

**JUDICIAL DEPARTMENT - INDEPENDENT AGENCIES
FY 2025-26 JOINT BUDGET COMMITTEE HEARING AGENDA**

Wednesday, December 18, 2024

9:00 am – 11:00 am

9:00-9:35 Office of the Public Defender

Main Presenters:

- Megan Ring, State Public Defender

Supporting Presenters:

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

Topics:

- Common Statewide Question 1: Page 1, Questions 1 in the packet
- OSPD Budget Reduction Options: Page 1, Questions 2-6 in the packet
- OSPD Total GF Request: Page 1, Questions 2-6 in the packet

9:35-9:43 Office Administrative Services for Independent Agencies (OASIA)

Main Presenters:

- Melissa Jamieson, Executive Director

Topics:

- Common Statewide Question 1: Page 1, Question 1 in the packet.
- Common Questions 2 – 4 for Independent Agencies: Page 1, Questions 2-4 in the packet, Slide 2.
- Questions for ASIA 5-6: Page 3, Questions 5-6 in the packet, slide 5.

9:43-9:59 Alternate Defense Counsel (ADC)

Main Presenters:

- Lindy Frolich, Director
- Darren Cantor, Deputy Director
- Daniel Nunez, Chief Operating Officer

Topics:

- Introduction of agency: Slides 8-17/52
- Common Statewide Question 1: Page 1/52,
- Common Questions 2 – 4 for Independent Agencies: Pages 1-6/52, Slides pages 18-22/52
- Questions for ADC 7-9: Pages 6-7/52, Slides pages 25-43

9:59-10:14 Office of the Child's Representative (OCR)

Main Presenters:

- Chris Henderson, Executive Director

Supporting Presenters:

- Sheri Danz, Deputy Director
- Ashley Chase, Staff Attorney and Legislative Liaison
- Mark Teska, Chief Operating Officer

Topics:

- Common Statewide Question 1: Page 2, Question 1 in the packet, Slide 5
- Common Questions 2 – 4 for Independent Agencies: Pages 3-10, Questions 2-4 in the packet, Slides 6-8
- Question for OCR 10: Page 10, Question 10 in the packet, Slide 5

10:14-10:30 Office of the Respondent Parents' Counsel (ORPC)

Main Presenters:

- Melissa Michaelis Thompson, Executive Director

Supporting Presenters:

Ashlee Arcilla, Deputy Director

Topics:

- Common Statewide Question 1: Page 2, Questions 1 in the packet, Slides 35-36
- Common Questions 2 - 4 for Independent Agencies: Page 2-9, Questions 2-4 in the packet, Slides 17-23, 25-29
- Questions for ORPC 11-13: Page 9-15, Questions 11-13 in the packet, Slides 24, 30-37

10:30-10:42 Statewide Behavioral Health Court Liaison known as Bridges of Colorado (Bridges)

Main Presenters:

- Jennifer Turner, Executive Director

Supporting Presenters:

- Robert Jones, Data & Analysis Program Manager

Topics:

- Common Statewide Question 1: not applicable
- Common Questions 2 – 4 for Independent Agencies: Pages 1-3, Questions 2-4 in the packet, Slides A-F

10:42-10:51 Office of the Child Protection Ombudsmen (CPO)

Main Presenters:

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

Topics:

- Common Statewide Question 1: Page 1-16, Questions 1-13 in the packet, Slides (Not Applicable)
- Common Questions 2 – 4 for Independent Agencies: Page 16, Questions 14-15 in the packet, Slides (Not Applicable)
- Questions for CPO 14-16: Page 17-29, Questions 16-22 in the packet, Slides 2-10

10:51-11:00 Office of Public Guardianship (OPG)

Main Presenters:

Sophia M. Alvarez, Executive Director

Supporting Presenters:

- Amanda Gall, Legislative Liaison, Meridian Public Affairs
- Joseph “Josh” Murphy, Staff attorney, COPG

Topics:

- Common Statewide Question 1: Not applicable
- Common Questions 2 – 4 for Independent Agencies: Questions 2, 4 in the packet, Slide 8
- Question for OPG 17: Page 12, Questions 5 in the packet, Slides 9-10

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JUDICIAL DEPARTMENT – INDEPENDENT AGENCIES – State Public
Defender

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COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

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

OSPD does not have one-time General Fund or ARPA funded programs.

OSPD GF REDUCTIONS

2 **R1 WORKLOAD STANDARDS**

[Rep. Sirota] Describe the State Auditor's finding that workload was too high. Did the audit find that the public defenders were operating sustainably?

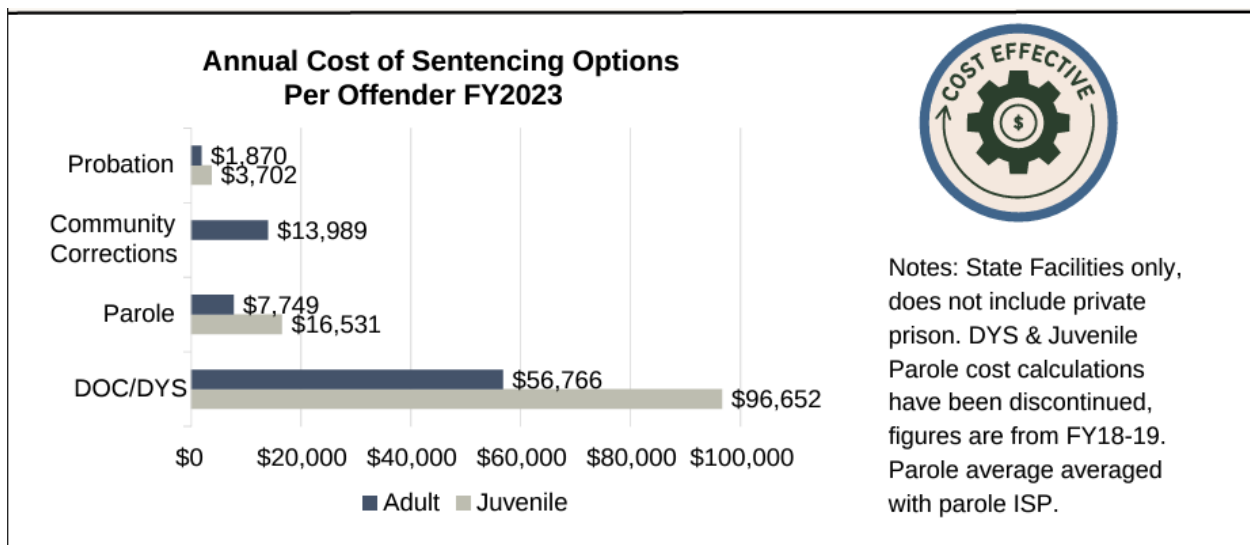
The state auditors looked at OSPD's 2017 workload study, "The Colorado Project," and the RAND corporation's 2023 "National Public Defense Workload Study" in describing appropriate public defender workload. By both measures, the auditors found that OSPD is understaffed, explaining that between 46% and 99% of public defender attorneys closed more cases per year than the two studies suggested could be reasonably managed. While these measures do not test sustainability of the career, naturally, overburdened public defenders find they cannot continue in the work and will leave under pressure.

Neither measure (a seven-year-old Colorado-specific study and a "national" report) adequately captures the current experience, efficiencies and inefficiencies, and needs of Colorado's public defenders in representing their clients. For example, they do not account for the changes in discovery in Colorado over the last six years or the impact of paralegals on OSPD workload.

Updated data will help OSPD target staffing and support to improve sustainability and identify ways to address any inefficiencies.

[Sen. Amabile] If OSPD is understaffed, what are the downstream costs of people staying in jail longer and not having adequate representation?

Downstream costs are real and difficult to quantify. Public defenders provide an important check on a system that would otherwise prioritize costly carceral approaches, that then also contribute to recidivism, creating more downstream costs. Public defenders fight for pretrial release for clients, saving counties money on detention costs and giving all involved time, unpressured by incarceration, to resolve cases with sufficient knowledge of the facts and legal issues, and an opportunity to address factors that contributed to the conduct (e.g., mental health, addiction, lack of housing), resulting in more prosocial outcomes. Public defenders combat overcharging efforts by prosecutors, which contribute to Colorado's enormous population in the Department of Corrections, and help identify illegal conduct by police officers, ensuring communities are better protected and that people are not falsely accused. Finally, public defenders provide courts and prosecutors mitigating and contextual information about clients and their cases that allows them to arrive at a resolution and sentence that "fits the (actual) crime" and attempts to prevent future conduct. The difference in cost to the state for non-carceral outcomes was captured by Colorado's Division of Probation Services in 2023.



[Sen. Amabile] What are the potential impacts related to lawsuits regarding excessive caseloads for public defenders?

The full potential impacts are unknown. At a minimum, there is a financial cost to the state for the defense of any lawsuits, potential costs related to financial settlements, and reputational costs that can negatively affect all manner of business including, critically, recruitment efforts that are essential to ensure workload is not increased because of vacancies. Funding OSPD's workload study request ultimately saves the state money by allowing OSPD to establish data-

driven, Colorado-specific, fiscally responsible policy rather than policy driven by individuals or external actors through lawsuits.

[Staff] Please respond to the staff briefing initial assessment.

OSPD respectfully disagrees with staff's assessment. R#1 is a fiscally responsible and necessary approach to ensure OSPD meets the State's constitutional obligations to provide indigent criminal defense to OSPD clients and makes data-informed, cost-conscious decisions about staffing its offices. It is also necessary to ensure OSPD complies with the State Auditor's primary recommendations, which specifically required this study.

A workload study is a tool that allows OSPD to continue to operate efficiently while providing zealous, effective representation to its clients. Recent FTE allotments cannot substitute for OSPD's need to study and understand its workload demands; rather, updated data allows for the good stewardship of those positions. Updated data will inform how OSPD allocates and adjusts current staff across its twenty-three offices and will help identify ways to utilize technology, training, and staffing models to further maximize efficiency.

In addition to better management of existing resources and planning for the future, the information from an updated study will also allow OSPD to help the Joint Budget Committee assess the needs of state agencies, as the JBC is also a data-driven decision-maker. In last year's session, JBC staff and members asked OSPD for information about how much time public defenders were working, data that will be collected as a part of the study. If OSPD makes future budget requests for FTE, updated data will ensure the requests are defensible and strategic, focused on the most cost-effective and efficient models to provide representation for OSPD clients. For example, one data point OSPD expects to collect through this study is how much attorney time is spent on tasks that can be handled by non-attorney staff, a cost-conscious approach that helps OSPD divert work to staff who are less costly to the state.

3 R2 AND R3 – IT REQUESTS

[Staff] Please describe the R2 and R3 IT requests and respond to the staff briefing initial assessment for each.

R2: The new cloud-based HR and Payroll system, estimated at \$172,000/yr. will enhance efficiency, accuracy, and reporting capabilities across all departments, fulfilling OSPD's need for a robust, secure, and centralized software solution. It will also alleviate the need for additional staff to support the manual procedures currently in place. OSPD will be able to streamline HR, Payroll, Finance, Talent Acquisition, Compensation, Compliance, Training, and Employee Relations processes.

OSPD understands that due to the current General Fund deficit JBC Staff may not be able to recommend this request for funding at figure setting. We are grateful for the Staff's favorable

assessment of the need for a secure and efficient solution to support OSPD's HR and Payroll operations. We therefore anticipate making this request again in the subsequent FY26-27 budget cycle.

R3: As part of the FY23 budget, the JBC and JTC approved a decision item titled "Public Defense in the Digital Age" that was focused on several initiatives to address the massive increase in evidence (video, audio, cell phone, etc.) received from law enforcement and District Attorney offices but primarily funded an IT Capital project to procure and implement a new storage solution.

That project will be complete by the end of FY25 and now OSPD is requesting ongoing funding to maintain that new storage solution and account for the continual growth of storage (estimated at 35% per year). The FY23 decision item was based on an estimated starting point of 1500TB for the new solution, however as we finish migration this year that number is expected to be almost doubled at 2940TB.

The Office is asking for an additional \$1,556,767 in ongoing funding and, if our annual growth remains at 35%, we anticipate the annualized increase to be \$498,798 for FY27, \$809,522 in FY28, and \$654,048 in FY29.

Note: The storage solution, Panzura, does utilize compression, deduplication, and tiering that may help slow the annual growth and help with the ongoing cost increases.

4 R4 AURORA MUNICIPAL DV CASES

[Staff] Please describe the R4 request.

On September 9, 2024, the Aurora City Council passed Resolution 2024-119, "A Resolution of the City Council of the City of Aurora, Colorado, Accepting the Plan for Transitioning the Prosecution of Domestic Violence Cases Out of the Aurora Municipal Court as Presented and Other Related Matters," committing the City to ending new municipal domestic violence prosecutions. The Resolution requires law enforcement to file domestic violence cases in state courts starting July 1, 2025, passing the cost to the counties and the state. OSPD expects that along with the courts and prosecutors, it will see an increase in cases and workload associated with these new filings. These new filings are expected to impact the 17th and 18th Judicial Districts.

To staff these cases, OSPD requests seven attorneys. OSPD anticipates an average of 1200 domestic violence misdemeanor cases per year, of which OSPD expects to represent 70% of the people accused. Because these cases will not be filed all at once, OSPD structured its request as a phased appropriation of three attorney FTE to start July 1, 2025, two attorney FTE to start January 1, 2026, and the remaining two attorney FTE to start July 1, 2027.

OSPD approached this increase in cases and workload conservatively, requesting a small staffing increase compared to other county and state agencies, (e.g., the Judicial Department's request for twenty-six probation officers). While OSPD has assessed its staffing needs on the assumption that these new cases will be filed as misdemeanors, based on public and private conversations with elected prosecutors for the 17th and 18th Judicial Districts, OSPD believes that state prosecutors will file some cases as felonies in state court. Consequently, OSPD may be underestimating the workload impact of this shift of cases from municipal to state courts.

5 R5 CBI DNA MISCONDUCT

[Sen. Amabile] Please describe the request for \$2.0 million General Fund for the CBI DNA Misconduct item. What other impacts is this going to have? What has been funded so far?

No funding to address this misconduct has yet been approved for the Office of the State Public Defender or the Office of Alternate Defense Counsel.

The Office of the State Public Defender (OSPD) and the Office of Alternate Defense Counsel (OADC) are jointly requesting \$2,000,000 General Fund for FY 2025-26 for the first year of a multi-year spending authority. The \$2.0 million request is lower than what the agencies estimate the actual budgetary impact of this CBI scandal will be. The agencies estimate that the budgetary impact will be more than \$6.0 million over FY25 and FY26, but the agencies are currently requesting only the \$2.0 million figure in recognition of the state's current fiscal outlook. Tracking for costs related to responding to the CBI scandal and drawing from the set-aside amount to cover those costs is currently the most fiscally responsible approach. All unspent funds in the multi-year spending authority at the end of FY26 would revert to the General Fund.

The agencies conservatively estimate that there are 300 cases related to this specific CBI misconduct that would need to be independently reviewed by a defendant's court-appointed attorney. This estimate is based on the limited materials related to this scandal that have been made available by CBI and Colorado District Attorneys. The agencies reached this number by eliminating those cases where a suspect profile was not developed, a suspect has not been arrested, or where a convicted defendant has died. It includes cases that the agencies have identified through their own research, or from communications from former clients.

The agencies estimate that each case involving a disgraced DNA analyst will cost \$15,000. This is the current average cost of a post-conviction case handled by OADC brought pursuant to Colorado Rule of Criminal Procedure 35(c). It is impossible to determine in advance how much the compromised cases will actually cost because of the unprecedented nature of the misconduct. It is likely that these cases could cost more than that \$15,000 average, due to their complexity, seriousness, and need for independent scientific analysis. The \$15,000 average-per-case is the best conservative estimate at this time.

The agencies will face significant budgetary strain if this request is not funded as this is a large set of complex cases that are not usually present in the normal course of the criminal legal system. Consequently, responding to them is unpredictable and, although the cases all share the

common element of governmental misconduct, each case is different. Without additional funding, the agencies will be forced to respond to this complexity within available resources that are already allocated to representing indigent defendants. This would result in longer timeframes for these complex and serious post-conviction cases, which would result in delayed resolutions for defendants, victims, law enforcement, and the general public.

6 R6 410 17TH ST LEASED SPACE

[Rep. Bird, staff] Please describe the request for commercial leased space, including the estimated or anticipated costs or savings to the State.

OSPD requests \$912,000 in General Fund in FY 2025-26 and FY 2026-27, and \$1,354,783 for FY 2027-28 and annual 3% escalation on-going. The cost for the previously occupied space at the Ralph Carr building consisted of confirmed \$969,616 (for FY25) for ~55,000 square feet (SF) of space or \$19/SF, supplemented by an undisclosed amount the Judicial Branch spends on operating expenses. OSPD's analysis indicates that leasing space in the Carr Center, once operational, would likely incur costs of no less than \$9/SF for operating expenses, resulting in a total expected cost of ~\$28/SF when combined with the base lease rate of \$19/SF. This calculation leads to an estimated annual expenditure of \$1,456,000 for the total space OSPD previously occupied in the Carr Center. The cost savings therefore amount to approximately \$544,000/yr. for the first two years. For the out-years, the savings would be approximately \$100,000/yr.

[Sen Amabile, staff] Please describe conversations the OSPD had with the State Court Administrator's Office about this request and the future use of the vacated space in the Carr Judicial Center.

In March 2024, OSPD approached the State Court Administrator to discuss a proposed move. The SCAO indicated that if the Joint Budget Committee is supportive and willing to undertake legislative action to change the spending authority through a modification of the corresponding line item in the Long Bill, it would comply. The SCAO did indicate that the JBC would need to make Judicial "whole," meaning making OSPD's departure cost-neutral to Judicial. That would only need to happen, however, if no other tenant or agency would utilize the space vacated by OSPD.

[Staff] Please respond to the staff briefing initial assessment.

OSPD generally agrees with staff's desire for more transparent leased space cost assessments for Ralph Carr tenants. Staff has indicated its dissatisfaction with the Courts' landlord operating process, as it has sought more transparent landlord-tenant rights and responsibilities and calculated leased space cost policies for the "statutorily hosted" or "officially captured" tenants of the building. Currently, the Department of Law is the only tenant given a direct appropriation in its budget for its leased space costs.

More importantly, OSPD is one of the agencies, as the staff assessment indicated, that was already facing a lack of necessary space at the Ralph Carr Center as the Court conducted its space needs assessment due to tenant agencies wanting or needing more space with none available. Prior to the pandemic, OSPD looked at converting some casework space into office space but the cost of construction at Ralph Carr was too high to make that a viable option. In the current downtown Denver market, OSPD has the chance to lock in leased space at its current location sufficient to meet the agency's needs now and in the future at a rate equal to, and likely better than (if all costs were transparent for comparison), the cost to the state for OSPD space at Ralph Carr. OSPD seeks to avoid the state bearing the cost of a move back to

Ralph Carr only to face again a lack of sufficient space, requiring another move out into the downtown Denver market at a time with potentially less favorable rates.

7 R7 OSPD-OADC E-DISCOVERY LEGISLATION

[Staff] Please describe the R7 request for legislation.

To mitigate future anticipated escalating costs to the state, the Office of the State Public Defender (OSPD) and the Office of Alternate Defense Counsel (OADC), with the support of the Colorado District Attorneys' Council (CDAC), are jointly requesting that the Joint Budget Committee sponsor legislation to study and make legislative recommendations about how to best to control costs related to electronic discovery. This Decision Item does not require appropriation to OSPD or OADC, although it may require an appropriation for legislative counsel staff to support the work of a task force.

"Discovery" is the material and information that prosecutors provide to the defense about the case. While discovery is provided through CDAC's statewide eDiscovery portal, the volume and nature of discovery has changed significantly, making the portal a less favored option for police agencies, and creating cost for prosecutors and the defense.

Instead, local law enforcement agencies contract with vendors to provide bodyworn cameras; and those vendors provide police departments storage for and a portal to access the content. However, downstream user access is not a part of the contract. Rather, prosecutors and defense attorneys must pay the vendor and are at a significant disadvantage in contract negotiations, creating cost for state and local governments.

For example, OSPD's current licensing model with Axon, one of the bodyworn camera vendors, at a cost of \$123,636 annually, is scheduled after extension options to expire on April 30, 2027. Due to Axon discontinuing OSPD's current licensing model, absent action, there will be an exponential increase in cost to the state to manage OSPD's access to just this one vendor. Recent quotes from Axon to provide the necessary functionality and access that OSPD currently has are:

- **\$1,142,856.00/yr for a 10-year term. This would be lowest cost licensing model that Axon currently provides at the level of access needed by OSPD.***

Prosecutors, defense attorneys, police agencies, and legislators have a shared interest in addressing the ongoing cost of discovery. OSPD and OADC are requesting legislation that would encourage coordination, data collection, and address any legal or logistical limitations to create a state-level solution to this problem and saving the state money in future fiscal years.

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- Melissa Jamieson, Executive Director

Supporting Presenters:

Topics:

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

ASIA has not received one-time General Fund or ARPA funding with ongoing appropriations.

COMMON QUESTIONS FOR ALL INDEPENDENT AGENCIES

- 2 *[JBC Staff]* For each agency that receives a General Fund appropriation, discuss potential options to reduce General Fund appropriations in FY 2024-25 or FY 2025-26 and for each:
 - Describe the anticipated impact of the cut; and
 - Whether it is a one-time or ongoing reduction.

ASIA is in its first 90 days of operations and will need to fully utilize FY2024-25 funding to accommodate as many one-time transition-related expenses as possible to relieve pressure on the FY25-26 budget. ASIA is in the process of filling positions, leveraging third-party resources to support statutory mandates such as the consolidated compensation study, and partnering with the Governor's Office of Information Technology (OIT) and existing third party providers to explore cost efficiency options related to server migration and network sharing. ASIA is also seeking, via amendment, a cost reallocation from the State Court Administrator's Office to ASIA and funding for

purchase of cybersecurity insurance across networked agencies through the State Office of Risk Management.

If ASIA sustains a cut in current appropriations, we will need to reduce by at least one, but likely two FTEs. If the reduction were ongoing, we would need to reduce staff size to preserve our ability to chart a path forward with innovative, cost-saving solutions.

FY24-25 and FY 25-26 are challenging years in which to consider cost-reduction measures, as both fiscal years encompass statutory deadlines for transition of services from the State Court Administrator's Office to ASIA. Cost-saving initiatives and research will be ongoing throughout transition of services, but it is likely the impact of these measures will not be seen until after transition of services is complete.

- 3 *[JBC Staff]* For each agency that receives Title IV-E funding, discuss options to reduce General Fund appropriations in FY 2024-25 or FY 2025-26 by refinancing it with Title IV-E funds and for each:

- Describe any anticipated impacts refinancing may have; and
- Whether it is a one-time or ongoing refinancing.

ASIA does not receive Title IV-E funding.

- 4 *[Sen. Kirkmeyer]* Discuss the growth in FTE at each Independent Agency since FY 2019-20, describe:

- The reason for the growth; and
- how client outcomes have changed over the period.

ASIA was established via SB23-228 and reenacted via SB24-217. Initial appropriation and reenactment were consistent, providing authority for hire of 6.0 FTEs. No additional FTEs are requested for FY25-26.

ASIA seeks to operate as efficiently as possible; therefore, has adopted a cross-functional position model. Each team member will have a specialty focus and responsibilities representing some combination of multiple functional areas. By seeking highly skilled team members and coupling ASIA internal supports with a network of external resources and existing agency-based FTEs, ASIA can operate with a small staffing structure.

QUESTION FOR ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES (ASIA)

- 5 *[Sen. Amabile and Rep. Bird]* Discuss any history that illuminates the creation of ASIA. What are the anticipated efficiencies or other benefits that will develop as the ASIA program is fully implemented?

Over the past few years, several independent agencies were created or transitioned to a state of independence under the umbrella of the Judicial Branch. Each of these independent agencies provides critical services to the community and has a unique mission and statutory guidelines that require a customized approach to provide optimal administrative support.

The State Court Administrator's Office could not provide necessary administrative services to these agencies, leading to an incredible workload strain that persisted for some time. Across agencies, directors and many program-focused staff have been assuming an additional layer of administrative workload out of necessity while the ASIA office is established. This current state is unsustainable.

The foundational ASIA network agencies, instead of opting to meet needs individually at an undoubtedly higher cost over time, chose to partner together to develop and efficient and effective solution. The result is ASIA, an independent agency tasked with developing customized administrative solutions that are cost-efficient and of exceptional quality.

The State Court Administrator's Office is excited for this initiative and has been working in full partnership with ASIA to transition services and reallocate common costs.

The ASIA team will work in collaboration with our Board of Directors to develop and refine outcome metrics and strategic goals over the next six months. We know that measurable outcomes will relate to the following:

- Cost savings;
- Service quality and responsiveness;
- Improved employee experience across agencies;
- Increased capacity (related to enhanced ability for independent agencies to focus on strategic objectives); and
- Risk mitigation

As ASIA is established, we will leverage our hybrid operating model to wrap administrative resources around each agency and act as a hub to foster relationship-building and collaboration between agencies and within the broader government networks. In addition to administrative service provision, ASIA's functional area network model will ensure all team members have access to updated best practices and have external support as needed.

ASIA is working diligently to build and grow relationships critical to administrative operations. The ASIA team will function as a conduit to prevent gaps in key communications and organize information, an aspect of the benefits of this office that has already seen return on investment through discovery and remedy of a cybersecurity insurance coverage issue. Through conversations with the Governor's Office of Information Technology and the State Office of Risk Management, it was identified that independent agencies were not currently covered under the State Court Administrator's Office's cybersecurity insurance policy. ASIA quickly disseminated information and worked with the Board of Directors on a resolution. ASIA will be requesting funds via amendment to ensure agencies are covered under the State Office of Risk Management's policy and is assisting with the application process.

In the first 90 days, ASIA has helped to troubleshoot and resolve more than 30 individual administrative issues across agencies. This figure is reflective of our capabilities with just one FTE. We are in the process of filling our remaining FTE positions with exceptionally service-oriented individuals who are driven to continuously evaluate and improve service provision. The vision for this office is that it can serve as a model for efficiency, collaboration, and high-quality service provision.

- 6 *[JBC Staff]* Provide an update on starting up the Office of Judicial Discipline Ombudsmen.

Four of the five Office of Judicial Discipline Ombudsman Board members have been appointed, as of December 2024. We will provide support as needed through the process of establishment of this office.



Office of Administrative Services for Independent Agencies

FY2025-2026 Budget Request Presentation

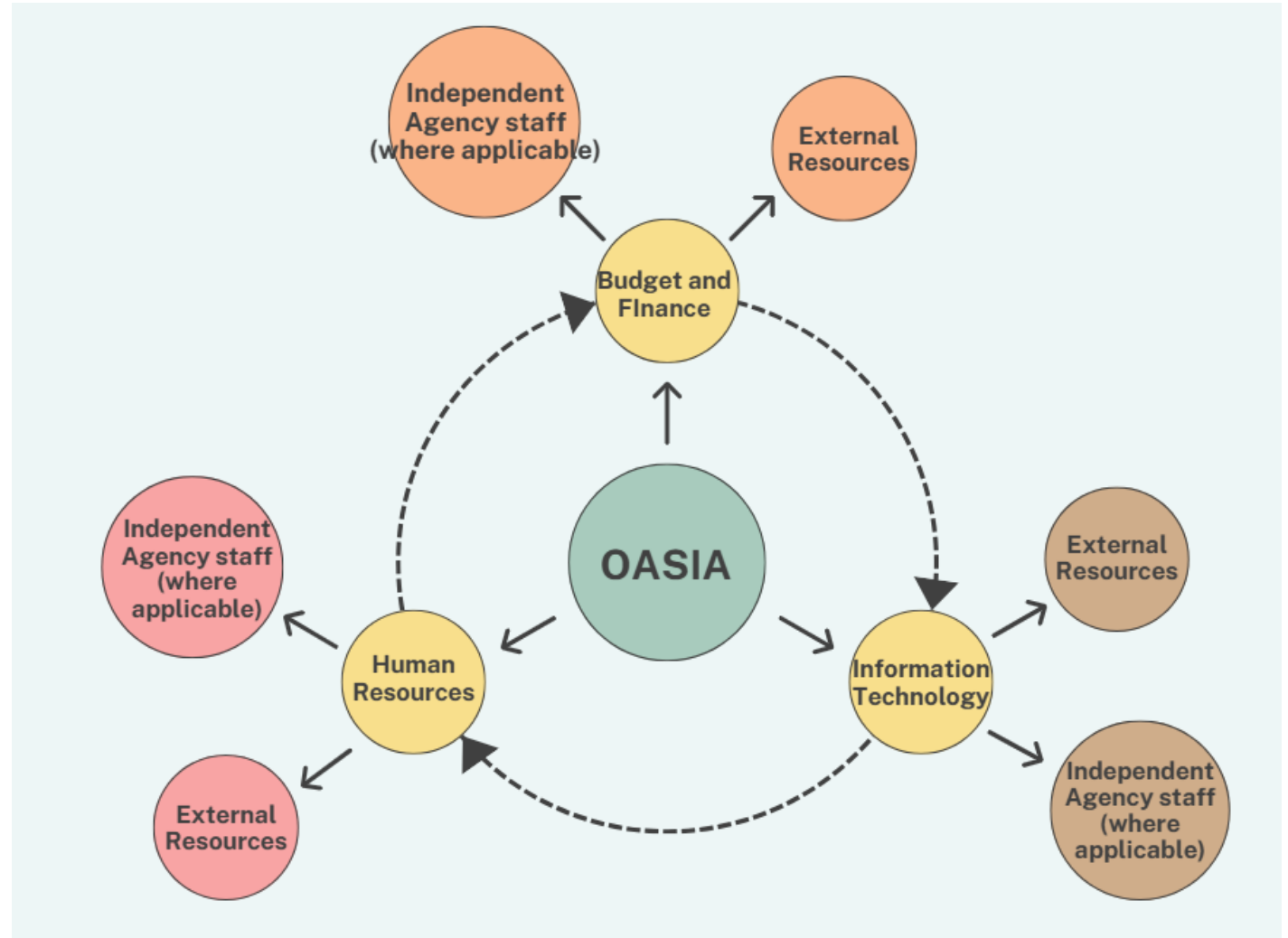
Melissa Jamieson, Executive Director

Current Independent Agency Partners

- Child Protection Ombudsman Office
- Colorado Office of the Child's Representative
- Office of Respondent Parents' Counsel
- Colorado Office of Public Guardianship
- The Office of the Statewide Behavioral Health Court Liaison/Bridges of Colorado
- Colorado Commission on Judicial Discipline
- Office of the Alternate Defense Counsel
- Independent Ethics Commission
- Judicial Discipline Ombudsman

Operational Structure

- Customized hybrid structure to promote optimal service provision while maintaining small staffing structure.
- Resource networks within functional areas, with ASIA as the hub.



Budget Priorities FY25-26

- Maintenance of current allocation to enable filling of 6.0 FTEs and initiation of statutory mandates, including the consolidated compensation plan.
- FY25-26 Amendment Priorities:
 - Common cost reallocation from SCAO to ASIA
 - Risk mitigation across agencies via funding to purchase cybersecurity insurance through the State Office of Risk Management
 - Collaboration with OIT and third parties to identify cost-savings options related to networks and reliable access to legacy systems
 - Operating expenditures related to ASIA's structural model.

Expected Results

- Cost savings across agencies
- Customized solutions to meet agency needs
- Increased capacity of agency teams to focus on strategic priorities
- Two-Phased Approach:
 - Phase 1 (2025): Transition of Existing Services
 - Phase 2 (FY25-26): Strategic Planning/Long-Term Operational Efficiency and Strategic Resourcing Plan

Thank You

Contact Information:

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<https://coloradoasia.org/>

JUDICIAL DEPARTMENT – OFFICE OF ADMINISTRATIVE SERVICES FOR
INDEPENDENT AGENCIES

FY 2025-26 JOINT BUDGET COMMITTEE HEARING

WRITTEN RESPONSES ONLY

Common Questions: Please retain the numbering in order to maintain consistent labeling across departments.

1. Provide a list of any legislation with a fiscal impact that the Department has: (a) not implemented, (b) partially implemented, or (c) missed statutory deadlines. Please specifically describe the implementation of ongoing funding established through legislation in the last two legislative sessions. Explain why the Department has not implemented, has only partially implemented, or has missed deadlines for the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

ASIA is extremely grateful for ongoing legislative support and remains intent on adhering to existing timelines, leveraging a cost-efficient model of hybrid centralization, and quantifying cost savings metrics as we rapidly move forward.

ASIA was established via SB23-228 and reenacted via SB24-217. Initial appropriation was established for hiring of 6.0 FTEs, with statute mandating that any additional FTEs or amendment requests should be filed for FY24-25 and FY25-26. The Executive Director started in September of 2024. ASIA has not missed any statutory deadlines, per SB24-217.

ASIA's hiring process has been initiated, but due to the necessary length of even an expedited hiring process, the office has been able to designate funds that will not be incurred via payroll for FY24-25 to operational costs related to office establishment and transition of services. Per SB24-217, Information Technology service provision will begin by July 1, 2025, followed by all other services on or before January 1, 2026.

ASIA is confident the established timeline will be achieved and requests no change in legislation; however, an amendment to the FY25-26 budget will be requested for the first iteration of cost reallocation from the State Court Administrator's Office (SCAO) to ASIA, funding for cybersecurity insurance under the State Office of Risk Management (SORM) for all ASIA network agencies, and small amount of operating funding and one-

time transition-related expenses. ASIA is investing significant resources from FY24-25 that would have been allocated for payroll in a full fiscal year to research and engagement with the Governor's Office of Information Technology (OIT) and third party providers to explore cost-savings options for shared networking and integrated systems access. This initiative is expected to span several months in 2025, with implementation continuing in the background after official service transition.

Other transition-related and one-time costs require consideration of an amendment due to timing of access to ASIA's permanent physical office space. ASIA's office space will not be accessible until the late summer/early fall of 2025. Seeking to eliminate costs associated with storing and moving furniture and setup of technology, ASIA requests consideration that the office delays certain purchases until completion of Ralph L. Carr building repairs.

2. Describe General Fund appropriation reductions made in the Department for budget balancing purposes in 2020, and whether the appropriation has been restored with General Fund or another fund source through budget actions or legislation.

ASIA was not established via statute until 2023.

3. Please provide the most current information possible. For all line items with FTE, please show:
 - a. the number of allocated FTE each job classification in that line item
 - b. the number of active FTE for each of those job classifications
 - c. the number of vacant FTE for each of those job classifications
 - d. the vacancy rate for each of those job classifications

Use the attached Template C to populate these data. Please return the data in editable Excel format.

4. Please provide the same information as Question #3 for FYs 2022-23 and FY 2023-24. Use the attached Template C to populate these data. Please return the data in editable Excel.
5. For FYs 2022-23 and 2023-24, please provide, in editable Excel format, department-wide spending totals for each of the following object codes, by fund source.
 - a. Object Code 1130: Statutory Personnel & Payroll System Overtime Wages
 - b. Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages
 - c. Object Code 1140: Statutory Personnel & Payroll System Annual Leave Payments
 - d. Object Code 1141: Statutory Personnel & Payroll System Sick Leave Payments

- e. Object Code 1340: Employee Cash Incentive Awards
 - f. Object Code 1350: Employee Non-Cash Incentive Award
 - g. Object Code 1370: Employee Commission Incentive Pay
 - h. Object Codes 1510, 1511, 1512: Health, Life, and Dental Insurance
 - i. Object Code 1524: PERA – AED
 - j. Object Code 1525: PERA - SAED
 - k. Object Code 1531: Higher Education Tuition reimbursement
6. For the latest month for which the data are available, please provide, in editable Excel format, department-wide FY 2024-25 year-to-date spending totals for each of the following object codes, by fund source.
- a. Object Code 1130: Statutory Personnel & Payroll System Overtime Wages
 - b. Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages
 - c. Object Code 1140: Statutory Personnel & Payroll System Annual Leave Payments
 - d. Object Code 1141: Statutory Personnel & Payroll System Sick Leave Payments
 - e. Object Code 1340: Employee Cash Incentive Awards
 - f. Object Code 1350: Employee Non-Cash Incentive Award
 - g. Object Code 1370: Employee Commission Incentive Pay
 - h. Object Codes 1510, 1511, 1512: Health, Life, and Dental Insurance
 - i. Object Code 1524: PERA – AED
 - j. Object Code 1525: PERA-SAED
 - k. Object Code 1531: Higher Education Tuition reimbursement
7. For FYs 2022-23 and 2023-24, please provide department-wide spending totals for each of the following object codes, by fund source.
- a. Object Code 1100: Total Contract Services (Purchased Personal Services)
 - b. Object Code 1210: Contractual Employee Regular Part-Time Wages
 - c. Object Code 1211: Contractual Employee Regular Full-Time Wages
 - d. Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages
 - e. Object Code 1240: Contractual Employee Annual Leave Payments
 - f. Object Code 1622: Contractual Employee PERA
 - g. Object Code 1624: Contractual Employee Pera AED
 - h. Object Code 1625: Contractual Employee Pera - Supplemental AED
 - i. Object Code 1910: Personal Services – Temporary
 - j. Object Code 1920: Personal Services – Professional
 - k. Object Code 1940: Personal Services – Medical Services
 - l. Object Code 1950: Personal Services - Other State Departments
 - m. Object Code 1960: Personal Services – Information Technology
8. Please provide a table showing both allocated and actual FTE for each Division within the Department from FY 2018-19 through FY 2023-24.

Question 8: Allocated vs. Actual FTE		
Fiscal Year	Allocated	Actual
FY18-19	0.00	0.00
FY19-20	0.00	0.00
FY20-21	0.00	0.00
FY21-22	0.00	0.00
FY22-23	0.00	0.00
FY23-24	6.00	0.00

9. Please discuss how the Department would absorb base personal services reductions of the following amounts: 1.0 percent, 3.0 percent, and 5.0 percent. How would those reductions impact the departments operations and core mission?

A properly resourced ASIA office is a cost savings vehicle – allowing shared vendor contract negotiations, shared resources, and configuring of technology-based automations that allow ASIA’s staffing structure to remain small. A reduction of 1.0 percent will equate to \$9,200, 3.0 percent to \$27,601, and 5.0 percent to \$46,002. For a small organization, these figures are significant.

ASIA’s plan will leverage the existing 6.0 FTEs, contracting externally to enhance level of support while reducing need for additional FTEs while working alongside agency staff to create a model of efficiency throughout each functional area.

ASIA’s approach to a reduction in personal services would be to preserve cost-saving strategic investments in technology and operations by reducing the staffing model to 5.0 FTEs. This change would dramatically impact our capacity to provide services to agencies, but there would be no alternative to enable the newly established office to function.

ASIA is poised for success – we are moving forward with incredible momentum and look forward to swift and effective transition of services over the next year. ASIA humbly requests the legislature allow us the opportunity to establish the office and transition services, knowing we will actively seek out and implement cost-saving opportunities every step of the way.

We recognize the incredible challenge in timing, a new office establishing itself in the current fiscal environment. When ASIA has transitioned services and met statutory mandates associated, our plan will be to continuously examine our own budget for

cost saving opportunities while routinely scanning for possible external funding opportunities.

10. Describe steps the Department is taking to reduce operating expenditures for FY 2025-26.

FY25-26 will be the first complete fiscal year in which ASIA is operational. We can identify opportunities to reduce operating expenditures once services have been transitioned and key statutory mandates have been fulfilled. ASIA will take a proactive approach to this, regardless of future funding environment – central to our mission is efficiency.

11. For each operating expenses line item in FY 2023-24, provide a table showing the total appropriation for FY 2023-24 and the total actual expenditures at the end of the third quarter of FY 2023-24.

ASIA expenses in FY23-24 related to the recruitment process for an Executive Director. ASIA's statute noted the Board could use third party assistance to facilitate this process. The initial recruitment process was redesigned and implemented in the spring/summer of 2024, with the first FTE, the Executive Director, starting in mid-September of 2024.

ASIA FY23-24 Expenditure Summary				
Fund	Object	Object Name	Amount	Appropriation*
1000	1920	Personal Services - Professional	\$ 10,437.50	
1000	2610	Advertising and Marketing	\$ 1,383.00	
1000	2520	In-State Travel/Non-Employee	\$ 28.00	
1000	1920	Personal Services - Professional	\$ (10,437.50)	
1000	1920	Personal Services - Professional	\$ 10,437.50	
1000	2610	Advertising and Marketing	\$ (1,383.00)	
1000	2610	Advertising and Marketing	\$ 1,383.00	
1000	2520	In-State Travel/Non-Employee	\$ (28.00)	
1000	2520	In-State Travel/Non-Employee	\$ 28.00	
		Subtotal	\$ 11,848.50	\$ 590,904.00
		Appropriation less Expenditures	\$579,055.50	
* All expenditures fell within Personal Services/Operating category.				

12. Please provide an overview of the department's service efforts. In your response, describe the following:

- a Populations served by the Department
- b The target populations of the Department's services
- c Number of people served by the Department
- d Outcomes measured by the Department
- e Present and future strategies for collecting customer experience data

ASIA is an internally facing independent agency, currently serving nine (9) other independent agencies, with one other independent agency recently expressing interest in joining the network mid-2025. Services to be provided by ASIA include the following (consistent with the statute):

- Budget; accounting; payroll, including time and leave tracking; and human resources services including policy guidance, documentation assistance, and coordination of records for all specialized leave situations;
- Centralized budget support that preserves the included agencies' independence and provides a consolidated and streamlined budget submission process for all included agencies;
- Guidance (but not execution or primary provision of direct services for) contracts, purchasing, and procurement;
- Maintenance of a single, consolidated compensation plan for all occupational classes in the included agencies. Agencies retain independence in defining staff positions, structures, and personnel rules;
- Information technology technical consultation for, or assistance with access to statewide networks and systems and compliance with security standards established by OIT and information technology vendor and consultant procurement.

Across all agencies currently served, there are 243 employees, with this number expected to grow with increased demand for services and the Judicial Discipline Ombudsman and potentially other interested programs coming into the network.

ASIA is currently hiring the foundational team who will work in collaboration with our Board of Directors to develop and refine outcome metrics and strategic goals over the next six months. We know that measurable outcomes will relate to the following:

- Cost savings;
- Service quality and responsiveness;
- Improved employee experience across agencies;

- Increased capacity (related to enhanced ability for independent agencies to focus on strategic objectives); and
- Risk mitigation

Quantifying tactics related to these broad objectives is of top priority for 2025.

ASIA is uniquely structured, with a Board of Directors comprised of the Executive Directors of each independent agency served. This offers a unique opportunity to collect meaningful qualitative data on a regular basis. In addition, legislation requires third-party review of ASIA operating policies/processes on a bi-annual basis, beginning in 2026.

Customer experience data is currently gathered on an ad-hoc individual basis through regular meetings and troubleshooting of issues in partnership with agencies. ASIA's monthly Board meetings also include dedicated time for unstructured agency feedback. ASIA maintains an internal tracking system to document individual agency challenges and outcomes, reviewed daily by the ASIA Executive Director.

We are working on implementing a structured feedback process and establishing an ASIA network incident tracker across agencies, featuring an individualized list (and shared list, where appropriate) of incidents or issues that can enable rapid communication and reduce loss of information and duplication of efforts. Ultimately, we will integrate satisfaction per issue and be able to monitor satisfaction of resolutions per functional area or issue theme.

13. For each TABOR non-exempt cash fund, provide the following information
 - a. The amount in the cash fund
 - b. Total amount of revenue in the fund that would not be transferred
 - c. Detailed explanation of why the fund should not be sunset
 - d. Statutory reference of the fund creation, specific uses, and legislative history of changes to the fund
 - e. Every program funded by the fund
 - f. Explanation of how fees to the fund are set and a history of fee changes
 - g. The number of people provided service by the programs funded through the cash fund
 - h. Any additional information necessary to ensure the Joint Budget Committee can make an informed decision.

ASIA does not have a cash fund.

JUDICIAL DEPARTMENT - INDEPENDENT AGENCIES
FY 2025-26 JOINT BUDGET COMMITTEE HEARING AGENDA

Wednesday, December 18, 2024

9:00 am – 11:00 am

9:43-9:59 Alternate Defense Counsel (ADC)

Main Presenters:

- Lindy Frolich, Director
- Darren Cantor, Deputy Director
- Daniel Nunez, Chief Operating Officer

Topics:

- Introduction of agency: Slides 8-17/52
- Common Statewide Question 1: Page 1/52,
- Common Questions 2 – 4 for Independent Agencies: Pages 1-6/52, Slides pages 18-22/52
- Questions for ADC 7-9: Pages 6-7/52, Slides pages 25-43

JUDICIAL DEPARTMENT – INDEPENDENT AGENCIES
FY 2025-26 JOINT BUDGET COMMITTEE HEARING

Wednesday, December 18, 2024

9:00 am – 11:00 am

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

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

COMMON QUESTIONS FOR ALL INDEPENDENT AGENCIES

- 2 *[JBC Staff]* For each agency that receives a General Fund appropriation, discuss potential options to reduce General Fund appropriations in FY 2024-25 or FY 2025-26 and for each:
 - Describe the anticipated impact of the cut; and
 - Whether it is a one-time or ongoing reduction.

Personal Services (w/POTS): Appropriation FY25: \$6,436,672 (representing staffing costs, including fellows and case-carrying staff).

Potential Cut Impact:

- **Anticipated Impact:** A reduction in Personal Services funding would directly impact OADC's ability to employ the necessary personnel to manage its increasing workload. Staff reductions could delay case processing, overburden existing employees, and decrease service quality.
- **Downstream Costs:** Reduced staffing could lead to delayed appointments and responses to Judicial Officers looking for assistance in obtaining counsel for those entitled to representation, delayed justice, increasing jail

holding costs for pretrial detainees, and costs to the courts due to rescheduled proceedings.

- **One-Time or Ongoing:** Reductions to staffing would have ongoing and profound consequences. Full-Time (FTE) staff play a critical role in managing the administrative and operational infrastructure that supports independent contractors, who provide direct legal representation to clients. Cuts to FTE staff would disrupt essential workflows such as contractor payments, case assignment coordination, and oversight of mandated services, directly affecting the efficiency and quality of contractor support. These delays would disproportionately harm clients, many of whom rely on timely legal services to navigate life-altering circumstances. The inefficiencies created by staffing reductions would lead to higher long-term costs to the justice system, making such cuts counterproductive and detrimental to fulfilling the agency's constitutional mandates.

Conflicts of Interest: Appropriation FY25: \$49,772,971 (covering the cost of court-appointed conflict counsel and members of the defense team).

Potential Cut Impact:

- **Anticipated Impact:** Reducing this funding would delay case resolutions, forcing courts to reschedule proceedings. This could also result in case overloads for remaining counsel, impacting quality. It is often difficult to locate counsel to represent individuals. Many judges have reached out to raise the concern that their staff has been unable to find counsel to represent an individual. With cuts in this line item, it likely would become even more difficult to secure counsel as contractors may well decline to do additional ADC work.
- **Downstream Costs:** Delays would increase county jail costs, and compromised defense quality could result in more appeals and reversals, creating systemic inefficiencies.
- **One-Time or Ongoing:** Ongoing. Conflict cases are constitutionally mandated, meaning the state has a legal obligation to provide representation in cases where the Colorado State Public Defender has an ethical conflict of interest. Reductions in funding for these cases, even temporarily, would have significant consequences.

First, any funding cuts would lead to delayed or unresolved cases. Since these cases must eventually be addressed, the next fiscal year would require additional resources to manage both current and backlog cases. This creates an administrative and financial burden, as the costs of catching up often exceed the initial reduction.

Second, these delays would strain the entire system, including the courts, defense teams, and OADC administrative staff, who would face increased workloads and inefficiencies. This would exacerbate costs and reduce the agency's ability to meet its constitutional obligations in a timely manner.

Any reductions in this area would result in higher costs over time, making it an impractical and counterproductive approach.

- 3 *[JBC Staff]* For each agency that receives Title IV-E funding, discuss options to reduce General Fund appropriations in FY 2024-25 or FY 2025-26 by refinancing it with Title IV-E funds and for each:
- Describe any anticipated impacts refinancing may have; and
N/A
 - Whether it is a one-time or ongoing refinancing.
N/A
- 4 *[Sen. Kirkmeyer]* Discuss the growth in FTE at each Independent Agency since FY 2019-20, describe:
- The reason for the growth; and

List of Positions Added Since FY 2019-20

- **Municipal Court Program Analyst (Added FY 2019-20)** *see* SB18-203, which added this position as part of the fiscal note.
- **Staff Accountant (Added FY 2020-21)**
As OADC's caseload and number of payments to contractors grew, the financial management of contractor payments and compliance became increasingly complex. The addition of a staff accountant has helped to ensure the timely processing of payments and strengthened internal controls. This role provides critical support in meeting the demands of an expanding caseload.
- **IT Coordinator (Added FY 2020-21)**
This position was necessary to manage the agency's expanding IT infrastructure and ensure operational efficiency, and to reduce the expenditure to outside contractors already performing the work.
- **Social Worker Outreach Coordinator (Added FY 2020-21)**
Recognizing the transformative impact of social workers on client outcomes, thus reducing the long-term cost to the state, this position expanded the availability of forensic social workers across the state. The coordinator oversees training, recruitment, and equitable distribution of these services.

- **People and EDI Advocate (Added FY 2022-23)**

This position was created to add an internal FTE to handle people functions (formerly known as Human Resources) and to promote equity and diversity within OADC's contractor pool and internal hiring processes. By implementing best practices and conducting outreach, the advocate ensures that representation reflects the communities served. The role also supports training on implicit bias and cultural competency, enhancing the overall quality of defense.

- **Greater Colorado Practitioner Fellowship (Started FY 2022-23)**

This program was launched to address the lack of qualified practitioners in rural areas. Fellows are provided with mentorship, financial support, and resources to build their practices in underserved regions. By closing geographic gaps, this initiative ensures equitable access to quality defense services for clients across the state and reducing the cost to have contractors travel to these underserved regions.

- **Inclusivity Fellowship (Started FY 2022-23)**

Designed to attract diverse candidates to the field, this fellowship provides training and mentorship to individuals from historically underrepresented backgrounds. It strengthens OADC's contractor base by promoting varied perspectives and experiences, which improve advocacy and client connections.

- **Post-Conviction Unit (PCU) Staff Positions (Added FY 2023-24):**

This unit includes:

- Managing Attorney to oversee post-conviction cases, ensuring strategic and efficient case handling.
- Four Staff Attorneys to handle complex post-conviction appeals and reduce delays.
- Two Investigators to gather necessary evidence for these cases.
- Paralegal to support documentation and case preparation.
- Licensed Clinical Social Worker (LCSW) to provide psychological insights and mitigation strategies.
- Administrative Assistant to handle case-related logistics.

These additions have assisted in post-conviction representation, reducing backlogs and enhancing the quality of representation.

- **Appointment Specialist (Added FY 2023-24)**

This position was necessary to manage the growing number of case assignments. The specialist ensures timely appointments in the 23,443 cases on which OADC contractors were appointed, and maintains effective

communication with contractors, streamlining processes and reducing delays in representation.

- **Holistic Defense Coordinator (Added FY 2023-24)**
This role promotes interdisciplinary defense teams by integrating legal and non-legal professionals. By fostering collaboration among attorneys, investigators, and social workers, the coordinator enhances the agency's ability to address clients' comprehensive needs, with the goal of both assisting the Court in fashioning sentences more in line with the combination of the client's needs and those of the Court, which often reduces the long-term cost to the state, and assisting the client in not recidivating.
- **Contractor Process Coordinator (Added FY 2024-25)**
With OADC's growth in contractors and cases, this position centralizes contractor-related processes, improving efficiency in assignments and communications. The coordinator also oversees contractor onboarding and ensures consistent application of policies across the agency.
- **how client outcomes have changed over the period.**
 1. **Enhanced Representation:** The inclusion of social workers, resource advocates, and interdisciplinary teams ensures clients receive tailored defense strategies addressing legal, psychological, and social challenges, often leading to long-term savings to the state.
 2. **Equity and Accessibility:** Initiatives like the People and EDI Advocate and the Greater Colorado Practitioner Fellowship ensure representation is equitable and geographically inclusive, reaching underserved and rural populations.
 3. **Efficiency and Quality:** Administrative positions such as the Staff Accountant, Appointment Specialist, and Contractor Process Coordinator have streamlined internal and billing system operations, reducing delays for contractors and improving the overall efficiency of representation for OADC clients. They have also added to the agency's ability to audit invoices as they are received.
 4. **Holistic Defense:** By expanding interdisciplinary roles, OADC has seen improved client outcomes.
 5. **Post-Conviction Excellence:** The PCU has addressed complex legal cases in post-conviction. The Unit is focusing on meeting the need for more representation, and also focuses on systemic issues, with the goal of assisting all post-conviction counsel, hopefully leading to agency savings.

Through these strategic additions, OADC has improved its ability to fulfill its constitutional mandate while delivering cost-effective and high-quality legal representation to Colorado's indigent clients

QUESTIONS FOR ALTERNATE DEFENSE COUNSEL (ADC)

7 [JBC Staff] Discuss each of ADC's budget requests.

DI #1 Case Cost Increase: The Case Cost Increase Decision Item for FY26 reflects OADC's critical need to address rising costs and increasing caseload complexity, particularly in the most serious cases like class 1 and 2 felonies. For instance, the number of Class 1 felony cases (murder and kidnapping) increased by 10.1%, and the average cost per case rose slightly, necessitating additional funding of \$1,005,822 in FY25 and \$1,111,698 in FY26. Similarly, the number of Class 2 felony cases surged by 22%, requiring \$2,241,306 for FY25 and \$2,733,300 for FY26 to address this growth.

In addition to the increasing volume of high-cost cases, the complexity of these cases has intensified due to the substantial increase in discovery materials, including body-worn camera footage, digital evidence, and jail call recordings. This surge in data demands significant contractor time for review and analysis, further driving case costs. For example, contractor hours spent reviewing discovery materials rose from 91,753 hours in FY23 to 107,431 in FY24, a 17% increase.

Without the requested funding, OADC will be unable to fulfill its statutory mandate to provide effective legal representation for indigent clients. This would increase backlogs and potentially compromise constitutional protections for defendants. Approval of the funding will allow OADC to maintain its high standards of client-centered representation and effectively manage growing caseloads.

8 [Sen. Marchman] Provide details on the contracts that have been given to vendors over the past year.

Over the past year, the Office of the Alternate Defense Counsel (OADC) has engaged with two primary vendors through formal contracts to enhance our operational efficiency and ensure effective service delivery:

1. Watkyn LLC

- a. **Purpose:** Development and implementation of a new billing system for OADC. This system addresses critical operational needs by replacing an outdated system and improving the accuracy and efficiency of case-related financial management.
- b. **Contract Value:** \$845,000 (allocated across multiple project phases, with payments tied to deliverables).
- c. **Contract Type:** Work-for-Hire agreement to ensure OADC retains full ownership of the billing system.

- d. **Key Deliverables:**
 - i. A cloud-based platform for billing and payment processing.
 - ii. Enhanced reporting tools and user-friendly interface for contractors.
 - iii. System integration with existing OADC processes.
- 2. AndiSites Inc.**
- a. **Purpose:** Redesign and modernization of the OADC website. The goal is to create a more accessible, user-friendly, and secure online platform for public information and contractor resources.
 - b. **Contract Value:** \$146,247 for the first year, with annual support and hosting costs in subsequent years.
 - c. **Contract Type:** Service contract with milestone-based payments.
 - d. **Key Deliverables:**
 - i. New website design and development, including implementation of advanced learning management tools for contractor training.
 - ii. Migration of legacy data and systems access.
 - iii. Ongoing website hosting and maintenance.

Both contracts were awarded following lengthy RFP processes, and careful evaluation of vendor proposals to ensure alignment with OADC's operational and fiscal priorities. These projects are central to improving OADC's efficiency and transparency while maintaining our commitment to prudent stewardship of public funds.

9 [Sen. Marchman] How do the billable costs in ADC compare to the Office of the State Public Defender?

Between FY15 and FY24, the average cost per case for the Office of the State Public Defender (PD) increased by **73.35%**, rising from \$514 to \$891. During the same period, the Office of the Alternate Defense Counsel (OADC) experienced a **28.58%** increase in its average cost per case, from \$1,722 to \$2,214.

The disparity in average costs and growth rates between the two agencies can be attributed to key structural differences:

Case complexity and caseload Distribution: The PD manages a larger range of cases, including lower-cost misdemeanors, probation violations, and special proceedings, which significantly reduces its overall average cost per case. In contrast, OADC focuses on a smaller volume of **serious** cases including a significant number of appellate and postconviction cases, which are inherently more resource-intensive.

Budget Presentation

FY 2025-2026 Request
Lindy Frolich, Director
December 18, 2024

Office of the

Alternate Defense



counsel

Who We Are

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

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

Case Example



"I've just been informed that a 50+ count COCCA indictment came back in Denver on a client who I currently represent, who is **spanish speaking** and serving a DOC sentence. This is a large auto theft ring in Denver. I believe there are something like **17 codefendants**, so this is about to hit your plate, if it hasn't already."



222 counts, 17 clients, 243 pages.

Case Example Continued

NEWS > CRIME AND PUBLIC SAFETY

17 people indicted in Denver car theft ring linked to Sinaloa Cartel, police say

Suspects exchanged stolen cars for drugs they distributed in Denver, DA says



By **KATIE LANGFORD** | klangford@denverpost.com | The Denver Post

UPDATED: December 10, 2024 at 2:43 PM MST



Listen to this article



Seventeen people indicted in an [alleged car theft ring](#) connected to the Sinaloa Cartel are accused of stealing at least 190 vehicles at or near Denver International Airport and taking them to Mexico to exchange for drugs to distribute in the metro, according to the Denver District Attorney's Office.

The thefts – usually high-end pickup trucks – occurred between September 2022 and February and cost victims \$9.5 million, [the DA's office announced Monday](#).

A grand jury indicted the suspects on 222 charges related to organized crime, [auto theft](#), drug possession and distribution and identity theft after a yearlong investigation by local, state and federal law enforcement, Denver DA Beth McCann said.

District Court, City and County of Denver, Colorado City and County Building, Room 424 1437 Bannock Street Denver, CO 80202	
Plaintiff: THE PEOPLE OF THE STATE OF COLORADO Defendant(s): Defendant 1 - name redacted Defendant 2 - name redacted Defendant 3 - name redacted Defendant 4 - name redacted Defendant 5 - name redacted Defendant 6 - name redacted Defendant 7 - name redacted Defendant 8 - name redacted Defendant 9 - name redacted Defendant 10 - name redacted Defendant 11 - name redacted Defendant 12 - name redacted Defendant 13 - name redacted Defendant 14 - name redacted Defendant 15 - name redacted Defendant 16 - name redacted Defendant 17 - name redacted	<div>COURT USE ONLY</div> CaseNumber: Grand JuryNo. XXXXXX Div.: Criminal Ctrm: 424/ ____
INDICTMENT	

VIOLATION OF COLORADO ORGANIZED CRIME CONTROL ACT, C.R.S. 18-17-104(3), (F2) < 37284 > 1 (1 count)

CONSPIRACY TO COMMIT MOTOR VEHICLE THEFT IN THE SECOND DEGREE, C.R.S. 18-4-409(3);18-2-201, (F5) <0804PC > 2 (1 count)

AGGRAVATED MOTOR VEHICLE THEFT IN THE SECOND DEGREE, C.R.S. 18-4-409(4)(a), (F5) < 0804D > 3, 20, 54, 55, 56, 63, 65, 67, 68, 69, 73, 74, 78, 80, 82, 84, 85, 86, 88, 91, 92, 97, 99, 100, 101, 102, 103, 104, 108, 109, 110, 111, 113, 119, 125, 148, 162, 182, 183, 185, 186, 188, 189, 190, 191, 192 (46 counts)

AGGRAVATED MOTOR VEHICLE THEFT IN THE FIRST DEGREE, C.R.S. 18-4-409(2),(3)(a.5), (F4) < 0804H > 4, 57, 81, 83, 89, 90, 93, 94, 95, 121, 184, 187, 193 (13 counts)

MOTOR VEHICLE THEFT IN THE SECOND DEGREE, C.R.S. 18-4-409(3), (F4) < 0804P > 5, 6, 7, 8, 9, 10, 28, 34, 35, 37, 48, 51, 52, 59, 64, 66, 77, 87, 96, 98, 123, 126, 129, 130, 132, 133, 134, 140, 141, 142, 144, 145, 146, 147, 150, 151, 153, 155, 159, 166, 171, 172, 174, 178 (44 counts)

MOTOR VEHICLE THEFT IN THE THIRD DEGREE, C.R.S. 18-4-409(4)(a), (F5) < 0804M > 11, 13, 18, 19, 22, 24, 25, 26, 31, 32, 33, 36, 39, 43, 47, 71, 118, 158, 164, 165 (20 counts)

THEFT, C.R.S. 18-4-401(1),(2)(g), (F5) <08A1F > 12, 23, 40, 41 (4 counts)

CRIMINAL POSSESSION OF A FINANCIAL DEVICE, C.R.S. 18-5-903(1),(2)(c), (F5) < 13083 > 14, 136 (2 counts)

CRIMINAL POSSESSION OF AN IDENTIFICATION DOCUMENT, C.R.S. 18-5-903.5(1),(2)(b), (F6) < 13087 > 15 (1 count)

MOTOR VEHICLE THEFT IN THE THIRD DEGREE, C.R.S. 18-4-409(4)(b), (F5) < 0804N > 16, 17, 21, 29, 30, 38, 42, 44, 45, 46, 49, 50, 53, 58, 60, 61, 62, 72, 75, 76, 79, 105, 106, 107, 112, 114, 115, 116, 117, 120, 122, 124, 127, 128, 131, 137, 138, 139, 149, 154, 156, 161, 167, 168, 169, 170, 173, 175, 176, 177, 179, 180, 181, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205 (64 counts)

CRIMINAL ATTEMPT TO COMMIT MOTOR VEHICLE THEFT IN THE SECOND DEGREE, C.R.S. 18-4-409(3);18-2-101, (F5) < 0804PA > 27, 143 (2 counts)

MOTOR VEHICLE THEFT IN THE FIRST DEGREE, C.R.S. 18-4-409(2), (F3) < 0804Q > 70, 152, 160 (3 counts)

IDENTITY THEFT, C.R.S. 18-5-902(1)(a), (F4) < 1307G > 135 (1 count)

MENACING, C.R.S. 18-3-206, (F5) < 02055 > 157 (1 count)

AGGRAVATED MOTOR VEHICLE THEFT IN THE SECOND DEGREE, C.R.S. 18-4-409(4)(b), (F6) < 0804K > 163, 194 (2 counts)

SPECIAL OFFENDER, C.R.S. 18-18-407(1)(b), (DF1) < 33A43 > 206, 207, 208 (3 counts)

SPECIAL OFFENDER, C.R.S. 18-18-407(1)(c), (DF1) < 33A4A > 209, 210, 211 (3 counts)

SPECIAL OFFENDER, C.R.S. 18-18-407(1)(d)(II), (DF1) < 33A46 > 212 (1 count)

CONSPIRACY - CONTROLLED SUBSTANCES - SCHEDULE I OR II - MORE THAN 225 GRAMS, C.R.S. 18-18-405(1),(2)(a)(I)(A), (DF1) < 8105L > 213, 215, 216, 218 (4 counts)

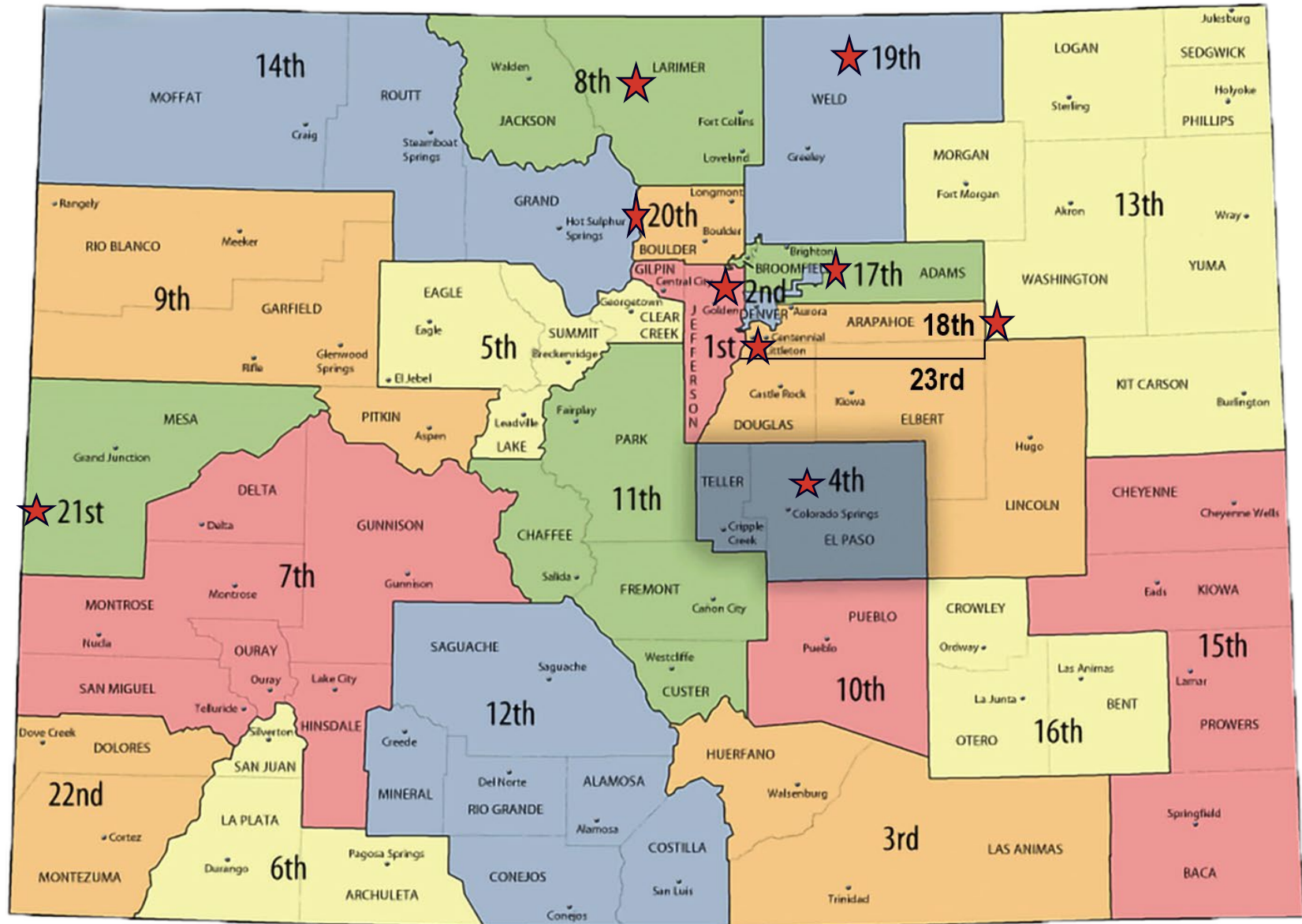
CONSPIRACY - CONTROLLED SUBSTANCES, C.R.S. 18-18-405(1),(2)(a)(I)(B), (DF1) < 8105P > 214, 217 (2 counts)

Case Example Continued

District Court, City and County of Denver, Colorado City and County Building, Room 424 1437 Bannock Street Denver, CO 80202	
Plaintiff: THE PEOPLE OF THE STATE OF COLORADO	COURT USE ONLY
Defendant(s): Defendant 1 - name redacted Defendant 2 - name redacted Defendant 3 - name redacted Defendant 4 - name redacted Defendant 5 - name redacted Defendant 6 - name redacted Defendant 7 - name redacted Defendant 8 - name redacted Defendant 9 - name redacted Defendant 10 - name redacted Defendant 11 - name redacted Defendant 12 - name redacted Defendant 13 - name redacted Defendant 14 - name redacted Defendant 15 - name redacted Defendant 16 - name redacted Defendant 17 - name redacted	
CaseNumber: Grand Jury No. XXXXXX Div.: Criminal Ctrm: 424/ ____	
INDICTMENT	

[Indictment - 25 pgs.pdf](#)

Where We Do It – 23 Judicial Districts





Arapahoe County



Lindsey- Flanigan (Denver)



Jeffco County



Adams County



Boulder County



Larimer County



Mesa County

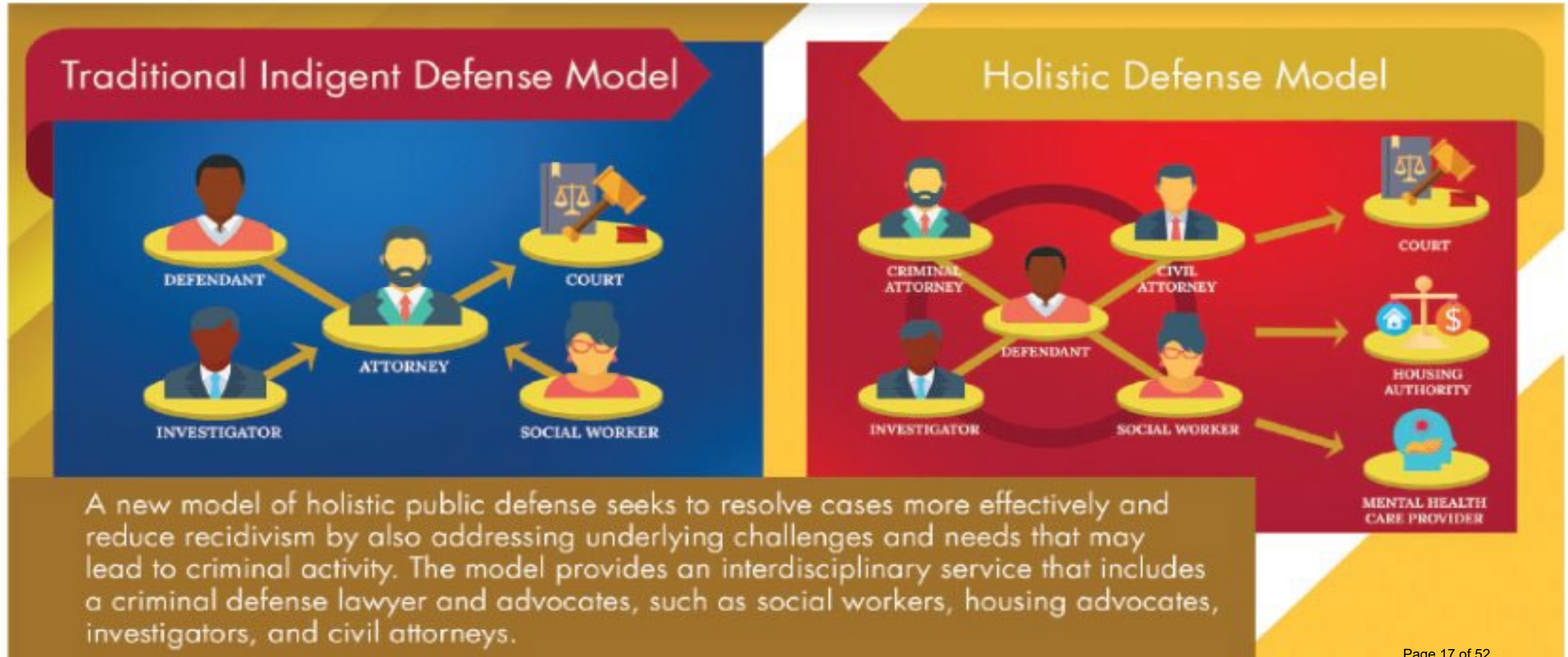


9/4/20XX

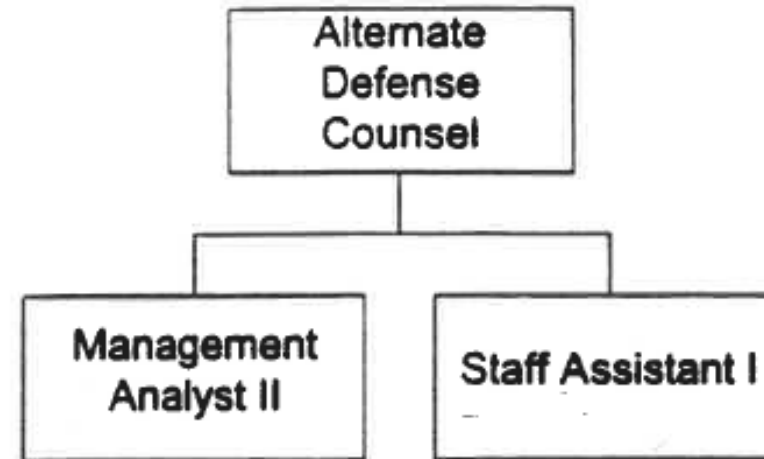
Page 16 of 52

How We Do It - Holistic Defense Model

Figure 1. Comparing Defense Models



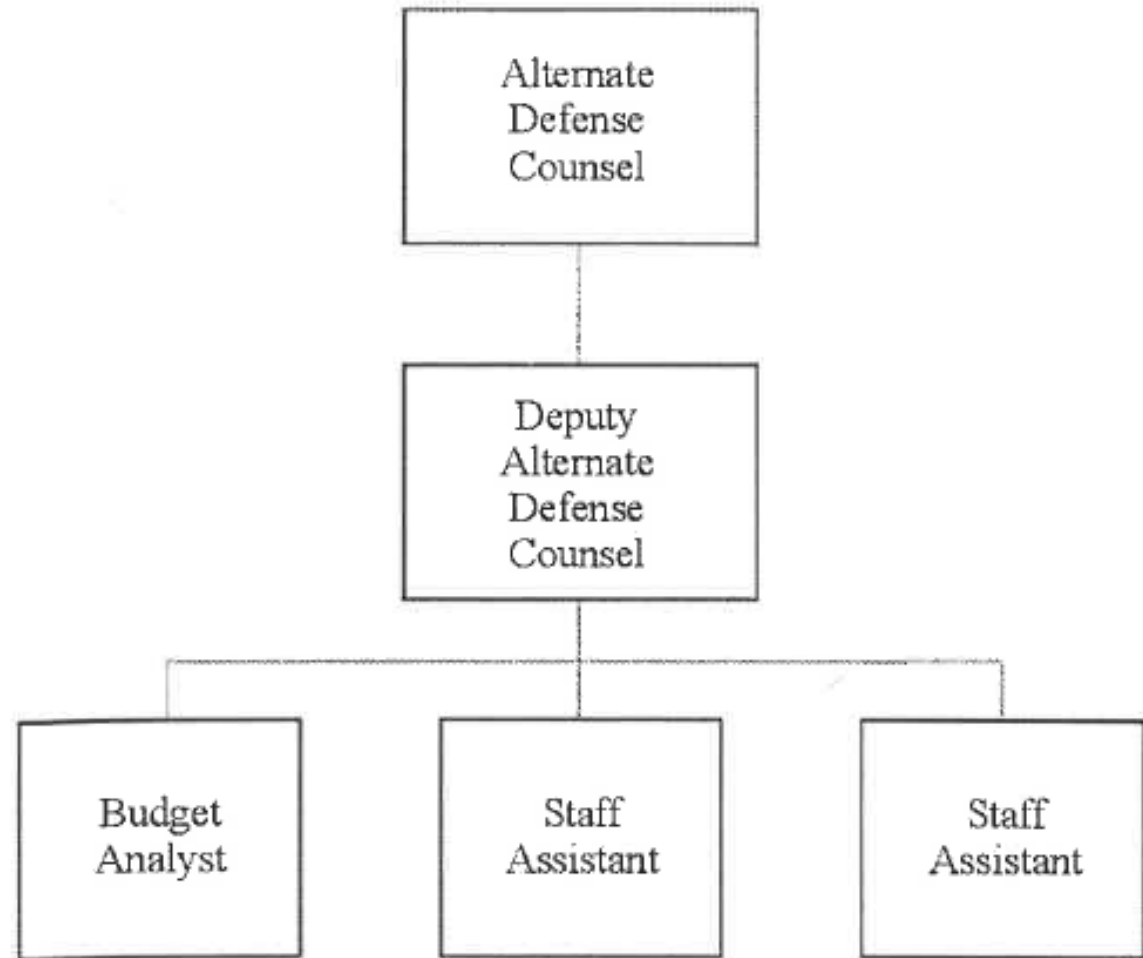
OADC Organizational Chart FY 1997-98



Description and Authorization

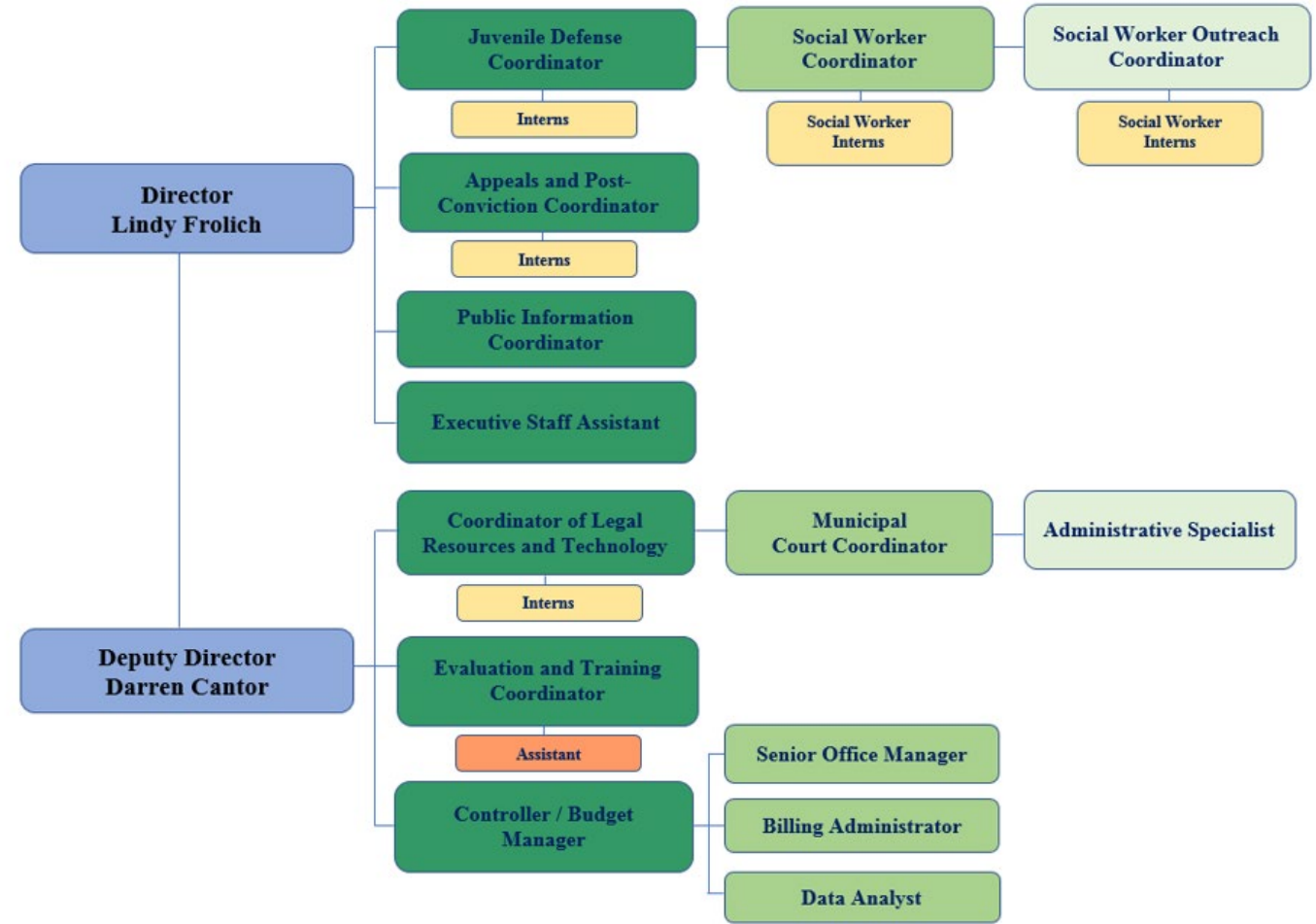
The Office of Alternate Defense Counsel is being established pursuant to Section 21-2-101 et. seq., (Senate Bill 96-205). It is an agency within the Judicial Branch of government. Beginning January 1, 1997, the agency will be responsible for providing legal representation in cases involving conflict-of-interest for the State Public Defender and in cases in which the court determines the defendant is partially indigent.

OADC Organizational Chart FY 2005-06

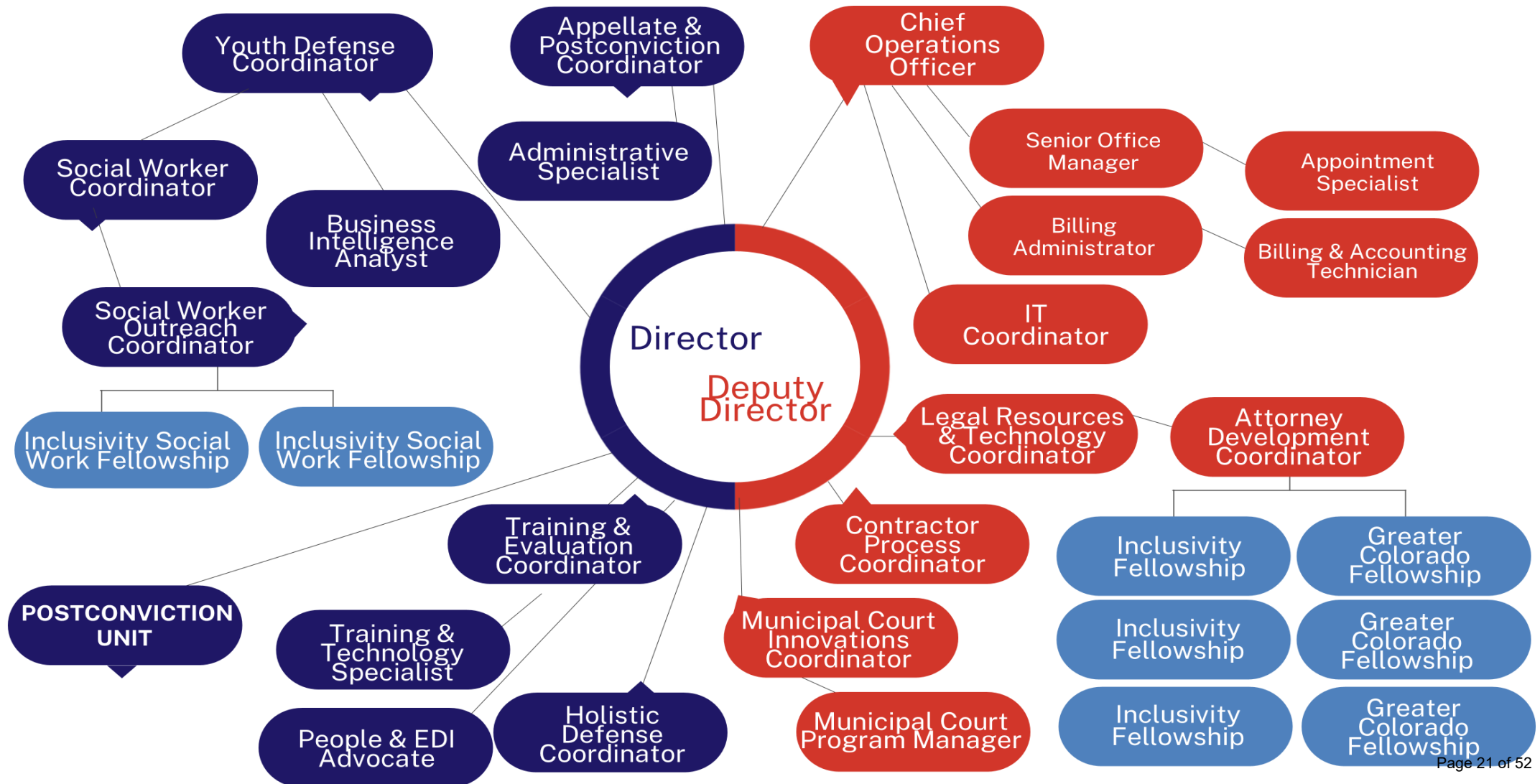


OADC Organizational Chart FY 2019-20

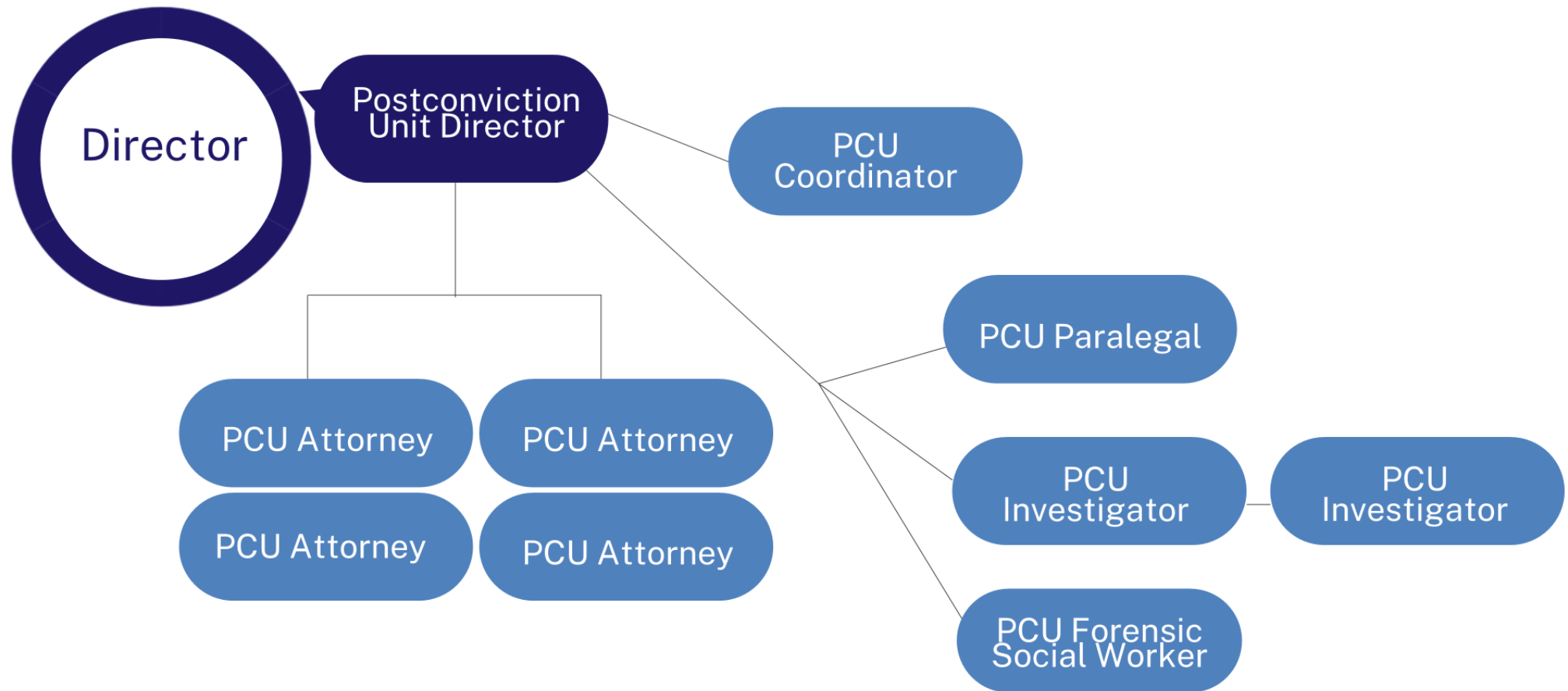
Agency Organizational Chart Office of the Alternate Defense Counsel



OADC Organizational Chart FY 2025-26



POSTCONVICTION UNIT





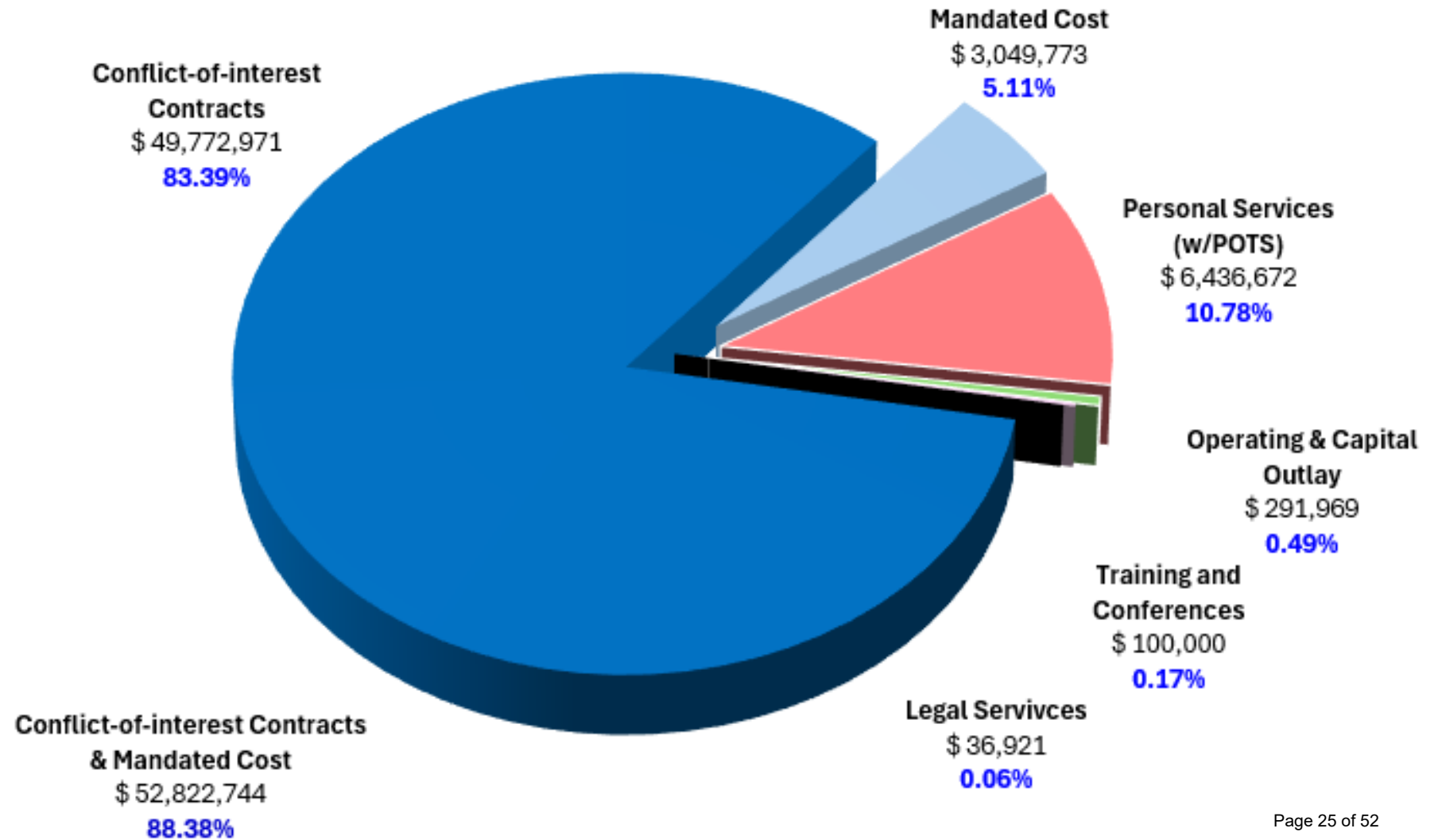


FY2025 – 2026 - Our ONLY Request

DI 1 – Case Cost
Increase (FY25)
\$ 2,792,679

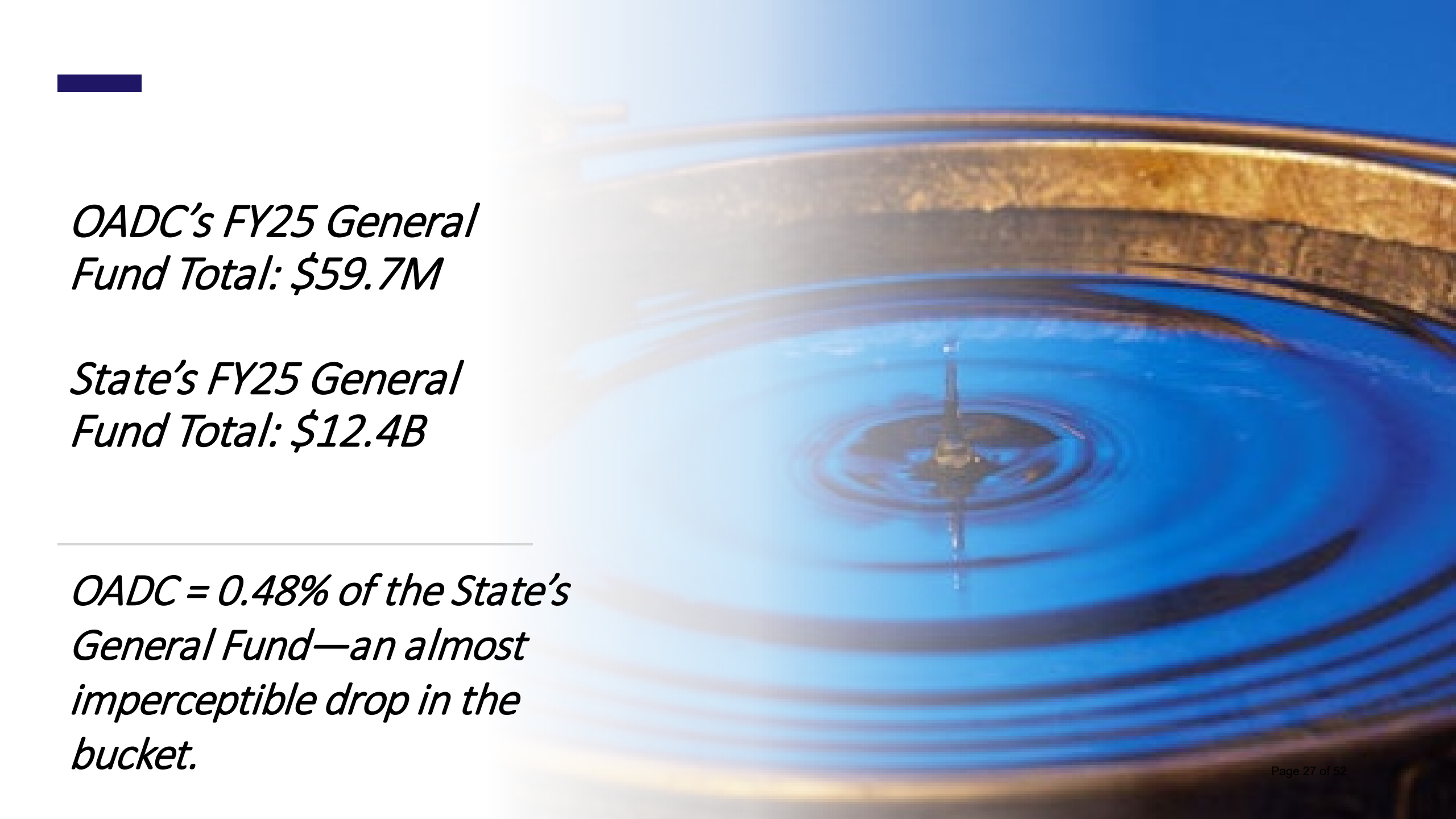
DI 1 – Case Cost
Increase (FY26)
\$ 3,725,022

FY 2024-25 Long Bill Line Items



Reversions in Prior Fiscal Years

	FY19	FY20	FY21	FY22	FY23	FY24	Total FY19 to FY24
Long Bill	\$42,020,721	\$48,139,361	\$52,067,382	\$47,690,846	\$50,570,572	\$57,440,232	
Supplemental	\$3,861,102	\$30,617	(\$4,520,835)	(\$5,513,424)	\$0	\$0	
Add-On	(\$2,198,408)	(\$2,225,997)					
Expenditures	\$39,698,549	\$39,471,286	\$37,611,364	\$39,750,983	\$45,393,988	\$56,806,691	
Transfers		(\$1,000,000)					
Reversion	\$3,984,866	\$5,472,695	\$9,935,183	\$2,426,439	\$5,176,584	\$633,541	\$27,629,308



*OADC's FY25 General
Fund Total: \$59.7M*

*State's FY25 General
Fund Total: \$12.4B*

*OADC = 0.48% of the State's
General Fund—an almost
imperceptible drop in the
bucket.*

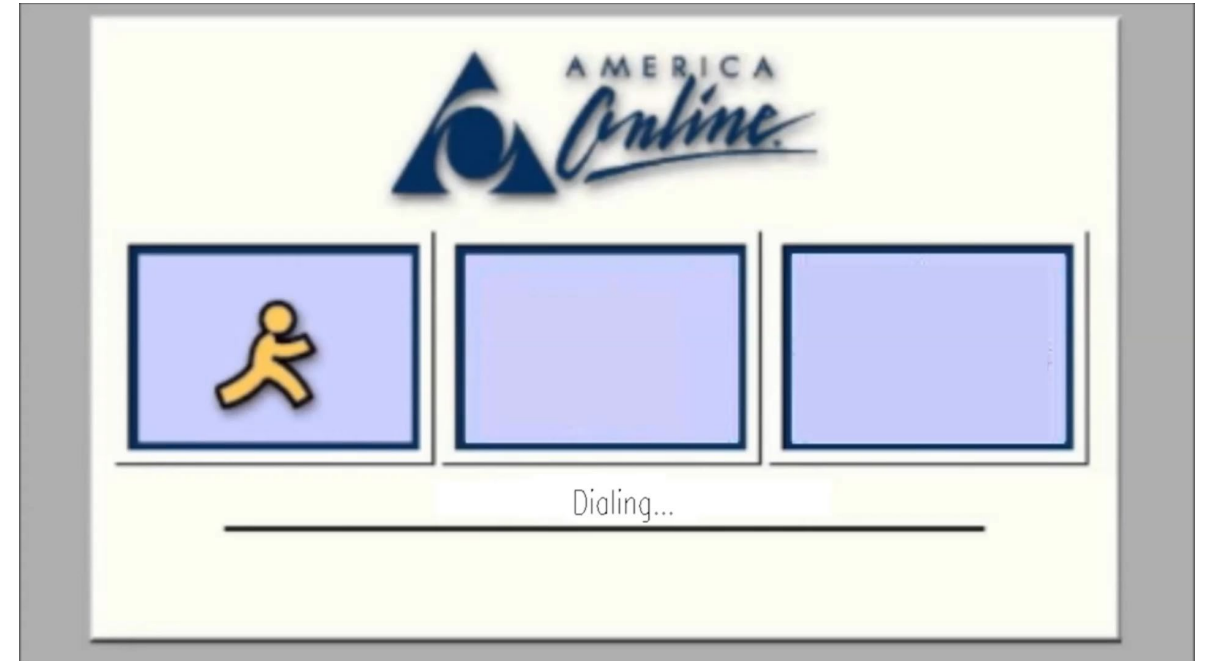
The Evolution of the Telephone












From Simple Land Lines to Complex Cell Towers



1990's Computer Set Up & Dialup Internet



	max storage space	# of document pages	image
Floppy Disk	1.44MB	490	
Zip Disk	250MB	85,330	
CD	700MB	239,000	
DVD	4.7GB	1,642,800	
BluRay	25GB	8,738,100	

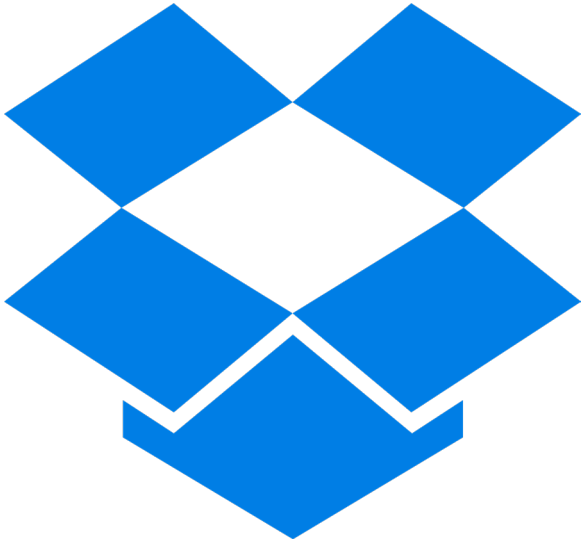
Flash Drive	1TB	357,911,000	
Phone	1TB	357,911,000	
Hard Drive	32TB	11,453,152,000	
Portable Hard Drive	6TB	2,147,466,000	
Solid State Drive	8TB	2,863,288,000	

It's Like Drinking
From a Fire Hose

	Max Storage	# of document
Floppy Disc	1.44 MB	490
Solid State Drive	8TB	2,863,288,000







Chief Justice Monica Márquez
FY 2025-26 Request

Steven Vasconcellos, State Court Administrator
Colorado Judicial Department
Courts and Probation



November 1, 2024

INCREASING THE NUMBER OF JUDGES IN THE STATE OF COLORADO

Request Summary:

The Judicial Department last requested an increase in the number of district court judges in 2019, county court judges in 2007, and Court of Appeals Judges in 2007. During the 2025 legislative session, the Department intends to request a statutory change to establish 28 judges in Colorado's district and county courts and the Court of Appeals over a two-year period. This request will include a total of 76.0 support staff FTE as well as education specialist resources to ensure timely education and training to support the influx of new positions in the courts. The Department requests a placeholder of \$13.2 million General Fund and 68.0 FTE for this 2025 legislation.

These requested judgeships are necessary to reach an adequate number of judicial officers needed to handle existing caseloads in a manner consistent with the Judicial Department's mission and mandate to provide equal access to justice and timely dispute resolution. Primary drivers for increased workloads, discussed in more detail in the background section, are:

- Increases in violent crimes and probate cases coupled with increases in case processing time overall
- New statutory requirements that drive additional workload for the trial courts
- Increases in competency and mental health issues
- Increases in need for interpreters
- Necessary use and management of new technology for virtual and hybrid courtrooms
- Judge well-being
- Population growth, especially as this relates to an aging population

Background:

Colorado courts, at all levels, are experiencing multi-faceted growth in workload that now threatens the courts' ability to fulfill their mandates and mission. Some of the main drivers of this workload impact include increases in case filings of some of the most complex cases, the increased time needed to handle cases, changes in statute, growth in mental health and competency matters, increased need for interpreters, and managing technology for virtual and hybrid hearings. Additionally, updated workload models reflect increased complexity for many case types in both the district and county courts. Ultimately the strain of extreme workloads without additional resources seriously compromises the well-being of judges and sustainability and timeliness of the services the courts provide.

[FY26 Colorado Judicial Branch Budget Request PDF](#)

CBI/DNA and Missy Woods

9 News Article (11-06-2023)

<i>Agency Priority: Decision Item R - 2</i>			
Representation of Clients Impacted by CBI DNA Misconduct			
Summary of Funding/FTE Change for FY26 Request for OSPD	Total Funds	General Funds	FTE
Personal Services	\$1,500,000	\$1,500,000	0.0
Mandated Costs	\$500,000	\$500,000	0.0
Total Request	\$2,000,000	\$2,000,000	0.0

REQUEST SUMMARY:

This request is identical to R5 of the Office of the State Public Defender budget. The OSPD and the Office of Alternate Defense Counsel (OADC) are jointly requesting \$2,000,000 General Fund for FY 2025-26 for the first year of a multi-year spending authority. This request will fund work on cases impacted by decades-long misconduct by DNA analysts in Colorado that have resulted in hundreds of possible wrongful convictions and will begin July 1, 2025, to provide clients with court-appointed legal teams to investigate and pursue claims related to the misconduct. **The funding will be maintained by OSPD**, and OADC will submit requests to OSPD to be reimbursed from the fund for work on impacted cases.

Probation vs. DOC (Adults)

Annual Cost of Adult Sentencing Options Per Offender FY23-24

	1 yr of cost	3 yr of cost	5 yr of cost	25 yr of cost
Probation	\$2,086	\$6,258	\$10,430	\$52,150
Community Corrections	\$14,408	\$43,224	\$72,040	\$360,200
Parole *	\$8,387	\$25,161	\$41,935	\$209,675
Department of Corrections **	\$56,694	\$170,082	\$283,470	\$1,417,350

*Average of Parole and ISP Parole

**State facilities only, does not include private prisons

Source: DOC: Office of Planning & Analysis; DCJ: Office of Community Corrections; Probation: Division of Probation Services.

Probation vs. DYC (Youth)

Annual cost per Juvenile				
	1 yr of cost	3 yr of cost	5 yr of cost	25 yr of cost
Probation (FY21-22)	\$3,514	\$10,542	\$17,570	\$87,850
Juvenile Parole ***	\$16,531	\$49,593	\$82,655	\$413,275
Department of Youth Corrections *** (FY18-19)	\$96,652	\$289,956	\$483,260	\$2,416,300
*The Juvenile Cost of Care can no longer be assessed pursuant to HB21-1315 (effective 07/06/21) *** DYS and Juvenile Parole cost calculations have been discontinued, these figures are from FY18-19 <i>Source : DYS ; Probation Division of Probation Services</i>				

Savings from the Department of Correction's Budget.



- 1 year of prison saves = \$50,000
- 10 years of prison saves = \$500,000
- 100 years of prison saves = \$5,000,000

TOP 10 WAYS THE OADC HAS SAVED THE STATE OF COLORADO MONEY

1. First Degree Murder charge. Last minute ADC counsel and investigator realized missing discovery. When all discovery turned over and watched: client was shown to be innocent. Case dismissed. No trial. No long DOC sentence.
2. Client received probation after Judge promised DOC sentence and after Social Worker mitigation presentation Judge stated changed mind.
3. "Not sure how much happy news you get in your position, so I thought I'd share (with client's permission, of course) that late this morning this kid got sentenced to 6 months work release and three years' probation." The lawyer credited the team.
4. Client determined to go to trial on first degree murder charge. Through work with social worker and attorney, client sentenced to stipulated 40 years in DOC on a second-degree murder, rather than a trial and potentially a life sentence.
5. Judge cites mitigation report saying not only not maxing out which was her original plan but giving a slightly lower sentence than the DA asked for.
6. First degree murder negotiated down to two class four felonies and a sentence of 4 years. Judge commented on the social history report saying it was the best one she had ever seen.
7. 35(b) hearing resulted in a 40-year sentence being reduced to 30 years. Team prepped client for his statement, and many experts were used over the years.
8. Holistic team built relationships with providers resulting in client having a difficult-to-coordinate long term care intake while in jail, resulting in a release from custody.
9. Contentious bond hearing report resulted in requested relief, and the social worker receiving compliments for her report and citing it as influencing determination.
10. Client was found not guilty on all counts (att. 2nd degree murder; 1st and 2nd degree assault) at his trial. Team of three spent the week in Telluride for the trial and countless hours during and prior to preparing for the trial.

Office of the

Alternate Defense



counsel

Thank you!

Lindy Frolich, Director

Lindy@coloroadc.com

Darren Cantor, Deputy Director

Darren@coloroadc.com

Daniel Nunez, Chief Operating Officer

Daniel@coloroadc.com

 **Coloroadc.org**

JUDICIAL DEPARTMENT – OFFICE OF ALTERNATE DEFENSE COUNSEL
FY 2025-26 JOINT BUDGET COMMITTEE HEARING
WRITTEN RESPONSES ONLY

Common Questions: Please retain the numbering in order to maintain consistent labeling across departments.

- 1 Provide a list of any legislation with a fiscal impact that the Department has: (a) not implemented, (b) partially implemented, or (c) missed statutory deadlines. Please specifically describe the implementation of ongoing funding established through legislation in the last two legislative sessions. Explain why the Department has not implemented, has only partially implemented, or has missed deadlines for the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

The OADC does not have any outstanding legislation to be implemented.

- 2 Describe General Fund appropriation reductions made in the Department for budget balancing purposes in 2020, and whether the appropriation has been restored with General Fund or another fund source through budget actions or legislation.

In FY21, the OADC implemented mandatory furloughs for its 16 FTE as part of a General Fund budget balancing measure, addressing a 5.0% HLD cut totaling \$92,036. Due to limited vacancy savings of \$47,590 in FY21, each FTE took 5.5 days of furlough, resulting in a 3% reduction in FY20-21 income (\$44,446). This reduction was fully restored in FY22 through adjustments to the Agency's Personal Services line, submitted via the POTS template in the FY2021-22 Budget Request.

- 3 Please provide the most current information possible. For all line items with FTE, please show:
 - a the number of allocated FTE each job classification in that line item
 - b the number of active FTE for each of those job classifications
 - c the number of vacant FTE for each of those job classifications
 - d the vacancy rate for each of those job classifications

Use the attached Template C to populate these data. Please return the data in editable Excel format.

Department	Division	Line Item	Job Classification	Allocated FTE	Active FTE	Vacancies	Vacancy Rate
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC 1ST ASST LEG COUNSEL	5.0	5.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC ACCOUNTANT I	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC ACCOUNTANT III	2.0	2.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC Appointment Specialist	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC BUDGET MANAGER	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC BUSINESS INTEL ANLST	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC CRT PRG ANALYST IV	2.0	2.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC CRT PROG ANALYST I	3.0	3.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC CRT PROG ANALYST III	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC DEPUTY DIRECTOR	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC DIRECTOR	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC Fellow (GC/I)	6.0	5.0	1.0	16.7%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC Fellow (SW)	2.0	2.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC Holistic Defense Coordinator	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC Contractor Process Coordinator	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC INFO TECHNOLOGY COOR	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC People & EDI Advocate	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC (PCU) Admin Assistant	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC (PCU) Investigator	2.0	2.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC (PCU) LCSW	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC (PCU) Managing Attorney	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC (PCU) Paralegal	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC (PCU) Staff Attorney	4.0	4.0	0.0	0.0%
Subtotal				41.0	40.0	1.0	0.2

- 4 Please provide the same information as Question #3 for FYs 2022-23 and FY 2023-24. Use the attached Template C to populate these data. Please return the data in editable Excel.

FY2022-23 :

Department	Division	Line Item	Job Classification	Allocated FTE	Active FTE	Vacancies	Vacancy Rate
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC 1ST ASST LEG COUNSEL	5.0	5.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC ACCOUNTANT I	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC ACCOUNTANT III	2.0	2.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC BUDGET MANAGER	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC BUSINESS INTEL ANLST	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC CRT PRG ANALYST IV	2.0	2.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC CRT PROG ANALYST I	3.0	3.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC CRT PROG ANALYST III	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC DEPUTY DIRECTOR	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC DIRECTOR	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC Fellow (GC/I)	2.0	1.0	1.0	50.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC INFO TECHNOLOGY COOR	1.0	1.0	0.0	0.0%
Subtotal				21.0	20.0	1.0	0.5

FY2023-24 :

Department	Division	Line Item	Job Classification	Allocated FTE	Active FTE	Vacancies	Vacancy Rate
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC 1ST ASST LEG COUNSEL	5.0	5.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC ACCOUNTANT I	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC ACCOUNTANT III	2.0	2.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC Appointment Specialist	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC BUDGET MANAGER	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC BUSINESS INTEL ANLST	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC CRT PRG ANALYST IV	2.0	2.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC CRT PROG ANALYST I	3.0	3.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC CRT PROG ANALYST III	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC DEPUTY DIRECTOR	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC DIRECTOR	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC Fellow (GC/I)	4.0	3.0	1.0	25.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC Fellow (SW)	2.0	0.0	2.0	100.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC Holistic Defense Coordinator	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC INFO TECHNOLOGY COOR	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC People & EDI Advocate	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC (PCU) Admin Assistant	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC (PCU) Investigator	2.0	2.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC (PCU) LCSW	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC (PCU) Managing Attorney	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC (PCU) Paralegal	1.0	1.0	0.0	0.0%
Office of the Alternate Defense Counsel	N/A	Personal Services	OADC (PCU) Staff Attorney	4.0	4.0	0.0	0.0%
Subtotal				38.0	35.0	3.0	1.3

5 For FYs 2022-23 and 2023-24, please provide, in editable Excel format, department-wide spending totals for each of the following object codes, by fund source.

- a Object Code 1130: Statutory Personnel & Payroll System Overtime Wages
- b Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages
- c Object Code 1140: Statutory Personnel & Payroll System Annual Leave Payments
- d Object Code 1141: Statutory Personnel & Payroll System Sick Leave Payments
- e Object Code 1340: Employee Cash Incentive Awards
- f Object Code 1350: Employee Non-Cash Incentive Award
- g Object Code 1370: Employee Commission Incentive Pay
- h Object Codes 1510, 1511, 1512: Health, Life, and Dental Insurance
- i Object Code 1524: PERA – AED
- j Object Code 1525: PERA - SAED
- k Object Code 1531: Higher Education Tuition reimbursement

Appropriation/Object		2022-23	2023-24
JGHLA1000	Personal Services		
1130	Statutory Personnel & Payroll System Overtime Wages	\$0	\$0
1131	Statutory Personnel & Payroll System Shift Diff. Wages	\$0	\$0
1140	Statutory Personnel & Payroll System Annual Leave Payments	\$9,078	\$0
1141	Statutory Personnel & Payroll System Sick Leave Payments	\$0	\$0
1340	Employee Cash Incentive Awards	\$37,087	\$143
1350	Employee Non-Cash Incentive Award	\$0	\$0
1370	Employee Commission Incentive Pay	\$0	\$0
1510	Dental Insurance	\$12,155	\$14,746
1511	Health	\$234,685	\$324,799
1512	Life	\$1,778	\$2,670
1524	PERA – AED	\$93,362	\$144,005
1525	PERA - SAED	\$93,362	\$144,005
1531	Higher Education Tuition reimbursement	\$0	\$0
Grand Total		\$481,507	\$630,367

6 For the latest month for which the data are available, please provide, in editable Excel format, department-wide FY 2024-25 year-to-date spending totals for each of the following object codes, by fund source.

- a Object Code 1130: Statutory Personnel & Payroll System Overtime Wages
- b Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages
- c Object Code 1140: Statutory Personnel & Payroll System Annual Leave Payments
- d Object Code 1141: Statutory Personnel & Payroll System Sick Leave Payments
- e Object Code 1340: Employee Cash Incentive Awards
- f Object Code 1350: Employee Non-Cash Incentive Award
- g Object Code 1370: Employee Commission Incentive Pay
 - Object Codes 1510, 1511, 1512: Health, Life, and Dental Insurance
- h Object Code 1524: PERA – AED
- i Object Code 1525: PERA-SAED
- j Object Code 1531: Higher Education Tuition reimbursement

Appropriation/Object		2024-25
JGHLA1000	Personal Services	
1130	Statutory Personnel & Payroll System Overtime Wages	\$0
1131	Statutory Personnel & Payroll System Shift Diff. Wages	\$0
1140	Statutory Personnel & Payroll System Annual Leave Payments	\$0
1141	Statutory Personnel & Payroll System Sick Leave Payments	\$0
1340	Employee Cash Incentive Awards	\$0
1350	Employee Non-Cash Incentive Award	\$0
1370	Employee Commission Incentive Pay	\$0
1510	Dental Insurance	\$6,539
1511	Health	\$154,262
1512	Life	\$1,261
1524	PERA – AED	\$66,475
1525	PERA - SAED	\$66,475
1531	Higher Education Tuition reimbursement	\$0
Grand Total		\$295,012

- 7 For FYs 2022-23 and 2023-24, please provide department-wide spending totals for each of the following object codes, by fund source.
- a Object Code 1100: Total Contract Services (Purchased Personal Services)
 - b Object Code 1210: Contractual Employee Regular Part-Time Wages
 - c Object Code 1211: Contractual Employee Regular Full-Time Wages
 - d Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages
 - e Object Code 1240: Contractual Employee Annual Leave Payments
 - f Object Code 1622: Contractual Employee PERA
 - g Object Code 1624: Contractual Employee Pera AED
 - h Object Code 1625: Contractual Employee Pera - Supplemental AED
 - i Object Code 1910: Personal Services – Temporary
 - j Object Code 1920: Personal Services – Professional
 - k Object Code 1940: Personal Services – Medical Services
 - l Object Code 1950: Personal Services - Other State Departments
 - m Object Code 1960: Personal Services – Information Technology

Appropriation/Object		2022-23	2023-24
JGHLA1000	Personal Services		
1100	Total Contract Services (Purchased Personal Services)	\$0	\$0
1210	Contractual Employee Regular Part-Time Wages	\$0	\$0
1211	Contractual Employee Regular Full-Time Wages	\$0	\$0
1131	Statutory Personnel & Payroll System Shift Diff. Wages	\$0	\$0
1240	Contractual Employee Annual Leave Payments	\$0	\$0
1622	Contractual Employee PERA	\$0	\$0
1624	Contractual Employee Pera AED	\$0	\$0
1625	Contractual Employee Pera - Supplemental AED	\$0	\$0
1910	Personal Services – Temporary	\$0	\$8,500
1920	Personal Services – Professional	\$0	\$56,212
1940	Personal Services – Medical Services	\$0	\$0
1950	Personal Services - Other State Departments	\$0	\$0
1960	Personal Services – Information Technology	\$0	\$182,500
		\$0	\$247,212
JGHLM2000	Operating		
1100	Total Contract Services (Purchased Personal Services)	\$0	\$0
1210	Contractual Employee Regular Part-Time Wages	\$0	\$0
1211	Contractual Employee Regular Full-Time Wages	\$0	\$0
1131	Statutory Personnel & Payroll System Shift Diff. Wages	\$0	\$0
1240	Contractual Employee Annual Leave Payments	\$0	\$0
1622	Contractual Employee PERA	\$0	\$492
1624	Contractual Employee Pera AED	\$0	\$213
1625	Contractual Employee Pera - Supplemental AED	\$0	\$213
1910	Personal Services – Temporary	\$0	\$0
1920	Personal Services – Professional	\$0	\$0
1940	Personal Services – Medical Services	\$0	\$0
1950	Personal Services - Other State Departments	\$0	\$0
1960	Personal Services – Information Technology	\$0	\$12,825
		\$0	\$13,742
JGHLT2050	Training and Conferences		
1100	Total Contract Services (Purchased Personal Services)	\$0	\$0
1210	Contractual Employee Regular Part-Time Wages	\$0	\$0
1211	Contractual Employee Regular Full-Time Wages	\$0	\$0
1131	Statutory Personnel & Payroll System Shift Diff. Wages	\$0	\$0
1240	Contractual Employee Annual Leave Payments	\$0	\$0
1622	Contractual Employee PERA	\$29	\$0
1624	Contractual Employee Pera AED	\$13	\$0
1625	Contractual Employee Pera - Supplemental AED	\$13	\$0
1910	Personal Services – Temporary	\$0	\$0
1920	Personal Services – Professional	\$0	\$0
1940	Personal Services – Medical Services	\$0	\$0
1950	Personal Services - Other State Departments	\$0	\$0
1960	Personal Services – Information Technology	\$0	\$0
		\$54	\$0
Grand Total		\$54	\$260,954

8 Please provide a table showing both allocated and actual FTE for each Division within the Department from FY 2018-19 through FY 2023-24.

Job Classification	Allocated FTE FY2018-19	Active FTE FY2018-19	Allocated FTE FY2019-20	Active FTE FY2019-20	Allocated FTE FY2020-21	Active FTE FY2020-21	Allocated FTE FY2021-22	Active FTE FY2021-22	Allocated FTE FY2022-23	Active FTE FY2022-23	Allocated FTE FY2023-24	Active FTE FY2023-24
OADC 1ST ASST LEG COUNSEL	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	5.0	5.0	5.0	5.0
OADC ACCOUNTANT I	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	1.0	1.0	1.0
OADC ACCOUNTANT III	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
OADC Appointment Specialist	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	1.0
OADC BUDGET MANAGER	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
OADC BUSINESS INTEL ANLST	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
OADC CRT PRG ANALYST IV	1.0	1.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
OADC CRT PROG ANALYST I	2.0	2.0	2.0	2.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
OADC CRT PROG ANALYST III	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
OADC DEPUTY DIRECTOR	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
OADC DIRECTOR	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
OADC Fellow (GC/I)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.0	1.0	4.0	3.0
OADC Fellow (SW)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.0	0.0
OADC Holistic Defense Coordinator	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
OADC Contractor Process Coordinator	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
OADC INFO TECHNOLOGY COOR	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	1.0	1.0	1.0
OADC People & EDI Advocate	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	1.0
OADC (PCU) Admin Assistant	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	1.0
OADC (PCU) Investigator	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.0	2.0
OADC (PCU) LCSW	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	1.0
OADC (PCU) Managing Attorney	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	1.0
OADC (PCU) Paralegal	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	1.0
OADC (PCU) Staff Attorney	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4.0	4.0
Totals	13.0	13.0	14.0	14.0	15.0	15.0	15.0	15.0	21.0	20.0	37.0	34.0

- 9 Please discuss how the Department would absorb base personal services reductions of the following amounts: 1.0 percent, 3.0 percent, and 5.0 percent. How would those reductions impact the department's operations and core mission?

The OADC operates with a lean budget and minimal staffing, as most of our budget is spent on contractors, making reductions to base personal services extremely challenging. Due to the agency's size, any reduction of 1.0 percent, 3.0 percent, or 5.0 percent would have a direct and immediate impact on our ability to fulfill our statutory obligation to provide adequate legal representation for indigent clients.

- Percent Reduction: A 1.0 percent reduction, equivalent to approximately \$52,604, would necessitate furloughs or other temporary cost-saving measures. Even this minimal reduction would strain operations, as every FTE in the agency plays a critical role in supporting our contractors and ensuring the delivery of high-quality legal representation.**
- 3.0 Percent Reduction: A 3.0 percent reduction, approximately \$157,812, would likely result in the elimination of one or more FTE positions. This would severely impact key functions such as contractor support, billing operations, or case management oversight, increasing workloads for remaining staff and risking delays in service delivery.**
- 5.0 Percent Reduction: A 5.0 percent reduction, approximately \$263,020, would be catastrophic for the agency. This level of reduction would likely require layoffs or the elimination of multiple positions, leading to significant delays in contractor payments, reduced oversight and support, and compromised service delivery. Ultimately, this would impact the quality of legal representation provided to indigent clients, undermining the agency's core mission and statutory requirements.**

Unlike larger departments, the OADC has no discretionary or excess capacity to absorb reductions without fundamentally disrupting its ability to function effectively.

- 10 Describe steps the Department is taking to reduce operating expenditures for FY 2025-26.

The OADC is committed to delivering its mission within a lean budget, which requires careful and strategic management of its operating expenditures. With this in mind, the agency has already implemented several cost-containment measures while maintaining service quality:

Cloud Service and IT Optimization: The agency is exploring ways to extend the lifespan of existing IT hardware and software by leveraging cloud-based services and other resource-efficient technologies. This approach minimizes upfront capital expenditures and ensures scalable operational capabilities without compromising performance.

Travel and Per Diem Adjustments: Travel expenditures are limited to essential activities, such as training and contractor oversight and engagement. The agency has implemented stricter internal review processes to ensure that only critical travel is approved, reducing non-essential travel costs.

Streamlining Subscriptions and Information Resources: The agency continues to review its subscriptions and legal resource expenditures, ensuring that only the most critical and widely utilized tools and materials are maintained.

Strategic Vendor Management: Contracts for services such as IT maintenance, software licensing, and office operations are evaluated regularly to assess cost-effectiveness. The agency also negotiates contract terms to align with budget constraints where possible.

Training and Conference Cost Management: Where feasible, the agency has shifted to online training platforms to reduce costs associated with registration fees, travel, and accommodation. This strategy ensures that staff and contractor development continue uninterrupted while minimizing expenditures.

The OADC operates with limited flexibility to make reductions without impacting critical services, as most of its operating expenses are tied to mission-critical functions. While these steps have provided some cost savings, further reductions would likely affect the agency's ability to effectively support contractors and serve indigent clients in Colorado.

- 11 For each operating expenses line item in FY 2023-24, provide a table showing the total appropriation for FY 2023-24 and the total actual expenditures at the end of the third quarter of FY 2023-24.

Operating LBLI FY	Total Appropriation	Expenditures Q3 FY24
2024	\$ 563,097	\$ 470,081
JGHLM2000	\$ 563,097	\$ 470,081
Grand Total	\$ 563,097	\$ 470,081

- 12 Please provide an overview of the department's service efforts. In your response, describe the following:
- a Populations served by the Department

The Office of the Alternate Defense Counsel (OADC) was established pursuant to C.R.S. § 21-2-101, et seq. as an independent governmental

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

- b The target populations of the Department's services

Indigent persons in criminal and juvenile delinquency cases.

- c Number of people served by the Department

The OADC's Independent Contractors worked on 23,443 cases in FY24. We do not have a mechanism to track the number of distinct individuals served in those 23,443 cases.

- d Outcomes measured by the Department

Given the nature of this work, it is difficult to measure outcomes. Each case has its own facts and circumstances, with a client who has their own unique background. Additionally, how one jurisdiction treats a particular crime can be vastly different than how a different jurisdiction treats that same offense. Thus, measuring outcomes is an impossible task.

- e Present and future strategies for collecting customer experience data

We continue to examine methods of collecting customer experience data. However, given the population we serve, in addition to the above description in paragraph d, the reliability of that data can be quite difficult to measure.

- 13 For each TABOR non-exempt cash fund, provide the following information

- a The amount in the cash fund
- b Total amount of revenue in the fund that would not be transferred
- c Detailed explanation of why the fund should not be sunset
- d Statutory reference of the fund creation, specific uses, and legislative history of changes to the fund
- e Every program funded by the fund
- f Explanation of how fees to the fund are set and a history of fee changes
- g The number of people provided service by the programs funded through the cash fund
- h Any additional information necessary to ensure the Joint Budget Committee can make an informed decision.

The OADC does not have any TABOR non-exempt cash fund.

TOPIC/DIVISION

Other questions will be added as needed after the briefing.

JUDICIAL DEPARTMENT - INDEPENDENT AGENCIES
FY 2025-26 JOINT BUDGET COMMITTEE HEARING AGENDA

Wednesday, December 18, 2024

9:00 am – 11:00 am

9:59-10:14 Office of the Child’s Representative (OCR)

Main Presenters:

- Chris Henderson, Executive Director

Supporting Presenters:

- Sheri Danz, Deputy Director
- Ashley Chase, Staff Attorney and Legislative Liaison
- Mark Teska, Chief Operating Officer

Topics:

- Common Statewide Question 1: Page 2, Question 1 in the packet, Slide 5
- Common Questions 2 – 4 for Independent Agencies: Pages 3-10, Questions 2-4 in the packet, Slides 6-8
- Question for OCR 10: Page 10, Question 10 in the packet, Slide 5

JUDICIAL DEPARTMENT – OFFICE OF THE CHILD’S REPRESENTATIVE
FY 2025-26 JOINT BUDGET COMMITTEE HEARING

Wednesday, December 18, 2023

9:00 am – 11:00 am

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

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

OCR Response: N/A. The OCR did not receive any ARPA funds and is not requesting to replace one-time General Fund or ARPA funded programs with ongoing appropriations.

COMMON QUESTIONS FOR ALL INDEPENDENT AGENCIES

- 2 *[JBC Staff]* For each agency that receives a General Fund appropriation, discuss potential options to reduce General Fund appropriations in FY 2024-25 or FY 2025-26 and for each:

Describe the anticipated impact of the cut; and

- Describe the anticipated impact of the cut, and
- Whether it is a one-time or ongoing reduction.

OCR Response: Since the December 9, 2024, JBC briefing, the OCR has revisited its FY 2025-26 Budget Request to ensure that its request reflects the minimum essential General Fund resources it needs to continue to fulfill its statutory mission and mandates. The OCR has also analyzed its Fiscal Year 2024-25 first quarter Court Appointed Counsel (CAC) actuals, additional information not available at the time the OCR submitted its FY 2025-26 request. **From this analysis, the OCR has revised its FY 2025-26 CAC projections and is withdrawing its decision item R1 (request for \$482,252 dollars in its CAC line and \$60,000 dollars in its mandated costs). The OCR’s remaining decision item R2 seeks an**

increase of \$76,369 in Reappropriated IV-E Funds and a reduction of General Funds (\$37,763), as it seeks to reclassify a position in a manner that allows it to fund the position using IV-E dollars rather than General Funds.

The OCR understands that the Joint Budget Committee must consider cuts to the state budget larger than the reduction OCR has achieved through its remaining decision item R2. The OCR has therefore considered the following three potential reductions to its general fund appropriation for both FY 2024-25 and FY 2025-26: 1) reductions to OCR's CAC line; 2) vacancy savings; 3) use of IV-E dollars to refinance a part of OCR's general fund appropriation. The OCR will detail its analysis and recommendations regarding each of these potential reductions below.

The OCR is a lean state agency, with a Denver Office comprised of 19 FTE dedicated to the agency's administration and the selection, oversight, support, and payment of attorneys and a case-carrying Colorado Springs Office comprised of 20 FTE. As administrative costs (including Denver Office staff) comprise less than 10 percent of OCR's budget, attorney workload constitutes the main driver of OCR's budgetary needs. OCR's appointments are determined by case filings, mandatory appointments in some case types, judicial discretionary appointment decisions in other cases, and length of case. Attorney workload is driven by case demands and complexity. The OCR does not have control over these two main drivers of its budgetary needs. While OCR's training, litigation support, and other practice resources help achieve efficiencies in attorney services, at the end of the day attorneys have legal and ethical obligations to their uniquely vulnerable clients and must dedicate the time and advocacy necessary to representing children and youth.

Unfortunately, many of the same economic factors that put pressure on Colorado's overall budget also contribute to increased pressure on families, agencies, and service providers, resulting in increases in attorney caseload and workload. It is in this context that OCR analyzed the three potential areas to reduce its General Funds.

- **Additional reduction to OCR's CAC line:** The same factors that give the OCR little control over its CAC workload, mandatory and discretionary judicial appointments and the changing demands of attorney workload due to case complexity and needs, also make it difficult for the OCR to project changes to its CAC line. OCR's 12 case types also require a more nuanced analysis of attorney caseload and workload, as a decrease in appointments in one case type may be offset by an increase in appointments in a different case type.

OCR's Fiscal Year 2025-26 withdrawn Decision Item R1 projected a decrease in D&N appointments, accompanied by an increase in delinquency, truancy, probate, domestic relations, and "other" appointments, as well as an increase in workload across most other case types. OCR based these projections on a historical analysis of case filings and case

length, assessment of current and anticipated policies and practices, and anticipated case demands and complexity. This is the best information OCR had at the time it made its projection and submitted its Fiscal Year 2025-26 Budget Request. While first quarter Fiscal Year 2024-25 CAC expenditures analysis, additional data now available, supports the withdrawal of OCR's request for an increase to its CAC line, this limited data does not allow for a robust and comprehensive analysis of caseload or workload by case type. The OCR believes any further reduction to its CAC line for either the current fiscal year or for Fiscal Year 2025-26 at this time would be premature. However, the OCR is committed to continue to monitor and analyze its CAC expenditures in each of the upcoming months to assess whether current billing supports a request to return a portion of its General Fund appropriation (CAC line) for Fiscal Year 2024-25 and/or a budget amendment for Fiscal Year 2025-26 and promptly make such requests as indicated.

OCR carefully monitors its discretionary appointments in truancy, domestic relations, and delinquency cases, which continue to increase and are projected to increase in Fiscal Year 2025-26. While OCR does not have direct control over these appointments, their discretionary nature justifies an analysis of potential cost savings. These appointments are not required by statute but instead based on a judge's determination that an attorney is necessary to represent the best interests of the child(ren) or youth in the proceeding. Concerns about the child's home situation and parental care often prompt the appointment of an OCR attorney in these cases, and these cases often lack the formal involvement of county departments of human services. Courts rely on the independent investigation and advocacy of the GAL or CLR (appointed in domestic relations cases) to ensure its orders address the best interests of the child or youth and do not cause further harm. The lack of formal department involvement often presents challenges in these cases, and attorneys must maintain clear boundaries to make sure that they do not step into the role of a service provider and that courts are not ordering them to do non-attorney activities such as supervising family time and coordinating services. While OCR does not have direct control over these appointments, it does monitor them to ensure appropriate indigency findings are made when necessary and that appointments are supported by statutorily required findings. Through its monitoring of these appointments as well as case staffings and trainings, OCR also supports attorneys in "staying in their lane" and advocating for formal department involvement and the filing of D&N cases when indicated. At times, OCR's monitoring of these appointments has led it to reach out to judicial officers or districts that appear to be appointing attorneys routinely rather than based on individual findings and ordering attorneys to perform activities outside the attorney role. While OCR will continue these monitoring activities to assess for potential cost-savings in these case types and reach out to judicial officers as indicated, OCR's recent monitoring validates the necessity of the overwhelming majority of these appointments due to child protection and welfare issues that would have once been addressed in a D&N filing.

Impact: A decision to reduce OCR's CAC line that is not supported by a corresponding reduction in attorney caseload or workload would lead to OCR's inability to pay its contractors for work that they are ethically, legally, and contractually required to perform and that they perform at a markedly lower rate (\$105/hr.) than private sector attorneys.

While the OCR would do its best to support further efficiencies in attorney practice through its practice supports, case staffings, trainings, and monitoring of discretionary appointments, the role of its attorneys is necessarily time intensive. OCR attorneys must provide representation that is not only consistent with the diligence, communication, and competence required of all attorneys by the Colorado Rules of Professional Conduct but that is also in compliance with the heightened practice requirements mandated by Chief Justice Directive 04-06. As detailed in OCR's Budget Request, this directive mandates a robust initial and ongoing investigation, as well as timely and ongoing contact with children and youth, actual and potential placements, family and kin, and providers, school personnel, and other individuals who have relevant information. Attorneys must both literally and figuratively meet children "where they are," which requires an investment of time in the attorney-client relationship as well as travel to placements throughout Colorado. Additionally, OCR attorneys must attend and prepare for court, and as cases become more complex and contentious, litigation costs increase. The OCR cannot control these factors and believes that curtailing attorneys' ability to dedicate the necessary time would put children and youth at risk of immediate safety concerns, poor case outcomes, and further penetration into other systems.

Should the JBC decide to reduce OCR's CAC line and OCR's projected attorney workload and caseload trends are realized, the OCR would make every effort to continue to pay attorneys for their essential work but would likely need to make a supplemental request at some point during Fiscal Year 2025-26.

One-Time or Ongoing: Any reduction to OCR's CAC line would reduce OCR's base appropriation. The OCR would have to seek supplementals or future budget adjustments to restore this funding.

- **Vacancy savings:** OCR's response to Common Question 9 details the impact that any reduction to its Personal Services line would have on the agency. Notably, because the percentage of OCR's budget dedicated to Personal Services is such a small percentage of its overall budget and several positions are now funded using IV-E funds, vacancy savings would not achieve significant cost savings to the state. Additionally, any staffing reduction may negatively impact OCR's Denver Central Office staff's ability to support efficiencies in attorney practice and reduce the Colorado Springs Office's case-carrying capacity; either of these impacts could result in increases to OCR's CAC costs. For these

reasons, the OCR does not recommend ongoing reductions to its Personal Services and believes that even short-term vacancies could impair OCR's ability to fulfill its mandate and support efficiencies in attorney practice at a time when those efforts are most critical.

- **IV-E refinance:** The OCR will discuss options it has identified for reducing its General Funds through the use of IV-E funds in its response to Question 3 below. Notably, a IV-E refinance to reduce the allocation of General Funds to any aspect of OCR's budget must comply with SB 19-258 as well as applicable federal regulations and guidance. Additionally, it is important to note that using IV-E dollars to offset the CAC line would reduce the state's future ability to draw down federal IV-E dollars, as these are the general fund expenditures that provide the basis for OCR's draw down. Finally, as the change in federal policy remains relatively new, with the CFR changes announced as recently as May 10, 2024, the OCR believes that a conservative approach to use these funds remains advisable.

3 *[JBC Staff]* For each agency that receives Title IV-E funding, discuss options to reduce General Fund appropriations in FY 2024-25 or FY 2025-26 by refinancing it with Title IV-E funds and for each:

- Describe any anticipated impacts refinancing may have; and
- Whether it is a one-time or ongoing refinancing.

OCR Response: The Title IV-E Administrative Costs Cash Fund was established by SB 19-258 after a change in federal Children's Bureau guidance in 2019 allowed agencies to claim federal financial participation (FFP) for administrative costs of independent legal representation for children and youth in Title IV-E foster care or who are candidates for such care. Additional federal guidance has provided further information about acceptable bases for claiming FFP, *see generally* ACYF-CB-IM-21-06 (available at [ACYF-CB-IM-21-06](#)), and on May 10, 2024, the Children's Bureau promulgated a final rule defining allowable administrative costs of legal representation for the purposes of claiming FFP to include children and youth who are in foster care or candidates for care, as well as their parents, relative caregivers, and Indian custodians. *See* 45 C.F.R. § 1356.60(c)(4)(ii) (final rule summary available at <https://www.federalregister.gov/documents/2024/05/10/2024-09663/foster-care-legal-representation>).

With respect to the OCR, SB 19-258 requires the state to pursue claiming Title IV-E independent costs for legal representation for children and youth who are in foster care or candidates for foster care. *See* § 26-6-102.5(3)(a), C.R.S. In establishing the Title IV-E Administrative Cost Cash Fund, the General Assembly provided examples of approved purposes, including but not limited to, advocacy for homeless and at-risk youth and education

advocacy. *See* § 16-6-102(3)(b)(III). Finally, the legislation required the Department of Human Services to disburse the IV-E dollars from the cash fund to the OCR as incurred and pursuant to a memorandum of understanding between the department and the OCR. *See* § 16-6-102(3)(b)(III).

The OCR entered into an MOU with CDHS in 2019 and has renewed this MOU on an annual basis. This MOU establishes procedures for OCR to submit claims for eligible costs through CDHS and CDHS's submission of claims to the federal government. Notably, OCR's D&N costs in its CAC line serves as the sole basis for its administrative costs draw down, as it is the activity in these lines that meets the federal requirement of independent legal representation for children in youth in foster care or who are candidates for foster care. Before submitting its claim, the OCR removes costs of its enhanced representation funded through IV-E dollars (for example, contract case consultant (CC) hours and enhanced litigation support). These costs are then adjusted for Colorado's penetration rate (which varies by quarter but is typically around 30 percent). Upon submission, the federal government reimburses those remaining costs at a rate of 50%.

OCR's Administrative Cost Cash Fund balance as of September 2024 is \$7.1 million, of which \$4.1 million is budgeted for ongoing uses and the development of OCR's new case management and billing system. OCR's annual drawdown varies depending on allowable CAC costs but hovers around \$2.7 million per fiscal year. With the ongoing reduction in D&N filings and the shifting of costs to other case types, the percentage of OCR's drawdown as compared to its overall CAC costs is expected to decline.

To date, OCR's IV-E Administrative Cost Cash Funds have been used for the following OCR purposes:

- Funding of new positions and expansion of positions directly tied to improving legal representation of children and youth who are candidates for foster care or in foster care.
- Expansion of the use of multidisciplinary legal representation through the creation of an OCR case consultant contractor program in which attorneys can access case consultants on an as-needed, case-by-case basis.
- Enhanced training and practice supports.
- Additional litigation support services, such as compensation for specialized attorneys to serve as second chair on highly contested hearings.
- Investment in holistic civil and educational legal representation for children and youth on collateral proceedings related to their OCR case through contracts with education and civil legal specialists.
- An enhanced case management and billing system that will support OCR attorneys in their case management and billing and OCR in its oversight of attorney services (in development).

The OCR has determined that each of these uses is an approved use of IV-E cash funds and has taken a conservative approach to using its IV-E dollars in a thoughtful and sustainable way. The OCR believes that continued and expanded use of IV-E dollars in any of these areas is an acceptable use of such dollars and continues to work to identify sustainable ways of expanding these programs in a manner that ultimately benefits children and youth.

The OCR understands that it is important to consider acceptable uses of IV-E dollars to finance other OCR activities at this time. The two uses OCR has identified as potential options for a refinance include 1) funding eligible FTE positions; 2) reducing General Fund expenditures in the CAC line. In considering these uses, it is important to assess the following:

- **Is the use an approved purchase?** As the clear intent of the changes in federal rule and SB 19-258 is to expand and enhance the legal representation of children and youth, OCR ensures that each position, program, and activity funded with IV-E dollars is designed to achieve that goal.
- **What are the financial impacts of refinancing General Fund dollars with IV-E dollars?** For example, refinancing part of OCR's CAC line with IV-E dollars will reduce the state's ability to draw down IV-E dollars in future years as it is the CAC line that contains allowable costs for Federal Financial Participation.
- **Will IV-E provide a sustainable funding source?** This inquiry requires two considerations. First, as detailed above, the OCR cannot draw down federal dollars for all of its activities, and even for approved activities can only draw down a 50% match. Ongoing long-term reliance on these funds must not exceed "draw down" projections. Second, this program change remains in its early stages, with the final federal rule promulgated just this May under an outgoing federal administration. For this reason, OCR recommends that any use of IV-E dollars to "refinance" currently general funded expenditures should serve as a one-time stopgap measure accompanied by a plan to restore the budget with General Funds.
- **What is a necessary IV-E Administrative Cost Cash Fund reserve?** At the outset of this cash fund, OCR's JBC analyst recommended caution in the use of these dollars and, in conversations with the OCR, suggested a reserve equal to one year's draw down (approximately \$2.7 million at this time). OCR understands that it is the JBC's role to determine the necessary reserve. However, with the recency of the final rule, the upcoming changes in administration, and the agency's increased reliance on IV-E funds for essential activities, the OCR believes maintaining a sufficient reserve is more important now than ever.

For these reasons, the OCR does not recommend the refinance of IV-E dollars to offset existing General Fund costs in its CAC or anything other than one-time costs. However, the

OCR continues to work to identify opportunities to offset the costs of any budget increases with IV-E dollars and welcomes the JBC's thoughts and ideas.

- 4 [Sen. Kirkmeyer] Discuss the growth in FTE at each Independent Agency since FY 2019-20, describe:
- The reason for the growth; and
 - how client outcomes have changed over the period.

OCR Response: The OCR's FTE count has increased from 33.0 in FY 2019-20 to 39.0 in FY 2024-25. In FY 2020-21, the OCR requested and the JBC approved increasing both the Deputy Director and Information Systems Director positions from 0.8 FTE to full-time. In FY 2021-22, a 0.5 FTE position was added with the passage of HB21-1094 (Foster Youth in Transition Program) for a Programs Specialist. In FY 2023-24, the OCR requested and the JBC approved an additional 0.5 FTE to make the position full-time. Also in FY 2023-24, the OCR requested and the JBC approved increasing an existing 0.4 FTE position to a full-time accounting position. The OCR has also added 3.0 FTE Staff Attorney positions over that time, as well as a Training Assistant position in FY 2024-25. 3.4 of the 6.0 additional FTE added to OCR's staff during this time were funded using IV-E dollars; these positions include two Staff Attorney positions, the Training Assistant positions, and the 0.2 FTE increases to the Deputy Director and Information Systems Director positions. 1.5 of the 6.0 total FTE were incremental increases to four existing positions to leverage their contribution to the office and avoid requests for new positions.

Whether funded with General Funds or federal IV-E dollars, each new position and FTE incremental increase at the OCR has been carefully developed and approved by the JBC to meet the increasing demands of OCR's caseload and workload and to support effective attorney services. For example, the growth in OCR's training and staff attorney positions is directly tied to the need for specialized training and support in appeals and non-D&N cases as those appointments have increased and become more complex. OCR's EDIJ Staff Attorney position was encouraged by OCR's JBC analyst and responded to a need to augment OCR's efforts to address disproportionality and disparities across its case types and to ensure its policies and programs promote equity and inclusion for staff and contractors. The 0.2 increase in OCR's Information Systems Director and Deputy Director positions, two of four management level positions at the OCR, was a conservative approach to providing the foundational work necessary for the ongoing coordination and implementation of the agency's growing programs and operations. Similarly, the 0.4 increase in accounting staff has allowed the OCR to continue to process and monitor billing in a timely manner and in compliance with OCR's administrative and oversight policies. The Programs Specialist, instituted to assign out-

of-court cases pursuant to HB21-1094, was expanded to a full-time position to increase OCR's youth outreach efforts and youth feedback.

OCR's increase in FTEs has augmented the agency's efforts to advance children's rights and protect children's interests across case types. Each of the new staff attorneys brings expertise in a particular area (appeals, equity, and youth justice in delinquency and truancy cases) and responds directly to identified needs for increased training and practice supports in these areas. The Case Operations Assistant assigns OCR attorneys to youth participating in Colorado's Foster Youth in Transition Program. These attorneys are not only required by legislation but also serve as a critical safeguard to ensure youth access all intended benefits and supports from the program. With the expertise and support of these roles, the OCR has strengthened its operations, improved efficiency, and enhanced attorney representation. Each of these positions has become an integral part of OCR's programs and operations.

QUESTIONS FOR OFFICE OF THE CHILD'S REPRESENTATIVE (OCR)

10 *[JBC Staff]* Discuss OCR's budget requests.

OCR Response: The OCR's Fiscal Year 2025-26 Budget Request contains two decision items: R1 requests General Fund increases to OCR's CAC and Mandated Costs lines totaling \$542,252, and R2 seeks to reclassify a position using IV-E dollars that would result in a net *reduction* of \$41,303 in General Funds and an increase of \$76,369 in Reappropriated Funds to OCR's Personal Services lines.

Since the December 9, 2024, JBC briefing, the OCR has revisited its FY 2025-26 Budget Request to ensure that its request reflects the minimum essential General Fund resources it needs to continue to fulfill its statutory mission and mandates. The OCR has also analyzed its Fiscal Year 2024-25 first quarter Court Appointed Counsel (CAC) actuals, additional information not available at the time the OCR submitted its FY 2025-26 request. **From this analysis, the OCR has revised its FY 2025-26 CAC projections and is withdrawing its decision item R-1 (request for \$482,252 dollars in its CAC line and \$60,000 dollars in its mandated costs). The OCR's remaining decision item R2 seeks a reduction of General Funds (\$41,303 dollars), as it seeks to reclassify a position in a manner that allows it to fund the position using IV-E dollars rather than General Funds.**



COLORADO OFFICE OF THE CHILD'S REPRESENTATIVE

Budget Hearing

Chris Henderson, Executive Director

Regarding Proposed FY26 Budget Requests

Role of OCR

- Provide oversight and support for 270 attorneys that cover all 22 Judicial Districts.
- Ensure children and youth have a voice in their legal proceedings.
- Provide those children/youth with high quality legal representation.
- Attorneys are largely independent contractors, doing this public interest legal work at significantly lower rates than private practice and without any employee benefits.
- Holistic advocacy requires a lot more than going to court.

Each Attorney role is important

- **D&N Guardian Ad Litem “GAL”** – independently investigate, establish rapport with children, ascertain and consider a child’s wishes, and advocate for what the attorney believes is in a child’s best interest. Used for child clients 11 and younger.
- **D&N Counsel for Youth “CFY”** – independently investigate, establish rapport with youth, counsel clients, and advocate for the youth’s position. Used for youth 12 and older.
- **Child Legal Representative “CLR”** – represents the best interests of a child in Domestic Relations cases regarding parenting time, allocation of parental responsibilities, or other issues identified by the Court.
- **JD GAL** – appointed in delinquency proceedings to provide best interests representation when no parent appears, or there is conflict of interest between the parent and child, or the court finds it necessary to serve the best interests of the child.

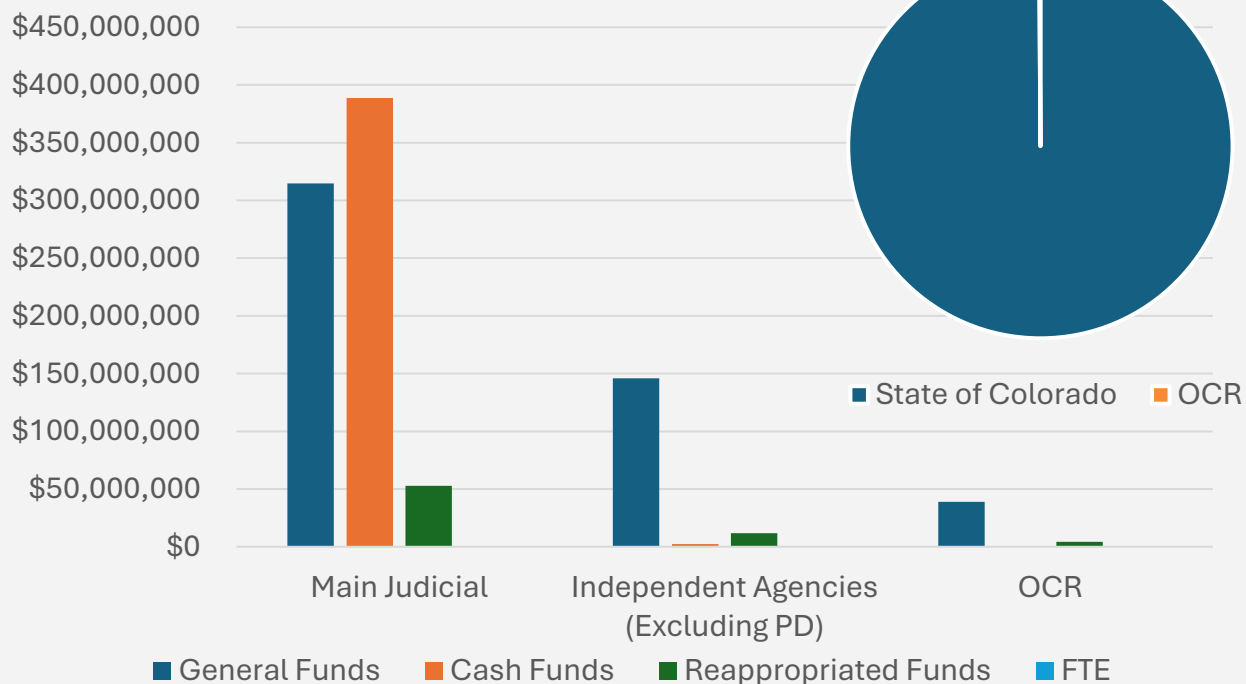
GAL advocating against case closure when child protection considerations remain due to unresolved sexual abuse allegations by a parent.

CFY successfully litigated motions to keep a large sibling group together and out of foster care.

CLR appointed in a parental kidnapping case to help investigate/recommend solutions that are in the best interests of the child to help the case progress.

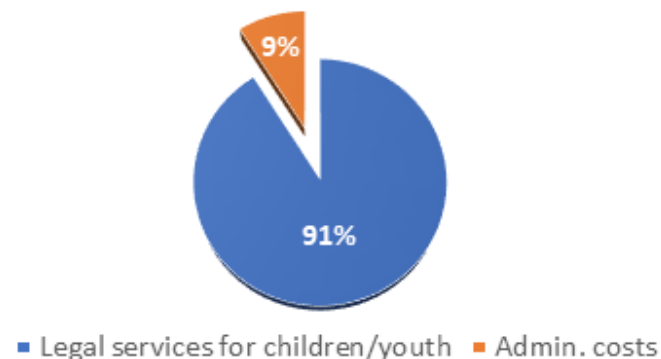
In the 10 most recent JD requests for funding, 4 had clients dealing with competency, 3 had clients placed in residential treatment, and 2 were cross over D&N cases.

Budget Comparison




- Independent Agencies make up 4.1% of Statewide General Fund
- Of that 4.1% OCR receives less than 1/3.
- In terms of scale, we are a very small piece of the pie.
- Use our small slice primarily for Court Appointed Counsel.

FY 24 Administrative Expenditures (through 6/30/24)



Requests



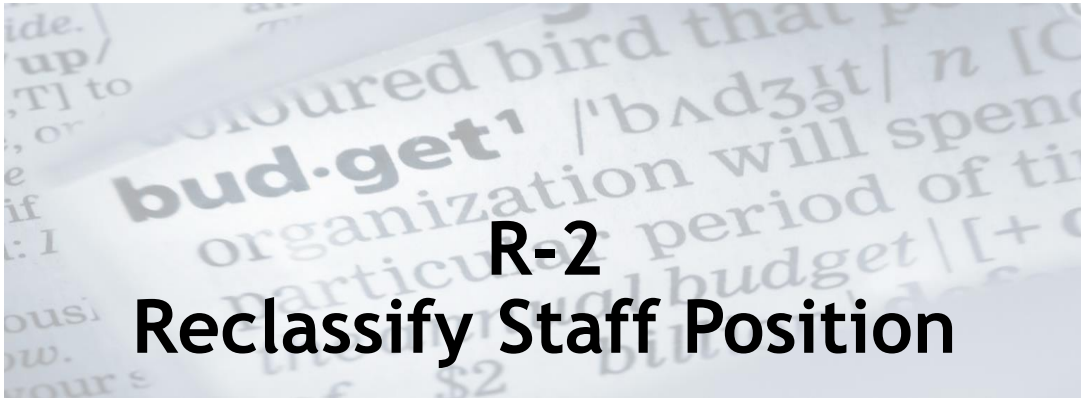
R-1 Court Appointed Counsel and Mandated Cost Increase

Able to withdraw this request at this time.

- Now have complete first quarter data that was not available at the time the budget was due.

This is a savings to the General Fund of \$41,303.

- Asking to take a current position in El Paso Office, reclassify, and move it to the Denver office.
- Use reappropriated funds to pay for this position going forward.



R-2 Reclassify Staff Position

Previous 5 Years of FTE Growth

FY21

- Increased **Deputy Director and Information Systems Director** from .8 to 1.0.
- **1.0 FTE to add a staff attorney** focusing on appellate and litigation support.

FY22

- HB21-1094 added a .5 FTE position for a Case Operations Assistant.

FY23

- **1.0 FTE to add a staff attorney** to support juvenile delinquency programming.

FY24

- OCR requested .5 FTE to make the Case Operations Assistant full-time, allowing for addition youth outreach.
- Increased an existing .4 position to a 1.0 accounting position.
- 1.0 FTE to add an Equity, Diversity, Inclusion and Justice Attorney.

FY25

- OCR requested a **1.0 FTE Training Assistant** position.

6

FTE added FY21 –
today

1.5

Used to increase
existing positions to
full time, leveraging
existing resources.

3.4

Funded by
reappropriated IV-E
funding, not General
Fund.

Title IV-E Funding

- Made available through a change issued by the U.S Children's Bureau in 2018 and then published in the Child Welfare Policy Manual Q&A in January of 2019. This was a reversal of previous guidance in the manual which prohibited this use.
- Funds are for independent legal representation by an attorney for a child who is a candidate for Title IV-E foster or is in foster care and the child's parent. Purpose is to enhance attorney services for parents and children involved in D&N proceedings.
- Able to draw down federal dollars for allowable activities on D&N cases (Court Appointed Counsel Line).
 - Any reduction of state funds to this line will reduce the amount of funding that we can pull down.
- 2021 Information Memorandum issued by the Children's Bureau urges States to maximize allowable IV-E reimbursement.
- In July 2024, a final rule was issued in 45 CFR Part 1356. This was promulgated and adopted under an outgoing administration and OCR is not certain how to assess its long-term sustainability.
- Any use of these funds must be consistent with C.R.S. 26-2-102.5 and federal law.



Considerations on Reductions

- Attorneys make substantially less than private sector attorneys and are currently paid only 61% of the CJA rate for federal contract attorneys.
- Attorneys have legal and ethical obligations, so OCR cannot simply reduce attorney workload without compromising these critical requirements.
- Appointments are statutory or at the discretion of the Judicial Officer and not within the control of OCR.
- OCR has robust protocols to ensure the integrity of attorney billing and compliance with applicable practice standards.

“She was the first person to really listen to me in my entire life. [Others] didn’t really believe me or care. [My attorney] listened and cared. She wasn’t afraid to stand up to my caseworker for me. She also taught me to be brave enough to talk to the Judge and ask for help. She saved me and my whole life is different because of it.”

~ Youth feedback regarding their GAL/CFY



COLORADO OFFICE OF THE CHILD'S REPRESENTATIVE

THANK YOU!

Questions?

Chris Henderson, Executive Director
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JUDICIAL DEPARTMENT – OFFICE OF THE CHILD’S REPRESENTATIVE
FY 2025-26 JOINT BUDGET COMMITTEE HEARING
WRITTEN RESPONSES ONLY

Common Questions: Please retain the numbering in order to maintain consistent labeling across departments.

- 1 Provide a list of any legislation with a fiscal impact that the Department has: (a) not implemented, (b) partially implemented, or (c) missed statutory deadlines. Please specifically describe the implementation of ongoing funding established through legislation in the last two legislative sessions. Explain why the Department has not implemented, has only partially implemented, or has missed deadlines for the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

OCR Response: The Office of the Child’s Representative (OCR) is not aware of any legislation that is either not implemented or only partially implemented. Additionally, the OCR is not aware of any missed statutory deadlines.

- 2 Describe General Fund appropriation reductions made in the Department for budget balancing purposes in 2020, and whether the appropriation has been restored with General Fund or another fund source through budget actions or legislation.

OCR Response: The OCR did not have any General Fund appropriation reductions in 2020 (for the FY 2020-21 budget).

- 3 Please provide the most current information possible. For all line items with FTE, please show:
 - a the number of allocated FTE each job classification in that line item
 - b the number of active FTE for each of those job classifications
 - c the number of vacant FTE for each of those job classifications
 - d the vacancy rate for each of those job classifications

Use the attached Template C to populate these data. Please return the data in editable Excel format.

OCR Response: Summary below and provided separately in Template C.

Fiscal Year 2024-25						Allocated			Vacancy
Department	Division	Subdivision	Sub-subdivision	Line Item	Job Classification	FTE	Active	Vacancies	Rate
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Administrative Assistant	3.0	2.0	1.0	33.3%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Assistant Managing Attorney	1.0	0.0	1.0	100.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Billing and Admin Specialist	2.0	2.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Case Consultant	4.0	3.9	0.1	2.5%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Case Consultant Coordinator	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Case-Carrying Attorney	10.0	9.8	0.2	2.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Chief Operating Officer	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Data Scientist	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Deputy Director	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Executive Director	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Information Systems Director	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Legal Secretary/Office Manager	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Managing Attorney	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Performance Analyst	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Programs Specialist	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Staff Accountant	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Staff Attorney	5.0	5.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Supervising Case Consultant	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Training Assistant	1.0	0.6	0.4	40.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Training Director	1.0	1.0	0.0	0.0%
Subtotal						39.0	36.3	2.7	6.9%

- 4 Please provide the same information as Question #3 for FYs 2022-23 and FY 2023-24. Use the attached Template C to populate these data. Please return the data in editable Excel.

OCR Response: Summary below and provided separately in Template C.

Fiscal Year 2023-24						Allocated			Vacancy
Department	Division	Subdivision	Sub-subdivision	Line Item	Job Classification	FTE	Active	Vacancies	Rate
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Administrative Assistant	3.0	2.2	0.8	26.7%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Assistant Managing Attorney	1.0	0.6	0.4	40.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Billing and Admin Specialist	2.0	1.8	0.2	10.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Case Consultant	4.0	2.9	1.1	27.5%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Case Consultant Coordinator	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Case-Carrying Attorney	10.0	8.9	1.1	11.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Chief Operating Officer	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Data Scientist	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Deputy Director	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Executive Director	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Information Systems Director	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Legal Secretary/Office Manager	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Managing Attorney	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Performance Analyst	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Programs Specialist	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Staff Accountant	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Staff Attorney	5.0	4.5	0.5	10.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Supervising Case Consultant	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Training Director	1.0	1.0	0.0	0.0%
Subtotal						38.0	33.9	4.1	10.8%

Fiscal Year 2022-23						Allocated			Vacancy
Department	Division	Subdivision	Sub-subdivision	Line Item	Job Classification	FTE	Active	Vacancies	Rate
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Administrative Assistant	3.0	3.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Assistant Managing Attorney	1.0	0.7	0.3	30.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Billing and Admin Specialist	1.0	0.8	0.2	20.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Case Consultant	4.0	2.9	1.1	27.5%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Case Consultant Coordinator	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Case-Carrying Attorney	10.0	9.2	0.8	8.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Chief Operating Officer	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Data Scientist	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Deputy Director	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Executive Director	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Information Systems Director	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Legal Secretary/Office Manager	1.0	0.9	0.1	10.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Managing Attorney	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Performance Analyst	1.0	0.3	0.7	70.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Programs Specialist	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Staff Accountant	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Staff Attorney	4.0	4.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Supervising Case Consultant	1.0	1.0	0.0	0.0%
Judicial	Office of the Child's Representative	n/a	n/a	Personal Services	Training Director	1.0	1.0	0.0	0.0%
Subtotal						36.0	32.8	3.2	8.9%

5 For FYs 2022-23 and 2023-24, please provide, in editable Excel format, department-wide spending totals for each of the following object codes, by fund source.

- a Object Code 1130: Statutory Personnel & Payroll System Overtime Wages
- b Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages
- c Object Code 1140: Statutory Personnel & Payroll System Annual Leave Payments
- d Object Code 1141: Statutory Personnel & Payroll System Sick Leave Payments
- e Object Code 1340: Employee Cash Incentive Awards
- f Object Code 1350: Employee Non-Cash Incentive Award
- g Object Code 1370: Employee Commission Incentive Pay
- h Object Codes 1510, 1511, 1512: Health, Life, and Dental Insurance
- i Object Code 1524: PERA – AED
- j Object Code 1525: PERA - SAED
- k Object Code 1531: Higher Education Tuition reimbursement

OCR Response: Summary below and provided separately in Excel format.

Office of the Child's Representative				
FY 26 JBC Committee Hearing Written Responses				
Question 5: FY 23 Spending Totals by Object				
		Gen. Fund	Reappropriated	Total
1130	Statutory Personnel & Payroll System Overtime Wages	\$0	\$0	\$0
1131	Statutory Personnel & Payroll System Shift Diff. Wages	\$0	\$0	\$0
1140	Statutory Personnel & Payroll System Annual Leave Payments	\$30,098	\$0	\$30,098
1141	Statutory Personnel & Payroll System Sick Leave Payments	\$0	\$0	\$0
1340	Employee Cash Incentive Awards	\$0	\$0	\$0
1350	Employee Non-Cash Incentive Awards	\$0	\$0	\$0
1370	Employee Commission Incentive Pay	\$0	\$0	\$0
1510	Statutory Personnel & Payroll System Dental Insurance	\$15,992	\$850	\$16,842
1511	Statutory Personnel & Payroll System Health Insurance	\$338,795	\$17,826	\$356,622
1512	Statutory Personnel & Payroll System Life Insurance	\$3,183	\$216	\$3,400
1524	Statutory Personnel & Payroll System PERA - AED	\$132,943	\$13,327	\$146,271
1525	Statutory Personnel & Payroll System Pera - Supplemental AED	\$132,943	\$13,327	\$146,271
1531	Statutory Personnel & Payroll System Higher Ed Tuition Reimb	\$0	\$0	\$0
	Total	\$653,955	\$45,548	\$699,503

Office of the Child's Representative				
FY 26 JBC Committee Hearing Written Responses				
Question 5: FY 24 Spending Totals by Object				
		Gen. Fund	Reappropriated	Total
1130	Statutory Personnel & Payroll System Overtime Wages	\$0	\$0	\$0
1131	Statutory Personnel & Payroll System Shift Diff. Wages	\$0	\$0	\$0
1140	Statutory Personnel & Payroll System Annual Leave Payments	\$17,243	\$0	\$17,243
1141	Statutory Personnel & Payroll System Sick Leave Payments	\$0	\$0	\$0
1340	Employee Cash Incentive Awards	\$0	\$0	\$0
1350	Employee Non-Cash Incentive Awards	\$0	\$0	\$0
1370	Employee Commission Incentive Pay	\$0	\$0	\$0
1510	Statutory Personnel & Payroll System Dental Insurance	\$17,318	\$902	\$18,220
1511	Statutory Personnel & Payroll System Health Insurance	\$381,149	\$19,739	\$400,888
1512	Statutory Personnel & Payroll System Life Insurance	\$3,396	\$254	\$3,650
1524	Statutory Personnel & Payroll System PERA - AED	\$156,286	\$16,457	\$172,743
1525	Statutory Personnel & Payroll System Pera - Supplemental AED	\$156,286	\$16,457	\$172,743
1531	Statutory Personnel & Payroll System Higher Ed Tuition Reimb	\$0	\$0	\$0
	Total	\$731,678	\$53,810	\$785,488

- 6 For the latest month for which the data are available, please provide, in editable Excel format, department-wide FY 2024-25 year-to-date spending totals for each of the following object codes, by fund source.
- a Object Code 1130: Statutory Personnel & Payroll System Overtime Wages
 - b Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages
 - c Object Code 1140: Statutory Personnel & Payroll System Annual Leave Payments
 - d Object Code 1141: Statutory Personnel & Payroll System Sick Leave Payments
 - e Object Code 1340: Employee Cash Incentive Awards
 - f Object Code 1350: Employee Non-Cash Incentive Award
 - g Object Code 1370: Employee Commission Incentive Pay
 - h Object Codes 1510, 1511, 1512: Health, Life, and Dental Insurance
 - i Object Code 1524: PERA – AED
 - j Object Code 1525: PERA-SAED
 - k Object Code 1531: Higher Education Tuition reimbursement

OCR Response: Summary below and provided separately in Excel format.

Office of the Child's Representative				
FY 26 JBC Committee Hearing Written Responses				
Question 6: FY 25 YTD Spending Totals by Object (through October 2024 Payroll)				
		Gen. Fund	Reappropriated	Total
1130	Statutory Personnel & Payroll System Overtime Wages	\$0	\$0	\$0
1131	Statutory Personnel & Payroll System Shift Diff. Wages	\$0	\$0	\$0
1140	Statutory Personnel & Payroll System Annual Leave Payments	\$4,268	\$0	\$4,268
1141	Statutory Personnel & Payroll System Sick Leave Payments	\$0	\$0	\$0
1340	Employee Cash Incentive Awards	\$0	\$0	\$0
1350	Employee Non-Cash Incentive Awards	\$0	\$0	\$0
1370	Employee Commission Incentive Pay	\$0	\$0	\$0
1510	Statutory Personnel & Payroll System Dental Insurance	\$7,945	\$429	\$8,374
1511	Statutory Personnel & Payroll System Health Insurance	\$181,941	\$9,505	\$191,446
1512	Statutory Personnel & Payroll System Life Insurance	\$1,473	\$115	\$1,588
1524	Statutory Personnel & Payroll System PERA - AED	\$71,737	\$7,853	\$79,590
1525	Statutory Personnel & Payroll System Pera - Supplemental AED	\$71,737	\$7,853	\$79,590
1531	Statutory Personnel & Payroll System Higher Ed Tuition Reimb	\$0	\$0	\$0
	Total	\$339,101	\$25,755	\$364,856

7 For FYs 2022-23 and 2023-24, please provide department-wide spending totals for each of the following object codes, by fund source.

- a Object Code 1100: Total Contract Services (Purchased Personal Services)
- b Object Code 1210: Contractual Employee Regular Part-Time Wages
- c Object Code 1211: Contractual Employee Regular Full-Time Wages
- d Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages
- e Object Code 1240: Contractual Employee Annual Leave Payments
- f Object Code 1622: Contractual Employee PERA
- g Object Code 1624: Contractual Employee Pera AED
- h Object Code 1625: Contractual Employee Pera - Supplemental AED
- i Object Code 1910: Personal Services – Temporary
- j Object Code 1920: Personal Services – Professional
- k Object Code 1940: Personal Services – Medical Services
- l Object Code 1950: Personal Services - Other State Departments
- m Object Code 1960: Personal Services – Information Technology

OCR Response: Summary below and provided separately in Excel format.

Office of the Child's Representative				
FY 26 JBC Committee Hearing Written Responses				
Question 7: FY 23 Spending Totals by Object and Fund Source				
	Gen. Fund	Grant (Reapprop.)	Reappropriated	Total
1100 Total Contract Services (Purchased Personal Services)	\$0	\$0	\$0	\$0
1210 Contractual Employee Regular Full-Time Wages	\$0	\$0	\$0	\$0
1211 Contractual Employee Regular Part-Time Wages	\$0	\$0	\$0	\$0
1131 Statutory Personnel & Payroll System Shift Diff. Wages	\$0	\$0	\$0	\$0
1240 Contractual Employee Annual Leave Payments	\$0	\$0	\$0	\$0
1622 Contractual Employee PERA	\$7,703	\$0	\$0	\$7,703
1624 Contractual Employee PERA-AED	\$3,336	\$0	\$0	\$3,336
1625 Contractual Employee Pera - Supplemental AED	\$3,336	\$0	\$0	\$3,336
1910 Personal Services - Temporary	\$0	\$0	\$0	\$0
1920 Personal Services - Professional	\$2,770	\$3,510	\$0	\$6,280
1940 Personal Services - Medical Services	\$0	\$0	\$0	\$0
1950 Personal Services - Other State Departments	\$0	\$0	\$0	\$0
1960 Personal Services - Information Technology	\$98,421	\$0	\$166,092	\$264,513
Total	\$115,567	\$3,510	\$166,092	\$285,169

Office of the Child's Representative				
FY 26 JBC Committee Hearing Written Responses				
Question 7: FY 24 Spending Totals by Object and Fund Source				
	Gen. Fund	Grant (Reapprop.)	Reappropriated	Total
1100 Total Contract Services (Purchased Personal Services)	\$0	\$0	\$0	\$0
1210 Contractual Employee Regular Full-Time Wages	\$0	\$0	\$0	\$0
1211 Contractual Employee Regular Part-Time Wages	\$0	\$0	\$0	\$0
1131 Statutory Personnel & Payroll System Shift Diff. Wages	\$0	\$0	\$0	\$0
1240 Contractual Employee Annual Leave Payments	\$0	\$0	\$0	\$0
1622 Contractual Employee PERA	\$11,348	\$0	\$8	\$11,356
1624 Contractual Employee PERA-AED	\$4,903	\$0	\$3	\$4,906
1625 Contractual Employee Pera - Supplemental AED	\$4,903	\$0	\$3	\$4,906
1910 Personal Services - Temporary	\$0	\$0	\$0	\$0
1920 Personal Services - Professional	\$13,200	\$0	\$23,956	\$37,156
1940 Personal Services - Medical Services	\$0	\$0	\$0	\$0
1950 Personal Services - Other State Departments	\$0	\$0	\$0	\$0
1960 Personal Services - Information Technology	\$58,909	\$0	\$35,693	\$94,602
Total	\$93,263	\$0	\$59,664	\$152,927

- 8 Please provide a table showing both allocated and actual FTE for each Division within the Department from FY 2018-19 through FY 2023-24.

OCR Response: The OCR calculated actual FTE below based on the number of days each position is filled during the year. The majority of vacancies in prior years are primarily due to: 1) turnover in the case-carrying office in Colorado Springs, and 2) the process of hiring new positions in the year in which they were approved. Additionally, in prior years, the OCR faced challenges in filling attorney positions in its Colorado Springs office due to salary issues that have largely been addressed.

FY	Allocated	Actual
2018-19	31.0	29.6
2019-20	33.0	29.9
2020-21	34.0	29.8
2021-22	34.5	31.9
2022-23	36.0	32.8
2023-24	38.0	33.9

- 9 Please discuss how the Department would absorb base personal services reductions of the following amounts: 1.0 percent, 3.0 percent, and 5.0 percent. How would those reductions impact the departments operations and core mission?

OCR Response:

1% of Personal Services (approximately \$58,000): This reduction would have minimal impact on the OCR's operations and core mission.

3% of Personal Services (approximately \$174,000): This reduction may require the OCR to eliminate at least one position. While absorbing base personal service reductions would only achieve a relatively small savings for the state, eliminating any OCR positions would significantly impair OCR's ability to meet its mandates and provide effective legal representation.

OCR currently has 19 positions in its Denver office responsible for the oversight, support, training, and payment of over 270 attorneys representing children and youth in 12 case types across the state and 20 FTE in its Colorado Springs case-carrying office. Due to the unique vulnerabilities of children and youth who are subject to court proceedings, OCR Denver Office has extensive oversight, training, and programming mandates it must fulfill. *See* OCR's response to Question 12. As detailed in the Agency Overview section of OCR's Fiscal Year 2025-26 Budget Request, OCR fulfills its statutory mandates through a comprehensive array of key activities that it performs throughout the year with less than 10 percent of its overall budget dedicated to its administrative costs. Each position has unique responsibilities that are carefully structured to allow the agency to most efficiently and effectively meet its mandates. The elimination of any one position would create a void in OCR's programming, oversight, operations, and expertise. OCR's lean administrative structure requires all staff to work at (and often over) full capacity, and at this time no Denver Office staff has the capacity to take on additional responsibilities. Additionally, the integrity of some of OCR's procedures require the involvement of multiple staff (for example, OCR's billing integrity depends on a series of reviews and approvals performed by different members of OCR's four-person Operations Team), and the OCR would not be able to complete essential functions if any of these positions were eliminated.

The Colorado Springs Office is a case-carrying office, and the elimination of a case-carrying staff position would require the office to decline appointments, shifting that caseload to the independent contractors in the Fourth Judicial District and driving an increase in OCR’s CAC line.

5% of Personal Services (approximately \$290,000): This reduction would have a significant impact on operations and core mission as it would likely require the elimination of 2-3 positions. OCR would experience similar but more severe impacts than a 3% cut. At this point, the OCR would likely also have to cut back on its training and litigation support programs, which would likely result in an increase in OCR’s CAC costs as these programs support not only effective but also efficient attorney services.

10 Describe steps the Department is taking to reduce operating expenditures for FY 2025-26.

OCR Response: OCR’s operating costs constitute approximately one percent (1.0 %) of its total budget. OCR routinely monitors its operating expenditures to ensure they are dedicated to essential business costs and used in the most efficient manner.

11 For each operating expenses line item in FY 2023-24, provide a table showing the total appropriation for FY 2023-24 and the total actual expenditures at the end of the third quarter of FY 2023-24.

OCR Response:

Appropriation Name	Appropriation	Expenditures Through Q3
Operating Expenses	\$402,720	\$306,522

12 Please provide an overview of the department’s service efforts. In your response, describe the following:

a Populations served by the Department

OCR Response: The OCR provides legal representation to children and youth in 12 case types throughout Colorado. The population served by OCR, children and youth who find themselves subject to court proceedings due to allegations of abuse and neglect, high conflict parenting time and parental responsibility disputes, high conflict guardianship actions, and allegations of truancy and delinquent acts, are among Colorado’s most vulnerable residents. In creating the OCR, the General Assembly recognized that “the representation of children is unique in that children often have no resources with which to retain

the services of an attorney or advocate, they are unable to efficiently provide or communicate to such an attorney or advocate the information needed to effectively serve the best interests or desires of that child, and they lack the ability and understanding to effectively evaluate and, if necessary, complain about the quality of representation they receive.” § 13-91-102(1)(a), C.R.S. All of the children and youth represented by OCR attorneys, regardless of whether they are charged with not attending school in a truancy proceeding, the subject of a high-conflict parenting time dispute, a youth charged in a delinquency action, a child subject to a D&N proceeding due to parental abuse or neglect, or a youth trying to navigate the transition to adulthood in a Foster Youth in Transition Proceeding, have unique vulnerabilities due to the circumstances that have led to their case as well as the case itself. Each of these children and youth deserves support, advocacy, and the chance to realize their full potential.

b The target populations of the Department’s services

OCR Response: The OCR’s target population mirrors the populations served by the OCR, *see* 12.a. An OCR attorney must be appointed or assigned to represent every child or youth in every dependency and neglect case, every youth participating in Colorado’s Foster Youth in Transition Program, each youth in detention, and every child seeking a marriage license in Colorado. Additionally, OCR attorneys are appointed at the discretion of courts in parentage, domestic, guardianship, probate, truancy, and other proceedings. Through these appointments and mandatory referrals/assignments (for FYTP cases), Colorado law ensures that each child or youth in need of representation by an OCR attorney receives that representation. The OCR has no target population beyond its statutory mandates.

c Number of people served by the Department

OCR Response: In Fiscal Year 2023-24, the OCR had open appointments for 15,196 children and youth in Colorado across case types. As of December 13, 2024, OCR has appointments for 9,305 children currently open in its online Case Management and Billing System.

d Outcomes measured by the Department

OCR Response: The representation of children and youth does not lend to a simple outcome-based analysis, as the cases on which OCR attorneys are appointed involve individual children and families at their most challenging moments and what constitutes a positive outcome depends solely on the case, child, and family. What may be regarded as positive in one case may not be appropriate in another. Among the overarching purposes of Children’s Code cases are the goals of preserving and strengthening families ties whenever possible and removing a child from the custody of their parents only when their “welfare, safety, and protection of the public would otherwise be endangered.” C.R.S., §

19-1-102. However, that desired outcome is not always possible or best for some of the children and youth whom OCR attorneys represent.

Additionally, measuring outcomes by case type alone rather than by child or youth does not capture the complexity and interrelatedness of OCR case types. For example, the dismissal of a D&N case in which a youth remains home may appear to be a desirable outcome for that family; however, if child protection issues remain and the family issues lead to behavior resulting in a delinquency charge against the child, that child has ultimately just found themselves in another system less-equipped to handle the complex family issues contributing to their behavior.

The OCR currently focuses its data measurement efforts on hallmarks of effective representation and procedural justice, compliance with its practice standards, and youth engagement and participation. Pages 16- 20 of OCR's Fiscal Year 2025-26 Budget Request details OCR's robust and comprehensive attorney oversight and evaluation processes. In summary, OCR reviews the following data on a routine basis:

Frequency of Review	Data
Quarterly	<ul style="list-style-type: none"> • Youth appearance at hearings • Initial visit report • Quarterly attorney billing review and analysis • Appellate participation and survey • Child count
Annual	<ul style="list-style-type: none"> • D&N visit report • Attorney discipline • Judicial officer survey results • Training certification • Malpractice insurance
Triannual (note these occur more frequently if indicated by other sources of feedback)	<ul style="list-style-type: none"> • Court observation • Case reference interviews (parents, children/youth, and caregivers) • Writing sample • Activity analysis • Youth surveys • Youth contact

- e Present and future strategies for collecting customer experience data

OCR Response: Children and youth are the ultimate consumers of OCR’s attorney, and OCR takes their feedback seriously. The OCR’s Engaging and Empowering Youth initiative focuses on obtaining direct feedback from children and youth involved in the court system and promoting youth voice and participation in court. This initiative, launched in Fiscal Year 2016-17, built on several years of OCR’s youth engagement and empowerment efforts; the OCR restructured existing staff responsibilities to allow a staff attorney to take this work on as a primary responsibility of their position. Since the OCR released its Engaging and Empowering Youth paper in 2020, the OCR has implemented many of the paper’s recommendations for infusing youth voice into court proceedings and OCR’s programming, policies, and oversight.

The OCR engages in the following strategies to collect children and youth feedback:

- **Youth Surveys:** The OCR holds at least 10 youth events each fiscal year, and at these events asks youth to complete surveys about their OCR attorney. The OCR analyzes these survey results collectively to assess its overall programming and also compiles results by attorney to allow it to share the feedback with the attorney and address any potential practice concerns. In accordance with nationally recognized best practices, youth receive a gift card for taking the time to complete a survey and sharing their experience with the OCR. In Fiscal Year 2023-24, 107 youth completed OCR’s survey. 91% of these youth stated they always or almost always trusted their attorney, and 93% agreed or strongly agreed that their OCR attorney should continue to represent children and youth. Notably, the OCR has focused its survey efforts to obtain surveys from youth whose outcomes span the spectrum, ranging from youth participating in Colorado’s annual Celebration of Excellence event to youth who are detained or committed in a DYS facility.

The OCR wants and needs to hear from more youth, and one of the enhancements it is planning for its new online case management and billing system will prompt a youth survey inquiry each time the attorney closes out an appointment so that the attorney can confirm updated contact information for the child or youth and share any considerations relevant to OCR’s outreach to the child or youth. Once that feature is built, OCR staff will be able to reach out to a larger group of children and youth for their feedback.

- **Reference Interviews:** As part of their triannual contract renewal, OCR attorneys must submit youth, parent, and caregiver references. Each attorney must provide the name of at least two youth, two caregivers, and two parents on their renewal application. OCR staff and interns contact those references and ask a structured series of questions to assess the reference’s experience with the GAL or CFY. The OCR sets a goal of interviewing at least one reference in each category for each attorney, and exceptions are only made in extreme circumstances (e.g., an

attorney has only a handful of cases and all children are under age 5). In Fiscal Year 2023-24, OCR interviewed youth references for 87% of attorneys up for renewal.

- **Online Feedback Forms:** OCR's youth page has a link connecting youth to a webpage where they can complete a survey, file a formal complaint, or file a compliment about their attorney. *See* <https://coloradochildrep.org/youth/feedback/>. The OCR does not receive much youth feedback through this link but continues to share its availability at its youth outreach events and with other community members.
- **OCR's Lived Experts Action Panel (LEAP):** The OCR's Lived Experts Action Panel is in its fourth year of existence and consists of 12 young people who have lived experience and expertise in Colorado's child welfare and juvenile justice systems. These experts meet with the OCR regularly to advise on programming and policies, provide training to OCR's attorneys and case consultants (CCs), participate in national and state committees and initiatives, help plan and facilitate OCR youth events, and educate the General Assembly, child welfare and juvenile justice system stakeholders, and the general public about their experiences. In Fiscal Year 2023-24, LEAP was instrumental in advocating for the Rights for Youth in Foster Care, HB 24-1017, including reviewing bill language, providing powerful testimony at the state Capitol, engaging with legislators, and speaking to the press. LEAP members continue to play an integral role in OCR's efforts to ensure full implementation of this legislation.

Additionally, the OCR conducts an annual "Attorney Satisfaction Survey" to allow its attorneys, whether contractors or FTE, to provide feedback on OCR's efforts to support effective attorney representation. The OCR carefully reviews these results and adjusts its policies, procedures, and programs as indicated.

- 13 For each TABOR non-exempt cash fund, provide the following information
 - a The amount in the cash fund
 - b Total amount of revenue in the fund that would not be transferred
 - c Detailed explanation of why the fund should not be sunset
 - d Statutory reference of the fund creation, specific uses, and legislative history of changes to the fund
 - e Every program funded by the fund
 - f Explanation of how fees to the fund are set and a history of fee changes
 - g The number of people provided service by the programs funded through the cash fund
 - h Any additional information necessary to ensure the Joint Budget Committee can make an informed decision.

OCR Response: N/A.

- 14 For the Office of the Child Representative, The Office of the Respondent Parents' Counsel, the Office of the Child Protection Ombudsman, and the Bridges program, what do each think of JBC Staff efforts on the Colorado data hub?

OCR Response: Like the ORPC, the OCR supports collaborative approaches to improve child welfare outcomes and the use of data-informed approaches but also shares the ORPC's concerns with the proposal for the creation of a new Colorado Data Hub.

Since its establishment, the OCR has striven to take a data-informed approach to its oversight and program development. The OCR is a member of the Family Justice Initiative (<https://familyjusticeinitiative.org/>), a national coalition of children's and parents attorneys committed to exploring and using data to evaluate attorney services. Additionally, OCR's Deputy Director was a member of the national multidisciplinary group that developed Judicial, Court, and Attorney Measures of Performance (JCAMP) in 2022. These performance measures were developed through a thoughtful, research-based, and participatory process and are intended to "help track, understand, and improve court practices." See Child Welfare Capacity Building website at <https://capacity.childwelfare.gov/courts/topics/jcamp>. The OCR consulted with the Colorado Evaluation and Action Lab in developing its Contract Case Consultant Program and it has also partnered with CSU's Social Work Research Center, the National Center for State Courts, and the University of Denver Graduate School of Social Work in previous program evaluation efforts. This history has provided OCR with perspective on the benefits and challenges of measuring attorney performance and case outcomes.

Based on its experience to date, OCR shares ORPC's concerns about the proposed data hub and points out some additional considerations:

- Defining shared outcomes: What is a good outcome for any individual child or youth depends on that child or youth and their circumstances. For example, while the goal of D&N cases is to keep children and youth with their families whenever possible, there are times when return home is not feasible and another outcome is the best outcome for that child or youth. Attorneys' legal advocacy must be grounded in their independent, individualized investigation and the positions of their youth clients.

Additionally, the case types on which OCR attorneys appear are factually and legally complex and at times interrelated. For example, a youth with a D&N case that closed prior to the resolution of all protection concerns or whose child protection issues did not lead to the formal filing of a D&N case may find themselves in a truancy, domestic relations, or delinquency case in which the same familial issues are presenting but the involved systems lack the necessary resources to holistically support the family. While

the closure of a D&N case with a “return home” may appear as a positive outcome on a study focused only on that case type, from the youth’s perspective the premature closure may be a failure. The design of any outcomes study must take this reality into account.

As well-respected multidisciplinary groups such as the Child Welfare Capacity Building Collaborative through its JCAMP project and the Family Justice Initiative have already developed performance measures foundational to the representation of children and parents, the OCR also questions whether the investment of additional time and resources on defining shared outcomes is the best use of limited state resources. The OCR believes that the examination of these existing measures and assessing their applicability to Colorado practice is an important first step in assessing the need for this program.

- The framing of questions: As with its concern about defining shared outcomes, lack of consensus on how research questions are framed may lead to unintended consequences and unhelpful information. Questions based on pre-existing opinions can be considered unscientific, as they introduce a biased perspective that may lead or influence responses, thereby compromising the objectivity and validity of the data collection process and undermining the integrity of the scientific method. For example, the CASA section of the analyst’s briefing on this issue appears to pose the question of whether CASA volunteers are necessary to replace the role of the GAL for youth over 12 in D&N cases who now receive direct representation pursuant to HB 22-1038. As the changes to representation effectuated by HB 22-1038 were grounded in national best practices and social science research and the OCR has heard from several other judges that client-directed information gives them better information on which to base their decisions, it seems premature to pose a question as to whether a volunteer is necessary to help a judge make decisions that are their statutory charge. A more relevant question may be whether current judicial education supports judges in asking the questions and engaging in the analysis that supports effective decision making in cases.
- Data integrity: Because many judicial data sources depend on input from practitioners rather than researchers, each agency’s information system has its inevitable limitations. If any further steps are taken, a starting point would need to be a committee focused on introducing and sharing best practices for data collection, integrity, and reporting would provide a valuable foundation before initiating any specific studies. While expertise exists across different organizations, the absence of a unified baseline for these practices can lead to inconsistencies and inefficiencies in research outcomes. By collaborating and aligning on standardized methodologies, an exploratory committee might promote more reliable, transparent, and comparable data across studies, ultimately enhancing the quality and impact of future evidence-based reporting, whether communal or independent. This collective approach would also foster knowledge exchange, reduce redundancy, and promote a more efficient use of resources.

- Confidentiality and Privilege: The General Assembly's decision to establish ORPC and OCR as independent agencies was grounded in a recognition of their respective conflicts of interest with each other and the courts. The data each of these agencies maintain is highly sensitive and is also confidential and privileged. Any data-sharing must comply with confidentiality and privilege law, as well as the Colorado Rules of Professional Conduct.

JUDICIAL DEPARTMENT - INDEPENDENT AGENCIES
FY 2025-26 JOINT BUDGET COMMITTEE HEARING AGENDA

Wednesday, December 18, 2024

9:00 am – 11:00 am

10:14-10:30 Office of the Respondent Parents' Counsel (ORPC)

Main Presenters:

- Melissa Michaelis Thompson, Executive Director

Supporting Presenters:

- Ashlee Arcilla, Deputy Director

Topics:

- Common Statewide Question 1: Page 2, Questions 1 in the packet, Slides 35-36
- Common Questions 2 – 4 for Independent Agencies: Page 2-9, Questions 2-4 in the packet, Slides 17-23, 25-29
- Questions for ORPC 11-13: Page 9-15, Questions 11-13 in the packet, Slides 24, 30-37

JUDICIAL DEPARTMENT – INDEPENDENT AGENCIES
FY 2025-26 JOINT BUDGET COMMITTEE HEARING

Wednesday, December 18, 2024

9:00 am – 11:00 am

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

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

ORPC Response: The ORPC does not have any budget requests for ongoing appropriations that replace one-time General Fund appropriations. The ORPC has not received ARPA funds.

COMMON QUESTIONS FOR ALL INDEPENDENT AGENCIES

- 2 *[JBC Staff]* For each agency that receives a General Fund appropriation, discuss potential options to reduce General Fund appropriations in FY 2024-25 or FY 2025-26 and for each:
 - Describe the anticipated impact of the cut; and
 - Whether it is a one-time or ongoing reduction.

ORPC Response: The ORPC operates with a small state footprint, dedicating 90% of its budget to legal services required by law, such as attorney representation, interpreters, expert witnesses, and transcripts, to protect parents' fundamental rights. Only 10% of the budget funds office operations. Cuts to these essential services would severely impact indigent families' access to counsel in child welfare cases.

Response to JBC-Initiated Proposals

- **Proposed \$1.4M Reduction**

This 5% reduction in the Court-Appointed Counsel (CAC) line is untenable. By law, parents in dependency and neglect (D&N) cases are entitled to effective counsel at all

stages. Reducing CAC funds would force attorneys to withdraw, delay cases, increase costs across other agencies, and harm families by delaying permanency for children.

- **Denial of R-1 Budget Request**

Rejecting the \$1.7M Title IV-E request to fund Parent Advocates would increase legal costs since attorney rates exceed Parent Advocate rates for similar tasks. Parent Advocates, who are integral to the Interdisciplinary Team (IDT) model of legal representation, provide cost-effective, evidence-based support for families and attorneys. This model has been studied by the Colorado Lab and is an evidence-based practice, with a “promising” evidence designation, according to House Bill 24-1428. Cutting this program would harm families and eliminate contracts with 21 Parent Advocates, who bring their lived experience and system knowledge to assist the families navigating current child welfare cases.

ORPC Initiated Proposals

- **Budget Refinancing**

The ORPC proposes alternative refinancing of CAC, Personal Services, and Operations lines with Title IV-E funds in FY 2024-25 and/or FY 2025-26.

- **Collaborative Cost-Saving Ideas**

- **Virtual Communication Options for Incarcerated Parents:** Restore confidential virtual communication to reduce attorney travel costs.
- **Virtual Court Appearances:** Expand virtual hearings for non-contested D&N cases to save contractor travel expenses.
- **Higher Removal Standards:** Reform emergency hearing processes to safely reduce out-of-home placements, cutting costs for case lengths and state services.
- **Eliminating Appeals of Denied Termination Orders:** Change the law to prevent appeals of termination denials, saving on appellate costs. In FY 2023-24, the ORPC spent \$13,468 on these appeals.
- **Preventative Legal Services:** Expand pre-filing programs funded by Title IV-E to reduce D&N filings and associated costs.

ORPC funding is crucial to ensuring effective representation, reducing costs, and supporting families. The proposed cuts would undermine these efforts, increase expenses, and harm vulnerable families. The ORPC is open to working with the JBC to discuss options and challenges

with the above ideas, including considering how reductions in general fund impact Title IV-E fund projections.

- 3 *[JBC Staff]* For each agency that receives Title IV-E funding, discuss options to reduce General Fund appropriations in FY 2024-25 or FY 2025-26 by refinancing it with Title IV-E funds and for each:
- Describe any anticipated impacts refinancing may have; and
 - Whether it is a one-time or ongoing refinancing.

ORPC Response:

The ORPC's budget is 89% General Fund and 11% Title IV-E Reappropriated Fund. The ORPC can only draw down federal revenue on existing General Fund appropriations for legal services provided to parents. Additional details on the ORPC's history with Title IV-E funding are in the [FY 2025-26 Budget Request \(p.63, linked here\)](#).

Key Considerations

When considering refinancing from the Title IV-E Reappropriated Fund, the JBC should be guided by the laws and limitations governing use of Title IV-E funding including but not limited to:

- Federal reimbursements are deposited in the Title IV-E Administrative Costs Cash Fund, which was created in C.R.S. § 26-2-102.5(3)(b)(I) and governs disbursement of funds directly to the ORPC or the Office of the Child's Representative (OCR), respectively.
- The ability for states to draw down federal revenue for the costs of legal representation for parents of Title IV-E eligible children was created by a policy change in 2019 and codified into Federal rule in May 2024, available at 45 C.F.R. § 1356.60(4)(ii). The costs of legal representation for parents are funded through the Court Appointed Counsel (CAC) and Mandated Costs, so General Fund expenses in these line items can be used to generate federal revenue.
- Eligible funds for the federal draw must originate from state General Fund dollars, meaning that replacing ORPC General Fund in the line items used to pay for legal representation will reduce the state's ability to maximize federal revenue.
- The JBC analyst that originally established the ORPC's line item for Title IV-E Reappropriated Fund cautioned the JBC about the need to maintain a reserve in the Cash Fund. Availability and long-term sustainability of Title IV-E Reappropriated Funds are vulnerable to changes in federal law, policy, or administration.

The ORPC's Administrative Cost Cash Fund balance as of September 2024 is \$11.1 million, of which \$8.8 million is already committed to funding lines in the ORPC's current year budget. For this year, the JBC has already approved a one-time, \$5 million dollar swap of General Fund dollars for Title IV-E Reappropriated Funds. Additionally, the JBC also approved an ongoing \$1.4 million dollar reduction of the ORPC's General Fund CAC dollars and replaced that appropriation with federal Title IV-E funds.

Proposals

- **CAC and Personal Services Swap**

- *Proposal:* Move \$1.4 million Title IV-E funds from CAC to Personal Services and \$1.4 million General Funds from Personal Services to CAC. Actions taken by the JBC for FY 2024-25 resulted in a \$1.4 million dollar refinance representing a 5% reduction to the ORPC's General Fund in the CAC line that has been refinanced with Title IV-E in the current and future years. This refinance means that ORPC can no longer maximize its federal draw, because the agency can only draw down on General Fund appropriation in its CAC line.
- *Impact:* Restores full federal draw capacity for CAC, potentially generating \$210,000 in additional federal funds annually.
- *Type:* Ongoing.

- **Personal Services Refinance**

- *Proposal:* Replace \$1 million General Fund in Personal Services with existing Title IV-E funds as a one-time refinance.
- *Impact:* Returns \$1 million to the General Fund for FY 2025-26. Future sustainability depends on federal policy stability.
- *Type:* One-time, with potential for ongoing discussion.

- **Operating Line Refinance**

- *Proposal:* Refinance \$155,479 in General Fund operating expenses using Title IV-E funds.
- *Impact:* Reduces General Fund allocation while decreasing the Title IV-E Administrative Costs Cash Fund balance. However, the ORPC is experiencing rising operating costs that may not be absorbable in future years, and it may be necessary in future years for the ORPC to request some General Fund for operating expenses.

- *Type: Ongoing.*

Conclusion

The approach ensures no federal funding opportunity is left untapped. These proposals collectively maximize federal funding, reduce General Fund reliance, and preserve service levels. The ORPC estimates an additional \$212,340 in annual federal funding through these changes. These changes further reduce state financial burdens without compromising high-quality legal representation.

4 *[Sen. Kirkmeyer]* Discuss the growth in FTE at each Independent Agency since FY 2019-20, describe:

- The reason for the growth; and
- how client outcomes have changed over the period.

ORPC Response:

Growth and FTE Discussion: In FY 2019-20, the ORPC had 13 funded FTE. The agency now has 19.9 funded FTE for FY 2024-25. The agency has added seven FTE in the past 5 years. Descriptions for these roles can be found in the budget requests for each fiscal year and updated job descriptions can be provided upon request. These positions include:

ORPC Funded FTE By Classification				
Classification	FY2019-20		FY2024-25	
	FTE Allocated	Active FTE	FTE Allocated	Active FTE
Executive Director	1.0	1.0	1.0	1.0
Executive Management	2.0	2.0	3.0	3.0
Attorney Staff	4.0	4.0	6.0	5.0
Professional Staff	2.0	2.0	4.0	4.0
Administrative & Accounting Staff	4.0	3.8	5.9	5.0
TOTALS	13	12.8	19.9	18

In FY 2019-20, the ORPC had only existed for three years. However, the right to counsel for parents in dependency and neglect (D&N) cases at all stages of the proceedings has been a statutory right in Colorado since at least 1973, and the right to parent is perhaps the oldest fundamental liberty interest recognized by our Supreme Court. While Colorado created a state office to enhance representation for children and their best interests in 2000, it took another 14 years for the state to do so for parents. The workgroup creating the ORPC recognized the need to centralize support for contractors providing services to parents through an independent

agency with a similar structure to the Office of the Alternate Defense Counsel (OADC) and the Office of the Child's Representative (OCR). The ORPC continues to be staffed at lower levels than both the OCR and the OADC, which is appropriate given the smaller size of the agency's budget, but the positions at the ORPC all have analogues and comparable positions at the other independent judicial agencies while being tailored to the unique needs of the ORPC.

While the agency's website and organizational chart do reflect multiple positions with "director" in the title, these positions are not different than the staff attorney, paralegal, coordinator, and analyst positions approved and funded by the legislature. The ORPC, like other small agencies, has limited opportunities for promotion and professional development. Job titles are both an opportunity for professional development and lateral advancement as well as a way for staff to be treated with respect when they interact with judicial officers and staff in the jurisdictions they support.

The ORPC operates with a small staff of 19.9 FTE, who often work beyond 40 hours per week, including evenings and weekends, to support over 421 contractors and service providers across 64 counties and 23 judicial districts. This workload includes managing nearly one million lines of contractor billing annually, as well as engaging in policy work, sitting on critical child welfare committees, and delivering interdisciplinary training.

The ORPC faces challenges due to a high proportion of less experienced contractors, as it has only been overseeing Respondent Parent Counsel for eight years and continues to recruit new attorneys, many of whom require significant training and support. Additional staffing requests have been driven by pressing issues, including an audit, the recognition of disparities in the child welfare system affecting communities of color and parents with disabilities, and increasingly complex child welfare cases.

At the same time, the ORPC understands that the state is not able to increase FTE at state agencies in the current budget environment and will continue to provide the best service it can to its contractors and community partners at current staffing levels. While on paper staff have specialized roles, in practice staff pitch in daily to try to find coverage for rural jurisdictions who need an attorney for a case, or field calls from parents or attorneys needing last minute advice. There is no excess staff capacity within the ORPC, even when fully staffed.

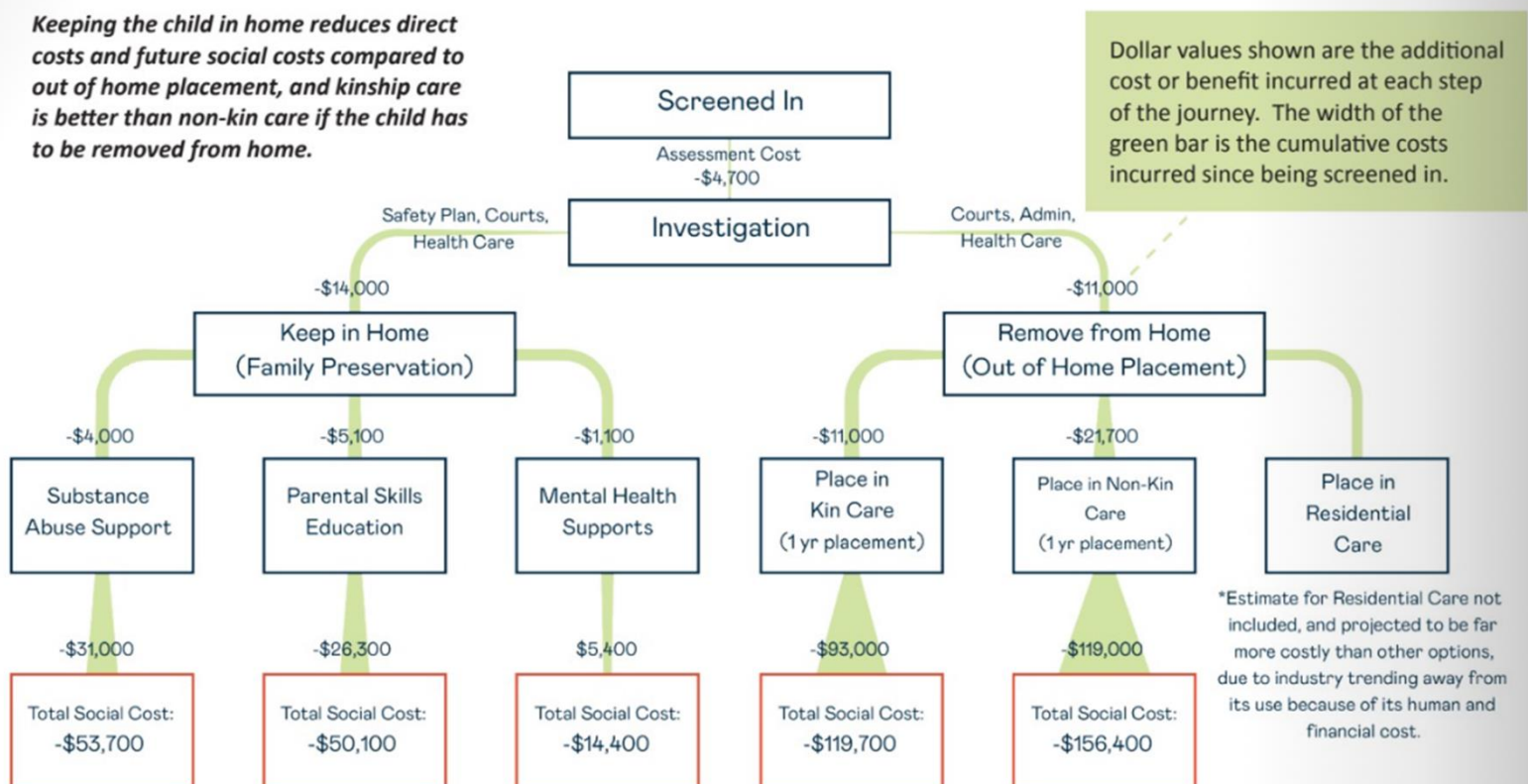
Change in Client Outcomes: As recognized in the JBC briefing document, the ORPC is uniquely engaged in data-driven decision-making and collects a wide variety of data on outcomes. To highlight three of the most important outcomes: terminations of parental rights have decreased since the creation of the ORPC, the use of the Interdisciplinary Teams (IDT) Model of Legal Representation has been demonstrated to reduce reentry to foster care, and IDT also increases placement with relatives and kin. In the most recent evaluation of the ORPC's IDT model of

representation, the Colorado Evaluation and Action Lab found that IDT representation resulted in the following successful outcomes:

- A majority of children were safely kept with their parents during the case. 60% of children either stayed with their parents throughout a case or were reunified with their parents after a removal.
- Most children were reunified with parents or family following their case. 81.3% of children were reunified with their parents or living with a family member when their case closed.
- Fewer families were re-involved with the child welfare system. Only 2.84% of families served by interdisciplinary teams were involved with the system again within one year of case closure.
- Parents of color and parents with disabilities were served at high rates. Interdisciplinary teams served a high proportion of parents of color (nearly 45%) and parents with disabilities (nearly 50%).

Avoiding out-of-home placement and placing children with relatives or kin results in huge cost savings compared to placement in foster care, as outlined in the chart below.

Costs and Benefits of Family Preservation and Kin Care compared to Non-Kin Care



From FY 2019-20 to FY 2023-24, the percentage of parents reunifying with their children increased while the percentage of parents whose rights were terminated decreased.

QUESTIONS FOR RESPONDENT PARENTS' COUNSEL (ORPC)

11 *[JBC Staff]* Discuss ORPC's budget request.

ORPC Response:

The ORPC submitted a budget request on November 1, 2024, seeking \$0 General Fund spending authority and \$1,738,591 additional Reappropriated Fund spending authority to the Parent Advocates long bill line item. The ORPC now plans to submit a supplemental and budget amendment request to reduce this amount to \$1,469,153 for the current year to cover just the base costs of the program and withdraw the plan to increase the number of contracted Parent Advocates. This represents the base cost for this program with no growth of the program in FY 2025-26 other than increased mileage rate costs. This is a reduction of the submitted FY 2025-26 budget request of \$319,438 for FY 2025-26 and of \$549,476 for FY 2026-27.

This request is needed to support the ongoing use of the successful Interdisciplinary Team (IDT) model of legal representation. The IDT model is an evidence-based practice, with a "promising" evidence designation, according to House Bill 24-1428. This model ensures that indigent parents have access to a high-quality legal representation team that includes lived experts. These experts educate attorneys and parent clients on resources that improve parents' chances of a successful, lifelong reunification and connection with their children. The IDT model has also been shown to drive positive outcomes, especially for complex cases. Parent Advocates are an essential element of this model.

The IDT model pairs a respondent parent attorney (RPC) with a Social Worker or Parent Advocate to form an interdisciplinary team. Parent Advocates bring their lived experience and system knowledge to assist the family defense legal team's effective representation of parents in dependency and neglect (D&N) cases. The fidelity of the IDT model in Colorado requires the involvement of the Parent Advocate as the essential element of the interdisciplinary team.

What separates the interdisciplinary team from an attorney-only representation model is the *depth and intentionality with which these support and advocacy activities are carried out.*

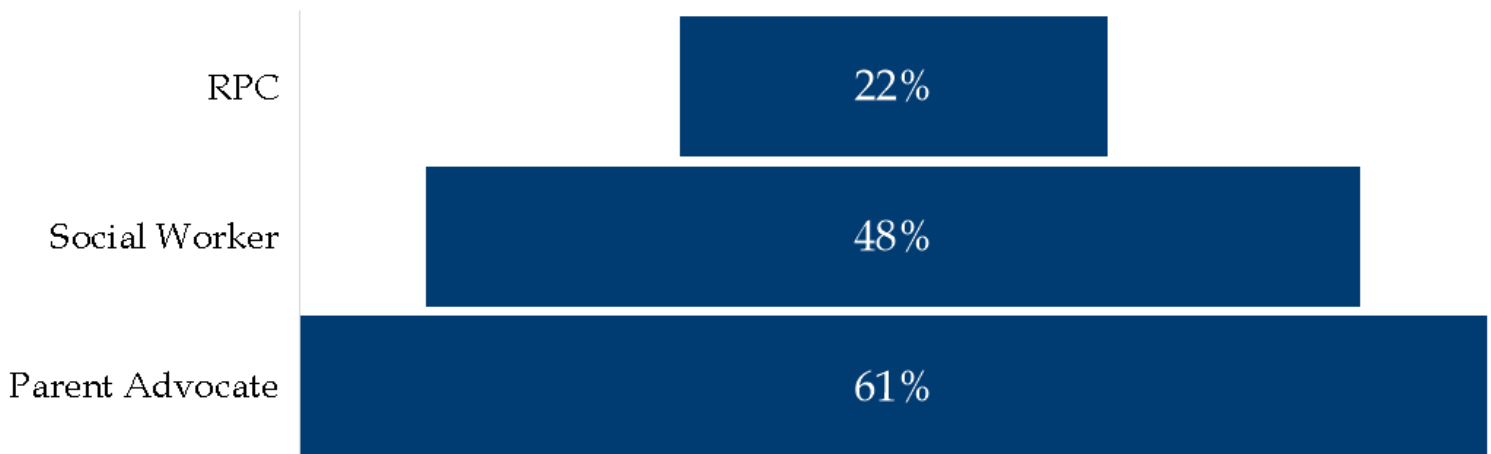
“Parent advocates are one of the most useful people on the team. The parent advocate has been through the system, sat in court, been to the department meetings, and got their kids back. Parent advocates give clients hope when they have lost everything. Parent advocates show clients there is a way through this process and it can end well.”

-Current Respondent Parents’ Attorney

Due to their unique lived experience and training, Parent Advocates are in the best position to do the critical work of engaging parent clients. Parent Advocates spend 61% of their time communicating with clients, as opposed to parents’ attorneys or Respondent Parent Counsel (RPC) who spend 22% of their time communicating directly with clients.

ORPC Parent Advocates Invest the Most Time Communicating with Clients to Engage & Support

*ORPC Contractors % Hours Spent Communicating Directly with Parent Clients
FY 2020-21 – FY 2023-24*

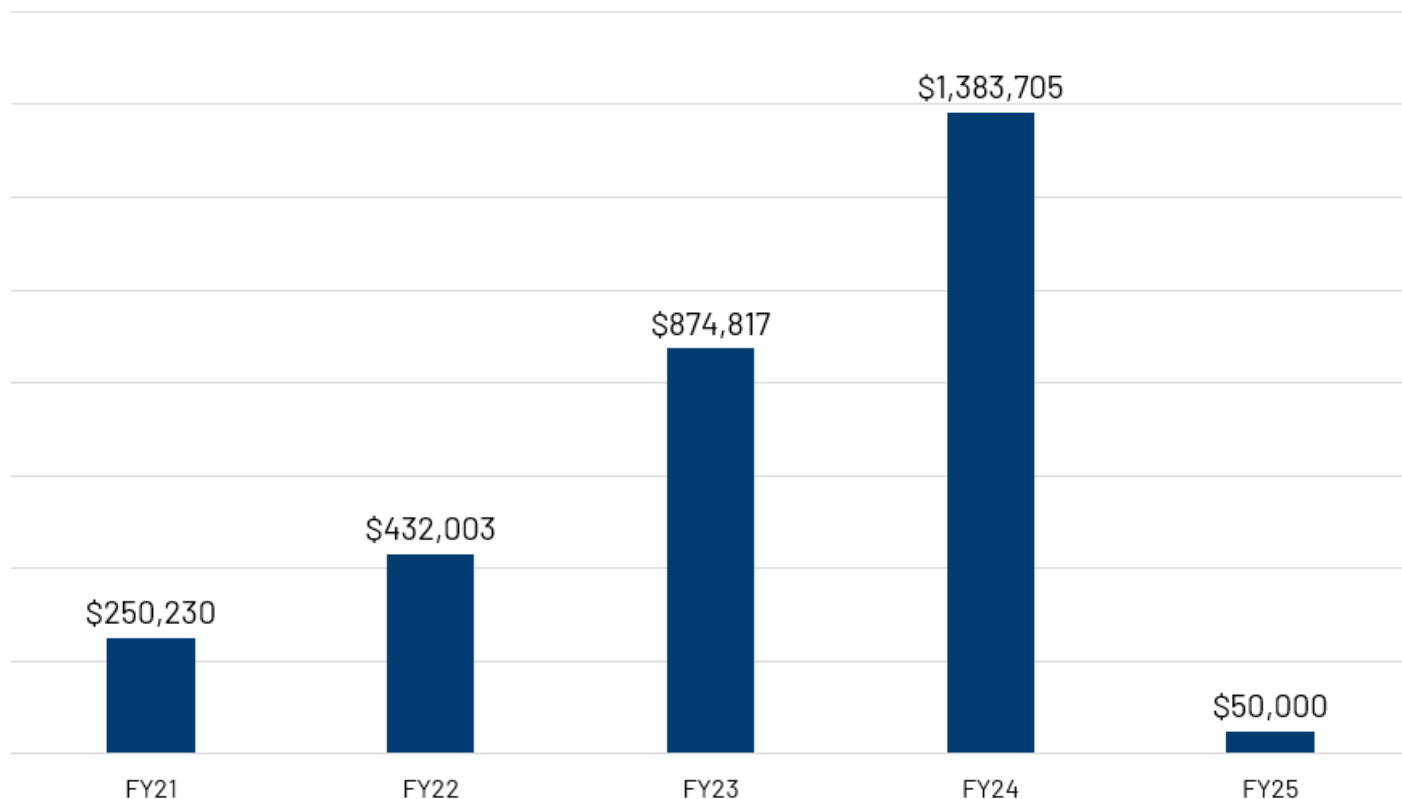


A Parent Advocate’s ability to engage with and advocate for the client outside of court affords RPC the time to utilize their legal training in preparing for court appearances, filing and responding to motions, and engaging with other parties associated with the parent’s legal case. This is not only a more cost-effective and efficient use of attorney time, but it also drives better outcomes for parent clients.

This request is not for new programming, as the ORPC has contracted with Parent Advocates since FY 2020-21 and Parent Advocates were a part of the IV-E plan approved by the JBC when the agency’s original Title IV-E Legal Representation line item was approved as a FY 2019-20

Supplemental Request. When JBC Staff recommended the elimination of the line item as part of the restructure of the agency’s budget for FY 2024-25, a new line item was created for Parent Advocates. Despite the agency having existing spending and contracting with over 20 Parent Advocates, JBC staff only recommended funding the program with \$50,000. However, on March 20, 2024, when the JBC initiated a discussion about the need to increase funding for Parent Advocates, JBC staff responded by suggesting the ORPC submit a Supplemental Request for FY 2024-25 showing its history of spending on Parent Advocates and stating “It’s not like 1.7 million of parent advocate program just goes away and there’s no funding for it. . . we can still find that money.” A more detailed history of the agency’s use of IV-E funds, the authority for IV-E funding, JBC staff recommendations and approvals can be found in the ORPC’s FY 2025-26 budget request. Additionally, the chart below shows the agency’s spending on Parent Advocates from the inception of the program through the end of FY 2023-24.

Federal IV-E Funds for Parent Advocates Increased through FY24, Cut in FY25, Prohibiting Provision of IDT Model with Fidelity



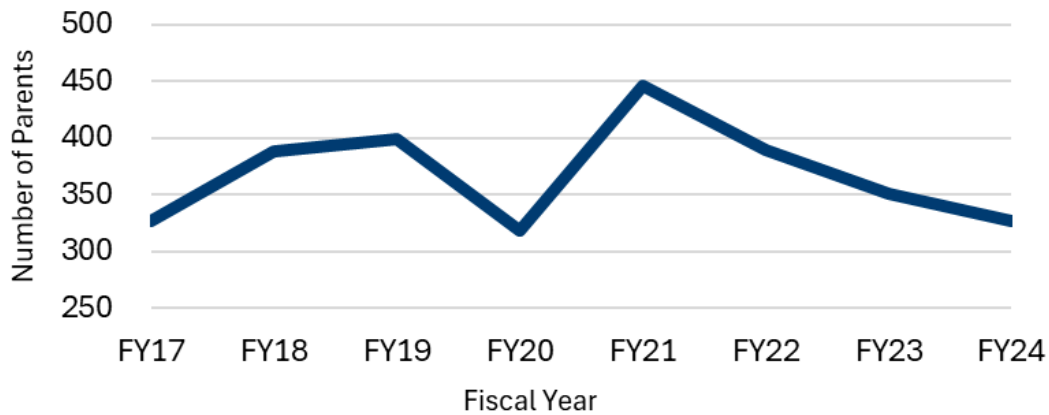
- 12 *[Rep. Gilchrist]* The Department of Human Services has submitted a budget request for the office that handles appeals in the child welfare system driven by a reorganization. Has the ORPC observed any change in the volume of appeals? Are there fiscal impacts to ORPC being driven by the same reorganization?

ORPC Response:

The Colorado Department of Human Services (CDHS) does not have positions that handle appeals of court orders in dependency and neglect (D&N) cases. Instead, the positions that CDHS is requesting are related to administrative appeals for findings of abuse and neglect made by county departments of human services, not by courts. These child abuse and neglect findings impact parent's employment, ability to volunteer in their children's schools, and abilities to care for children. An administrative appeal regarding a finding of abuse and neglect made by a county department of human services is separate from the court process in a dependency and neglect case. The ORPC is generally not involved in administrative appeals because parents are not entitled to counsel for those types of appeals. Because of that, CDHS' reorganization does not have a fiscal impact on the ORPC.

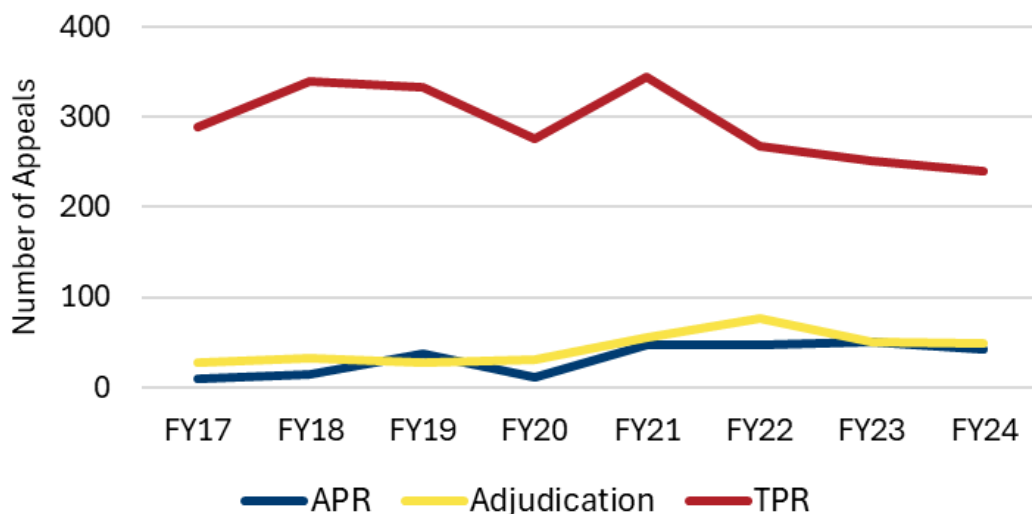
Following the OCYF JBC hearing on December 12, 2024, Rep. Gilchrist reached out via email to the ORPC to clarify her question, writing "I am on the JBC hearing for DHS and they discussed the appeals issue again. In their discussion they were referring to appeals when a child welfare finding is made. My question is specific to appeals of termination of parental rights. I am asking if there has been an increase in those appeals and if so, what are the fiscal impacts both to ORPC and other related agencies." Regarding the appeals of court orders in dependency and neglect cases, the number of appeals has fluctuated some during the timeframe that ORPC has been responsible for recruiting, training, assigning, and paying appellate attorneys to represent respondent parents (after July 1, 2016). The chart below shows the number of parents each fiscal year who have been assigned an appellate RPC on a Court of Appeals case. The ORPC is not observing any change in the volume of appeals.

Parents Assigned RPC for a Court of Appeals Case



Additionally, there are multiple types of final orders in dependency and neglect cases that can be appealed, and one trial case could include multiple appeals, each with a separate appellate case number. This is because both the adjudication in a case and the final disposition, either allocation of parental responsibilities (APR) or termination of parental rights (TPR), can be appealed. Additionally, parentage (paternity) and denials of termination orders can also be appealed. Termination appeals are decreasing slightly. They are also decreasing overall as a percentage of the type of appeals handled by the ORPC. The agency does not currently track appeals initiated by counties or GALs appealing denials of termination orders or appeals of parentage orders but plans to begin tracking that data in 2025. The agency is not aware of another entity tracking this data.

Number of Appeals by Type



Finally, the Court of Appeals assigns each case appealed from the juvenile court a case number. Each case number is one appeal, but it may involve multiple appointments for multiple parents. For example, a dependency and neglect case might involve three children with the same mother and three different fathers. If all four parents' rights are terminated, all four parents may choose to appeal that order, or only two parents may choose to appeal. The ORPC would appoint counsel to any indigent parents who choose to appeal, and the parents appealing would be assigned the same case number, with only one opinion issuing from the Court of Appeals.

13 [Sen. Kirkmeyer] Discuss the FY 2024-25 refinance of \$5 million General Fund with \$5 million from Title IV-E sources.

ORPC Response:

When the ORPC first received access to federal Title IV-E funds through a supplemental appropriation for FY 2019-2020, it represented an exciting opportunity to enhance high-quality legal representation to prevent removals, increase parental engagement, and increase access to interdisciplinary legal teams. The ORPC submitted detailed plans through its FY 2019-20 Supplemental Request and FY 2020-21 Budget Amendment to utilize federal Title IV-E funds for these purposes, and the JBC approved these plans, giving the ORPC discretion to spend federal IV-E funds on the identified priorities through the new IV-E Legal Representation line item.

Unfortunately, this opportunity coincided with the beginning of a global pandemic. The ORPC's plans to launch new programming were hampered by the more urgent needs to navigate virtual court appearances and the cessation of jury trials and advocating for parents who were denied in-person contact with their children for months. As the agency emerged from the pandemic, the balance of the IV-E Cash Fund had grown larger than anticipated due to the delay in launching programming. The agency's FY 2024-25 budget request reflected the desire to rapidly grow programming to reduce the balance of the cash fund, meet the vision of the plan for the funds originally approved by the JBC, and the agency's understanding from federal guidance that IV-E funds could only be spent on new initiatives and enhanced representation, not on existing programming.

Between submission of the FY 2024-25 budget request and Figure Setting, the state's budget outlook worsened. During figure setting for FY 2024-25, JBC staff recommended eliminating the line item where the majority of ORPC's IV-E expenses were reflected (the IV-E Legal Representation line), redistributing IV-E throughout the agency's other line items, and creating two new programmatic line items funded entirely by IV-E. This recommendation seemed to be

driven by the analyst's concerns that the IV-E cash fund balance was growing faster than the agency was spending the cash fund as well as a disagreement that IV-E funds must be spent to enhance and initiate new programming rather than being spent on existing programming.

Recognizing that the agency would not receive approval for new or enhanced programming to spend down the IV-E cash fund balance and that the state was facing a budget shortfall, the agency shared the concern that replacing items funded by General Fund with federal IV-E funding might be viewed as supplanting and subject the state to a federal audit risk with the JBC. At the same time, the agency proposed at its comeback on March 12, 2024, that the JBC could "[o]n a **one-time basis**, reduce the general fund allocation for FY 2024-25 by using a greater portion of the IV-E cash balance" making \$5 million of general fund available for one-time use. However, the agency's proposal made it clear that the "one-time reduction **cannot be made permanent** because the ORPC would not be able to pay for its core legal representation if the general fund allocation had an ongoing reduction."

On March 18, 2024, JBC staff recommended approval of this proposal, writing that "\$5 million does not exhaust the entire balance, it provides one year of significant General Fund savings without necessitating transfer legislation or a legal determination of the proper use of these funds; it maintains a balance that can sustainably fund future one-time and incremental increases; and it reserves a balance to account for any policy risk related to changed federal requirements for this fund source in the future." The Long Bill contained a footnote indicating that "Of these amounts, \$5,000,000 appropriated in the Court-appointed Counsel line item is a one-time appropriation from this fund source included as a one-year General Fund offset." Unfortunately, this swap resulted in a loss of \$750,000 in potential IV-E reimbursements for FY 2024-25. When combined with the ongoing \$1,400,000 refinance of General Fund, the loss is \$960,000 in IV-E reimbursements for FY 2024-25.



Presentation to the

JOINT BUDGET COMMITTEE

December 18, 2024

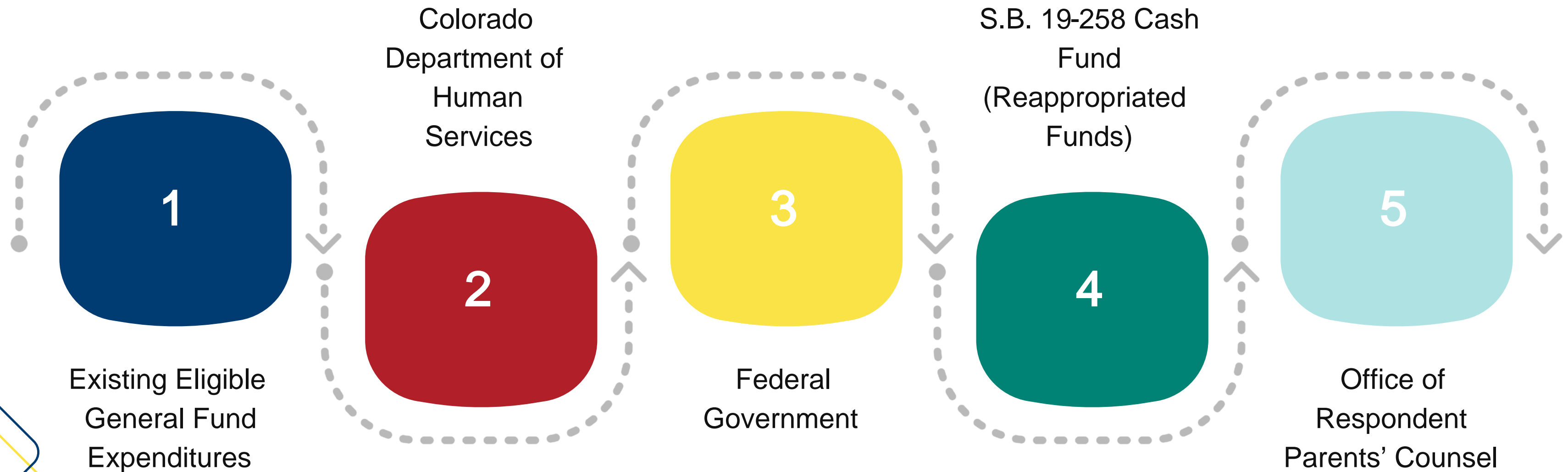
Melissa Michaelis Thompson, Esq.
Executive Director



Questions 2, 3, 13

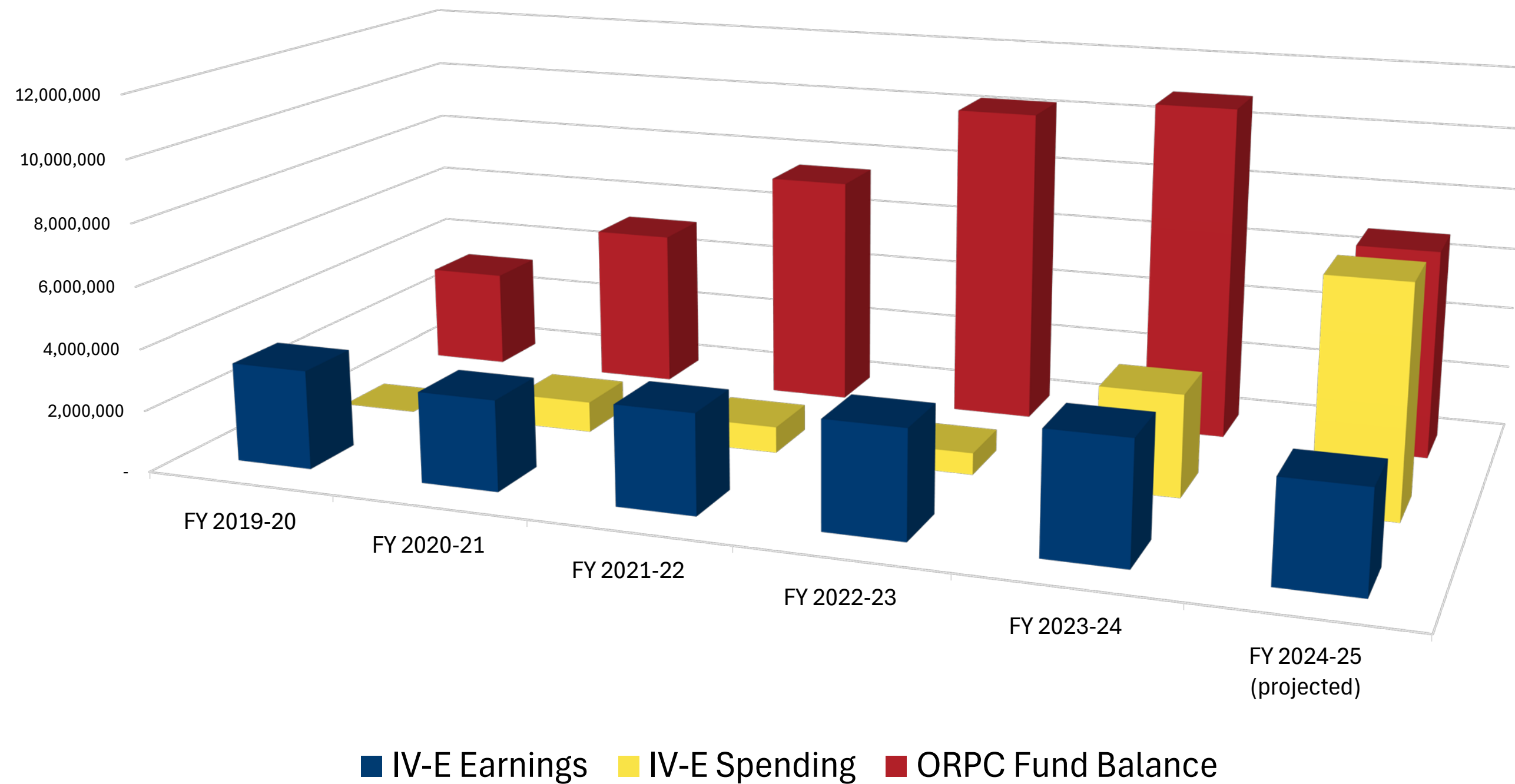
General Fund & IV - E Funding

IV-E FUNDING



IV-E FUNDING

ORPC IV-E Revenue, Spending, and Fund Balance - Submitted Budget Request



ORPC PROPOSED COST SAVINGS

Preventative
Legal
Services .

Budget
Refinancing .

Virtual
Communication for
Incarcerated
Parents .

Virtual
Court
Appearances .

Eliminating
Appeals of Denied
Termination Orders

Higher
Removal
Standards .

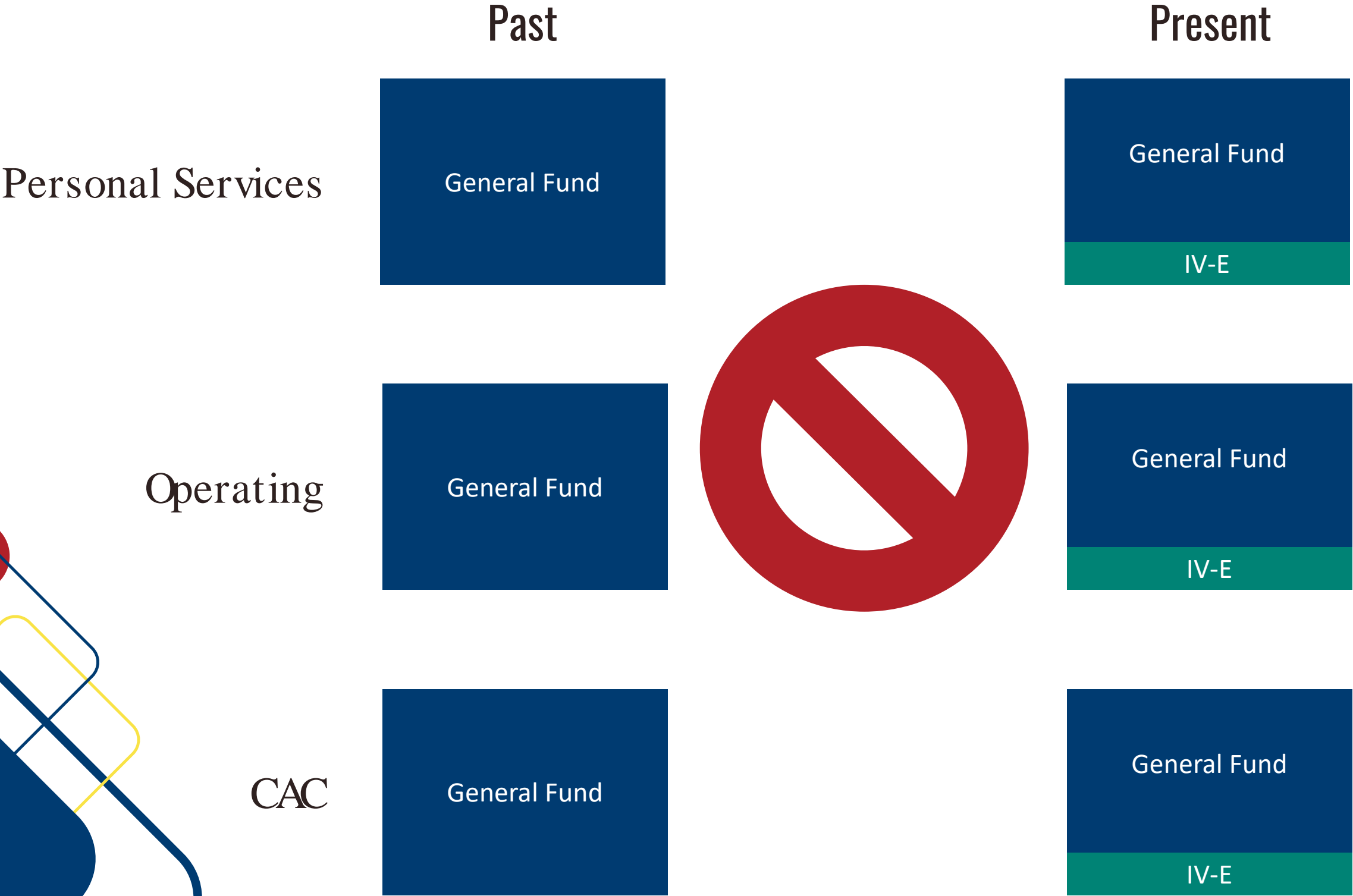


\$1 million

return to General Fund
from
Title IV-E refinance



SWAP FOR SAVINGS



SWAP FOR SAVINGS



1

Increases General Fund savings by utilizing IV-E in lines eligible for Federal Financial Participation.



2

Maximizes future IV-E draw down, providing more Federal revenue and flexibility for refinancing General Fund.



\$5 million
One-time swap



Question 4

Discuss the growth of FTE since FY 2019 - 20

Serving Colorado Families

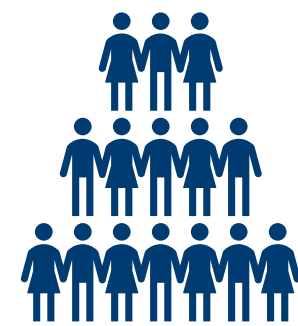


34,000 Parents
Represented since 2016
(90% of all D&N cases)

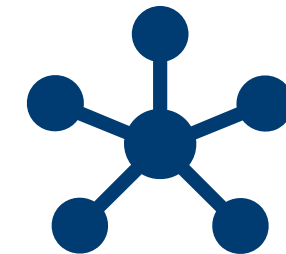


Over 2,000 Attorney
Case Consults
Annually

256 Contractors (+ 171
Transcribers,
Investigators, Experts,
Interpreters)



1,000,000s of Data
Points Collected
Each Year



64 Counties (23 JDs)



130 Court
Observations Each
Year on Average

20 FTE

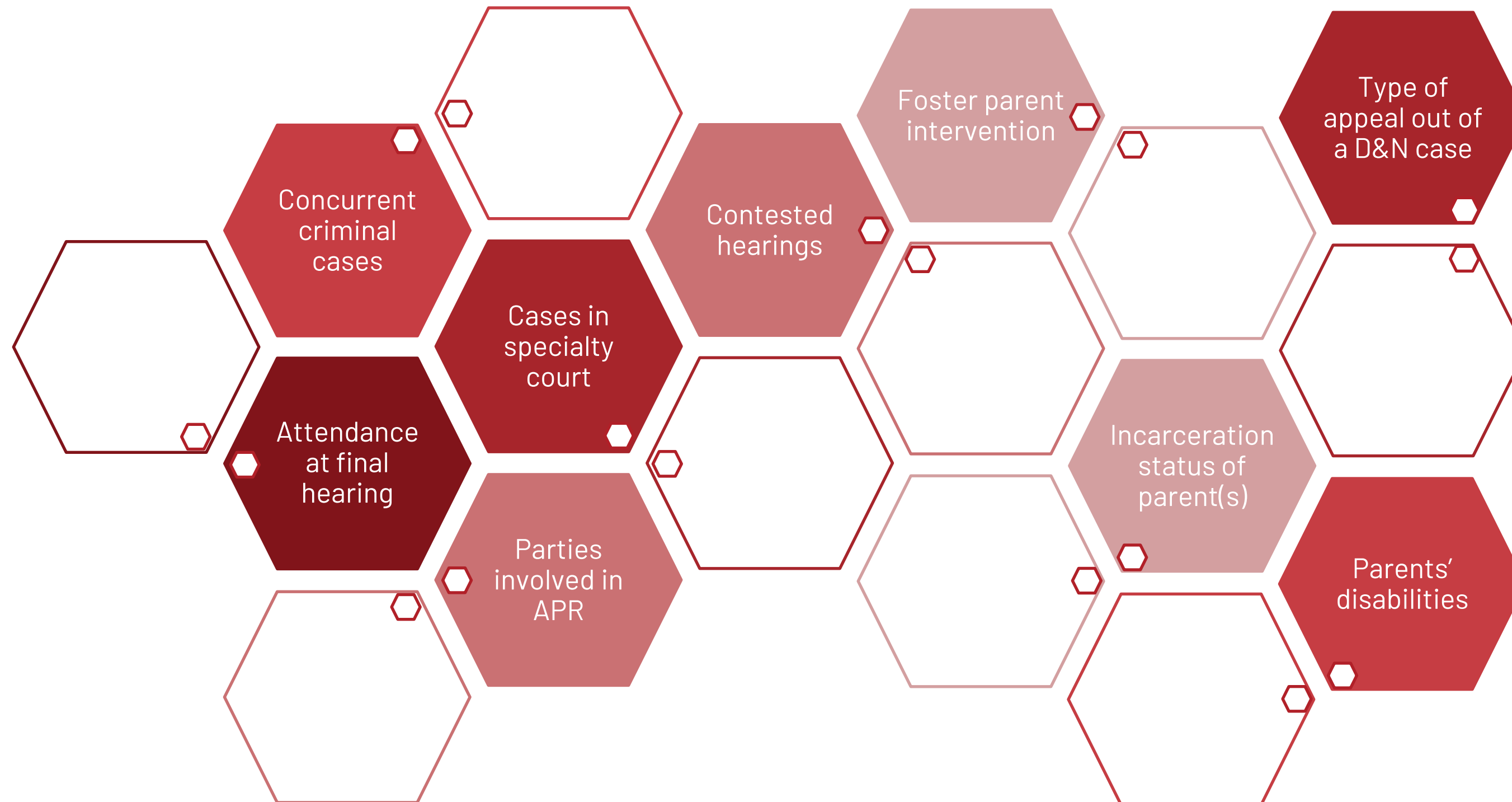


3 Desks



DATA-DRIVEN PRACTICE

The ORPC is the **only** agency collecting data about:



DATA-DRIVEN PRACTICE

When interdisciplinary teams worked with parents on complex cases:

- ❖ **A majority of kids were safely kept with their parents during the case.** 60% of children either stayed with their parents throughout a case or were reunified with their parents after a removal.
- ❖ **Most children were reunified with parents or family following their case.** 81.3% of children were reunified with their parents or living with a family member when their case closed.
- ❖ **Fewer families were re-involved with the child welfare system.** Only 2.84% of families served by interdisciplinary teams were involved with the system again within one year of case closure.
- ❖ **Parents of color and parents with disabilities were served at high rates.** Interdisciplinary teams served a high proportion of parents of color (nearly 45%) and parents with disabilities (nearly 50%).



Colorado Evaluation & Action Lab
UNIVERSITY OF DENVER

“The parents I represent feel the effects of this every day and I suspect have similar feelings of elation when a change in the law benefits them.

In fact, along with my great news this week, the changes to the family time statute to presume kin supervision of visits resulted in me winning kin visits for two clients without a hearing or much argument at all.

One of them was emailing me throughout the time I was making my record and thought I was doing actual magic.”

-Current Respondent Parents' Attorney





Question 11

Discuss ORPC's Budget Request

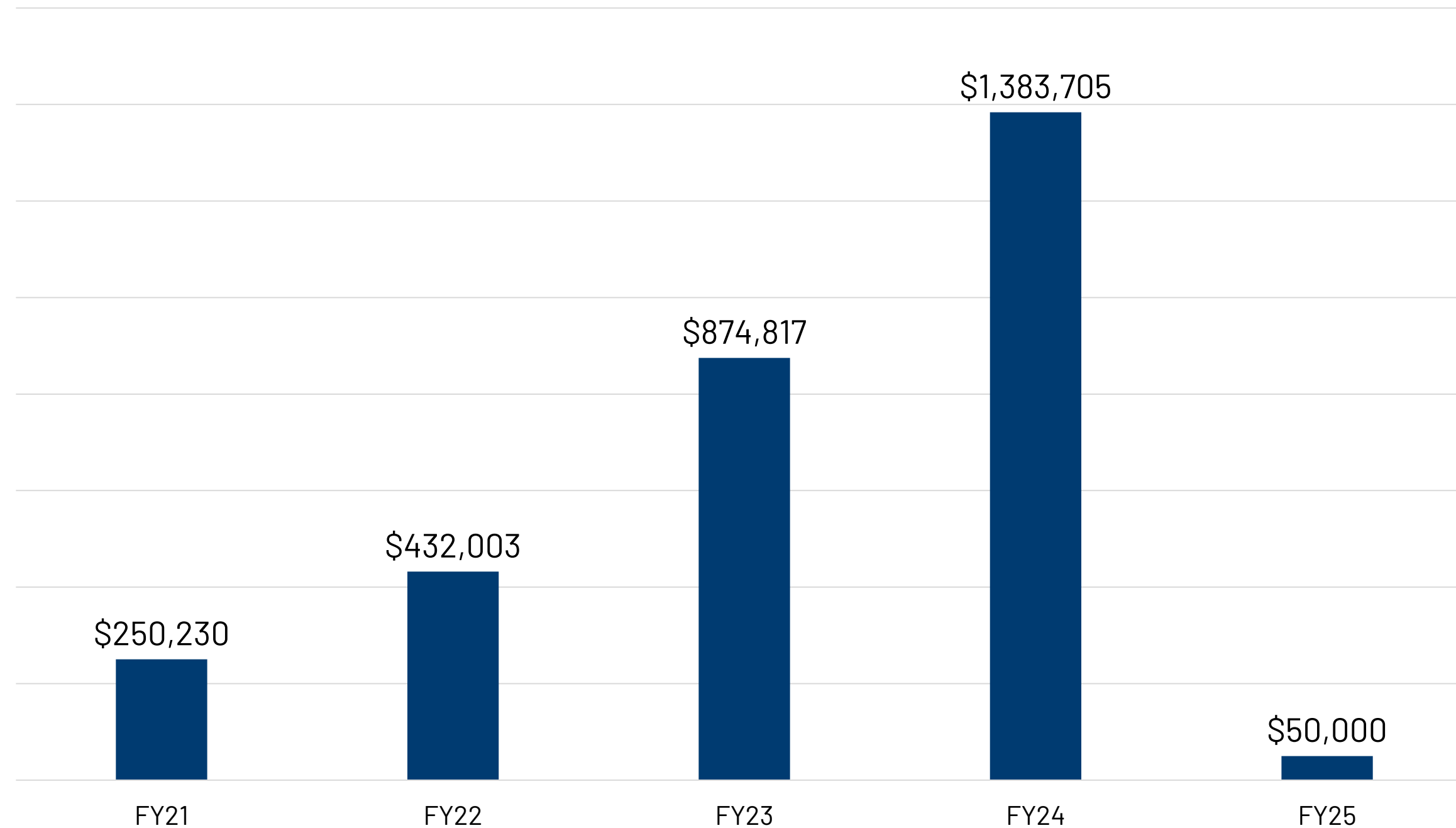


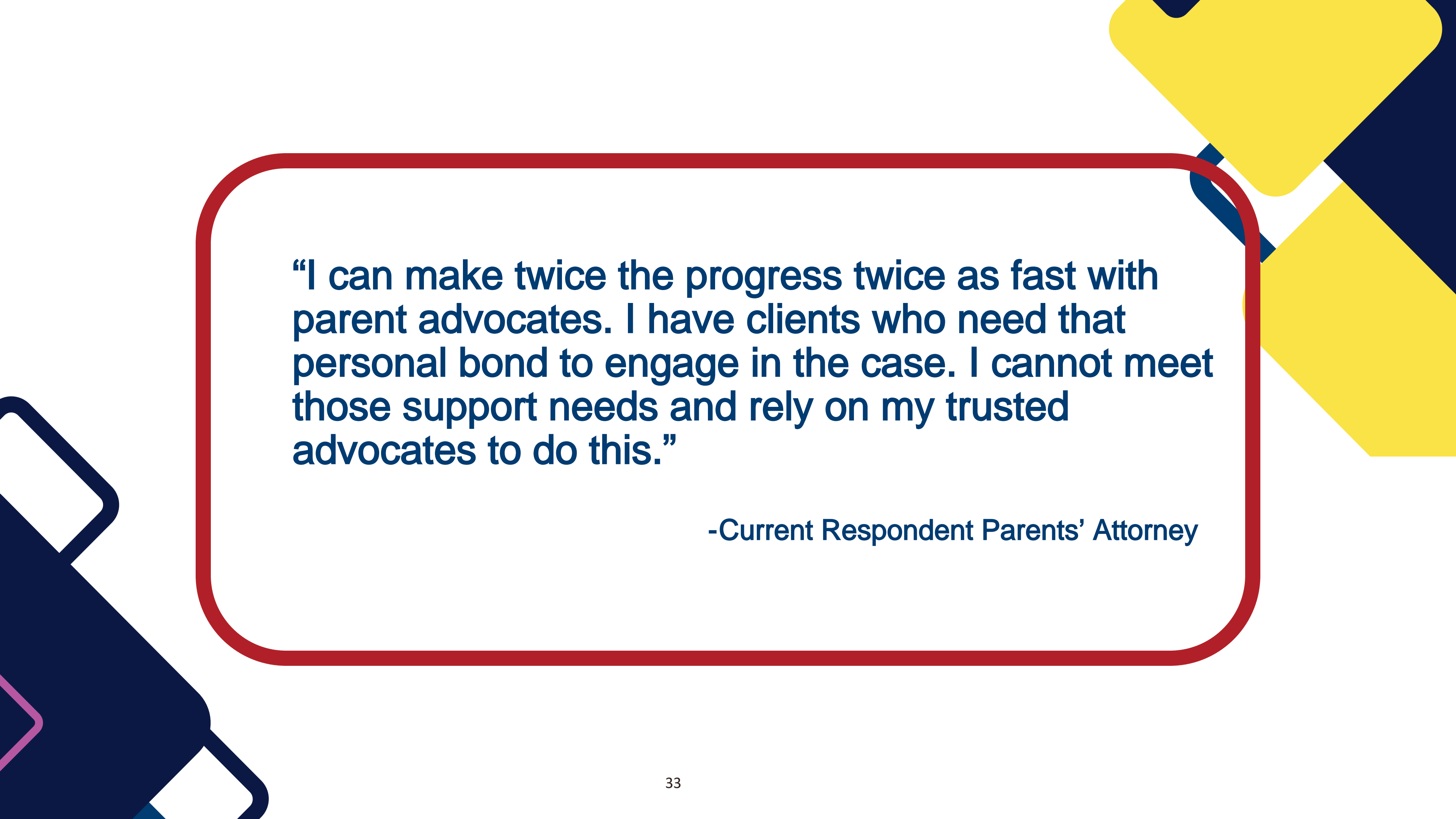
“It felt great. It felt like I had a second chance at life, you know? But I couldn't do it without Sonia. ... She gave us life and the breath and the energy that we needed. She fought for us, you know, and to all parent advocates, you know, they're like a gift from God. ... She was like our angel.”

**-Ray Rosa, Colorado Father and
2024 Reunification Hero,
pictured with Parent Advocate Sonia Neblett**

PARENT ADVOCATE IV - E

Federal IV-E Funds for Parent Advocates Increased through FY24, Cut in FY25, Prohibiting Provision of IDT Model with Fidelity





“I can make twice the progress twice as fast with parent advocates. I have clients who need that personal bond to engage in the case. I cannot meet those support needs and rely on my trusted advocates to do this.”

-Current Respondent Parents' Attorney

The IDT model is an evidence-based practice, with a “promising” evidence designation, according to House Bill 24-1428.

60%

Kids who were safely kept with their parents during the case

81%

Kids who reunified with parents or family following the case

3%

Families who were re-involved with the child welfare system within 1 year of case closure



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Question 1 & 12

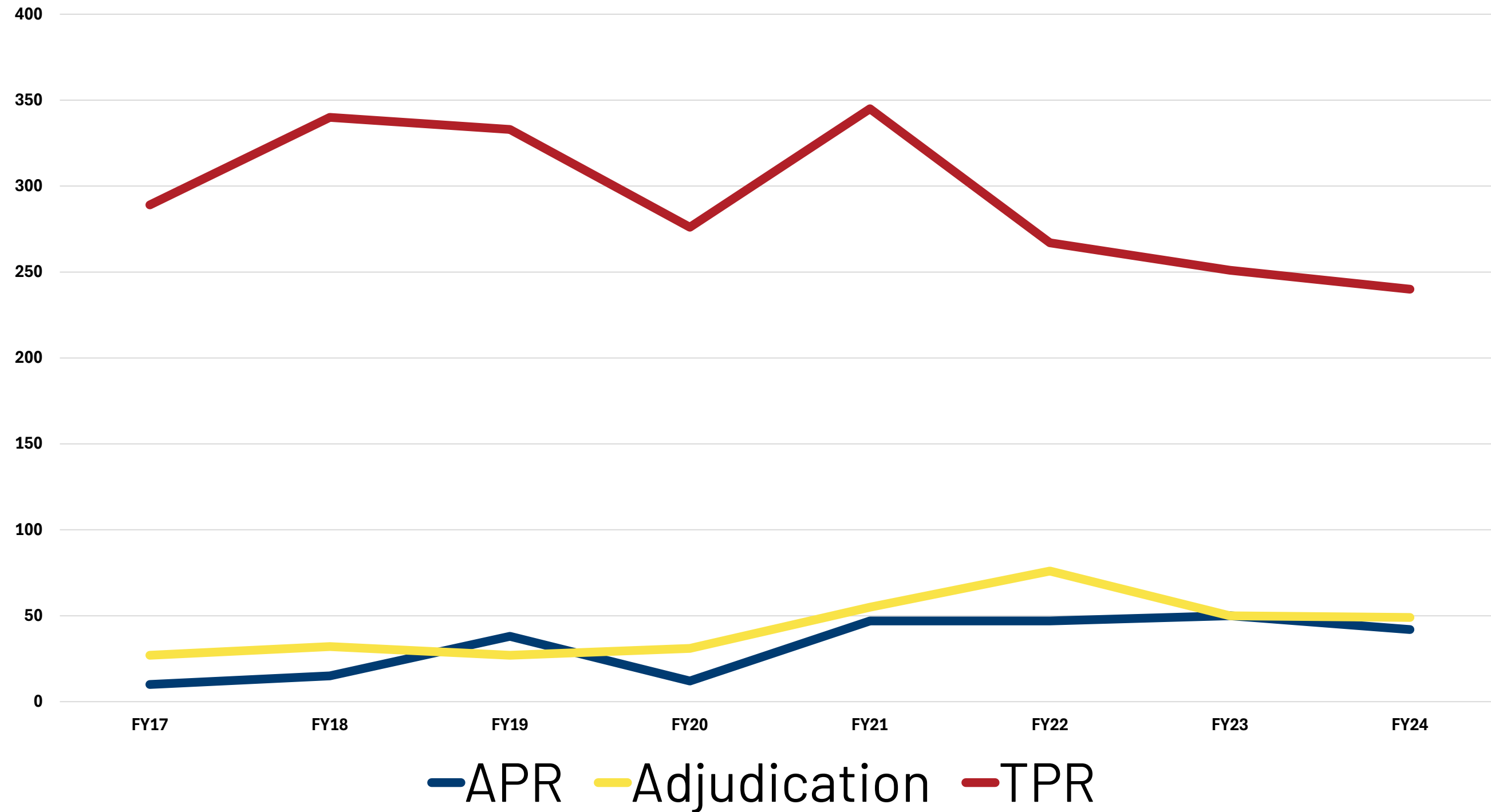
ARPA Funding and Appeals

ARPA

The ORPC is not
funded by
ARPA.

APPEALS

Number of Appeals by Type



THANK YOU

MELISSA MICHAELIS THOMPSON, ESQ.
EXECUTIVE DIRECTOR
MTHOMPSON@COLORADOORPC.ORG
303-731-8744



JUDICIAL DEPARTMENT – OFFICE OF RESPONDENT PARENTS’
COUNSEL

FY 2025-26 JOINT BUDGET COMMITTEE HEARING

WRITTEN RESPONSES ONLY

Common Questions: Please retain the numbering in order to maintain consistent labeling across departments.

- 1 Provide a list of any legislation with a fiscal impact that the Department has: (a) not implemented, (b) partially implemented, or (c) missed statutory deadlines. Please specifically describe the implementation of ongoing funding established through legislation in the last two legislative sessions. Explain why the Department has not implemented, has only partially implemented, or has missed deadlines for the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

ORPC response: House Bill 23-1027 clarified that responsibility for oversight of the High Quality Parenting Time Task Force, established by House Bill 21-1101, resides within the ORPC. The agency has fully implemented requirements of the legislation, which has deadlines in 2024 and 2025, and is in full compliance with the requirements and deadlines set forth in the statute. The bill allocated one-time funding for ongoing facilitation of the Task Force and for a study and report to the legislature, which has been delivered. The Task Force will continue meeting through the spring of 2025 to finalize its work and make plans for other continuing workgroups to carry out the recommendations of the study.

The agency has fully implemented any other legislation that has a fiscal impact on the agency and has not missed statutory deadlines.

- 2 Describe General Fund appropriation reductions made in the Department for budget balancing purposes in 2020, and whether the appropriation has been restored with General Fund or another fund source through budget actions or legislation.

ORPC response: The ORPC has a small footprint within the State system and most costs (90%) incurred by the office are for legal services required by statute to protect the fundamental right to parent, such as attorney services and mandated court costs (i.e. interpreters, discovery, expert witnesses, transcripts). The remaining 10% of the budget is to fund office operations.

The ORPC recognized the severe effects the pandemic had on the national and state economy and responded in 2020 by:

- Withdrawing a requested contractor rate increase, saving \$999,670 in General Fund,

- Absorbing a 2.5% percent decrease in personal services by delaying hiring for vacant positions, and
- Refinancing FY 2020-21 requests with federal Title IV-E Reappropriated Fund including the Continuation of Social Worker Pilot Program (\$318,240), Carrie Ann Lucas Fellowship (\$173,522), and Training Expense (\$28,000).

The contractor rate increase has since been funded through JBC-initiated legislation. The items funded through Title IV-E remain funded through federal Title IV-E Reappropriated funds.

- 3 Please provide the most current information possible. For all line items with FTE, please show:
- a the number of allocated FTE each job classification in that line item
 - b the number of active FTE for each of those job classifications
 - c the number of vacant FTE for each of those job classifications
 - d the vacancy rate for each of those job classifications

Use the attached Template C to populate these data. Please return the data in editable Excel format.

The ORPC has relatively few FTE and a single vacancy has a large impact on the workloads of remaining staff. For that reason, the ORPC always tries to fill vacant positions as quickly as possible. Vacancy savings are not used by the ORPC to increase salaries, provide bonuses, provide additional pay for certain positions, or hire additional staff. For the current year, however, the ORPC has two vacant positions that the agency has already advertised, posted, and received applications for review. Considering the current budget crisis, the agency has intentionally delayed hiring for these positions.

Current FY 2024-25 Funded FTE and Actual FTE By Classification				
Classification	FTE Allocated	Active FTE	Vacancies	Vacancy Rate
Executive Director	1.0	1.0	0.0	0.0%
Executive Management	3.0	3.0	0.0	0.0%
Attorney Staff	6.0	5.0	1.0	16.7%
Professional Staff	4.0	4.0	0.0	0.0%
Administrative & Accounting Staff	5.9	5.0	0.9	15%
ORPC Totals FY2024-25	19.9	18	1.9	9.5%

- 4 Please provide the same information as Question #3 for FYs 2022-23 and FY 2023-24. Use the attached Template C to populate these data. Please return the data in editable Excel.

Because the ORPC has relatively few FTE, there have been times when the ORPC has not been able to fill vacant positions immediately, which resulted in either underspending in the Personal Services appropriation or spending to contract with temporary support to complete a project or task while working to fill a vacant FTE. In some years, unspent funds were reverted or

transferred to other appropriations as permitted by the agency's transfer authority, which is necessary due to the small size of the agency and the unpredictable nature of expenses for court appointed and mandated counsel. In other years, transfers were made to Personal Services from other appropriations to prevent the Personal Services appropriation from being over expended.

FY 2022-23 Funded FTE and Actual FTE By Classification				
Classification	FTE Allocated	Active FTE	Vacancies	Vacancy Rate
Executive Director	1.0	1.0	0.0	0.0%
Executive Management	2.0	2.1	(0.1)	-5.0%
Attorney Staff	6.0	4.6	1.4	23.3%
Professional Staff	3.0	2.7	0.3	10.0%
Administrative & Accounting Staff	4.0	4.0	0.0	0.0%
ORPC TOTALS FY2022-23	16	14.4	1.6	10%

FY 2023-24 Funded FTE and Actual FTE By Classification				
Classification	FTE Allocated	Active FTE	Vacancies	Vacancy Rate
Executive Director	1.0	1.0	0.0	0.0%
Executive Management	3.0	3.4	(0.4)	-13.3%
Attorney Staff	6.0	5.0	1.0	16.7%
Professional Staff	4.0	3.0	1.0	25.0%
Administrative & Accounting Staff	5.0	5.0	0.0	0%
ORPC TOTALS FY2023-24	19	17.4	1.6	8.4%

- 5 For FYs 2022-23 and 2023-24, please provide, in editable Excel format, department-wide spending totals for each of the following object codes, by fund source.
 - a Object Code 1130: Statutory Personnel & Payroll System Overtime Wages
 - b Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages
 - c Object Code 1140: Statutory Personnel & Payroll System Annual Leave Payments
 - d Object Code 1141: Statutory Personnel & Payroll System Sick Leave Payments
 - e Object Code 1340: Employee Cash Incentive Awards
 - f Object Code 1350: Employee Non-Cash Incentive Award
 - g Object Code 1370: Employee Commission Incentive Pay
 - h Object Codes 1510, 1511, 1512: Health, Life, and Dental Insurance
 - i Object Code 1524: PERA – AED
 - j Object Code 1525: PERA - SAED
 - k Object Code 1531: Higher Education Tuition reimbursement

		Fiscal Year Exepnditures		
Object Code	Object Code Name	2023	2024	2025 (payroll as of October)
1130*	Employee Overtime Wages	-	-	-
1131*	Employee Shift Differential Wages	-	-	-
1140*	Employee Annual Leave Payments	-	-	-
1141*	Employee Sick Leave Payments	-	-	-
1230* (instead of 1130)	Contractual Employee Overtime Wages	-	-	-
1231* (instead of 1131)	Contractual Employee Shift Differential Wages	-	-	-
1240* (instead of 1140)	Contractual Employee Annual Leave Payments	45,301.25	30,062.84	-
1241* (instead of 1141)	Contractual Employee Sick Leave Payments	-	-	-
1340	Employee Cash Incentive Awards	-	-	-
1350	Employee Non-Cash Incentive Awards	-	-	-
1370	Employee Commission Incentive Pay	-	-	-
1510	Dental Insurance	9,348.86	11,071.19	4,533.28
1511	Health Insurance	207,204.26	264,362.80	103,167.52
1512	Life Insurance	1,515.48	1,796.15	639.36
1524	PERA - AED	93,461.78	113,575.00	38,546.29
1525	PERA - SAED	93,461.78	113,575.00	38,546.29
1531	Higher Education Tuition reimbursement	-	-	-

*ORPC's payroll is processed by Judicial SCAO another department as a service to our department. In order for Judicial to differentiate between its own employees and other department employees whom they process payroll for they utilize different pay codes in the payroll system. This results in ORPC employees being paid from object code 1210, and thus associated pay object codes are coded to the 12XX series object codes instead of the 11XX series. For this request, the ORPC pulled expenses for the requested object codes 1130 - 1141 from the related object codes of 1230 - 1241 instead to better reflect the intent of the request.

- 6 For the latest month for which the data are available, please provide, in editable Excel format, department-wide FY 2024-25 year-to-date spending totals for each of the following object codes, by fund source.
 - a Object Code 1130: Statutory Personnel & Payroll System Overtime Wages
 - b Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages
 - c Object Code 1140: Statutory Personnel & Payroll System Annual Leave Payments
 - d Object Code 1141: Statutory Personnel & Payroll System Sick Leave Payments
 - e Object Code 1340: Employee Cash Incentive Awards
 - f Object Code 1350: Employee Non-Cash Incentive Award
 - g Object Code 1370: Employee Commission Incentive Pay
 - h Object Codes 1510, 1511, 1512: Health, Life, and Dental Insurance
 - i Object Code 1524: PERA – AED
 - j Object Code 1525: PERA-SAED
 - k Object Code 1531: Higher Education Tuition reimbursement

		Fiscal Year Exepnditures		
Object Code	Object Code Name	2023	2024	2025 (payroll as of October)
1130*	Employee Overtime Wages	-	-	-
1131*	Employee Shift Differential Wages	-	-	-
1140*	Employee Annual Leave Payments	-	-	-
1141*	Employee Sick Leave Payments	-	-	-
1230* (instead of 1130)	Contractual Employee Overtime Wages	-	-	-
1231* (instead of 1131)	Contractual Employee Shift Differential Wages	-	-	-
1240* (instead of 1140)	Contractual Employee Annual Leave Payments	45,301.25	30,062.84	-
1241* (instead of 1141)	Contractual Employee Sick Leave Payments	-	-	-
1340	Employee Cash Incentive Awards	-	-	-
1350	Employee Non-Cash Incentive Awards	-	-	-
1370	Employee Commission Incentive Pay	-	-	-
1510	Dental Insurance	9,348.86	11,071.19	4,533.28
1511	Health Insurance	207,204.26	264,362.80	103,167.52
1512	Life Insurance	1,515.48	1,796.15	639.36
1524	PERA - AED	93,461.78	113,575.00	38,546.29
1525	PERA - SAED	93,461.78	113,575.00	38,546.29
1531	Higher Education Tuition reimbursement	-	-	-

*ORPC's payroll is processed by Judicial SCAO another department as a service to our department. In order for Judicial to differentiate between its own employees and other department employees whom they process payroll for they utilize different pay codes in the payroll system. This results in ORPC employees being paid from object code 1210, and thus associated pay object codes are coded to the 12XX series object codes instead of the 11XX series. For this request, the ORPC pulled expenses for the requested object codes 1130 - 1141 from the related object codes of 1230 - 1241 instead to better reflect the intent of the request.

- 7 For FYs 2022-23 and 2023-24, please provide department-wide spending totals for each of the following object codes, by fund source.
 - a Object Code 1100: Total Contract Services (Purchased Personal Services)
 - b Object Code 1210: Contractual Employee Regular Part-Time Wages
 - c Object Code 1211: Contractual Employee Regular Full-Time Wages
 - d Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages
 - e Object Code 1240: Contractual Employee Annual Leave Payments
 - f Object Code 1622: Contractual Employee PERA
 - g Object Code 1624: Contractual Employee Pera AED
 - h Object Code 1625: Contractual Employee Pera - Supplemental AED
 - i Object Code 1910: Personal Services – Temporary
 - j Object Code 1920: Personal Services – Professional
 - k Object Code 1940: Personal Services – Medical Services
 - l Object Code 1950: Personal Services - Other State Departments
 - m Object Code 1960: Personal Services – Information Technology

					Fiscal Year Expenditures		
Long Bill Line	Fund Source	Appropriation	Object Code	Object Code Name	2023	2024	2025 (payroll as of October)
ORPC PERSONAL SERVICES	General Fund	JGFOAPERS	1210*	Contractual Employee Regular Full-Time Wages	1,770,216.08	2,081,447.67	779,142.24
ORPC PERSONAL SERVICES	General Fund	JGFOAPERS	1221*	Contractual Employee Temporary Part-Time Wages	-	198,680.00	-
ORPC PERSONAL SERVICES	General Fund	JGFOAPERS	1240*	Contractual Employee Annual Leave Payments	45,301.25	30,062.84	-
ORPC PERSONAL SERVICES	General Fund	JGFOAPERS	1920	Personal Services - Professional	34,725.00	90,000.00	10,000.00
ORPC PERSONAL SERVICES	General Fund	JGFOAPERS	1960	Personal Services - Information Technology	41,431.25	42,781.25	-
ORPC PERSONAL SERVICES	Reappropriated Funds	JRFOAPERS	1910	Personal Services - Temporary	38,224.99	7,007.52	-
ORPC PERSONAL SERVICES	Reappropriated Funds	JRFOAPERS	1920	Personal Services - Professional	9,725.00	79,953.79	1,750.00
ORPC OPERATING	General Fund	JGFOBOPER	1920	Personal Services - Professional	-	12,000.00	5,000.00
ORPC OPERATING	General Fund	JGFOBOPER	1960	Personal Services - Information Technology	-	-	14,340.00
ORPC OPERATING	Reappropriated Funds	JRFOBOPER	1960	Personal Services - Information Technology	-	-	6,968.75
ORPC Training	Cash Funds	JCFOFTRNG	1920	Personal Services - Professional	100.70	-	-
ORPC Training	General Fund	JGFOFTRNG	1920	Personal Services - Professional	-	(10,188.00)	-
ORPC Training	Reappropriated Funds	JRFOFTRNG	1920	Personal Services - Professional	-	584.00	-
ORPC GRANTS	Reappropriated Funds	JRFOICIP4	1920	Personal Services - Professional	-	1,250.00	-
Court Appointed Counsel	General Fund	JGFOGCACS	1622**	Contractual Employee PERA	1,056.14	69.88	797.33
Court Appointed Counsel	General Fund	JGFOGCACS	1624**	Contractual Employee PERA-AED	458.05	30.20	343.35
Court Appointed Counsel	General Fund	JGFOGCACS	1625**	Contractual Employee Pera - Supplemental AED	458.05	30.20	343.35
Court Appointed Counsel	General Fund	JGFOGCACS	1920	Personal Services - Professional	-	(2,605.40)	-
Mandated Costs	General Fund	JGFOHMAND	1622**	Contractual Employee PERA	1,746.00	874.71	837.90
Mandated Costs	General Fund	JGFOHMAND	1624**	Contractual Employee PERA-AED	757.60	377.65	360.85
Mandated Costs	General Fund	JGFOHMAND	1625**	Contractual Employee Pera - Supplemental AED	757.60	377.65	360.85
Mandated Costs	General Fund	JGFOHMAND	1920	Personal Services - Professional	-	1,500.00	-
Title IV-E Legal Representation	Reappropriated Funds	JRFOJIVEE	1622**	Contractual Employee PERA	20.82	-	-
Title IV-E Legal Representation	Reappropriated Funds	JRFOJIVEE	1624**	Contractual Employee PERA-AED	9.00	-	-
Title IV-E Legal Representation	Reappropriated Funds	JRFOJIVEE	1625**	Contractual Employee Pera - Supplemental AED	9.00	-	-
Title IV-E Legal Representation	Reappropriated Funds	JRFOJIVEE	1920	Personal Services - Professional	12,500.00	43,579.00	-
Title IV-E Legal Representation	Reappropriated Funds	JRFOJIVEE	1960	Personal Services - Information Technology	13,750.00	35,000.00	-

*ORPC's payroll is processed by Judicial SCAO another department as a service to our department. In order for Judicial to differentiate between its own employees and other department employees whom they process payroll for they utilize different pay codes in the payroll system. This results in ORPC regular employees being paid from object code 1210, and ORPC temporary employees being paid from 1221 and thus associated pay object codes are coded to the 12XX series object codes instead of the 11XX series. For this request, the ORPC pulled the expenses for the requested object code 1210 & 1240 however, the value returned for these codes represent actual employee expenses and not contractual employees as would have been expected per the intent of the request. In addition, the names accompanying object codes 1210 and 1211 in the request are incorrectly stated as "1210: Contractual Employee Regular Part-Time Wages" and "1211: Contractual Employee Regular Full-Time Wages", instead the correct names for these object codes are "1210: Contractual Employee Regular Full-Time Wages" and "1211: XXXX". And the Object code 1221 Contractual Employee Temporary Part-Time Wages was left out of the request but we added this code into the request as this code appears to include data relevant to the other codes selected.

**Although ORPC's employee are paid from Contractual Employee object codes from the 12XX series their related PERA contributions are recorded in object codes 1522, 1524 & 1525 representing employee contributions into PERA instead of object codes 1622, 1624 & 1625 which represent Contractual Employee contributions into PERA. This is brought up because it appears that the intent of this request is to show the correlation between contractual employee expense paid in 12XX series object codes and the related PERA contributions, but that correlation does not exist with the financial data for our Department. Instead the PERA contributions for the 12XX object code expenses can be seen in object codes 1522, 1524 and 1525 as seen in the below table. For the ORPC the expenses posted to 1622, 1624 and 1625 are related to PERA contributions applied to payments made to vendor that are PERA retirees. in object codes in the 19XX series. These PERA contribution payments are made as part of an automated monthly Statewide process that is activated when disbursement is made to a vendor that is a PERA retiree and the vendor is identified as such in the State's Accounting system (CORE). Typically, these originating disbursements post to the 19XX series object codes.

Long Bill Line	Fund Source	Appropriation	Object Code	Object Code Name	2023	2024	2025 (payroll as of October)
ORPC PERSONAL SERVICES	General Fund	JGFOAPERS	1520	Statutory Personnel & Payroll System FICA-Medicare Contrib.	27,040.98	32,758.03	11,110.41
ORPC PERSONAL SERVICES	General Fund	JGFOAPERS	1522	Statutory Personnel & Payroll System PERA	215,700.87	263,272.96	89,504.58
ORPC PERSONAL SERVICES	General Fund	JGFOAPERS	1524	Statutory Personnel & Payroll System PERA - AED	93,461.78	113,575.00	38,546.29
ORPC PERSONAL SERVICES	General Fund	JGFOAPERS	1525	Statutory Personnel & Payroll System Pera - Supplemental AED	93,461.78	113,575.00	38,546.29

8 Please provide a table showing both allocated and actual FTE for each Division within the Department from FY 2018-19 through FY 2023-24.

The ORPC has relatively few FTE and a single vacancy has a large impact on the workloads of remaining staff. Please see ORPC's written response for questions 3 and 4 above.

Trend Information: Funded FTE and Actual FTE		
Fiscal Year	Funded FTE*	Actual FTE
2018-19	10.0	9.2
2019-20	13.0	12.8
2020-21	14.0	11.9
2021-22	14.0	13.3
2022-23	16.1	14.4
2023-24	19.0	17.4

* "Funded FTE" equals the number of full time equivalent positions specified in the annual Long Bill or in appropriation clauses in other acts. These FTE figures reflect the number of positions that correspond to the amounts appropriated.

- 9 Please discuss how the Department would absorb base personal services reductions of the following amounts: 1.0 percent, 3.0 percent, and 5.0 percent. How would those reductions impact the departments operations and core mission?

ORPC response: The ORPC anticipates that 1% base personal services reduction would be \$29,631. The majority of the ORPC's budget (90%) is allocated for items required by statute, such as attorney services and mandated court costs (e.g. interpreters, discovery, expert witnesses, transcripts). The remaining 10% of the budget is used to fund office operations. Based on the feedback provided by the JBC and the JBC Analyst during the 2024 Legislative Session, the ORPC took steps to reduce its operating expenditure for the current fiscal year. The agency therefore believes that a 1% reduction is absorbable utilizing current cost saving measures and, if needed, existing transfer authority.

However, a 3% base personal services reduction (\$88,894) and a 5% reduction (\$148,157) would not be absorbable by the agency using the above measures. These reductions would require a change in funding source or a reduction in FTE, which would negatively impact services offered by the ORPC. Each option is discussed below.

FTE Reduction

A reduction in staff would further erode the agency's ability to provide oversight, training, and support to the over 250 contractors around the state who provide direct services to thousands of indigent parents. The reduction would negatively impact the ORPC's ability to review contractor and vendor billing and pay for the services of ORPC contractors and other individuals and small business owners who provide services to parents, including interpreters, transcriptionists, expert witnesses, and investigators. The current staff attorney to respondent parents' counsel (RPC) ratio is about one staff attorney for every 33 RPC, so losing one staff attorney position would impede effective levels of support for contractors. Allowing the agency to utilize available federal funding to achieve a 3 to 5% reduction in General Fund

appropriations to personal services would allow the agency to maintain its current level of service and oversight and ensure the agency can continue to draw down and earn federal revenue. If the JBC must choose to reduce FTE across agencies in this tight economic year, the ORPC respectfully requests the opportunity to work with its Analyst to determine how best to effectuate this reduction.

Funding Source

The ORPC's budget is currently funded using a combination of federal Title IV-E Reappropriated Fund (11%) and General Fund (89%) appropriations. A discussion of the ORPC's work to draw down federal Title IV-E Legal Representation dollars can be found in the [ORPC's FY 2025-26 budget request starting on page 63](#). The ORPC proposes managing a 3% or 5% base Personal Services reduction by requesting JBC approval for refinancing from the ORPC's existing Title IV-E Reappropriated Fund. When considering refinancing from the Title IV-E Reappropriated Fund, the JBC should be guided by the laws and limitations governing use of Title IV-E funding including:

- Federal reimbursements are deposited in the Title IV-E Administrative Costs Cash Fund, which was created in C.R.S. § 26-2-102.5(3)(b)(I) and governs disbursement of funds directly to the ORPC or the Office of the Child's Representative, respectively.
- The ability for states to draw down federal revenue for the costs of legal representation for parents of Title IV-E eligible children was created by a policy change in 2019 and codified into Federal rule in 2024, available at 45 C.F.R. § 1356.60(4)(ii). The costs of legal representation for parents are funded through the Court Appointed Counsel and Mandated Costs, so General Fund expenses in these line items can be used to generate federal revenue.
- Eligible funds for the federal draw must originate from state General Fund dollars, meaning that replacing ORPC General Fund with Title IV-E dollars in either the Court Appointed Counsel or Mandated Costs line will reduce the state's ability to maximize federal revenue.
- The JBC analyst that originally established the ORPC's line item for Title IV-E Reappropriated Fund cautioned the JBC about the need to maintain a reserve in the Cash Fund. Availability of and long-term sustainability of Title IV-E Reappropriated Funds are vulnerable to changes in federal law, policy, or administration.

Starting in FY 2020-21, the ORPC received funding for one staff attorney position using the Title IV-E Reappropriated Fund line in its personal services line item, and that funding has continued for 1.0 FTE at \$179,343 in the current fiscal year. Last year, the ORPC requested that a new FTE position be funded through Title IV-E, but the JBC instead funded a position through General

Fund. Allowing the ORPC to increase its spending authority from the Title IV-E Reappropriated Fund to manage a base personal services reduction would also bring the ORPC in line with the budget structure of the Office of the Child's Representative (OCR). The OCR currently utilizes spending authority for \$478,533 dollars of IV-E Reappropriated Fund for its personal services line for the current fiscal year, and new positions requested by OCR since FY 2020-21 have often been funded by the JBC using Title IV-E dollars.

Based on an estimate of the ORPC's future anticipated draw down of federal Title IV-E Reappropriated funds and planned expenditures over time, the ORPC anticipates that shifting a percentage of 3% or 5% of its personal services appropriation from General Fund to Reappropriated Fund would be manageable. Please also see ORPC's written response to the "Common Questions for Discussion at Department Hearings," question 4 on options to reduce General Fund appropriations by refinancing with Title IV-E funds.

Finally, the ORPC believes it is necessary and prudent to maintain a balance of funds from year to year in its Title IV-E Administrative Costs Cash Fund in case the federal government decides to change the rule and limit access to these funds. In this event, the ORPC would need additional time to find alternate funding options. This is especially important when there is an upcoming change in federal administration.

10 Describe steps the Department is taking to reduce operating expenditures for FY 2025-26.

The ORPC has a comparatively small operating budget but continues to evaluate ways to reduce expenditures. The majority of the ORPC's budget (90%) is allocated for items required by statute while the remaining 10% of the budget is used to fund office operations. Options the agency is considering or has already implemented include:

- **Reducing Westlaw Services:** Since its inception in 2016, the ORPC has provided contract attorneys with access to Westlaw, a leading legal research platform. Recognizing the potential for certain Westlaw tools to save time and reduce costs, the agency initially negotiated their inclusion in its contract. However, to achieve further cost savings, the ORPC is considering renegotiating its Westlaw contract by eliminating Drafting Assistant, reducing the number of available licenses, or limiting access to the platform.
- **Evaluating and Reducing Software Expenses:** The ORPC uses several subscription-based software applications to improve staff efficiency and productivity. The agency routinely reviews utilization of these tools and recently reduced the number of licenses for underused applications. Additionally, the agency recently leveraged Microsoft Office 365 features to replace other paid subscriptions, such as automatic booking options. The agency cancelled its subscription to Colorado Capitol Watch for

2025. These changes saved the agency over \$2,500 but, unfortunately, savings have been offset by substantial increases in other essential subscriptions, such as DocuSign and Canva. The agency remains committed to streamlining software expenses to avoid the need to request increased operating expenses.

- **Reducing Staff Travel:** The ORPC staff is required to travel across the state to meet its statutory requirements to conduct attorney observations in court, training, and meeting with judicial officers and child welfare stakeholders. The ORPC has reduced approvals for staff travel in the current year and is working to increase efficiencies and limit staff travel to essential functions.
- **Reducing costs associated with in-person events:** The ORPC has reduced expenses for events and meetings by increasing virtual gatherings for staff, the Commission, and contractors, saving on travel, venue, and food costs. When in-person meetings are necessary, staff utilize free meeting spaces when available.
- **Reducing Duplicative Transcript Requests:** Currently, an RPC who appeals a parent's case requests a set of transcripts for the hearings before the district court. If there are two parents appealing, both parents' counsel will request the same transcripts. The agency could develop a procedure for one set of transcripts to be ordered and distributed among the appellate RPC.

- 11 For each operating expenses line item in FY 2023-24, provide a table showing the total appropriation for FY 2023-24 and the total actual expenditures at the end of the third quarter of FY 2023-24.

Appropriation Name	Fiscal Year	Appropriation	Expenditures through Q3	% of Expenditures through Q3	Total FY Expenditures
ORPC Operating Expenses	2022	160,900	78,498	49%	159,171
ORPC Operating Expenses	2023	235,849	114,158	60%	190,398
ORPC Operating Expenses	2024	219,639	132,874	60%	219,631
ORPC Operating Expenses	2025	692,971	N/A	N/A	N/A
ORPC Operating Expenses Requested	2026	392,971	N/A	N/A	N/A

The ORPC's single Operating line funds office operations, but a direct comparison of FY 2023-24 to FY 2024-25 costs is misleading without referencing information below. Individual costs must be evaluated separately to identify savings, as applying across-the-board cuts could unintentionally eliminate funding already planned for FY 2024-25 and optimized through efficiencies outlined in response to question #10 above.

- **Change in Operating Line Budget:** The ORPC went through a substantial refinancing last year which led to a large increase in its Operating line from FY 2023-24 to FY 2024-25 of \$530,000. In FY 2023-24, the Operating line base budget was \$162,971 and additional spending authority resulted in an appropriation of \$219,639. Other items that are now included in the operating line item were paid through Personal Services and the former Title IV-E Legal Representation Line (which has since been dissolved and moved into other line items). However, starting in FY 2024-25, these other items totaling \$530,000 were transferred to the Operating line. This large change to the line and associated categories makes it hard to compare fiscal years without breaking down costs into smaller segments to do a proper analysis.
- **One-Time Costs in Operating Line:** Each fiscal year there is potential for one-time costs essential to operations. In FY 2023-24, one times costs included a compensation study shared with the Office of the Alternate Defense Counsel (OADC) and the Office of the Child’s Representative (OCR), computer equipment due for renewal per lifecycle replacement standards, costs associated with the RFP and design phase of a new billing and data system, and temporary costs associated with office relocation (temporary space, equipment, printers, remote phone changes) resulting from Ralph Carr office property damage occurring in January 2024. FY 2024-25 includes costs associated with the programming of the new contractor billing and data system. These one-time increases were strategically planned to be managed in the budget years in which they occurred.
- **Increasing Costs of Goods and Services Absorbed by the ORPC:** The ORPC continues to face rising costs for goods and services, including subscription services, IT, Westlaw, travel per diem rates, and professional services. Instead of seeking additional funding for its operating line, the ORPC has absorbed these increases by implementing efficiencies outlined in response to question 10.
- **Adjustments to Operations and Process Timing:** The ORPC experienced significant staffing changes last year, including transitions among three CFOs, which caused delays and adjustments in processing. For instance, some recurring monthly expenses were not consistently paid each month, requiring a vendor-specific review to confirm all costs were posted accurately in the first 9 months of the year. Additionally, many costs, such as annual subscriptions and memberships, occur at specific times of the year and must be paid promptly to meet accounting standards. Other timing variances arise from accounting practices, such as accruals, late invoice submissions, and year-end adjustments. As a result, analyzing only the last three months of the fiscal year may not provide an accurate picture of total expenses. In

the last three fiscal years, 50%-60% of costs are posted by the end of Q3, with the remaining 40%-50% posted in Q4.

- 12 Please provide an overview of the department's service efforts. In your response, describe the following:
- a Populations served by the Department
 - b The target populations of the Department's services
 - c Number of people served by the Department
 - d Outcomes measured by the Department
 - e Present and future strategies for collecting customer experience data

ORPC Response

Populations Served and Target Populations

The ORPC supports parents in the fight to preserve families, their dignity, and the constitutional right to parent in Colorado dependency and neglect (D&N) cases. The ORPC represents parents named in D&N petitions filed by county departments of human services and parents in appeals of final orders of D&N cases who meet the Judicial Department's indigency standards. Nine out of ten parents in D&N cases are indigent, so the ORPC provides representation to most parents in D&N cases filed throughout the state. In addition, as part of a pilot program, the ORPC accepts referrals from county departments of human services and other partners to provide limited representation for indigent parents whose children are at risk of being placed in foster care.

Number of People Served by the Department

Since its creation in 2016 through the first quarter of FY 2024-25, the ORPC has represented more than 34,000 indigent parents. Parents of color and parents with disabilities are disproportionately represented within the population that ORPC serves. Nearly half of parents represented by RPC have a disability, though it is estimated that only 24% of the Colorado parent population has a disability. Additionally, parents with disabilities are 225% more likely than parents without disabilities to have their rights terminated. At the same time, disabled parents are 75% less likely than abled parents to reunify with their children. Parents of color are over-represented among the parents that ORPC serves, and parents of color, particularly Black parents, are much more likely to face investigation, substantiation, removal, and termination of parental rights than white parents.

Roughly one in four parents represented by RPC will be incarcerated at some point during their cases, though many parents are only incarcerated for brief periods of time. Many parents experienced foster care themselves as children, and many have complex trauma histories associated with foster care and court systems. Substance use and mental health concerns are the two most common contributing factors in investigation and removal, with the vast majority

of removals and involvement based on neglect, not abuse. While the ORPC represents 90% of the parents involved in D&N cases, only 15% of the Colorado families with children under age 17 live in poverty. The housing crisis and lack of affordable housing have a huge impact on parents served by the ORPC, and it is not uncommon for parents to complete all aspects of their treatment plans but still be unable to find housing.

The ORPC supports over 250 independent contractors, primarily sole practitioners and small business owners, providing services to parents statewide in every judicial district. Additionally, the ORPC processes payments for approximately 171 professionals, including interpreters, experts, investigators, and transcribers.

Data Tracked and Outcomes Measured by the Department

The ORPC measures many outcomes throughout the life of a D&N case, including several data points that are only measured by the ORPC. The agency is currently implementing a new billing system to streamline and collect additional data to improve data-driven decision making. Currently, the agency tracks various metrics, with asterisks indicating data points uniquely measured by the agency:

- Incarceration status of parent*
- Disability status of parent, including the type of disability*
- Disability status of child on pre-filing cases
- ICWA status of parent
- Time spent communicating with clients (and with other participants in the D&N process)*
- Time spent in contested hearings*
- Case outcomes including allocation of parental rights (APR) to parent,*APR to relative/kin,*APR to foster parent,* TPR, and Reunification (which includes case dismissal and return home),
- Parental attendance at final hearing*
- Type of specialty court (family treatment court, safe baby court)*
- Type of appeal (Adjudication, APR, TPR)
- Foster parent intervention*
- Concurrent criminal cases*
- Prior D&N cases
- Custody and placement status before and after shelter hearings

Case outcomes may be the most important indicator of effective representation or success. The agency considers positive outcomes to include case dismissal, remain home, reunification, APR to relative or guardian, and reinstatement of parental rights. Further data points that the ORPC

utilizes as indicators of its effectiveness are the number of days children spend in out-of-home care, whether children are placed with kin or in foster care, placement and custody status before and after shelter hearings, and stability of children remaining at home. Additionally, the agency defines a successful outcome as one that meets the parent's goal on a case. The agency has also worked closely with legislators since the agency's inception to create options for families that allow for and promote ongoing connection, as that is often important to parents and children regardless of case outcomes. For example, the agency initiated H.B. 21-1101, which created an open adoption option, and the agency has been heavily involved in efforts to increase family time and relative and kin placement.

The agency also collaborates with the Colorado Evaluation & Action Lab ("the Colorado Lab") to identify contractor activities that lead to improved outcomes. A recent evaluation by the Colorado Lab found that the ORPC's Interdisciplinary Team (IDT) model is an evidence-based practice, with a "promising" evidence designation, according to House Bill 24-1428. The ORPC believes that some positive outcomes for families are immeasurable, such as the elation a family feels when they are successful.

Strategies for Collecting Customer Experience Data

The ORPC has multiple mechanisms for collecting customer experience data including an annual survey of all contractors, an annual survey of judicial officers and court staff, and routine collection of billing data analyzed through a quarterly billing review process. Additionally, the ORPC is responsible for accepting and responding to contractor complaints originated by parents and the larger child welfare community. The agency's annual [Performance Report \(linked here\)](#), which was recently submitted to the legislature prior to its January 1st deadline, highlights many of the feedback mechanisms employed by the agency as well as additional performance measures tracked by the agency related to the statutory mandates for oversight, recruitment, training, development of practice standards, and provision of resources. These performance measures include:

- Evaluation of renewing contractors and recruitment of new contractors
- Court observations of renewing contractors
- Percentage of Court of Appeal reversals and percentage of appellate attorneys participating in required ORPC appellate training
- Use of expert witnesses and investigators
- Percentage of ORPC cases with interdisciplinary cases and number of interdisciplinary advocates available for appointment
- Training Hours provided and Total Attendees
- Percentage of RPC using case consultations
- Establishing fair compensation rates for RPC

Additionally, Parent interviews and focus groups are key components of both current and past evaluations of the ORPC's programming (the Social Work Pilot Program, the Interdisciplinary Team Model of Legal Representation vs. the Attorney-Only Representation Model, and the Pre-filing Representation Program). The ORPC would like to explore integrating client feedback into contractor renewal decisions and plans to continue its partnership with the Colorado Lab while developing its capacity to evaluate its programs and seek other evaluation opportunities.

- 13 For each TABOR non-exempt cash fund, provide the following information
- a The amount in the cash fund
 - b Total amount of revenue in the fund that would not be transferred
 - c Detailed explanation of why the fund should not be sunset
 - d Statutory reference of the fund creation, specific uses, and legislative history of changes to the fund
 - e Every program funded by the fund
 - f Explanation of how fees to the fund are set and a history of fee changes
 - g The number of people provided service by the programs funded through the cash fund
 - h Any additional information necessary to ensure the Joint Budget Committee can make an informed decision.

The ORPC does not have a TABOR non-exempt cash fund. The ORPC receives reappropriated funds from the Title IV-E Administrative Cost Cash Fund (Fund # 13AC) administered by CDHS. The funds deposited consist solely of federal reimbursement for legal services provided by the ORPC and the Office of the Child's Representative. Since the revenue earned in the cash fund is exclusively made up of federal revenues and associated interest derived from federal revenues, they are not subject to TABOR revenue caps or voter approval requirements, making this a TABOR exempt cash fund through treatment of its revenue source under CRS 24-77-102(17)(b).

- 14 For the Office of the Child Representative, The Office of the Respondent Parents' Counsel, the Office of the Child Protection Ombudsman, and the Bridges program, what do each think of JBC Staff efforts on the Colorado data hub?

As highlighted in the JBC Staff briefing on the Data Hub, the ORPC is actively engaged in ongoing strategic efforts to use evidence-based decision making for budget and policy decisions and utilizes support from the Colorado Evaluation and Action Lab ("the Colorado Lab"). The agency supports collaborative approaches to improve child welfare outcomes. However, the ORPC does not support the creation of a new Colorado Data Hub for the following reasons:

- The ORPC already has data-sharing agreements with Judicial via MOU and public access data requests to acquire D&N data that enable the agency to assess the resource impact of its programs, including its evidence-based Interdisciplinary Team (IDT) model. Additionally, the ORPC collaborates with the Colorado Lab, which recently designated the IDT model as a "promising" practice under House Bill 24-1428. While the ORPC has existing data sharing mechanisms within Judicial, its greater challenge is with securing a data sharing agreement (DSA) with the Colorado

Department of Human Services (CDHS). The ORPC is already engaged in a multi-year process of negotiating with CDHS to obtain a DSA calling for a biannual data exchange, which would be incredibly impactful for the ORPC's analysis efforts. However, CDHS is not included in the Data Hub, which would make the Hub more purposeful, actionable, and valuable. Before allocating resources to a new data hub, the ORPC recommends exploring enhanced data-sharing agreements among existing state agencies.

- The Data Hub appears focused on aligning priorities, strategies, and theories of change among agencies rather than managing or analyzing data directly. The ORPC supports agreements for sharing non-identifiable data but finds the current Linked Information Network of Colorado (LINC) process cumbersome, expensive, and challenging for ongoing evaluation. Moreover, the role of LINC in the Data Hub proposal is undefined.
- The newly established Office of Administrative Services for Independent Agencies (OASIA), which the ORPC has invested significant time in supporting, is still hiring core staff members and initiating its essential legislative mandates. The ORPC would have no objection to coordinated data collection efforts within ASIA if it retains independence in setting priorities and strategies, ensures data-sharing complies with confidentiality rules pursuant to the Rules of Professional Conduct, and involves ORPC staff with expertise in available data and data requesting and sharing processes.

The agency's main concern with the proposal is its scope. Limiting the Data Hub to judicial agencies with distinct constituencies, strategies, and priorities could lead to conflicts and reduce its effectiveness. Legislatively pre-determined goals risk undermining the flexibility needed to respond to emerging data trends and questions. As a cost-conscious alternative, the ORPC suggests the OASIA Board establish a data working group to develop a coordinated plan for a future data hub.

JUDICIAL DEPARTMENT - INDEPENDENT AGENCIES
OFFICE OF BRIDGES OF COLORADO
FY 2025-26 JOINT BUDGET COMMITTEE HEARING AGENDA

Wednesday, December 18, 2024

10:30 am – 11:00 am

10:30-10:42 Office of Bridges of Colorado

Main Presenters:

- Jennifer Turner, Executive Director

Supporting Presenters:

- Robert Jones, Data & Analysis Program Manager

Topics:

- Common Statewide Question 1: not applicable
- Common Questions 2 – 4 for Independent Agencies: Pages 1-3, Questions 2-4 in the packet, Slides A-F

JUDICIAL DEPARTMENT – INDEPENDENT AGENCIES
OFFICE OF BRIDGES OF COLORADO
FY 2025-26 JOINT BUDGET COMMITTEE HEARING

Wednesday, December 18, 2023

9:00 am – 11:00 am

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

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

Not applicable.

COMMON QUESTIONS FOR ALL INDEPENDENT AGENCIES

- 2 *[JBC Staff]* For each agency that receives a General Fund appropriation, discuss potential options to reduce General Fund appropriations in FY 2024-25 or FY 2025-26 and for each:
 - Describe the anticipated impact of the cut; and
 - Whether it is a one-time or ongoing reduction.

In FY 2024-25, Bridges could absorb a one-time personal services reduction of approximately \$1,000,000, plus related benefits, through salary savings, given the unique situation of being in the midst of program expansion. There would be no impact to the program due to this reduction.

In FY 2025-26, Bridges will be fully staffed and could only substantially reduce expenditures through elimination of FTE. With a personal services allocation of \$12,232,107 in FY 2025-26, a 1% reduction would equate to \$123,221 and 2.0 FTE, plus related benefits; a 3% reduction would equate to \$369,663 and 5.0 FTE, plus related benefits; and a 5% reduction would equate to \$616,105 and 8.0 FTE, plus related benefits. Given the acknowledged and documented need behind Bridges' recent expansion and creation of new programming, reduction of FTE would ideally be a one-time reduction, with funding restored and positions rehired in future years. For any length of time, budget reductions would directly impact services to participants and courts in local judicial districts. Reduced FTE would necessitate reduced caseloads per district and would result in fewer individuals being served by Bridges. Specifically, each reduction in FTE represents a reduction of approximately 100 individuals and 200 legal cases served annually. A primary intention of the enabling legislation was to mitigate the critical delay defendants experience in accessing competency services, often leading to significant decompensation of mental health, especially in jail settings. Bridges' legislatively-directed mission to

reduce the disparities in the justice system for individuals with significant mental health and/or behavioral health challenges would be unattainable for those individuals Bridges would no longer be able to serve.

A reduction in FTE could also create a potential and disparate displacement of costs to other organizations. Cost savings from detainment in Colorado's jails are estimated to average \$7,000 per individual, while the cost of one Bridges FTE serving the same individual is approximately \$1,000. Therefore, savings through the Bridges budget could result in exponentially larger increases to county jail expenditures. Bridges services are also designed to reduce the competency waitlist, and with the implementation of HB 24-1355, individuals would be completely diverted from competency services to Bridges services. Any reduction in the Court Liaison Program or the Wraparound Care Program, especially, has the potential to negatively impact costs associated with the competency waitlist, with fines for violations of timeframes ranging from \$100 to \$500 *per day*. Reductions in services also come at a human cost, as Bridges professionals collaborated in 169 mental health crisis interventions and facilitated cross-agency responses that resulted in 94 successful suicide interventions last year.

- 3 *[JBC Staff]* For each agency that receives Title IV-E funding, discuss options to reduce General Fund appropriations in FY 2024-25 or FY 2025-26 by refinancing it with Title IV-E funds and for each:
- Describe any anticipated impacts refinancing may have; and
 - Whether it is a one-time or ongoing refinancing.

Not applicable.

- 4 *[Sen. Kirkmeyer]* Discuss the growth in FTE at each Independent Agency since FY 2019-20, describe:
- The reason for the growth; and
 - how client outcomes have changed over the period.

Bridges was established through SB 18-251 as a program within the State Court Administrator's Office. In FY 2019-20, there were 30 team members serving 22 Judicial Districts, including 1.0 FTE statewide coordinator and 29 court liaisons provided through contracts with various behavioral health agencies statewide. In FY 2020-21, 1.0 FTE was added to the administrative team to support the operations and training needs of the program, for which demand was growing rapidly in the districts. In FY 2022-23, a 1.0 FTE clinical specialist position was added to support the clinical staffing needs of court liaisons. Throughout these years, eight court liaison positions were also converted from contracts through agencies to FTE when agencies were no longer able to provide services. By the end of FY 2022-23, Bridges was comprised of 32 team members, including 11.0 FTE and 21 court liaisons provided through contracts with behavioral health agencies.

Due to the success of the program, the courts' rapidly increasing need for services, and the fact that Bridges was serving only 35% of the competency population prioritized through legislation, SB 23-229 was passed and allowed for Bridges' transition to an independent agency. Through FY 2023-24, Bridges was allocated to expand to 65.0 FTE and 99.0 FTE by the end of FY 2024-25. Legislation in 2024 established two new programs within the Office, the Bridges Wraparound Care Program and the Psychological Assessment Team. Each program adds 7.0 FTE to the Office in FY 2024-25, bringing total FTE by the end of the fiscal year to 113.

The most significant change in client outcomes over the years has been a 57% increase in the annual number of participants served, with approximately 8,000 individuals served since the program's

inception. It is important to note that this expansion in services took place before new court liaison positions were added to the team. FY 2023-24 will be the last fiscal year in which Bridges served the state with 29 court liaisons. With a not yet fully-staffed team, Bridges is already on trend to serve 8,039 new legal cases and 3,657 total participants in FY 2024-25, representing a 113% increase since the program's first full year of providing services.

Bridges clients are both its participants and the courts. In FY 2023-24, Bridges provided 17,118 reports to courts to inform judicial decision making and attended approximately half as many hearings. With the support of their liaison, participants on bond connected to approximately 2,501 community-based services, including behavioral health, housing, healthcare, and other social support programs. For participants who enter Bridges while in custody, case planning and identification of more appropriate community-based resources has led to a 47% rate of release from custody, which also removes individuals from the competency fines calculations and increases the likelihood of probation rather than incarceration if they are sentenced. Because expanded court liaison FTE started in July 2024, outcomes related to the FTE increase won't be available until the end of the fiscal year.

QUESTION FOR ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES (ASIA)

Not applicable.

- 5 *[Sen. Amabile and Rep. Bird]* Discuss any history that illuminates the creation of ASIA. What are the anticipated efficiencies or other benefits that will develop as the ASIA program is fully implemented?
- 6 *[JBC Staff]* Provide an update on starting up the Office of Judicial Discipline Ombudsmen.

QUESTIONS FOR ALTERNATE DEFENSE COUNSEL (ADC)

Not applicable.

- 7 *[JBC Staff]* Discuss each of ADC's budget requests.
- 8 *[Sen. Marchman]* Provide details on the contracts that have been given to vendors over the past year.
- 9 *[Sen. Marchman]* How do the billable costs in ADC compare to the Office of the State Public Defender?

OFFICE OF THE CHILD'S REPRESENTATIVE (OCR)

Not applicable.

- 10 *[JBC Staff]* Discuss OCR's budget requests.

QUESTIONS FOR RESPONDENT PARENTS' COUNSEL (ORPC)

Not applicable.

- 11 *[JBC Staff]* Discuss ORPC's budget request.

- 12 *[Rep. Gilchrist]* The Department of Human Services has submitted a budget request for the office that handles appeals in the child welfare system driven by a reorganization. Has the ORPC observed any change in the volume of appeals? Are there fiscal impacts to ORPC being driven by the same reorganization?
- 13 *[Sen. Kirkmeyer]* Discuss the FY 2024-25 refinance of \$5 million General Fund with \$5 million from Title IV-E sources.

QUESTIONS FOR OFFICE OF CHILD PROTECTION OMBUDSMEN (CPO)

Not applicable.

- 14 *[JBC Staff]* Discuss each of CPO's budget requests.
- 15 *[Sen. Marchman]* What type of legislative/policy support do business-owners contracted with the CPO provide? Can the CPO coordinate organizing business-owners to consolidate the necessary funds to hire a contract lobbyist without relying on state funds? Why or why not?
- 16 *[Sen. Amabile]* Please discuss the CPO's recommendation for audio surveillance at secure Division of Youth Services facilities. DYS has proposed belt loop body cameras as the solution. Does CPO have any comments about this proposal and is it sufficient to address the CPO's concerns and recommendations?

QUESTION FOR OFFICE OF PUBLIC GUARDIANSHIP (OPG)

Not applicable.

- 17 *[JBC Staff]* Discuss each of OPG's budget request.

JUDICIAL DEPARTMENT – OFFICE OF BRIDGES OF COLORADO
FY 2025-26 JOINT BUDGET COMMITTEE HEARING
WRITTEN RESPONSES ONLY

Common Questions: Please retain the numbering in order to maintain consistent labeling across departments.

- 1 Provide a list of any legislation with a fiscal impact that the Department has: (a) not implemented, (b) partially implemented, or (c) missed statutory deadlines. Please specifically describe the implementation of ongoing funding established through legislation in the last two legislative sessions. Explain why the Department has not implemented, has only partially implemented, or has missed deadlines for the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

Bridges of Colorado is on schedule with implementation of SB23-229, which established Bridges as an independent office and included an allocation representing 65 FTE by the end of FY 2024-25 and 99 total FTE by the end of FY 2025-26. Ninety-three of the 99 positions are filled, comprised of 72 court liaisons, 12 regional managers, and nine administrative positions. Bridges is actively hiring for the remaining five court liaisons and one administrative team member and will have those positions filled within the next few months.

Through HB24-1355 and the FY 2024-25 Long Bill, Bridges was allocated an additional 14 FTE to implement two new programs, the Wraparound Care Program to support competency diversion efforts, and the Psychological Assessment Team. Five new job descriptions have been completed for these programs, and all 14 positions will post in January 2025, with the goal to have them filled by the end of March 2025. This hiring timeline, together with Bridges concurrent partnership with the State Court Administrator's Office, the Office of the State Public Defender, and the Colorado District Attorney's Council on implementation of HB24-1355 has Bridges poised to meet the April 1, 2025, statutory deadline for HB24-1355 program implementation. While no statutory deadline was established for implementation of the Psychological Assessment Team, allocations were budgeted assuming positions would be filled by October 2024. The Office was unable to meet that timeline, given the need to prioritize the statutory implementation deadline of HB24-1355. However, the hiring related to the Psychological Assessment Team is moving forward and legislative modifications are not necessary.

- 2 Describe General Fund appropriation reductions made in the Department for budget balancing purposes in 2020, and whether the appropriation has been restored with General Fund or another fund source through budget actions or legislation.

While housed in the State Court Administrator's Office, Bridges received an appropriation reduction of 10%. The appropriation was restored through FY2021-22 Decision Item R9 *Behavioral Health Court Liaison Program*.

- 3 Please provide the most current information possible. For all line items with FTE, please show:

- a the number of allocated FTE each job classification in that line item
- b the number of active FTE for each of those job classifications
- c the number of vacant FTE for each of those job classifications
- d the vacancy rate for each of those job classifications

Use the attached Template C to populate these data. Please return the data in editable Excel format.

[Attached.](#)

- 4 Please provide the same information as Question #3 for FYs 2022-23 and FY 2023-24. Use the attached Template C to populate these data. Please return the data in editable Excel.

[Attached.](#)

- 5 For FYs 2022-23 and 2023-24, please provide, in editable Excel format, department-wide spending totals for each of the following object codes, by fund source.

- a Object Code 1130: Statutory Personnel & Payroll System Overtime Wages
- b Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages
- c Object Code 1140: Statutory Personnel & Payroll System Annual Leave Payments
- d Object Code 1141: Statutory Personnel & Payroll System Sick Leave Payments
- e Object Code 1340: Employee Cash Incentive Awards
- f Object Code 1350: Employee Non-Cash Incentive Award
- g Object Code 1370: Employee Commission Incentive Pay
- h Object Codes 1510, 1511, 1512: Health, Life, and Dental Insurance
- i Object Code 1524: PERA – AED
- j Object Code 1525: PERA - SAED
- k Object Code 1531: Higher Education Tuition reimbursement

[Attached.](#)

- 6 For the latest month for which the data are available, please provide, in editable Excel format, department-wide FY 2024-25 year-to-date spending totals for each of the following object codes, by fund source.

- a Object Code 1130: Statutory Personnel & Payroll System Overtime Wages
- b Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages
- c Object Code 1140: Statutory Personnel & Payroll System Annual Leave Payments
- d Object Code 1141: Statutory Personnel & Payroll System Sick Leave Payments
- e Object Code 1340: Employee Cash Incentive Awards
- f Object Code 1350: Employee Non-Cash Incentive Award
- g Object Code 1370: Employee Commission Incentive Pay
- h Object Codes 1510, 1511, 1512: Health, Life, and Dental Insurance
- i Object Code 1524: PERA – AED
- j Object Code 1525: PERA-SAED
- k Object Code 1531: Higher Education Tuition reimbursement

[Attached.](#)

- 7 For FYs 2022-23 and 2023-24, please provide department-wide spending totals for each of the following object codes, by fund source.

- a Object Code 1100: Total Contract Services (Purchased Personal Services)
- b Object Code 1210: Contractual Employee Regular Part-Time Wages
- c Object Code 1211: Contractual Employee Regular Full-Time Wages
- d Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages
- e Object Code 1240: Contractual Employee Annual Leave Payments
- f Object Code 1622: Contractual Employee PERA
- g Object Code 1624: Contractual Employee Pera AED
- h Object Code 1625: Contractual Employee Pera - Supplemental AED
- i Object Code 1910: Personal Services – Temporary
- j Object Code 1920: Personal Services – Professional
- k Object Code 1940: Personal Services – Medical Services
- l Object Code 1950: Personal Services - Other State Departments
- m Object Code 1960: Personal Services – Information Technology

Attached. Please note that Bridges was one of the Independent Agencies impacted by the inaccurate classification of full-time FTE payroll under Object Code 1210 (Contractual Employee Regular Part-Time Wages).

- 8 Please provide a table showing both allocated and actual FTE for each Division within the Department from FY 2018-19 through FY 2023-24.

Attached. Please note that Bridges was one of the Independent Agencies impacted by the inaccurate classification of full-time FTE payroll under Object Code 1210 (Contractual Employee Regular Part-Time Wages).

- 9 Please discuss how the Department would absorb base personal services reductions of the following amounts: 1.0 percent, 3.0 percent, and 5.0 percent. How would those reductions impact the departments operations and core mission?

In FY 2024-25, Bridges could absorb a personal services reduction of 1.0 percent, 3.0 percent, or 5.0 percent through salary savings, given the unique situation of being in the midst of program expansion.

As a permanent reduction, Bridges would absorb a personal services reduction by eliminating approximately 2.0 FTE, 5.0 FTE, or 8.0 FTE respectively. Reduction of FTE would directly impact services to participants and courts in local judicial districts. Reduced FTE would necessitate reduced caseloads per district and would result in fewer individuals being served by Bridges' programming. Specifically, each reduction in FTE represents a reduction of approximately 100 individuals and 200 legal cases served annually. A primary intention of the enabling legislation was to mitigate the critical delay defendants experience in accessing competency services, often leading to significant decompensation of their mental health, especially in jail settings. Bridges' legislatively-directed mission to reduce the disparities in the justice system for individuals with significant mental health and/or behavioral health challenges would be unattainable for those individuals Bridges would no longer be able to serve.

A reduction in FTE could also create a potential and disparate displacement of costs to other organizations. Cost savings from detainment in Colorado's jails are estimated to average \$7,000 per

individual, while the cost of one Bridges FTE serving the same individual is approximately \$1,000. Therefore, savings through the Bridges budget could result in exponentially larger increases to county jail expenditures. Bridges services are also designed to reduce the competency waitlist, and with the implementation of HB 24-1355, individuals would be completely diverted from competency services to Bridges services. Any reduction in the Court Liaison Program or the Wraparound Care Program, especially, has the potential to negatively impact costs associated with the competency waitlist, with fines for violations of timeframes ranging from \$100 to \$500 *per day*. Reductions in services also come at a human cost, as Bridges professionals collaborated in 169 mental health crisis interventions and facilitated cross-agency responses that resulted in 94 successful suicide interventions last year.

- 10 Describe steps the Department is taking to reduce operating expenditures for FY 2025-26.

Bridges has delayed the acquisition of some capital outlay for new employees, postponed its annual conference, frozen overnight travel and professional development expenditures, and has not purchased any office furnishings or equipment for its central office.

- 11 For each operating expenses line item in FY 2023-24, provide a table showing the total appropriation for FY 2023-24 and the total actual expenditures at the end of the third quarter of FY 2023-24.

Attached.

- 12 Please provide an overview of the department's service efforts. In your response, describe the following:

- a Populations served by the Department
Bridges serves Coloradans in all 23 Judicial Districts who are living with mental and/or behavioral health challenges who encounter criminal justice involvement.
- b The target populations of the Department's services
Bridges is statutorily directed to prioritize individuals for whom the question of competency has been raised.
- c Number of people served by the Department
 - In FY 2023-24, Bridges' team of 29 court liaisons provided services on approximately 4,799 legal cases, 3,108 of which were new, and 1,691 of which were appointed in the previous year.
 - In FY 2023-24, Bridges served 2,715 participants, with 1,758 of those being new appointments and 957 carried over from the previous fiscal year.
 - FY 2023-24 will be the last fiscal year in which Bridges serves the state with 29 court liaisons. With a not yet fully-staffed team, Bridges is already on trend to serve 8,039 legal cases (6,348 new and 1,691 carryover) and 3,657 participants (2,700 new and 975 carryover) participants in FY 2024-25.
- d Outcomes measured by the Department

Informing Judges and Attorneys (FY 2023-24)

 - Liaisons provided **17,118 reports**, informing courts and attorneys of participants' individual needs, available services, and case planning for release from custody.

Referrals and Crisis Interventions (FY 2023-24)

 - With the support of their liaison, participants on bond connected to approximately **2,501 community-based services**.
 - Of the referrals, **53% were to behavioral health services, and 47% were to other support services**, such as housing, social support programs, and

healthcare.

- Court Liaisons collaborated in **169 mental health crisis interventions** and facilitated cross-agency responses that resulted in **94 successful suicide interventions**.

Custody Status (FY 2023-24)

- Of the **1,758 participants entering the program in FY24, 55% were in custody and 45% were on bond** in the community.
 - For the **1,107 participants whose cases closed in FY24, 29% remained in custody while 71% were in the community**. Ultimately, these outcomes indicate **up to a 47% rate of release** for participants who enter the program while in custody, a 10% increase over the previous year.
- e Present and future strategies for collecting customer experience data
- Bridges developed a customer experience survey through consultation with the National Center on State Courts (NCSC). The survey will be implemented in FY 2024-25, once the team is fully staffed, and will be administered on a regular basis to all participants during their participation in Bridges' programs. Bridges also has a Lived Experience Advisory Council, which meets monthly to provide ongoing input on Bridges programming and welcomed its first former participant in 2024.
- 13 For each TABOR non-exempt cash fund, provide the following information
- a The amount in the cash fund
 - b Total amount of revenue in the fund that would not be transferred
 - c Detailed explanation of why the fund should not be sunset
 - d Statutory reference of the fund creation, specific uses, and legislative history of changes to the fund
 - e Every program funded by the fund
 - f Explanation of how fees to the fund are set and a history of fee changes
 - g The number of people provided service by the programs funded through the cash fund
 - h Any additional information necessary to ensure the Joint Budget Committee can make an informed decision.

Not applicable.

- 14 For the Office of the Child Representative, The Office of the Respondent Parents' Counsel, the Office of the Child Protection Ombudsman, and the Bridges program, what do each think of JBC Staff efforts on the Colorado data hub?

Bridges of Colorado supports the creation of a data hub for justice agencies as described on pages 56-63 of the JBC staff briefing for the Judicial Department. A data hub would enable Bridges to better evaluate and target services for participants as it would provide access to data points from other justice agencies that provide a fuller picture of longitudinal and cross-systems outcomes. It would also enable Bridges to provide to the JBC a more comprehensive picture of the long-term success of participants even after their interaction with Bridges has concluded.

The vendor identified to create the justice agency data hub is the Colorado Evaluation and Action Lab (Colorado Lab). Bridges is discussing with the Colorado Lab FY 2024-25 work where the Lab would develop an evaluation design with Bridges, including partnering to identify data points that should be collected through Bridges' new case management system to support the data hub, and to support a multi-year, longitudinal study on the outcomes of Bridges services. Colorado Labs has presented a scope

of work to Bridges, estimating the cost of the initial design phase of an evaluation to be \$50,000. Even if a data hub is not created, Bridges will still require this evaluation design to perform a longitudinal study on outcomes and plans to cover the cost directly through a pending budget-neutral adjustment request.

Funding for creation and maintenance of the data hub in FY 2025-26 and subsequent fiscal years would be shared by independent agencies and potentially the State Court Administrator's Office (SCAO). Bridges anticipates being able to contribute its portion of the funding (currently estimated at \$100,000) in future fiscal years through the same budget-neutral adjustment request. The specific work to be performed and funded would be determined through conversations with The Colorado Lab, SCAO, and other independent agencies.

- 15 For the Bridges program, can any feedback from the counties be shared to help illustrate how the Bridges program is being received at local levels?

Court partners throughout the state routinely express gratitude that Bridges exists and is valuable in informing courts, supporting participants and keeping everyone connected. Examples include:

A 4th Judicial District judge expressed enthusiasm and gratitude for the work Bridges is doing in El Paso and Teller counties. The judge highlighted the significance of this work in getting individuals connected to appropriate services, connecting resources, reducing silos, and conveyed excitement about the future impact that expansion will have on the community.

In the 14th Judicial District, the Bridges liaison received feedback from separate bench and bar sessions about being an enormous asset to the district. Judges and attorneys spoke to the liaison's ability to find resources and connect participants to residential treatment programs, the liaison's dedication to participants, and how the liaison could be counted on to improve difficult situations and provide meaningful intervention.

In the 16th Judicial District, court partners recognized the instrumental role a liaison made in identifying a participant rapidly decomensating in the county jail and informing the court to get the participant transferred to a hospital for critical intervention and care.

A forensic navigator on the Western Slope expressed appreciation for working with Bridges and sees the great strength in both roles working together to meet the needs of the clients and communities of rural Colorado, noting that court liaisons are an important piece to the equation of competency success.

Bridges staff are sought after to serve on statewide workgroups and committees throughout the state. Through collaborations like this, solutions to ongoing challenges are identified.

Judicial districts across Colorado consistently provide feedback that the Participant Services Fund has addressed immediate and fundamental needs of participants to prevent crisis situations.

Rural districts have higher rates of general mental health caseloads, inferring that court liaisons are a key intervention to support participants in communities that lack resources.

Media Coverage

- Steamboat Pilot: Liaison program bridges judicial system with mental health services, <https://www.steamboatpilot.com/news/liaison-program-bridges-judicial-system-with-mental-health-services>
- The Gazette (Colorado Springs): Formerly homeless, jailed vet headed home with new coping skills, https://gazette.com/military/bridges-of-colorado-formerly-homeless-jailed-vet-headed-home-with-new-coping-skills/article_8c6dc880-448c-11ef-9b53-83b72bc19f98.html

Awards

- The Arc Pikes Peak Region recognized a Bridges court liaison as the recipient of their 2024 annual award for outstanding work in the community.
- The Bridges Executive Director was recognized by Fox 21 Colorado Springs with an annual award from the station for her work with Bridges.

Testimonials

“Our recidivism rates have decreased because when people are stable in the community and having their behavioral health needs met, they are less likely to continue to commit crimes that result in new charges/cases.” – Judicial Officer

“We have seen a dramatic improvement in case outcomes and management of cases while they are pending. This is demonstrated in a reduction of the number of defendants who fail to appear in court, violate bond conditions or get charged with new crimes while on bond.” – Judicial Officer

“Bridges was my hope in the biggest despairing part of my life. They became my hope when I had lost all hope.” – Participant

“I was in horrible shape. I was suicidal, horribly depressed. My health was poor. [The court liaison] saved me from that. I really appreciate [her], and she made such a difference in where I am now.” – Participant

“Bridges involvement has sometimes resulted in plea agreements that involve shorter jail sentences or community-based sentences focused on rehabilitation. Evidence-based research tells us that rehabilitative sentences result in lower levels of recidivism and in healthier and safer communities.” – Judicial Officer

“I want to extend my appreciation and gratitude for all that you do and all of your help ... I have a much better understanding of the restoration process... and I owe much of this to you!” – Defense Counsel

“The program’s shape has been a work in progress, with many obstacles, requiring devotion to the goals to make it work. You’ve made it work.” – Defense Counsel

“Without Bridges, I wouldn’t be where I’m at. I don’t know how to say that loudly enough.” - Participant

“I appreciate our [Court Liaison] because she is an effective communicator and works hard for her clients, but also can listen and offer suggestions for scenarios discussed in our team meetings.” – Forensic Support Team Member

“I believe the court liaison positions are an integral part of getting patients the help they need and deserve! Thank you for all your hard work to make this possible!” –Community Service Provider

“I plan to express to [the judge] how much your support helped [the participant] make a successful transition. Thanks for everything you do for defendants with mental health challenges.” – Participant Family Member

“Without you and so many others’ help, I don’t think we would have had the same outcome, so THANK YOU!!!!” –Participant Family Member

“Our Bridges liaison program has a fantastic point person, and she is killing it in terms of mental health and recovery services pre-disposition.” –District Attorney

“I have been seeing firsthand how much differently people do with the help of an advocate ... You make a huge difference in our community.” – Community Service Provider

“I cannot tell you enough how much we appreciate your continued advocacy. You are truly a shining light in this system.” – Family of Participant

Office of Bridges Of Colorado

A person is sitting on a rocky cliff edge, looking at a smartphone. The background shows a vast, forested valley under a clear sky. The image is overlaid with a large, thin blue circle and a smaller, thin blue circle. A solid yellow circle is positioned near the center of the smaller blue circle.

REPORT TO THE JOINT BUDGET
COMMITTEE

DECEMBER 18, 2024

C.R.S. Article 95

The vision

All individuals within the criminal justice system are treated fairly and humanely, regardless of their mental or behavioral health challenges.

Our mission

To promote positive outcomes for Coloradans living with mental or behavioral health challenges who encounter criminal justice involvement by fostering collaboration between both systems.

Our values

Person Centered

Solution Focused

Collaborative

SB 23-229

Office of Bridges of Colorado

With the passage of SB 23-229, Bridges was established as an independent agency within Judicial.

Our transition

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

Our client-driven priorities

Infrastructure & Hiring

Care Continuity & Program Fidelity

New Program Implementation

In a series of public meetings held the Summer of 2022, court and community partners identified the need for more court liaisons as the top priority for Bridges.

Infrastructure

- 11-member commission
- 3 advisory councils
- HR management system
- Case management system
- IT equipment, systems, and domain transition
- Learning management system
- Temporary central office

Current Staff

- 72 court liaisons
- 12 regional managers
- 9 administration
- Represents 12 new job classifications
- Represents 81 new hires since January 2024
- 93 total FTE currently

Future Hiring

- 5 court liaison positions
- 1 administration
- 7 wraparound care team FY25
- 10 wraparound care team FY26
- 7 psychological assessment team
- Represents 7 new job classifications
- 123 total FTE by end of FY26

In a series of public meetings held the Summer of 2022, court and community partners also identified the need for continuity of programming and fidelity to the model of care across districts statewide.

Onboarding

- Two days of comprehensive onboarding
- Six sessions of high-level education from legal, clinical, and service equity directors
- Contracted safety training

Regional Managers

- Hands-on, day-to-day training of new employees
- Readiness checklist before beginning direct services
- Individual and group clinical supervision
- Subject matter specialists for statewide consultation

Bridges University

- Individualized professional development through LMS
- Six-month curriculum from legal, clinical, and service equity directors
- Train-the-trainer professional development model, starting with safety training and solution focused case management

We are
innovating

Court and community partners continue to lean into Bridges' role in reducing the need for jail or competency services, both inpatient and outpatient, focusing on long-term stability for participants, increased engagement with community-based services, and reduced involvement with the legal system.

Wraparound Care Program

- Established through HB24-1355
- Diversion from competency to Bridges services
- Some differences in service model
- Statewide implementation beginning April 2025

Psychological Assessment Team

- Funded through 2024 Long Bill
- Assists in-depth identification of need and improved access to benefits
- Provides judicial officers with more information to support decision making
- Pilot implementation beginning early 2025

Participant Services Fund

- Communication = supporting improved engagement
- Transportation = supporting more attendance at services
- Housing = supporting improved mental health outcomes related to housing stability
- Basic needs = helping to prevent crisis situations

JUDICIAL DEPARTMENT - INDEPENDENT AGENCIES
FY 2025-26 JOINT BUDGET COMMITTEE HEARING AGENDA

Wednesday, December 18, 2024

9:00 am – 11:00 am

10:42-10:51 Office of the Child Protection Ombudsmen (CPO)

Main Presenters:

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

Topics:

- Common Statewide Question 1: Page 1-16, Questions 1-13 in the packet, Slides (Not Applicable)
- Common Questions 2 – 4 for Independent Agencies: Page 16, Questions 14-15 in the packet, Slides (Not Applicable)
- Questions for CPO 14-16: Page 17-29, Questions 16-22 in the packet, Slides 2-10

JUDICIAL DEPARTMENT – OFFICE OF THE COLORADO CHILD
PROTECTION OMBUDSMAN

FY 2025-26 JOINT BUDGET COMMITTEE HEARING

WRITTEN RESPONSES ONLY

Common Questions: Please retain the numbering in order to maintain consistent labeling across departments.

- 1 Provide a list of any legislation with a fiscal impact that the Department has: (a) not implemented, (b) partially implemented, or (c) missed statutory deadlines. Please specifically describe the implementation of ongoing funding established through legislation in the last two legislative sessions. Explain why the Department has not implemented, has only partially implemented, or has missed deadlines for the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

OCPO Response to Question 1: Since becoming an independent state agency, the Office of the Colorado Child Protection Ombudsman (OCPO) has experienced fiscal impact associated with four pieces of legislation:

- House Bill 21-1313, Child Protection Ombudsman and Immigrant Children¹
- House Bill 22-1240, Mandatory Reporters
- House Bill 22-1375, Child Residential Treatment and Runaway Youth
- House Bill 24-1046, Child Welfare System Tools

The agency has met all statutory deadlines and requirements in each piece of legislation.

Below is an update regarding the three most recent pieces of legislation.

1. House Bill 22-1375, Child Residential Treatment and Runaway Youth

Background and Summary of Legislation: Timothy Montoya ran away from his residential facility in 2020. The 12-year-old had already experienced nearly a dozen short-term and long-term hospitalizations and stays in residential care facilities. He had complex behavioral health issues, including autism, attention deficit hyperactivity disorder and post-traumatic stress disorder. This contributed to him habitually running away from care. When Timmy ran away in 2020, he was hit and killed by a car.

During the spring of 2021, the OCPO was contacted by a community member who learned about Timmy's death and was concerned that the circumstances leading to his death would not be

¹ The OCPO has completely implemented the program and services outlined in HB 21-1313.

properly examined. The OCPO reviewed the case and ultimately learned that Colorado lacks sufficient infrastructure to deter children and youth from running away from out-of-home placements and to ensure their well-being when they return.

Months later the OCPO started working with members of the Colorado General Assembly, Colorado's residential treatment provider community and other stakeholders to draft legislation aimed at addressing children and youth who run away from out-of-home placement. This work culminated in the creation of House Bill 22-1375.² This legislation created the 22-member Timothy Montoya Task Force to Prevent Children from Running Away from Out-of-Home Placement. This task force was housed within the OCPO. The task force's nine directives included:

- Analyze the root causes of why children run away from out-of-home placement;
- Develop a consistent, prompt and effective response to recover missing children; and
- Address the safety and well-being of a child upon the child's return to out-of-home placement.

Fiscal Impact and Update: The task force convened in September 2022 and met a total of 23 times during the course of 24 months.³ During these meetings, the OCPO facilitated discussions to address the nine directives contained in the legislation, provided in-depth research regarding practices across the country, analyzed Colorado's current regulatory and statutory frameworks that impact these children and brought in national experts and others to aid in the task force's development of recommendations. Ultimately, the task force found there are no standard, statewide systems or programs to address the care of children and youth who run away from care. Additionally, Colorado has no statewide process for collecting information and data regarding why children and youth run away from care, what happens to them while they are gone and what services they are provided after they are located. What data does exist cannot be extracted in a manner that effectively helps demonstrate the scope of the issues or the experiences of children and youth. As such, professionals have been forced to rely on anecdotal evidence when seeking to make reforms. This issue has been compounded by a lack of clarity in the law regarding who is responsible for preventing children and youth from running away from care, for locating them when they leave care and ultimately returning them to safety.

Pursuant to the legislation, the task force was required to submit an interim report on October 1, 2023, and a final report with any recommendations no later than October 1, 2024.⁴ On October 1, 2024, the OCPO published the final report detailing this work. The report contains nine detailed recommendations aimed at developing the programs and services needed to keep

² See House Bill 22-1375: https://leg.colorado.gov/sites/default/files/2022a_1375_signed.pdf

³ Additional information about the Timothy Montoya Task Force to Prevent Children from Running Away From Out-Of-Home Placement – including video recordings and materials – may be found at this link: <https://coloradocpo.org/special-initiative/timothy-montoya-task-force-final-report/>

⁴ See [Timothy Montoya Task Force to Prevent Youth from Running from Out-of-home Placement 2023 Interim Report](#), October 1, 2023

children safe and well cared for. The OCPO is currently working to carry the task force’s recommendations into legislation that will be introduced during the 2025 legislative session.

The task force’s final materials may be accessed below:

- [Timothy Montoya Task Force Interim Report](#)
- [Timothy Montoya Task Force Final Report](#)
- [Executive Summary: Timothy Montoya Task Force Final Report](#)
- [Infographic: Timothy Montoya Task Force Final Report](#)

The OCPO was provided with funds to obtain facilitation services to administer the task force, as well as funds to contract with an institution of higher education to conduct focus groups of children in out-of-home placement and young adults who have aged out of the system.⁵ Pursuant to the legislation, the OCPO entered into an agreement with an institution of higher education to perform the focus group research. That research has been concluded and the final report was submitted to the task force on April 1, 2023.⁶ The OCPO selected the Keystone Policy Group and executed a contract for facilitation services and support for the duration of the task force. Additionally, some of the funds allocated for Fiscal Year 2024-25 were used to secure services to help format and produce the final materials.

The applicable funding was allocated during three fiscal years. The OCPO will not receive any funding for the task force next year.

Fiscal Year	Funding Amount
FY 2022-23	\$99,500
FY 2023-24	\$91,500
FY 2024-25	\$21,458

2. House Bill 22-1240, Mandatory Reporters

Background and Summary of Legislation: Since its inception the OCPO has received dozens of calls from mandatory reporters in Colorado who are unclear regarding the requirements of the state’s mandatory reporting law. These inquiries frequently center on the caller’s desire to comprehend the definition of abuse and neglect, clarify their role as a mandatory reporter and understand the appropriate channels for reporting suspected abuse or neglect. These inquiries, in combination with a series of high-profile cases involving allegations of mandatory reporters failing to fulfill their statutory duty, demonstrated the need for an extensive statutory analysis of Colorado’s mandatory reporting law. Following that review, the OCPO published an issue brief in

⁵ See [LLS 22-0997](#)

⁶ See [Strengthening Connections: Youth and Provider Perspectives on Youth Running from Out-of-Home Placements](#), April 1, 2023

2021, detailing its findings.⁷ The OCPO's review found that the state's mandatory reporters have inconsistent understanding of the state's law, a fragmented system of trainings and a general lack of support and resources for mandatory reporters to capably do the job asked of them – namely to report suspected child abuse and neglect.

Based on these findings, the OCPO issued a recommendation to the Colorado General Assembly to amend the law to create a robust infrastructure that supports the state's mandatory reporters and helps to ensure the safety and well-being of children. As such, legislators worked with the OCPO to introduce House Bill 22-1240, which created the Mandatory Reporter Task Force within the OCPO.⁸ The task force was charged with analyzing mandatory reporting laws and practices and, if appropriate, developing recommendations to improve training requirements and reporting procedures, specifically with regard to the impacts of mandatory reporting on families of color, under resourced communities and people with disabilities. The task force was comprised of 34 members from state agencies, local government and statewide organizations representing different community groups. The OCPO made appointments to the task force from a diverse range of member backgrounds and geographic locations. The task force was required to analyze 19 different directives concerning the state's mandatory reporting law and correlating policies.⁹

Fiscal Impact and Update: The task force convened on December 7, 2022, and met a total of 26 times during the following two years. The task force's discussions largely centered around five themes:

- Recognizing and addressing the disproportionate impacts of mandatory reporting laws and policies;
- Clarifying reporting processes and requirements;
- Creating and requiring mandatory reporting training;
- Addressing requirements for specialized occupations; and
- Reviewing and improving data and information systems.

During its final meeting in November 2024, the task force finalized its recommendations. These recommendations will be released in the task force's final report, which will be published on January 1, 2025. A copy of that report will be provided to the Colorado General Assembly.

With the publication of the final report, the OCPO will have fulfilled all mandates contained in HB 22-1240. Previously released materials and reports may be accessed below:

- [Mandatory Reporting Task Force Interim Report](#)

⁷ See OCPO [Issue Brief – Mandatory Reporters: How Colorado's mandatory reporter law lacks the necessary infrastructure to support those charged with reporting suspected child abuse](#), September 15, 2021.

⁸ See [House Bill 22-1240](#)

⁹ Additional information about the Mandatory Reporting Task Force, including video recordings and materials may be found at this link: <https://coloradocpo.org/special-initiative/mandatory-reporting-task-force/>

- [50-state Mandatory Reporting Database](#)

The OCPO will be working with legislators to move many of the recommendations in the final report into legislation that will be introduced during the 2025 legislative session.

The CPO was provided with funds to obtain facilitation and support services to administer the task force.¹⁰ The applicable funding was allocated during three fiscal years. The OCPO will not receive any funding for the task force next year.

Fiscal Year	Funding Amount
FY 2022-23	\$97,500
FY 2023-24	\$84,000
FY 2024-25	\$65,000

The OCPO selected the Keystone Policy Group and executed a contract for facilitation services and support for the duration of the task force. Additionally, some of the funds allocated for Fiscal Year 2024-25 were used to secure services to help format and produce the final materials.

3. House Bill 24-1046, Child Welfare System Tools

Background and Summary of Legislation: During the June 2023 meeting of the Child Welfare System Interim Study Committee (Committee), the OCPO presented its recommendation that the Colorado General Assembly commission a third-party audit of the state's safety assessment tool to include an analysis of the use, efficacy and reliability of the current safety assessment tool, as well as possible alternative models.

House Bill 24-1046, Child Welfare System Tools, was developed as a result of this recommendation.¹¹ In pertinent part, this bill requires the OCPO to select and contract with a third-party evaluator to conduct an audit of (1) the Colorado Family Safety Assessment; and (2) the Colorado Family Risk Assessment.

The audit of each of these tools has specific criteria that must be assessed by the third-party evaluator.

In conducting the audit of the Colorado Safety Assessment, the third-party evaluator must: (1) Identify tools and resources to ensure the assessment is carried out consistently; (2) Identify gaps and solutions to enable caseworkers to complete the assessment in real time while in the field; (3) Examine the impacts of geography when using the assessment; (4) Examine the impacts of race and ethnicity when using the assessment and how they impact communities that are over-represented in the child welfare system; (5) Evaluate and recommend best practices for

¹⁰ See [LJS 22-0201](#)

¹¹ See [House Bill 24-1046](#)

sharing the assessment with families, legal professionals, and the Judicial Branch; (6) Evaluate and recommend best practices for training on the assessment; (7) Examine the assessment for domestic violence and recommended best practices; (8) Study the inter-rater reliability of the Colorado Family Safety Assessment; and (9) Study the required documentation for the planning and removal of the child from the child's primary caregiver.

In conducting the audit of the Colorado Family Risk Assessment, the third-party evaluator must: (1) Identify tools and resources to ensure the assessment is carried out consistently; (2) Identify gaps and solutions to enable caseworkers to complete the assessment in real time while in the field; (3) Examine the impacts of geography when using the assessment; (4) Examine the impacts of race and ethnicity when using the assessment and how they impact communities that are over-represented in the child welfare system; (5) Evaluate and recommend best practices for sharing the assessment with families, legal professionals, and the Judicial Branch; (6) Evaluate and recommend best practices for training on the assessment; and (7) Examine the assessment for domestic violence and recommended best practices.

The OCPO is required to select a third-party evaluator(s) and execute a contract with that evaluator no later than January 15, 2025. The OCPO must ensure that the third-party evaluator(s) submits a report detailing its audit of the three areas on or before March 1, 2026. The OCPO is also required to ensure the report is submitted to legislators.

Fiscal Impact and Update: The OCPO requested and was provided with two forms of funding to carry out the duties outlined in HB 24-1046.¹²

1. 0.5 FTE to Manage the Contract – The OCPO received a total of \$45,108 for FY 2024-25 and \$30,751 for FY 2025-26 to secure a 0.5 FTE to assist the agency in procuring a third-party vendor and managing the contract with the third-party auditor.

2. Funds to Perform the Required Audit – The OCPO received a total of \$64,284 for FY 2024-25 and \$85,712 for FY 2025-26 to fund the third-party audit of the tools.

Currently, the OCPO has finished soliciting bids for the third-party auditor and is administering a selection committee to select the final vendor. The OCPO is on track to execute a contract with the selected vendor on or before the January 15, 2024, deadline. Additionally, the OCPO has procured the services of an individual to assist in the selection of the vendor and manage the project, as described in the submitted fiscal note. The OCPO has opted to secure this individual through a contract for services, instead of bringing the individual onto the payroll. This was done for two reasons: (1) The OCPO was unable to secure a part-time employee with the necessary experience and expertise at the available salary; (2) Utilizing the services of the contracted vendor will serve as a cost saving measure for the agency. (This is discussed further in Question 10.)

¹² See [LLS 24-0347](#)

- 2 Describe General Fund appropriation reductions made in the Department for budget balancing purposes in 2020, and whether the appropriation has been restored with General Fund or another fund source through budget actions or legislation.

OCPO Response to Question 2: The OCPO's budget allocation for Fiscal Year 2019-20 was \$990,918. For Fiscal Year 2020-21 the OCPO originally requested an additional \$77,749 in additional funding for employee salary increases, continuing education and communications efforts to promote the services of the agency statewide. These increases were granted but were ultimately eliminated due to the economic downturn that resulted from the COVID-19 virus and the need to cut all newly proposed spending. In addition to cutting these areas, the OCPO was asked in May 2020 to find additional money to cut from its budget. As such, the OCPO reduced its budget by \$29,286 – 3 percent – reducing the total agency budget in Fiscal Year 2020-21 from \$990,918 to \$961,637. To achieve this reduction the OCPO evaluated every contract and expenditure of the agency. The OCPO was able to reduce its operating expenditures and personnel services line.

The following is a breakdown of these reductions.

Fiscal Year 2020-21 Reduction One – Staff Reduction

Total savings = \$19,000

Reduction: Client Services Analyst Reduced from 1 FTE to .8 FTE.

Rationale: At the time, the CPO had multiple client services analysts employed to handle cases. Given the available staff the OCPO reduced a new, vacant client services analyst position to .8 FTE. At the time, this position was intended to specialize in cases involving the Division of Youth Services (DYS). As this was a newer position, and area of services for the agency, the agency felt it could reduce the position to .8 FTE. This position was hired as a .8 position.

Current Status: As the caseloads continued to increase, it was clear this analyst needed to carry a full caseload. As a result, the position was made whole the following fiscal year with General Funds and now exists as a full-time client services analyst.

Fiscal Year 2020-21 Reduction Two – Operating Expenses

Reduction = Approximately \$10,000

Rationale: The OCPO reduced costs by restricting the purchase of office supplies, eliminating conferences and other training opportunities, suspending in-person meetings of the OCPO's Advisory Board and required staff to share IT subscriptions, in addition to other reductions.

Current Status: The OCPO's operation budget was restored through an General Fund allocation during Fiscal Year 2023-24.

- 3 Please provide the most current information possible. For all line items with FTE, please show:
 - a the number of allocated FTE each job classification in that line item

OCPO Response to Question 3(a): Please see Appendix C, Tab One (FTE by Linne Item & Job Class)

- b the number of active FTE for each of those job classifications

OCPO Response to Question 3(b): Please see Appendix C, Tab One (FTE by Linne Item & Job Class)

- c the number of vacant FTE for each of those job classifications

OCPO Response to Question 3(c): Please see Appendix C, Tab One (FTE by Linne Item & Job Class)

- d the vacancy rate for each of those job classifications

OCPO Response to Question 3(d): Please see Appendix C, Tab One (FTE by Linne Item & Job Class)

Use the attached Template C to populate these data. Please return the data in editable Excel format.

- 4 Please provide the same information as Question #3 for FYs 2022-23 and FY 2023-24. Use the attached Template C to populate these data. Please return the data in editable Excel.

OCPO Response to Question 4: Please see Appendix C, Tab One (FTE by Linne Item & Job Class)

- 5 For FYs 2022-23 and 2023-24, please provide, in editable Excel format, department-wide spending totals for each of the following object codes, by fund source.

- a Object Code 1130: Statutory Personnel & Payroll System Overtime Wages

OCPO Response to Question 5(a): Please see Appendix C, Tab Two (Object Code Expenditures)

- b Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages

OCPO Response to Question 5(b): Please see Appendix C, Tab Two (Object Code Expenditures)

- c Object Code 1140: Statutory Personnel & Payroll System Annual Leave Payments

OCPO Response to Question 5(c): Please see Appendix C, Tab Two (Object Code Expenditures)

- d Object Code 1141: Statutory Personnel & Payroll System Sick Leave Payments

OCPO Response to Question 5(d): Please see Appendix C, Tab Two (Object Code Expenditures)

- e Object Code 1340: Employee Cash Incentive Awards

OCPO Response to Question 5(e): Please see Appendix C, Tab Two (Object Code Expenditures)

f Object Code 1350: Employee Non-Cash Incentive Award

OCPO Response to Question 5(f): Please see Appendix C, Tab Two (Object Code Expenditures)

g Object Code 1370: Employee Commission Incentive Pay

OCPO Response to Question 5(g): Please see Appendix C, Tab Two (Object Code Expenditures)

h Object Codes 1510, 1511, 1512: Health, Life, and Dental Insurance

OCPO Response to Question 5(h): Please see Appendix C, Tab Two (Object Code Expenditures)

i Object Code 1524: PERA – AED

OCPO Response to Question 5(i): Please see Appendix C, Tab Two (Object Code Expenditures)

j Object Code 1525: PERA – SAED

OCPO Response to Question 5(j): Please see Appendix C, Tab Two (Object Code Expenditures)

k Object Code 1531: Higher Education Tuition reimbursement

OCPO Response to Question 5(k): Please see Appendix C, Tab Two (Object Code Expenditures)

6 For the latest month for which the data are available, please provide, in editable Excel format, department-wide FY 2024-25 year-to-date spending totals for each of the following object codes, by fund source.

a Object Code 1130: Statutory Personnel & Payroll System Overtime Wages

OCPO Response to Question 6(a): Please see Appendix C, Tab Two (Object Code Expenditures)

b Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages

OCPO Response to Question 6(b): Please see Appendix C, Tab Two (Object Code Expenditures)

c Object Code 1140: Statutory Personnel & Payroll System Annual Leave Payments

OCPO Response to Question 6(c): Please see Appendix C, Tab Two (Object Code Expenditures)

d Object Code 1141: Statutory Personnel & Payroll System Sick Leave Payments

OCPO Response to Question 6(d): Please see Appendix C, Tab Two (Object Code Expenditures)

e Object Code 1340: Employee Cash Incentive Awards

OCPO Response to Question 6(e): Please see Appendix C, Tab Two (Object Code Expenditures)

f Object Code 1350: Employee Non-Cash Incentive Award

OCPO Response to Question 6(f): Please see Appendix C, Tab Two (Object Code Expenditures)

g Object Code 1370: Employee Commission Incentive Pay

OCPO Response to Question 6(g): Please see Appendix C, Tab Two (Object Code Expenditures)

h Object Codes 1510, 1511, 1512: Health, Life, and Dental Insurance

OCPO Response to Question 6(h): Please see Appendix C, Tab Two (Object Code Expenditures)

i Object Code 1524: PERA – AED

OCPO Response to Question 6(i): Please see Appendix C, Tab Two (Object Code Expenditures)

j Object Code 1525: PERA-SAED:

OCPO Response to Question 6(j): Please see Appendix C, Tab Two (Object Code Expenditures)

k Object Code 1531: Higher Education Tuition reimbursement

OCPO Response to Question 6(k): Please see Appendix C, Tab Two (Object Code Expenditures)

7 For FYs 2022-23 and 2023-24, please provide department-wide spending totals for each of the following object codes, by fund source.

a Object Code 1100: Total Contract Services (Purchased Personal Services)

OCPO Response to Question 7(a): Please see Appendix C, Tab Two (Object Code Expenditures)

b Object Code 1210: Contractual Employee Regular Part-Time Wages

OCPO Response to Question 7(b): Please see Appendix C, Tab Two (Object Code Expenditures)

***Please note, this figure has been highlighted in the provided spreadsheet. This figure DOES NOT represent the OCPO's total contractual employee regular part-time wages. In preparing this spreadsheet, it was discovered that the Supreme Court Administrator's Office (SCAO) – which administers the OCPO's payroll – is allocating the OCPO's regular FTE salaries to this code. The OCPO has alerted ASIA, which is working to find a solution moving forward.**

c Object Code 1211: Contractual Employee Regular Full-Time Wages

OCPO Response to Question 7(c): Please see Appendix C, Tab Two (Object Code Expenditures)

***Please note, this figure has been highlighted in the provided spreadsheet. This figure DOES NOT represent the OCPO's total contractual employee regular full-time wages. In preparing this spreadsheet, it was discovered that the Supreme Court Administrator's Office (SCAO) – which administers the OCPO's payroll – is allocating the OCPO's regular FTE salaries to this code. The OCPO has alerted ASIA, which is working to find a solution moving forward.**

- d Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages

OCPO Response to Question 7(d): Please see Appendix C, Tab Two (Object Code Expenditures)

- e Object Code 1240: Contractual Employee Annual Leave Payments

OCPO Response to Question 7(e): Please see Appendix C, Tab Two (Object Code Expenditures)

- f Object Code 1622: Contractual Employee PERA

OCPO Response to Question 7(f): Please see Appendix C, Tab Two (Object Code Expenditures)

- g Object Code 1624: Contractual Employee Pera AED

OCPO Response to Question 7(g): Please see Appendix C, Tab Two (Object Code Expenditures)

- h Object Code 1625: Contractual Employee Pera - Supplemental AED

OCPO Response to Question 7(h): Please see Appendix C, Tab Two (Object Code Expenditures)

- i Object Code 1910: Personal Services – Temporary

OCPO Response to Question 7(i): Please see Appendix C, Tab Two (Object Code Expenditures)

- j Object Code 1920: Personal Services – Professional

OCPO Response to Question 7(j): Please see Appendix C, Tab Two (Object Code Expenditures)

- k Object Code 1940: Personal Services – Medical Services

OCPO Response to Question 7(k): Please see Appendix C, Tab Two (Object Code Expenditures)

- l Object Code 1950: Personal Services - Other State Departments

OCPO Response to Question 7(l): Please see Appendix C, Tab Two (Object Code Expenditures)

- m Object Code 1960: Personal Services – Information Technology

OCPO Response to Question 7(m): Please see Appendix C, Tab Two (Object Code Expenditures)

- 8 Please provide a table showing both allocated and actual FTE for each Division within the Department from FY 2018-19 through FY 2023-24.

OCPO Response to Question 8: Please see Appendix C, Tab Three (Allocated FTE)

- 9 Please discuss how the Department would absorb base personal services reductions of the following amounts: 1.0 percent, 3.0 percent, and 5.0 percent. How would those reductions impact the department's operations and core mission?

OCPO Response to Question 9: If the OCPO's estimated personal services funds remain the same in Fiscal Year 2025-26, the agency's total estimated personal services will be \$2,006,339.

Currently, the OCPO has been allocated 1.0 FTE for its Communications Manager position. This position became vacant during October 2024. The OCPO's annual allocation for this position, excluding Central Appropriations, is \$101,718. (This figure includes standard PERA and Medicare withholdings for the Judicial Department.)

To absorb the proposed reductions, the OCPO would reduce the FTE as needed or keep the position vacant until reductions to personal services are no longer necessary. There are multiple statutory mandates to alert certain populations of the OCPO's services – including children and youth residing in foster care¹³ and youth residing in DYS centers¹⁴ – and has the authority to educate the public regarding its findings and recommendations to the public.¹⁵ To accomplish this, the OCPO must provide consistent and continuous communications with the public through a variety of methods, including proactive communications and reactive responses. However, prior to obtaining a dedicated Communications Manager position, the Child Protection Ombudsman and Deputy Ombudsman positions absorbed these responsibilities. While reabsorbing the workload of the Communication Manager would significantly impact the workload of the Child Protection Ombudsman and Deputy Ombudsman, this delegation of duties would have the smallest impact to services directly provided to people who call the OCPO. This method would also prevent the agency from implementing other reduction options that would impact the livelihood of existing employees.

The breakdown of the three reduction amounts is below.

1.0 Percent Reduction in OCPO Personal Services

Required Reduction Amount: \$20,063

Impact: This reduction would require the OCPO to reduce the Communications Manager position to approximately 0.8 FTE.

3.0 Percent Reduction in OCPO Personal Services

Required Reduction Amount: \$60,190

¹³ See C.R.S. §19-7-101(2)(c)(II)

¹⁴ See C.R.S. §19-2.5-1502.5(4)(c)

¹⁵ See C.R.S. §19-3.3-103(2)(e)

Impact: This reduction would require the OCPO to reduce the Communications Manager position to approximately 0.4 FTE. In this scenario, the agency may opt to use the remaining funds to contract with a local communications firm to assist the agency with its communications needs. The responsibilities that could not be completed by the firm would be absorbed by the Child Protection Ombudsman and Deputy Ombudsman.

5.0 Percent Reduction in OCPO Personal Services

Required Reduction Amount: \$100,317

Impact: This reduction would result in the OCPO leaving the Communications Manager vacant until reductions are no longer necessary. Duties currently delegated to the Communications Manager would be completely absorbed by the Child Protection Ombudsman and Deputy Ombudsman.

10 Describe steps the Department is taking to reduce operating expenditures for FY 2025-26.

OCPO Response to Question 10: In anticipation of the projected budget climate for Fiscal Year 2025-26, the OCPO is taking the following actions during Fiscal Year 2024-25 to reduce operating expenses the following year:

- The OCPO was provided with an allocation of \$31,300 in response to its request in its Fiscal Year 2024-25 Agency Summary and Budget Request for additional IT services and support.¹⁶ Of that total allocation, \$17,300 is an annualized allocation to ensure the agency is able to maintain its data security and ensure the agency is able to replace hardware that becomes outdated. This year, OCPO will expedite efforts to procure new hardware for the agency so that such purchases will not be required during Fiscal Year 2025-26.
- The OCPO does not anticipate it will onboard any new individuals during Fiscal Year 2025-26. As such, the OCPO will ensure that all employees have received necessary baseline training during the current fiscal year, as well as any additional training that is appropriate and within the agency's budget.
- The OCPO has limited the number of licenses the agency procures for its internal database. This year the agency has limited licenses to only staff who must work in the database daily, and/or are required to monitor the database for quality control.

The OCPO will implement the following measures to reduce operating expenses during Fiscal Year 2025-26:

- Similar to cost saving measures enacted in 2020, the OCPO would eliminate the budget for hosting advisory board meetings and would likely hold the majority of meetings virtually.
- The OCPO will opt to secure contracted services instead of hiring a .5 FTE to fulfill the requirements of HB 24-1046. This will reduce the agency's operating cost, as the OCPO will

¹⁶ See OCPO [Agency Summary and Budget Request for Fiscal Year 2024-25](#), RI-04

not be required to provide hardware to the individual nor will the agency be required to pay out Central Appropriations or PERA and Medicaid withholdings.

- The OCPO will not secure new software programs – excluding programs that are necessary to comply with state law or ensure the safety of agency data.
- The agency’s budget for office supplies would be reduced by 15%, similar to efforts implemented in 2020. This figure has been adjusted to account for the growth in OCPO staff.
- Travel and attendance of out-of-state conferences will be eliminated.

The OCPO works to ensure all of its purchases are made judiciously and that all contracts and vendor agreements are reviewed annually. The OCPO routinely works to renegotiate contracts to help the agency save funding. The OCPO will continue these efforts during Fiscal Year 2025-26.

- 11 For each operating expenses line item in FY 2023-24, provide a table showing the total appropriation for FY 2023-24 and the total actual expenditures at the end of the third quarter of FY 2023-24.

OCPO Response to Question 11: The OCPO is a small state agency that operates through a single line item. For Fiscal Year 2023-24, the OCPO was allocated a total of \$2,170,852. At the end of the third quarter of Fiscal Year 2023-24, the OCPO’s actual expenditures totaled \$1,194,853 – approximately 55 percent of the agency’s total allocation for the fiscal year.

- 12 Please provide an overview of the department’s service efforts. In your response, describe the following:
- a Populations served by the Department

OCPO Response to Question 12(a): Pursuant to the OCPO’s enabling authority, the agency has the duty to review any case brought to it relating to “any action, inaction, or decision of any public agency or any provider that receives public money that may adversely affect the safety, permanency, or well-being” of a child.¹⁷ This broad jurisdiction was created intentionally to ensure the OCPO is able to review the questions and concerns of anyone who engages with such entities in the state. While the majority of cases brought to the OCPO involve people with concerns or questions related to child welfare services, the agency also regularly reviews cases involving other state and local agencies, including those that provide mental and behavioral health services, law enforcement agencies and others. The OCPO does not require the individual who brings a case to the OCPO to have a specific relationship with the child involved in the child protection system. As such, the OCPO is mandated to consider every case brought to it by members of the public.

- b The target populations of the Department’s services

OCPO Response to Question 12(b): While the OCPO provides services to any individual who contacts the agency, the OCPO has taken specific efforts to increase contact and services provided to children, youth and young adults with experience in the child protection system.

¹⁷ See C.R.S. §19-3.3-103(1)(I)(A)

During Fiscal Year 2023-24, the OCPO launched its Tori Shuler Youth Voice Collective program. This program is dedicated to helping the OCPO connect with children, youth and young adults who have experience with the child protection system in Colorado. The CPO has continued to prioritize the experiences and expertise of children, youth and young adults in shaping its public policy initiatives and improving how it can deliver better services directly to this population. Fiscal Year 2023-24 marked the third consecutive year the agency saw an increase in the number of cases brought to the agency by youth. The agency received a total of 92 cases from youth clients. Of the youth-initiated cases closed by the CPO, half of them involved youth currently residing in DYS centers.

More than half of the total cases opened during the past fiscal year were brought to the OCPO by families of children and youth involved with the child protection system. In particular, reports filed by mothers accounted for 43 percent – 407 cases – opened by the OCPO. Some of the issues most frequently raised included youth safety in the DYS centers, foster homes and residential facilities. We also reviewed several cases that involved ensuring youth have access to education, mental health services and helping parents access necessary and required services – such as adequate parenting time.

- c Number of people served by the Department

OCPO Response to Question 12(c): Fiscal Year 2023-24 marked the fifth consecutive year the OCPO experienced an increase in the number of cases it received from the public. The agency opened a record 1,250 cases – demonstrating an almost 12 percent increase compared to the previous fiscal year. It should be noted that cases brought to the OCPO often involve multiple individuals who express concerns regarding the child protection system. The number of cases also do not account for the children and families served by the agency’s systemic efforts. As such, the OCPO does not have the ability to definitively determine the number of people served by the agency each fiscal year.

During FY 2023-24, the OCPO saw a significant increase in the number of cases involving clients who had previously worked with the OCPO. During the fiscal year, 30 percent of the clients served by the OCPO were repeat clients. Additionally, the number of cases referred to by the county departments of human services nearly doubled.

- d Outcomes measured by the Department

OCPO Response to Question 12(d): Each case brought to the OCPO is unique. Not only are the circumstances involved in each case specific to the client who contacts the agency, the desired outcome may vary depending on the client themselves. For example, one client may desire the OCPO to connect with a child welfare department to determine if their case has been handled appropriately, while a different client with similar circumstances only wants the agency to help refer them to a legal resource. Additionally, the agency continues to work on several systemic initiatives that address several nuances of service delivery that can be extremely difficult to quantify.

The OCPO currently completes all reports and plans required by the State Measurement for Accountable, Responsive and Transparent (SMART) Act. With these reports the OCPO tracks its completed key metrics and other strategic policy initiatives. However, the OCPO has long desired to better capture its work and outcome data – both quantitative and qualitative. To do this, the OCPO has contracted with the University of Denver’s Colorado Evaluation & Action Lab (Lab) to begin analyzing the OCPO’s practices, priorities and case data to better demonstrate what impacts the agency makes on both an individual and systemic level. Using the change theory methodology, the OCPO is working with the Lab to create a public-facing report which details the agency’s intended outcomes, insights into the agency’s actual outcomes and impacts and information from clients regarding their experience with the agency. The OCPO anticipates having this work complete by the end of the third quarter of this fiscal year.

- e Present and future strategies for collecting customer experience data

OCPO Response to Question 12(e): Please see response to Question 12(d).

- 13 For each TABOR non-exempt cash fund, provide the following information

OCPO Response to Question 13: The OCPO does not receive TABOR non-exempt cash funds.

- a The amount in the cash fund
- b Total amount of revenue in the fund that would not be transferred
- c Detailed explanation of why the fund should not be sunset
- d Statutory reference of the fund creation, specific uses, and legislative history of changes to the fund
- e Every program funded by the fund
- f Explanation of how fees to the fund are set and a history of fee changes
- g The number of people provided service by the programs funded through the cash fund
- h Any additional information necessary to ensure the Joint Budget Committee can make an informed decision.

- 14 For the Office of the Child Representative, The Office of the Respondent Parents’ Counsel, the Office of the Child Protection Ombudsman, and the Bridges program, what do each think of JBC Staff efforts on the Colorado data hub?

OCPO Response to Question 14: Generally, the OCPO is supportive of a shared data system and would be interested in engaging in further discussions to develop the idea. The OCPO’s support is contingent upon ensuring that all necessary MOUs and confidentiality measures are in place. The OCPO would also want to ensure that the creation of the data hub and entry of data into the hub does not create additional workload for existing agency staff.

- 15 For the Bridges program, can any feedback from the counties be shared to help illustrate how the Bridges program is being received at local levels?

OCPO Response to Question 15: Not applicable.

JUDICIAL DEPARTMENT – INDEPENDENT AGENCIES
FY 2025-26 JOINT BUDGET COMMITTEE HEARING

16 *[JBC Staff]* Discuss each of CPO's budget requests.

OCPO Response to Question 16:

The Office of the Colorado Child Protection Ombudsman (OCPO) has submitted to request items for additional funding and FTE for Fiscal Year 2025-26. The two request items are detailed below.

RI-01 Special Case Investigator – \$78,290 annually and 1.0 FTE¹⁸

The OCPO currently receives an annual allocation of \$48,191 for its special investigator program. These funds are used to hire a contract employee for a limited number of hours to handle special investigatory functions for complex OCPO cases. The OCPO is now at a point where a full-time FTE is necessary to meet the complex and increasing needs of the citizens served by the agency.

As such, the OCPO is seeking the funds necessary to close the gap between the \$48,191 and the desired base salary described below. The agency is also seeking the correlating funds necessary to establish a full-time position.

The requested funds and assumptions are detailed below.

Total Request: 1.0 FTE and \$78,266.47 (annual)

Desired Base Salary = \$92,592

Comparable Position = Probation Services Analyst I: 66,912 – 79,752 – 92,592¹⁹

Needed Funds to Reach Base Salary = \$44,401

Calculations: \$92,592 - \$48,191 = \$44,401

The OCPO was created to ensure the state's complex child protection system consistently provides high-quality services to every child, family and community in Colorado. The agency listens to people about their experience with, and concerns about the state's child protection system, researches concerns reported by any individual or entity about service delivery within this system and resolves issues by working collaboratively with agencies to find resolutions for OCPO clients.

The OCPO seeks to make its part-time contract investigator into a permanent full-time position to respond to higher and more complex caseloads. Additionally, the OCPO requires additional

¹⁸ See OCPO [Agency Summary and Budget Request for Fiscal Year 2025-26](#), RI-01

¹⁹ See [FY 24 Judicial Compensation Plan](#)

investigatory hours to secure records that are no longer being released by the CDHS, records that are essential for the OCPO to carry out its statutory duties.

The OCPO is requesting funds to establish the position at the top tier of the Probation Services Analyst I (PSA I) pay range. Currently OCPO uses the Probation Services Analyst I as the comparable position for its client services analysts' positions. While this position incorporates some of the job duties of the agency's CSA positions, it differs substantially because it requires additional, more complex skills that are required for gathering facts and evidence and preparing summary reports in cases. This position is crucial in ensuring the OCPO maintains its access to records necessary to fulfill the agency's core statutory charge. This role is described in detail below. To effectively fulfill this need, the agency must be able to recruit and retain an individual with experience and connections in this field. The OCPO reviewed comparable investigator positions in other agencies and found that the top tier of the PSA I pay range is most appropriate to do this.²⁰

To effectively carry out its work in an objective fashion, the OCPO independently reviews records from a variety of entities depending on the nature of the investigation. Pursuant to C.R.S. 19.3.3-303, the OCPO is legally entitled to receive records from the Colorado Department of Human Services (CDHS), county human service agencies, and the Division of Youth Services. In cases of child fatalities, near fatalities and egregious incidents the CPO is entitled to receive records from coroner's offices, law enforcement agencies, hospitals, courts and vital statistic records.

Unfortunately, the CDHS has taken the position that the OCPO is no longer entitled to its records except in narrowly defined circumstances. Prior to this new interpretation the OCPO received records from the CDHS for years without incident. The net impact is that the CDHS has halted the OCPO's ability to get records that are necessary to investigate citizens' individual and systemic concerns.

In response to citizens' concerns, the OCPO recently requested records from the CDHS to determine the extent to which case worker falsification of client files is a problem in Colorado. This information is critical to ensure that families are treated fairly and to determine if there is a systemic problem that needs to be resolved through policy or law change. The CDHS' refused to provide these records.

The OCPO's efforts to obtain these records from the CDHS has been covered by local media:

- ["Two Colorado Agencies Are Fighting Over Information. Now one is Charging the Other \\$30-per-hour Research Fee"](#) The Colorado Sun, Published July 23, 2024

²⁰ See Department of Law Financial Fraud Investigator: <https://www.governmentjobs.com/careers/colorado/jobs/newprint/1685265> and Department of Law Criminal Investigator II: <https://www.governmentjobs.com/careers/colorado/jobs/newprint/4209328>

- [“Former Denver DHS child-protective case worker arrested for alleged false reports”](#) The Denver Gazette, Published October 18, 2024
- [“Colorado needs a plan for when caseworkers investigating child abuse lie, ombudsman says”](#) The Denver Post, Published October 24, 2024

As a result of the CDHS’ position the OCPO requires additional investigator hours to secure these records and others in the future. Rather than securing records from a single source, the OCPO will be required to draft and issue records requests to dozens of individual agencies to secure the same information. The OCPO will be unable to absorb this work given existing workloads and staffing levels.

In addition to the above, the OCPO needs additional hours to investigate increasingly complex cases. Fiscal Year 2023-24 marked the fifth consecutive year the OCPO experienced an increase in the number of cases it received from citizens. In total the OCPO opened 1,250 cases in Fiscal Year 2023-24, which is a 12% increase over the previous fiscal year.

In Fiscal Year 2023-24, the OCPO quickly exceeded the amount of time that was available under our contract with our part-time contract investigator. As such the OCPO was unable to thoroughly investigate more complicated cases.

There are numerous examples of the complex cases that the OCPO handles on a frequent basis. Below is a sample of these cases and the type of work that is involved.

Use of Restraints in DYS Youth Centers – In Fiscal Year 2023-24, the CPO investigated numerous incidents in which youth suffered severe injuries while residing in youth centers operated by the Colorado Department of Human Services - Division of Youth Services (DYS). These cases required investigative resources to secure DYS surveillance videos, critical incident reports, witness interviews, medical documentation and analysis of quality assurance reviews. The OCPO spent over 60 hours investigating these complaints and developing formal recommendations for improvement.²¹

Child Welfare Practice in Washington County, CO – These eight cases spanned nearly two years and required 80 hours of investigative work. The OCPO received eight complaints that involved six distinct families and 10 children. In each instance, OCPO clients alleged that children and their families were harmed by inadequate child welfare practice that occurred in this jurisdiction.

The CPO reviewed child welfare and court documentation, relevant rules and law. Based upon this work, the CPO identified 64 potential violations of state regulation and law. These

²¹ OCPO cases closed in Fiscal Year 2023-24 regarding the use of restraints in DYS youth centers: 7561, 7609, 7638, 7724, 7727, 7881, 8150, 8276, 8315, 8330, 8435, 8638. A copy of the OCPO’s recommendations can be found at: <https://coloradocpo.org/special-initiative/surveillance-within-the-division-of-youth-services/>

potential violations highlighted several areas of concern with child welfare practice including its failure to assess child safety using required child welfare tools, communicate with parents and children as required by state regulations and ensure families were provided appropriate service plans that are necessary for treatment and care.²²

The OCPO's work on this case and CDHS's declination to review the county have been covered by local media:

- ["State calls for review of years worth of child welfare cases in Washington County"](#) 9News, Published July 27, 2023
- ["After 6 months, Colorado Department of Human Services responds to allegations of systemic bias in child welfare cases"](#) 9News, Published December 12, 2024
- ["State clears child protection agency in Washington County of 'systemic bias,' but concerns remain"](#) The Denver Gazette, Published December 13, 2024
- ["Judge orders Washington County DHS to release internal investigation of its handling of child welfare cases"](#) 9News, Published April 29, 2024

Child Fatalities – In Fiscal Year 2023-24, the OCPO investigated several cases regarding the inadequacies of child fatality investigations by both law enforcement and county departments of human services in jurisdictions across the state. These cases often present incredibly complex situations with multiple system involvement. The OCPO has spent over 80 hours per case gathering autopsy and medical records, department of human services records and records from multiple law enforcement agencies.²³

A full-time investigator would increase the OCPO's capacity to secure much needed records and to conduct independent individual and systemic investigations on behalf of children, youth and families. Tasks that an investigator would accomplish include:

- Issuing records requests, securing records and summarizing corresponding data and information.
- Securing audio and video recordings, law enforcement records, autopsy and hospital records.
- Gathering facts by conducting site visits and interviewing witnesses.

If this request is not granted, the OCPO will be unable to secure records to conduct full-scale independent investigations. Additionally, the OCPO will be unable to adequately address cases for children and youth who are victims of child fatalities, near-fatalities and egregious incidents and those youth who live in secure DYS and residential treatment facilities.

²² OCPO Cases: 6373,6813, 6844, 6966, 7022, 7036, 7361, 7357.

²³ OCPO Cases: 6236, 7298, 7398, 7480, 7785

RI-02 Legislative Policy Support – \$50,000 annually²⁴

The OCPO is an independent state agency housed within the Colorado State Judicial Department. By design, the OCPO serves as an objective, neutral problem solver that helps citizens navigate a complex child protection system and helps them resolve their problems in an expert and timely manner. The OCPO conducts its work through informal alternative dispute resolution processes that allow the agency to help citizens in the most direct, collaborative and immediate way possible.

Pursuant to C.R.S. 19-3.3-103(2), the OCPO is also responsible for making systemic recommendations, when appropriate, to the Colorado General Assembly and others, for statutory, budgetary, regulatory and administrative changes to improve the safety of and promote better outcomes for children and families receiving child protection services in Colorado.

Each year the General Assembly contemplates over a dozen bills that substantially impact Colorado children, youth and families in the child protection system. Given the OCPO's duty to improve outcomes for youth and families in the child protection system, the OCPO tracks and analyzes these bills each year. It is also common for the OCPO to be asked by legislators to provide an analysis of the policy impact that such bills might have for Colorado children and families. For the past several years the OCPO has worked closely with members of the Colorado General Assembly to provide neutral and objective research on a variety of subjects including child abuse fatalities, outcomes for foster youth, adoption assistance, Colorado risk and safety assessment tools, child welfare case worker certification, lack of quality assurance outcomes in residential behavioral health treatment centers, lack of behavioral health care for youth and physical mistreatment of youth in residential treatment facilities and in the Division of Youth Services.

Given the fast-paced nature of the legislative session, this requires the OCPO to provide high quality information within a short time frame. To complete this task, OCPO staff research state law and regulations, national trends and other policy resources to advise on these topics. Because the OCPO is required to be objective and neutral, the agency takes care to provide a thorough landscape analysis that contemplates both the benefits and drawbacks of a particular policy.

Additionally, the OCPO has also become a trusted, neutral venue to host state-wide task forces such as the Timothy Montoya Task Force for Youth Who Run from Out of Home Placements and the Mandatory Reporting Task Force. The OCPO remains engaged long after a task force has finished its work by ensuring that legislative members are briefed on the task force process and provided context for various task force recommendations. The OCPO essentially serves as the conduit by which task force recommendations may become legislative proposals.

²⁴ See OCPO [Agency Summary and Budget Request for Fiscal Year 2025-26](#), RI-01

Currently, the CPO relies upon existing staff to fulfill the need for these services. However, given the CPO's increasing caseloads, the CPO is unable to absorb this work without additional support. Because the legislative session is five months long, the CPO requests ongoing annual funding for a part-time contract policy person to provide support to the CPO for its work with the Colorado General Assembly.

If this request is not granted, the OCPO will be limited in its ability to provide timely, informed research and support to the General Assembly on matters of significance to Colorado children, youth and families who are involved in the child protection system.

- 17 *[Sen. Marchman]* What type of legislative/policy support do business-owners contracted with the CPO provide? Can the CPO coordinate organizing business-owners to consolidate the necessary funds to hire a contract lobbyist without relying on state funds? Why or why not?

OCPO Response to Question 17: The OCPO is funded entirely by a single General Fund appropriation. The agency operates with a single line item. As such, the only way the OCPO may obtain legislative/policy support services with an outside vendor by using state funds. The OCPO has not previously contracted for such services.

Additional information regarding the OCPO's request for funds to obtain legislative/policy support services may be found in responses to Question 1 and the OCPO Fiscal Year 2025-26 Agency Summary and Budget Request.²⁵

- 18 *[JBC Staff]* For each agency that receives a General Fund appropriation, discuss potential options to reduce General Fund appropriations in FY 2024-25 or FY 2025-26 and for each:

- Describe the anticipated impact of the cut; and
- Whether it is a one-time or ongoing reduction.

OCPO Response to Question 18: The OCPO is funded entirely by a single General Fund appropriation. The agency operates with a single line item. In anticipation of the projected budget climate for Fiscal Year 2025-26, the OCPO is taking the following **actions during Fiscal Year 2024-25 to reduce operating expenses the following year:**

- The OCPO was provided with an allocation of \$31,300 in response to its request in its Fiscal Year 2024-25 Agency Summary and Budget Request for additional IT services and support.²⁶ Of that total allocation, \$17,300 is an annualized allocation to ensure the agency is able to maintain its data security and ensure the agency is able to replace hardware that becomes outdated. This year, OCPO will expedite efforts to procure new hardware for the agency so that such purchases will not be required during Fiscal Year 2025-26. Ideally, this would be a one-time reduction. This will result in an estimated \$7,000 savings during Fiscal Year 2025-26.

²⁵ See OCPO [Agency Summary and Budget Request for Fiscal Year 2025-26](#), RI-02

²⁶ See OCPO [Agency Summary and Budget Request for Fiscal Year 2024-25](#), RI-04

- The OCPO does not anticipate it will onboard any new individuals during Fiscal Year 2025-26. As such, the OCPO will ensure that all employees have received necessary baseline training during the current fiscal year, as well as any additional training that is appropriate and within the agency's budget. Ideally, this would be a one-time reduction. This will result in an estimated saving of \$12,000 to \$24,000 for Fiscal Year 2025-26. (Currently, the OCPO dedicates about \$1,000 to \$2,000 in ongoing training and/or onboarding to 12 FTE.)
- The OCPO has limited the number of licenses the agency procures for its internal database. This year the agency has limited licenses to only staff who must work in the database daily, and/or are required to monitor the database for quality control. This will be an ongoing reduction. This is an estimated \$1,000 savings.

The OCPO will implement the following measures to reduce operating expenses and personal services budget during Fiscal Year 2025-26:

- Similar to cost saving measures enacted in 2020, the OCPO would eliminate the budget for hosting advisory board meetings and would likely hold the majority of meetings virtually. This reduction will remain in place until the fiscal climate allows the agency to resume in-person meetings. This is an estimated \$5,000 savings per fiscal year.
- The OCPO will opt to secure contracted services instead of hiring a .5 FTE to fulfill the requirements of House Bill 24-1046, Child Welfare System Tools.²⁷ This will reduce the agency's operating cost, as the OCPO will not be required to provide hardware to the individual nor will the agency be required to pay out Central Appropriations or PERA and Medicaid withholdings. These savings will be dependent on the contract services procured.
- The OCPO will not secure new software programs – excluding programs that are necessary to comply with state law or ensure the safety of agency data. This will result in an estimated \$5,000 in savings.
- The agency's budget for office supplies would be reduced by 15%, similar to efforts implemented in 2020. This figure has been adjusted to account for the growth in OCPO staff. This reduction would remain in place as long as necessary. This is an estimated \$2,000 in savings.
- Travel and attendance of out-of-state conferences will be eliminated. This is an estimated \$4,500 in savings.
- If funding reductions in Fiscal Year 2025-26 require reductions to personal services budgets, the OCPO would opt to keep its Communications Manager position vacant. The OCPO has been allocated 1.0 FTE for its Communications Manager position. This position became vacant during October 2024. Details regarding this potential reduction are available in the OCPO's response to Question 9. This will result in a reduction of \$20,063 to \$100,317.

19 [Sen. Kirkmeyer] Discuss the growth in FTE at each Independent Agency since FY 2019-20, describe:

- The reason for the growth; and

²⁷ See House Bill 24-1046, Child Welfare System Tools, [Fiscal Note LLS 24-0347](#).

- how client outcomes have changed over the period.

OCPO Response to Question 19: Since Fiscal Year 2019-20, the OCPO has grown from 8 FTE to 16.5 FTE. The OCPO has also prepared a staff chart to illustrate the agency's growth. This chart is located in Appendix B.

The breakdown of the additional 6.5 FTE is as follows:

4.0 Client Services Analyst

Timeline:

FY 2020-21 and FY 2021-22 = 1.0 FTE / Client Services Analyst Position²⁸

FY 2021-22 = 1.0 FTE / Client Services Analyst Position²⁹

FY 2023-24 = 1.0 FTE / Client Services Analyst Position³⁰

FY 2024-25 = 1.0 FTE / Senior Client Services Analyst Position³¹

Reason for the Growth: The OCPO's Client Services Team is currently comprised of six Client Services Analysts (CSA) and one Senior Client Services Analyst (SCSA). CSAs are charged with responding to the concerns and questions brought to the agency by citizens. Each analyst – as well as the Director of Client Services – currently carry a caseload. Each case brought to the CPO is unique and can require hours to months of work by each analyst. Cases vary in complexity, as well as the systems that they involve. Many of the cases brought to the OCPO require analysts to study the practices and requirements of multiple systems – including child welfare services, Medicaid, and behavioral health services – and determine whether the interactions between those systems are adequately serving children and families in Colorado. Analysts provide a unique review of citizens' concerns that may not be obtained through any other state agency. The demand for these reviews has grown consistently – and substantially – during the past four fiscal years.

Since Fiscal Year 2018-19, the OCPO has seen an average increase of 15 percent in cases each year. During the past fiscal year, the CPO opened a record number of cases – totaling 1,250 cases. As caseloads have continued to increase, the OCPO has not shifted its requirements that each case receive a complete and thorough review. To accommodate the increase in the cases, and maintain the standards required for each case, the OCPO's analysts and the Director of Client Services have had to carry higher caseloads and keep cases on their caseloads longer. To ensure the analysts complete their review of cases in a timely manner, the OCPO has determined that each analyst should carry a caseload of 20 to 25 cases.

²⁸ The OCPO received a 1.0 FTE during FY 2020-21, however, that position was reduced to 0.8 to accommodate reductions in response to the COVID 19 pandemic. The position was made whole with the addition of 0.2 FTE during FY 2012-22.

²⁹ See House Bill 21-1313, Child Protection Ombudsman & Immigrant Children, [Fiscal Note LLS 21-0995](#).

³⁰ See [OCPO Fiscal Year 2023-24 Agency Summary and Budget Request](#), RI-02.

³¹ See [OCPO Fiscal Year 2024-25 Agency Summary and Budget Request](#), RI-02.

These cases are complicated and involve systems that span a broad spectrum of specialties – such as child welfare services, Medicaid, schools, law enforcement and behavioral health services – which require analysts to review not only what each system requires, but how each of these systems is interacting with the other. Additionally, these cases often involve evolving circumstances that require the analysts to adjust their review to new information or developments. Analysts must maintain these complex cases on their caseload, while also taking on new cases. Cases of this complexity are increasingly becoming the norm for the agency. Operating at this maximum capacity does not accommodate extended leave or vacancies for any of these positions. If the OCPO experiences a vacancy in one of these positions, caseloads for each of the remaining analysts routinely reach up to 40 to 50 cases, creating a backlog that can take weeks or months to clear out.

As such, to accommodate the increasing number and complexity of the cases brought to the OCPO, the agency has procured additional analysts to absorb this work. It should be noted that OCPO has made these request judicious, and often retroactively. To ensure there is an actual workload necessary for an additional FTE, the OCPO requested these additional analysts after the agency has confirmed that the increase in workload will remain consistent and is not episodic.

Impacts to Client Outcomes: The OCPO’s primary goal in requesting additional analysts to carry the increased caseload is to ensure the agency may continue to serve the public in a timely manner. The additional analyst FTE allocated to the OCPO have helped the agency provide response to clients’ inquires – in most instances – within weeks, instead of months. The staffing levels have also ensured the agency is able to respond to clients within 48 business hours of their initial contact with the agency. This is crucial for the quality of service provided to clients, who have often already worked through several grievance processes before coming to the agency.

The OCPO analyst will spend 20 minutes to 90 minutes – or more – on a call with a client during their initial phone call. This is an element of the OCPO’s service that clients have repeatedly stated was extremely important to them, the ability to speak to someone who takes the time to hear their concerns. These staffing levels have also helped the agency ensure the quality of the reviews completed remains thorough and accurate. During the past three fiscal years, the agency has continued to identify more systemic issues than the previous fiscal year. Equally important to the identification of these issues, the agency has been able to act upon these findings. This work has positive impacts not only for the clients the OCPO serves directly, but for dozens of clients the OCPO will never come into contact with.

1.0 Communications Manager

Timeline:

FY 2022-23 and FY 2023-24 = 1.0 FTE / Communications Manager*

**The OCPO was provided with a 0.5 FTE during FY 2022-23 and the second 0.5 FTE during FY 2023-24.*

Reason for the Growth: The OCPO is charged with helping “*educate the public concerning child maltreatment and the role of the community in strengthening families and keeping children safe.*”³² The agency has long recognized the importance of fulfilling this charge as it provides citizens, legislators and stakeholder partners with information about the issues identified by the OCPO. The agency also prioritizes connecting citizens with the OCPO’s services, which they are entitled to and should have knowledge of. The OCPO is required to “*recommend to the general assembly, the executive director, and any appropriate agency or entity statutory, budgetary, regulatory, and administrative changes, including systemic changes, to improve the safety of and promote better outcomes for children and families receiving child protection services in Colorado.*”³³ While the agency routinely delivers such recommendations, it has found that it needs to ensure it is consistently and clearly communicating with the public regarding ongoing work and promoting the OCPO’s services to the citizens who may need them.

As such, for several fiscal years, the OCPO dedicated resources to a variety of methods to ensure the agency clearly and consistently communicated with the public it serves. During FY 2022-23, the CPO was awarded a part-time Communications Manager, after the OCPO determined that one of the most efficient and effective methods for providing consistent and clear information to the public was to bring someone in-house. Doing so removed any delay caused by utilizing an outside vendor. Obtaining this position released Child Protection Ombudsman and Deputy Ombudsman from producing outreach materials and products. The OCPO was able to fill this position in August of 2022 and the benefits were immediately recognized.

However, the position was almost immediately limited by its part-time status. The position immediately absorbed the following duties:

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

While these duties are central tenants for the position, the part-time status of this position kept it in a purely reactionary posture. The OCPO was provided with the additional funds and 0.5 FTE during Fiscal Year 2023-24 to make the position full-time. Transitioning the Communications Manager position from a part-time to full-time position allowed the agency

³² See C.R.S. §19-3.3-103(c)

³³ See C.R.S. §19-3.3-103(e)

to take a more proactive – and targeted – approach in reaching children and youth across Colorado.

Impacts to Client Outcomes: With a full-time Communications Manager, the OCPO provides the following services:

- Direct contact engagements with children, youth and young adults who have experienced the child protection system.
- Development and distribution of quarterly e-newsletters
- Intra-agency awareness campaigns to promote the CPO's services among other child serving state agencies that intersect with the CPO's mission including the CDHS' Division of Child Welfare, DYS, Office of Behavioral Health and Office of Early Childhood, the Colorado Department of Healthcare Policy and Financing's Medicaid unit and the Colorado Department of Public Health and Environment.
- Increase community outreach through development and distribution of agency materials of citizens across the state including schools, pediatricians and other child serving professionals.

1.0 Data Analyst

Timeline:

FY 2024-25 = 1.0 FTE / Data Analyst

Reason for the Growth: The OCPO has a custom, internal database built on a Salesforce platform. Currently, the OCPO's database holds data concerning 7,748 cases reviewed by the agency. The OCPO selected the Salesforce platform in part, for its robust reporting capabilities. Unfortunately, extracting reports and analyzing data sets requires a unique skill set from someone with expertise in this area.

Using this database, the OCPO's Client Services Team obtains the following types of case information: client demographics, agencies involved in complaints, alleged law and regulatory violations, practice concerns and final OCPO case outcomes. The OCPO also tracks the nature and area of concern and monitors nearly 40 regional and statewide child protection trends.

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

Prior to obtaining the data analyst, the OCPO struggled to inform agencies, stakeholders and the public about the many concerning issues that impact the child protection system. While

the agency provided general information in its annual report, the information was often based on anecdotal evidence and broad, high-level data from the OCPO's internal database. A full-time data analyst allows the agency to implement an external reporting system, which provides consistent information to professionals working with children and family about gaps and needed improvements in the state's child protection system.

Impacts to Client Outcomes: The data analyst position is working to build a system that measures the effectiveness of the OCPO's services. The position is responsible for analyze agency data to ensure that it is serving Colorado citizens in the most efficient and effective way possible. The agency is also able to proactively monitor internal and external data sets for disproportional impacts to communities of color and systemic issues impacting the child protection system.

0.5 Administrative Support Staff

Timeline:

FY 2024-25 = 0.5 FTE / Administrative Support Specialist

Reason for the Growth: During the past eight years, the OCPO has grown in staff size from 3 FTEs to 16.5 FTEs and more than a dozen vendors and multiple contract positions. The OCPO's Director of Administrative Services has not only taken on more substantive duties, but also has absorbed this increased workload created by additional staff without corresponding resources for several years. The 0.5 FTE – Administrative Support Specialist – is necessary to help ensure that agency staff are properly supported, so they may continue providing direct services to the public and/or continue to address systemic issues impacting the child protection system.

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

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

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

Impacts to Client Outcomes: The OCPO is able to provide staff with administrative support to complete their daily responsibilities. This allows staff to complete case reviews and other work in a timely manner while maintaining the integrity of the services delivered by the OCPO.

- 20 *[Sen. Amabile]* Please discuss the CPO's recommendation for audio surveillance at secure Division of Youth Services facilities. DYS has proposed belt loop body cameras as the solution. Does CPO have any comments about this proposal and is it sufficient to address the CPO's concerns and recommendations?

OCPO Response to Question 20: The OCPO has received minimal updates from the DYS regarding the recommendations it issued the agency during July 2024. The OCPO learned of the DYS' desire to use belt loop body cameras through information DYS provided the JBC and media reports. While the OCPO is encouraged to learn the DYS is considering this option to address the OCPO's recommendations, the OCPO does not have enough information to determine whether this proposal is sufficient. The OCPO is unaware of the research and data that the DYS has relied upon in selecting the belt loop cameras. Without more detailed updates from the DYS, the OCPO does not know whether the selected method is effective at keeping children and youth in DYS centers safe.

- 21 *[JBC Staff]* For each agency that receives Title IV-E funding, discuss options to reduce General Fund appropriations in FY 2024-25 or FY 2025-26 by refinancing it with Title IV-E funds and for each:
- Describe any anticipated impacts refinancing may have; and
 - Whether it is a one-time or ongoing refinancing.

OCPO Response to Question 21: The OCPO does not receive Title IV-E funding.

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

OCPO Response to Question 22: The OCPO does not have any budget request that will replace one-time General Fund or ARPA funded programs with ongoing appropriations.

Appendix A



Office of the Colorado Child Protection Ombudsman

Fiscal Year 2025-26 Agency Summary
and Budget Request

December 18, 2024

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

How We Serve Colorado Citizens

WHO WE ARE

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

INDIVIDUAL SUPPORT

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

SYSTEMS CHANGE

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



Discussion Questions

- Budget Request Items
- Saving Measures and Potential Reductions
- FTE Growth
- DYS Body Camera Recommendations



RI-01 – Special Case Investigator

Justification:

- Agency needs additional hours to assist client services analysts in obtain records in complex cases brought to the agency. The number of hours available with the current funding allocation exceed the actual need for this position
- OCPO continues to see yearly increases in its caseloads. The agency experienced a 12% increase in the total number of cases opened in Fiscal Year 2023-24, compared to the previous fiscal year.
- This position was key in assisting analyst in the following cases: (1) Use of Restraints in the Division of Youth Services; (2) Child Welfare Practice in Washington County; and (3) Child Fatalities

Impact if Not Granted:

- The OCPO will be unable to secure records to conduct full-scale independent investigations. Additionally, the OCPO will be unable to adequately address cases for children and youth who are victims of child fatalities, near-fatalities and egregious incidents and those youth who live in secure DYS and residential treatment facilities.

Total Request for RI-01

- \$78,290 annually
- 1.0 FTE

Position Classification and Salary

- Probation Services Analyst I
- \$92,592

RI-01 – Special Case Investigator

Assisting in Complex Cases

The case investigator played a key role in the following cases during the past fiscal year:

- Division of Youth Services Investigations
- Child Fatalities and Critical Incidents
- Child Welfare Practice

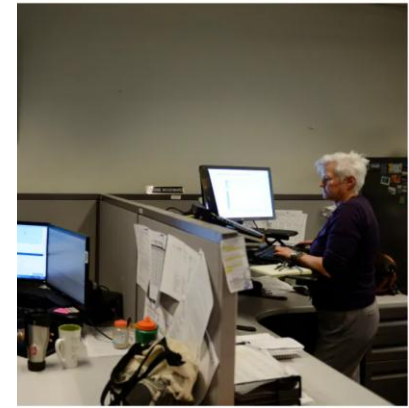
Ensuring Access to Required Records



NEWS: POLITICS AND GOVERNMENT

Two Colorado agencies are fighting over information. Now one is charging the other a \$30-per-hour research fee.

The dispute between the state child welfare division and the child protection ombudsman centers around documents about caseworkers who falsify records



RI-02 – Legislative Policy Support

Justification:

- OCPO has a statutory duty to make systemic recommendations to the Colorado General Assembly and others and is often called on to provide analysis of policy and legislation concerning the child protection system.
- OCPO provides legislators with impartial and objective research on a variety of subjects.
- Currently, the CPO relies upon existing staff to fulfill the need for these services. However, given the CPO's increasing caseloads, the CPO is unable to absorb this work without additional support.
- Because the legislative session is five months long, the CPO requests ongoing annual funding for a part-time contract policy person to provide support to the CPO for its work with the Colorado General Assembly.


Impact if Not Granted:

- The OCPO will be limited in its ability to provide timely, informed research and support to the General Assembly on matters of significance to Colorado children, youth .

Total Request for RI-02

- \$50,000 annually

RI-02 – Legislative Policy Support




HOUSE BILL 22-1240

BY REPRESENTATIVE(S) Froelich and Young, Amabile, Burnett, Boesenecker, Cutter, Gonzales-Gutierrez, Hooton, Jodeh, Kipp, Lindsay, Lontine, Michaelson Jenet, Ricks, Sullivan, Titone, Valdez A.; also SENATOR(S) Fields and Simpson, Buckner, Cooke, Danielson, Hansen, Lee, Pettersen, Rodriguez, Story, Fenberg.

CONCERNING ENHANCING MANDATORY REPORTING FOR PEOPLE REQUIRED TO REPORT CHILD ABUSE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:



protective services in order to prevent any further harm to a child suffering from abuse. It is also the intent of the general assembly that if a county or

NEWS > COLORADO NEWS • News

Effort to reform Colorado’s mandated reporting laws begins in wake of 7-year-old Olivia Gant’s death

Group will meet 13 times over next two years to consider how state’s mandatory reporting law could be changed

FINAL REPORT SNAPSHOT

Timothy Montoya Task Force Final Report

Introduction

In 2020, 12-year-old Timothy Montoya was hit and killed by a car shortly after running away from out-of-home care. In response to this tragedy and others like it, the Colorado legislature established the Timothy Montoya Task Force to Prevent Youth from Running from Out-of-Home Placement. This group has just released its [final report](#) and [executive summary](#), with recommendations for how Colorado can prevent these tragedies from happening in the future.

Problem

The task force found that the state has no standard, adequate systems in place to stop youth from leaving care, help find youth who have run, or properly care for them when they return. When the care of these young people is entrusted to the state – whether that’s with a foster home or a 24-hour residential facility – the public has high expectations of the care those youth will receive. Unfortunately, there is currently a stark disconnect between those expectations and the reality those youth currently face.

EXPECTATION



REALITY






When a child from care, so them from le

Colorado needs a database to track foster care runaways, task force finds

The group under the Office of the Child Protection Ombudsman says lack of data means Colorado is devoid of “meaningful analysis”

Colorado’s Child Welfare System Interim Study Committee
Hearing One: June 27, 2023



The Office of Colorado’s Child Protection Ombudsman

Introduction

Every year, the Office of Colorado’s Child Protection Ombudsman (CPO) reviews more than 1,000 cases, each of which are brought to the agency by citizens with a concern, frustration or question regarding the state’s child welfare system. By design, the CPO is charged with independently assessing these concerns and helping citizens gain clarity regarding these systems. Unlike any other agency in Colorado, the CPO is uniquely positioned in state government to impartially study the child welfare system, through the perspective of the people it impacts.

Since its inception as an independent agency, the CPO has received thousands of cases from parents, youth, siblings, extended family, and professionals connected to child welfare systems. These cases have

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Second Regular Session Seventy-fourth General Assembly STATE OF COLORADO

REREVISED
*This Version Includes All Amendments
Adopted in the Second House*
HOUSE BILL 24-1046

LLS NO. 24-0347.01 Alana Rosen x2606

HOUSE SPONSORSHIP

Duran and Evans, Bradley, Froelich, Joseph, Pugliese, Young, Armagost, Bird, Boesenecker, Brown, Clifford, Daugherty, deGruy Kennedy, Hamrick, Herod, Jodeh, Kipp, Lieder, Lindsay, Marshall, Marvin, McCluskie, McLachlan, Ricks, Sirota, Snyder, Titone, Valdez, Woodrow

SENATE SPONSORSHIP

Kolker and Kirkmeyer, Fields, Michaelson Jenet, Zenzinger, Bridges, Buckner, Cutter, Hinrichsen, Priola

House Committees	Senate Committees
Health & Human Services	Health & Human Services
Appropriations	Appropriations

A BILL FOR AN ACT

101 CONCERNING MEASURES TO ENHANCE CHILD WELFARE SYSTEM TOOLS,
102 AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Colorado’s Child Welfare System Interim Study Committee. Current law requires mandatory reporters to include certain information when reporting child abuse or neglect to the mandatory reporter’s county department, local law enforcement, or through the statewide child abuse reporting hotline system (hotline system). The bill requires a mandatory reporter to report any evidence of known or suspected domestic violence

Striking denotes HOUSE amendments. Double underlining denotes SENATE amendments. Capital letters or bold & italic numbers indicate new material to be added to existing law. Dashes through the words or numbers indicate deletions from existing law.

SENATE
Amended
3rd Reading
May 6, 2024

SENATE
Amended
3rd Reading
May 4, 2024

HOUSE
Amended
March 14, 2024

HOUSE
Amended
March 1, 2024



Cost Saving and Potential Reductions

Fiscal Year 2024-25 Cost Saving Efforts: Estimated Savings = \$20,000 to \$32,000

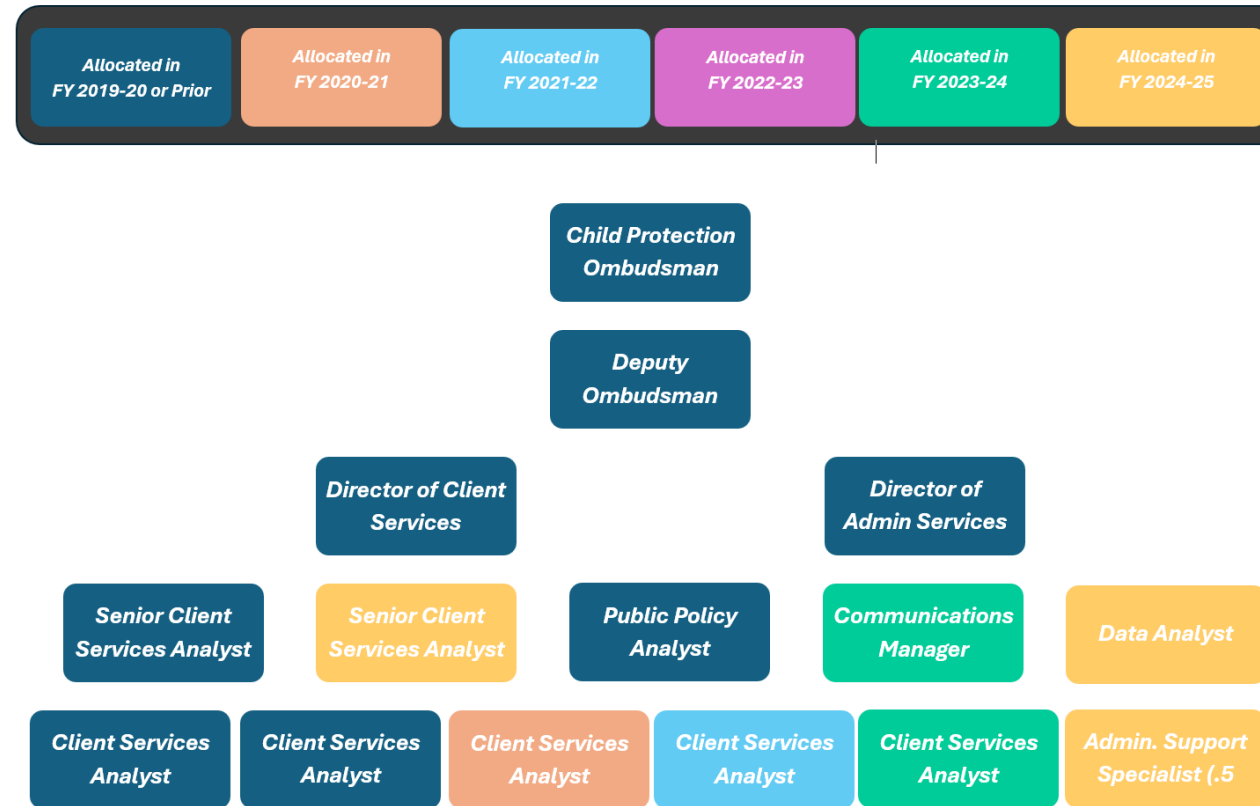
- IT programs and hardware purchases.
- Onboarding and training.
- Database updates and licensure consolidation.

Fiscal Year 2025-26 Potential Reductions: Estimated Savings = \$36,563 to \$116,817

- OCPO Advisory Board Budget
- Secure contract support, instead of FTE, for implementation of HB 24-1046, Child Welfare System Tools
- Limit procurement of new software programs and reduce office supply purchasing by 15%.
- Eliminate travel and attendance to all out-of-state conferences and trainings.
- Leave 1.0 FTE Communications Manager position vacant.



OCPO Staff Growth by Fiscal Year



Office of the Colorado Child Protection Ombudsman FTE Growth by Fiscal Year



OCPO Recommendations for DYS

Recommendations:

- The DYS overhaul the existing surveillance system to include comprehensive audio and video coverage throughout the facilities.
- The DYSQA/QAYS identify a public reporting mechanism to share information learned regarding their monitoring visits, annual audits and individual incident reviews on a consistent and recurring basis.
- The DYS provide the Youth and Seclusion Working Group with additional data, including the following:
 - a) The number of restraints determined to be justified and the number of restraints determined to be unjustified. For each determination, the data should include information explaining the basis and rationale for the determination.
 - b) The number of times a youth sustains serious bodily injury during a restraint.
 - c) Youth race and ethnicity information related to recommendations above.

THE DENVER POST

NEWS > CRIME AND PUBLIC SAFETY • News

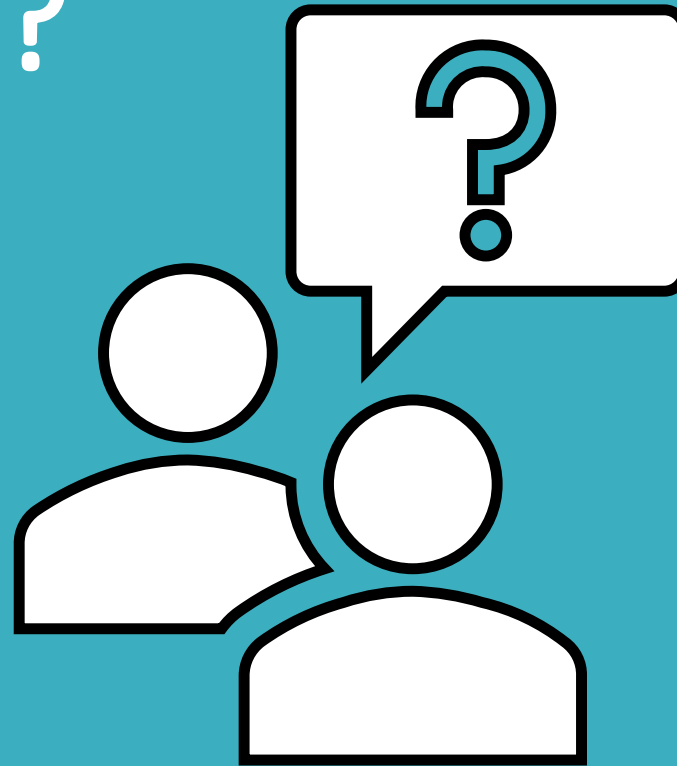
Colorado juvenile detention centers lack important surveillance tools, child protection ombudsman finds

Division of Youth Services facilities only record video without sound

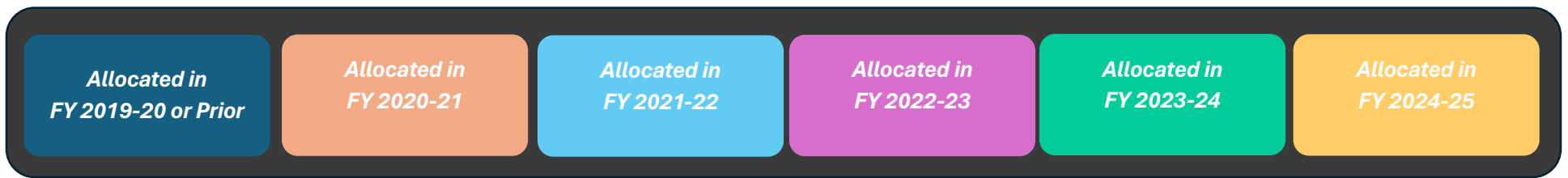


Courtesy Colorado Division of Youth Corrections
Colorado's Division of Youth Services has undergone changes, including making facilities less like Spring Creek in El Paso County less like jails. A bill in the General Assembly this year aims to reduce recidivism.

QUESTIONS?



Appendix B



*Child Protection
Ombudsman*

*Deputy
Ombudsman*

*Director of Client
Services*

*Director of
Admin Services*

*Senior Client
Services Analyst*

*Senior Client
Services Analyst*

*Public Policy
Analyst*

*Communications
Manager*

Data Analyst

*Client Services
Analyst*

*Client Services
Analyst*

*Client Services
Analyst*

*Client Services
Analyst*

*Client Services
Analyst*

*Admin. Support
Specialist (.5)*

Office of the Colorado Child Protection Ombudsman FTE Growth by Fiscal Year

Appendix C

Question 6: YTD FY24-25				
Object Code	Description	Fund Source	Spending Total	
1130	Statutory Personnel & Payroll System Overtime Wages			
1131	Statutory Personnel & Payroll System Shift Diff. Wages			
1140	Statutory Personnel & Payroll System Annual Leave Payments			
1141	Statutory Personnel & Payroll System Sick Leave Payments			
1340	Employee Cash Incentive Awards	1000	\$ -	
1350	Employee Non-Cash Incentive Awards			
1370	Employee Commission Incentive Pay			
1510, 1511, 151	Health, Life, and Dental Insurance	1000	\$ 65,518.48	
1524	PERA - AED	1000	\$ 25,239.56	
1525	PERA - SAED	1000	\$ 25,239.56	
1531	Higher Education Tuition reimbursement			

Question 5: FY23-24				
Object Code	Description	Fund Source	Spending Total	
1130	Statutory Personnel & Payroll System Overtime Wages			
1131	Statutory Personnel & Payroll System Shift Diff. Wages			
1140	Statutory Personnel & Payroll System Annual Leave Payments			
1141	Statutory Personnel & Payroll System Sick Leave Payments			
1340	Employee Cash Incentive Awards	1000	\$ 16,000.00	
1350	Employee Non-Cash Incentive Awards			
1370	Employee Commission Incentive Pay			
1510, 1511, 151	Health, Life, and Dental Insurance	1000	\$ 151,092.88	
1524	PERA - AED	1000	\$ 51,520.13	
1525	PERA - SAED	1000	\$ 51,520.13	
1531	Higher Education Tuition reimbursement			

Question 5: FY22-23				
Object Code	Description	Fund Source	Spending Total	Notes
1130	Statutory Personnel & Payroll System Overtime Wages			
1131	Statutory Personnel & Payroll System Shift Diff. Wages			
1140	Statutory Personnel & Payroll System Annual Leave Payments			
1141	Statutory Personnel & Payroll System Sick Leave Payments			
1340	Employee Cash Incentive Awards	1000	\$ 18,000.00	
1350	Employee Non-Cash Incentive Awards			
1370	Employee Commission Incentive Pay			
1510, 1511, 151	Health, Life, and Dental Insurance	1000	\$ 124,430.19	
1524	PERA - AED	1000	\$ 43,284.07	
1525	PERA - SAED	1000	\$ 43,284.07	
1531	Higher Education Tuition reimbursement			

Question 7: FY23-24				
Object Code	Description	Fund Source	Spending Total	
1100	Total Contract Services (Purchased Personal Services)	1000	\$ -	
1210	Contractual Employee Regular Part-Time Wages	1000	\$ 1,020,307.41	*Please note, this figure has been highlighted in the provided spreadsheet. This figure DOES NOT represent the OCPO's total contractual employee regular part-time wages. In preparing this spreadsheet, it was discovered that the Supreme Court Administrator's Office (SCAO) – which administers the OCPO's payroll – is allocating the OCPO's regular FTE salaries to this code. The OCPO has alerted ASIA, which is working to find a solution moving forward.
1211	Contractual Employee Regular Full-Time Wages	1000	\$ 2,846.50	
1131	Statutory Personnel & Payroll System Shift Diff. Wages			*Please note, this figure has been highlighted in the provided spreadsheet. This figure DOES NOT represent the OCPO's total contractual employee regular full-time wages. In preparing this spreadsheet, it was discovered that the Supreme Court Administrator's Office (SCAO) – which administers the OCPO's payroll – is allocating the OCPO's regular FTE salaries to this code. The OCPO has alerted ASIA, which is working to find a solution moving forward.
1240	Contractual Employee Annual Leave Payments	1000	\$ 20,297.72	
1622	Contractual Employee PERA			
1624	Contractual Employee PERA AED			
1625	Contractual Employee PERA - Supplemental AED			
1910	Personal Services - Temporary	1000	\$ 3,900.71	
1920	Personal Services - Professional	1000	\$ 129,963.29	
1940	Personal Services - Medical Services			
1950	Personal Services - Other State Departments			
1960	Personal Services - Information Technology	1000	\$ 16,428.61	

Question 7: FY22-23

Object Code	Description	Fund Source	Spending Total	
1100	Total Contract Services (Purchased Personal Services)	1000	\$ -	
1210	Contractual Employee Regular Part-Time Wages	1000	\$ 810,191.50	*Please note, this figure has been highlighted in the provided spreadsheet. This figure DOES NOT represent the OCPO's total contractual employee regular part-time wages. In preparing this spreadsheet, it was discovered that the Supreme Court Administrator's Office (SCAO) – which administers the OCPO's payroll – is allocating the OCPO's regular FTE salaries to this code. The OCPO has alerted ASIA, which is working to find a solution moving forward.
1211	Contractual Employee Regular Full-Time Wages	1000	\$ 26,608.59	
1131	Statutory Personnel & Payroll System Shift Diff. Wages			
1240	Contractual Employee Annual Leave Payments	1000	\$ 9,508.38	
1622	Contractual Employee PERA			
1624	Contractual Employee PERA AED			
1625	Contractual Employee PERA - Supplemental AED			
1910	Personal Services - Temporary	1000	\$ -	
1920	Personal Services - Professional	1000	\$ 45,030.00	
1940	Personal Services - Medical Services			
1950	Personal Services - Other State Departments			
1960	Personal Services - Information Technology	1000	\$ 11,314.00	

Department	Division	Subdivision	Sub-subdivision	Line Item	Job Classification	Allocated FTE	Active FTE	Vacancies	Vacancy Rate
FY24-25									
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Child Protection Ombudsman	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Director of Administrative Services	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Deputy Child Protection Ombudsm	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Director of Client Services	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Client Services Analyst	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Sr. Client Services Analyst	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Sr. Client Services Analyst	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Public Policy Analyst	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Client Services Analyst	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Temp - CNTR Professional Services	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Client Services Analyst	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Communications Manager	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Data Analyst	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Client Services Analyst	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Administrative Office Specialist	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Client Services Analyst	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Client Services Analyst	1.0	1.0	0.0	0%
Subtotal						17.0	17.0	0.0	0%
FY23-24									
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Child Protection Ombudsman	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Contract Analyst	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Deputy Child Protection Ombudsm	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Sr. Client Services Analyst	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Client Services Analyst	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Director of Client Services	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Client Services Analyst	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Public Policy Analyst	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Client Services Analyst	0.9	0.9	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Contract HR Services	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Communications Manager	0.5	0.5	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Client Services Analyst	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Director of Administrative Services	1.0	1.0	0.0	0%
Subtotal						12.4	12.4	0.0	0%
FY22-23									
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Child Protection Ombudsman	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Deputy Ombudsman	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Director of Administrative Services	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Client Services Analyst	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Director of Client Services	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Public Policy Analyst	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Senior Analyst	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Client Services Analyst	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Client Services Analyst	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Client Services Analyst	1.0	1.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Communications Manager	0.5	0.5	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Contract Analyst	0.0	0.0	0.0	0%
Office of the Child Protection Ombudsn	n/a	n/a	n/a	Personal Services	Contract HR Services	0.0	0.0	0.0	0%
Subtotal						10.5	10.5	0.0	0%

Question 8: Allocated vs. Actual FTE

Fiscal Year	Allocated	Actual
FY18-19	8.00	7.10
FY19-20	8.00	6.40
FY20-21	8.00	7.40
FY21-22	9.00	9.00
FY22-23	10.50	10.10
FY23-24	12.00	10.70

JUDICIAL DEPARTMENT - INDEPENDENT AGENCIES
FY 2025-26 JOINT BUDGET COMMITTEE HEARING AGENDA

Wednesday, December 18, 2024

9:00 am – 11:00 am

10:51-11:00 Office of Public Guardianship (OPG)

Main Presenters:

- Sophia M. Alvarez, Executive Director

Supporting Presenters:

- Amanda Gall, Legislative Liaison, Meridian Public Affairs
- Joseph “Josh” Murphy, Staff attorney, COPG

Topics:

- Common Statewide Question 1: Not applicable
- Common Questions 2 – 4 for Independent Agencies: Questions 2, 4 in the packet, Slide 8
- Question for OPG 17: Page 12, Questions 5 in the packet, Slides 9-10

Abstract geometric lines in black on a white background, forming various overlapping polygons and shapes, primarily concentrated on the left side of the page.

COLORADO OFFICE OF PUBLIC GUARDIANSHIP

SOPHIA M. ALVAREZ, EXECUTIVE DIRECTOR

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

FINAL REPORT TO THE LEGISLATURE

[HTTPS://COLORADO-OPG.ORG/](https://colorado-opg.org/)

SB23-064

ANNUAL REPORTS

SB23-064, CONCERNING THE COPG

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



COPG STAFFING

SERVING 2ND, 7TH, 16TH: 82 CLIENTS

COUNTIES: DENVER, DELTA, GUNNISON, HINSDALE, MONTROSE, SAN MIGUEL, OURAY, BENT, CROWLEY, OTERO

Administration

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

Guardians

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

Most impactful services the COPG provides are assisting clients with:

COPG SERVICES

- *Establishing the appropriate level of housing/placement*
- *Securing needed and appropriate medical and health care*
- *Securing needed and appropriate mental health care*
- *End of life care with dignity*

HIGHLIGHTS OF COPG

TOTAL 82 CLIENTS

SERVED

- 82 active guardianships
- 32 identified as female, 50 identified as male
- Client ages range from 20s to 90s
- Median age 61; 39% of clients are 65 and older
- Primary diagnoses: Serious mental illness or psychiatric conditions (61%)
- Secondary diagnoses: Alzheimer's disease, dementia disorder, or other neurocognitive disorder (43%)

-
- 96% of clients have other medical conditions, with 50% suffering from multiple medical conditions
 - 6 clients passed at a hospital or nursing home under professional medical care

-
- Terminated 1 guardianship due to locating a successor guardian
 - Terminated 1 guardianship due to client regaining capacity
-

Q2. Cut in SB23-064 GEN FUND

Due to mandate of state implementation by 2030, the OPG cannot sustain a reduction to the attached 2025-2026 Fiscal Note, but being a fiscally responsible partner, we request an annualization and limiting initial implementation in FY2025-2026.

Q4. Growth in FTE

- FY2022-2023 and FY2023-2024 saw a growth for guardians due to demand by BHA (MOU) and hospitals.
- Deputy Director (2022)
- Case Management Aid (2022)
- Staff Attorney (2024)

COPG BUDGET REQUESTS - OVERVIEW

R-01 - \$263,392

- 1.0 FTE Grants Specialist

- 1.0 Contracted Data Scientist

- 1.0 Contracted Community Engagement Coordinator

R-02 - \$184,536

Participant Enrichment Services

R-01 Annualization & Request of \$263,392

Annualizing \$1.2 FN of SB23-064 thereby
reducing it to \$744,844 R-01A in
GEN FUNDS

Acceleration of 2
positions TA-
01/TA-02 \$329,688
from 2024-2025

1.0 FTE Grants
Specialist

1.0 Contracted Data
Scientist

1.0 Contracted
Community
Engagement
Coordinator

R-02 Participant Enrichment Services - \$184,536

68/82 clients
received SSA
benefits

Ave Total Monthly Income
\$742

Range of
Monthly PNA
\$30-90

Client Dignity

JUDICIAL DEPARTMENT – OFFICE OF PUBLIC GUARDIANSHIP

FY 2025-26 JOINT BUDGET COMMITTEE HEARING

WRITTEN RESPONSES ONLY

Common Questions: Please retain the numbering in order to maintain consistent labeling across departments.

- 1 Provide a list of any legislation with a fiscal impact that the Department has: (a) not implemented, (b) partially implemented, or (c) missed statutory deadlines. Please specifically describe the implementation of ongoing funding established through legislation in the last two legislative sessions. Explain why the Department has not implemented, has only partially implemented, or has missed deadlines for the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation. SB23-064 made the OPG permanent and statewide by December 31, 2025. The attached \$1.2 million Fiscal Note was to begin funding for expansion July 1, 2025. Due to the State's deficit and in good faith and partnership, the OPG is annualizing the \$1.2 million and limiting the 2025 expansion. The OPG's R-01 request is \$263,392, accelerating 2.0 FTE from 2025, the remaining obligation of the Fiscal Note is \$748,844.
- 2 Describe General Fund appropriation reductions made in the Department for budget balancing purposes in 2020, and whether the appropriation has been restored with General Fund or another fund source through budget actions or legislation. Not applicable.
- 3 Please provide the most current information possible. For all line items with FTE, please show: Please see attachment 1, Tab 1: FTE by line item and Job Class. The temporary vacant guardian positions are being actively recruited for to bring us to original capacity and one newer guardian position.
 - a the number of allocated FTE each job classification in that line item
 - b the number of active FTE for each of those job classifications
 - c the number of vacant FTE for each of those job classifications
 - d the vacancy rate for each of those job classifications

Use the attached Template C to populate these data. Please return the data in editable Excel format.

- 4 Please provide the same information as Question #3 for FYs 2022-23 and FY 2023-24. Use the attached Template C to populate these data. Please return the data in editable Excel. Please see attachment 1, Tab 1: FTE by line item and Job Class.
- 5 For FYs 2022-23 and 2023-24, please provide, in editable Excel format, department-wide spending totals for each of the following object codes, by fund source. Please see attachment 1, Tab 2: Object Code Expenditures.
 - a Object Code 1130: Statutory Personnel & Payroll System Overtime Wages
 - b Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages
 - c Object Code 1140: Statutory Personnel & Payroll System Annual Leave Payments
 - d Object Code 1141: Statutory Personnel & Payroll System Sick Leave Payments
 - e Object Code 1340: Employee Cash Incentive Awards

- f Object Code 1350: Employee Non-Cash Incentive Award
 - g Object Code 1370: Employee Commission Incentive Pay
 - h Object Codes 1510, 1511, 1512: Health, Life, and Dental Insurance
 - i Object Code 1524: PERA – AED
 - j Object Code 1525: PERA - SAED
 - k Object Code 1531: Higher Education Tuition reimbursement
- 6 For the latest month for which the data are available, please provide, in editable Excel format, department-wide FY 2024-25 year-to-date spending totals for each of the following object codes, by fund source. [Please see attachment 1, Tab 2: Object Code Expenditures.](#) Object Code 1210 (contractual employee regular full-time wages) encompasses FTEs and any true contracted salary expenditures, including ASIS Executive Director.
- a Object Code 1130: Statutory Personnel & Payroll System Overtime Wages
 - b Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages
 - c Object Code 1140: Statutory Personnel & Payroll System Annual Leave Payments
 - d Object Code 1141: Statutory Personnel & Payroll System Sick Leave Payments
 - e Object Code 1340: Employee Cash Incentive Awards
 - f Object Code 1350: Employee Non-Cash Incentive Award
 - g Object Code 1370: Employee Commission Incentive Pay
 - h Object Codes 1510, 1511, 1512: Health, Life, and Dental Insurance
 - i Object Code 1524: PERA – AED
 - j Object Code 1525: PERA-SAED
 - k Object Code 1531: Higher Education Tuition reimbursement
- 7 For FYs 2022-23 and 2023-24, please provide department-wide spending totals for each of the following object codes, by fund source. [Please see attachment 1, Tab 2: Object Code Expenditures.](#)
- a Object Code 1100: Total Contract Services (Purchased Personal Services)
 - b Object Code 1210: Contractual Employee Regular Part-Time Wages
 - c Object Code 1211: Contractual Employee Regular Full-Time Wages
 - d Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages
 - e Object Code 1240: Contractual Employee Annual Leave Payments
 - f Object Code 1622: Contractual Employee PERA
 - g Object Code 1624: Contractual Employee Pera AED
 - h Object Code 1625: Contractual Employee Pera - Supplemental AED
 - i Object Code 1910: Personal Services – Temporary
 - j Object Code 1920: Personal Services – Professional
 - k Object Code 1940: Personal Services – Medical Services
 - l Object Code 1950: Personal Services - Other State Departments
 - m Object Code 1960: Personal Services – Information Technology
- 8 Please provide a table showing both allocated and actual FTE for each Division within the Department from FY 2018-19 through FY 2023-24.

Question 8: Allocated vs. Actual FTE		
Fiscal Year	Allocated	Actual
FY18-19	0.00	0.00
FY19-20	6.00	2.80
FY20-21	7.00	7.00
FY21-22	7.00	6.00
FY22-23	14.00	9.80
FY23-24	16.00	8.40

- 9 Please discuss how the Department would absorb base personal services reductions of the following amounts: 1.0 percent, 3.0 percent, and 5.0 percent. How would those reductions impact the departments operations and core mission? The OPG has been short-staffed and at full capacity serving 150 clients in three judicial districts. The OPG needs to fill 1 guardian vacancy to again accept client referrals and grow caseload capacity. Any personal services reduction would be detrimental to even maintaining current capacity as we are understaffed as well as to our mandate to expand statewide by 2030. Any staff reductions would result in decline in monthly oversight of clients in their residence and medical and mental healthcare and treatment. Lack of oversight could be damaging for this already vulnerable population.

- a 1.0 percent personal services reduction [1% of \$1,321,126 = \$13,211]
- b 3.0 percent personal services reduction [3% of \$1,321,126 = \$39,633]
- c 5.0 percent personal services reduction [5% of \$1,321,126 = \$66,056]

- 10 Describe steps the Department is taking to reduce operating expenditures for FY 2025-26. OPG operating expenditures are reasonable. However, steps we are taking are:

- a Being a proactive member of ASIA and implementing HR, accounting, IT, etc. resources once they come online which will streamline our costs and efficiency
- b Working with Capital Complex System to locate new office space. The OPG may request a Budget Amendment or Supplemental
- c The OPG fought tirelessly to obtain a Staff Attorney so that reliance on the Attorney General's Office would decrease and thereby reduce costs and increase internal efficiency
- d Contracting with Employer's Council for and HR Manager and hiring the Staff & Culture Leader (currently interviewing) will decrease advertising and training fees [2641- ADP Services from Other sources]

OPG Operating Expenditures FY2023-2024

July 2023 - June 2024	July Actuals	Aug Actuals	Sept Actuals	Oct Actuals	Nov Actuals	Dec Actuals	Jan Actuals	Feb Actuals	Mar Actuals	April Actuals	May Actuals	Actuals	YTD Total thru 7/10/2024
1920-Other Professional Services	416	436	468	1,463	9,918	936	3,393	432	432	22,779	3,447	648	\$ 44,768
1935 - Attorneys	-	35	-	51	289	43	269	332	9	216	-	-	\$ 1,342
1960-Professional IT Services	-	495	495	-	495	495	550	1,045	550	550	-	1,666	\$ 6,341
2231 -IT Hardware & Software Maint & Repair Svcs	-	-	-	-	-	-	-	-	-	-	216	245	\$ 461
2255 -Rental of Meeting Rooms & Leased Space	1,900	4,500	-	10,100	-	8,450	-	12,050	-	4,300	4,800	4,000	\$ 50,100
2510 -General Travel (Employee)	5	22	209	1,204	1,330	77	31	895	137	442	530	2,789	\$ 7,671
2511 -Common Carrier Fares	-	-	-	-	-	-	-	-	-	-	-	274	\$ 274
2512 -Meals (Employee)	40	-	65	-	-	26	-	-	-	-	103	61	\$ 294
2513 -Mileage Reimbursement (Employee)	306	995	303	518	979	1,125	862	338	9	71	2,147	1,073	\$ 8,725
2530 -General Travel	-	-	-	-	-	1,459	-	-	-	-	-	-	\$ 1,459
2531 -Common Carrier Fares	-	-	-	-	417	830	-	-	-	-	-	-	\$ 1,246
2532 -Meals	-	-	-	-	-	189	-	-	-	-	-	-	\$ 189
2610 -Advertising Services	-	164	-	410	873	127	578	82	514	599	704	1,610	\$ 5,662
2631 -Communication Services from Outside Sources	-	1,010	1,009	1,009	1,010	959	959	959	898	898	898	1,915	\$ 11,524
2641 -ADP Services from Outside Sources	3,613	4,700	6,186	6,008	-	-	27,005	-	8,615	-	12,505	2,815	\$ 71,444
2680 -Printing & Reproduction Services - Vendors	37	8	12	212	-	182	36	171	-	7	35	158	\$ 856
2690 -Legal Services	-	-	-	-	-	-	37,530	-	-	-	-	-	\$ 37,530
3118 -Food & Food Services Supplies	-	240	17	316	28	23	74	217	-	157	863	281	\$ 2,217
3820 -Monitoring Services	-	156	156	156	388	156	156	156	156	156	156	312	\$ 2,104
3110 -Identification & Safety Supplies	-	-	-	47	147	-	-	-	-	57	102	-	\$ 352
3121 -Case Jackets	357	458	-	110	345	56	-	293	252	-	414	-	\$ 2,285
3123 -Postage	4	7	198	8	-	76	25	104	-	20	70	32	\$ 544
3140 -Noncapitalized IT Software	-	871	161	4,344	122	-	-	\$ 2,576	60	60	60	-	\$ 8,253
3145 -Noncapitalized IT Purchases	-	517	367	-	368	3,758	14,014	826	443	443	4,032	1,643	\$ 26,412
4140 -Dues & Memberships	-	-	-	-	-	-	1,583	253	1,000	-	-	450	\$ 3,286
4170 -Miscellaneous Fees & Fines	-	10	20	-	-	10	10	-	10	30	-	1,373	\$ 1,463
4220 -Registration Fees	-	45	150	620	315	-	-	-	-	-	93	-	\$ 1,223
4256 -Other Employee Benefits - Eco Pass	-	260	-	-	-	-	-	-	-	-	-	-	\$ 260
Total	\$ 6,678	\$ 14,928	\$ 9,816	\$ 26,572	\$ 17,023	\$ 18,977	\$ 87,075	\$ 20,728	\$ 13,085	\$ 30,794	\$ 31,176	\$ 21,345	\$ 298,186

- 11 For each operating expenses line item in FY 2023-24, provide a table showing the total appropriation for FY 2023-24 and the total actual expenditures at the end of the third quarter of FY 2023-24. Please see attachment 2 from our FY 2025-2026 Budget Request, showing the total appropriation for FY 2023-2024. \$214,880 is total actual expenditures at the end of the third quarter of FY 2023-24. The OPG had several vacancies and two guardian positions with pre-emptive spending authority that we are looking for other funding sources for.

- 12 Please provide an overview of the department's service efforts. In your response, describe the following:

The OPG published a comprehensive 2022 Final Report to the Legislature, 2023 Annual Report and will publish a 2024 Annual Report by January 1, 2024. All reports are available on the OPG website: <https://colorado-opg.org/opg-in-depth/#opg-in-depth-legislation>

 - a Populations served by the Department. The OPG serves as legal guardian for indigent and incapacitated adults 21 years and older that have no friends or family that are willing able or available to serve as guardian. Currently the OPG may serve clients in the 2nd/7th/16th/ Judicial Districts, but due to a staff shortage, we are only serving 1 client in the 7th JD and unable to serve in the 16th JD. We have recently hired 2 guardians and after their training periods we should be able to accept all referrals again.
 - b The target populations of the Department's services. Unlike other state's public guardianship programs, the OPG does not limit the type of incapacity or diagnoses that renders them incapacitated. Therefore, clients may be diagnosed with:
 - 1) Intellectual or developmental diagnoses
 - 2) Severe mental illness
 - 3) Neurocognitive diagnosis
 - 4) Traumatic brain injury
 - 5) Substance use diagnosis
 - 6) Physical disability

Further, clients may experience homelessness and lifetimes of food insecurity and no medical, mental healthcare and treatment. The populations that OPG serves intersects various sectors and social factors and trends. Another target population comes from the Department of Corrections and the Colorado Mental Health Institutes.
 - c Number of people served by the Department. In the last year, the OPG served 82 clients.
 - d Outcomes measured by the Department. Please see our last three reports for details. The OPG measures basic client demographics, critical incidents, deaths, activities of daily living, instrumental activities of daily living, medical needs, complaints, referrals, housing status, staff training and national certifications, client, guardian and stakeholder satisfaction in 2022.
 - e Present and future strategies for collecting customer experience data. With more and adequate resources, the OPG will conduct regular client and stakeholder satisfaction surveys; review of the OPG by a guardian/National Guardianship Association firm; staff satisfaction surveys by the Staffing and Culture Leader; overall program and client evaluations by the Data Scientist. As a side note: there is very limited and standardized data and research on public guardianship programs.

- 13 For each TABOR non-exempt cash fund, provide the following information – OPG will have to supplement this answer at a later date with the assistance of the Judicial Department Budget Manager/Analyst.
 - a The amount in the cash fund

- b Total amount of revenue in the fund that would not be transferred
- c Detailed explanation of why the fund should not be sunset
- d Statutory reference of the fund creation, specific uses, and legislative history of changes to the fund
- e Every program funded by the fund
- f Explanation of how fees to the fund are set and a history of fee changes
- g The number of people provided service by the programs funded through the cash fund
- h Any additional information necessary to ensure the Joint Budget Committee can make an informed decision.

Attachment 1. Tab 1

OPG Q3/Q4

Department	Division	Subdivision	Sub-subdivision	Line Item	Job Classification	Allocated FTE	Active FTE	Vacancies	Vacancy Rate
Office of Public Guardianship	n/a	n/a	n/a	Personal Services	Director	1.0	1.0	0.0	0%
Office of Public Guardianship	n/a	n/a	n/a	Personal Services	Deputy Director	1.0	1.0	0.0	0%
Office of Public Guardianship	n/a	n/a	n/a	Personal Services	Staff Attorney	1.0	1.0	0.0	0%
Office of Public Guardianship	n/a	n/a	n/a	Personal Services	Guardian *	10.0	8.0	2.0	20%
Office of Public Guardianship	n/a	n/a	n/a	Personal Services	Case Management Aide	1.0	1.0	0.0	0%
Office of Public Guardianship	n/a	n/a	n/a	Personal Services	Staff Assistant	1.0	1.0	0.0	0%
Office of Public Guardianship	n/a	n/a	n/a	Personal Services	Workforce Development	1.0	1.0	0.0	0%
Subtotal						16.0	14.0	2.0	13%
FY23-24									
Office of Public Guardianship	n/a	n/a	n/a	Personal Services	Director	1.0	1.0	0.0	0%
Office of Public Guardianship	n/a	n/a	n/a	Personal Services	Deputy Director	1.0	1.0	0.0	0%
Office of Public Guardianship	n/a	n/a	n/a	Personal Services	Staff Attorney	1.0	1.0	0.0	0%
Office of Public Guardianship	n/a	n/a	n/a	Personal Services	Guardian *	10.0	1.0	9.0	90%
Office of Public Guardianship	n/a	n/a	n/a	Personal Services	Case Management Aide	1.0	1.0	0.0	0%
Office of Public Guardianship	n/a	n/a	n/a	Personal Services	Staff Assistant	1.0	1.0	0.0	0%
Office of Public Guardianship	n/a	n/a	n/a	Personal Services	Workforce Development	1.0	1.0	0.0	0%
Subtotal						16.0	7.0	9.0	56%
FY22-23									
Office of Public Guardianship	n/a	n/a	n/a	Personal Services	Director	1.0	1.0	0.0	0%
Office of Public Guardianship	n/a	n/a	n/a	Personal Services	Deputy Director	1.0	1.0	0.0	0%
Office of Public Guardianship	n/a	n/a	n/a	Personal Services	Staff Attorney	1.0	1.0	0.0	0%
Office of Public Guardianship	n/a	n/a	n/a	Personal Services	Guardian *	8.0	1.0	7.0	88%
Office of Public Guardianship	n/a	n/a	n/a	Personal Services	Case Management Aide	1.0	1.0	0.0	0%
Office of Public Guardianship	n/a	n/a	n/a	Personal Services	Staff Assistant	1.0	1.0	0.0	0%
Office of Public Guardianship	n/a	n/a	n/a	Personal Services	Workforce Development	1.0	1.0	0.0	0%
Subtotal						14.0	7.0	7.0	50%

*actively seeking to fill

Attachment 1. Tab 2

Question 6: YTD FY24-25			
Object Code	Description	Fund Source	Spending Total
1130	Statutory Personnel & Payroll System Overtime Wages		
1131	Statutory Personnel & Payroll System Shift Diff. Wages		
1140	Statutory Personnel & Payroll System Annual Leave Payments		
1141	Statutory Personnel & Payroll System Sick Leave Payments		
1340	Employee Cash Incentive Awards		
1350	Employee Non-Cash Incentive Awards		
1370	Employee Commission Incentive Pay		
1510, 1511, 1512	Health, Life, and Dental Insurance	OPGF	\$ 38,446.04
1524	PERA - AED	OPGF	\$ 13,349.94
1525	PERA - SAED	OPGF	\$ 13,349.94
1531	Higher Education Tuition reimbursement		
Question 5: FY23-24			
Object Code	Description	Fund Source	Spending Total
1130	Statutory Personnel & Payroll System Overtime Wages		
1131	Statutory Personnel & Payroll System Shift Diff. Wages		
1140	Statutory Personnel & Payroll System Annual Leave Payments		
1141	Statutory Personnel & Payroll System Sick Leave Payments		
1340	Employee Cash Incentive Awards		
1350	Employee Non-Cash Incentive Awards		
1370	Employee Commission Incentive Pay		
1510, 1511, 1512	Health, Life, and Dental Insurance	OPGF	\$ 114,672.28
1524	PERA- AED	OPGF	\$ 34,053.25
1525	PERA - SAED	OPGF	\$ 34,053.25
1531	Higher Education Tuition reimbursement		
Question 5: FY22-23			
Object Code	Description	Fund Source	Spending Total
1130	Statutory Personnel & Payroll System Overtime Wages		
1131	Statutory Personnel & Payroll System Shift Diff. Wages		
1140	Statutory Personnel & Payroll System Annual Leave Payments		
1141	Statutory Personnel & Payroll System Sick Leave Payments		
1340	Employee Cash Incentive Awards		
1350	Employee Non-Cash Incentive Awards		
1370	Employee Commission Incentive Pay		
1510, 1511, 1512	Health, Life, and Dental Insurance	OPGF	\$ 110,202.60
1524	PERA- AED	OPGF	\$ 34,671.59
1525	PERA - SAED	OPGF	\$ 34,671.25
1531	Higher Education Tuition reimbursement		
Question 7: FY23-24			
Object Code	Description	Fund Source	Spending Total
1100	Total Contract Services (Purchased Personal Services)		
1210	Contractual Employee Regular Part-Time Wages	OPGF	\$ 647,913.95
1211	Contractual Employee Regular Full-Time Wages		
1131	Statutory Personnel & Payroll System Shift Diff. Wages		
1240	Contractual Employee Annual Leave Payments	OPGF	\$ 33,662.98
1622	Contractual Employee PERA		
1624	Contractual Employee PERA AED		
1625	Contractual Employee PERA - Supplemental AED		
1910	Personal Services - Temporary		
1920	Personal Services - Professional	OPGF	\$ 44,767.72
1940	Personal Services - Medical Services		
1950	Personal Services - Other State Departments		
1960	Personal Services - Information Technology	OPGF	\$ 6,340.69
Question 7: FY22-23			
Object Code	Description	Fund Source	Spending Total
1100	Total Contract Services (Purchased Personal Services)		
1210	Contractual Employee Regular Part-Time Wages	OPGF	\$ 674,134.94
1211	Contractual Employee Regular Full-Time Wages		
1131	Statutory Personnel & Payroll System Shift Diff. Wages		
1240	Contractual Employee Annual Leave Payments	OPGF	\$ 6,258.42
1622	Contractual Employee PERA		
1624	Contractual Employee PERA AED		
1625	Contractual Employee PERA - Supplemental AED		
1910	Personal Services - Temporary		
1920	Personal Services - Professional	OPGF	\$ 62,385.27
1940	Personal Services - Medical Services		
1950	Personal Services - Other State Departments		
1960	Personal Services - Information Technology	OPGF	\$ 27,672.50

*Object Code 1210 - Contractual Employee Regular Part-Time Wages: encompasses FTEs and any true contracted salary expenditures, including ASIA ED.

Attachment 1. Tab 3

Question 8: Allocated vs. Actual FTE		
Fiscal Year	Allocated	Actual
FY18-19	0.00	0.00
FY19-20	6.00	2.80
FY20-21	7.00	7.00
FY21-22	7.00	6.00
FY22-23	14.00	9.80
FY23-24	16.00	8.40

JUDICIAL DEPARTMENT – OFFICE OF PUBLIC GUARDIANSHIP

FY 2025-26 JOINT BUDGET COMMITTEE HEARING

WRITTEN RESPONSES ONLY

Common Questions: Please retain the numbering in order to maintain consistent labeling across departments.

- 1 Provide a list of any legislation with a fiscal impact that the Department has: (a) not implemented, (b) partially implemented, or (c) missed statutory deadlines. Please specifically describe the implementation of ongoing funding established through legislation in the last two legislative sessions. Explain why the Department has not implemented, has only partially implemented, or has missed deadlines for the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation. SB23-064 made the OPG permanent and statewide by December 31, 2025. The attached \$1.2 million Fiscal Note was to begin funding for expansion July 1, 2025. Due to the State's deficit and in good faith and partnership, the OPG is annualizing the \$1.2 million and limiting the 2025 expansion. The OPG's R-01 request is \$263,392, accelerating 2.0 FTE from 2025, the remaining obligation of the Fiscal Note is \$748,844.
- 2 Describe General Fund appropriation reductions made in the Department for budget balancing purposes in 2020, and whether the appropriation has been restored with General Fund or another fund source through budget actions or legislation. Not applicable.
- 3 Please provide the most current information possible. For all line items with FTE, please show: Please see attachment 1, Tab 1: FTE by line item and Job Class. The temporary vacant guardian positions are being actively recruited for to bring us to original capacity and one newer guardian position.
 - a the number of allocated FTE each job classification in that line item
 - b the number of active FTE for each of those job classifications
 - c the number of vacant FTE for each of those job classifications
 - d the vacancy rate for each of those job classifications

Use the attached Template C to populate these data. Please return the data in editable Excel format.

- 4 Please provide the same information as Question #3 for FYs 2022-23 and FY 2023-24. Use the attached Template C to populate these data. Please return the data in editable Excel. Please see attachment 1, Tab 1: FTE by line item and Job Class.
- 5 For FYs 2022-23 and 2023-24, please provide, in editable Excel format, department-wide spending totals for each of the following object codes, by fund source. Please see attachment 1, Tab 2: Object Code Expenditures.
 - a Object Code 1130: Statutory Personnel & Payroll System Overtime Wages
 - b Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages
 - c Object Code 1140: Statutory Personnel & Payroll System Annual Leave Payments
 - d Object Code 1141: Statutory Personnel & Payroll System Sick Leave Payments
 - e Object Code 1340: Employee Cash Incentive Awards

- f Object Code 1350: Employee Non-Cash Incentive Award
 - g Object Code 1370: Employee Commission Incentive Pay
 - h Object Codes 1510, 1511, 1512: Health, Life, and Dental Insurance
 - i Object Code 1524: PERA – AED
 - j Object Code 1525: PERA - SAED
 - k Object Code 1531: Higher Education Tuition reimbursement
- 6 For the latest month for which the data are available, please provide, in editable Excel format, department-wide FY 2024-25 year-to-date spending totals for each of the following object codes, by fund source. [Please see attachment 1, Tab 2: Object Code Expenditures.](#) Object Code 1210 (contractual employee regular full-time wages) encompasses FTEs and any true contracted salary expenditures, including ASIS Executive Director.
- a Object Code 1130: Statutory Personnel & Payroll System Overtime Wages
 - b Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages
 - c Object Code 1140: Statutory Personnel & Payroll System Annual Leave Payments
 - d Object Code 1141: Statutory Personnel & Payroll System Sick Leave Payments
 - e Object Code 1340: Employee Cash Incentive Awards
 - f Object Code 1350: Employee Non-Cash Incentive Award
 - g Object Code 1370: Employee Commission Incentive Pay
 - h Object Codes 1510, 1511, 1512: Health, Life, and Dental Insurance
 - i Object Code 1524: PERA – AED
 - j Object Code 1525: PERA-SAED
 - k Object Code 1531: Higher Education Tuition reimbursement
- 7 For FYs 2022-23 and 2023-24, please provide department-wide spending totals for each of the following object codes, by fund source. [Please see attachment 1, Tab 2: Object Code Expenditures.](#)
- a Object Code 1100: Total Contract Services (Purchased Personal Services)
 - b Object Code 1210: Contractual Employee Regular Part-Time Wages
 - c Object Code 1211: Contractual Employee Regular Full-Time Wages
 - d Object Code 1131: Statutory Personnel & Payroll System Shift Diff. Wages
 - e Object Code 1240: Contractual Employee Annual Leave Payments
 - f Object Code 1622: Contractual Employee PERA
 - g Object Code 1624: Contractual Employee Pera AED
 - h Object Code 1625: Contractual Employee Pera - Supplemental AED
 - i Object Code 1910: Personal Services – Temporary
 - j Object Code 1920: Personal Services – Professional
 - k Object Code 1940: Personal Services – Medical Services
 - l Object Code 1950: Personal Services - Other State Departments
 - m Object Code 1960: Personal Services – Information Technology
- 8 Please provide a table showing both allocated and actual FTE for each Division within the Department from FY 2018-19 through FY 2023-24.

Question 8: Allocated vs. Actual FTE		
Fiscal Year	Allocated	Actual
FY18-19	0.00	0.00
FY19-20	6.00	2.80
FY20-21	7.00	7.00
FY21-22	7.00	6.00
FY22-23	14.00	9.80
FY23-24	16.00	8.40

- 9 Please discuss how the Department would absorb base personal services reductions of the following amounts: 1.0 percent, 3.0 percent, and 5.0 percent. How would those reductions impact the departments operations and core mission? The OPG has been short-staffed and at full capacity serving 150 clients in three judicial districts. The OPG needs to fill 1 guardian vacancy to again accept client referrals and grow caseload capacity. Any personal services reduction would be detrimental to even maintaining current capacity as we are understaffed as well as to our mandate to expand statewide by 2030. Any staff reductions would result in decline in monthly oversight of clients in their residence and medical and mental healthcare and treatment. Lack of oversight could be damaging for this already vulnerable population.

- a 1.0 percent personal services reduction [1% of \$1,321,126 = \$13,211]
- b 3.0 percent personal services reduction [3% of \$1,321,126 = \$39,633]
- c 5.0 percent personal services reduction [5% of \$1,321,126 = \$66,056]

- 10 Describe steps the Department is taking to reduce operating expenditures for FY 2025-26. OPG operating expenditures are reasonable. However, steps we are taking are:

- a Being a proactive member of ASIA and implementing HR, accounting, IT, etc. resources once they come online which will streamline our costs and efficiency
- b Working with Capital Complex System to locate new office space. The OPG may request a Budget Amendment or Supplemental
- c The OPG fought tirelessly to obtain a Staff Attorney so that reliance on the Attorney General's Office would decrease and thereby reduce costs and increase internal efficiency
- d Contracting with Employer's Council for and HR Manager and hiring the Staff & Culture Leader (currently interviewing) will decrease advertising and training fees [2641- ADP Services from Other sources]

OPG Operating Expenditures FY2023-2024

July 2023 - June 2024	July Actuals	Aug Actuals	Sept Actuals	Oct Actuals	Nov Actuals	Dec Actuals	Jan Actuals	Feb Actuals	Mar Actuals	April Actuals	May Actuals	Actuals	YTD Total thru 7/10/2024
1920-Other Professional Services	416	436	468	1,463	9,918	936	3,393	432	432	22,779	3,447	648	\$ 44,768
1935 - Attorneys	-	35	-	51	289	43	269	332	9	216	-	-	\$ 1,342
1960-Professional IT Services	-	495	495	-	495	495	550	1,045	550	550	-	1,666	\$ 6,341
2231 -IT Hardware & Software Maint & Repair Svcs	-	-	-	-	-	-	-	-	-	-	216	245	\$ 461
2255 -Rental of Meeting Rooms & Leased Space	1,900	4,500	-	10,100	-	8,450	-	12,050	-	4,300	4,800	4,000	\$ 50,100
2510 -General Travel (Employee)	5	22	209	1,204	1,330	77	31	895	137	442	530	2,789	\$ 7,671
2511 -Common Carrier Fares	-	-	-	-	-	-	-	-	-	-	-	274	\$ 274
2512 -Meals (Employee)	40	-	65	-	-	26	-	-	-	-	103	61	\$ 294
2513 -Mileage Reimbursement (Employee)	306	995	303	518	979	1,125	862	338	9	71	2,147	1,073	\$ 8,725
2530 -General Travel	-	-	-	-	-	1,459	-	-	-	-	-	-	\$ 1,459
2531 -Common Carrier Fares	-	-	-	-	417	830	-	-	-	-	-	-	\$ 1,246
2532 -Meals	-	-	-	-	-	189	-	-	-	-	-	-	\$ 189
2610 -Advertising Services	-	164	-	410	873	127	578	82	514	599	704	1,610	\$ 5,662
2631 -Communication Services from Outside Sources	-	1,010	1,009	1,009	1,010	959	959	959	898	898	898	1,915	\$ 11,524
2641 -ADP Services from Outside Sources	3,613	4,700	6,186	6,008	-	-	27,005	-	8,615	-	12,505	2,815	\$ 71,444
2680 -Printing & Reproduction Services - Vendors	37	8	12	212	-	182	36	171	-	7	35	158	\$ 856
2690 -Legal Services	-	-	-	-	-	-	37,530	-	-	-	-	-	\$ 37,530
3118 -Food & Food Services Supplies	-	240	17	316	28	23	74	217	-	157	863	281	\$ 2,217
3820 -Monitoring Services	-	156	156	156	388	156	156	156	156	156	156	312	\$ 2,104
3110 -Identification & Safety Supplies	-	-	-	47	147	-	-	-	-	57	102	-	\$ 352
3121 -Case Jackets	357	458	-	110	345	56	-	293	252	-	414	-	\$ 2,285
3123 -Postage	4	7	198	8	-	76	25	104	-	20	70	32	\$ 544
3140 -Noncapitalized IT Software	-	871	161	4,344	122	-	-	\$ 2,576	60	60	60	-	\$ 8,253
3145 -Noncapitalized IT Purchases	-	517	367	-	368	3,758	14,014	826	443	443	4,032	1,643	\$ 26,412
4140 -Dues & Memberships	-	-	-	-	-	-	1,583	253	1,000	-	-	450	\$ 3,286
4170 -Miscellaneous Fees & Fines	-	10	20	-	-	10	10	-	10	30	-	1,373	\$ 1,463
4220 -Registration Fees	-	45	150	620	315	-	-	-	-	-	93	-	\$ 1,223
4256 -Other Employee Benefits - Eco Pass	-	260	-	-	-	-	-	-	-	-	-	-	\$ 260
Total	\$ 6,678	\$ 14,928	\$ 9,816	\$ 26,572	\$ 17,023	\$ 18,977	\$ 87,075	\$ 20,728	\$ 13,085	\$ 30,794	\$ 31,176	\$ 21,345	\$ 298,186

- 11 For each operating expenses line item in FY 2023-24, provide a table showing the total appropriation for FY 2023-24 and the total actual expenditures at the end of the third quarter of FY 2023-24. Please see attachment 2 from our FY 2025-2026 Budget Request, showing the total appropriation for FY 2023-2024. \$214,880 is total actual expenditures at the end of the third quarter of FY 2023-24. The OPG had several vacancies and two guardian positions with pre-emptive spending authority that we are looking for other funding sources for.
- 12 Please provide an overview of the department's service efforts. In your response, describe the following:
The OPG published a comprehensive 2022 Final Report to the Legislature, 2023 Annual Report and will publish a 2024 Annual Report by January 1, 2024. All reports are available on the OPG website: <https://colorado-opg.org/opg-in-depth/#opg-in-depth-legislation>
- a Populations served by the Department. The OPG serves as legal guardian for indigent and incapacitated adults 21 years and older that have no friends or family that are willing able or available to serve as guardian. Currently the OPG may serve clients in the 2nd/7th/16th/ Judicial Districts, but due to a staff shortage, we are only serving 1 client in the 7th JD and unable to serve in the 16th JD. We have recently hired 2 guardians and after their training periods we should be able to accept all referrals again.
 - b The target populations of the Department's services. Unlike other state's public guardianship programs, the OPG does not limit the type of incapacity or diagnoses that renders them incapacitated. Therefore, clients may be diagnosed with:
 - 1) Intellectual or developmental diagnoses
 - 2) Severe mental illness
 - 3) Neurocognitive diagnosis
 - 4) Traumatic brain injury
 - 5) Substance use diagnosis
 - 6) Physical disability

Further, clients may experience homelessness and lifetimes of food insecurity and no medical, mental healthcare and treatment. The populations that OPG serves intersects various sectors and social factors and trends. Another target population comes from the Department of Corrections and the Colorado Mental Health Institutes.
 - c Number of people served by the Department. In the last year, the OPG served 82 clients.
 - d Outcomes measured by the Department. Please see our last three reports for details. The OPG measures basic client demographics, critical incidents, deaths, activities of daily living, instrumental activities of daily living, medical needs, complaints, referrals, housing status, staff training and national certifications, client, guardian and stakeholder satisfaction in 2022.
 - e Present and future strategies for collecting customer experience data. With more and adequate resources, the OPG will conduct regular client and stakeholder satisfaction surveys; review of the OPG by a guardian/National Guardianship Association firm; staff satisfaction surveys by the Staffing and Culture Leader; overall program and client evaluations by the Data Scientist. As a side note: there is very limited and standardized data and research on public guardianship programs.
- 13 For each TABOR non-exempt cash fund, provide the following information – OPG will have to supplement this answer at a later date with the assistance of the Judicial Department Budget Manager/Analyst.
- a The amount in the cash fund

- b Total amount of revenue in the fund that would not be transferred
- c Detailed explanation of why the fund should not be sunset
- d Statutory reference of the fund creation, specific uses, and legislative history of changes to the fund
- e Every program funded by the fund
- f Explanation of how fees to the fund are set and a history of fee changes
- g The number of people provided service by the programs funded through the cash fund
- h Any additional information necessary to ensure the Joint Budget Committee can make an informed decision.