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# Office of the Child's Representative

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## Performance Plan Evaluation

Fiscal Year 18-19

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*OCR is an independent  
agency within the  
Judicial Department*



Since its inception, the OCR has made strides towards developing a data-driven practice for overseeing attorney services and managing its state dollars. Child welfare practice does not lend itself to simple outcome-based analysis, as appropriate results in one case may not be appropriate in another. The OCR concentrates its data collection on attorney compliance with practice standards to assess the effectiveness of representation. The OCR seeks feedback from system stakeholders through survey instruments and conducts courtroom observations of attorney practice. In addition, the OCR measures performance through benchmarks and customer surveys. The OCR's efforts in practice assessment and data collection have received state and national attention.

The OCR's current Performance Plan is found at <http://www.coloradochildrep.org/wp-content/uploads/2019/07/Performance-Plan-June-2019.pdf>. For FY 18-19 the OCR focused on three goals:

| OCR Performance Goals and Strategies  |   |
|---|---|
| <b>Goal 1:</b><br><b>Provide children a voice in the Colorado legal system through effective attorney services and advocacy.</b>                                      | A. Ensure children's voice & interests are paramount throughout the proceedings and in the development of policy, law & practice<br>B. Establish attorney qualifications & practice standards<br>C. Provide oversight & evaluation of attorney practice<br>D. Contract with attorneys based on data illustrating compliance with CJD and OCR practice standards<br>E. Establish fair and reasonable compensation for OCR attorneys<br>F. Investigate alternative models of providing legal representation |
| <b>Goal 2:</b><br><b>The OCR will optimize efficiencies in attorney practice and billing.</b>   | A. Manage appropriations & assess program needs<br>B. Assess judicial district needs<br>C. Maximize use and effectiveness of OCR CARES (OCR's on-line case management/billing system)<br>D. Provide litigation support and facilitate practice innovations<br>E. Provide social service professional (SSP) support to attorneys<br>F. Process, manage, and evaluate attorney activities   |
| <b>Goal 3:</b><br><b>The OCR will ensure attorneys remain current in state and federal law and regulations, social science research, and evidence-based services.</b> | A. Cultivate a learning & practice environment that supports excellence in legal representation<br>B. Implement OCR Core Competencies<br>C. Assess attorney education needs<br>D. Require attorneys to meet minimum training requirements<br>E. Disseminate updates on developments in law and social science<br>F. Maintain current and relevant resources for attorney's use  |

The OCR launched an Engaging and Empowering Youth Initiative (E&EY) in FY 17-18 to obtain direct feedback from children and youth involved in the juvenile court system by focusing on "meeting the youth where they are". The OCR travels to various youth placements and events to conduct surveys and focus groups throughout the year. In addition, the OCR conducts reference interviews with youth through our annual renewal process.

| Goal 1: Provide children a voice in the Colorado legal system through effective attorney services and advocacy. |                            |         |        |         |        |         |        |
|---|----------------------------|---------|--------|---------|--------|---------|--------|
| Increase feedback from youth directly   | Baseline Data Est. FY17-18 | FY18-19 |        | FY19-20 |        | FY20-21 |        |
|   |                            | Goal    | Actual | Goal    | Actual | Goal    | Actual |
| # of youth events attended or sponsored   | 5                          | 5       | 8      | 5       |        | 5       |        |
| # of youth surveys received   | 114                        | 50      | 108    | 100     |        | 100     |        |

|  |     |     |            |     |  |     |  |
|--|-----|-----|------------|-----|--|-----|--|
| % of renewing attorneys with at least 1 youth reference interview completed                    | 53% | 60% | <b>77%</b> | 65% |  | 70% |  |
| % of attorneys stated child's (5 & over) position in court observations                        | 63% | 70% | <b>87%</b> | 75% |  | 80% |  |
| % of attorneys who indicated efforts to get child to attend in court observations <sup>1</sup> | 12% | 20% | <b>13%</b> | 30% |  | 40% |  |
| Stakeholders indicate attorney Always/Usually advises Ct of child's position                   | 90% | 95% | <b>87%</b> | 95% |  | 95% |  |

### Annual Stakeholder Survey

Every spring the OCR seeks Stakeholder Feedback for each attorney through an annual survey which is sent to Judicial Officers and various court staff, departments of Human Services staff, CASA agencies, probation officers and attorneys representing other parties in the cases. All responses to the survey are reviewed by the OCR. In FY 18-19 the OCR received 1,355 survey responses concerning 249 attorneys; these included 280 responses from Judicial Officers. This data is used as one measure of attorney effectiveness and advocacy:

| Goal 1: Provide children a voice in the Colorado legal system through effective attorney services and advocacy. |         |            |               |              |         |            |         |        |         |        |
|---|---------|------------|---------------|--------------|---------|------------|---------|--------|---------|--------|
| Survey Responses indicate Strongly Agree/Agree that the attorney:   | FY16-17 |            | FY17-18       |              | FY18-19 |            | FY19-20 |        | FY20-21 |        |
|   | Goal    | Actual     | Goal          | Actual       | Goal    | Actual     | Goal    | Actual | Goal    | Actual |
| Possesses relevant advocacy skills  | 90%     | <b>91%</b> | 90%           | <b>91.0%</b> | 95%     | <b>90%</b> | 95%     |        | 95%     |        |
| Possesses requisite knowledge   | 90%     | <b>91%</b> | 92%           | <b>90.2%</b> | 95%     | <b>90%</b> | 95%     |        | 95%     |        |
| Attends all court hearings  | 93%     | <b>94%</b> | 95%           | <b>97.4%</b> | 97%     | <b>96%</b> | 97%     |        | 97%     |        |
| Demonstrates a good understanding of the child's strengths & needs  | -       | -          | Est. Baseline | <b>86.1%</b> | 90%     | <b>85%</b> | 90%     |        | 90%     |        |
| Critically assesses department case & permanency plans  | 80%     | <b>88%</b> | 82%           | <b>89.0%</b> | 90%     | <b>85%</b> | 90%     |        | 95%     |        |

### Court Observations

In FY12-13, OCR instituted an extensive tri-annual contract and evaluation process and began conducting court observations in dependency and neglect proceedings in order to obtain first-hand knowledge regarding attorney courtroom performance. The OCR expanded observations in FY13-14 to include juvenile delinquency cases to help refine OCR's expectations of attorneys serving in those cases. In FY 18-19, the OCR conducted 471 courtroom observations involving 106 attorneys and 723 children/youth. In addition, the OCR conducted 220 reference interviews concerning the 83 attorneys under evaluation for their triannual review.

<sup>1</sup> For Juveniles who were not already present in court and are over 5 years of age.

## Goal 1: Provide children a voice in the Colorado legal system through effective attorney services and advocacy.

| Use Tri-Annual renewal process to evaluate attorney effectiveness and compliance with the CJD   | FY16-17 |        | FY17-18       |        | FY18-19 |        | FY19-20 |        | FY20-21 |        |
|---|---------|--------|---------------|--------|---------|--------|---------|--------|---------|--------|
|   | Goal    | Actual | Goal          | Actual | Goal    | Actual | Goal    | Actual | Goal    | Actual |
| Average # of court observations per attorney per year   | 3       | 5.4    | 3             | 3.54   | 3       | 4.46   | 3       |        | 3       |        |
| Appointed Attorney Appeared   | 92%     | 97%    | 95%           | 95%    | 95%     | 94%    | 95%     |        | 95%     |        |
| Attorney provided current, independent information  | 85%     | 80%    | 85%           | 86%    | 90%     | 86%    | 90%     |        | 90%     |        |
| Attorney Clearly Stated Position  | 90%     | 89%    | 90%           | 93%    | 95%     | 94%    | 95%     |        | 95%     |        |
| % of attorneys with at least 1 reference interview with a child/youth, a parent and a caregiver | -       | -      | Est. Baseline | 39%    | 45%     | 72%    | 55%     |        | 65%     |        |

### OCR's litigation support and training programs

The OCR's litigation support and training program enhances the level of attorney services the OCR provides to Colorado's children. When representing children's interests, lawyers must, in addition to their specialized legal skills, be able to draw upon interdisciplinary knowledge from such pertinent fields as psychology, sociology, social work, and medicine. Through its litigation support and training, the OCR ensures that every child in Colorado who is in need of a Guardian *ad Litem* or Child's Legal Representative is represented by an attorney who has considerable sophistication in the law and issues unique to children.

## Goal 2: The OCR will optimize efficiencies in attorney practice and billing

| Optimize efficiencies through various litigation supports and SSP Program | FY17-18       |        | FY18-19 |             | FY19-20 |        | FY20-21 |        |
|---|---------------|--------|---------|-------------|---------|--------|---------|--------|
|   | Goal          | Actual | Goal    | Actual      | Goal    | Actual | Goal    | Actual |
| Newsletters published per year  | 4             | 4      | 4       | 4           | 4       |        | 4       |        |
| Update the GRID   | Annual        | Yes    | Annual  | In Progress | Annual  |        | Annual  |        |
| % attorneys give high/medium actual value to the GRID as a resource       | Est. Baseline | 91%    | 95%     | 88%         | 95%     |        | 95%     |        |
| % attorneys give high/medium actual value to OCR Listserv                 | Est. Baseline | 74%    | 80%     | 84%         | 80%     |        | 80%     |        |
| Litigation Tool Kit forms/resources available online                      | Est. Baseline | 42     | 60      | 109         | 80      |        | 100     |        |
| % attorneys give high/medium actual value to OCR Litigation Toolkit       | Est. Baseline | 64%    | 70%     | 72%         | 75%     |        | 80%     |        |

The OCR maintains a robust training program in an inclusive learning and practice environment which provides ongoing and meaningful trainings tailored to the specialized needs of attorneys representing children. In addition, the OCR pairs new attorneys with seasoned mentors in the first year of their contract. In FY18-19 there were 28 mentoring pairs covering 11 judicial districts. The OCR's training program ensures that attorneys are current in legal developments, social science research, and best practices and is based on four core competencies that are the foundation of high-quality legal representation for dependency and neglect and juvenile delinquency cases.

**Goal 3: The OCR will ensure attorneys remain current in state and federal law and regulations, social science research and evidence based services.**

| Provide training in identified Core Competencies.         | Baseline Data Established FY17-18 | FY18-19 |             | FY19-20 |        | FY20-21 |        |
|---|-----------------------------------|---------|-------------|---------|--------|---------|--------|
|   |                                   | Goal    | Actual      | Goal    | Actual | Goal    | Actual |
| % of Core Competencies covered in OCR sponsored training  | 100%                              | 100%    | <b>100%</b> | 100%    |        | 100%    |        |
| % of new attorneys who completed Core Competencies I & II | 82% (in person only)              | 100%    | <b>100%</b> | 100%    |        | 100%    |        |

**Goal 3: The OCR will ensure attorneys remain current in state and federal law and regulations, social science research and evidence-based services.**

| Require attorneys to meet minimum training requirements.   | FY17-18              |                        | FY18-19 |             | FY19-20 |        | FY20-21 |        |
|--|----------------------|------------------------|---------|-------------|---------|--------|---------|--------|
|  | Goal                 | Actual                 | Goal    | Actual      | Goal    | Actual | Goal    | Actual |
| % of attorneys who completed the OCR training verification   | <i>Est. Baseline</i> | <b>97%<sup>2</sup></b> | 100%    | <b>97%</b>  | 100%    |        | 100%    |        |
| # of new CLE hours sponsored by OCR/yr.  | <i>Est. Baseline</i> | <b>81</b>              | 80      | <b>89</b>   | 80      |        | 80      |        |
| Min. of 5 CLEs offered per year relevant across all case types   | -                    | -                      | 100%    | <b>100%</b> | 100%    |        | 100%    |        |
| # of hours of OCR sponsored training focused on juvenile delinquency   | 10                   | <b>16</b>              | 10      | <b>17.8</b> | 10      |        | 10      |        |
| Min. of 1 OCR sponsored training focused on non D&N/JD specialty case types per year.                                | -                    | -                      | 100%    | <b>75%</b>  | 100%    |        | 100%    |        |
| OCR attorneys Strongly Agree/Agree the OCR offers sufficient in-person training opportunities                        | <i>Est. Baseline</i> | <b>86%</b>             | 90%     | <b>90%</b>  | 90%     |        | 90%     |        |
| OCR Attorneys Strongly Agree/Agree OCR training is tailored to meet the specialized needs of best interest attorneys | <i>Est. Baseline</i> | <b>93%</b>             | 95%     | <b>96%</b>  | 95%     |        | 95%     |        |

<sup>2</sup> Attorneys granted an exception from the training requirements were not included.