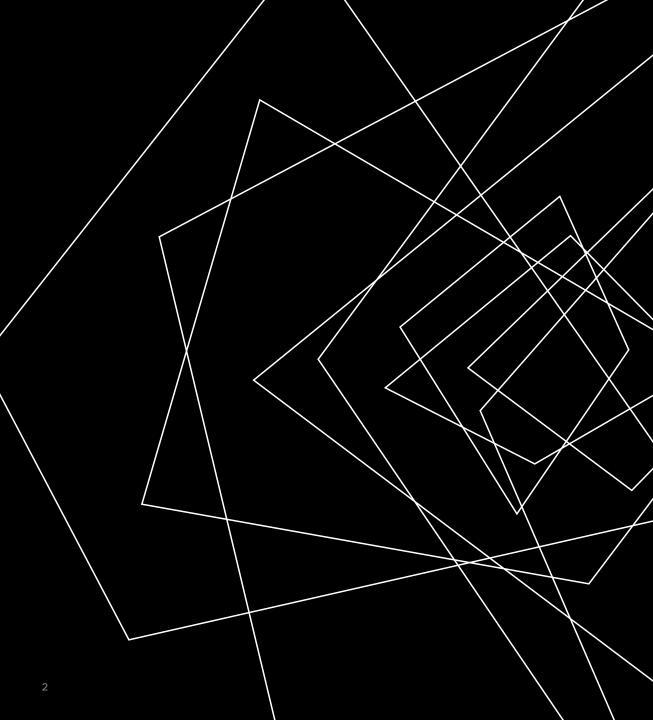
The Office also experienced difficulty in locating and hiring qualified individuals in the rural and frontier areas when expanding to the 7th and 17th Judicial Districts and we had to change our recruitment efforts. This position is a great deal of responsibility as well. Guardians must be trustworthy, consistent and reliable decision-makers. Fulfilling this request will enhance our readiness for intense expansion beginning July 1, 2025.

• Budget Request 2: Staff Attorney. A staff attorney has been needed since the inception of the Office to meet out statutory mandate in providing guardianship services. A staff attorney will address individual client advocacy on a range of post-guardianship issues that can transpire at a moment's notice, including during overnight hours and weekends. The staff attorney will also join the 24/7 weekly on-call duties with the Director and the Deputy Director, giving Administration some assistance stress, wellness and retention. There are many times that the Office has needed legal counsel to intervene on behalf of a client to prevent an unsafe discharge from a hospital or facility, or to intervene into a mental health case. Much to our frustration, facilities and providers regularly disregard the guardian's authority and despite following the chain of command or grievances, legal counsel is needed in order for guardians to fully act and provide services for our clients.



SOPHIA M. ALVAREZ, EXECUTIVE DIRECTOR

 COPG serves as court appointed legal guardians for indigent and incapacitated adults 21 years and older who have no friends or family that are available, willing or appropriate to serve as guardians



2022 FINAL REPORT TO THE LEGISLATURE HTTPS://COLORADO-OPG.ORG/

SB23-064

EXPANSION INTO THE 7^{TH} JD

EXPANSION INTO THE 16^{TH} JD

SB23-064, CONCERNING THE COPG

- Signed May 2023
- COPG permanent independent agency under the Judicial Branch
- Statewide by December 31, 2023
- Expansion begins July 1, 2025

COPG STAFFING

SERVING 2ND, 7TH, 16TH: 82 CLIENTS COUNTIES: DENVER, DELTA, GUNNISON, HINSDALE, MONTROSE, SAN MIGUEL, OURAY, BENT, CROWLEY, OTERO

Administration

- Director
- Deputy Director
- Staff Assistant
- Case Management Aid

Guardians

- 2nd JD: 2 filled, 4 Vacant {2 for other funding}
- 7th JD: 1
- 16th JD: 1

Most impactful services the COPG provides are assisting clients with:

COPG SERVICES

HIGHLIGHTS OF COPG TOTAL

- Establishing the appropriate level of housing/placement
- Securing needed and appropriate medical and health care
- Securing needed and appropriate mental health care
 - 82 active guardianships
 - 42 identified as female, 63 identified as male
- 105 CLIENTS Client ages range from 20s to 90s
 - Median age 63; 46% of clients over age 65
 - Primary diagnoses: Alzheimer's disease, dementia disorder, or other neurocognitive disorder (31%)
 - Secondary diagnoses: Mental illness or psychiatric conditions (30%)
 - 86% of clients have additional medical conditions, with 44% suffering from multiple medical conditions

COPG BUDGET REQUESTS

- Workforce Development Manager and Employee Wellness Pilot Program \$152,104 cash fund spending authority.
 - A current need for recruitment and retention and assist with FY2026 expansion
 - Recommendations #3 and #4 in 2022 Final Report to Legislature
- **Staff Attorney** \$155,485 cash fund spending authority
 - A current need to address COPG client individual advocacy on a range of issues that can transpire at a moment's notice, including during overnight hours and weekends.
 - Recommendation #3 in 2022 Final Report to Legislature

Judicial Department – Commission on Judicial Discipline FY 2024-25 Joint Budget Committee Hearing

Monday, December 18, 2023 2:30 pm – 2:45 pm

Common Questions For Discussion at Department Hearings

Please describe one-time state and federal stimulus funds that have been allocated to the Department but are not expended as of September, 30, 2023, by bill, budget action, executive action, or other source that allocated funds. The description should include but is not limited to funds that originate from one-time or term-limited General Fund or federal funds originating from the American Rescue Plan Act (ARPA)/State and Local Fiscal Recovery Funds/Revenue Loss Restoration Cash Fund. Please describe the Department's plan to obligate or expend all allocated funds that originate from ARPA by December 2024.

Not applicable in FY23.

Please further describe any budget requests that replace one-time General Fund or ARPA funded programs with ongoing appropriations, including the following information:

- a. Original fund source (General Fund, ARPA, other), amount, and FTE;
- b. Original program time frame;
- c. Original authorization (budget decision, legislation, other);
- d. Requested ongoing fund source, amount, and FTE; and
- e. Requested time frame (one-time extension or ongoing).

Not applicable in FY23.

Please provide a description, calculation, and the assumptions for the fiscal impact of implementing compensation provisions of the Partnership Agreement, as well as a qualitative description of any changes to paid annual, medical, holiday or family leave as a result of the Agreement. Please describe any compensation and leave changes for employees exempt from the Agreement if applicable.

Not applicable in FY23.

Provide a prioritized list of budget reductions the Department would propose if 10.0 percent General Fund appropriation reductions were required of every Department.

The Commission on Judicial Discipline and the Office of Judicial Discipline are currently utilizing or will utilize 2.0 FTE funded positions (an Investigator and a Paralegal) for either part-time employment or independent contractor services. Because of the funding stability provided by the Commission's Special Cash Fund codified through § 13-5.3-104, C.R.S., the Commission has access to adequate funding mechanisms in the event that its operating budget cannot fully cover investigation and

litigation costs due to unforeseen circumstances. § 13-5.3-104(3), (5), C.R.S. further provide for the retention of interest in the Special Cash Fund and directs costs and attorney's fees that the Commission recovers to the Special Cash Fund. This will reduce the likelihood of the Legislature having to replenish the Special Cash Fund with substantial appropriations in the future.

JUDICIAL DEPARTMENT – BRIDGES OF COLORADO FY 2024-25 JOINT BUDGET COMMITTEE HEARING

Monday, December 18, 2023

2:45 pm – 3:15 pm

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

Please describe one-time state and federal stimulus funds that have been allocated to the Department but are not expended as of September, 30, 2023, by bill, budget action, executive action, or other source that allocated funds. The description should include but is not limited to funds that originate from one-time or term-limited General Fund or federal funds originating from the American Rescue Plan Act (ARPA)/State and Local Fiscal Recovery Funds/Revenue Loss Restoration Cash Fund. Please describe the Department's plan to obligate or expend all allocated funds that originate from ARPA by December 2024.

Not applicable.

Please further describe any budget requests that replace one-time General Fund or ARPA funded programs with ongoing appropriations, including the following information:

- a. Original fund source (General Fund, ARPA, other), amount, and FTE;
- b. Original program time frame;
- c. Original authorization (budget decision, legislation, other);
- d. Requested ongoing fund source, amount, and FTE; and
- e. Requested time frame (one-time extension or ongoing).

Not applicable.

Please provide a description, calculation, and the assumptions for the fiscal impact of implementing compensation provisions of the Partnership Agreement, as well as a qualitative description of any changes to paid annual, medical, holiday or family leave as a result of the Agreement. Please describe any compensation and leave changes for employees exempt from the Agreement if applicable.

Not applicable.

Provide a prioritized list of budget reductions the Department would propose if 10.0 percent General Fund appropriation reductions were required of every Department.

Based on Bridges' FY2023-24 appropriation, a reduction of 10.0 percent would amount to \$523,125. Personal services and associated costs comprise \$4,351,997 of the budget, with operating expenses at \$879,250. Based on Bridges' FY2024-25 recommended annualization, a reduction of 10.0 percent would amount to \$1,363,254. Personal services and associated costs comprise \$12,420,613 of the budget, with operating expenses at \$1,211,930. In either funding scenario, Bridges would prioritize reductions in operating expenses as much as possible, but ultimately would not be able to avoid personnel reductions and would be unable to implement SB23-229 as anticipated. Bridges would continue to implement the program's expanded services to Judicial districts based on the resources provided by the Joint Budget Committee.

BRIDGES UPDATE

[Staff] Please provide an update on Bridges of Colorado implementation of S.B. 23-229, including the transition to independent agency status and organizational buildout.

Program Expansion

With the passage of SB23-229, Bridges was appropriated to bring significantly more liaisons to every Judicial district in the State of Colorado. Between Spring of 2023 and Spring of 2026, the team plans to grow from 29 to 90+ liaisons and from a two-person leadership effort to a ten-person administrative team.

Hiring is happening in strategic waves. The first wave involved the creation and hiring of a statewide Coverage Court Liaison team which serves districts during vacancies and extended leave, thereby preventing disruption in services. The second wave began in Fall 2023 and focuses on bringing on key members of the leadership team. Hiring of regional managers (supervisors) begins in January, and they will then begin the year-long process of scaling up our team of court liaisons. The remaining administrative positions will be hired toward the end of FY24 or beginning of FY25. On average, each Judicial district will see a threefold increase in the number of liaisons.

In statewide community meetings held the Summer of 2023, community partners underscored the need to recruit and retain a highly skilled team in a challenging hiring environment. Their recommendations acknowledged the complexity of the work of the Office. Members of the Bridges team must carry expertise in two complex fields, work with participants with high mental health acuity, serve as court-appointed experts, mitigate risk in both settings, engage high levels of creative problem-solving, and develop, implement, and evolve a nationally unique program model.

To ensure the development of a sustainable and highly competent workforce, Bridges has partnered with human resources contractors who provided expertise and guidance in the creation of 15 unique

job descriptions, a compensation strategy, a third-party compensation analysis for all positions, and a comprehensive recruitment campaign.

Enhancing Service to Participants and Courts

Bridges is developing the policies and application process for use of the participant services fund, which will begin in July 2024. The fund will provide various resources to address gaps in funding for individuals transitioning from the criminal justice system to community-based services. Primary focus of funding will be on temporary housing, transportation, mobile phones, food, clothing, and other basic necessities as a bridge until other public benefits can be acquired.

Bridges also has purchased tablets for each liaison to be used specifically to enable participants' virtual connections to competency evaluation and restoration services, both in and out of custody, as well as their participation in mental and behavioral health appointments.

Additionally, Bridges is finalizing partnerships to bring training programs in solution focused case management to all court liaisons. Recognizing that Bridges is the first program of its kind in the nation, this evidence-based model was selected to ensure standards of care for the case management aspect of the program are consistent and effective from district to district throughout the state.

To support meaningful and effective solutions for participants, the leadership team will also be tasked with expanding ongoing educational and professional development opportunities. These include a comprehensive, six-month Bridges University for newly hired liaisons, webinars and inperson educational opportunities for courts and attorneys, and publications on best practices for various community partners.

Finally, to better track and respond to the service needs of participants, Bridges has contracted for a statewide data management solution. The new case management system is being piloted in January 2024 and will enhance both the continuity of services to participants and reports to courts and attorneys.

Commission and Advisory Councils

Bridges is first and foremost a collaborative program design, informed by its two primary client groups: participants and Judicial Officers. As an independent office, Bridges has been able to elevate the voice of its clients and community partners in the following ways:

- Bridges Commission the Commission was established by SB23-229 and held its inaugural meeting in July 2023. The 11-member Commission, led by Chair Hasan Latif of the Second Chance Center and vice-chair Julie Reiskin of Colorado Cross Disabilities Coalition, includes two individuals with lived experience, representatives from five state agencies, representatives from three client advocacy/service organizations, and one elected Sheriff. The Commission is comprised of 27% people of color and 73% people who are white; 55% women and 45% men; and one individual with a physical disability. Commissioners live or work in Eagle, Larimer, and Pueblo Counties and the Denver metro area.
- Lived Experience Advisory Council Bridges established this Council in FY23 to offer

bring valuable perspectives and insights as we improve upon our program practices. The Advisory Council is comprised of four individuals with lived experience and two parents whose adult children are or involved in the competency system. The Council will both inform our program development and also participate in panel presentations to community partners statewide.

- Judicial Advisory Council Bridges was initially guided by a steering committee that included participation by multiple judges statewide. To strengthen and maintain this partnership with the Courts, a Judicial Advisory Council has been created to ensure the voice of the bench is at the forefront of our development.
- **Court Liaison Advisory Council** Bridges values the wisdom and expertise of those directly delivering services. Through bi-monthly in-person meetings and virtual meetings twice a month, leadership intentionally seeks input in all program development decisions and feedback on current practices. Further, as Bridges expands, a Court Liaison Advisory Council will allow in-depth access to the expertise that resides within the team.

Infrastructure and Administrative Operations

The passage of SB23-229 further allowed Bridges to begin to implement much needed technical infrastructure enabling the program to experience supported growth in many areas. Regarding its Information Technology needs, the Office purchased hardware for new hires over the next year; entered into an IT contract to support transition and implementation of hardware, software, data transfers and a new domain; worked with SIPA to contract with third-party IT support; currently is working with SCAO IT team to support the transition; and has created a new logo and website. Bridges continues to be supported by SCAO for fiscal processes, including payroll, accounts payable, and budgeting. This support will continue until the transition to ASIA for similar services. Finally, Bridges has been receiving a robust level of partnership and legal support from the Office of the Attorney General.

Bridges Of Colorado

Connecting Colorado's Criminal Justice and



18-Dec-2023

REPORT TO THE JOINT BUDGET COMMITTEE

DECEMBER 18, 2023

May-December 2023

We are engaged in the exciting work of expanding the program to fully step into our new status as an independent office.

The work of transitioning to the Office has provided the opportunity to lean into our values as a program and to lay important groundwork for continued and sustainable growth.

We are

Person-centered. Solution-focused. Collaborative.

We are serving

Court Liaisons continue to serve individuals in the criminal justice system who have significant mental health needs and keep judges and attorneys informed about available community-based services. Data for FY23 indicates:

Case Appointments

- 4,592 new cases
- 82% competency
- 18% general mental health
- Average 158 cases/liaison
- 62% increase over previous year

Court Reports Filed

- 14,210 reports filed
- 78% increase over previous year

Participants Served

- 3,191 participants served
- 33% increase over previous year
- 2,022 new participants
- 57% increase over previous year
- 1,169 carried over from FY22

We are growing

We are bringing more liaisons to every district. We have already added four coverage liaisons who are able to serve any district as needed. Between Spring of 2024 and Spring of 2026, we plan to grow from 29 court liaisons to 90+ liaisons, effectively tripling our team.

Job Descriptions

- 15 total; 14 new
- 4 unique liaison roles
- ~120 employees
- 10-member admin team

Compensation Plan

- 3rd party analysis
- Total rewards philosophy
- Budgetary alignment
- Equity-driven focus
- High performance lens for recruitment and sustainability

Hiring

- Comprehensive recruitment plan
- New website & logo
 <u>https://bridges.colorado.gov/</u>
- Hiring in 3-month waves
- Long-term goal to be an Employer of Choice

We are innovating

We are collaborating with multiple judicial districts and community partners in the development of innovative programming for our target population.

Coverage Court Liaisons

- Vacancies
- Unique situations
- Caseload support

District Programs

- Competency dockets
- Competency diversion pilots
- Civil commitment pilot

National Consultation

- Council of State Governments
 and Department of Justice
- National ARC
- Multiple states

We are listening

The Bridges Commission has stepped into its leadership role and is at work guiding the growth and vision of the Office and providing leadership and representation within their communities. We have also created three advisory councils to ensure the voices of our clients and our liaisons are at the forefront of our development.

Lived Experience Advisory Council

Individuals and family members

- Advisement & panel presentations
- First Meeting
 December 2023

Judicial Advisory Council

- Representation from diverse districts and roles
- Beginning January
 2024

Court Liaison Advisory Council

- In progress with statewide team
- Beginning January
 2024

Bridges Commission

- Hassan Latif, Chair, Founder & Former Executive Director, Second Chance Center
- Julie Rieskin, LCSW, Vice Chair, Executive Director, Colorado Cross Disabilities Coalition
- Established bylaws
- Meeting quarterly

We are laying the foundations

We are thoughtfully building up the administrative infrastructure required to fully step into our new status as an independent office.

	Case Management System	Legal, HR & IT	SCAO Transition
•	Contracted in August	Contracted for HR transitional	Transitional MOU in progress
•	Will pilot in January	services	Data sharing agreement in
Statewide s	Statewide system	 Contracted for IT transitional and ongoing services 	progress
		 Legal supported by COAG 	IT transition support

- Payroll and benefits support
- Budget support

Judicial Districts

Community Partners

Bridges of Colorado Office

For more information, contact: Jennifer Turner, MSW, Executive Director jennifer.turner@judicial.state.co.us | 720-625-5018 Colorado A Culture of Collaboration

Presentation Created December 2023

18-Dec-2023

JUD-hearing

ISSUE 1: A RECONSIDERATION OF THE COMPETENCY CRISIS

[*Staff*] Please respond to the staff issue brief on competency and the recommendation for diversion from competency, including the recommendation for additional resources for Bridges of Colorado.

Focusing on off-ramps (diversion) from the competency system is a recommended best practice evolving from years of research by the National Center of State Courts, Council of State Governments, and other similar institutions. The proposed solutions in the issue brief are in alignment with those best practices and build on efforts or conversations already underway in pockets of Colorado's Judicial system. Thoughtful support and evaluation of these forward-thinking models would increase the likelihood of their success and broader adoption statewide.

Specific to the recommendation of creating a team of licensed mental health evaluators for Bridges of Colorado, the need for this type of resource is significant. Court liaisons report that 27% of their current caseload* needs neuro-psychological evaluations and another 38% would benefit from a comprehensive mental health evaluation. These numbers represent 65% of the caseload, and liaisons anticipate that 45% of those individuals could eventually be found permanently incompetent to proceed (PITP).

As outlined in the issue brief, early identification of individuals with neurocognitive deficits, intellectual and developmental disabilities, traumatic brain injuries, and other high acuity conditions would enable courts to divert these individuals from competency altogether. This could happen through a number of legal directions, including competency docket staffing and relevant problem solving, a finding of ITP, or movement to civil certification. Due to the nature of these disabilities, participants truly do not have the ability to be restored to competency even when all barriers are removed. All of these options reduce the burden and costs of long wait times for competency services on jails, courts, the state hospital, and participants and their families.

There are numerous additional benefits to providing neuro-psychological and comprehensive mental health evaluations for the population served by Bridges:

- 1) **Early Intervention:** Bridges serves individuals outside of the competency system (20% of caseload), and earlier diagnosis and connection to appropriate services can prevent these individuals from ever entering the competency system.
- 2) Increased Access to Services and Benefits: Diagnosis of cognitive disabilities helps participants gain access to the services and benefits they only qualify for with a formal diagnosis (such as SSDI, the Brain Injury Medicaid Waiver or Community Mental Health Supports Waiver), increase benefits they are already receiving (such as veteran's benefits), receive ADA accommodations so they can better access services and resources, access long-term Medicaid and long-term housing, and ultimately reduce the financial burden for engaging in services.
- 3) **Faster Hospitalization for Those Who Need It:** Competency diversion won't be a fit for every participant. Currently, those who need hospital level care are not getting it because of the backlog, which results in more significant deterioration, exacerbated symptoms that

often are never repaired, and ironically a potential for increased engagement in the criminal justice system.

- 4) More Robust Case Planning and Engagement: Court liaisons are often limited in their case planning because an individual in custody needs a neuro-psych or mental health evaluation, but providers won't go to the jail. A Bridges team of evaluators would conduct evaluations regardless of setting. And for participants both in and out of custody, more information about their needs allows liaisons to identify the most appropriate and effective services. Often, knowledge and understanding about their own diagnosis and related treatment also helps participants to more successfully engage in services.
- 5) **Improved Care and Court Outcomes:** Understanding the capacity of a participant's mental health can inform court liaisons, courts, and attorneys regarding expectations around a participant's ability to be restored to competency. Additionally, psychologists could be readily available to assist with evaluations, medication prescription, and treatment planning. This benefits the participants, as an understanding of the mental health needs provides context to the court regarding a participant's behavior and ability to comply with court orders, and informs remaining stakeholders of barriers and gaps being experienced. Early identification of needs and barriers benefits all involved and most importantly, improves the access to care for the participant.
- 6) **Improved Distinction Between Incompetency and Other Barriers:** Individuals identified as incompetent to proceed can generally be considered to fall into three categories:

1) those who are truly incompetent to proceed and will eventually be found permanently incompetent to proceed;

2) those who are truly incompetent to proceed and restoration could be effective so long as barriers to basic needs and mental health are address; and

3) those who would not need to be involved in the competency system so long as they are able to be stabilized through intervention other than competency education, such as stabilization on medication, detoxification from substances, addressing language or cultural barriers, or stabilization through community-based services.

Early access to psychological evaluations enables Bridges to present judges and attorneys with more comprehensive information in alignment with these categories, ultimately enabling them to exercise more discernment in identifying appropriate court responses and interventions.

[*Rep. Sirota*] What is Bridges experience in identifying cases where diversion from competency is more appropriate? Please describe how judges might determine good candidates for "competency diversion" and those that should proceed within the competency process due to public safety or other issues. Setting aside the permanently incompetent individuals, is the provision of services for those diverted from competency simply the provision of traditional competency restoration outside of the state system?

There are significant differences between competency-related services and behavioral health *treatment* services. Competency-related services are designed to move individuals through legal proceedings. Behavioral health services are designed to offer stability and long-term solutions for individuals, ideally increasing their engagement with behavioral health treatment, decreasing criminal

justice involvement, and alleviating community risks and costs associated with that involvement. On the contrary, when competency-related services are seen as a behavioral health intervention, individuals suffer and community risk factors are not sufficiently addressed.

Bridges court liaisons meet with participants to identify interventions that are likely to lead to longterm stability and well-being. Liaisons then work with participants to engage them with behavioral health and related (housing, transportation, medical, etc..) services. In addition to their direct work with participants, liaisons also share the information and case planning with the courts.

When judges are provided this broader picture of needs and related services, they are in the position to make more informed decisions related to both individual and community well-being. They have a good sense of what interventions are likely to offer both immediate and long-term stability and can then make decisions about a variety of options, such as release from custody, dismissal of charges, civil certifications, diversion from competency, or a finding of permanently incompetent to proceed.

Traditionally, diversion has been driven by district attorneys, is based on the details of the charge, and is a decision made quickly and before court proceedings begin. Competency diversion – and the competency dockets that would support the process – is a wholly different concept in that it allows a period of time for court liaisons, judges, attorneys, and other partners to learn more about what will create stability, how to address barriers to stability, and which of the above-mentioned options outside of competency may be more appropriate and effective.

[Rep. Taggart] Please describe how Bridges of Colorado and Bridges liaisons might help address the problem of community providers who seek to avoid serving clients with substance abuse issues?

Lack of resources to address substance use disorder plagues the State of Colorado. Of the resources which do exist, they are under-staffed and under-funded. Court liaisons are aware of this issue as they navigate the behavioral system and interact with community partners. It is important to note, however, that treatment for substance use disorder is not the primary need for the population Bridges serves. While co-occurring behaviors do occur, the population court liaisons work with are those most heavily impacted by severe and persistent mental illness. The needs for this population are housing, inpatient mental health treatment/care, medication access and management, and ongoing care to address life-long mental and cognitive disabilities.

When a participant is experiencing both mental health and substance use needs, court liaisons work with community mental health agencies to advocate for the best level of care for participants. In situations where a community partner may be unwilling to serve a participant, court liaisons work to overcome the barrier to access services through education, relationship-building, and collaboration. Liaisons are tasked with finding the best option for treatment services; thus if an entity does not wish to work with a Bridges participant, liaisons seek a more viable option to address the participant's need.

Bridges court liaisons are collaborators. In all the work they do, they strive to end stigma through education and by leading by example in their work with participants. Issues like access to quality

resources is something liaisons address daily through their interactions with local mental health agencies, courts, attorneys, and jails.

Due to barriers like access to substance use treatment and a host of other resources, Bridges has created a Service & Resource Equity Director position. The primary function of this role is to work with service providers across the state to provide education and advocacy around the needs of this population with the goal to increase the availability of and access to services. In addition to this role, Bridges has also created Regional Manager positions which will work on creating partnerships with local community providers to advocate for resources.