



# Colorado Office of the Child's Representative



SMART Government Act  
Joint Judiciary Committee Hearing  
December 19, 2017

# OCR Mission

The mission of the Office of the Child's Representative (OCR) is to provide effective legal representation to Colorado's children involved in the court system because they have been abused and neglected, impacted by high-conflict parenting time disputes, or charged with delinquent acts and without a parent available to protect their best interests during the proceedings. As a state agency, the OCR is accountable to the State of Colorado to achieve this mission in the most cost-efficient manner without compromising the integrity of services or the safety and well-being of children. The OCR is committed to ensuring that its attorneys provide these children, Colorado's most vulnerable and marginalized population in the courts, the best legal services available to protect and promote their safety and well-being and to have their voice heard throughout all aspects of a case.

## OCR Values

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

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

# Who OCR Serves

- ✓ Children in Colorado courts who have been
  - Abused and neglected
  - Charged with delinquent acts and without a parent or guardian able to protect the child's best interests during the proceedings
  - Truancy
  - Impacted by high-conflict domestic relations disputes
  - Paternity
  - Other: D&N appeals, probate, mental health & criminal
- ✓ Approximately 17,000 children in FY 2016-17

# What an OCR attorney does

## Legal advocate who

- ✓ Ensures legal standards are applied to each case
- ✓ Conducts an independent investigation
- ✓ Protects child's rights
- ✓ Advocates on behalf of the child's best interests
- ✓ Ensures placement and services serve the individual child's best interests

## Examples

- *Confirm search for relatives*
- *Sibling placement and contact*
- *Court's jurisdiction continues to age 21*
- *Legally secure appropriate permanent placement*

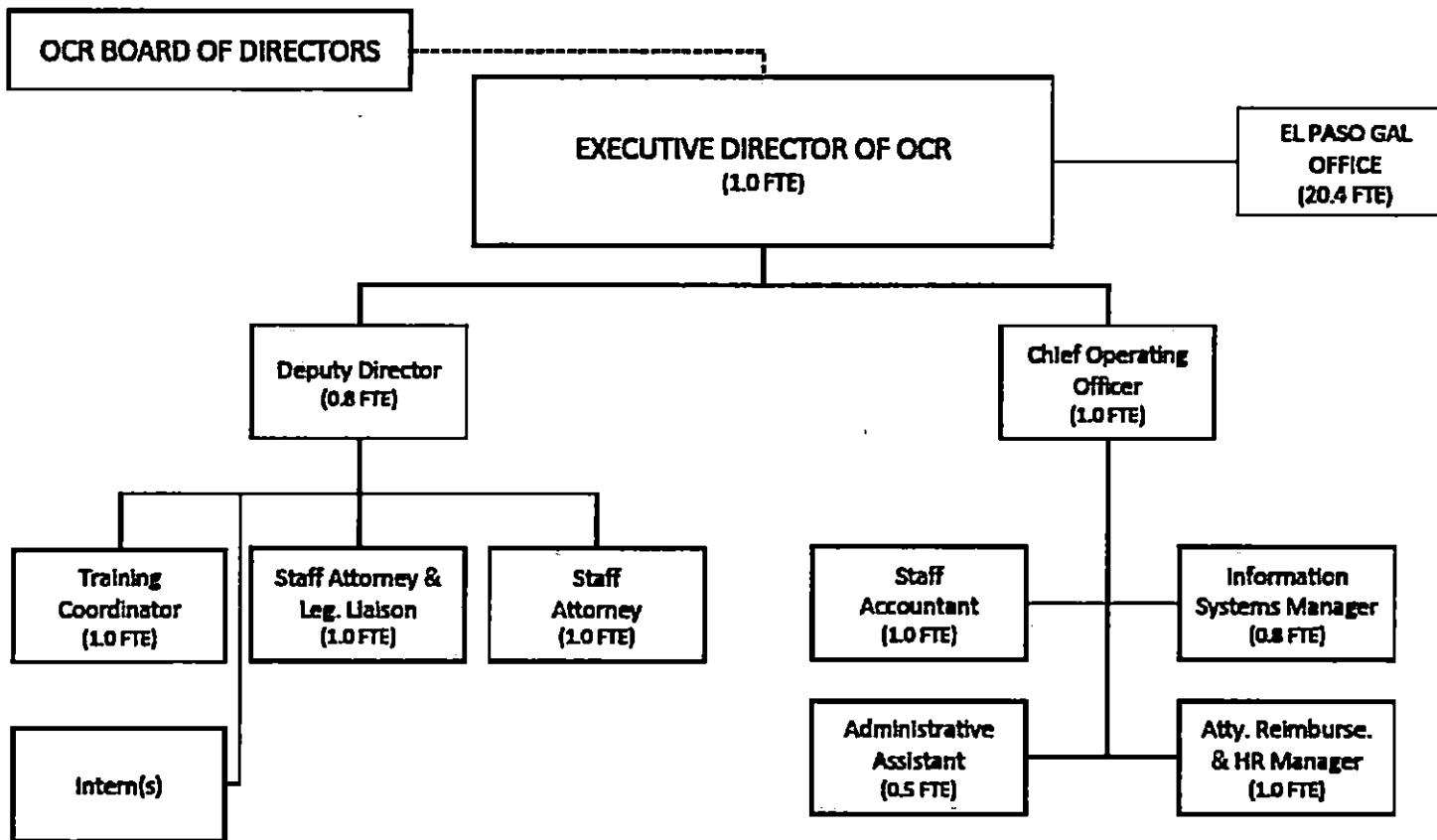
# OCR Provides Legal Services Through Two Models Of Representation

***Independent contractors:*** The OCR contracts with over 220 independent contractors throughout Colorado. These contract entities are small businesses and include sole practitioners and law firms.

***OCR's El Paso County GAL Office:*** This multidisciplinary staff model office is in its sixteenth year of operation and has 20.4 FTE. The model employs 12 attorneys, five case coordinators, one paralegal, and administrative support staff. Each of these employees is a FTE.

# Colorado Office of the Child's Representative (OCR) Organizational Chart

November 1, 2017

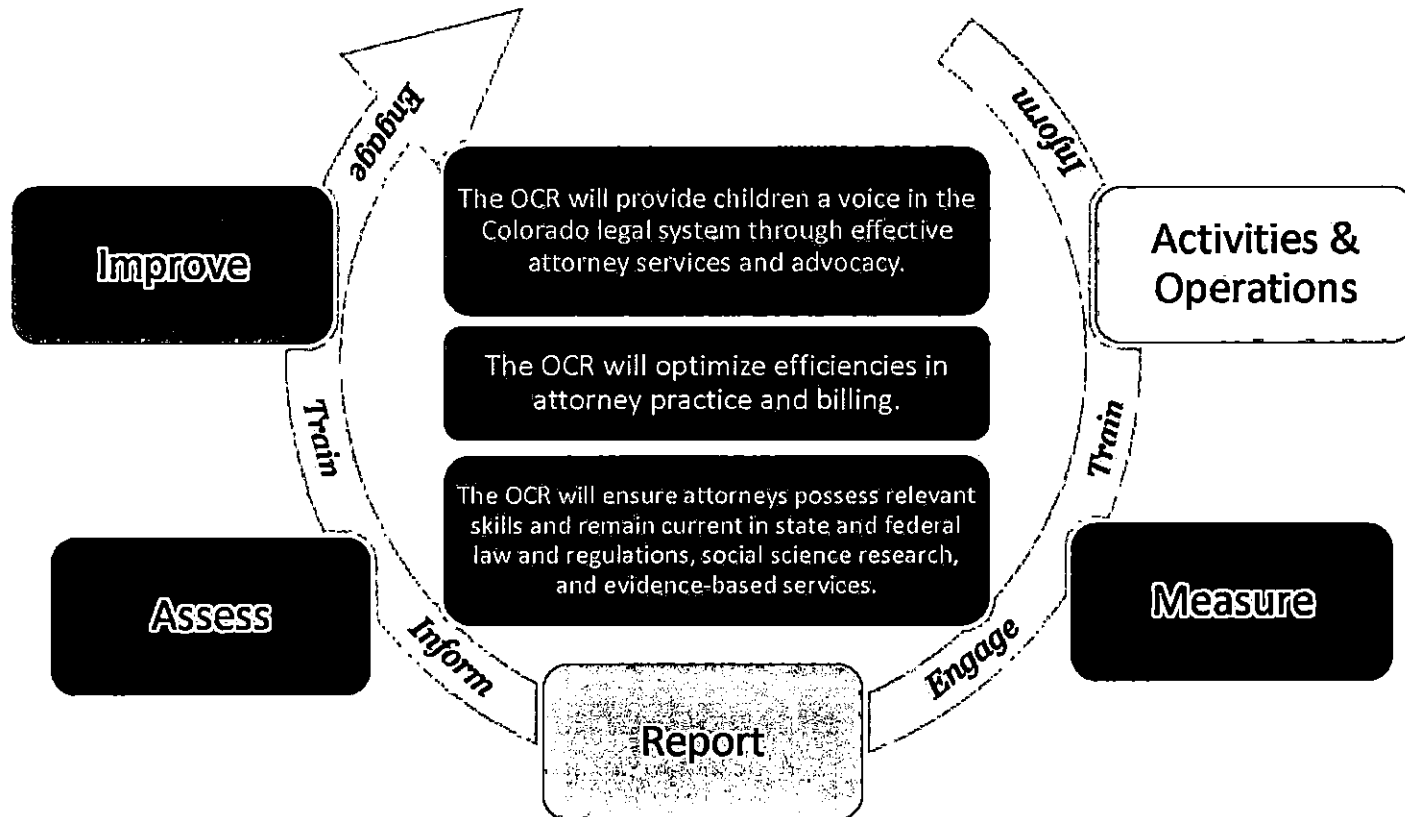


29.5 FTEs as of November 1, 2017

# OCR PERFORMANCE PLAN 2017 - 2020

<p style="text-align: center;"><b>VISION</b></p> <p>Each Colorado child in need of an OCR attorney will receive comprehensive legal advocacy from an attorney who has expertise in juvenile law and will diligently and effectively represent the child's legal interests in a cost-effective manner.</p>	<p style="text-align: center;"><b>OCR FY 17-18 PRIORITIES</b></p> <ol style="list-style-type: none"> <li>1. Provide children a voice in the Colorado legal system through effective attorney services and advocacy.</li> <li>2. Optimize efficiencies in attorney practice and billing.</li> <li>3. Ensure attorneys possess relevant skills and remain current in state and federal law and regulations, social science research, and evidence-based services.</li> </ol>	<p style="text-align: center;"><b>Key Activities and Operations</b></p> <ul style="list-style-type: none"> <li>↓ Establish attorney qualifications and practice standards</li> <li>↓ Evaluate and provide oversight of attorney practice</li> <li>↓ Contract with attorneys according to practice data and district needs</li> <li>↓ Establish fair compensation rates</li> <li>↓ Provide statewide training of and support for attorneys</li> <li>↓ Investigate alternative models of providing legal representation</li> <li>↓ Engage with community stakeholders to ensure appropriate attorney involvement</li> <li>↓ Manage appropriations and assess program needs</li> <li>↓ Maximize use and effectiveness of OCR's electronic case management/billing system</li> <li>↓ Maintain billing policies and procedures which promote competent, efficient, and appropriate legal representation</li> <li>↓ Process, manage, and evaluate attorney billings</li> <li>↓ Consider attorney's requests for fees in excess of OCR's set case maximums and litigation support expenses</li> </ul>
<p><b>Goal 1:</b> Provide children a voice in the Colorado legal system through effective attorney services and advocacy.</p>	<ol style="list-style-type: none"> <li>A. Ensure children's voice &amp; interests are paramount in the development of policy, law &amp; practice.</li> <li>B. Establish attorney qualifications &amp; practice standards</li> <li>C. Provide oversight &amp; evaluation of attorney practice</li> <li>D. Assess judicial district needs</li> <li>E. Contract with attorneys based on data illustrating compliance with CJD and OCR practice standards</li> <li>F. Establish fair and reasonable compensation for OCR attorneys</li> <li>G. Investigate alternative models of providing legal representation</li> </ol>	<p style="text-align: center;"><b>OUTCOMES</b></p> <ul style="list-style-type: none"> <li>✓ OCR policy, support, oversight, and training promotes effective legal services and advocacy</li> <li>✓ Costs are reasonable and justified</li> <li>✓ OCR provides sufficient qualified attorneys to meet children's needs in each judicial district</li> <li>✓ Individual attorney data supports contracting decisions</li> <li>✓ OCR's compensation rate is fair and realistic</li> <li>✓ OCR systems and support promote optimum and appropriate use of tax dollars</li> </ul>
<p><b>Goal 2:</b> The OCR will optimize efficiencies in attorney practice and billing.</p>	<ol style="list-style-type: none"> <li>A. Manage appropriations &amp; assess program needs</li> <li>B. Maximize use and effectiveness of OCR's on-line case management/billing system</li> <li>C. Provide litigation support and facilitate practice innovations</li> <li>D. Process, manage, and evaluate attorney activities</li> </ol>	
<p><b>Goal 3:</b> The OCR will ensure attorneys remain current in state and federal law and regulations, social science research, and evidence-based services.</p>	<ol style="list-style-type: none"> <li>A. Cultivate a learning &amp; practice environment that supports excellence in legal representation</li> <li>B. Assess attorney education needs</li> <li>C. Implement OCR Core Competencies</li> <li>D. Require attorneys to meet minimum training requirements</li> <li>E. Disseminate updates on developments in law and social science and maintain current and relevant resources for attorney's use</li> </ol>	

# Performance Management System





# What OCR Does

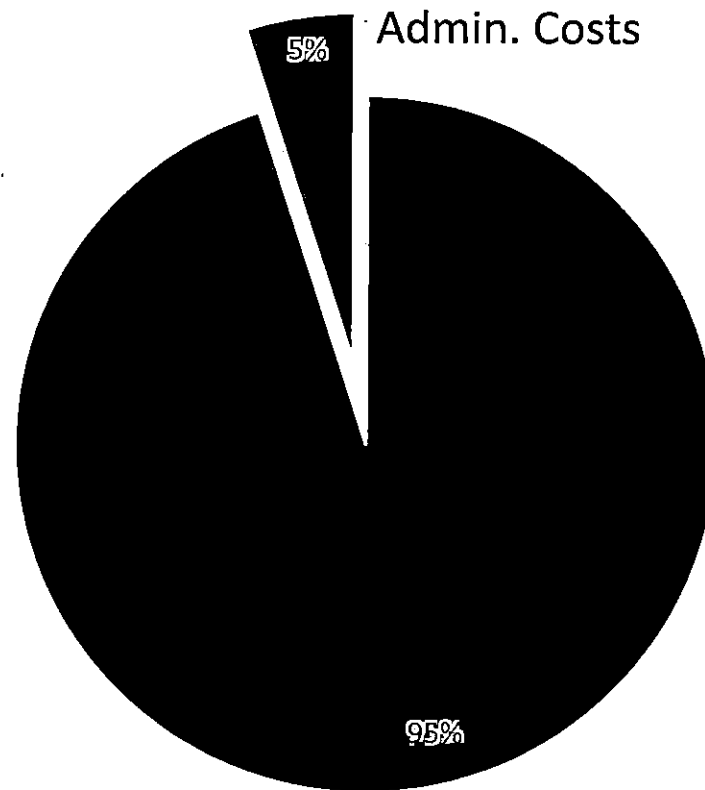
- ✓ Improves representation for Colorado's most vulnerable children by
  - Establishing minimum practice standards
  - Training attorneys, court personnel, and other stakeholders
  - Providing litigation support
  - Providing accessible high-quality statewide training
  
- ✓ Oversees attorneys who provide children with legal representation as guardians *ad litem* (GALs) and Child Legal Representatives (CLRs)
  - Provides judicial districts with lists of attorneys eligible for appointment
  - Evaluates attorneys
  - Monitors attorney compliance with practice standards
  - Complaint investigations

# What OCR Does

Manage appropriations to ensure that tax dollars are used for only allowable expenditures

- Establishes case fee maximums
- Evaluates excess fees and extraordinary litigation expense requests
- Conducts monthly analysis by case type, judicial district, and as indicated, attorney
- Creates and analyzes quarterly reports by case type, judicial district, and, as indicated, attorney

# OCR Expenditures



# FY 2018-19 Budget Requests

## Caseload and Workload Changes

- 95% of OCR's budget is spent on attorney services
- Abuse & Neglect and delinquency cases account for more than 90% of attorney services expenditures
- Adjusted our caseload projection in D&N appointments resulting in a return of \$612,000
- Cost per appointment projected to be same as FY 17

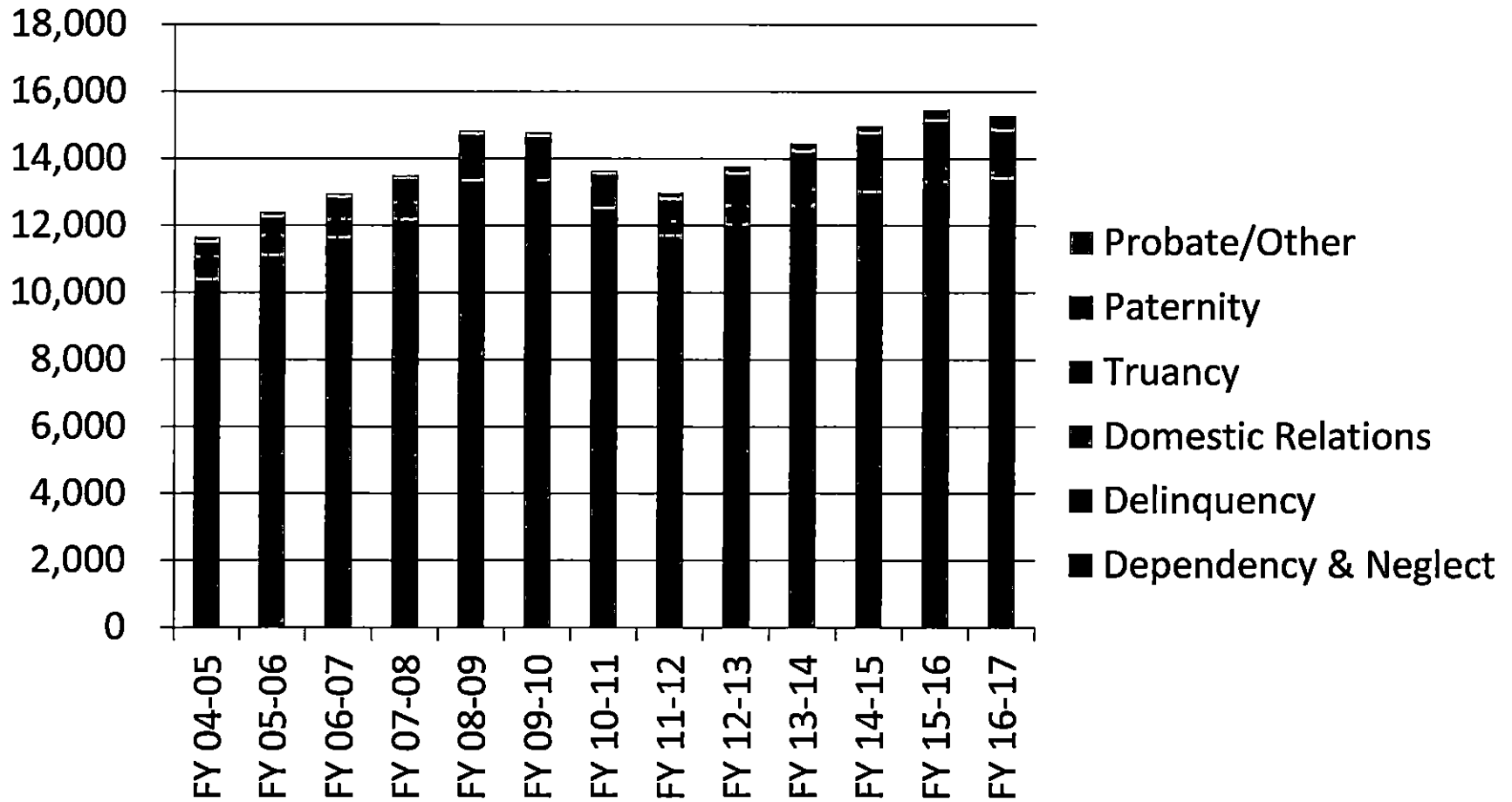
## Increase Hourly Rate for Contract Attorneys

- Last rate increase was July 1, 2014 (FY 14-15 budget request)
- Current rate is significantly below rates for attorneys and paralegals across the state

## Increase FTE

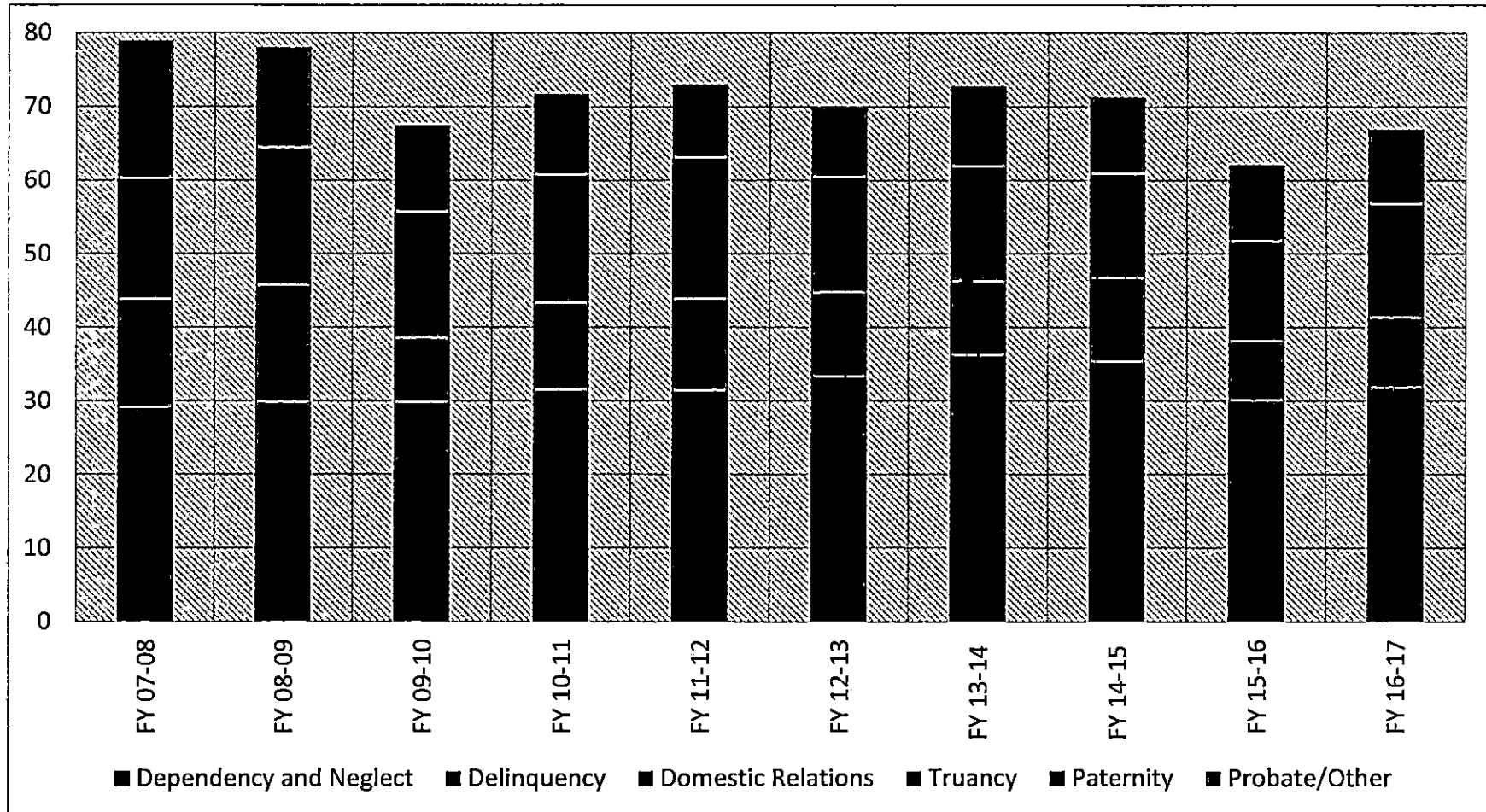
- Social Service Professional Coordinator (1.0 FTE)
- Increase Administrative Assistant from part-time to full-time (0.5 FTE)

# Appointments Paid FY 04-05 through FY 16-17

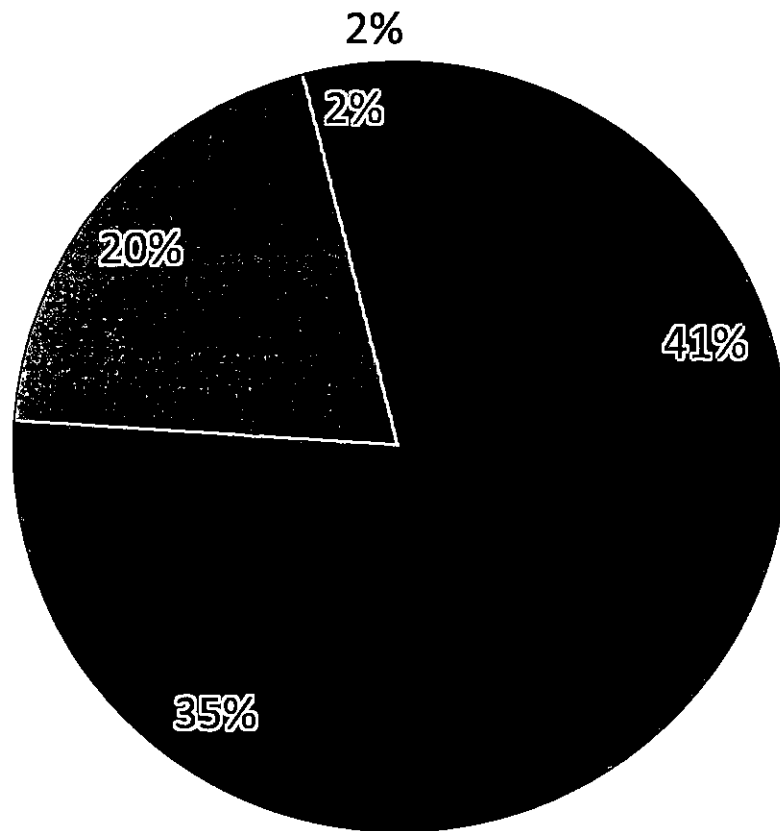


# Workload

(Hours Per Appointment)



# Attorney Use of Time



- Legal Activity
- Legal Investigation
- Contact w/ Child
- Administration
- Consulation

# Annual Statewide Renewal Process

## **Certification**

- Compliance w/ CJD
- Malpractice Insurance
- Disciplinary History

## **C.A.R.E.S. Reports**

- Case count
- 30-Day Visit Report
- Children appearing at Hearings
- 45-Day Activity Report
- Summary of Activity

## **Training**

OCR requires its attorneys to attend 10 CLE hours of OCR sponsored training each year

- FY 14-15: 103 training hours; 164 hours available on-line
- FY 15-16: 82 CLE hours; 235 hours available on-line
- FY 16-17: 78 CLE hours; 277 hours available on-line

## **Stakeholder Engagement**

- Meetings
- Phone interviews
- Surveys



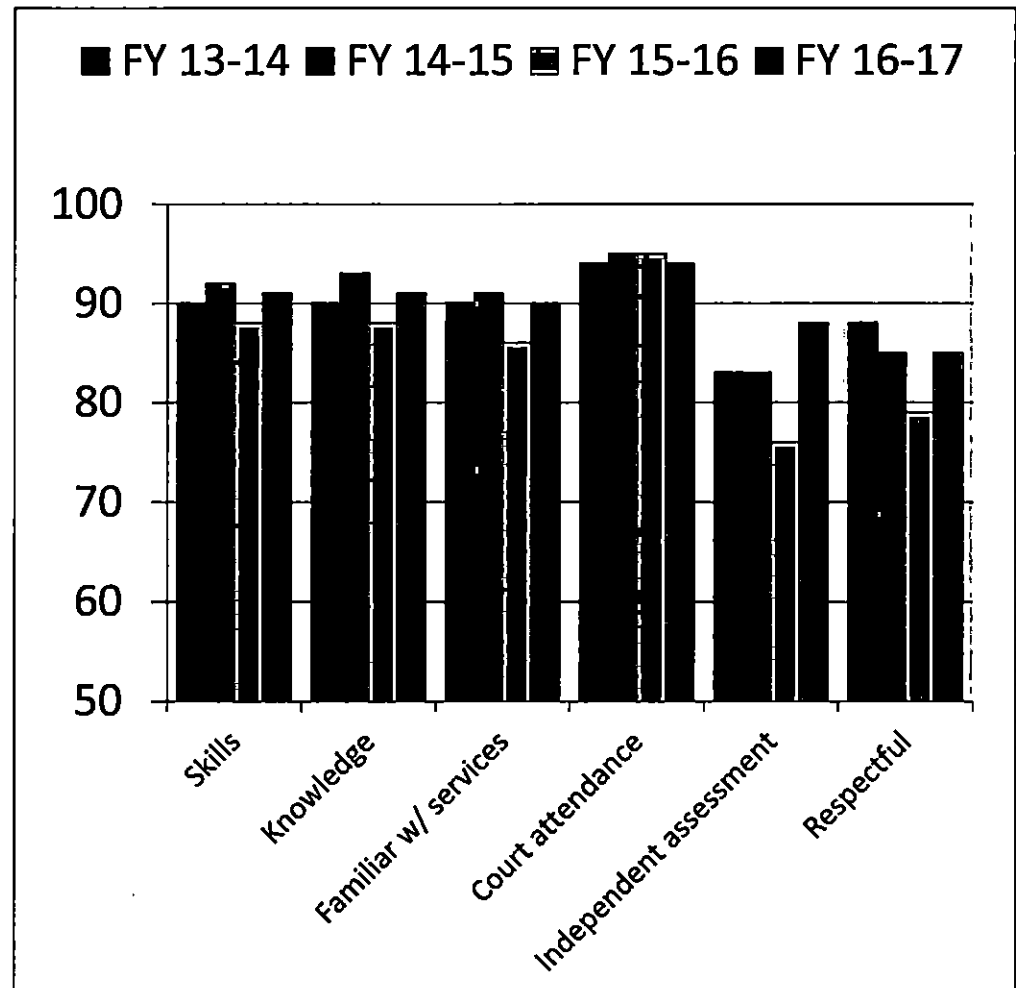
# Annual Stakeholder Survey

FY 13-14 OCR received 1083 electronic survey responses concerning 228 GALs

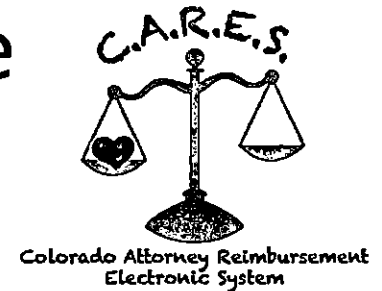
FY 14-15 OCR received 1355 electronic survey responses concerning 221 GALs; 412 responses were from judicial officers

FY 15-16 OCR received 1294 electronic survey responses concerning 207 GALs; 378 responses from judicial officers

FY 16-17 OCR received 1197 survey responses concerning 223 GALs; 344 responses from judicial officers



# C.A.R.E.S. Reports Example



## 30-day visit data

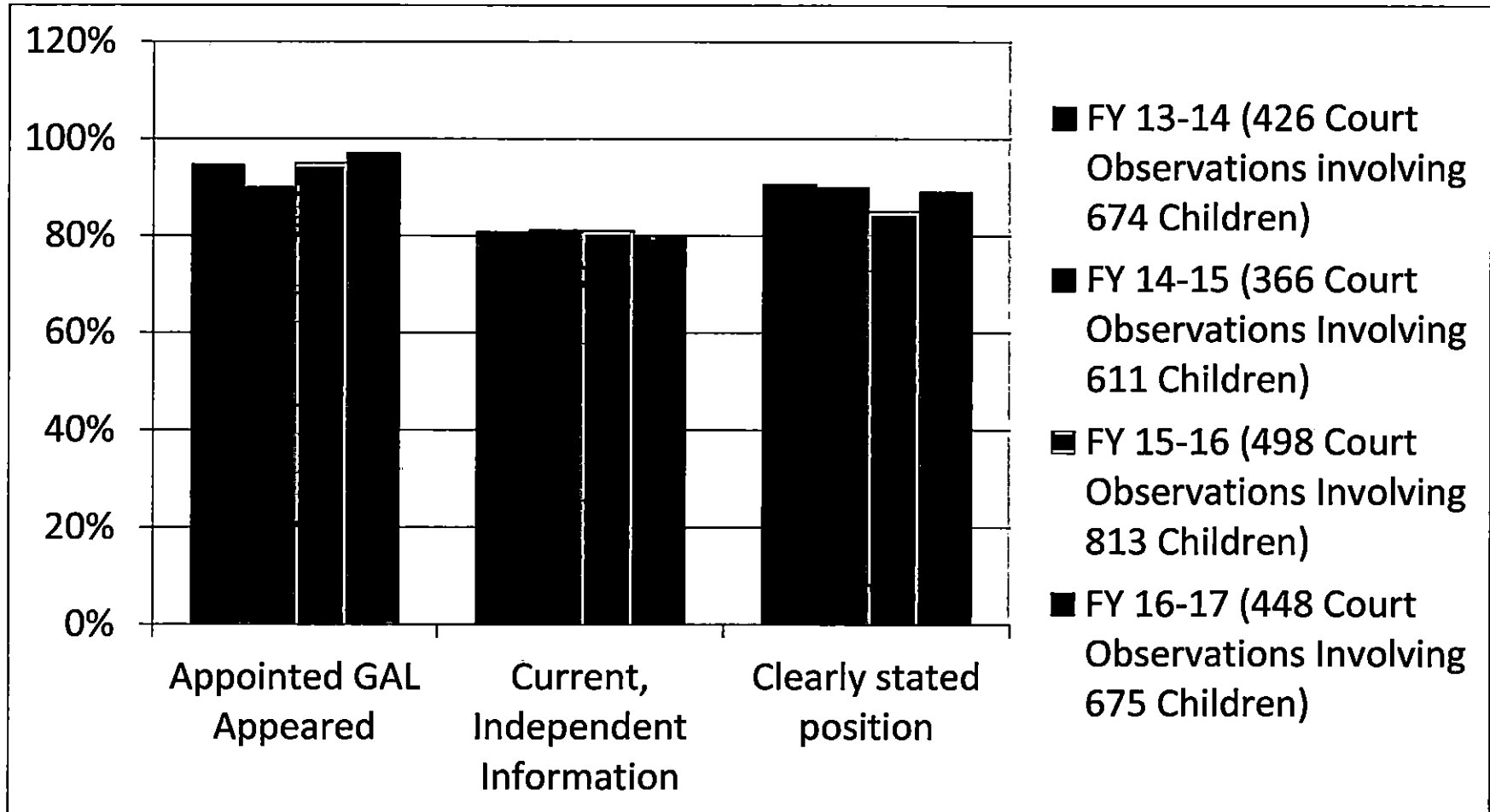
- June 1996 Performance Audit by State Auditor 48% of GAL case files contained no evidence of a home visit.
- FY 16-17 Visit Report indicates 95% of children in D&Ns to which the El Paso Office was appointed were visited by the GAL in their placement within 30 days of the GAL's appointment.

# OCR Evaluation of Attorney

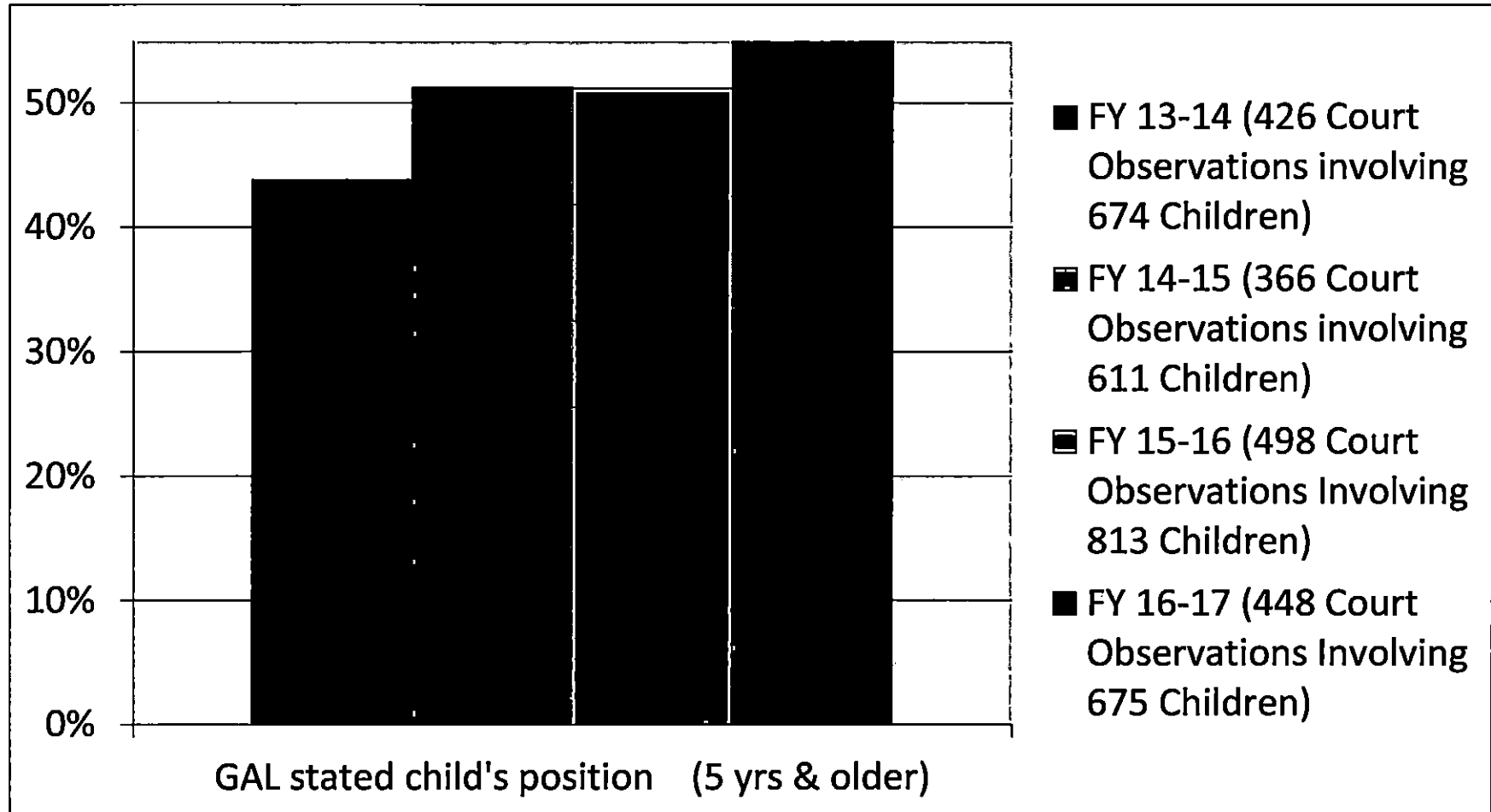
Tri-Annual Extensive Application Process for attorneys in one-third of judicial districts (instituted in FY 12-13)

1. Structured Court Observations
2. Interviews of children/youth, parents, caregivers
3. Writing sample
4. Stakeholder feedback
5. C.A.R.E.S. reports
6. Meetings with key stakeholders
7. Individual meeting with attorney

# Court Observation: GAL's Advocacy



# Court Observation: Child's Voice



# Interviews of Children/Youth

*"I think [my GAL] was a wonderful GAL. Out of my whole entire team, he was one of the people that stuck by me the most. He made sure my life was what is was supposed to be regardless of who was in my life. He pushed me to do better in school."*



*"She took me to court and she bragged about me. I thought that was so great. Someone actually sees the good in me!"*



*"I just trust her because her word is gold. When she says she's going to do something, she gets it done."*



*"She really just advocated for me when I didn't feel like I had the power to advocate for myself."*



*"It didn't seem like he was doing the job the for the money, it seems like he really cared about me, he was doing his job for my best interests. He was selfless."*



# Interviews of Parents and Caregivers

*"She's like the only person in the entire case that I felt actually heard me and the child. I feel like she's the reason that the minor child has a chance in life."*



*"I think you should know she's an amazing litigator. She stands up for kids in the courtroom and at home. She touches people's lives in a way that I cannot even explain."*



*"[The GAL] was always very supportive. Her focus was about what was best for the child. But she did that in a sensitive way that helped us preserve our family."*



*"She's very comforting. She sets her boundaries of course. She doesn't sugar coat anything. She told me that my daughter needed to go to school. [The GAL] motivates me. She got us back on track with life. [The GAL] has been a really great person. I really, really thank her for helping us out. I can't say enough."*



*"He treats me with the utmost respect. We did go through bumps on our journey. So as a dad I had a different agenda but [the GAL] would always bring it back to what is best for my son, so we could find common ground."*



# OCR Updates

OCR is proud to be working on two significant and intensive projects this year that will improve attorney effectiveness. Both require substantial time and resources and both are currently on schedule for delivery:

1. A comprehensive and integrated update to the GRID (Guided Reference in Dependency) to reflect updated practice tips and incorporate changes within the law.
2. Developing and testing a new case management, billing and oversight system – C.A.R.E.S. II





# Contact Information

Linda Weirnerman, Executive Director  
303.860.1517 ext. 105

Ashley Chase  
Staff Attorney & Legislative Liaison  
303.860.1517 ext. 106