

**JUDICIAL BRANCH
FY 2015-16 JOINT BUDGET COMMITTEE HEARING AGENDA**

**Monday, December 1, 2014
9:00 am – Noon**

**JUDICIAL DEPARTMENT (including the Supreme Court, Court of Appeals, Courts
Administration, Trial Courts, and Probation)**

9:00-9:10 INTRODUCTION AND OPENING COMMENTS

9:10-9:20 QUESTIONS COMMON TO ALL DEPARTMENTS

1. SMART Government Act:

- a. Please describe how the SMART Government Act is being integrated into the Department's existing processes (both in terms of service delivery and evaluating performance).

The performance measures included in the Judicial Department SMART Government Act documents are performance measures that were evaluated and integrated into our service delivery prior to the passage of the SMART Government Act. The measures include nationally recognized measures for court and probation management, such as age of case data for court cases and recidivism rates for probation programs. The SMART Government Act mandates additional reporting requirements related to these performance measures, but it has not greatly changed the manner in which we deliver service or our evaluation of performance.

- b. How is the data that is gathered for the performance management system used?

As mentioned previously, the Judicial Department collected data related to performance measures prior to the passage of the SMART Government Act. This information is used to evaluate program success and determine additional needs, such as training, that might be necessary to improve performance.

- c. Please describe the value of the act in the Department.

The SMART Government Act has not greatly changed the manner in which we deliver service or our evaluation of performance. The Judicial Department has historically collected data on performance measures and has used this data to inform decisions about future resource needs or program effectiveness. The SMART Government Act has not altered this historical practice but has added some additional reporting requirements related to our evaluation of performance.

2. Do you have infrastructure needs (roads, real property, information technology) beyond the current infrastructure request? If so, how do these needs fit in with the Department's overall infrastructure priorities that have been submitted to the Capital Development Committee or Joint Technology Committee? If infrastructure should be a higher priority for the Department, how should the Department's list of overall priorities be adjusted to account for it?

The Judicial Department does have several infrastructure needs as it relates to Information Technology (IT). Some of these needs, which have been included in the Department's FY 2015-16 budget request, include:

- Network Bandwidth – Upgrading network bandwidth in both rural and urban courthouse and probation sites;
- Routers and Switches – Upgrading over 261 routers and switches statewide to include ensuring they remain on Cisco maintenance for the life of the hardware;
- VoIP – Implement, support, and maintain the Department's Voice over IP (VoIP) and Unified Communications infrastructure. This includes video conferencing (both in courtroom units and mobile), web conferencing, Instant Messaging (IM), and telephony. The goal of the Department is to provide a VoIP 5-digit dialing solution that will make communication easier and more affordable for all Department locations throughout the State;
- Wireless Guest Access – Private and guest wireless access in all courthouses in order to support electronic access to court records, future pro se e-filing, and the e-discovery project;
- Document Management Systems – An ability to support and maintain current and future growth of the Department's document management system, which stores all e-filing documents and case archive documents;
- Information Security Systems – A growing need to ensure the Department's information security infrastructure is current and maintained through appropriate hardware, software, and consulting services; and
- Licensing – Proper software licensing and maintenance funding to keep current with the industry's new subscription pricing model that many software companies are utilizing, such as Microsoft Office 365 and other court recording programs that the Department utilizes.

While not included as part of the Department's FY 2015-16 budget request, the Department does anticipate future IT infrastructure requests in order to adequately support and maintain its IT infrastructure—especially as the demands for IT solutions necessary to solve business needs increase, as well as the rapid pace in which technology changes or becomes obsolete. Some future requests related to the Department's IT infrastructure could include:

- Replacement and maintenance costs associated with server infrastructure needs. This includes the Department's datacenter and 26 court locations where backup servers reside;
 - Disaster Recovery (DR) hardware and software that will be necessary to satisfy Disaster Recovery Plans (DRP) that the Department and various audits require;
 - Upgrading and adding additional storage to support electronic court records and Department operational data; and
 - Various other IT infrastructure needs as technology changes or is necessary to keep up with demand and reduce slow response times.
3. Describe the Department's experience with the implementation of the new CORE accounting system.
- a. Was the training adequate?

CORE is a significant leap forward in the financial management systems for the State and a project of this size was bound to be challenging.

Training began in the spring of 2014, and the State invested significant effort providing basic training classes. The classes were not as sufficient nor as effective as they should have been, especially considering the magnitude and complexity of a system (for accounting, purchasing, budgeting, etc.) that is to be used by all State Departments. Configuration and testing of CORE had not been completed at the time the trainings were held, and most classes were hands-on training in a test environment. In some classes, the test environment was unavailable for a portion of or all of the class time. The test environment did not mirror CORE; thus, students could not learn exactly how to complete transactions for when the system would go live. The training handouts were not sufficient for learning a new system, and, during classes, the trainers and students sometimes discovered that the training materials contained errors. Overall, the training was not adequate. Accordingly, the Judicial Department has had to create detailed training material for use within our Department. As we continue to learn more about CORE, we continue to have to create more training material internally.

- b. Has the transition gone smoothly?

We are aware that large IT systems implementations are always challenging and never go as smoothly as developers and users would like. Some of the specific challenges in the CORE transition have been:

- Inadequate training (as described above) for CORE and for InfoAdvantage,
- System configuration was not completed prior to "go live;" in fact, it is still on-going,

- Interfaced payments (to vendors) had issues even though the interfaces “passed” the testing phase,
- Payroll expenditures have not been uploaded to CORE in a timely manner; this impacts statewide budget monitoring,
- Having had no training in InfoAdvantage, it has been difficult to review transactions, run reports, and monitor budgets,
- Users frequently loose connectivity with CORE, and
- Transaction “Event Types” have been challenging to decipher.

c. How has the implementation of CORE affected staff workload during the transition?

It was understood that implementation of a financial system of this size would impact workload during development and transition. Staff workload has been impacted since Fall 2013 due to the need to attend many CORE meetings and workgroups; develop a new Chart of Accounts; create a coding crosswalk from COFRS to CORE; prepare and submit information to OSC; attend training classes; and subsequently develop in-house training for Judicial employees. The training and transition from COFRS to CORE had to be completed in addition to normal workload.

d. Do you anticipate that CORE will increase the staff workload on an ongoing basis? If so, describe the nature of the workload increase and indicate whether the Department is requesting additional funding for FY 2015-16 to address it.

Because the transition to CORE is not complete, staff workload continues to be significantly impacted. The long-term impact will not be known until such time that CORE is fully functional and stabilized. Once staff has been able to successfully complete all types of transactions on a routine basis and have the opportunity to see through a full fiscal cycle, we will have a clearer idea of any ongoing workload change due to the new system. The Judicial Department hired temporary accounting staff to assist with end of the year processing in order to maintain daily workload and implement CORE. At this point in time, Judicial has not requested additional funding due to CORE.

OTHER TOPICS

9:20-10:10 QUESTIONS RELATED TO FY 2015-16 BUDGET PRIORITIES

(JUD R1) General Fund Support of Cash Funds

4. Discuss the impact of recent court filing trends on the workload of judicial officers and court staff, and how such workload changes relate to the following budget initiatives:
 - a. General Fund support for cash funds (JUD R1);

The reductions in county court cases have primarily been the result of declining debt collections cases and declining traffic cases. Historically, a single debt could be sold multiple times, resulting in multiple case filings in order for each debt collector to secure a lien on the debt. Federal regulations have changed debt collectors' ability to sell debt, which has resulted in a sharp reduction in the number of debt collection case filings. In addition, traffic cases historically were heard in county courts. However, in recent years municipalities have adopted the Model Traffic Code allowing traffic cases to be heard in municipal court rather than county court. The change in municipalities taking on the traffic workload allows the municipality to collect the fee revenue from traffic cases rather than the Judicial Department.

The Judicial Department utilizes weighted caseload models to capture the complexity of work associated with the various types of cases courts handle. The amount of time and work the court must devote to a traffic infraction versus a divorce with allocation of parental responsibility versus a homicide varies significantly. The weighted caseload model is essential to translating raw filing numbers into an accurate estimation of resource needs for the courts. Naturally, declines in filings will often mean a decrease in work, but the impact is highly dependent on the case classes experiencing the decline. For this reason, a decrease in the total number of filings may not produce as large of a decrease in workload as one might initially expect.

The Department plans to revise the weighted caseload model for court staff in 2015 to reflect the changes in law, policy, and technology that have occurred since the Department began using the current model ten years ago. The results generated by the revised version of the weighted caseload model will help the Department determine future staffing needs and will inform staff realignment and reassignment decisions.

- b. Adding a district court judge and the associated court staff in the 12th judicial district (JUD R4); and

The broader statewide context of filing declines is not representative of the 12th Judicial District's present need for additional staffing resources in the district court. Filing growth

in a few key case types, the expected continued growth in the San Luis Valley population and the large geographical area this district spans collectively contribute to the need for an additional judicial officer for the district bench in 12th Judicial District.

The 12th Judicial district was the most understaffed district court in the state in FY 2013-14. Understaffing in the 12th District is due in part to growth in filings in several case classes despite the overall statewide decreases in district court filings. Over the past ten years, district court filings in the 12th Judicial District have increased six percent. During this time, district civil filings have increased by 13 percent (excluding tax liens and foreclosures), domestic relations filings have increased by 7 percent, probate filings have increased by 5 percent, and water filings have nearly doubled. Thus, despite the statewide filing trends, the 12th Judicial District has continued to show need for additional district court staff.

The geography and projected population growth are also important factors influencing the staffing needs of the 12th Judicial District. The 12th Judicial District serves a geographic area roughly the same size as the state of New Jersey. This district is made up of six counties (Alamosa, Conejos, Costilla, Mineral, Rio Grande, and Saguache) which comprise the San Luis Valley and cover 8,192 square miles. Currently, the 12th Judicial District has three district court judges and 0.25 FTE water referee to cover this large region. The Department of Local Affairs expects the population in the San Luis Valley to grow by 16.1 percent between 2010 and 2020 and by 24.1 percent between 2010 and 2025. In addition, Alamosa is home to the Division Three Water Court, one of seven water divisions in Colorado.

- c. Various requests to increase court-related staff (including JUD R6, JUD R7, JUD R8, JUD R9, JUD R10, and JUD R13).

The requests for increases in court-related staff are primarily due to increases court needs that are not directly related to the total number of cases being filed. For example, the Judicial Department is requesting additional Self-Represented Litigant Coordinators to assist pro se parties who do not have an attorney. While the overall number of case filings has not increased, the Judicial Department has experienced an increase in self-represented litigants and anticipates that the number of individuals who wish to represent themselves will continue to increase.

In addition, the Judicial Department is requesting additional resources for the Language Access program, which provides interpreter services for individuals who are not proficient with English. The need for interpreter services has increased in recent years even as the total number of case filings has declined. Both of these requests also support the Judicial Department's mission to provide access to the court system.

5. The Department has indicated that it would utilize the \$1,250,000 General Fund that is requested for the Courthouse Security Grant Program for FY 2015-16 as follows: \$700,000 to meet the need for safety equipment; \$500,000 to provide additional fund balance support due to the continuing declining revenues and the increasing costs of grant-funded salaries and benefits; and \$50,000 for continuing education for court staff, county officials, and law enforcement. Clarify which components of the requested funding are intended to continue in FY 2016-17. In addition, provide more detailed information about the type of security equipment that would be purchased and the jurisdictions that would benefit if this request is approved.

In FY 2016-17, the Judicial Department expects to request an additional \$550,000 to support the Courthouse Security cash fund and enable the fund to continue to support the grant programs, which enable counties to provide security personnel to courthouses (\$500,000) and to provide training to the security personnel and court staff (\$50,000). The Department does not expect to request additional General Fund support in order to provide equipment grants in FY 2016-17.

The goal of the Courthouse Security Grant Program is to make prudent choices that reduce risk at our courthouses. The Courthouse Security Grant Program is focused on deterring, detecting, and preventing courthouse security incidents. The Judicial Department's plan to maintain and improve courthouse security gives priority to funding functions that can best protect the lives of the public in our courthouses. The most important functions are those that can both prevent and/or deter a court security incident. In order of priority those functions are:

1. Sworn law enforcement officers dedicated to courthouse security duties;
2. Duress alarms located in critical areas of our courthouses, e.g., courtrooms, public service counters, judicial chambers;
3. Equipment that keeps court security officers safe; and
4. Multi-disciplinary court security training.

The next items provide important protection to detect and deter court security incidents but are not intended to prevent such events. In order of priority, these items are:

1. Magnetometers and hand held security wands;
2. Baggage X-ray machines;
3. Interior and exterior surveillance systems;
4. Access control systems;
5. Videoconferencing equipment to reduce prisoner transportation;
6. Secure doors and door hardware;
7. Bollards to deter vehicular attack;

8. Exterior lighting and fencing improvements to make parking lots safer;
9. Window film to deter intrusion and prevent windows from shattering in the event of an explosion;
10. Bullet resistant material for security posts and courtroom judicial benches;
11. Bullet resistant glass for public service counters and certain exterior windows; and
12. Resources to maintain security systems (maintenance fees).

As is the case with any grant program, not every item that is requested can be funded, primarily for the following three reasons: (1) the requested item, while important for life safety, is not related directly to courthouse security, e.g., fire safety equipment and Automatic Emergency Defibrillators (AED's); (2) the items requested, while directly related to courthouse security, are not necessary or meritorious enough to receive grant funding, and (3) there are insufficient grant funds available.

The Colorado Court Security Commission met on November 4, 2014 to review and award court security grant requests. A total of 51 counties applied for grants. All 38 priority counties applied for grants and all were awarded some portion of the amount requested. However, most equipment grant requests had to be denied due to funding constraints. The table below shows the name of the county, the type of equipment requested, and the dollar amount of the denied equipment request. All of the items below could have been approved had there been adequate funding.

PRIORITY COUNTY UNFUNDED COURT SECURITY EQUIPMENT REQUESTS 2015

COUNTY	EQUIPMENT REQUESTED	AMOUNT NOT FUNDED
Delta	Upgrade to surveillance system ¹ , improved locking mechanisms for court	\$116,924
Weld	Magnetometer and hand held security wands	8,501
Moffat	Upgrade to surveillance system	3,850
Montezuma	Backscatter X-ray and Baggage X-ray machine	296,707
Baca	Video surveillance system	17,630
Bent	TASER and additional duress alarms	1,070
Custer	Additional surveillance cameras	10,000
Cheyenne	Maintenance fees for videoconferencing, intrusion alarms, emergency generator, and duress alarms	29,637
Conejos	Bullet resistant vest for court security officer and security improvement to judge's chambers	12,548
Sedgwick	Install secure door	4,685
Mineral	Install secure door	4,685
Montrose	Installation of duress alarms, installation of "peephole" sight windows and improvement to court security office	27,075
Washington	Security window film application	1,612
Fremont	Access control improvements	4,489
Pueblo	Two magnetometers and baggage X-ray machine	37,000
Lake	Magnetometer and X-ray machine maintenance	2,800
Otero	Videoconferencing equipment upgrade	9,523
Prowers	Magnetometer and surveillance system upgrade.	10,020
San Juan	Videoconferencing equipment	4,367
Jackson	Video surveillance system	3,400
Morgan	Video surveillance system	27,000
Yuma	Magnetometer and maintenance fees for security equipment	15,863
Costilla	Electronic restraint device	1,500
	TOTAL UNFUNDED EQUIPMENT REQUESTS	\$650,886

The Courthouse Security Grant Program is directed by statute to allocate the majority of funding to counties where priority-county criteria are met. Thirty-eight counties currently meet the criteria. However, the courthouses where the majority of the public appear for their cases are all Front Range communities. It remains critically important that priority counties receive funding to keep the public safe.

The table below shows only the non-priority counties that received no grant funding for equipment, the type of equipment requested, and the dollar amount of the denied equipment request. In each instance, the equipment requested was deemed necessary to provide basic court security functions.

¹ The County will pay 50% (\$84,632) of the total cost for the upgrade.

NON- PRIORITY COUNTY UNFUNDED COURT SECURITY EQUIPMENT REQUESTS 2015

COUNTY	EQUIPMENT REQUESTED	AMOUNT NOT FUNDED
Broomfield	Upgrade to surveillance system	\$29,600
Arapahoe	Cameras, duress alarms and card reader system for Littleton Courthouse. Surveillance camera upgrade for Centennial Courthouse	86,000
El Paso	Magnetometer	6,400
Teller	Duress alarm, video surveillance system, electronic restraint devices, door locks, signage	49,268
Larimer	Surveillance system for Loveland Courthouse	22,250
Clear Creek	Bullet resistant glass for clerk's county and security mirrors	5,211
	TOTAL UNFUNDED EQUIPMENT REQUESTS	\$198,730

In addition to the equipment requests in the tables above, the Commission was unable to fund a \$39,000 first-time request for a Court Security Officer made by Las Animas County.

6. Detail the current allocation of funds through the Family-friendly Court Program, by jurisdiction and type of service. Further, describe how this allocation would change if the General Assembly provides the \$150,000 General Fund requested for this program for FY 2015-16.

Currently, the Family Friendly Courts Program is allocated \$230,000. In FY 2014-15, the program received requests from judicial districts totaling over \$400,000 to provide child care and supervised visitation/exchange under the program. The table below illustrates the breakdown of requests and awards listed by judicial district and service type for FY 2014-15. The current shortfall between available funding and funding requests is approximately \$177,000. This will negatively impact funds allocated for the supervised visitation and exchange portion of the grant. Without adequate funding, many rural jurisdictions will be unable to provide a safe drop off and pick up service to children in high conflict divorce situations. This will, in effect, mean the children are unable to have visitation with one parent during the pending case. If the General Assembly allocates the \$150,000 requested, the shortfall will be reduced to \$27,000 and the Department will be able to fund a majority of the needed supervised visitation and exchange programs.

Family Friendly Fund FY15 Awards

Judicial District	Program	FY15 Annual Request	FY15 Award Recommendations
Childcare			
2 nd	Childcare	\$5,729	\$5,729
4 th	Childcare	75,000	75,000
17 th	Childcare	3,000	3,000
18 th	Childcare	5,000	5,000
	SUBTOTAL	\$88,729	\$88,729
Supervised Visitation/ Exchange			
4 th	SV/SE	\$20,597	\$11,102
6 th	SV/SE	5,226	2,108
7 th	SV/SE	46,705	21,581
8 th	SV/SE	49,671	22,837
10 th	SV/SE	17,000	7,967
11 th	SV/SE	2,400	968
12 th	SV/SE	7,000	2,825
13 th	SV/SE	43,175	18,809
16 th	SV/SE	26,000	8,878
19 th	SV/SE	40,000	19,313
20 th	SV/SE	35,028	15,287
21 st	SV/SE	15,250	5,599
22 nd	SV/SE	11,948	4,822
	SUBTOTAL	\$320,000	\$142,096
GRAND TOTAL		\$408,729	\$230,825

(JUD R2) Banking Fees

7. Has the Department considered contracting with a bank other than Wells Fargo?

The Judicial Department has not considered contracting with a bank other than Wells Fargo. Wells Fargo was awarded the State Price Agreement for the State of Colorado Treasurer's banking institution services in 2013. During the solicitation process, the Treasurer's Office

reviewed several different aspects of various financial institutions for their fees, service, and capabilities.

In addition, Wells Fargo was selected by the Treasurer's Office in 2009 to provide merchant fee services for credit card transactions for the State of Colorado. This contract was recently renewed through October 2016. The Judicial Department has been operating under the same State of Colorado contract for Merchant Program Pricing covering the credit card merchant fees.

(JUD R3) Network Bandwidth and Networking Equipment

8. Provide an update on the Department's information technology initiatives that involve the sharing of information with District Attorneys' offices.

The Department currently has two Information Technology (IT) initiatives that involve sharing of information with the District Attorney's electronic case management system (ACTION). The most recent initiative that the Department and the District Attorney's office have partnered on is integrating the Department's criminal e-filing system (ICCES) with ACTION so that documents can be shared between both systems. Of the thirteen system integration tasks identified between ICCES and ACTION, nine critical and necessary system integration tasks were completed in an effort to support the Department's criminal e-filing rollout schedule, which began in Pueblo on October 6th, 2014. The Department, District Attorneys' offices, and the Office of the State Public Defender are now able to electronically file criminal pleadings in Pueblo County.

On January 20th, the Judicial Department will implement criminal e-filing in the 8th Judicial District (Larimer and Jackson Counties).

While not critical to overall system functionality, the Department and the District Attorney's office will continue to work on the remaining four system integration tasks that will provide enhanced functionality.

Since 1998, a second information sharing agreement between the Department and the District Attorney's office is the exchange of criminal justice case information through the statewide Colorado Integrated Criminal Justice Information System (CICJIS). With the exception of the 2nd Judicial District Attorney's office, the Department and the District Attorney's office exchange criminal case information in all other judicial districts.

(JUD R5) Probation Supervisors and Staff

9. Describe the types of offenders that are supervised by state probation staff and the types of offenders that are supervised by private probation providers.

Case type distribution of offenders between state and private probation is determined primarily by the assessed risk level of the offender, except for those convicted of a sex offense. Section 18-1.3-202(2), C.R.S. (2014) authorizes the probation department in each judicial district to enter into agreements with any corporation or private agency to provide supervision of other services for defendants placed on probation. Chief Justice Directive 04-03 (Amended April 2011), probation resources Part II., states supervision shall be governed by the “risk of re-offending” and non-high risk offenders, either felony or misdemeanor, may be supervised by use of contract (private) probation services. Risk also determines the priority use of probation resources; the higher the risk, the greater the resource priority. State probation interprets “non-high risk” to mean those offenders who are assessed at a low medium and lower level of risk. The percentage of any department’s caseload assigned to private probation is dependent on whether private probation is available in the district, local policy regarding the use of technical approaches for supervision of low risk offenders (phone based reporting systems), and the unique characteristics of the case or offender irrespective of the assessment results.

State probation supervises offenders assessed at all levels of risk. However, state probation exclusively provides supervision for offenders requiring intensive, maximum and high medium levels of supervision, as well as all sex offenders.

10. Describe the background check(s) that are required for state probation staff and the background check(s) that are required for staff employed by private probation providers. Further, please provide an update on the impact of the funding that was provided by the General Assembly for FY 2014-15 to allow the Department to add 1.0 FTE Human Resources Technician to assist in conducting criminal background checks for probation staff.

Beginning in 2003, the Judicial Department started conducting criminal history checks on all FTE employees (courts and probation) working for the Department. As an example, from November 1, 2013 to October 31, 2014, the unit performed 2,895 criminal history checks. Below are a few bullet pointed items regarding the criminal history check process.

- The Division of Human Resources has a special unit (2.0 FTE) that performs all criminal history checks. The 1.0 FTE funded in FY 2014-15 has allowed the Department to maintain a reasonable schedule for returning results to the hiring managers.

- All new state Judicial employees including probation officers and private probation employees must pass an Eclipse, Denver County, CBI, NCIC, and/or FBI criminal history check prior to beginning employment.
- The criminal history checks unit has created a standardized list of criteria for the review of each criminal record that is used to approve or decline applicants.
- In 2012, the Department also created a standardized review for private probation employees who work on contract for the Judicial Department. The same criminal background checks unit reviews all prospective private probation employees. A new criminal history check is run on active private probation employees every 24 months.

11. Provide probation caseload and staffing data for the last several years including: (a) the number of adults and juveniles that were supervised by state staff and the number that were supervised by private probation providers; and (b) the number of probation officers, supervisors, and support staff.

Probation Caseloads				
Fiscal Year	Adults Supervised by State	Juveniles Supervised by State	Adults Supervised by Private	TOTALS
2012	54,934	5,471	19,715	80,120
2013	56,660	4,831	19,316	80,807
2014	56,726	4,299	18,558	79,583

Probation Staff				
Fiscal Year	Probation Officers	Supervisors	Support Staff	TOTALS
2012	828.38	108.25	168.03	1,105
2013	850.38	116.50	168.59	1,135
2014	852.43	116.75	168.48	1,138
2015	852.63	120.75	168.58	1,142

12. Describe the Department's goal with respect to probation staffing levels, and how the request to add 20.0 FTE Supervisors and 5.0 FTE Support Staff in FY 2015-16 will help the Department achieve that goal.

The 20.0 FTE Probation Supervisor request is to begin to approximate the staffing level of supervisors (currently 69 percent) to that of probation officers (currently 94 percent). An increase of 20.0 FTE will increase the supervisor staffing level to 75.3 percent. The 5.0 FTE Support Staff is necessary to provide support staff coverage to more rural probation office

locations during their hours of operation. Currently, some rural office locations do not have such coverage or are only able to cover a portion of a business day. A lack of support staff results in Probation Officers or Probation Supervisors to cover support functions, which is not a good use of resources.

The Department's ultimate goal is to achieve staffing levels of 100 percent in all job classifications. To achieve this goal in FY 2015-16, it would require adding 66.0 FTE Supervisors, 59.0 FTE Support Staff, and 64.0 FTE Probation Officers. The Supervisor FTE need has been prioritized because the supervisors are critical to the effective implementation of evidence-based practices and because of the great disparity in staffing levels between probation officers and the people who supervise and coach them.

(JUD R6) Self-represented Litigant Coordinators ("Sherlocks") and Family Court Facilitators

13. Detail the current allocations of Sherlocks and Family Court Facilitators among judicial districts, and the anticipated allocation of such staff should the General Assembly approve the FY 2015-16 request.

The table below shows the current allocations and anticipated allocations of Sherlocks and Family Court Facilitators among judicial districts.

Self-Represented Litigant Coordinator Allocation and Request

Judicial District	FY14 Actual	FY15 SRLC Allocation	New FY15 Actual	FY 16 SLRC Proposed Allocation	New FY16 SLRC Proposed Total
1st	2.00	1.00	3.00	0.00	3.00
Denver District	1.00	1.00	2.00	0.50	2.50
2nd Juvenile	0.50	0.00	0.50	0.50	1.00
2nd Probate	0.50	0.00	0.50	0.50	1.00
3rd	0.50	0.00	0.50	0.50	1.00
4th	2.00	0.50	2.50	0.50	3.00
5th	0.50	0.00	0.50	0.50	1.00
6th	1.00	0.00	1.00	0.00	1.00
7th	1.00	0.00	1.00	0.50	1.50
8th	1.00	1.00	2.00	0.00	2.00
9th	0.50	0.50	1.00	0.00	1.00
10th	1.00	0.50	1.50	0.00	1.50
11th	0.50	0.50	1.00	0.00	1.00
12th	1.00	0.00	1.00	0.00	1.00
13th	0.50	0.00	0.50	1.00	1.50
14th	0.50	0.50	1.00	0.00	1.00
15th	0.50	0.00	0.50	0.50	1.00
16th	0.50	0.00	0.50	0.50	1.00
17th	2.00	0.00	2.00	0.00	2.00
18th	2.00	1.00	3.00	1.00	4.00
19th	1.00	1.00	2.00	0.00	2.00
20th	1.00	1.00	2.00	0.00	2.00
21st	1.00	0.50	1.50	0.00	1.50
22nd	1.00	0.00	1.00	0.00	1.00
Appellate*	0.00	1.00	1.00	0.00	1.00
Total	23.00	10.00	33.00	6.50	39.50

Summary:

FY15: 1st, Denver District, 4th, 8th, 9th, 10th, 11th, 14th, 18th, 19th, 20th, 21st, SCAO, COA

FY16: Denver District, Denver Juvenile, Denver Probate, 3rd, 4th, 5th, 7th, 13th, 15th, 16th, 18th

*Appellate positions serve both the Supreme Court and the Court of Appeals.

Self-Represented Litigant Coordinator Program Coordinator Allocation and Request

Location	FY14 Actual	FY15 Allocation	New FY15 Actual	FY 16 Proposed Allocation	New FY16 Proposed Total
SCAO	0.00	1.00	1.00	0.00	1.00

Family Court Facilitator Allocation and Request

Judicial District	FY14 Actual	FY15 FCF Allocation	New FY15 Actual	FY16 FCF Proposed Allocation	New FY16 Proposed Total
1st	2.00	1.00	3.00	0.00	3.00
Denver District	1.00	0.00	1.00	2.00	3.00
2nd Juvenile	1.00	0.00	1.00	0.00	1.00
2nd Probate	0.00	0.00	0.00	0.00	0.00
3rd	0.50	0.50	1.00	0.00	1.00
4th	2.50	1.50	4.00	1.00	5.00
5th	0.50	0.50	1.00	0.00	1.00
6th	0.50	0.50	1.00	0.00	1.00
7th	0.50	0.50	1.00	0.00	1.00
8th	1.00	0.00	1.00	0.50	1.50
9th	0.50	0.00	0.50	0.50	1.00
10th	1.00	0.00	1.00	0.00	1.00
11th	0.50	0.00	0.50	0.50	1.00
12th	0.50	0.50	1.00	0.00	1.00
13th	0.50	0.50	1.00	0.00	1.00
14th	0.50	0.00	0.50	0.50	1.00
15th	0.50	0.50	1.00	0.00	1.00
16th	0.50	0.50	1.00	0.00	1.00
17th	2.00	1.00	3.00	1.00	4.00
18th	2.50	1.00	3.50	0.50	4.00
19th	1.00	0.00	1.00	1.00	2.00
20th	1.00	0.00	1.00	0.00	1.00
21st	1.00	0.00	1.00	0.00	1.00
22nd	0.50	0.50	1.00	0.00	1.00
Total	22.00	9.00	31.00	7.50	38.50

Summary:

FY15: 1st, 3rd, 4th, 5th, 6th, 7th, 12th, 13th, 15th, 16th, 17th, 18th, 22nd, SCAO

FY16: Denver District, 4th, 8th, 9th, 11th, 14th, 17th, 18th, 19th

Family Court Facilitator Program Coordinator Allocation and Request

Location	FY14 Actual	FY15 Allocation	New FY15 Actual	FY16 Proposed Allocation	New FY16 Proposed Total
SCAO	0.00	1.00	1.00	0.00	1.00

14. What is the Department's overall strategy and long-term goal with respect to these types of positions?

A large number of parties in court cases, particularly in Domestic Relations cases, do not have attorneys. Cases where parties are unrepresented by attorneys provide courts with unique case management challenges. Family Court Facilitators and Sherlocks assist to address the challenges and meet the courts' case management needs by providing procedural information to people without attorneys, enabling them to access the courts.

Family Court Facilitators: The long-term goal for utilizing Family Court Facilitators is to actively, efficiently, and individually manage domestic relations cases. Facilitators assist judges and families by ensuring domestic cases are ready to be heard by a judge.

Staffing Determinations: Workload studies guide the Department's determination of FTE need. Data regarding the efficient resolution of disputes and surveys of public perceptions of access to the courts help the Department measure its success in serving its mission. The District Court Administrators and the Office of the State Court Administrator planned the proposed Facilitator allocation for FY 2015-16, prioritizing allocation to districts with fewer than 1.0 FTE allocated to domestic relations cases, districts with multiple counties and large geographical distances between court locations, and districts that limit Facilitator services to discreet segments of the caseload (i.e., pre-decree matters without attorneys).

Self-Represented Litigant Coordinators (Sherlocks): Sherlocks are another important component of the Department's numerous efforts to meet the changing public needs of the legal system, including accommodation of the increasing litigant population without legal representation. While courts cannot provide legal advice (i.e., recommend a specific course of action to a litigant based on the facts of a case), courts have an obligation to provide litigants with information on court procedures—how to file a case, court terminology, court logistics, etc.

Staffing Determinations: The Department commenced a comprehensive statewide effort to improve services to litigants without lawyers in 2013, with 12.0 Sherlock FTE allocated in FY 2012-13, 10.0 Sherlock FTE in FY 2013-14, and 11.0 Sherlock FTE in FY 2014-15 (including 1.0 FTE for appellate work and 1.0 FTE as a statewide coordinator).

While workload models do not yet exist to assess Sherlock staffing needs, uniform statewide efforts to collect data regarding the volume of public contacts with Sherlocks began during FY 2014-15. Uniform statewide data collection regarding the insufficient staffing resources, the duration of litigant contacts with Sherlocks, public satisfaction with those contacts, and establishment of a workload model will assist in measuring outcomes and determining

future staffing requests. The Department will continue to survey the public regarding court accessibility to evaluate and improve current practices.

15. Has the Department analyzed the costs and benefits of adding Sherlocks and Family Court Facilitators? What types of performance measures are impacted by these positions? Will these positions be included in the Results First data collection that is being conducted by the Office of State Planning and Budgeting?

The Judicial Department has not employed a formal cost-benefit analysis of the Sherlock and Family Court Facilitator programs. Both programs provide access to the legal system, assist with the efficient resolution of disputes, and enhance protection of individual rights. The feedback from the Department's Access and Fairness Surveys administered statewide assists in evaluating the adequacy of efforts to serve litigants who handle their own court cases without assistance from lawyers. The Department will continue to expand collection of data to measure the use and effectiveness of these programs.

Results First data collection will not include Facilitator and Sherlock positions. The Judicial Department will use the Results First Initiative to analyze programs and policies within the criminal justice system. The Facilitator and Sherlock programs are presently beyond the scope of this initiative at this time.

(JUD R7) Appellate Court FTE

16. Describe how the current number of judicial officers and staff in the Court of Appeals affects the backlog of criminal appeals cases. Further, would approval of this request improve the Court's ability to process these cases more quickly?

The backlog of criminal appeals cases at the Colorado Court of Appeals is primarily due to delays in the filing of briefs by the Office of the State Public Defender and the Office of the Attorney General. With the allocation of additional resources to both offices' criminal appellate divisions in FY 2013-14 and FY 2014-15, the public defender and attorney general are working diligently to integrate these additional positions and are making progress in reducing the time frame for filing appellate briefs.

The Colorado Court of Appeals is a divisional court where judges sit in panels of three to decide cases. The current number of judges allocated to the Colorado Court of Appeals allows the court to have seven three-judge divisions. Cases that have requested oral argument and cases where oral argument is waived are calendared to the divisions every month of the calendar year. Additionally, appeals with drafts authored by staff attorneys are assigned to the divisions through a separate distribution process on a monthly basis. The Court's goal is to distribute 21 staff attorney drafts to the divisions three times per month. However, due to the reduction in the number of cases assigned to staff attorneys and the resulting decline in drafts produced (based on the need to divert resources to assist the

Editor of Opinions), the Court has on average had to skip 2 distributions per quarter resulting in a decline of approximately 150 opinions issued per year. Based on the Court's overall caseload, 40 of these cases would involve criminal appeals.

Accordingly, if the Assistant Editor of Opinions were funded, the Court would be in a position to produce approximately 40 additional criminal opinions per year, while simultaneously reducing delays in the other cases types assigned to the Court's staff attorneys as well.

(JUD R11) Courthouse Capital and Infrastructure Maintenance/ H.B. 14-1096

17. Describe how the funding requested for courthouse furnishings relates to the funding that is requested for the new Underfunded Courthouse Facilities Grants Program that was authorized through H.B. 14-1096.

Pursuant to Sections 13-3-104 and 108, C.R.S. (2014), Colorado counties provide and maintain adequate courtrooms, and other court and probation facilities, while the State provides the furnishings and staffing that allow facilities to function. Though each judicial district works with its county commissioners on space-related issues, it is ultimately the counties—and often the voters as well—who decide when to provide new or remodeled court and probation facilities. When a new or remodeled facility is constructed, statute requires the Judicial Department to provide the furniture to make the facility useable for its intended purpose. The Department attempts to re-use existing furniture whenever possible.

House Bill 14-1096 specifies funds from the Underfunded Courthouse Facilities Grant Program may only be used for commissioning master planning services, matching funds or leveraging grant funding opportunities for construction or remodeling projects, or addressing emergency needs due to the imminent closure of a court facility. Funds from the cash fund may not be used for the purchase of furniture, fixtures, or equipment.

Therefore, the funding requested for the Underfunded Courthouse Facilities Grant Program differs from the funding requested for courthouse capital in that the Underfunded Courthouse Facilities Grant Program is precluded from being used for furniture, fixtures, or equipment while the courthouse capital is specifically intended for that purpose.

Requests for courthouse capital may be made in fiscal years when Underfunded Courthouse Facilities Grant Program projects are completed. However, the FY 2015-16 courthouse capital request does not include any funding for furniture, fixtures, or equipment related to Underfunded Courthouse Facilities Grants Program projects because no awards have yet been made for those projects.

18. Provide an update on the implementation of the Underfunded Courthouse Facilities Grants Program, including any grants that have been awarded to date and/or the anticipated time frame for making grant awards.

All of the appointments to the Underfunded Courthouse Facilities Commission (“Commission”) were made in accordance with the statutory direction. The Office of the State Court Administrator is coordinating the administrative work and the Underfunded Courthouse Facilities Cash Fund (“Fund”) at the direction of the Commission. The Commission has met and reviewed the draft guidelines and application, as required by statute. The Commission has approved one grant cycle for FY 2014-15 to begin on March 2, 2015. The Commission will distribute information on the Fund and the grant process to county governments and other stakeholders before the end of calendar year 2014. This information will identify the counties eligible to receive a grant and more specific information regarding the purpose of the Fund.

(JUD R12) Problem-solving Courts FTE

19. What was the source of the grant that is currently supporting 2.8 FTE in Problem-solving Courts, and for which the Department is requesting General Fund support in FY 2015-16?

Below is a timeline history of problem solving courts in Colorado. The 2.8 coordinator FTE was originally funded with a federal grant through the 2012 Bureau of Justice Assistance Drug Court Discretionary grant program.

- 1994: First problem solving court in Colorado started in the Denver District Court (Adult Drug Court).
- 2007: State Problem Solving Court Coordinator role was created at the State Court Administrator's Office to aid with statewide program support and coordination. Twenty-eight programs were in operation by the end of 2007.
- 2009: Awarded \$2 million ARRA grant to support and expand problem solving courts. Up until this point all programs were supported locally within existing resources, which severely limited programs' ability to implement research-based best practices.
- 2009: First veteran's court started in the Fourth Judicial District.
- 2011: Received permanent funding from the legislature to replace ARRA grant funding for 32.7 FTE including magistrates, coordinators, probation officers, and court judicial assistants.
- 2012: Received a Bureau of Justice Assistance grant for 2.8 FTE Problem Solving Court Coordinator positions.
- 2013: Provided General Fund appropriation for 8.8 FTE Problem Solving Court Coordinator positions for family treatment courts (drug addicted parents in dependency and neglect cases) and veteran's court.
- 2014: Seventy-eight operational problem solving courts around the State serving approximately 3,700 participants at any given time.

20. Problem-solving courts:

- a. Have these courts met the Department's expectations?

Yes, based on the 2012 statewide evaluation, Colorado problem solving courts are producing equivalent or better than national averages on program graduation rates and recidivism reductions. The evaluation also reported the following statistically significant results:

- Twenty-four months after program entry, participants (regardless of whether they graduated from the program) had significantly lower recidivism, including significantly fewer:
 - drug charges and DUI charges;
 - person charges; and
 - misdemeanor and felony charges.

- b. Please provide any available data concerning the costs and benefits of these specialized courts.

The Department does not currently have Colorado specific data on the cost benefit of problem solving courts. There is, however, a large body of national research that demonstrates drug courts are highly cost effective:

- A 2008 cost-related meta-analysis concluded that drug courts produce an average of \$2.21 in direct benefits to the criminal justice system for every \$1.00 invested — a 221 percent return on investment when measuring reduced costs related to reduced re-arrests, law enforcement contacts, court hearings, and use of jail or prison beds (Bhati et al.,2008).²
- When additional cost-offsets were also taken into account, such as savings from reduced foster care placements and healthcare service utilization, studies have reported economic benefits to local communities ranging from approximately \$3,000 to \$13,000 per drug court participant (e.g., Aos et al., 2006;Carey et al., 2006; Finigan et al., 2007; Loman, 2004; Barnoski & Aos, 2003; Logan et al., 2004).³

- c. Will Problem-solving Courts be included in the Results First data collection that is being conducted by the Office of State Planning and Budgeting?

The Judicial Department is currently working on a Memorandum of Understanding to participate in the Results First initiative. It is anticipated that problem solving courts will be included.

² Marlowe, Doug; 2010, *Research Update on Adult Drug Courts*, National Association of Drug Court Professionals

³ Ibid

- d. Should existing court resources be re-prioritized to either increase or decrease funding for Problem-solving Courts?

The number of problem solving courts has almost tripled since 2007 and these programs are continuing to expand in Colorado. Since these courts have been local initiatives, some shift in resources has already occurred to allow for the initial implementation. The 2012 statewide evaluation, along with data from national research indicate that problem solving courts are a good investment. It is likely that problem solving courts will require additional resources, with the greatest need being for additional Problem Solving Court Coordinators. At this time, it is impractical to further shift existing court staff from other programs into the problem solving courts. While current trial court staffing levels appear to be at or near full staffing in many judicial districts, it is important to note that the current workload model for trial court staff is a decade old and does not include Problem Solving Court Coordinators. Changes in law, policy, and technology in addition to the growth of problem solving courts over the last ten years require an update to the model through a new time and motion study. Unintended negative impacts to court operations may occur if resources are reprioritized at this time. A time and motion study is tentatively scheduled to take place in late 2015 with a new workload model estimated for completion in early 2016.

- e. Should any of the existing Problem-solving Courts be consolidated?

Each problem solving court is developed with research based principles and take into account resources within the local community. In addition, problem solving courts are designed to address unique issues of specific populations (drug addicted adults, offenders with mental health issues, the unique needs of veterans, juveniles etc.). This would make consolidating existing problem solving courts logistically problematic and, more importantly, would impact the efficacy of the programs. The individualized treatment of participants in problem solving courts is a best practice that is facilitated by the current design and separation of these programs.

- f. What is the Department's long-term goal with respect to Problem-solving Courts?

The Judicial Department's long term goals with respect to problem solving courts are:

- Continue to develop quality improvement mechanisms to ensure implementation of best practices. These mechanisms include:
 - a best practice self-assessment with key information on the practices in each problem solving court and highlights areas of improvement;
 - a peer evaluation system, completed by practitioners who recommended enhancements; and
 - a statewide cost benefit analysis within the next five years.

- Increase scope and frequency of training for active programs to ensure all team members have current and relevant training available.
- Provide more comprehensive training and resource support for new programs.
- When determined necessary, work to increase personnel and treatment funding to support the need in existing and new court programs.

(JUD R14) Establishment of the Office of the Respondent Parents' Counsel

21. Please comment on whether it is possible to achieve a more appropriate balance between: (a) ensuring that the OADC, OCR, IEC, and the newly created Office of the Respondent Parents' Counsel (ORPC) have the ability to effectively carry out their missions; and (2) eliminating inefficiencies related to administrative functions that may be best provided by the State Court Administrator's Office or through shared resources, such as: information technology services; accounting; the purchase or leasing of equipment and furnishings; human resources; and administrative/reception support.

The State Court Administrator's Office (SCAO) currently provides numerous services as requested for independent agencies and/or tenants of the Ralph L. Carr Colorado Judicial Center (see the chart below). SCAO is willing and able to explore expansion of these services using the following guidance:

- The Judicial Department believes sharing services is good government. The Department should always be looking for less expensive and more efficient ways to deliver the same or better services.
- **Any change must preserve policy and operational independence of all agencies.**
- Efficiencies can best be gained between with willing partners who agree to follow a standard set of policies and processes. Tailored policies reduce efficiencies and increase costs.
- Look at ways to leverage buying power and pool resources for same or better outcomes while consuming fewer resources.
- By pooling resources, we create economies of scale and reduce operational redundancy for vacations and unexpected departures.
- Focus on administrative and back office functions.
- Identify opportunities for sharing resources to provide expanded or enhanced functions for agencies where dedicated staff do not exist for certain functions (i.e. purchasing, dedicated telecomm, internal audit, web master).
- There is no desire to direct how an agency operates its core business.

SCAO Administrative Services Provided to Independent Agencies/Carr Tenants

	Public Defender	ADC	OCR	Attorney Regulation	Independ Ethics	Judicial Perform	Judicial Discipline	CDAC	RPC	Law
Financial Services										
Accounting					X	X	/	reporting		
Accounts Payable					X	X				
Budget Schedules				X	X	X	X	X		
Decision Items				X	X	X	X	X		
Rev/Expenditure monitoring					X	X				
Internal Audit										X
Fleet										A
West Law/Lexis (handled through Law Library)				X		X	X			X
Procurement		/	/	/	X	X	X		X	/
Year End Transfers	X	X	X	X	X	X	X	X	X	
WC/Risk mgmt payments	X	X	X	X	X	X	X	X	X	

Human Resources

Payroll		X	X	X	X	X			X	
Benefits		X	X	X	X	X			X	
unemployment		X	X	X	X	X			X	
Personnel Rules						X				
Recruitment					X	X				
Classification						X				
HR Investigations					/		/		/	
Criminal History		X	X		X	X	X		/	
Compensation					/	X	/		/	
Training		A	A							
Conference Planning/Facilities	/	/	/	/	/	/	/		/	/

Information Technology

Email					X	X				
Server Room	X	X	X	X	X	X	X		X	X
desk top support					X	X				
application development										

X SCAO provides

/ SCAO provides partial services or occasional help

A Agency provides partial service to SCAO/Others

22. Please describe the Department's plans concerning the office space for the ORPC.

The budget request related to the establishment of a Respondent Parents' Counsel Office assumes that the new agency would build out and lease space in the Ralph L. Carr Colorado Judicial Center. The following are the assumptions that we used in calculating the lease space needs:

Capital Outlay

Capital Outlay- desks, PC,s etc (\$5,303/FTE)						53,030
Office Startup Capital						
Reception/Conf Rm/break Area						17,000
Filing Cabinets/Bookcases						7,500
subtotal						<u>77,530</u>
Space build out				<u>SF</u>	<u>cost/sf</u>	
Exec Dir	PO5	224	1	224	\$ 100	22,400
Deputy	PO4	196	1	196	\$ 100	19,600
Staff Assistant	W4	80	1	80	\$ 100	8,000
Staff Attorney	PO3	140	2	280	\$ 100	28,000
Paralegal	W4	80	1	80	\$ 100	8,000
Trainer	PO3	140	1	140	\$ 100	14,000
Controller/Budget/HR	PO3	140	1	140	\$ 100	14,000
Bill Payer	W4	80	1	80	\$ 100	8,000
Programmer	PO3	140	1	140	\$ 100	14,000
Conference Rm (Seats 16)	CR7	392	1	392	\$ 100	39,200
Reception	RA3	144	1	144	\$ 100	14,400
Case Work Room	WR3	252	2	504	\$ 100	50,400
Files		16	20	320	\$ 100	32,000
Break Area	KED1	77	1	77	\$ 100	7,700
Circulation (30%)				839	\$ 100	83,910
				<u>3,636</u>	<u>\$ 100</u>	<u>363,610</u>
Total Capital						441,140

The executive director for the Respondent Parents’ Counsel Office, once hired, may choose to lease space somewhere other than the Ralph L. Carr Colorado Judicial Center. However, the assumptions above are the Judicial Department’s best projection for lease space needs.

(JUD R15) Restorative Justice Coordinator

23. Provide a brief history of restorative justice programs, and any evidence that exists as to whether these programs are effective.

Restorative Justice (RJ) has been practiced in Colorado since the early 1990’s. Early programs such as the Longmont Community Justice Partnership (LCJP) (www.lcjp.org) and Center for Restorative Programs (www.restorativeprograms.org) in Alamosa have been in operation for 20 years. From data collected by LCJP, the average satisfaction rate for victims, offenders, and participating community members is in the 90th percentile. The average completion rate for contracts with offenders to repair harm is 90 percent. The average

recidivism rate for offenders who complete their agreements is 10 percent in the year they are tracked.⁴ This outcome data is consistent with national and international averages as well.⁵

On March 29, 2007, the Colorado Restorative Justice Coordinating Council (RJ Council) was created within the State Court Administrator's Office (SCAO) pursuant to House Bill 07-1129. The RJ Council's responsibilities include:

- To serve as a central repository for information;
- To support the development of RJ programs;
- To assist with education and training; and
- To provide technical assistance as needed.

The statute also encourages each local juvenile services planning committee to consider restorative justice programs when developing its resource plan. Approximately 85 programs and practitioners are currently listed in the RJ Directory for Colorado (see www.rjcolorado.org).

New legislation in 2013 expanded and clarified juvenile restorative justice programs in Colorado, with the goal of keeping juveniles out of the justice system. House Bill 13-1254:

- Established four juvenile RJ Pilot projects (pilots) throughout Colorado;
- Required data collection from the pilots and creation of a database;
- Changed the procedure for initiating the restorative justice process;
- Added members to the RJ Council;
- Created a surcharge establishing the RJ Cash Fund; and
- Created a 0.5 FTE position to coordinate the programs and staff the council at the state level.

The four pilots have screened 131 juveniles who met criteria with 129 juveniles accepted for program participation. Success rates for juveniles participating in the pilot programs are anticipated to be similar to the rates noted above. Data is being collected quarterly to track success rates. To date, 57 offenders have completed successfully. Recidivism will be measured starting at the end of 2015.⁶

⁴ (National Research Center, 2010) National Research Center. (2010). *Analysis of Longmont Community Justice Partnership Database 2007-2009*. Boulder, CO: National Research Center.

⁵ (Poulson, 2014) Poulson, B. (2014). *A Third Voice: A Review of Empirical Research on the Psychological Outcomes of Restorative Justice*. Utah: HeinOnline.

⁶ Colorado Department of Public Safety. (2014). *Final Annual RJ Diversion RJ Diversion Pilot Report*. Denver: Colorado Coordinating Council on Restorative Justice.

10:10-10:20 OTHER QUESTIONS

24. Describe the Department's progress in implementing H.B. 11-1300 and resolving court cases concerning conservation easements. Please include data concerning the number of cases that have been resolved and how many are still pending.

House Bill 11-1300 allowed taxpayers to waive the administrative process with the Department of Revenue (DOR) and appeal directly to the district court in response to a notice of deficiency, notice of disallowance, or notice of rejection from the DOR regarding a tax credit claimed on a conservation easement. As a result, the Judicial Department received 194 new cases filed in district court across the three regions created in the legislation. Over 80 percent of the cases have been resolved as of September, 2014. The table below contains a summary of the number of cases filed, cases closed, cases pending, and cases on appeal. Please note that the number of cases on appeal is a subset of the total open cases.

Conservation Easement Tax Credit Appeal Case Summary as of September 10, 2014

Region	Cases Filed	Cases Closed	Open Cases as of September 10, 2014	Cases on Appeal
Region 1	41	33	8	1
Region 2	129	106	23	1
Region 3	24	20	4	0
Total	194	159	35	2

25. Based on the Court's recent experience with a significant increase in cases involving foreclosures and tax liens, would it make sense to establish one or more specialized courts to address a similar spike in certain filings in the future?

The Judicial Department does not think it is necessary to establish one or more specialized courts to address spikes in certain case filings, such as foreclosures and tax liens. The cyclical nature of these types of case filings makes it difficult to justify a dedicated specialty court during the times when case filings are low. In addition, the Judicial Department generally advocates for courts with diversified dockets because this allows judges to have a wide breadth of knowledge in the law. During the past cycle of increased foreclosure cases, the courts were able to process these cases expediently within their normal docket structures.

26. How does the Department define an FTE? Is it consistent with the definition in Section 24-75-112 (1) (d), C.R.S.?

The Judicial Department defines an FTE as the budgetary equivalent of one permanent position continually filled full time for an entire fiscal year by state employees who are paid for at least 2,080 hours per fiscal year. In addition, the Judicial Department excludes contractual, temporary, or permanent seasonal positions from the definition of an FTE. The

Judicial Department definition of an FTE is consistent with the definition in Section 24-75-112(1)(d), C.R.S. (2014).

10:20-10:35 BREAK

10:35-10:55 OVERSIGHT OF COURT APPOINTMENTS IN DOMESTIC RELATIONS CASES (The Office of the Child's Representative is requested to join the Chief Justice and the State Court Administrator to respond to these questions)

27. Comment on the information provided in response to the Committee's request for information concerning current court and administrative practices related to the oversight of court appointments in domestic relations cases. Does a sufficient consensus for the General Assembly to consider taking steps to consolidate the oversight of state-paid Child and Family Investigator (CFI) appointments under one judicial agency? If so, what steps should the General Assembly consider?

While all three options (e.g., status quo, consolidation within the Office of the Child's Representative and consolidation within the Office of the State Court Administrator) are viable, feedback from internal and external customers suggests that the current division of oversight is confusing for the user, including judges, court staff, CFIs, attorneys, and litigants. The Office of the State Court Administrator recognizes this concern and agrees that consolidation would better serve court customers. Given the benefits of consolidation and strong opposition by the Office of the Child's Representative to consolidating CFI oversight under its authority, the Office of the State Court Administrator suggests consolidation under its authority.

If the General Assembly agrees with this proposed resolution, the General Assembly should draft a revision to Section 13-91-105(1)(c), C.R.S. (2014), provide FTE and operational resources that would allow the Office of the State Court Administrator to assume oversight of all CFI appointments, and increase the Judicial Department budget to pay the fees and expenses of court appointed attorney CFIs.

28. Describe the factors that are considered by a judicial officer when deciding whether to appoint an attorney or a non-attorney as a CFI.

Judicial officers consider a number of factors when deciding whether to appoint an attorney or non-attorney as a CFI. For example, the complexity of the legal issue may lead the judge to appoint a particular type of CFI. The judicial officer may lean toward appointing a lawyer if the legal issue is more complex. The judicial officer may also prefer to appoint the known attorney CFI rather than the unknown non-attorney CFI if the judicial officer has confidence in the work of attorney CFIs known to the court. The judicial officer may decide to appoint a CFI with expertise in child trauma or domestic violence if the case involves allegations of

child abuse or domestic violence. Similarly, if the child has educational, learning, medical or psychological disabilities, the judicial officer may elect to appoint a CFI with expertise in the relevant field. The same is true for cases involving parental mental illness or substance abuse.

29. Describe the nature or status of the CFI role. Is a CFI considered an "expert witness"?

Nature and Status of the CFI Role: A CFI is a neutral person appointed as an investigative arm of the court. A CFI may be an attorney, a mental health professional, or another individual with appropriate training, qualifications, and an independent perspective acceptable to the court. The CFI's role is to investigate, report, and make independent and informed recommendations through a written report and/or testimony, as directed by the court in the appointment order, taking into consideration the relevant statutory factors for determining the best interests of the child. The CFI must disclose any expressed wishes of the child. All potential appointees undergo a background check and attend a 40-hour CFI training. The court has discretion whether to appoint a CFI. Appointment is never mandatory. Courts often appoint CFIs in high conflict cases or cases involving safety concerns about the parents, such as substance abuse, mental health, or domestic violence. Judicial officers also consider the resources of the parties, concerns about potentially delaying the case resolution, and the agreement or lack thereof to the appointment of a CFI. Whereas some judges appoint CFIs only in cases involving child safety issues that require additional information unlikely to be presented by the parents, others appoint CFIs more often.

CFIs as Expert Witnesses: All witnesses can tell the court about relevant firsthand observations and opinions based on firsthand observations. The judge will decide how much weight to give that testimony. Testimony of a lay witnesses (e.g., those not formally held to be an expert in a particular field during a particular hearing) often helps judges make more informed decisions by gathering information (i.e., from collateral witnesses, criminal history, etc.) and informing the judge of firsthand observations. Not every case requires the same level of specialized knowledge.

Sometimes, a parent or attorney may ask the judge to determine a witness possesses specialized knowledge in a certain field. Sometimes both parties or their lawyers agree that a witness is an expert in child development because the parties and the lawyers are aware of the CFI's academic and professional background. Other times, one party may ask the judge to determine that a CFI is an expert in a certain field and after hearing about the CFI's education, professional experience, publications, history testifying as an expert in the field, etc., the judge may conclude, for example, "CFI Smith is qualified as an expert in the field of child development and infant attachment."

If the judge qualifies the CFI as an expert witness, due to specialized knowledge in a certain field that will help the judge better understand the evidence or determine a disputed fact, the CFI has a broader ability to provide her or his opinion. In other words, a CFI deemed an expert witness can provide an opinion based not only on firsthand observations, but also based on information regularly relied upon by experts in the field of expertise, such as peer-reviewed research. For example, a CFI who the court has not formally recognized as an expert witness in the hearing might tell the judge that the child would not leave mother's side. If that witness is qualified as an expert in child trauma, that CFI could provide the court with a greater context within which to interpret that observation (i.e., research regarding behavioral dynamics of children who have been abused by their parents), and the CFI could then provide not only his/her opinion, but the basis for that opinion, as derived from information regularly relied upon by experts in child trauma.

Lawyers tend to select CFIs who possess scientific, technical, or other specialized knowledge that would warrant their qualification as an expert. Many attorneys routinely follow the formal procedures for tendering the witness as an expert in a particular field, such as child and family investigation, child development, domestic violence, substance abuse, family dynamics and dysfunction, child and adult psychopathology, or child abuse. Judicial officers report attorneys ordinarily tender the CFI as an expert, whereas many judges do not formally qualify the CFI as an expert in cases without attorneys. Whether a CFI testifies as an expert by implication is debatable and may depend on the CFI's particular qualifications. Often parties do not expressly address this issue. While many CFIs may possess expertise that may warrant qualification as an expert in a particular field, others do not.

30. How often do judicial officers disagree with a CFI's recommendations to the court concerning the allocation of parental responsibilities or other issues identified by the court?

While the Judicial Department lacks data regarding the rate by which judicial officers accept CFI recommendations, a judicial officer's willingness to adopt the recommendations depends on one or more of the following factors:

- The thoroughness of the CFI's investigation;
- The CFI's demonstrated credibility with the court;
- The CFI's ability to persuade the court of the soundness of his or her recommendations; and
- The CFI's ability to effectively withstand cross-examination.

31. Are there any other judicial agencies that should be considered to take on the responsibility for overseeing CFI appointments (*e.g.*, the Office of the Respondent Parents' Counsel)?

Aside from the Office of the State Court Administrator and the Office of the Child's Representative, no other judicial agencies are appropriately structured or staffed to oversee CFI appointments.

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

32. Provide a list of any legislation that the Department has: (a) not implemented or (b) partially implemented. Explain why the Department has not implemented or has partially implemented the legislation on this list.

- Senate Bill 13-123 CONCERNING PROVISIONS THAT IMPROVE THE REINTEGRATION OPPORTUNITIES FOR PERSONS INVOLVED IN THE CRIMINAL JUSTICE SYSTEM. Senate Bill 13-123 requires courts to seal individual charges in a criminal case that were dismissed. Previously, sealing dismissed charges was limited to cases where all charges were dismissed. There are complicated legal and technological issues associated with implementing this bill. The State Court Administrator's Office is currently working on an implementation plan.
- House Bill 02-1046, CONCERNING THE RELOCATION OF CERTAIN EXISTING CRIMINAL SENTENCING STATUTES TO A NEW ARTICLE IN TITLE 18, COLORADO REVISED STATUTES. House Bill 02-1046 requires defendants to pay interest on unpaid restitution at a rate of 12 percent per year. Interest is owed from the date of the restitution order. The Judicial Department will automate calculation of interest on restitution by December 2015 in most cases. Interest calculations on cases where defendants in the same criminal incident owe restitution jointly and severally to a victim will be automated by June 2018. The Judicial Department is coordinating this effort with other entities with which we share data and processes.
- House Bill 14-1061, CONCERNING SENTENCES IMPOSING MONETARY PAYMENTS IN CRIMINAL ACTIONS, AND, IN CONNECTION THEREWITH, ELIMINATING PRISON SENTENCES FOR PERSONS WHO ARE UNABLE TO PAY CRIMINAL MONETARY PENALTIES. House Bill 14-1061 eliminated the Failure to Pay Warrant as of May 9, 2014. The Judicial Department Legal unit is currently working with judges who have ordered warrants for defendants who have failed to pay fees and fines since the legislation, to determine the legality of these orders. We anticipate full compliance by the end of FY 2014-15.

33. What is the turnover rate for staff in the Department? Please provide a breakdown by office and/or division, and program.

Judicial Department Turnover FY 2013-14	
Program	Turnover Rate
Overall Judicial Department	8.8%
Appellate Courts	12.5%
State Court Administrator's Office	10.0%
Trial Courts	8.8%
Probation	6.2%

34. Please identify the following:

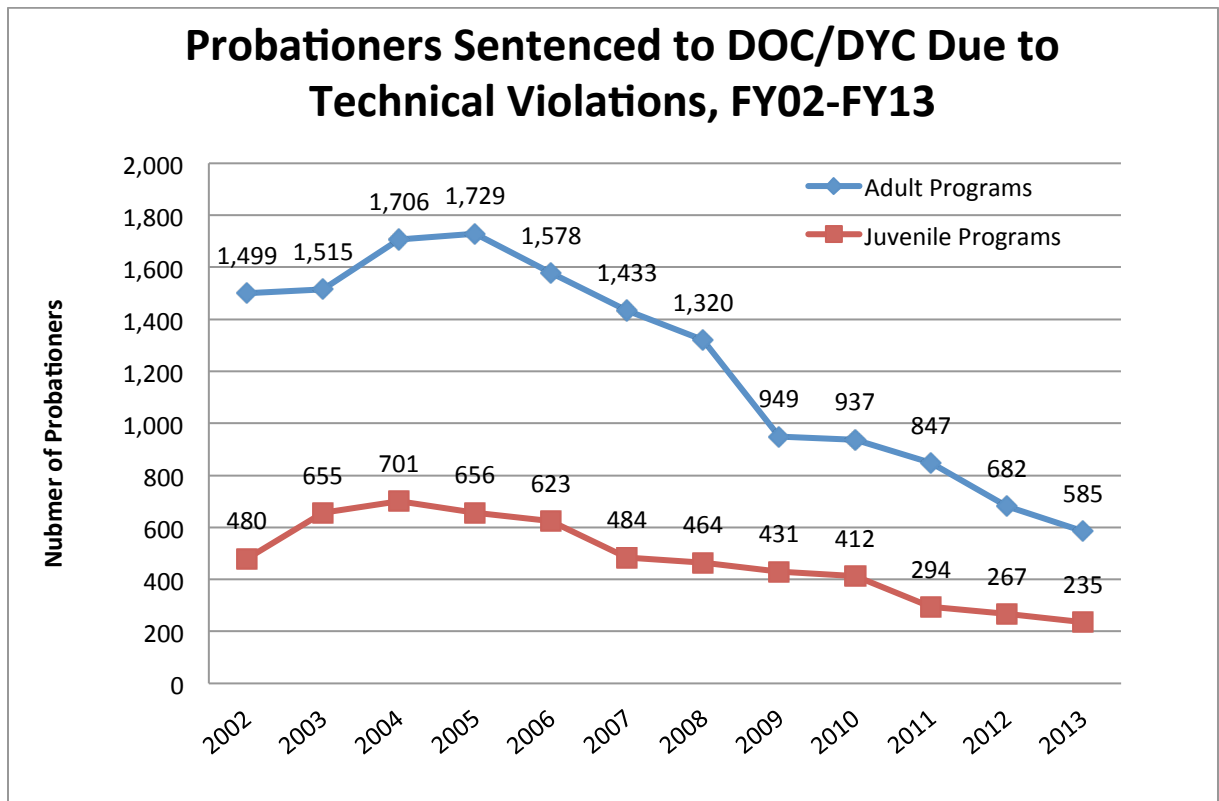
- a. The Department's most effective program;

The Judicial Department has many effective programs that are essential to our system of government. If we were to single out one, Probation would be near the top as one of our most effective programs. When adequately funded, Probation saves the State significant money, improves offender outcomes, and keeps offenders productively working in the community and with their families while maintaining public safety.

Since 2007, Probation has been able to reduce DOC and NYC placements by 2/3rd due to probation technical violations as a result of several efforts:

- A commitment to better integrate principles and practices supported by the research literature;
- Integration of implementation science into new initiatives that further support best practices;
- Providing performance feedback to probation staff using data and coaching;
- Meeting the statutory requirement to prove exhaustion of efforts prior to filing for revocation; and
- Operationalizing these efforts into a program addressing technical violations.

This, along with other effective legislative action, has eliminated the need to build a new prison.



- b. The Department’s least effective program (in the context of management and budget);

The Judicial Department does not generally continue programs that it considers to be ineffective. However, there are some programs whose effectiveness is hindered by a lack of resources or technology. One of those areas is network bandwidth. The demand by attorneys, jurors, and other court users for wireless access, video streaming, video conferencing, disaster recovery/backup solutions, and high-speed case management application performance, including document storage and retrieval, continues to grow throughout the State. While the Department received approval to upgrade thirty-two network circuits in mostly rural areas in FY 2014-15, a significant need to address the remaining rural and urban court and probation locations in FY 2015-16 remains. The network bandwidth currently available in most urban court and probation locations is 20Mbps or less and has not increased for the past four years. The network bandwidth in some rural locations is still 3Mbps or less. The current bandwidth is not adequate to keep up with today’s technological demands which require network redundancy and higher network speeds to handle increasing data, voice, wireless, and video network traffic. Department decision-makers cannot make timely and accurate decisions to ensure public safety without adequate network bandwidth and built in redundancies to ensure access in the event of network failures.

- c. Please provide recommendations on what will make this program (2.b.) more effective based on the Department's performance measures.

The Judicial Department would like to partner with network service providers and the Legislature to find a viable option for providing adequate network bandwidth, as well as network backup solutions, to all areas of the State. Currently, it is difficult for the Judicial Department to provide adequate network bandwidth to all of its locations due to gaps in the state network system.

35. How much capital outlay did the Department expend using either operating funds or capital funds in FY 2013-14? Please break it down between the amount expended from operating and the amount expended from capital.

The amount of capital outlay expended by the Judicial Department in FY 2013-14 was \$8,751,855. Of this amount, \$2,342,941 was from capital funds and \$6,408,914 was from various sources of operating funds (see table below).

**Colorado Judicial Department - Courts and Probation
Capital Outlay
Fiscal Year 2013-14**

Appropriation	Fund				Grand Total
	100 - GENERAL FUND	21Y - JUSTICE CENTER CASH FUND	462 - SPECIAL CAPITAL CONSTRUCTION	700 - OTHER EXPENDABLE TRUSTS	
106 - LAW LIBRARY				62,793	62,793
302 - ADMINISTRATION OPERATING	2,720				2,720
303 - COURTHOUSE CAPITAL	1,320,755				1,320,755
340 - JUSTICE CENTER OPERATING		554,913			554,913
502 - TRIAL COURTS OPERATING	327,911				327,911
945 - JUDICIAL CNTR PROJECT FUNDS			2,342,941		2,342,941
413 - IT INFRASTRUCTURE	1,464,618				1,464,618
SFT - ITS SOFTWARE DEVELOPMENT	2,675,204				2,675,204
Grand Total	5,791,208	554,913	2,342,941	62,793	8,751,855

36. Does the Department have any outstanding high priority recommendations as identified in the "Annual Report of Audit Recommendations Not Fully Implemented" that was published by the State Auditor's Office on June 30, 2014? What is the Department doing to resolve the outstanding high priority recommendations?

[http://www.leg.state.co.us/OSA/coauditor1.nsf/All/1FE335CE3162803F87257D7E00550568/\\$FILE/1422S%20-%20ANNUAL%20REPORT%20OF%20AUDIT%20RECOMMENDATIONS%20NOT%20FULLY%20IMPLEMENTED%20AS%20OF%20JUNE%2030,%202014.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/1FE335CE3162803F87257D7E00550568/$FILE/1422S%20-%20ANNUAL%20REPORT%20OF%20AUDIT%20RECOMMENDATIONS%20NOT%20FULLY%20IMPLEMENTED%20AS%20OF%20JUNE%2030,%202014.pdf)

The Judicial Department has no outstanding high priority recommendations.

Colorado Judicial Department

FY2015-2016 Budget Request

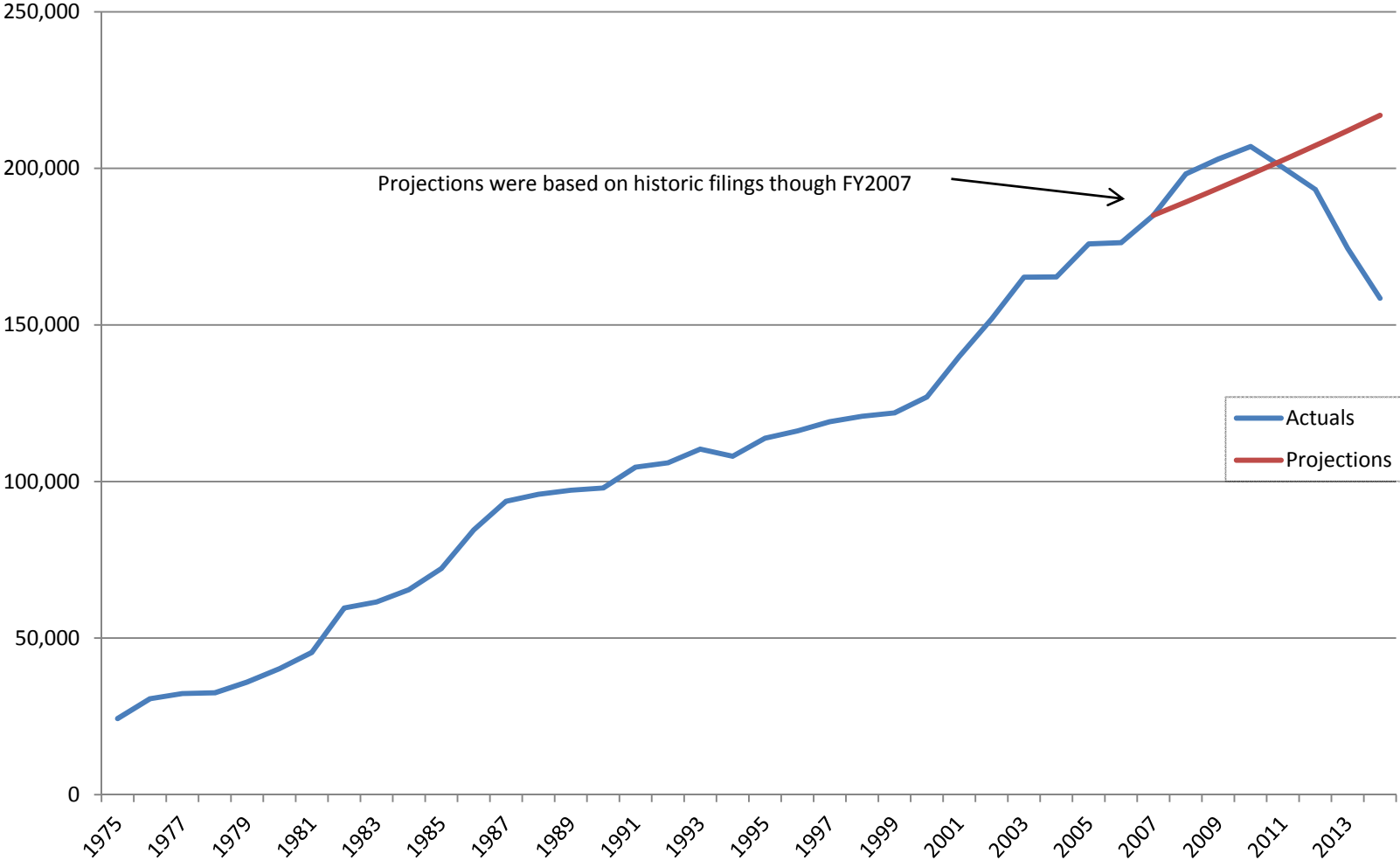
JBC Hearing

December 1, 2014

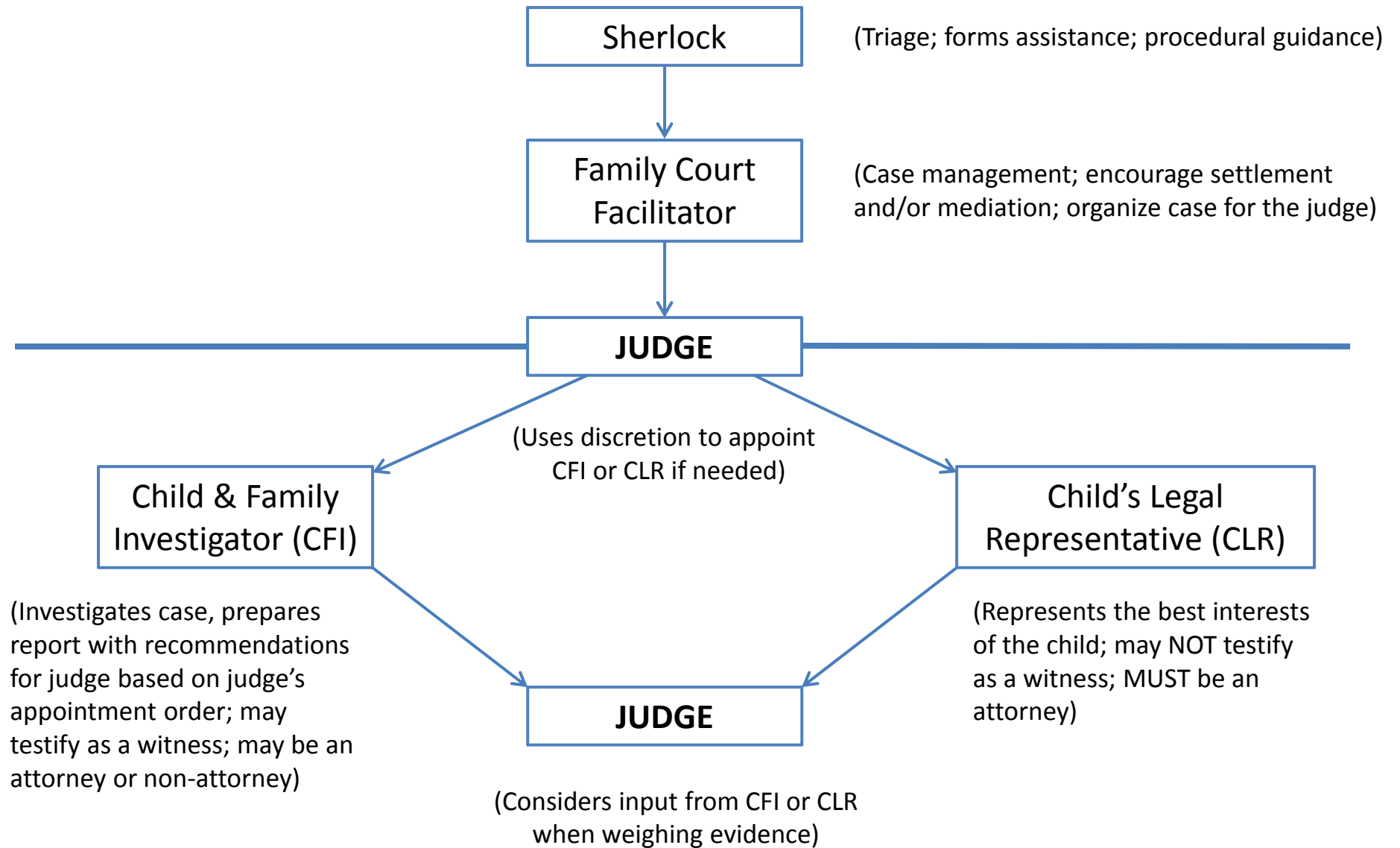


Abrupt Reversal of 30-Year County Court Filing Trend

County Court Civil Filings FY1975-FY2014

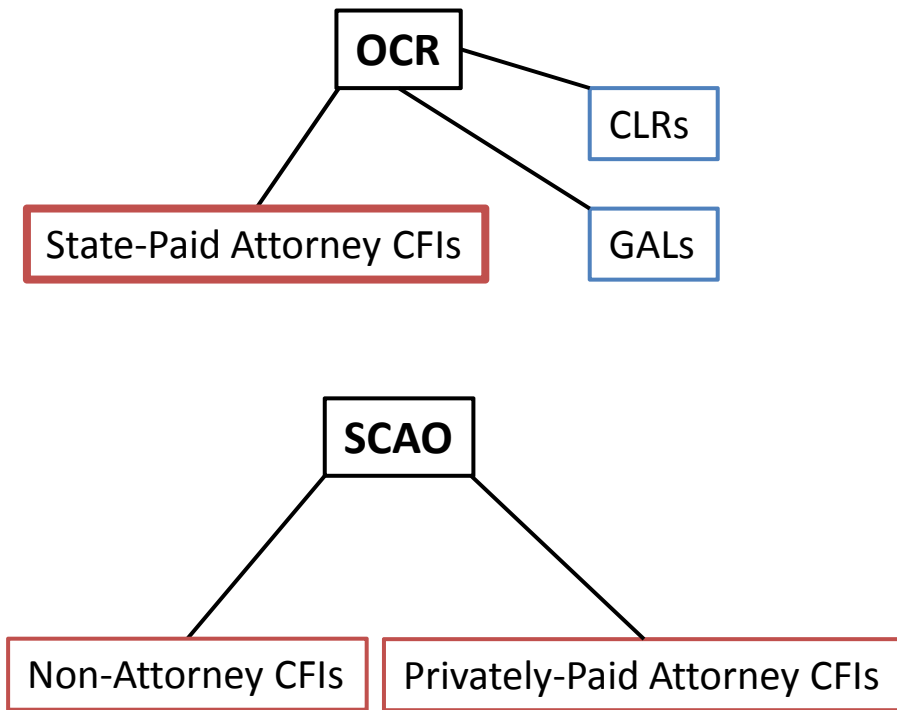


High Risk Divorce (DR) Case with Children – Hypothetical Progression

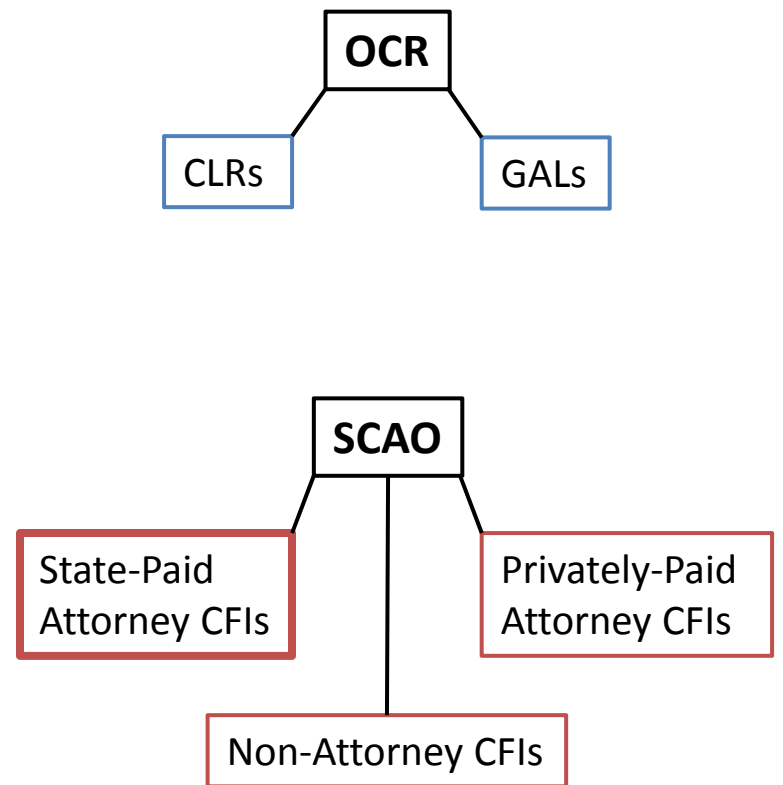


Oversight of CFIs and CLRs

Current Oversight

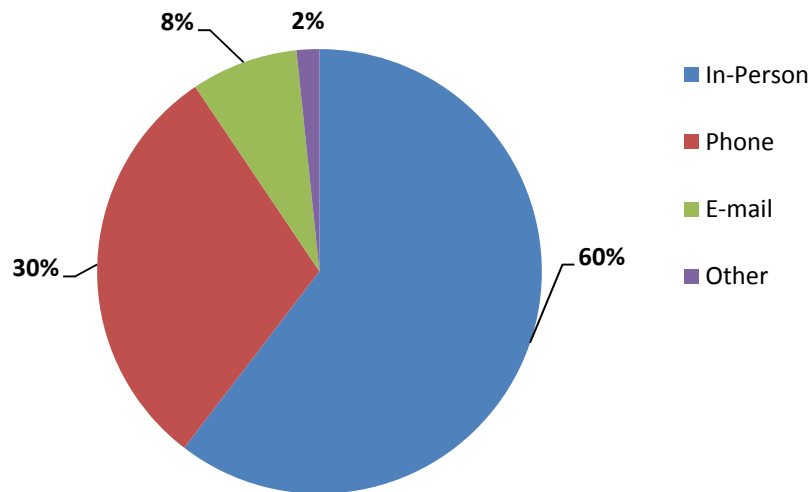


Suggested Oversight



Sherlock Impacts

**Contacts with Self-Represented Litigants
by Litigant Type
January - October 2014**



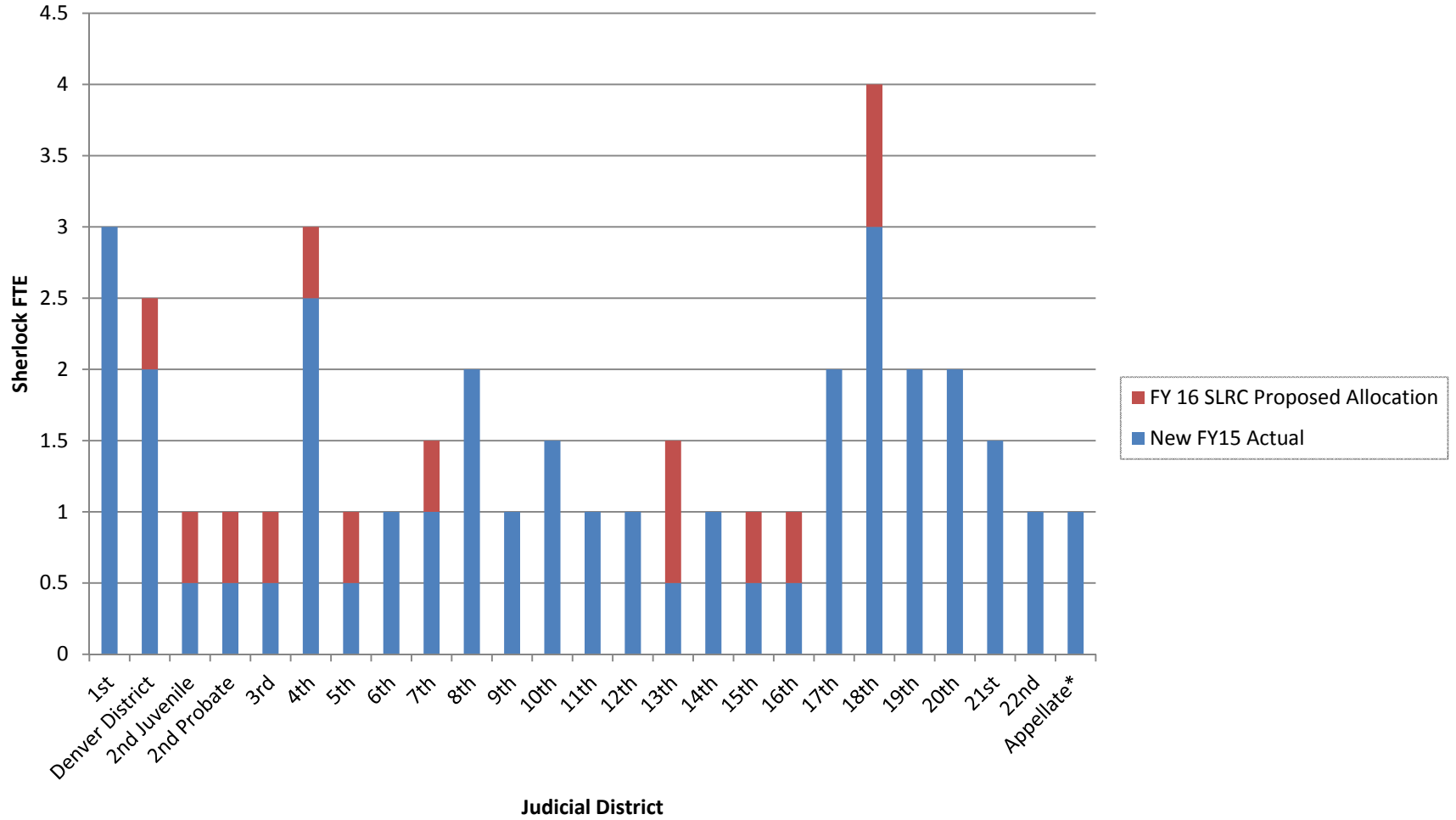
Contact Type	Number	Percentage
In-Person	49,470	60%
Phone	24,699	30%
E-mail	6,366	8%
Other	1,356	2%
Total	81,891	100.0%

- The Department projects that the Sherlocks will have **100,000** contacts with self-represented parties by the end of 2014.

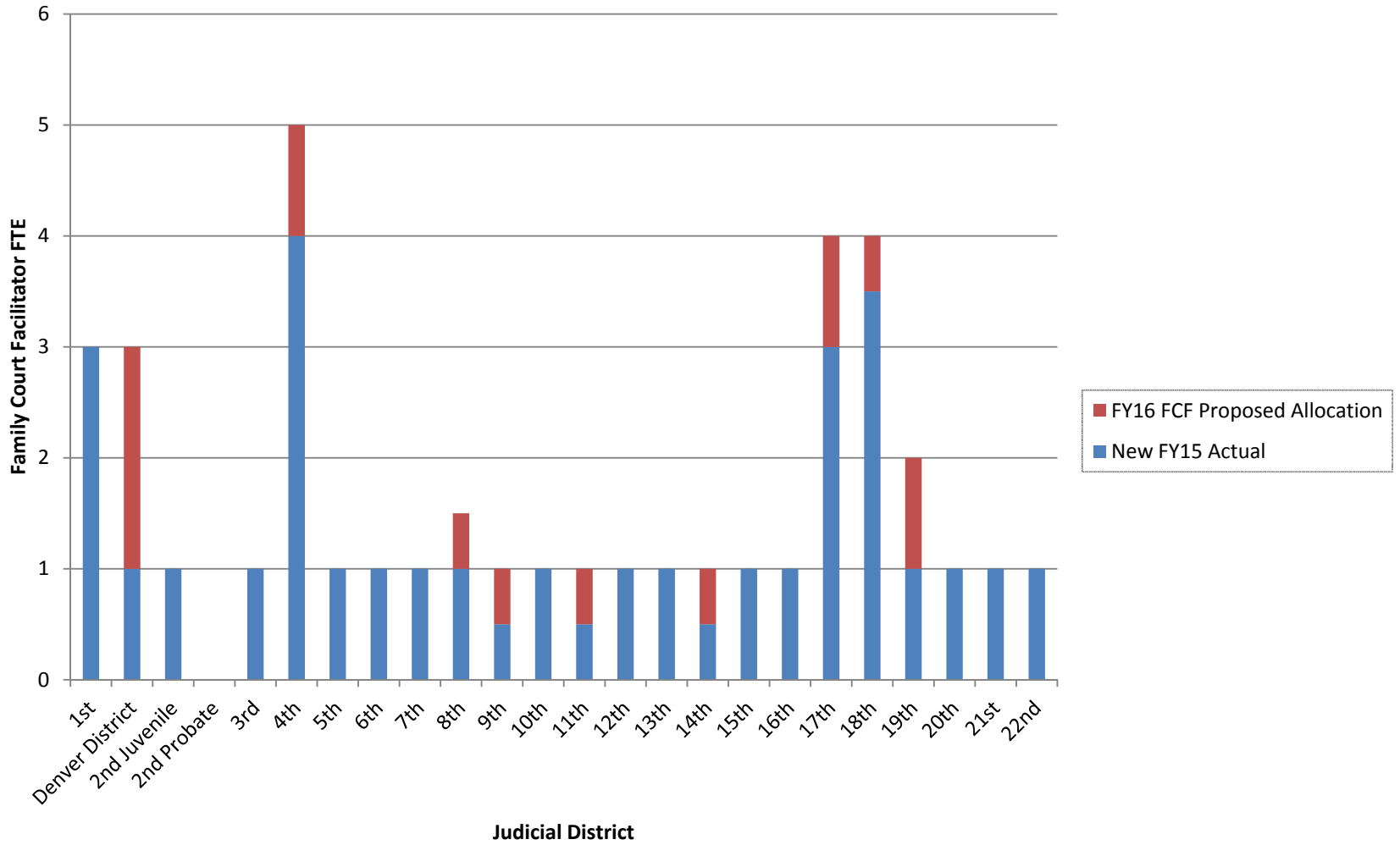
Case Types for which Self-Represented Parties most often seek Sherlock assistance:

- Domestic Relations Cases (**54%**)
- County Civil Cases- (Evictions, Debt Collections) (14%)
- Probate Cases (8%)
- Small Claims Cases (5%)

Sherlock Allocations: Actual FY15 and Proposed FY16

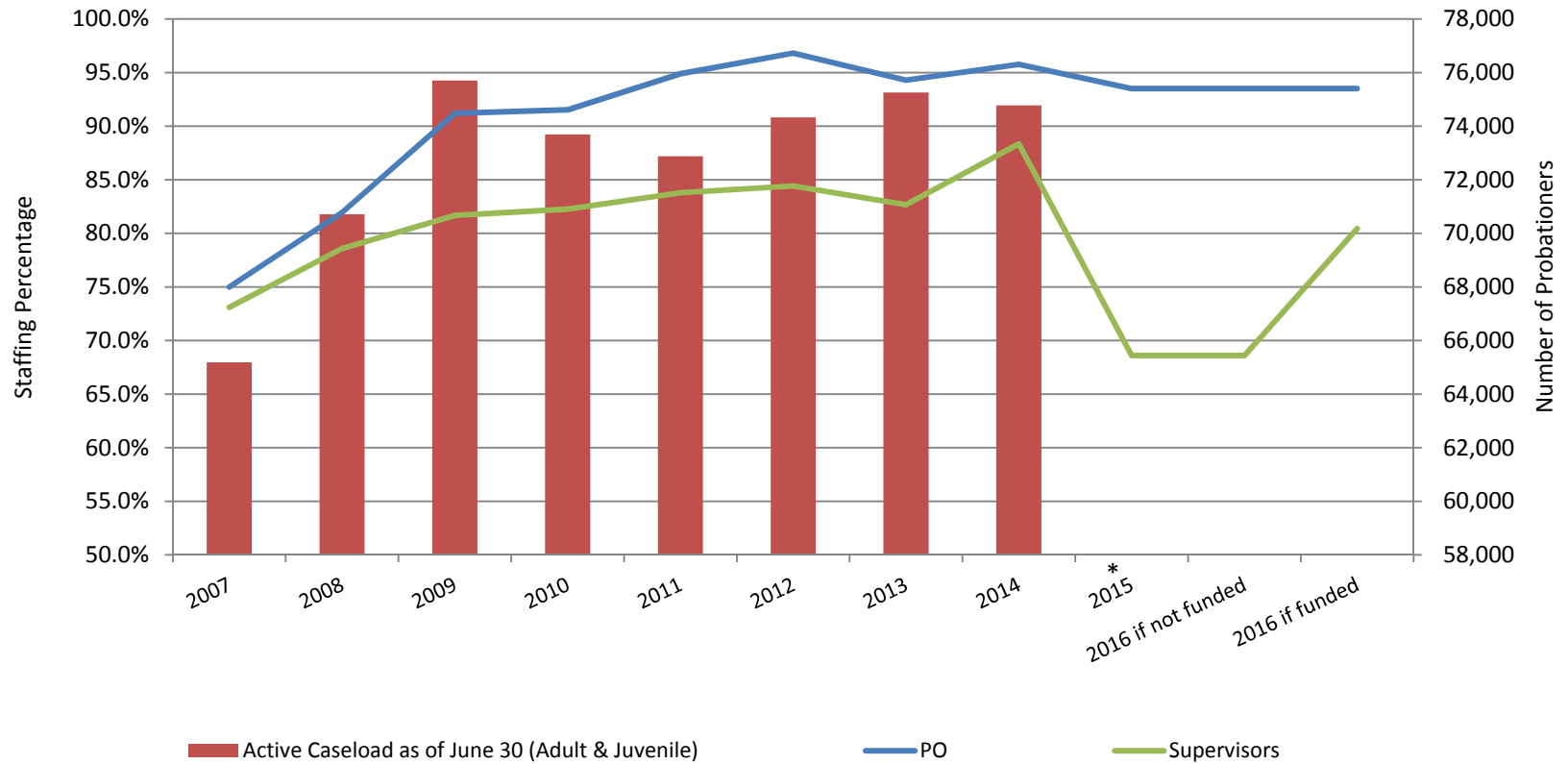


Family Court Facilitator Allocations: Actual FY15 and Proposed FY16



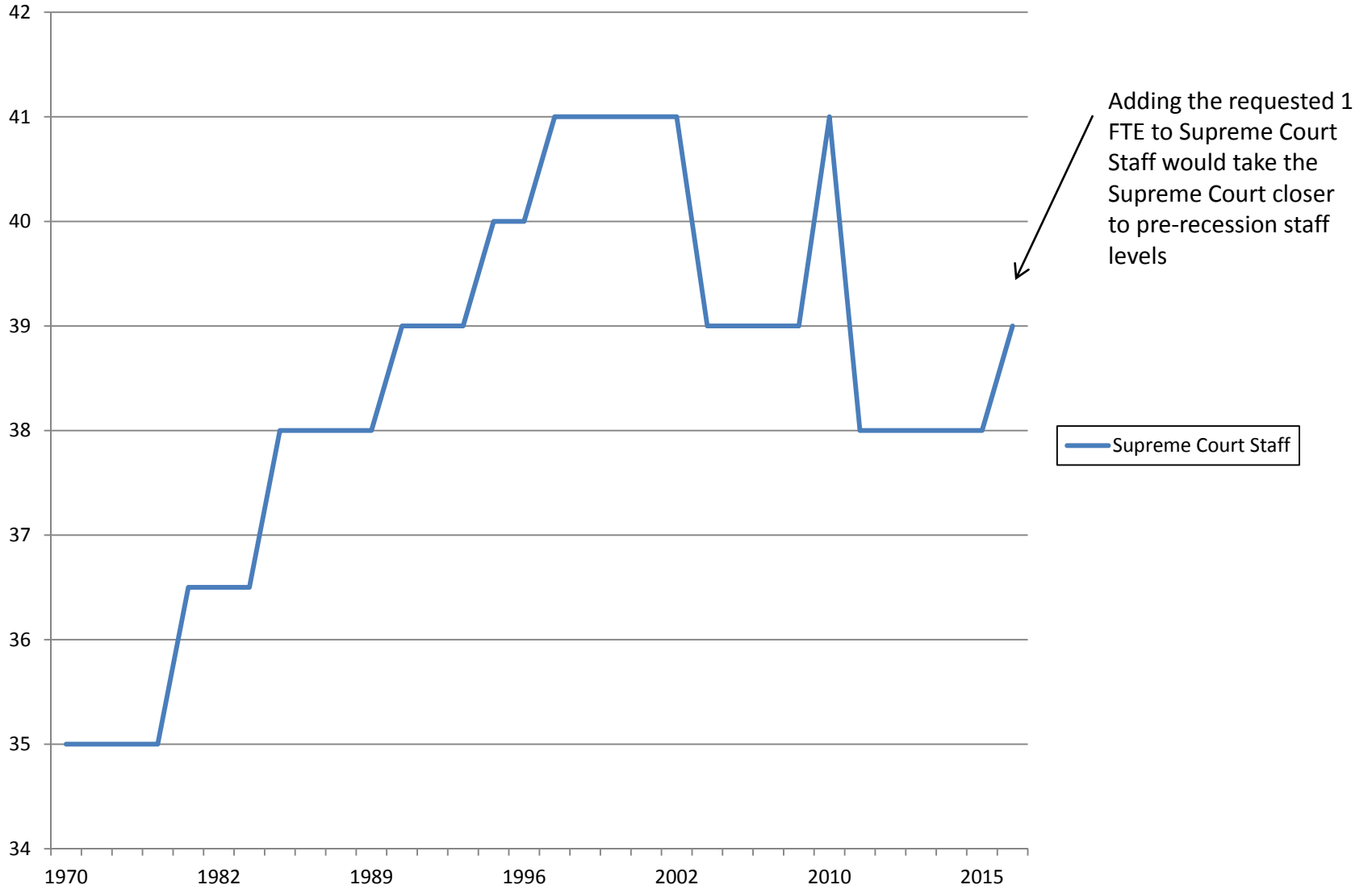
Comparing Probation Staffing to Caseload

Colorado Probation:
Probation Officer and Supervisor Staffing Compared to Caseload (excludes monitoring)



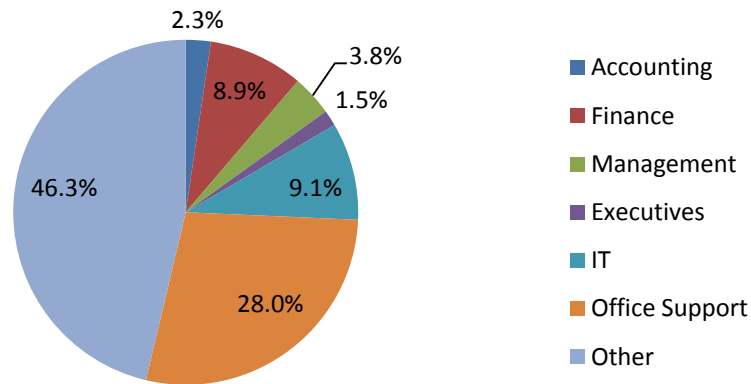
Supreme Court Staffing

Supreme Court Staff Levels: 1975-2016



Recruiting Challenges

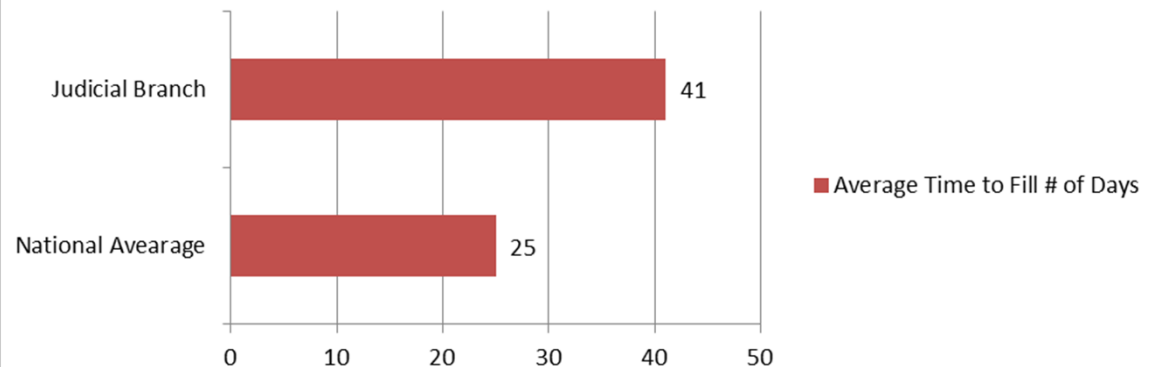
Most Difficult to Fill Positions



54% of the Judicial Department's recruitment initiatives in the past 12 months have focused on six of Manpower Group's top ten most difficult positions to recruit: accounting, finance, management, executives, IT, and office support.

With current staffing, it takes the Judicial Department 16 days longer than the national average to fill positions.

Average Days to Fill Positions

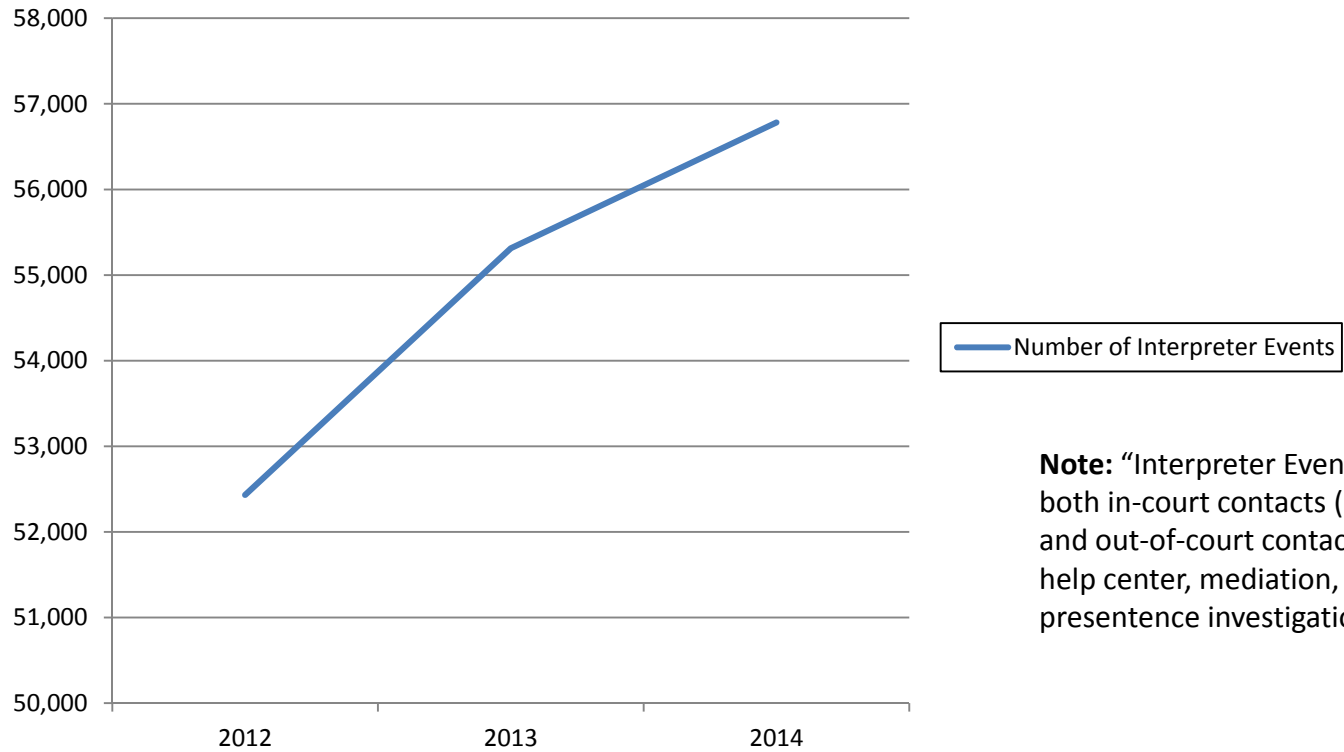


**Courthouse Capital and Infrastructure Maintenance (JUD R11) vs.
Underfunded Facilities Grant Program (H.B. 14-1096)**

Budget Item	Amount Requested in FY 2015-16	Proposed Use of Funds	Statutory Authority
JUD R11- Courthouse Capital and Infrastructure Maintenance	\$4,082,000 (\$2,256,00 GF; \$1,826,00 CF)	\$2,256,000 for furnishings; \$1,826,000 for IT infrastructure	Sections 13-3-104 and -108, C.R.S. (2014) (describing state and county duties re judicial facilities)
H.B. 14-1096- Underfunded Facilities Grant Program	\$2,300,000 (All GF using RAF pass-through mechanism; see Fiscal Note)	\$2,300,000 for “seed money” grants to counties to initiate construction on needed projects	Section 13-1-303, C.R.S. (2014) (providing supplemental funding for courthouse construction projects)

Requests for Interpreter Services

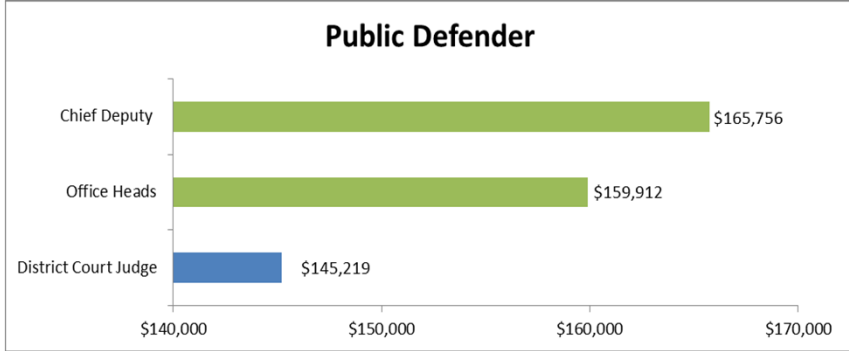
Rise in Number of Interpreter Events: 2012-2014



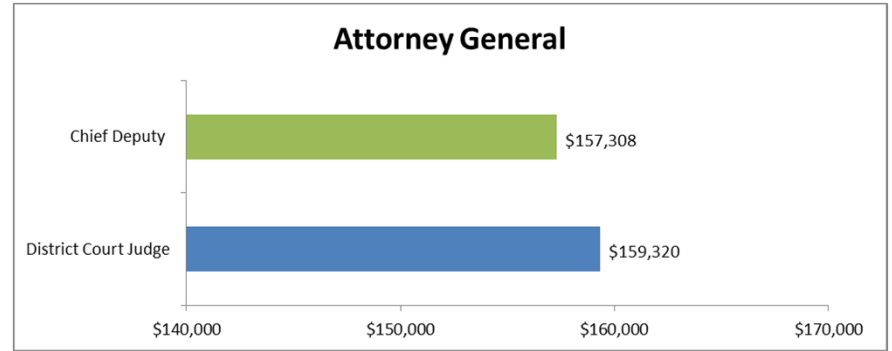
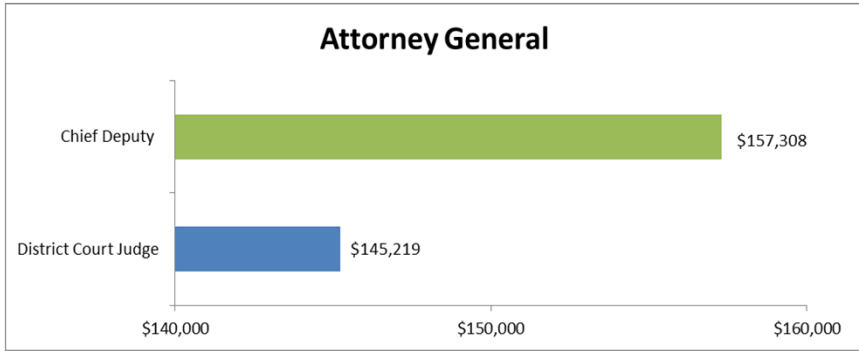
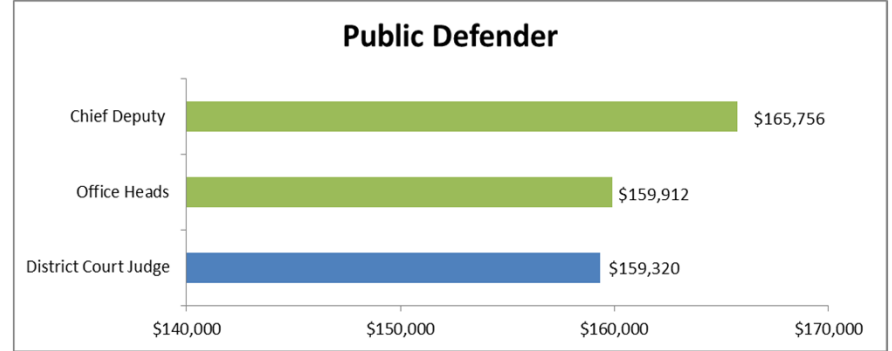
Note: “Interpreter Events” include both in-court contacts (hearings) and out-of-court contacts (self-help center, mediation, presentence investigations, etc.)

Comparison of State-Paid Attorney Salaries

Current Comparison



After Requested 9.71% Increase



**JUDICIAL BRANCH
FY 2015-16 JOINT BUDGET COMMITTEE HEARING AGENDA**

**Monday, December 1, 2014
9:00 am – Noon**

10:55-11:15 OFFICE OF THE CHILD'S REPRESENTATIVE (OCR)

INTRODUCTIONS AND OPENING COMMENTS

OVERSIGHT OF COURT APPOINTMENTS IN DOMESTIC RELATIONS CASES [to be discussed from 10:35 to 10:55 with the Chief Justice and State Court Administrator]

- 1. Comment on the information provided in response to the Committee's request for information concerning current court and administrative practices related to the oversight of court appointments in domestic relations cases. Does a sufficient consensus for the General Assembly to consider taking steps to consolidate the oversight of state-paid Child and Family Investigator (CFI) appointments under one judicial agency? If so, what steps should the General Assembly consider?**

The OCR and State Judicial are in agreement that the authority for payment and oversight of all CFIs should be vested in State Judicial, through the Office of the State Court Administrator (SCAO). Such responsibility and oversight would be consistent with the unique role the CFI serves as an investigative arm of the court and the SCAO's oversight over related roles, including but not limited to Family Court Facilitators, Self-represented Litigant Coordinators, and various dispute resolution programs in family court proceedings.

Legislative steps required to effectuate this change include a minor amendment to the OCR's enabling legislation and a transfer of funds from the OCR to State Judicial. Specifically, the phrase "and attorneys appointed to serve as child and family investigators pursuant to section 14-10-116.5, C.R.S.," as well as language regarding child and family investigators in each of the subsections to that provision, would be eliminated from §13-91-105(1)(c), C.R.S., and a transfer of \$239,351 would be transferred from the OCR to the SCAO. This amount constitutes the sum of FY 2013-14 OCR payments for CFIs and its Early Neutral Evaluation (ENE) pilot program, which was implemented in select judicial districts as a potential cost-saving alternative to CFI services. SB 09-268 Footnote N, which concerns the OCR's reporting on its ENE pilot program, would need to be either eliminated or amended to reflect the appropriate delegation of responsibilities.

- 2. Describe the factors that are considered by a judicial officer when deciding whether to appoint an attorney or a non-attorney as a CFI.**

Other than the survey of judicial officers performed by State Judicial in 2009, the OCR is not aware of any quantitative information regarding judicial officers' determination whether to appoint an attorney or non-attorney CFI. From conversations with judicial officers and CFIs, the OCR believes that the appointment of an attorney or non-attorney CFI is a result of judicial preference for individual CFIs and judicial analysis of whether the court's decision will be driven by complex legal issues or issues requiring mental health expertise.

- 3. Describe the nature or status of the CFI role. Is a CFI considered an "expert witness"?**

The role of the CFI is set forth in § 14-10-116.5, C.R.S., and Chief Justice Directive (CJD) 04-08. While CFIs who are called as witnesses may be qualified as experts pursuant to Colorado Rule of Evidence 702, the role of the CFI is broader than that of an expert witness and state payment of CFIs is governed by CJD 04-08 rather than CJD 12-03, the directive governing payment of expert witnesses.

- 4. How often do judicial officers disagree with a CFI's recommendations to the court concerning the allocation of parental responsibilities or other issues identified by the court?**

The OCR does not have any data regarding the frequency with which the courts adopt CFI recommendations. Such data would be difficult to gather, as cases often settle after the parties have received a copy of the CFI's report and even when litigation occurs, recommendations of the CFI may be adopted by the court in whole or in part.

- 5. Are there any other judicial agencies that should be considered to take on the responsibility for overseeing CFI appointments (e.g., the Office of the Respondent Parents' Counsel)?**

No.

QUESTIONS COMMON TO ALL DEPARTMENTS

- 6. SMART Government Act:**

- a. Please describe how the SMART Government Act is being integrated into the OCR's existing processes (both in terms of service delivery and evaluating performance).**

OCR modeled its Performance Management System (System) on the continuous improvement structure developed by Root Cause. OCR's System requires

ongoing data collection, performance measurement, performance assessment, and improvement to processes as appropriate. OCR solicits feedback on its System from employees and contractors.

OCR's contract decision-making process and training and litigation support programs are fundamental to achieving its mission of providing effective legal representation of children in a cost-effective manner. OCR's Performance Plan establishes performance goals and metrics designed to evaluate and improve these essential functions. OCR enhanced its process of evaluating attorneys, obtaining stakeholder feedback on contractors and the OCR, and assessing its training program in order to comply with the mandates of HB 13-1299. OCR is investigating additional means of assessing its litigation support program as a result of SMART Government Act's requirements. OCR hopes to include other processes in its Performance Plan by utilizing current resources and cost-effective enhancements to current data-collection efforts.

b. How is the data that is gathered for the performance management system used?

OCR's performance metrics inform its attorney contracting decisions, refinement of practice standards, and enhancement of its training and litigation support programs. OCR's small workforce utilizes its performance measures to maintain consistency in its practices (e.g., publication of the OCR's quarterly newsletter).

c. Please describe the value of the act in the OCR.

OCR refined its data-driven practice for overseeing and evaluating attorney services in light of the requirements of HB 13-1299. The SMART Government Act supports and provides a framework for the OCR's efforts to move to a robust and comprehensive quantitative approach to delivery of attorney services. As the OCR does not serve a regulatory function; the SMART Government Act's regulatory requirements are not relevant to the OCR.

7. Describe the OCR's experience with the implementation of the new CORE accounting system.

a. Was the training adequate?

OCR staff did not receive complete CORE training due to the training environment not being available during several of the class sessions. Staff was given step action guides to follow; however, user acceptance testing (UAT) was taking place at the same time training was conducted and changes made due to UAT were not incorporated in the step action guides and training materials.

Additional staff training was provided by OCR's Controller. CORE Help Desk tickets were submitted when problems arose. The CORE Escalation Line was used successfully when immediate problems needed to be addressed.

b. Has the transition gone smoothly?

CORE has been functioning, but not optimally.

Initially, the OCR experienced delays in processing payments due to changing interface configurations and changing CORE requirements. Additionally, delays in CORE availability occurred mornings and on weekends. Continuous improvements regarding availability have occurred over time.

The following issues continue to impact the OCR's operations:

- CORE reporting cannot be relied upon. Budget to actual reports are not accurate, making it difficult to monitor the current state of OCR's budget and to promptly address any factors driving increased expenditures. Forecasting based on actual spending is difficult, which impacts OCR's ability formulate its request for supplemental funding. CORE Reports Committee is currently analyzing each report for accuracy.
- Staff reports slow processing time for entering and approving documents. It can take several minutes to proceed to the next screen. CORE Help Desk is aware of the issue.
- CORE has delayed period close. September monthly close is scheduled for November 25th. Payroll reconciliations for July 2014 have been delayed waiting for reports.

c. How has the implementation of CORE affected staff workload during the transition?

The implementation of CORE has increased workload significantly. Specifically:

- OCR staff must spend increased time processing documents. Entering vendor information in CORE takes four times as long. For example, vendor addresses now need to be entered into the vendor setup in five separate locations. Entering payment vouchers now takes three times as long, as there are multiple tabs across header, vendor, and accounting line sections. For example, one code in COFRS to direct warrants now requires two codes in CORE. In contrast to the two journal voucher documents in COFRS, CORE now contains four journal voucher documents to choose from, and additional documents are being created. The mandated use of event types to book transactions requires additional time spent reviewing reports in order to choose the appropriate one to use.

- In some cases system functionality has been reduced. For example, in COFRS, the system was able to send a warning message that a duplicate invoice number had already been paid. With CORE's elimination of that feature, the requirement is that every invoice will be checked in the system manually before payment is processed.
- New statewide standardized procedures have eliminated OCR's ability to achieve efficiencies in entering documents. With the implementation of CORE, the Office of the State Controller also implemented new policies requiring standard processes in CORE. Some required processes take more time. For example, processing of state credit card purchases now takes four times as long to process due to CORE document requirements and the new statewide procedures.
- OCR has had to implement new security and workflow changes. Currently, all CORE users are able to access other departments' information. Given OCR attorneys' ethical duty of confidentiality and the privileged nature of some of the information entered in CORE, the OCR must protect its case and party information from Judicial and non-Judicial agencies serving as opposing parties or counsel in litigation. These concerns about confidential and privileged information involving pending court cases have required the OCR's Controller to participate in a work group that will require extensive testing.

d. Do you anticipate that CORE will increase the staff workload on an ongoing basis? If so, describe the nature of the workload increase and indicate whether the OCR is requesting additional funding for FY 2015-16 to address it.

Yes. OCR expects that the issues with system slowness, security of confidential information, and accurate reporting from the system will be resolved over time. However, the workload created by the new processing requirements for documents and the new CORE procedures will not. CORE is a more complex system, requiring information that was not entered in COFRS; consequently, workload increases will still exist.

OCR's request for an administrative position allows, among other efficiencies, the reassignment of basic administrative tasks previously performed by accounting staff, such as filing CORE documents and vendor maintenance records. This would free up time for accounting staff to manage the additional workload created by CORE.

QUESTIONS RELATED TO FY 2015-16 BUDGET PRIORITIES

(OCR R1) Caseload/Workload Increase

- 8. Please discuss recent increases in the number of truancy and juvenile delinquency cases in which the OCR pays for court appointed counsel. Do these increases mirror overall trends in court case filings? What are the factors driving these increases?**

As reported in the OCR’s FY 2015-16 Budget Request, the OCR experienced a significant increase in its delinquency and truancy caseload in FY 2012-13 and FY 2013-14. As illustrated by the following table, these increases do not mirror filing trends:

	FY 2012-13		FY 2013-14	
	OCR Caseload Change	Filing Change	OCR Caseload Change	Filing Change
Delinquency	7%	-11%	16%	-4%
Truancy	64%	3%	23%	-28%

** Change in filings and appointments calculated from previous fiscal year.*

OCR’s appointments do not mirror filing trends in these two case types for two reasons. First, the OCR measures appointments as any open and active appointment on which the OCR has been billed, whether it is a new filing in the most recent fiscal year or an open active appointment that may be several years old. Second, and more significantly, appointments in these case types are discretionary appointments.

Section 19-1-111(2)(a), C.R.S. provides that the court may appoint a GAL in a delinquency case when a parent does not appear, the court finds a conflict of interest exists between the child and the parent, or the court makes specific findings that the appointment is necessary to serve the best interests of the child. Section 19-1-111(2)(b), C.R.S. allows a court to appoint a GAL for a child in a truancy proceeding when the court finds “the appointment is necessary due to exceptional and extraordinary circumstances.” If the child is already represented by counsel in the truancy matter, the court must additionally find that it is in the best interest and welfare of the child to appoint both counsel and a GAL. §19-1-105(2), C.R.S.

OCR’s data indicates that there are wide differences in the exercise of this discretion by individual judicial officers, particularly with regard to truancy appointments. While the OCR does not have a way to quantify factors contributing to its increased delinquency and truancy caseload, from conversations with judicial officers, attorneys, and other stakeholders who work on these case types, the OCR believes the increased caseload can be attributed to two factors. First, the OCR has been informed by various judicial officers and attorneys that with the reduction in D&N filings, courts have experienced an an increased prevalence of D&N-like issues presenting in delinquency and truancy cases. Concerns about child protective issues

appear to be prompting the appointment of a GAL in these case types even if such concerns have not led to the filing of a D&N proceeding. Notably, this trend is consistent with the type of work GALs describe they must now perform in truancy and delinquency appointments. Second, an increasing awareness of the importance of adequately addressing needs presented in these case types as a means of promoting long-term success and minimizing the potential for future juvenile or adult charges explains the increased use of GALs. Given the GAL's role as an independent advocate focused on the best interests of the child and GALs' extensive knowledge of available services and programs, it makes sense that judicial officers have relied more than ever on GALs to ensure the decisions they make are in both the short-term and long-term best interests of the children who appear before them.

9. Describe the factors that are increasing the workload for court-appointed counsel in dependency and neglect cases.

Pages 38-41 of the OCR's FY 2015-16 Budget Request detail the factors increasing the workload for GALs in D&N proceedings. In summary, the OCR believes the following five factors explain why GALs must dedicate additional time to provide competent, effective, and ethical representation to the children whose best interests they represent:

- Given the reduction of D&N case filings resulting from county-level efforts to engage and serve families outside of court, only the most complex and difficult D&N cases are now filed. While in the past, some D&N cases may have presented low-risk circumstances requiring less GAL involvement, it is fair to say that nearly every case filed in recent fiscal years involves serious protective concerns and requires intensive GAL investigation and advocacy. Additionally, many D&N filings occur only after a county's extensive out-of-court efforts to work with families; these cases often present additional layers of complexity in the form of a history of failed intervention attempts and resultant frustration between the families and the counties.
- Case law, standards, and statutes have in recent years significantly increased the responsibilities of GALs appointed in D&N proceedings. Changes to CJD 04-06 setting forth additional practice expectations regarding youth consultation and engagement, the Colorado Supreme Court's 2013 decision in *L.A.N. v. L.M.B.*, 2013 CO 6 delineating the GAL's role as a potential privilege holder for children in D&N proceedings, and Senate Bill 13-47 setting forth additional procedures to protect court-involved children from the negative consequences of identity theft are just three examples of sources of increased responsibilities for GALs.
- The law governing D&N proceedings has evolved into an increasingly complex area of law requiring an investment in time to analyze and assess the implications of new legal rulings and procedural protections on individual cases. Appendix A, a chart prepared for the OCR's FY 2014-15 budget request, details recent Supreme Court rulings and their impact on D&N proceedings. As the evolution of case law

takes time, most of the unresolved questions identified in the chart will continue to be litigated in D&N proceedings in the upcoming fiscal years.

- Child welfare and court improvement initiatives and programs, including but not limited to CDHS's Title IV-E Waiver Demonstration Project and the Court Improvement Program's Best Practice Court Teams, require increased involvement, investigation, and vigilance on the part of individual GALs.
- Serious caseworker shortages and significant caseworker turnover have required additional GAL involvement. Because of caseworker turnover, GALs are sometimes the only continuous professional involved in a case from its filing and must advocate for continuous and consistent services through many transitions. Caseworker shortages require GALs to work harder than ever to ensure that children on their caseload benefit from the full array of services and programming available to address their and their families' unique needs and circumstances.

Although the OCR's training, litigation resources, and ongoing support to GALs serve to mitigate the impact of workload increases by allowing GALs to efficiently tap into a collective body of legal expertise and experience when issues come up in cases, at the end of the day, OCR attorneys represent individual children in individual cases presenting unique factual and legal circumstances and challenges. The effective representation of children simply requires more time. The OCR's excess fee approval process and ongoing monitoring of attorney billing and activity serve to ensure that the increased cost per case is a result of legitimate and necessary legal investigation and advocacy.

(OCR R2) FTE Increase

10. Describe the reason for the requested FTE increase and the calculation of the (relatively small) dollar amount requested.

The request is for a 1.0 FTE administrative position in the Guardian ad Litem office in Colorado Springs and a .5 FTE administrative position in the Denver office. Both positions are at the lowest level of the administrative classifications, and the request is based on current hourly pay for temporary employees.

A full-time Administrative Assistant will allow staff in the El Paso County GAL office to handle the increasing demands of its workload without having to make caseload adjustments requiring the assignment of additional overflow cases to independent contractors. A part-time Administrative Assistant in the Denver office will allow staff to appropriately dedicate their time to tasks requiring their expertise and skill and to absorb additional duties resulting from the new CORE accounting system.

The amount requested takes into account pay date shift. Consequently only 11 months of salary are requested. Capital outlay is not requested, as furniture and equipment is available to current temporary employees in these positions.

Colorado Springs Administrative Assistant 1.0 FTE request:

Admin Assistant Cost	\$ 23,920
PERA	\$ 2,428
Medicare	\$ 347
Total	\$ 26,695
11 months – pay date shift	\$ 24,470
Operating	\$ 950

Denver Administrative Assistant .5 FTE request:

Admin Assistant Cost	\$ 12,740
PERA	\$ 1,293
Medicare	\$ 185
Total	\$ 14,218
11 months – pay date shift	\$ 13,033
Operating	\$ 475

- 11. Please comment on whether it is possible to achieve a more appropriate balance between: (a) ensuring that the OADC, OCR, IEC, and the newly created Office of the Respondent Parents' Counsel (ORPC) have the ability to effectively carry out their missions; and (2) eliminating inefficiencies related to administrative functions that may be best provided by the State Court Administrator's Office or through shared resources, such as: information technology services; accounting; the purchase or leasing of equipment and furnishings; human resources; and administrative/reception support.**

OCR has already implemented shared resources when appropriate, as referenced in Appendix B. The OCR has met with OADC and the SCAO, and the agencies have agreed to continue to explore backroom operations that can be shared. It is important to note that all agencies agree that any change must preserve policy and operational independence of all agencies. These considerations are highlighted, when applicable, in the fourth column of Appendix B.

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

- 12. Provide a list of any legislation that the OCR has: (a) not implemented or (b) partially implemented. Explain why the OCR has not implemented or has partially implemented the legislation on this list.**

There is not any legislation enacted in FY 2013-14 that the OCR has not implemented or only partially implemented.

13. What is the turnover rate for staff in the OCR? Please provide a breakdown by office and/or division, and program.

During FY 2013-14, the OCR El Paso County GAL Office had turnover of one attorney position, a 5% turnover rate.

There was no turnover in the OCR Denver office.

14. How much capital outlay did the OCR expend using either operating funds or capital funds in FY 2013-14? Please break it down between the amount expended from operating and the amount expended from capital.

OCR spent \$29,749 out of operating funds for new servers in the Denver office. OCR was not appropriated any capital funds.

15. Does the OCR have any outstanding high priority recommendations as identified in the "Annual Report of Audit Recommendations Not Fully Implemented" that was published by the State Auditor's Office on June 30, 2014? What is the OCR doing to resolve the outstanding high priority recommendations?

[http://www.leg.state.co.us/OSA/coauditor1.nsf/All/1FE335CE3162803F87257D7E00550568/\\$FILE/1422S%20-%20ANNUAL%20REPORT%20OF%20AUDIT%20RECOMMENDATIONS%20NOT%20FULLY%20IMPLEMENTED%20AS%20OF%20JUNE%2030,%202014.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/1FE335CE3162803F87257D7E00550568/$FILE/1422S%20-%20ANNUAL%20REPORT%20OF%20AUDIT%20RECOMMENDATIONS%20NOT%20FULLY%20IMPLEMENTED%20AS%20OF%20JUNE%2030,%202014.pdf)

No. The OCR did not have any recommendations resulting from any of the applicable audits.

Appendix A:

SUMMARY OF CALENDAR YEAR 2013 COLORADO AND U.S. SUPREME COURT RULINGS

CASE	HOLDING	UNRESOLVED QUESTIONS / IMPLICATIONS
<p><i>L.A.N. v. L.M.B.</i>, 2013 CO 6 (decided January 22, 2013)</p>	<p>Other than where it is statutorily abrogated in § 19-3-311, the psychotherapist-patient privilege applies to D&N proceedings and protects communications made by children to their therapists.</p> <p>The GAL in a D&N proceeding is in the best position to exercise the privilege when the parents and child are unable/ unavailable to do so.</p> <p>By sharing a letter written by child’s therapist, GAL had effectuated a broad waiver of the privilege even though trial court had not determined she was the privilege holder.</p>	<p><u><i>Unresolved Legal Questions</i></u></p> <p>As this case provides little guidance to make the determination of whether parents or child are unable/ unavailable to exercise the privilege, there is lack of clarity about the identity of the privilege holder in any given case.</p> <p>The decision does not provide any guidance on whether the holder of the privilege is also the personal representative (person able to sign releases of information) under the federal Health Insurance Portability Accountability Act and Colorado privacy law. The different standards that apply to the determination of the privilege holder and personal representative cause confusion as to who should be accessing information and controlling the exchange of information under varying circumstances.</p> <p>This case raises unanswered questions about the scope of waiver and whether the trial court has the authority to make determinations limiting the scope of the waiver in advance of the privilege holder’s sharing of information. Without such advance determinations, privilege holders are appropriately reluctant to allow any sharing of information.</p> <p>The decision does not address the implications of sharing limited information with individuals responsible for day-to-day care of child who may also be parties to the proceeding and whether such sharing of information requires/constitutes a broad waiver of privilege.</p> <p>Caselaw does not set forth proper procedures and protections for children who are determined to be their own privilege holder.</p> <p><u><i>Implications of Decision</i></u></p> <p>This decision affirms the important privacy interest protected by the psychotherapist-patient privilege and the role it serves in promoting effective participation in therapy. Cases in which this privilege applies will require increased investigation and contact with other sources of information. Additionally, the lack of clear guidance on the key issues delineated above increases litigation.</p>
<p><i>A.M. V. A.C.</i>, 2013 CO 16 (decided Feb. 25, 2013)</p>	<p>Individuals who meet the statutory criteria for intervention under § 19-3-507(5)(a) may participate fully at the hearing to terminate the parent-child legal relationship. Such participation does not implicate parents’ due process rights.</p>	<p><u><i>Unresolved Legal Questions</i></u></p> <p>Whether § 19-3-507, C.R.S. requires current placement of child with foster parents in order for intervention to occur.</p> <p>Whether foster parent intervenors have standing to affirmatively raise issues and file motions, including but not limited to requests for psychological examinations of parents, motions to terminate parental rights.</p> <p><u><i>Implications of the Decision</i></u></p> <p>Prior to this case, the participation of foster parents and relatives was essentially limited to providing information to the court; foster parent intervenors were generally restricted from performing such functions as cross-examining witnesses, filing independent motions, or calling independent witnesses—regardless of whether they had formally intervened. The addition of more parties to the case may demand more preparation and time. Additionally, as interests of foster parents may not always be aligned with GALs’ determination of what is in best interests of child, this decision presents increased potential for litigation.</p>

CASE	HOLDING	UNRESOLVED QUESTIONS / IMPLICATIONS
<p><i>M.S. v. People ex rel. A.C.</i>, 2013 CO 35 (decided June 10, 2013)</p>	<p>“Preadoptive” foster parents do not have a fundamental liberty interest in an ongoing relationship with a child placed in their care and are not entitled to due process concerning removal of the child from their care.</p>	<p><u>Unresolved Legal Questions</u> The case does not set forth a comprehensive definition of preadoptive foster parents and leaves unresolved the question of whether the filing of a petition for adoption triggers a fundamental liberty interest.</p> <p><u>Implications of Decision</u> This case maintains the focus of the D&N proceeding on the interests and rights of the child post-termination of parental rights. Increased litigation is expected to occur only once adoption petitions are filed.</p>
<p><i>Adoptive Couple v. Baby Girl</i>, 133 S.Ct. 2552 (decided June 25, 2013)</p>	<p>Provisions of the Indian Child Welfare Act requiring a finding that serious harm to the Indian child is likely to result from parent’s continued custody of the child prior to termination of parental rights and conditioning involuntary termination of parental rights on a finding that active efforts have been made to prevent the breakup of the Indian family do not apply when a parent never had custody of the child.</p> <p>The Indian Child Welfare Act’s placement preference scheme set “does not bar a non-Indian family . . . from adopting an Indian child when no other eligible candidates have sought to adopt the child.”</p>	<p><u>Unresolved Legal Questions</u> As this case arose in the private adoption context and the father in this case had never engaged in contact with the child and had indicated an intention to relinquish his rights, how Colorado courts will interpret custody or lack thereof in the D&N context remains an unanswered question.</p> <p>This case does not define “eligible candidates” and what actions constitute seeking to adopt an Indian child for the determination of placement priorities.</p> <p><u>Implications of Decision</u> As ICWA-related issues arise in many Colorado appellate court decisions, the OCR anticipates an influx of litigation and appellate activity regarding the implications of this case.</p>
<p><i>People in the Interest of O.C.</i>, 2013 CO 56 (decided September 9, 2013)</p>	<p>Parents, grandparents, and relatives may intervene as a matter of right pursuant to §19-3-507(5)(a), regardless of whether they have had the child in their care—the three month requirement does not apply to these individuals.</p>	<p><u>Unresolved Legal Questions</u> This case makes clear that a broad class of individuals may intervene as a matter of right in D&N proceedings. The same questions about the scope of intervention and the rights of intervenors raised in the <i>A.M. v. A.C.</i> case apply to this category of intervenors.</p> <p><u>Implications of Decision</u> The addition of more parties to the case may demand more preparation and time. Additionally, as interests of relative intervenors may not always be aligned with GALs’ determination of what is in best interests of child, this decision presents increased potential for litigation.</p>

Appendix B:
OCR and OADC's list of shared resources
Currently performed/recommendations for additional services
to be performed in conjunction with other agencies

Main Resource Shared	Agency shared	Description of shared resource	Possible additional shared tasks within resource/Notes of difficulties sharing resources
Information Technology	SCAO/OADC/OIT	<ul style="list-style-type: none"> ● Recommend IT solutions - share price agreement information and contracts ● Infrastructure shared data center Example: OCR server migration - worked with SCAO IT department to get recommendation on best hardware and software solutions ● OADC and OCR use state price agreements for hardware and programming services as needed. ● Shared infrastructure in training rooms 	<ul style="list-style-type: none"> ● OCR has two divisions: Denver office and El Paso. OADC has a Denver location with employee remote access. ● By using contract services we are able to get the appropriate level of service depending on service need: helpdesk, engineer, or technician. By sharing resources through an IT provider contract we are able to minimize expenses and receive 2 hour response times. OCR investigated using FTE; however it would cost more and OCR would lose coverage over vacations/holidays. ● Interviews with State Auditor's office and Judicial Internal Auditors regarding IT efficiencies resulted in not finding cost savings.

Main Resource Shared	Agency shared	Description of shared resource	Possible additional shared tasks within resource/Notes of difficulties sharing resources
Accounting and Budgeting	OADC/PD/SCAO	<ul style="list-style-type: none"> ● Share POTS template and other budget schedules to improve standardization of budget forms 	<ul style="list-style-type: none"> ● In order to fulfill OCR and OADC mission decision items, forecasting calculations are best made by budget staff who understand the billing system (unique to each agency) and underlying costs. Budget schedules if entered centrally would have to be reviewed afterwards and the same data would have to be analyzed as part of the overall request.
	OADC/PD/SCAO	<ul style="list-style-type: none"> ● Share common policy requests across the branch for consistency 	<ul style="list-style-type: none"> ● Due to conflicts between OCR/OADC/PD/SCAO/DOL - Counsel may represent an opposing interest - SCAO handles accounting for judicial officers, case and party information should be held as privileged. See description of CORE security project.
	OADC/PD/SCAO/DOL	<ul style="list-style-type: none"> ● CORE common security issues 	

Main Resource Shared	Agency shared	Description of shared resource	Possible additional shared tasks within resource/Notes of difficulties sharing resources
Payroll	SCAO	<ul style="list-style-type: none"> ● Data entry in payroll system of OCR prepared forms 	<ul style="list-style-type: none"> ● Complete necessary forms based on personal action request (ex. timesheet calculation for hourly employees) and sent for approval by agency ● Year end leave calculations (PTO or sick/vacation) ● Verify correct payroll fields, salary in payroll system ● Payroll reconciliation - send agency completed reconciliation for review ● Maintain CERT codes in CORE
HR	OCR/DOL/PD/SCAO/ DOL/OADC	<ul style="list-style-type: none"> ● Provides recommendations regarding employee actions, e.g. FMLA, Unemployment, termination ● Provides HR training ● Provides open enrollment information ● Employee announcements ● Assign Employee ID #'s ● Data entry for salary/position classification ● Provides background checks on new hires (OADC) 	<ul style="list-style-type: none"> ● Provides salary survey statistics - includes study of comparable wages (OCR is currently sharing this resource with the Department of Law and PD) ● Maintains position classifications on J classification system for OCR/OADC positions ● Provides calculations for OCR/OADC salary classifications as directed by agency Executive Director ● Provides background checks on new hires (OCR) ● Provides annual contracts for new hires (OCR)

Main Resource Shared	Agency shared	Description of shared resource	Possible additional shared tasks within resource/Notes of difficulties sharing resources
Purchasing office equipment and furnishings (Capital Outlay)	SCAO/DPA/OIT SCAO SCAO Carr Building	<ul style="list-style-type: none"> ● When possible use best price agreement available ● Supplied office furnishings ● Supplied phone system and maintenance agreements ● Assistance with RFI/RFP process ● Shared trainings rooms & equipment 	<ul style="list-style-type: none"> ● Provide all aspects of purchasing which includes: ' finding best price for item requested by agency, ordering goods within timeline specified, and with approval by agency complete accounting transaction to charge agency with cost.
Administration and Support	SCAO OADC	<ul style="list-style-type: none"> ● Shared trainings - all administrative tasks associated with shared trainings (done by OCR) ● Shared contract database resources - each agency pays for cost of each resource - share methodology and best practices 	<ul style="list-style-type: none"> ● Remainder of tasks assigned to admin and support staff are exclusive to the mission of the agency and should not be shared due to conflicts with other judicial agencies. ● Examples: Administrative tasks associated with contract and complaint process are based on CJD and other mandates unique to OCR or OADC
Receptionist	Carr Building	<ul style="list-style-type: none"> ● Shared 1st floor receptionist 	<ul style="list-style-type: none"> ● Pre-register visitors

SCAO State Court Administrator Office
OCR Office of the Childs Representative
PD Office of the Public Defender
OADC Office of the Alternate Defense Counsel
OIT Office of Information Technology
DPA Department of Personnel & Administration



Office of the Child's Representative

FY 15-16 Joint Budget Committee Hearing

OCR Appointment Types:

- Child Abuse (D&N)
- Delinquency
- Truancy
- Domestic Relations
- Paternity
- Probate/ Mental Health
- Appeals

Child Abuse Cases:

- Mandatory appointment
- Multiple children on a case
- Multiple respondents
- Cases continue until safe, appropriate permanent home is legally effected for each child

Child Abuse Cases

	% of Total Cases	% Expenditures	Hours Per Case/Year
FY 11-12	60%	81%	24
FY 12-13	57%	80%	25
FY13-14	53%	80%	27.8

Factors Increasing GAL Workload in Child Abuse Cases:

- Only most difficult high risk cases are filed given County efforts to serve families outside of court
- Increased responsibilities of GALs
 - case law
 - legislation
 - standards
- Practice initiatives in Child Welfare
- Caseworker shortages and turnover

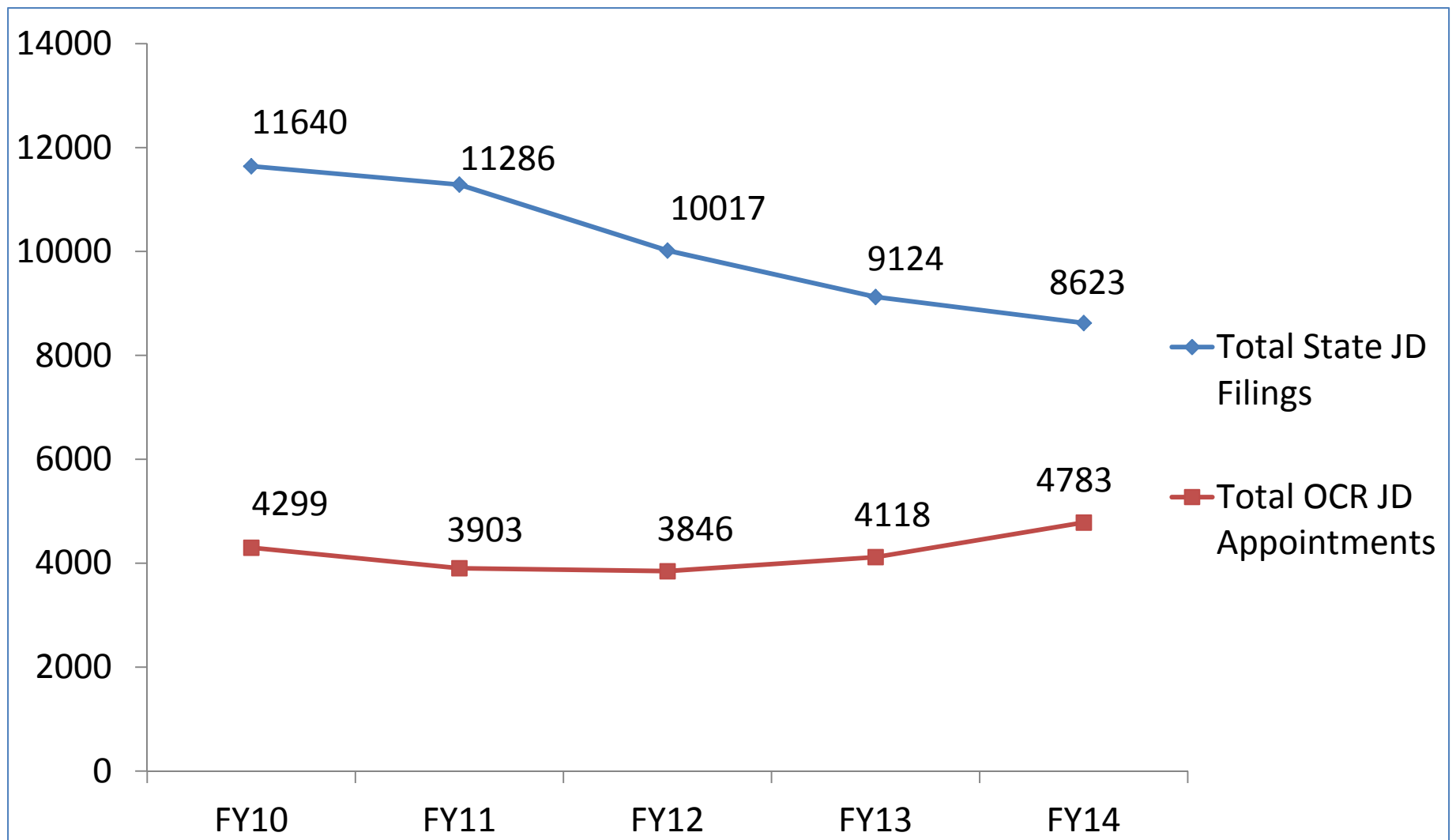
Delinquency GAL Appointments

	% of Total Cases	% Expenditures	Hours Per Case/Year
FY 11-12	30%	13%	7.7
FY 12-13	30%	14%	8.2
FY13-14	33%	15%	8.2

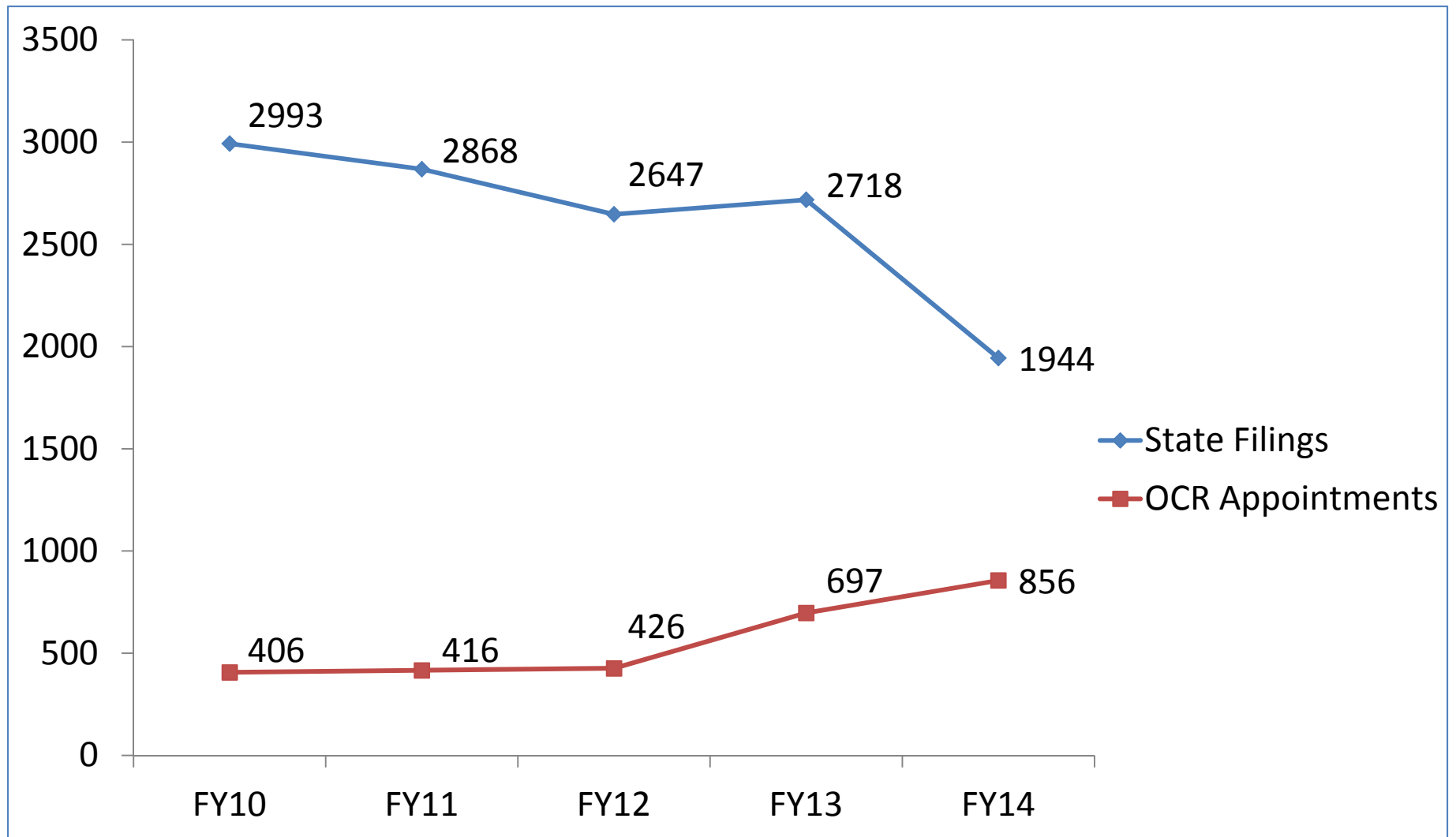
Factors Impacting Delinquency and Truancy GAL Appointments:

- Increased prevalence of child protection issues such as mental health, substance abuse, domestic violence, homelessness
- Increased awareness of importance of addressing issues in the home to promote child's long term success and minimize future court involvement

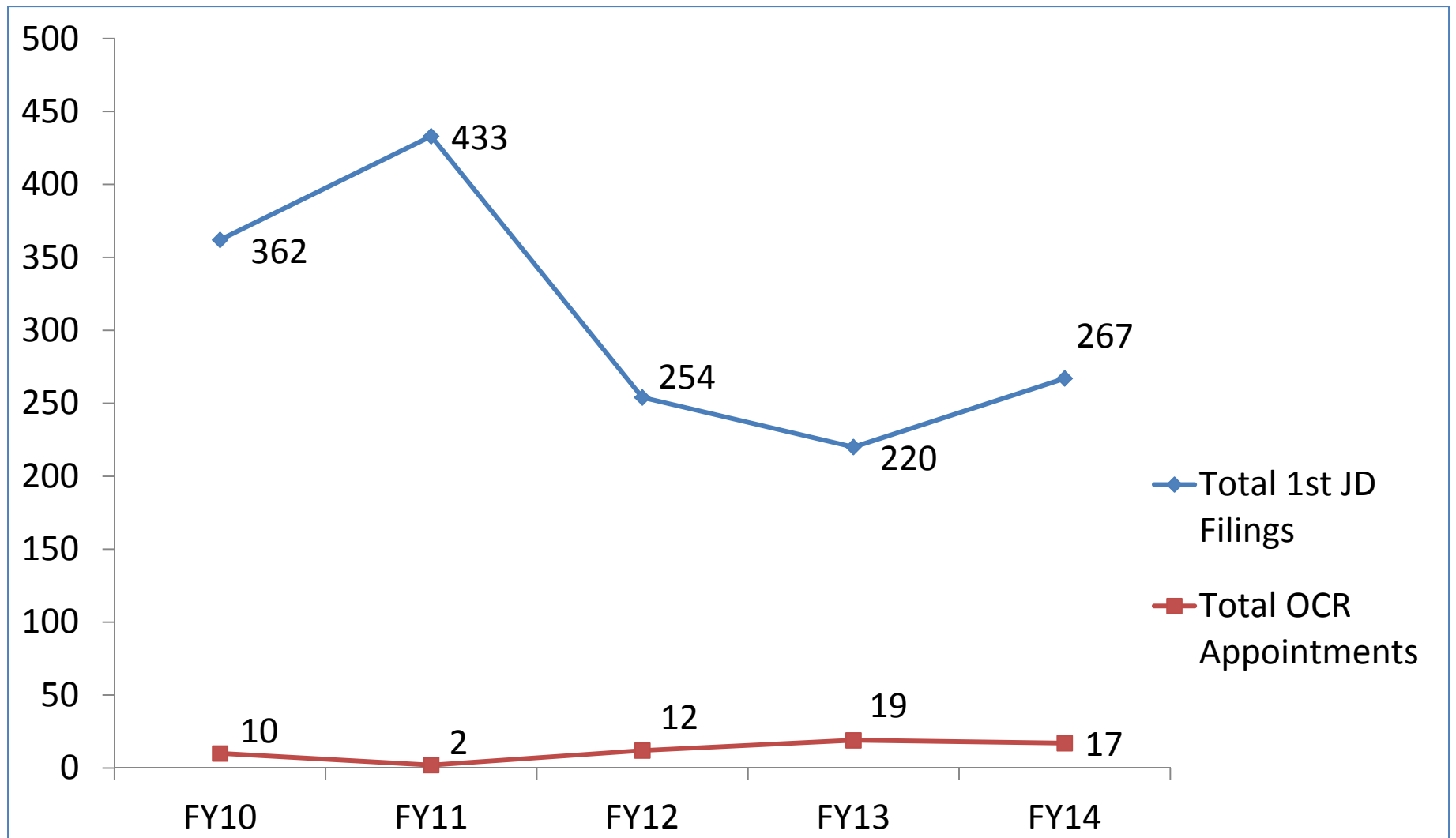
State of Colorado Juvenile Delinquency Filings and Appointments



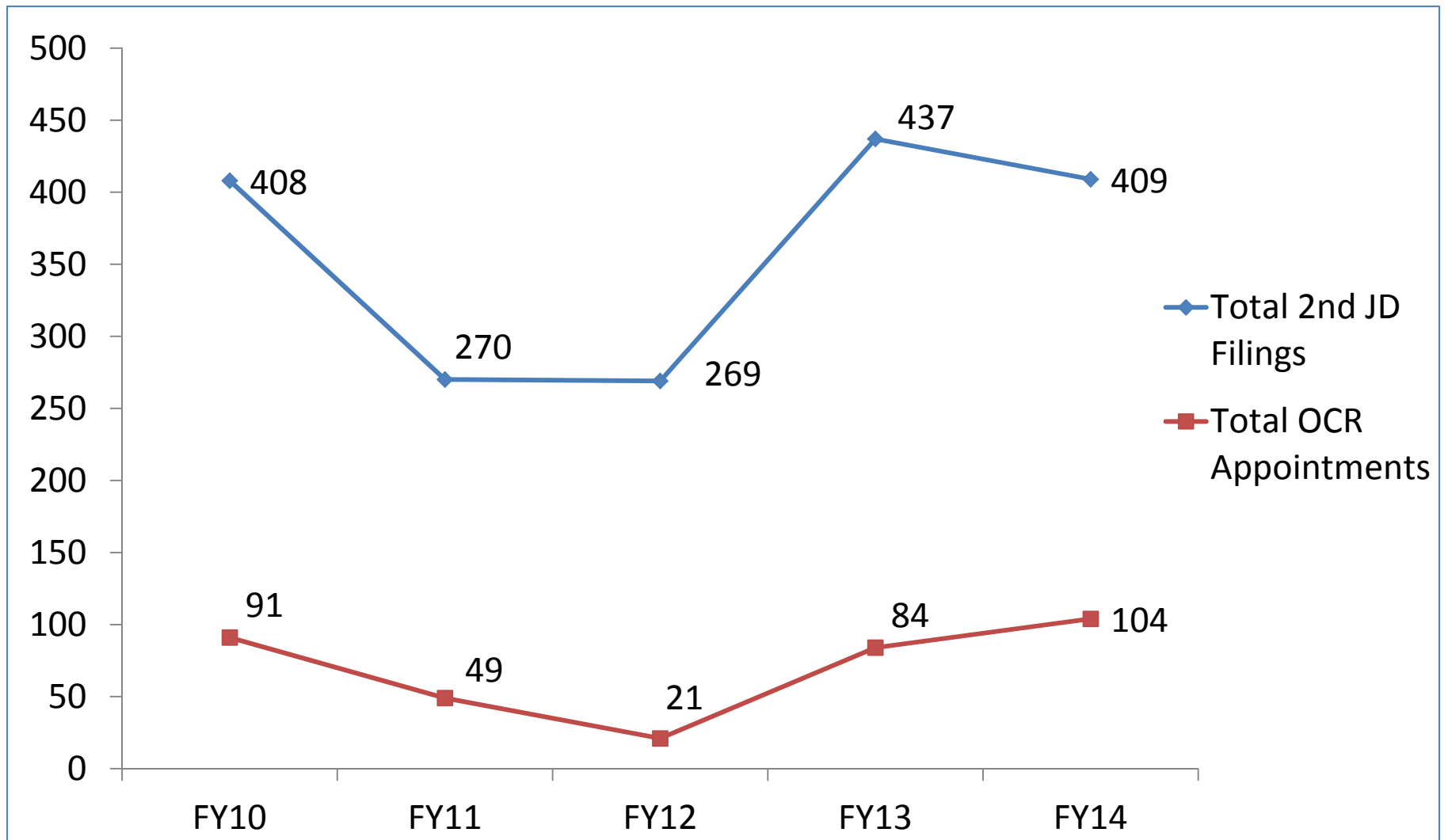
State of Colorado Truancy Filings and Appointments



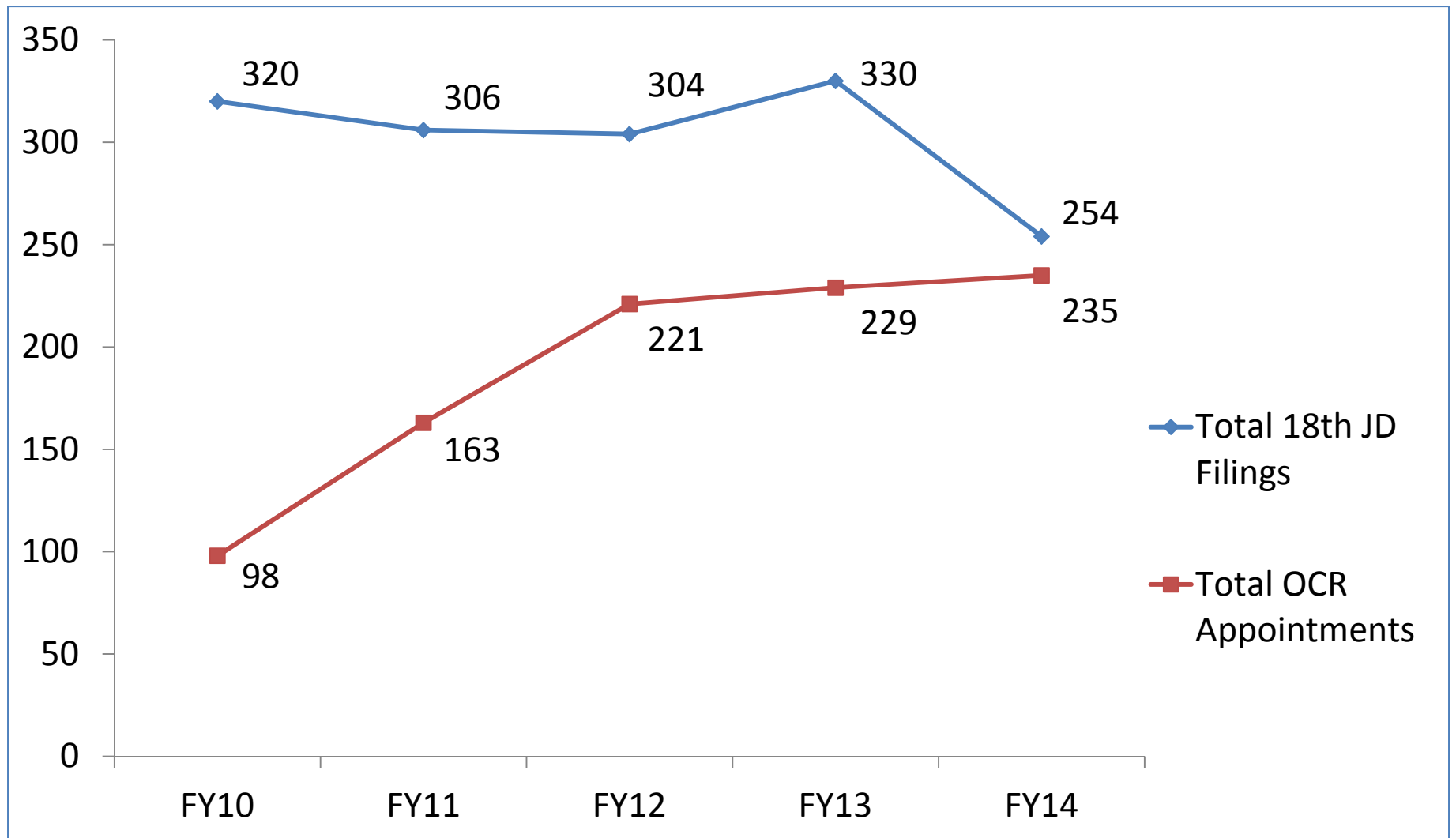
Truancy Filings and Appointments 1st Judicial District



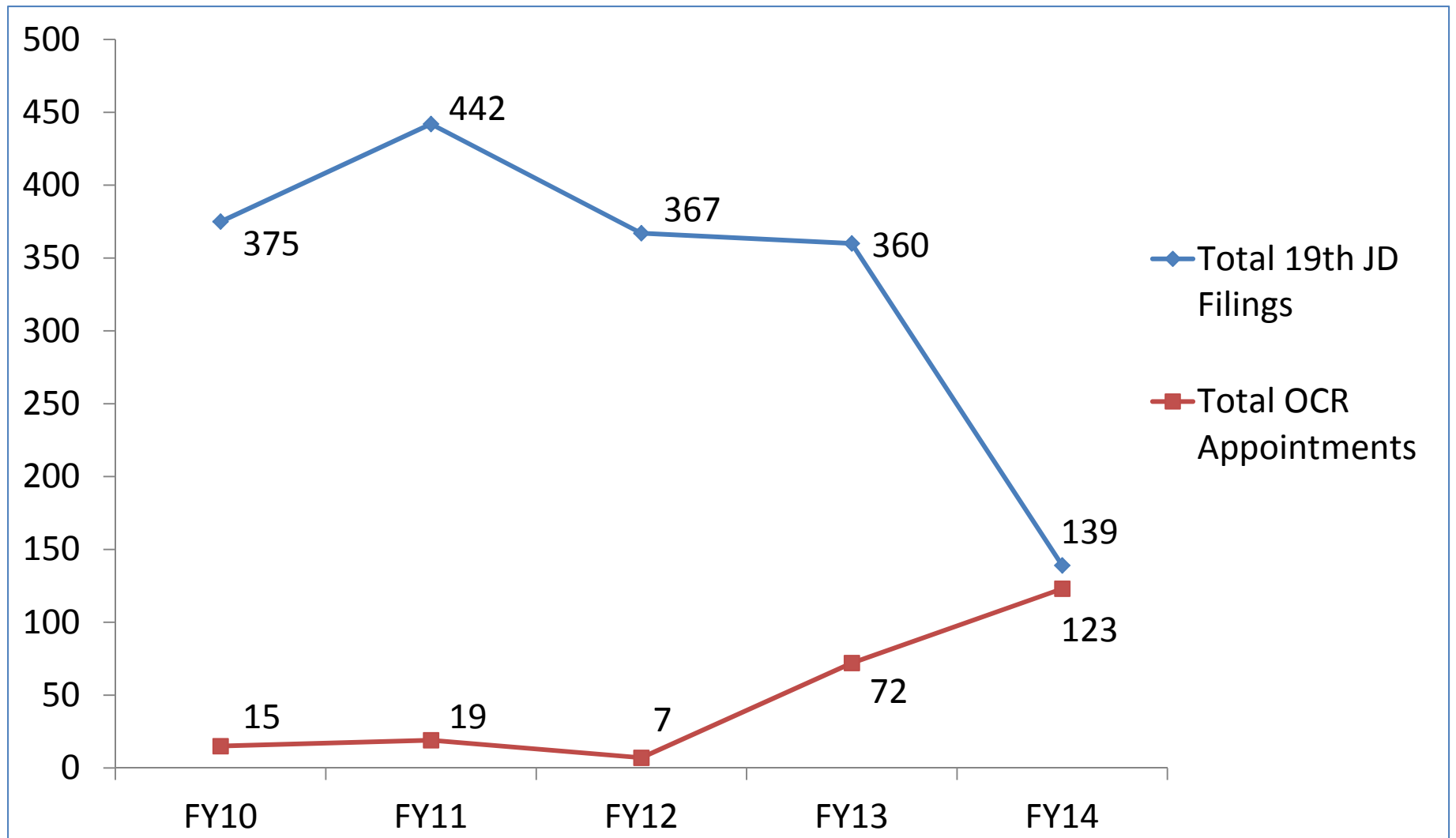
Truancy Filings and Appointments 2nd Judicial District



Truancy Filings and Appointments 18th Judicial District



Truancy Filings and Appointments 19th Judicial District



“The issues which present themselves run the gamut from substance abuse, domestic violence, children missing more than 30 days of school a year, mental health concerns, parents not following up with IEP staffing's etc...”

-Judicial Officer in 18th Judicial District

“The GALs have been great. They have found issues with abject poverty, kids working to support families to avoid eviction, kids missing school to cover for parents who were ill, inadequately addressed mental health issues... it goes on and on”

-Judicial Officer in 19th Judicial District

“It seemed to be the consensus by the group that additional appointments were made to help prevent D&N cases. It was mentioned that truancy GAL appointments put extra focus on the education piece and help resolve family issues before they become less manageable.”

-GAL in 2nd Judicial District

JOINT BUDGET COMMITTEE HEARING



APPEARING ON BEHALF OF THE AGENCY:

DOUGLAS K. WILSON
COLORADO STATE PUBLIC DEFENDER

KAREN S. PORTER
Chief Financial Officer

Monday, December 01, 2014

**JUDICIAL BRANCH
FY 2015-16 JOINT BUDGET COMMITTEE HEARING AGENDA**

**Monday, December 01, 2014
9:00 am - Noon**

11:15 – 11:30 AM OFFICE OF THE STATE PUBLIC DEFENDER

INTRODUCTIONS AND OPENING COMMENTS, AND DISCUSSION OF BUDGET PRIORITIES

QUESTIONS COMMON TO ALL DEPARTMENTS

1. SMART Government Act:

- a. Please describe how the SMART Government Act is being integrated into the OSPD's existing processes (both in terms of service delivery and evaluating performance).**
- b. How is the data that is gathered for the performance management system used?**
- c. Please describe the value of the act in the OSPD.**

The OSPD has used performance measures to assess their level of performance in its efforts to fulfill its constitutional mandate to provide indigent defense. We monitor our data points and identify where processes can be further refined and to address issues before they became problems.

Although typical performance measures and goals usually center on obtaining specific levels of production, outcomes, or customer service, our strategies are more in line with evaluating the effectiveness of providing adequate resources in order to fulfill the agency's mission. We have looked at the process of assembling the SMART ACT reports as an opportunity to further refine our performance measures, goals, mission and vision to ensure we are continuing to use our resources responsibly and effectively.

2. Describe the OSPD's experience with the implementation of the new CORE accounting system.

- a. Was the training adequate?**
- b. Has the transition gone smoothly?**
- c. How has the implementation of CORE affected staff workload during the transition?**
- d. Do you anticipate that CORE will increase the staff workload on an ongoing basis? If so, describe the nature of the workload increase and indicate**

whether the OSPD is requesting additional funding for FY 2015-16 to address it.

Training on the basic mechanics of the new CORE accounting system took place in the months preceding implementation which familiarized us with basic processes and screens yet all tangible learning was relegated to occur on-the-job. Staff is continuing to learn as new processes, fixes, documents, and reports are being rolled out with the assistance of the CORE help line along with cross-department meetings and interactions with other CORE users.

As expected with a system migration of this magnitude, there have been many changes to our processes as well as issues. The biggest issue we have identified has to do with the decreased level of security within the CORE system and its related data processes. The reduced level of security does not allow our office to meet the confidentiality standards as mandated by the Colorado Rules of Professional Conduct 1.6, a rule promulgated by the Colorado Supreme Court. This has necessitated us to develop ancillary systems and modify existing procedures thus creating additional workload for the agency in order to process any type of confidential information. We are currently working with representatives from CGI and DPA to address this security issue.

Compounding the additional workload due to security, OSPD staff has also seen an increase in workload within other areas due to:

- a. Basic operations of the new system – documents and processes now require more data to be entered on multiple screens and require many more steps to finalize documents.*
- b. Problems and issues discovered after implementation - staff has had to implement short-term review processes for internal control purposes and has been involved in many meetings to discuss these issues, resulting fixes and modifications, in order to obtain resolution.*
- c. Payroll, Closings and Reports – the delay in the monthly processing of payroll in CORE, period closings, and subsequent roll-out of reports has required the agency to track balances outside the system to monitor such expenditures.*
- d. Limited Documentation – Basic job-aids with step by step instructions were received at the initial training yet the documentation was lacking in providing essential crosswalks from the old COFRS system to CORE for such items as reports, new documents and codes with explanation as to how and when they were to be used and their ultimate impact on accounting balances.*

However, we do realize there is a learning curve involved and acknowledge that there are issues we are still working out, so we are choosing to wait for the time issues related to the implementation process and related issues to stabilize.

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

3. **Provide a list of any legislation that the Department has: (a) not implemented or (b) partially implemented. Explain why the Department has not implement or has partially implemented the legislation on this list.**

H.B. 13-1210 repealed a statute that required an indigent person charged with a misdemeanor or other minor offenses to meet with the prosecuting attorney for plea negotiations before legal counsel is appointed. This went into effect January 1, 2014 and the office has been monitoring and identifying the locations most in need of additional staffing. This careful roll-out of staffing in phases has resulted in near full implementation yet the office is delaying final FTE placements until a full year of data can be collected to ensure the resources are fully needed and if so, final allocations will be made.

The 2014 Legislative session brought us H.B. 14-1032, which gave us funding and FTE for specific juvenile appointments. This legislation took effect on November 01, 2014. As soon as this legislation was signed, we began planning for indicated office expansions and capital purchases. Since the date the legislation became effective, we have been actively placing attorneys and related staff and are close to full implementation.

4. **What is the turnover rate for staff in the OSPD? Please provide a breakdown by office and/or division, and program.**

The OSPD's average attrition rate for FY 2013-14 was 8.8%. Additional breakdown of this attrition by personnel grouping is as follows.

Personnel Grouping	FY14 attrition
Attorneys	8.5 %
Investigators	6.7 %
Admin Assts	15.5 %
State Office	2.5 %
Average Total	8.8 %

5. **How much capital outlay did the OSPD expend using either operating funds or capital funds in FY 2013-14? Please break it down between the amount expended from operating and the amount expended from capital.**

In FY 2013-14, the OSPD had a total of \$ 625,884 in capital outlay expenditures. Of this amount, \$ 419,037 was from capital outlay and \$ 206,847 was from the automation budget. These capital outlay purchases include purchases for new FTE funded through legislation and life-cycle replacement costs for IT capitalized equipment.

6. **Does the OSPD have any outstanding high priority recommendations as identified in the "Annual Report of Audit Recommendations Not Fully Implemented" that was published by the State Auditor's Office on June 30, 2014? What is the OSPD doing to resolve the outstanding high priority recommendations?**

[http://www.leg.state.co.us/OSA/coauditor1.nsf/All/1FE335CE3162803F87257D7E00550568/\\$FILE/1422S%20-%20ANNUAL%20REPORT%20OF%20AUDIT%20RECOMMENDATIONS%20NOT%20FULLY%20IMPLEMENTED%20AS%20OF%20JUNE%2030,%202014.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/1FE335CE3162803F87257D7E00550568/$FILE/1422S%20-%20ANNUAL%20REPORT%20OF%20AUDIT%20RECOMMENDATIONS%20NOT%20FULLY%20IMPLEMENTED%20AS%20OF%20JUNE%2030,%202014.pdf)

The OSPD does not have any outstanding high priority recommendations identified in the "Annual Report of Audit Recommendations Not Fully Implemented" report published by the State Auditor's Office on June 30, 2014.

**JUDICIAL BRANCH
FY 2015-16 JOINT BUDGET COMMITTEE HEARING AGENDA**

11:30-11:45 OFFICE OF THE ALTERNATE DEFENSE COUNSEL (OADC)

INTRODUCTIONS AND OPENING COMMENTS

QUESTIONS COMMON TO ALL DEPARTMENTS

1. SMART Government Act:

- a. Please describe how the SMART Government Act is being integrated into the OADC's existing processes (both in terms of service delivery and evaluating performance).

In the OADC proposed budget for FY2008-2009, the agency developed its first Strategic Plan, including measurable Performance Measures. Since that time these Performance Measures have been further developed and streamlined to insure that the agency is operating efficiently and effectively, while staying true to its mission and vision. The agency has integrated the SMART Government Act into this already existing process and expanded or modified the Strategic Plan to develop a Performance Management System as required by the SMART Government Act. The agency's Performance Plan is essentially comprised of the agency's Performance Measures, and the agency's Annual Performance Report is an evaluation of how the agency is meeting its Performance Measures.

- b. How is the data that is gathered for the performance management system used?

Most of the data that is gathered for the Performance Management System is used in much the same way that the data is used for the agency's annual budget request. Every year the agency evaluates each of its Performance Measures to insure that it is meeting each measure, and adjusts the Performance Measures to address any improvements that the agency strives to make, adding Performance Measures as the agency improves its service provision. The Performance Management System is also used to assist with the agency's employee evaluation process to insure excellent work performance and evaluate growth opportunities. Feedback is solicited from independent contractors, courts, and employees to determine areas of improvement.

- c. Please describe the value of the act in the OADC.

The Act itself has been of little value to the OADC as the agency was already engaging in most of the requirements of the Act prior to its implementation. In fact, the Act has created additional work for a very small staff by requiring the agency to fit its already existing evaluation processes into those specifically required by the Act.

2. Describe the OADC's experience with the implementation of the new CORE accounting system.
 - a. Was the training adequate?

Prior to the implementation of CORE, the State Controller's office offered ongoing training in all aspects of CORE. In FY13-14, the OADC's Controller/Budget Analyst, Senior Office Manager, and Billing Administrator spent considerable hours in trainings and workshops related to bringing CORE online by July 1, 2014. It is important to note that, unlike larger agencies with separate Human Resources, Budget, Information Technology, and Accounting departments, OADC currently has one person to fill most of the requirements for these departments. While these trainings were adequate for our agency's needs, there continue to be changes to the CORE system and its procedures since these initial trainings, as well as on-going meetings and trainings to address changes and issues surrounding the functionality of CORE. The State Controller and DPA have been diligent in communicating these changes and providing additional training and guidance, but significant OADC staff time continues to be spent addressing these issues.

- b. Has the transition gone smoothly?

The transition for our agency has gone fairly smoothly, although the time commitment for our agency's staff has been considerable. Initially there were some issues with the interface between the OADC internal contractor billing system (CAC) and CORE, but the OADC contract programmer worked with the CORE/CGI staff to resolve these issues and this is now running smoothly. As indicated above, there continue to be changes to the CORE system and its procedures that need to be addressed.

One of the issues/transitions that the agency is still working on with the State Controller's Office and CGI involves CORE documents/screens and maintaining the confidentiality of case information.

- c. How has the implementation of CORE affected staff workload during the transition?

The OADC has found that a large portion of the manual processes (entries that have to be manually entered by staff into CORE, vs. the automated interface between the OADC billing system and CORE) in the new system have added a significant increase to staff workload in comparison to the old COFRS system. These manual processes include a significant increase in required fields that need to be entered in order for a document to process. Specifically the Agency is seeing an increased workload in processing documents such as Payment Documents (GAX), Journal Correcting or Allocating Documents (JV), Vendor/Contractor Additions (VCUST), Procurement Card (PRC1), and Cash Receipt documents (CR). Some specific examples of increased workload include:

- **Generating new Vendors/Contractors in the CORE system (VCUST).** The new CORE process for these documents has more than quadrupled the workload. What could once be entered onto 1 COFRS screen is now required on 5 different screens in CORE.
- **The Cash Receipt (CR) process.** Because of the multiple screens, required fields, and additional coding to be entered, this process has tripled the amount of time it takes to complete.
- **The Procurement Card (PCARD) process.** This is an area that has greatly increased workload for staff. In COFRS this process was done on two screens. In the new CORE system 5 screens are required, with multiple tabs, and multiple coding fields. This process has quadrupled in workload and time to complete.

The additional screens, fields, and coding which CORE requires can be translated to all documents that our agency utilizes. Due to the agency's size the additional workload CORE has demanded cannot be re-appropriated to existing staff.

- d. Do you anticipate that CORE will increase the staff workload on an ongoing basis? If so, describe the nature of the workload increase and indicate whether the OADC is requesting additional funding for FY 2015-16 to address it.

The OADC believes that CORE has and will continue to add a permanent increase to staff workload. This permanent increase is seen with all daily accounting documents (as listed above) with regards to additional required fields/coding and tables that did not exist in the previous system. With this permanent increase, combined with the current number of staff, the agency is finding it extremely difficult to meet its obligated payment and monthly close schedules. Based on this increased workload, combined with staff deficiencies related to caseload increase and SMART act compliance, the OADC is requesting funding for a 1.0 FTE entry level accountant position. The agency is also asking to make its current 0.5 FTE administrative assistant into a full-time position. The administrative assistant request is not specifically related to the factors outlined above, but is to provide sufficient administrative support to the agency's Director, Deputy Director, Evaluator/Training Director, Juvenile Law Coordinator, Coordinator of Legal Research and Technology, and Appeals/Post Conviction Case Manager.

QUESTIONS RELATED TO FY 2015-16 BUDGET PRIORITIES

(OADC R1) Staff Support

3. Discretely identify how each of the three factors identified in your request affect the OADC's increased need for administrative staff:
- a. Increases in the number of court appointments and associated contractor payments;

The Agency opened its doors in 1997 with a caseload of 1,217.¹ By the time OADC was fully operational, in FY98, the agency handled 7,072 cases and 9,357 payments with 4 FTE. Those FTE included a Director, Deputy Director, Budget Analyst and Staff Assistant. In FY04, the agency handled 11,100 cases and 21,722 payments with 5 FTE (the additional FTE was another staff assistant). In FY14, the agency handled 15,085 cases and 52,900 payments. As part of the agency's contractor auditing system, each bill is reviewed for accuracy, efficiency, and compliance with the OADC Payment Directive and Procedures. Irregularities are reported and followed up on. In addition, OADC has a commitment to its contractors for reliable and timely payment. Without additional staff the internal auditing process, as well as the commitment to agency contractors are at risk.

The staff that now processes over 50,000 payments per year are the same FTE from FY2004. No additional FTE have been added to assist with this process.

The agency also has additional FTE who are *program staff*, focusing on efficiency and quality of contract service providers. These 4 *program staff FTE* are a Appeals/Post-Conviction Case Manager, Evaluator/Training Director, Coordinator of Legal Research and Technology, and Juvenile Coordinator. The agency also added 0.5 administrative FTE in FY2011. While these final 4.5 FTE have greatly assisted the agency in its external efficiencies (contractor based), they are not involved in the internal operations of the agency. The chart below demonstrates how the agency has changed in the 19 years since its inception.

	FY97	FY98	FY04	FY11	FY14	FY15	FY16
Director & Deputy Director	2.0	2.0	2.0	2.0	2.0	2.0	2.0
FTE - Admin	2.0	2.0	3.0	3.5	3.5	3.5	5.0
FTE - Program	0.0	0.0	0.0	2.0	3.0	4.0	4.0
Total FTE	4.0	4.0	5.0	7.5	8.5	9.5	11.0
Cases	1,217	7,072	11,100	11,880	15,085	14,479	15,085
Payments	1,339	9,357	21,722	39,739	53,441	52,512	53,441
Expenditures	\$4,065,101	\$5,531,373	\$11,901,679	\$20,496,774	\$25,453,717	\$29,694,094	\$30,003,948

b. Compliance with the SMART Act;

In 2010, the first SMART Act was adopted by the legislature (HB 10-1119). The bill set forth new requirements for budgeting by state departments and implemented a new role in state budgeting for legislative committees of reference. This Act was expanded by the second SMART Act (HB 13-1299) in FY13. This second Act amended the previous bill and added requirements for a performance-based budgeting process. This process includes a performance plan, performance

¹ It is believed that at that time many of the OADC cases were still being paid out of the State Office of the Public Defender's budget.

management system, and performance report. In addition, each state agency is required to give presentations to committees of reference and develop an annual report. In retrospect, the agency realizes that it should have included a fiscal note when this Act was adopted, but at the time the OADC believed that it could absorb the additional burden of the SMART Act.

c. Implementation of CORE.

As noted in 2.d. above, the OADC believes that CORE has and will continue to add a permanent increase to staff workload. This permanent increase is seen with all daily accounting documents (as listed above) with regards to additional required fields/coding and tables that did not exist in the previous system. With this permanent increase, combined with the current number of staff, the Agency is finding it extremely difficult to meet its obligated payment and monthly close schedules.

4. Please comment on whether it is possible to achieve a more appropriate balance between: (a) ensuring that the OADC, OCR, IEC, and the newly created Office of the Respondent Parents' Counsel (ORPC) have the ability to effectively carry out their missions; and (2) eliminating inefficiencies related to administrative functions that may be best provided by the State Court Administrator's Office or through shared resources, such as: information technology services; accounting; the purchase or leasing of equipment and furnishings; human resources; and administrative/reception support.

The OADC has met with the OCR and the SCAO to initiate discussions and analysis about this question. The chart below indicates resources that the OADC already shares with other agencies, possible additional shared resources, and difficulties with sharing certain resources.

Main Resource Shared	Agency shared	Description of shared resource	Possible additional shared tasks within resource/Notes of difficulties sharing resources
Information Technology	SCAO/OCR OADC/OIT	<ul style="list-style-type: none"> ● Recommend IT solutions - share price agreement information and contracts ● Infrastructure shared data center. Example: OCR server migration - worked with SCAO IT department to get recommendation on best hardware and software solutions ● OADC and OCR use state price agreements for hardware and programming services as needed. ● Shared infrastructure in training rooms 	<ul style="list-style-type: none"> ● OCR has two divisions: Denver office and El Paso. OADC has a Denver location with employee remote access. ● By using contract services we are able to get the appropriate level of service depending on service need: helpdesk, engineer, or technician. By sharing resources through an IT provider contract we are able to minimize expenses and receive 2 hour response times. OCR investigated using FTE; however it would cost more and OCR would lose coverage over vacations/holidays. ● Interviews with State Auditor's office and Judicial Internal Auditors regarding IT efficiencies resulted in not finding cost savings.

Main Resource Shared	Agency shared	Description of shared resource	Possible additional shared tasks within resource/Notes of difficulties sharing resources
Accounting and Budgeting	OADC/PD/SCAO/OCR OADC/PD/SCAO/OCR OADC/PD/SCAO/DOL	<ul style="list-style-type: none"> ● Share POTS template and other budget schedules to improve standardization of budget forms ● Share common policy requests across the branch for consistency ● CORE common security/confidentiality issues 	<ul style="list-style-type: none"> ● In order to fulfill OCR and OADC mission decision items, forecasting calculations are best made by budget staff who understand the billing system (unique to each agency) and underlying costs. Budget schedules if entered centrally would have to be reviewed afterwards and the same data would have to be analyzed as part of the overall request. ● Due to conflicts between OCR/OADC/PD/SCAO/DOL - Counsel may represent an opposing interest - SCAO handles accounting for judicial officers, case and party information should be held as privileged. <p>See answer to 2.b. above</p>
Payroll	SCAO	<ul style="list-style-type: none"> ● Data entry in payroll system of OCR or OADC prepared forms 	<ul style="list-style-type: none"> ● Complete necessary forms based on personal action request (ex. timesheet calculation for hourly employees) and sent for approval by agency ● Year-end leave calculations (PTO or sick/vacation) ● Verify correct payroll fields, salary in payroll system ● Payroll reconciliation - send agency completed reconciliation for review ● Maintain CERT codes in CORE

Main Resource Shared	Agency shared	Description of shared resource	Possible additional shared tasks within resource/Notes of difficulties sharing resources
HR	OCR/DOL/PD/SCAO/OADC	<ul style="list-style-type: none"> ● Provides recommendations regarding employee actions, e.g. FMLA, Unemployment, termination ● Provides HR training ● Provides open enrollment information ● Employee announcements ● Assign Employee ID #'s ● Data entry for salary/position classification ● Provides background checks on new hires (OADC) 	<ul style="list-style-type: none"> ● Provide salary survey statistics - includes study of comparable wages (OCR is currently sharing this resource with the Department of Law and PD) ● Maintain position classifications on job classification system for OCR/OADC positions ● Provide calculations for OCR/OADC salary classifications as directed by agency Executive Director ● Provide background checks on new hires (OCR) ● Provide annual contracts for new hires (OCR)
Purchasing office equipment and furnishings (Capital Outlay)	SCAO/DPA/OIT SCAO SCAO Carr Building	<ul style="list-style-type: none"> ● When possible use best price agreement available ● Supplied office furnishings ● Supplied phone system and maintenance agreements ● Assistance with RFI/RFP process ● Shared trainings rooms & equipment 	<ul style="list-style-type: none"> ● Provide all aspects of purchasing which includes: ' finding best price for item requested by agency, ordering goods within timeline specified, and with approval by agency complete accounting transaction to charge agency with cost.

Main Resource Shared	Agency shared	Description of shared resource	Possible additional shared tasks within resource/Notes of difficulties sharing resources
Administration and Support	SCAO OADC	<ul style="list-style-type: none"> ● Shared trainings - all administrative tasks associated with shared trainings (done by OCR) ● Shared contract database resources - each agency pays for cost of each resource - share methodology and best practices 	<ul style="list-style-type: none"> ● Remainder of tasks assigned to admin and support staff are exclusive to the mission of the agency and should not be shared due to conflicts with other judicial agencies. ● Examples: Administrative tasks associated with contract and complaint process are based on CJD and other mandates unique to OCR or OADC
Receptionist	Carr Building	<ul style="list-style-type: none"> ● Shared 1st floor receptionist 	<ul style="list-style-type: none"> ● Pre-register visitors
Training	PD/OCR/COA/DOL/ SCAO/ORPC	<ul style="list-style-type: none"> ● Shared investigator and attorney trainings ● Provide trainers 	<ul style="list-style-type: none"> ● Joint trainings with ORPC

SCAO - State Court Administrator Office
OCR - Office of the Childs Representative
PD - Office of the Public Defender
OADC - Office of the Alternate Defense Counsel
OIT - Office of Information Technology
COA - Court of Appeals
ORPC - Office of the Respondent Parent Counsel

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

5. Provide a list of any legislation that the OADC has: (a) not implemented or (b) partially implemented. Explain why the OADC has not implemented or has partially implemented the legislation on this list.

There is no legislation that the OADC has been required to implement.

6. What is the turnover rate for staff in the OADC? Please provide a breakdown by office and/or division, and program.

State Employees	Position Held
Alternate Defense Counsel Director <i>(replaced retiring ED Apr 2006)</i>	8 years, 7 months
Alternate Defense Counsel Deputy Director <i>(new position Aug 1998)</i>	16 years, 3 months
Coordinator of Legal Research & Technology <i>(new position Aug 2013)</i>	1 years, 3 months
Evaluations/Training Director <i>(new position Sep 2007)</i>	7 years, 2 months
Juvenile Law Coordinator <i>(new position Nov 2014)</i>	1 month
Controller/Budget Manager <i>(replaced retiring Controller Apr 2013)</i>	1 years, 7 months
Appellate Post-Conviction Coordinator <i>(new position Apr 2007)</i>	7 years, 7 months
Sr. Office Manager <i>(new position Nov 1996)</i>	18 years, 1 month
Billing Administrator <i>(new position Jan 2004)</i>	10 years, 9 months
Administrative Assistant/Specialist	<i>vacant</i>

As the chart above demonstrates, the OADC staff turnover rate since the inception of the agency in 1996 has been virtually non-existent. In FY14-15, technically the turnover rate is 10% due to the resignation of the agency’s 0.5 FTE administrative assistant, who left the agency because she needed a full time job. Aside from this position only 4 employees have left the agency since the OADC was created. This includes the retirement of the first director, and 3 changes in controllers due to one leaving the state, and the other one not moving with the agency from Greeley to Denver, and the 3rd one retired.

7. How much capital outlay did the OADC expend using either operating funds or capital funds in FY 2013-14? Please break it down between the amount expended from operating and the amount expended from capital.

The OADC did not utilize any Capital Outlay funds with regards to Operating in FY13-14.

Does the OADC have any outstanding high priority recommendations as identified in the "Annual Report of Audit Recommendations Not Fully Implemented" that was published by the State Auditor's Office on June 30, 2014? What is the OADC doing to resolve the outstanding high priority recommendations?

[http://www.leg.state.co.us/OSA/coauditor1.nsf/All/1FE335CE3162803F87257D7E00550568/\\$FILE/1422S%20-%20ANNUAL%20REPORT%20OF%20AUDIT%20RECOMMENDATIONS%20NOT%20FULLY%20IMPLEMENTED%20AS%20OF%20JUNE%2030,%202014.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/1FE335CE3162803F87257D7E00550568/$FILE/1422S%20-%20ANNUAL%20REPORT%20OF%20AUDIT%20RECOMMENDATIONS%20NOT%20FULLY%20IMPLEMENTED%20AS%20OF%20JUNE%2030,%202014.pdf)

No.



JUDICIAL BRANCH

**OFFICE OF THE
ALTERNATE DEFENSE COUNSEL**

**FISCAL YEAR 2015-2016
BUDGET PRESENTATION**

**Lindy Frolich, Director
Daniel Nunez, Controller**

mainframe

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Network diagram showing nodes and connections. Nodes include: Router, Switch, Server, and Client. Connections are shown as lines between nodes.

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Standard Journal Voucher(JV1STND) Dept: JEAA ID: 2015000000000001589 Ver.: 1 Function: New Phase: Draft Modified by d.nunez , 11/28/2014

Header List View

General Information Extended Description Contact Document Information

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Record Date:

Budget FY:

Fiscal Year:

Period:

Document Description:

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Total Debits: \$0.00

Budget Control Level Reduction:

Fund Balance Control Level Reduction:

Cash Balance Control Level Reduction:

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Header

General Information **Extended Description** Contact Document Information

Extended Description:

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Header List View

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Line Group Total Lines: 1 Line Group: 1 Event Type: Vendor Customer:

Line Group	Event Type	Posting Pair	Vendor Customer	Legal Name	Debit Total	Credit Total
1		A			\$0.00	\$0.00

From 1 to 1 Total: 1 [First] [Previous] [Next] [Last] Go to line: [Go]

[List View]

General Information Vendor Customer Information Reference Fund Accounting Detail Accounting

Line Group: 1 Line Group Description:

Event Type:

Posting Pair: A

Posting Pair Name:

Debit Total: \$0.00
 Credit Total: \$0.00
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Line Group Total Lines: 1 Line Group: 1 Event Type: Vendor Customer:

Line Group	Event Type	Posting Pair	Vendor Customer	Legal Name	Debit Total	Credit Total
1	A				\$0.00	\$0.00

From 1 to 1 Total: 1 [First] [Previous] [Next] [Last] Go to line: [Go]

[List View]

General Information **Vendor Customer Information** Reference Fund Accounting Detail Accounting

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Line Group Total Lines: 1 Line Group: 1 Event Type: Vendor Customer:

Line Group	Event Type	Posting Pair	Vendor Customer	Legal Name	Debit Total	Credit Total
1		A			\$0.00	\$0.00

From 1 to 1 Total: 1 [First] [Previous] [Next] [Last] Go to line: [Go]

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General Information Vendor Customer Information **Reference** Fund Accounting Detail Accounting

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 Ref Doc Dept: Ref Commodity Line:
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Line Group	Event Type	Posting Pair	Vendor Customer	Legal Name	Debit Total	Credit Total
1		A			\$0.00	\$0.00

From 1 to 1 Total: 1 | First | Previous | Next | Last | Go to line: | Go

List View

General Information | Vendor Customer Information | Reference | **Fund Accounting** | Detail Accounting

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Sub Fund:	<input type="text"/>	Sub Object:	<input type="text"/>	Sub OBSA:	<input type="text"/>
Department:	<input type="text"/>	Revenue:	<input type="text"/>	Dept Object:	<input type="text"/>
Unit:	<input type="text"/>	Sub Revenue:	<input type="text"/>	Dept Revenue:	<input type="text"/>
Sub Unit:	<input type="text"/>	BSA:	<input type="text"/>	Internal Fund:	<input type="text"/>
Appr Unit:	<input type="text"/>	Sub BSA:	<input type="text"/>	Internal Sub Fund:	<input type="text"/>
				Internal Dept:	<input type="text"/>

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Accounting | Total Lines: 0 | Accounting Line: none | Posting Code: none | Posting Code Name: none

Posting | Total Lines: 0 | Posting Line: none

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100%

AMS Advantage - Windows Internet Explorer
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CO **CORE** Jump to: JV1 Home Personalize Accessibility App Help About

Welcome, Daniel Nunez Procurement Budgeting Accounts Receivable Accounts Payable

Standard Journal Voucher(JV1STND) Dept: JEAA ID: 2015000000000001589 Ver.: 1 Function: New Phase: Draft Modified by d.nunez, 11/28/2014

Header

Line Group: Total Lines: 1 Line Group: 1 Event Type: Vendor Customer:

Line Group	Event Type	Posting Pair	Vendor Customer	Legal Name	Debit Total	Credit Total
1		A			\$0.00	\$0.00

From 1 to 1 Total: 1 First Previous Next Last Go to line:

General Information Vendor Customer Information Reference Fund Accounting **Detail Accounting**

Location: <input type="text"/>	Reporting: <input type="text"/>	Program: <input type="text"/>
Sub Location: <input type="text"/>	Sub Reporting: <input type="text"/>	Phase: <input type="text"/>
Activity: <input type="text"/>	Task: <input type="text"/>	Program Period: <input type="text"/>
Sub Activity: <input type="text"/>	Sub Task: <input type="text"/>	
Function: <input type="text"/>	Task Order: <input type="text"/>	
Sub Function: <input type="text"/>		

Accounting Total Lines: 0 Accounting Line: none Posting Code: none Posting Code Name: none

Posting Total Lines: 0 Posting Line: none

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CO CORE Jump to: JV1 Go Home Personalize Accessibility App Help About

Welcome, Daniel Nunez Procurement Budgeting Accounts Receivable Accounts Payable

Standard Journal Voucher(JV1STND) Dept: JEAA ID: 2015000000000001589 Ver.: 1 Function: New Phase: Draft Modified by d.nunez, 11/28/2014

Header

Line Group: Accounting Total Lines: 1 Line Group: 1 Event Type: Vendor Customer:

Accounting Total Lines: 0 Accounting Line: none Posting Code: none Posting Code Name: none

Accounting Line	Posting Code	Posting Code Name	Debit Amount	Credit Amount
From 0 to 0 Total: 0				

First Previous Next Last List View

General Information Reference Fund Accounting Detail Accounting

Event Type: Budget FY:

Posting Pair: Fiscal Year:

Posting Pair Name: Period:

Posting Code:

Posting Code Name: Bank:

Accounting Template:

Line Description:

Debit Amount:

Credit Amount:

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Posting Total Lines: 0 Posting Line: none

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co CORE Jump to: JV1 Go Home Personalize Accessibility App Help About

Welcome, Daniel Nunez Procurement Budgeting Accounts Receivable Accounts Payable

Standard Journal Voucher(JV1STND) Dept: JEAA ID: 20150000000000001589 Ver.: 1 Function: New Phase: Draft Modified by d.nunez, 11/28/2014

Header

Line Group Total Lines: 1 Line Group: 1 Event Type: Vendor Customer:

Accounting Total Lines: 0 Accounting Line: none Posting Code: none Posting Code Name: none

Accounting Line	Posting Code	Posting Code Name	Debit Amount	Credit Amount
From 0 to 0 Total: 0				

First Previous Next Last List View

General Information **Reference** Fund Accounting Detail Accounting

Ref Doc Code: Ref Vendor Line:

Ref Doc Dept: Ref Commodity Line:

Ref Doc ID: Ref Accounting Line:

Reference Type:

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Posting Total Lines: 0 Posting Line: none

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co CORE Jump to: JV1 Go Home Personalize Accessibility App Help About

Welcome, Daniel Nunez Procurement Budgeting Accounts Receivable Accounts Payable

Standard Journal Voucher(JV1STND) Dept: JEAA ID: 2015000000000001589 Ver.: 1 Function: New Phase: Draft Modified by d.nunez, 11/28/2014

Header

Line Group: Accounting Total Lines: 1 Line Group: 1 Event Type: Vendor Customer:

Accounting Total Lines: 0 Accounting Line: none Posting Code: none Posting Code Name: none

Accounting Line	Posting Code	Posting Code Name	Debit Amount	Credit Amount
From 0 to 0 Total: 0				

First Previous Next Last List View

General Information Reference **Fund Accounting** Detail Accounting

Fund:	Object:	OBSA:
Sub Fund:	Sub Object:	Sub OBSA:
Department:	Revenue:	Dept Object:
Unit:	Sub Revenue:	Dept Revenue:
Sub Unit:	BSA:	Internal Fund:
Appr Unit:	Sub BSA:	Internal Sub Fund:
		Internal Dept:

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Posting Total Lines: 0 Posting Line: none

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co CORE Jump to: JV1 Home Personalize Accessibility App Help About

Welcome, Daniel Nunez Procurement Budgeting Accounts Receivable Accounts Payable

Standard Journal Voucher(JV1STND) Dept: JEAA ID: 20150000000000001589 Ver.: 1 Function: New Phase: Draft Modified by d.nunez , 11/28/2014

Header

Line Group Total Lines: 1 Line Group: 1 Event Type: Vendor Customer:

Accounting Total Lines: 0 Accounting Line: none Posting Code: none Posting Code Name: none

Accounting Line	Posting Code	Posting Code Name	Debit Amount	Credit Amount
From 0 to 0 Total: 0				

First Previous Next Last

General Information Reference Fund Accounting **Detail Accounting**

Location: Reporting: Major Program:

Sub Location: Sub Reporting: Program:

Activity: Task: Phase:

Sub Activity: Sub Task: Program Period:

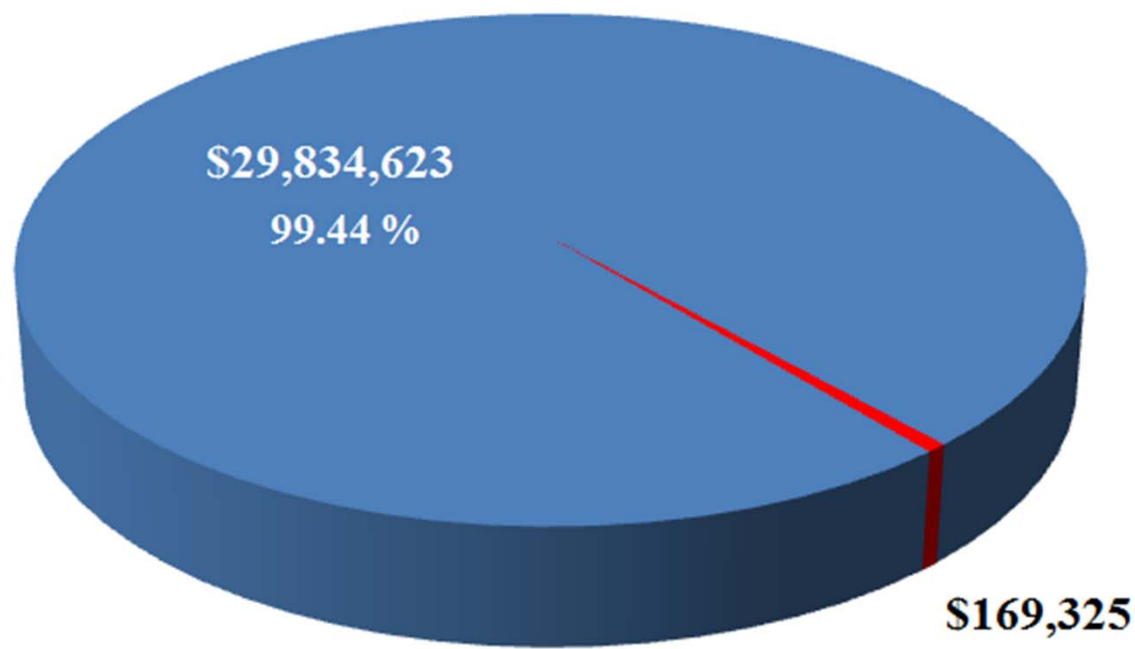
Function: Task Order:

Sub Function:

Posting Total Lines: 0 Posting Line: none

Processing Workflow File

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- FY15-16 Budget
- FY15-16 Decision Item

\$169,325
0.56 %

Judicial Branch
FY 2015-2016 Joint Budget Committee Hearing Agenda

Monday December 1, 2014
9:00 – Noon

Responses by the Independent Ethics Commission (IEC)

1. *Describe the factors that are increasing the IEC's need for legal services.*

The Commission needs to be funded in a manner that ensures continued functionality. The IEC was originally provided .9 FTE in legal services funding. However, the past legal services funding has fluctuated based in part upon its case load. The Commission has substantially exceeded its legal services budget for the past two fiscal years. It has become apparent that the Commission requires legal services at .9 FTE.

For at least the past two years legal services billing has been high due to increased litigation in the District Court, Court of Appeals as well as in the litigation that occurs in front of the Independent Ethics Commission itself. One matter is currently pending before the Court of Appeals. In addition the Commission had a contentious and highly involved case during 2013 and into 2014.

Legal service billing has also been higher recently due to the absence of an Executive Director for much of 2014. The IEC anticipates that a portion of the day to day legal services will be reduced now that an Executive Director has been hired who is capable of handling the day to day issues that arise, as well as legal issues that may come up in investigations. The Executive Director will also handle requests for advisory opinions and letter rulings. The Office of the Attorney General will still review much of the material generated for IEC operations by the Commission and by staff, but the Attorney General will now primarily focus on the ongoing legal matters as well as new legal matters that may arise.

Presently, the case before the Court of Appeals continues, with additional possible litigation stemming from open meetings questions. Additionally, given the nature of the work performed by the IEC, the threat of future litigation is always a possibility. If the IEC does not have sufficient funds to pay for legal services, the IEC may be unable to obtain representation in important matters including appeals or threatened litigation.

2. *Describe the audio recording equipment that would be purchased if this request is approved. Would this equipment allow the IEC to stream audio over the Internet during Commission meetings? If not, what resources would the IEC require to do so?*

The Commission has explored options for both live streaming of meetings and recording equipment to provide more open access to people across the State. The equipment is also needed to maintain better and more accurate records in order to ensure that the IEC meets our obligations under the law.

The Commission is currently exploring options for web-based streaming services that will also serve the recording function in order to accomplish both goals. Such services are available and are relatively inexpensive. There are also several web based streaming/storage services available on a subscription basis. It is anticipated that the IEC can accomplish both goals with the amount requested in our FY 2016 budget request, which is \$500.

3. *Provide a brief history of the IEC and its accomplishments to date, including the following:*

a. *A history of personnel changes and staff turnover;*

The IEC is a small office with a small staff. The IEC has employed on a permanent basis four individuals. The first IEC Executive Director was Jane Feldman, employed from July 1, 2008 to March 31, 2014. Doug Platt was employed in the position of Assistant Director from approximately December 15, 2009 to July 31, 2011. Maureen Toomey worked as Assistant to the Director from February 3, 2014 through September 15, 2014. The current IEC Executive Director, Amy DeVan, was hired September 8, 2014.

b. *A list of what the IEC has accomplished to date in relation to the agency's constitutional and statutory duties. Please separately identify accomplishments or actions the Commission has taken that relate to ethics issues arising under "other standards of conduct" (rather than under Article XXIX of the State Constitution).*

The IEC holds meetings at least once per month, more often as the workload dictates. Since its first meeting in 2008, the IEC has averaged 20 meetings per year, issuing 71 Advisory Opinions (through November 2014), ten letter rulings, and eleven position statements. The IEC has reviewed 77 complaint requests and held eleven hearings regarding complaints. The IEC has made more than 70 presentations/trainings to covered individuals and community organizations, and has handled more than 75 requests for information under the Colorado Open Records Act (CORA). Additionally, as described above, the IEC has engaged in litigation in both District Court and the Court of Appeals regarding decisions and operations. The IEC staff has handled in excess of 850 inquiries – both telephonically and in writing – regarding IEC operations, jurisdiction, etc.

To clarify, the “other standards of conduct” language is contained in Article XXIX Section 5 of the State Constitution. Specifically, Section 5 states: “The independent ethics commission shall have authority to adopt such reasonable rules as may be necessary for the purpose of administering and enforcing the provisions of this article and any other standards of conduct and reporting requirements as provided by law.” Thus the cases that have arisen under that standard are based in the IEC’s jurisdiction as outlined by Article XXIX.

Since it began operations in 2008, the IEC has issued twelve rulings in matters involving complaints filed with the Commission. Of those twelve, six dealt with the “other standards of conduct” while four dealt with gifts. Two of those matters involved both gifts and “other standards of conduct.”

OTHER TOPICS

4. *Please comment on whether it is possible to achieve a more appropriate balance between: (a) ensuring that the OADC, OCR, IEC, and the newly created Office of the Respondent Parents' Counsel (ORPC) have the ability to effectively carry out their missions; and (2) eliminating inefficiencies related to administrative functions that may be best provided by the State Court Administrator's Office or through shared resources, such as: information technology services; accounting; the purchase or leasing of equipment and furnishings; human resources; and administrative/reception support.*

The IEC currently utilizes the support of the Supreme Court Administrator’s Office (SCAO) in carrying out its administrative functions related to human resources, benefits, payroll, information technology, leasing of space etc. pursuant to the Memorandum of Understanding signed with the Judicial Department in February 2011, pursuant to legislative action effective June 2010. This arrangement has proved to be effective from a resources and cost control perspective.

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

5. *Provide a list of any legislation that the IEC has: (a) not implemented or (b) partially implemented. Explain why the IEC has not implemented or has partially implemented the legislation on this list.*

The IEC believes it has implemented both its constitutional and statutory requirements.

6. *What is the turnover rate for staff in the IEC? Please provide a breakdown by office and/or division, and program.*

As was noted above, The IEC is a small office with a small staff. The IEC has

employed on a permanent basis four individuals. The first IEC Executive Director was Jane Feldman, employed from July 1, 2008 to March 31, 2014. Doug Platt was employed in the position of Assistant Director from approximately December 15, 2009 to July 31, 2011. Maureen Toomey worked as Assistant to the Director from February 3, 2014 through September 15, 2014. The current IEC Executive Director, Amy DeVan, was hired September 8, 2014.

7. *How much capital outlay did the IEC expend using either operating funds or capital funds in FY 2013-14? Please break it down between the amount expended from operating and the amount expended from capital.*

IEC had no capital outlay for FY14 and equipment purchases were less than the Judicial capitalization threshold of \$5,000.00.

**JUDICIAL BRANCH
FY 2015-16 JOINT BUDGET COMMITTEE HEARING AGENDA**

**Monday, December 1, 2014
9:00 am – Noon**

**JUDICIAL DEPARTMENT (including the Supreme Court, Court of Appeals, Courts
Administration, Trial Courts, and Probation)**

9:00-9:10 INTRODUCTION AND OPENING COMMENTS

9:10-9:20 QUESTIONS COMMON TO ALL DEPARTMENTS

1. SMART Government Act:
 - a. Please describe how the SMART Government Act is being integrated into the Department's existing processes (both in terms of service delivery and evaluating performance).
 - b. How is the data that is gathered for the performance management system used?
 - c. Please describe the value of the act in the Department.
2. Do you have infrastructure needs (roads, real property, information technology) beyond the current infrastructure request? If so, how do these needs fit in with the Department's overall infrastructure priorities that have been submitted to the Capital Development Committee or Joint Technology Committee? If infrastructure should be a higher priority for the Department, how should the Department's list of overall priorities be adjusted to account for it?
3. Describe the Department's experience with the implementation of the new CORE accounting system.
 - a. Was the training adequate?
 - b. Has the transition gone smoothly?
 - c. How has the implementation of CORE affected staff workload during the transition?
 - d. Do you anticipate that CORE will increase the staff workload on an ongoing basis? If so, describe the nature of the workload increase and indicate whether the Department is requesting additional funding for FY 2015-16 to address it.

OTHER TOPICS

9:20-10:10 QUESTIONS RELATED TO FY 2015-16 BUDGET PRIORITIES

(JUD R1) General Fund Support of Cash Funds

4. Discuss the impact of recent court filing trends on the workload of judicial officers and court staff, and how such workload changes relate to the following budget initiatives:
 - a. General Fund support for cash funds (JUD R1);

- b. Adding a district court judge and the associated court staff in the 12th judicial district (JUD R4); and
 - c. Various requests to increase court-related staff (including JUD R6, JUD R7, JUD R8, JUD R9, JUD R10, and JUD R13).
5. The Department has indicated that it would utilize the \$1,250,000 General Fund that is requested for the Courthouse Security Grant Program for FY 2015-16 as follows: \$700,000 to meet the need for safety equipment; \$500,000 to provide additional fund balance support due to the continuing declining revenues and the increasing costs of grant-funded salaries and benefits; and \$50,000 for continuing education for court staff, county officials, and law enforcement. Clarify which components of the requested funding are intended to continue in FY 2016-17. In addition, provide more detailed information about the type of security equipment that would be purchased and the jurisdictions that would benefit if this request is approved.
6. Detail the current allocation of funds through the Family-friendly Court Program, by jurisdiction and type of service. Further, describe how this allocation would change if the General Assembly provides the \$150,000 General Fund requested for this program for FY 2015-16.

(JUD R2) Banking Fees

7. Has the Department considered contracting with a bank other than Wells Fargo?

(JUD R3) Network Bandwidth and Networking Equipment

8. Provide an update on the Department's information technology initiatives that involve the sharing of information with District Attorneys' offices.

(JUD R5) Probation Supervisors and Staff

9. Describe the types of offenders that are supervised by state probation staff and the types of offenders that are supervised by private probation providers.
10. Describe the background check(s) that are required for state probation staff and the background check(s) that are required for staff employed by private probation providers. Further, please provide an update on the impact of the funding that was provided by the General Assembly for FY 2014-15 to allow the Department to add 1.0 FTE Human Resources Technician to assist in conducting criminal background checks for probation staff.
11. Provide probation caseload and staffing data for the last several years including: (a) the number of adults and juveniles that were supervised by state staff and the number that were supervised by private probation providers; and (b) the number of probation officers, supervisors, and support staff.
12. Describe the Department's goal with respect to probation staffing levels, and how the request to add 20.0 FTE Supervisors and 5.0 FTE Support Staff in FY 2015-16 will help the Department achieve that goal.

(JUD R6) Self-represented Litigant Coordinators ("Sherlocks") and Family Court Facilitators

13. Detail the current allocations of Sherlocks and Family Court Facilitators among judicial districts, and the anticipated allocation of such staff should the General Assembly approve the FY 2015-16 request.
14. What is the Department's overall strategy and long-term goal with respect to these types of positions?
15. Has the Department analyzed the costs and benefits of adding Sherlocks and Family Court Facilitators? What types of performance measures are impacted by these positions? Will these positions be included in the Results First data collection that is being conducted by the Office of State Planning and Budgeting?

(JUD R7) Appellate Court FTE

16. Describe how the current number of judicial officers and staff in the Court of Appeals affects the backlog of criminal appeals cases. Further, would approval of this request improve the Court's ability to process these cases more quickly?

(JUD R11) Courthouse Capital and Infrastructure Maintenance/ H.B. 14-1096

17. Describe how the funding requested for courthouse furnishings relates to the funding that is requested for the new Underfunded Courthouse Facilities Grants Program that was authorized through H.B. 14-1096.
18. Provide an update on the implementation of the Underfunded Courthouse Facilities Grants Program, including any grants that have been awarded to date and/or the anticipated time frame for making grant awards.

(JUD R12) Problem-solving Courts FTE

19. What was the source of the grant that is currently supporting 2.8 FTE in Problem-solving Courts, and for which the Department is requesting General Fund support in FY 2015-16?
20. Problem-solving courts:
 - a. Have these courts met the Department's expectations?
 - b. Please provide any available data concerning the costs and benefits of these specialized courts.
 - c. Will Problem-solving Courts be included in the Results First data collection that is being conducted by the Office of State Planning and Budgeting?
 - d. Should existing court resources be re-prioritized to either increase or decrease funding for Problem-solving Courts?
 - e. Should any of the existing Problem-solving Courts be consolidated?
 - f. What is the Department's long-term goal with respect to Problem-solving Courts?

(JUD R14) Establishment of the Office of the Respondent Parents' Counsel

21. Please comment on whether it is possible to achieve a more appropriate balance between: (a) ensuring that the OADC, OCR, IEC, and the newly created Office of the Respondent Parents' Counsel (ORPC) have the ability to effectively carry out their missions; and (2) eliminating inefficiencies related to administrative functions that may be best provided by the State Court Administrator's Office or through shared resources, such as: information technology services; accounting; the purchase or leasing of equipment and furnishings; human resources; and administrative/reception support.
22. Please describe the Department's plans concerning the office space for the ORPC.

(JUD R15) Restorative Justice Coordinator

23. Provide a brief history of restorative justice programs, and any evidence that exists as to whether these programs are effective.

10:10-10:20 OTHER QUESTIONS

24. Describe the Department's progress in implementing H.B. 11-1300 and resolving court cases concerning conservation easements. Please include data concerning the number of cases that have been resolved and how many are still pending.
25. Based on the Court's recent experience with a significant increase in cases involving foreclosures and tax liens, would it make sense to establish one or more specialized courts to address a similar spike in certain filings in the future?
26. How does the Department define an FTE? Is it consistent with the definition in Section 24-75-112 (1) (d), C.R.S.?

10:20-10:35 BREAK

10:35-10:55 OVERSIGHT OF COURT APPOINTMENTS IN DOMESTIC RELATIONS CASES (The Office of the Child's Representative is requested to join the Chief Justice and the State Court Administrator to respond to these questions)

27. Comment on the information provided in response to the Committee's request for information concerning current court and administrative practices related to the oversight of court appointments in domestic relations cases. Does a sufficient consensus for the General Assembly to consider taking steps to consolidate the oversight of state-paid Child and Family Investigator (CFI) appointments under one judicial agency? If so, what steps should the General Assembly consider?
28. Describe the factors that are considered by a judicial officer when deciding whether to appoint an attorney or a non-attorney as a CFI.
29. Describe the nature or status of the CFI role. Is a CFI considered an "expert witness"?

30. How often do judicial officers disagree with a CFI's recommendations to the court concerning the allocation of parental responsibilities or other issues identified by the court?
31. Are there any other judicial agencies that should be considered to take on the responsibility for overseeing CFI appointments (*e.g.*, the Office of the Respondent Parents' Counsel)?

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

32. Provide a list of any legislation that the Department has: (a) not implemented or (b) partially implemented. Explain why the Department has not implemented or has partially implemented the legislation on this list.
33. What is the turnover rate for staff in the Department? Please provide a breakdown by office and/or division, and program.
34. Please identify the following:
- a. The Department's most effective program;
 - b. The Department's least effective program (in the context of management and budget);
 - c. Please provide recommendations on what will make this program (2.b.) more effective based on the Department's performance measures.
35. How much capital outlay did the Department expend using either operating funds or capital funds in FY 2013-14? Please break it down between the amount expended from operating and the amount expended from capital.
36. Does the Department have any outstanding high priority recommendations as identified in the "Annual Report of Audit Recommendations Not Fully Implemented" that was published by the State Auditor's Office on June 30, 2014? What is the Department doing to resolve the outstanding high priority recommendations?
- [http://www.leg.state.co.us/OSA/coauditor1.nsf/All/1FE335CE3162803F87257D7E00550568/\\$FILE/1422S%20-%20ANNUAL%20REPORT%20OF%20AUDIT%20RECOMMENDATIONS%20NOT%20FULLY%20IMPLEMENTED%20AS%20OF%20JUNE%2030,%202014.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/1FE335CE3162803F87257D7E00550568/$FILE/1422S%20-%20ANNUAL%20REPORT%20OF%20AUDIT%20RECOMMENDATIONS%20NOT%20FULLY%20IMPLEMENTED%20AS%20OF%20JUNE%2030,%202014.pdf)
-

10:55-11:15 OFFICE OF THE CHILD'S REPRESENTATIVE (OCR)

INTRODUCTIONS AND OPENING COMMENTS

OVERSIGHT OF COURT APPOINTMENTS IN DOMESTIC RELATIONS CASES [to be discussed from 10:35 to 10:55 with the Chief Justice and State Court Administrator]

1. Comment on the information provided in response to the Committee's request for information concerning current court and administrative practices related to the oversight of court appointments in domestic relations cases. Does a sufficient consensus for the General Assembly to consider taking steps to consolidate the oversight of state-paid Child and Family Investigator (CFI) appointments under one judicial agency? If so, what steps should the General Assembly consider?
2. Describe the factors that are considered by a judicial officer when deciding whether to appoint an attorney or a non-attorney as a CFI.
3. Describe the nature or status of the CFI role. Is a CFI considered an "expert witness"?
4. How often do judicial officers disagree with a CFI's recommendations to the court concerning the allocation of parental responsibilities or other issues identified by the court?
5. Are there any other judicial agencies that should be considered to take on the responsibility for overseeing CFI appointments (*e.g.*, the Office of the Respondent Parents' Counsel)?

QUESTIONS COMMON TO ALL DEPARTMENTS

6. SMART Government Act:
 - a. Please describe how the SMART Government Act is being integrated into the OCR's existing processes (both in terms of service delivery and evaluating performance).
 - b. How is the data that is gathered for the performance management system used?
 - c. Please describe the value of the act in the OCR.
7. Describe the OCR's experience with the implementation of the new CORE accounting system.
 - a. Was the training adequate?
 - b. Has the transition gone smoothly?
 - c. How has the implementation of CORE affected staff workload during the transition?
 - d. Do you anticipate that CORE will increase the staff workload on an ongoing basis? If so, describe the nature of the workload increase and indicate whether the OCR is requesting additional funding for FY 2015-16 to address it.

QUESTIONS RELATED TO FY 2015-16 BUDGET PRIORITIES

(OCR R1) Caseload/Workload Increase

8. Please discuss recent increases in the number of truancy and juvenile delinquency cases in which the OCR pays for court appointed counsel. Do these increases mirror overall trends in court case filings? What are the factors driving these increases?
9. Describe the factors that are increasing the workload for court-appointed counsel in dependency and neglect cases.

(OCR R2) FTE Increase

10. Describe the reason for the requested FTE increase and the calculation of the (relatively small) dollar amount requested.
11. Please comment on whether it is possible to achieve a more appropriate balance between: (a) ensuring that the OADC, OCR, IEC, and the newly created Office of the Respondent Parents' Counsel (ORPC) have the ability to effectively carry out their missions; and (2) eliminating inefficiencies related to administrative functions that may be best provided by the State Court Administrator's Office or through shared resources, such as: information technology services; accounting; the purchase or leasing of equipment and furnishings; human resources; and administrative/reception support.

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

12. Provide a list of any legislation that the OCR has: (a) not implemented or (b) partially implemented. Explain why the OCR has not implemented or has partially implemented the legislation on this list.
13. What is the turnover rate for staff in the OCR? Please provide a breakdown by office and/or division, and program.
14. How much capital outlay did the OCR expend using either operating funds or capital funds in FY 2013-14? Please break it down between the amount expended from operating and the amount expended from capital.
15. Does the OCR have any outstanding high priority recommendations as identified in the "Annual Report of Audit Recommendations Not Fully Implemented" that was published by the State Auditor's Office on June 30, 2014? What is the OCR doing to resolve the outstanding high priority recommendations?

[http://www.leg.state.co.us/OSA/coauditor1.nsf/All/1FE335CE3162803F87257D7E00550568/\\$FILE/1422S%20-%20ANNUAL%20REPORT%20OF%20AUDIT%20RECOMMENDATIONS%20NOT%20FULLY%20IMPLEMENTED%20AS%20OF%20JUNE%2030,%202014.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/1FE335CE3162803F87257D7E00550568/$FILE/1422S%20-%20ANNUAL%20REPORT%20OF%20AUDIT%20RECOMMENDATIONS%20NOT%20FULLY%20IMPLEMENTED%20AS%20OF%20JUNE%2030,%202014.pdf)

11:15-11:30 OFFICE OF THE STATE PUBLIC DEFENDER (OSPD)

INTRODUCTIONS AND OPENING COMMENTS, AND DISCUSSION OF BUDGET PRIORITIES

QUESTIONS COMMON TO ALL DEPARTMENTS

1. SMART Government Act:
 - a. Please describe how the SMART Government Act is being integrated into the OSPD's existing processes (both in terms of service delivery and evaluating performance).
 - b. How is the data that is gathered for the performance management system used?
 - c. Please describe the value of the act in the OSPD.

2. Describe the OSPD's experience with the implementation of the new CORE accounting system.
 - a. Was the training adequate?
 - b. Has the transition gone smoothly?
 - c. How has the implementation of CORE affected staff workload during the transition?
 - d. Do you anticipate that CORE will increase the staff workload on an ongoing basis? If so, describe the nature of the workload increase and indicate whether the OSPD is requesting additional funding for FY 2015-16 to address it.

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

3. Provide a list of any legislation that the OSPD has: (a) not implemented or (b) partially implemented. Explain why the OSPD has not implemented or has partially implemented the legislation on this list.

4. What is the turnover rate for staff in the OSPD? Please provide a breakdown by office and/or division, and program.

5. How much capital outlay did the OSPD expend using either operating funds or capital funds in FY 2013-14? Please break it down between the amount expended from operating and the amount expended from capital.

6. Does the OSPD have any outstanding high priority recommendations as identified in the "Annual Report of Audit Recommendations Not Fully Implemented" that was published by the State Auditor's Office on June 30, 2014? What is the OSPD doing to resolve the outstanding high priority recommendations?

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INTRODUCTIONS AND OPENING COMMENTS

QUESTIONS COMMON TO ALL DEPARTMENTS

1. SMART Government Act:
 - a. Please describe how the SMART Government Act is being integrated into the OADC's existing processes (both in terms of service delivery and evaluating performance).
 - b. How is the data that is gathered for the performance management system used?
 - c. Please describe the value of the act in the OADC.

2. Describe the OADC's experience with the implementation of the new CORE accounting system.
 - a. Was the training adequate?
 - b. Has the transition gone smoothly?
 - c. How has the implementation of CORE affected staff workload during the transition?
 - d. Do you anticipate that CORE will increase the staff workload on an ongoing basis? If so, describe the nature of the workload increase and indicate whether the OADC is requesting additional funding for FY 2015-16 to address it.

QUESTIONS RELATED TO FY 2015-16 BUDGET PRIORITIES

(OADC R1) Staff Support

3. Discretely identify how each of the three factors identified in your request affects the OADC's increased need for administrative staff:
 - a. Increases in the number of court appointments and associated contractor payments;
 - b. Compliance with the SMART Act; and
 - c. Implementation of CORE.

4. Please comment on whether it is possible to achieve a more appropriate balance between: (a) ensuring that the OADC, OCR, IEC, and the newly created Office of the Respondent Parents' Counsel (ORPC) have the ability to effectively carry out their missions; and (2) eliminating inefficiencies related to administrative functions that may be best provided by the State Court Administrator's Office or through shared resources, such as: information technology services; accounting; the purchase or leasing of equipment and furnishings; human resources; and administrative/reception support.

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

5. Provide a list of any legislation that the OADC has: (a) not implemented or (b) partially implemented. Explain why the OADC has not implemented or has partially implemented the legislation on this list.

6. What is the turnover rate for staff in the OADC? Please provide a breakdown by office and/or division, and program.
7. How much capital outlay did the OADC expend using either operating funds or capital funds in FY 2013-14? Please break it down between the amount expended from operating and the amount expended from capital.
8. Does the OADC have any outstanding high priority recommendations as identified in the "Annual Report of Audit Recommendations Not Fully Implemented" that was published by the State Auditor's Office on June 30, 2014? What is the OADC doing to resolve the outstanding high priority recommendations?

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11:45-12:00 INDEPENDENT ETHICS COMMISSION (IEC)

INTRODUCTIONS AND OPENING COMMENTS

QUESTIONS RELATED TO FY 2015-16 BUDGET PRIORITIES

(IEC R1) Legal Services and Operating

1. Describe the factors that are increasing the IEC's need for legal services.
2. Describe the audio recording equipment that would be purchased if this request is approved. Would this equipment allow the IEC to stream audio over the Internet during Commission meetings? If not, what resources would the IEC require to do so?
3. Provide a brief history of the IEC and its accomplishments to date, including the following:
 - a. A history of personnel changes and staff turnover; and
 - b. A list of what the IEC has accomplished to date in relation to the agency's constitutional and statutory duties. Please separately identify accomplishments or actions the Commission has taken that relate to ethics issues arising under "other standards of conduct" (rather than under Article XXIX of the State Constitution).

OTHER TOPICS

4. Please comment on whether it is possible to achieve a more appropriate balance between: (a) ensuring that the OADC, OCR, IEC, and the newly created Office of the Respondent Parents' Counsel (ORPC) have the ability to effectively carry out their missions; and (2) eliminating inefficiencies related to administrative functions that may be best provided by the State Court Administrator's Office or through shared resources, such as: information technology services; accounting; the purchase or leasing of equipment and furnishings; human resources; and administrative/reception support.

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

5. Provide a list of any legislation that the IEC has: (a) not implemented or (b) partially implemented. Explain why the IEC has not implemented or has partially implemented the legislation on this list.
6. What is the turnover rate for staff in the IEC? Please provide a breakdown by office and/or division, and program.
7. How much capital outlay did the IEC expend using either operating funds or capital funds in FY 2013-14? Please break it down between the amount expended from operating and the amount expended from capital.

8. Does the IEC have any outstanding high priority recommendations as identified in the "Annual Report of Audit Recommendations Not Fully Implemented" that was published by the State Auditor's Office on June 30, 2014? What is the IEC doing to resolve the outstanding high priority recommendations?

[http://www.leg.state.co.us/OSA/coauditor1.nsf/All/1FE335CE3162803F87257D7E00550568/\\$FILE/1422S%20-%20ANNUAL%20REPORT%20OF%20AUDIT%20RECOMMENDATIONS%20NOT%20FULLY%20IMPLEMENTED%20AS%20OF%20JUNE%2030,%202014.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/1FE335CE3162803F87257D7E00550568/$FILE/1422S%20-%20ANNUAL%20REPORT%20OF%20AUDIT%20RECOMMENDATIONS%20NOT%20FULLY%20IMPLEMENTED%20AS%20OF%20JUNE%2030,%202014.pdf)
