

JUDICIAL BRANCH:
Courts and Probation; Office of the Child's Representative
FY 2012-13 JOINT BUDGET COMMITTEE HEARING AGENDA

Thursday, December 8, 2011
1:30 pm – 5:00 pm

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

- 1:30-1:50 INTRODUCTIONS AND OPENING COMMENTS
- 1:50-2:00 QUESTIONS COMMON TO ALL DEPARTMENTS

A. PERFORMANCE-BASED GOALS AND BUDGET REQUEST

1. Please describe the process the Department used to develop its strategic plan.

Courts and Probation is in a good position to comply with the requirements of the SMART Act. In 2004, the State Court Administrator established an Administrative Management Advisory Council (AMAC) to serve as a conduit for judges' and employees' input (a requirement of the act). AMAC is made up of 35 members from all levels of the organization and from each judicial district in the state. This group meets to discuss priorities for the courts and probation and to make recommendations to the Chief Justice regarding potential budget requests. In addition, each major division of the State Court Administrator's Office works with a standing committee who provides input on the work of the individual divisions and major projects undertaken by those divisions.

Performance goals for the courts have been established through various means, including Chief Justice Directive 08-05 (Case Management Standards). This directive was developed with input from judges and establishes aspirational time processing goals for each case class. Information about districts' progress in meeting the goals is reported quarterly. Information for individual judges is provided to the Judicial Performance Commission during each judge's retention evaluation. The tables below reflect the time standards for District and County court.

TABLE 1
District Court Case Management Time Standards
Established Pursuant to CJD 08-05

Case Class	Pending Cases Meeting Target		Target
	1st Quarter FY 2011	1st Quarter FY 2012	
Civil	14.37%	14.48%	No more than 10% of cases open more than one year.
Criminal	5.76%	6.10%	No more than 5% of cases open more than one year
Domestic Relations	4.52%	5.08%	No more than 5% of cases open more than one year
Juvenile Delinquency	1.07%	1.71%	No more than 5% of cases open more than one year
Dependency and Neglect *	2.06%	2.35%	No more than 5% of cases open more than 18 months
Dependency and Neglect (under 6 years old) *	10.88%	12.50%	No more than 10% of cases open more than one year

* The standards in dependency and neglect are under review. This measure shows time to first permanency hearing.

A more optimal measure would be time to true permanent placement or termination of court jurisdiction.

TABLE 2
County Court Case Management Time Standards
Established Pursuant to CJD 08-05

Case Class	Pending Cases Meeting Target		Target
	1st Quarter FY 2011	1st Quarter FY 2012	
Civil	3.74.%	4.28%	No more than 5% of cases open more than six months
Misdemeanor	10.89%	11.04%	No more than 10% of cases open more than six months
Traffic Infractions	0.62%	0.81%	no more than 5% of cases open more than six months
Small Claims	2.46%	5.55%	No more than 1% of cases open more than six months
Traffic	6.44%	6.53%	No more than 5% of cases open more than six months
DUI/DWAI	12.05%	12.71%	No more than 20% of cases open more than seven months

The trial courts have also conducted citizen surveys throughout the state to assess users' satisfaction with customer service and accessibility. Over 8,000 people statewide have responded to these surveys. As these are done on criminal docket days, the responses tend to be weighted toward criminal defendants. Similarly, probation completed a customer satisfaction survey in every department in the state. The resources required for this survey were significant and results were provided to each department as an aid to improvement. The ability to replicate this process for probation annually is cost prohibitive. Probation has collected recidivism data for decades. This existing infrastructure has placed Courts and Probation in a good position to take a fresh look at its planning process and move it to a higher level of acceptance, understanding and accountability.

Statewide survey results are presented in Tables 3 and 4 below. The National Center for State Courts suggests a performance standard of 80% agreement on these survey questions.

Table 3

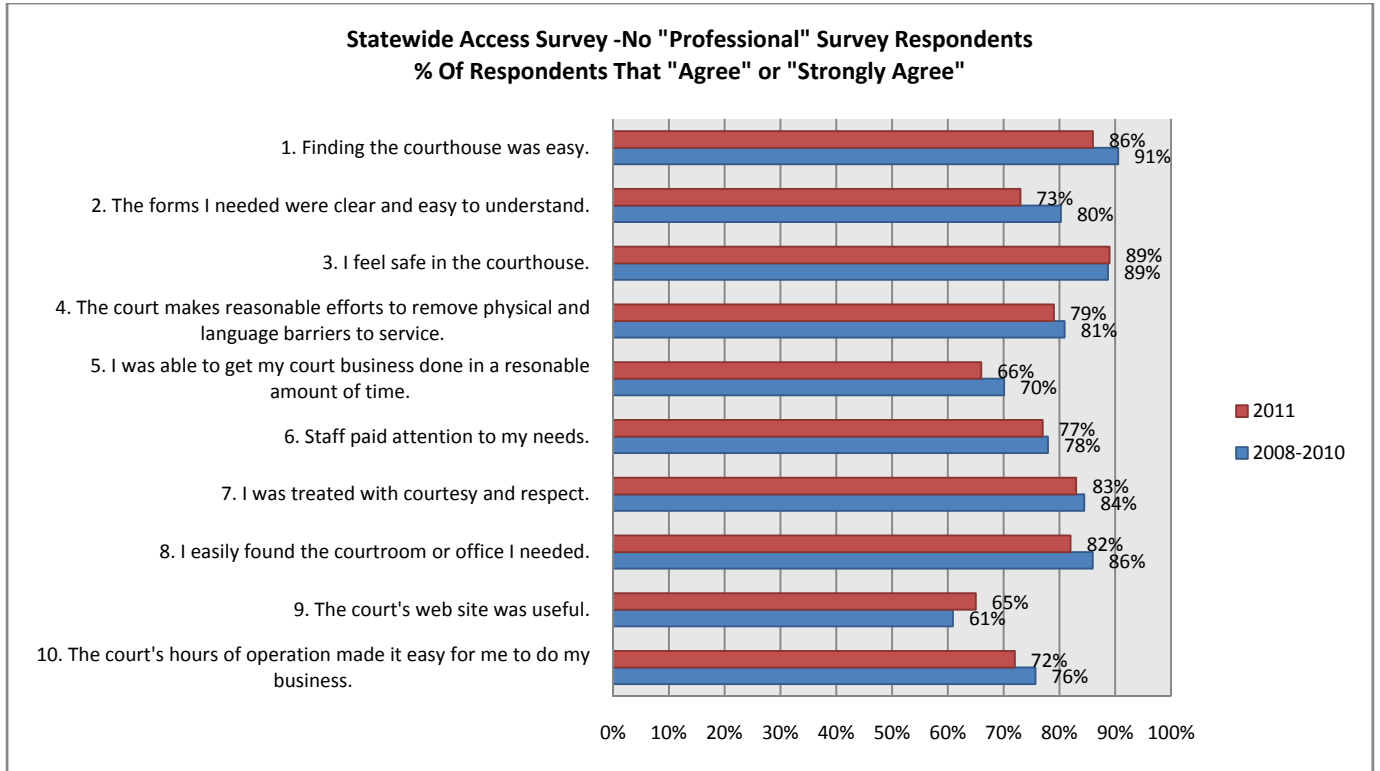
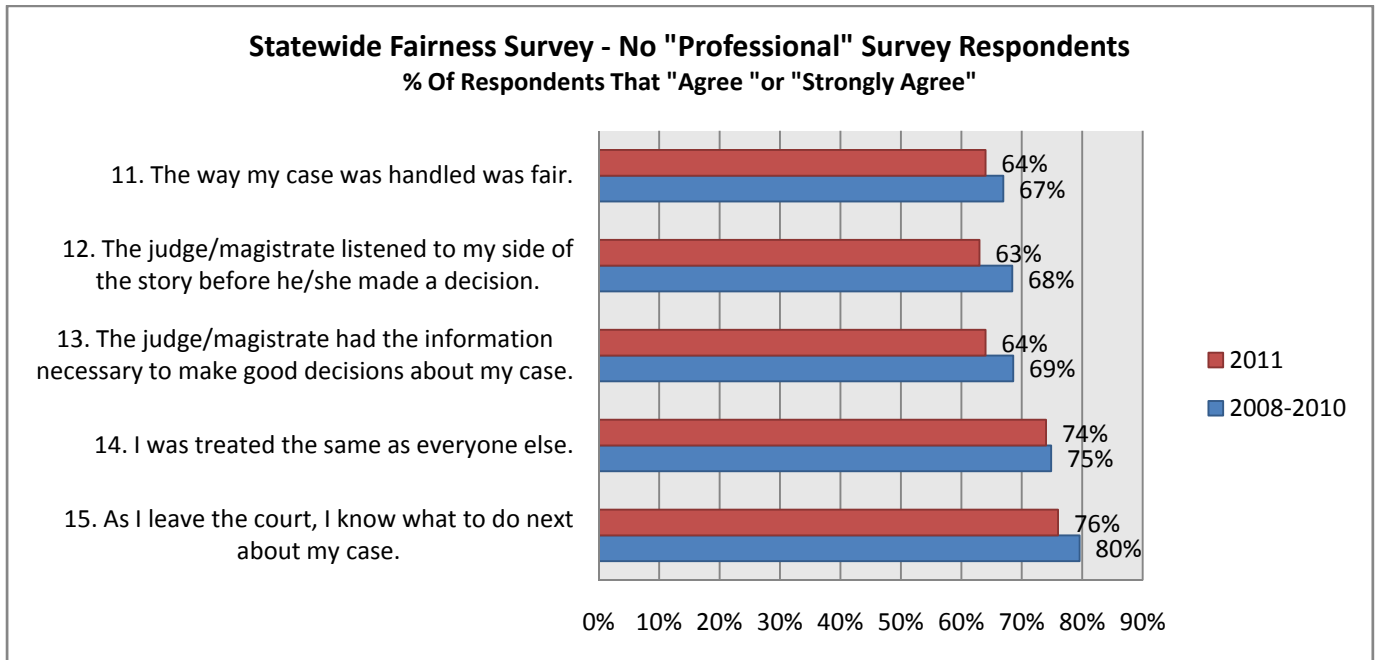
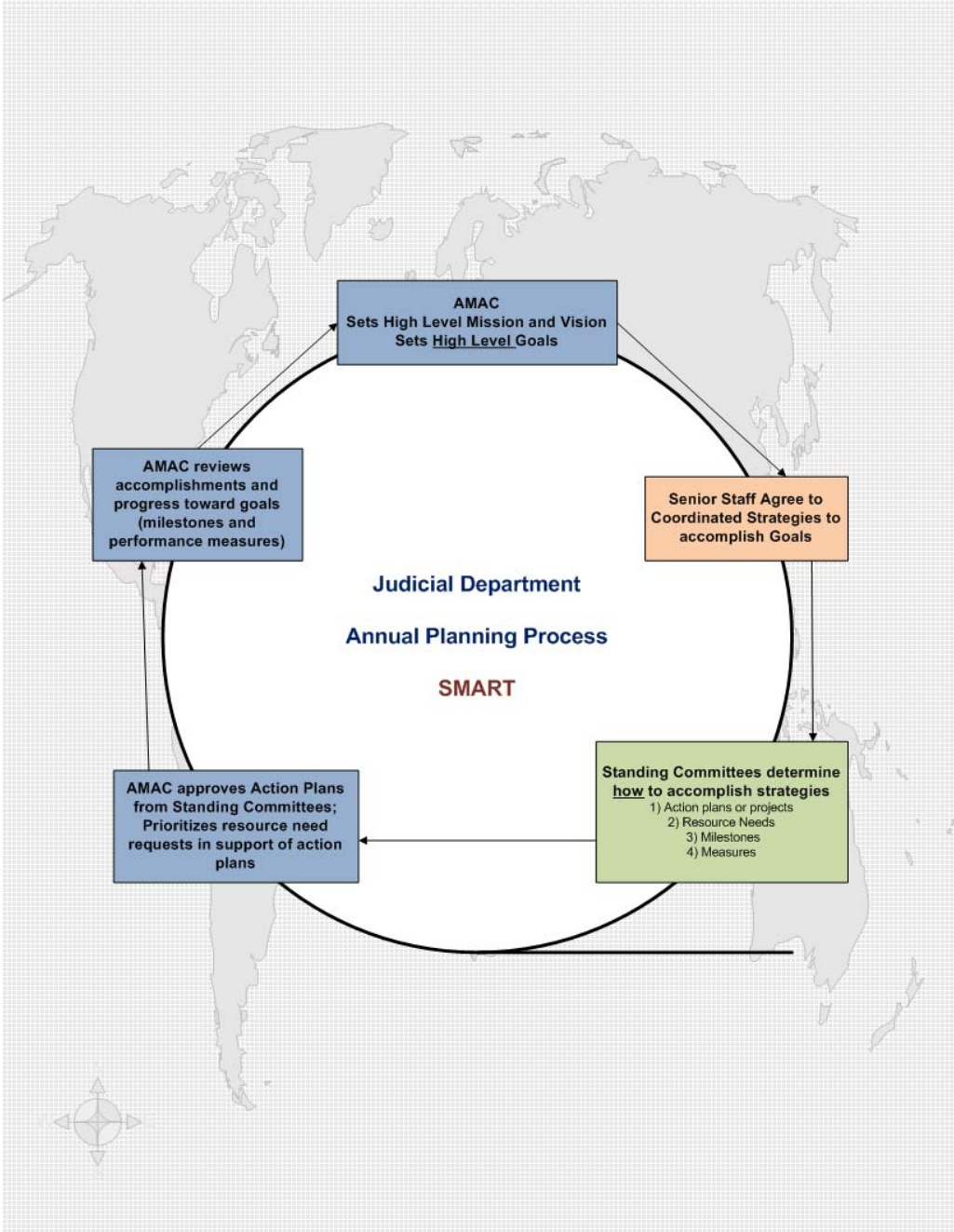


Table 4



Since the SMART Act requires all agencies to use standard terminology and reporting timelines, it was necessary for Courts and Probation to revise some of its existing planning documents to comport with the new requirements. The graphic shown below outlines the internal planning process. During the transition to the new requirements of the SMART Act, Courts and Probation has had to implement some of the new requirements as temporary or pilot steps until the new planning process can be fully implemented. In addition, the reporting and auditing requirements of the act necessitate a more structured internal accountability process. The progress reporting process is still in design phase and will be implemented in 2012.



The Administrative Management Advisory Council has adopted the following Mission:

The Colorado Judicial Branch (Courts and Probation) provides a fair and impartial system of justice that:

- *Protects constitutional and statutory rights and liberties.*
- *Assures equal access.*
- *Provides fair, timely and constructive resolution of cases.*
- *Enhances community welfare and public safety.*

A subcommittee of the Administrative Management Advisory Council has adopted the following high level goals for Courts and Probation:

- Goal 1: Provide equal access to the legal system and give all an opportunity to be heard
- Goal 2: Treat all with dignity, respect, and concern for their rights and cultural backgrounds, and without bias or the appearance of bias.
- Goal 3: Promote quality judicial decision-making and judicial leadership.
- Goal 4: Implement quality assessments and community supervision of adult and juvenile probationers to demonstrably enhance public safety and respect victim rights.
- Goal 5: Cultivate public trust and confidence through the thoughtful stewardship of public resources.

B. OTHER QUESTIONS COMMON TO ALL DEPARTMENTS

2. Please explain why the Department has an audit recommendation that has not been fully implemented after an extended period of time. What are the obstacles the Department has faced in implementing the recommendation? How does the Department plan to address the outstanding audit finding?

In 2009, the State Auditor made the following recommendation:

The Judicial Branch, as a participating agency in the Colorado Integrated Criminal Justice Information System Program, should work with criminal justice agencies to integrate municipal courts and the Denver County Court into a statewide criminal database in order to provide all prosecutors and courts in the state with complete records of misdemeanor and traffic charges.

Integrating all municipal courts into CICJIS would require additional funding for the CICJIS program. In addition, several District Attorneys' offices have opted out of the Colorado District Attorney's Council case management system and are no longer able to automatically integrate their records into CICJIS. The cost of membership of CDAC and participation in the case management system are borne by the counties. The State Court Administrator has met with these District Attorneys and they indicate that they will not participate in CICJIS unless the state provides the required funding to maintain and operate the system. Due to the State's current economic situation, the CICJIS board has deferred to request funds for this purpose.

3. How does the Department define FTE? Is the Department using more FTE than are appropriated to the Department in the Long Bill and other legislation? How many vacant FTE did the Department have in FY 2009-10 and FY 2010-11?

Courts and Probation defines FTE as a full time equivalent which is generally viewed as 2,080 working hours a year. However, when calculating FTE utilization, the number of hours which equal a full FTE vary from month to month (160-184 hours) and year to year depending on where weekends fall and whether it is a leap year. Courts and Probation never exceeds its legislatively appropriated FTE level. Having implemented a strict two-year hiring freeze that permanently eliminated 173.0 FTE, the Courts and Probation underutilized its FTE by 190.9 in FY2010 and 190.0 in FY2011.

2:00-3:00 FY 2012-13 DECISION ITEMS

Priority #1 – Compensation Realignment

4. Please provide several years of data related to attrition rates for staff in the “court judicial assistant” and “support services” job classifications. How do these attrition rates compare to those of other Department job classifications?

The turnover rate for these two job classes is running at about twice the rate as other non-judge job classes that have over 50 employees.

Table 1: Turnover Rates

Fiscal Year	CJA	Support Svc
FY2007	12.3%	13.0%
FY2008	12.4%	17.4%
FY2009	12.3%	16.3%
FY2010	12.9%	21.4%
FY2011	11.0%	11.0%
FY2012	10.5%	10.4%

TABLE 2: Turnover Comparison by Job Class

Class Code	Class Title	Active Employees	Separated Employees	FY2011 Turnover	Min Pay
R51300	SUPPORT SERVICES CLERK	136	15	11.03%	\$ 26,916
R51200	COURT JUDICIAL ASSISTANT	904	95	10.51%	\$ 26,940
R41350	COLLECTIONS INVESTIGATOR	77	7	9.09%	\$ 39,996
R41630	COURT REPORTER II	64	4	6.25%	\$ 48,756
R58100	PROBATION SUPERVISOR	102	5	4.90%	\$ 65,628
R58000	PROBATION OFFICER	823	36	4.37%	\$ 43,104

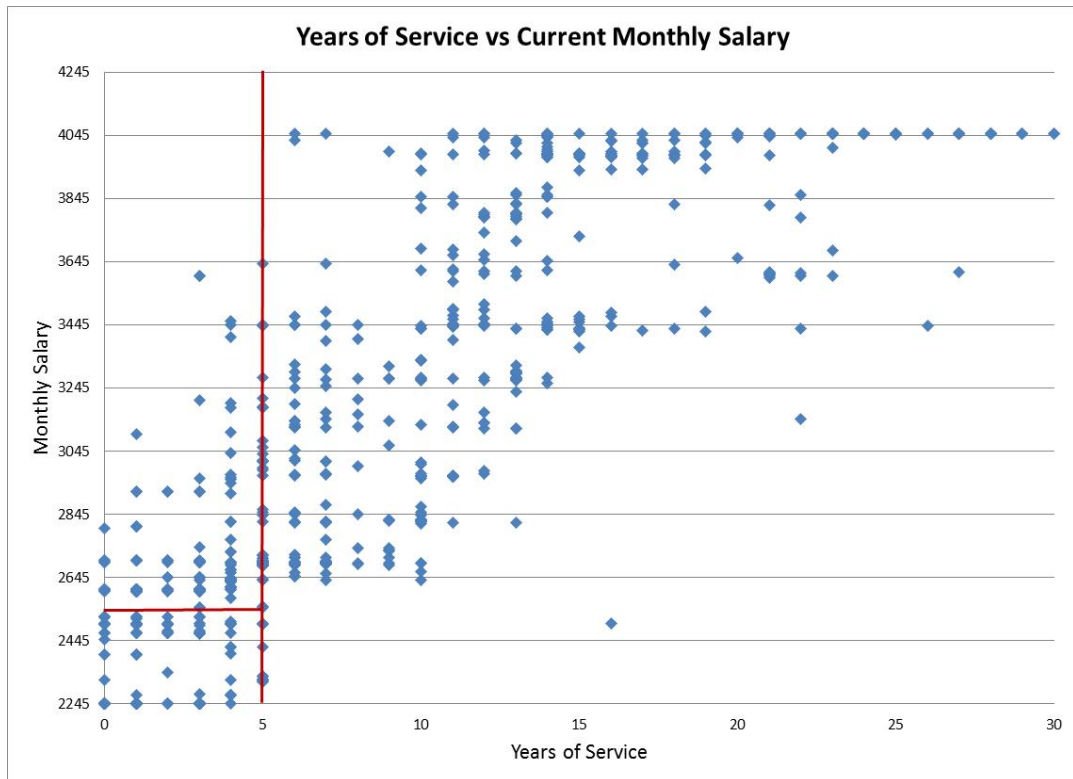
5. Has the Department considered actions other than increasing salaries to reduce attrition rates for these two job classifications?

In 2010, a bi-annual employee satisfaction survey was done to obtain employee thoughts about Courts and Probation's strengths and weakness as an employer. An action plan was created from the survey results and the plan has been implemented, in part. The action plan included the creation of an employee appreciation program, working directly with management teams to improve the office environment in various locations, and revamping our performance appraisal system. The plan also included beginning the process of revising various job classes to ensure job descriptions are up to date. However, it should be noted that a tremendous amount of feedback was generated on the compensation for employees and it continues to be one of the most common issues discussed at planning and operational meetings with districts across the state.

Courts and Probation also conduct employee exit interviews in order to determine better employee retention programs. We address feedback received with individual managers or management teams. Approximately 30% of exit interviews indicate that the decision to leave employment is due to more competitive salary outside the organization.

6. Has the Department considered modifying these job classifications or the nature of the job responsibilities so that lower skilled employees could perform the job?

The work in both the CJA and Support Services job classes encompasses the lowest level work up to the highest level work required for the position; as you can see by the scatter gram provided below, employees gradually move through the compensation band based on performance. Lowering the complexity of the required work for these job classes would create a class of employees who are not contributing to the overall functioning of the department. As an organization, we are not in a position to be able to create lower level, unnecessary work to ensure we are paying employees a fair salary.



Priority #2 – Protective Proceedings

7. The Office of the State Auditor released performance audit reports in 2006 and 2011 concerning probate cases.

a. Please provide an overview of the findings of each audit.

The Judicial Branch 2006 Oversight of Probate Cases Performance Audit identified the following core issues-

1. Courts did not have sufficient controls to monitor the activities of conservators and guardians;
2. The Judicial Branch did not have any policies or directives establishing the standard monitoring practices courts must apply;
3. The State Court Administrator’s Office did not currently review court practices to determine whether the courts are monitoring guardians and conservators effectively or provide technical assistance; and
4. The State Court Administrator’s Office did not have standardized reporting and review procedures for conservator and guardian cases.

The State Court Administrator's Office responded to the 2006 audit by engaging in the following activities-

- In September 2008, a probate coordinator was hired and in February 2010, two probate examiners were hired to create and implement standard procedures for identifying and following up on missing guardian/ conservator plans and reports (monitoring), and to review and analyze information contained in the plans and reports (auditing).
- Instructions and reporting forms have been updated and published in the Judicial Resource Manual.
- Probate examiners implemented standard procedures for notifying guardians and conservators of missing plans and reports.
- Conservator's Inventory and Conservator's Annual Reports were revised to require detailed information regarding assets/liabilities, receipts/disbursements, and fees paid to professionals and to the guardian/conservator.
- An internal Risk/Needs form was created to assist districts in determining which guardianship and conservatorship cases are the most vulnerable.
- Training on use of the Risk/Need form was provided at the 2008 Judicial Conference.
- An internal checklist for reviewing conservator plans and reports was created.
- In November 2010, a group of paralegals were trained regarding conservatorship monitoring and auditing.
- Guardians and conservators instruction manuals were developed and published on the state court website.
- State Court Administrator's Office staff developed and delivered a statewide court visitor training in November 2010.
- Event codes have been created in the court case management system (ECLIPSE) and additional coding will be programmed into the new JPOD system.

The 2011 Judicial Branch Oversight of Guardianship and Conservatorships Performance Audit identified the following core issues-

- 1. The Judicial Branch has not provided sufficient direction and training to the courts.**
- 2. The current case management system, Eclipse, lacks the ability to provide basic information in several areas to track guardianship and conservatorship cases effectively.**
- 3. The Judicial Branch does not have sufficient processes and controls in place to ensure that courts effectively manage guardianship and conservatorship cases.**

To address the deficits noted in the 2011 audit the State Court Administrator's Office has submitted a strategic plan to the Legislative Audit Committee. This plan outlines activities that will focus on training, enhanced data collection and automation, and will establish system accountability measures.

- b. Did the Department request additional resources following the 2006 audit? If so, please describe the amount, funding source, and purpose of the requested resources; and whether the General Assembly approved the request.

Yes. Included in the FY2009 budget request was a decision item for 3.0 Probate FTE and \$188,000 to continue the implementation of the Protective Proceedings Taskforce recommendations in response to a 2006 audit. This request was for general funds to cover the costs as the Judicial Stabilization Fund was being used primarily for the four-year judge plan laid out in HB07-1054. At the time of the FY2009 request, the Stabilization Fund did not have enough resources to meet all of the department's projected needs and so the relatively small probate request was submitted as general funds.

Unfortunately, this decision item was funded at the same time severe budgetary reductions were being made. The same year the probate resources were received, Courts and Probation gave back almost \$1.0M in trial court resources to help the state meet its budget deficit. In order to generate that amount of money, a department-wide hiring freeze was instituted and the probate FTE were unable to be filled. Going into FY2010, Courts and Probation embarked on a permanent FTE reduction plan to generate ongoing personal services savings in an effort to help the State balance the budget. Over the course of FY2010, Courts and Probation reduced its workforce by 173.0 FTE and those FTE were permanently removed from the FY2011 Long Bill. Included in that give-back were the 2.0 FTE that were received as part of the FY2009 Probate decision item.

8. To what extent did the most recent performance audit evaluate the Denver Probate Court? Please share any findings and recommendations (including those of any internal audits) concerning this court, including findings specific to the registry of funds and assets.

The Denver Probate Court is identified as one of the court locations included in the 2011 Audit. However, that audit report did not attach specific findings to a particular court location.

Internal audits are tools used by the Judicial Department, as part of its governmental deliberative process, to identify internal management problems and are not considered public information. The last internal audit of the Denver Probate Court was conducted in April 2009. The audit included several aspects of court operations including a standard test of the court registry, cash handling, disbursement of funds, data integrity, and random case audits looking at reports, letter, and coding. The audit did not include a test of the special accounts.

9. Does the court appoint guardians or conservators for adults with developmental disabilities or mental illness? If so, has the Department considered working with the Department of Human Services to ensure that the administrative requirements for families caring for these individuals are reasonable and appropriate?

Yes, a developmental disability or a mental illness can be the underlying impetus for seeking appointment of a guardian or conservator. The Judicial Department is committed to fulfilling its statutory mandates in protective proceedings cases in a manner that provides judges with the information needed to ensure the safety of wards while minimizing unnecessary complications for the families. While there is no formal collaboration between the State Court Administrator's Office and the Department of Human Services regarding administrative requirements for families caring for these individuals, the State Court Administrator's Office is open to collaborating with CDHS to improve outcomes in protective proceedings cases and will incorporate this into their future planning for this program.

10. Has the Department sought input from family members who serve as guardians or conservators concerning the administrative requirements associated with these appointments?

In response to the 2006 Probate Audit, former Chief Justice Mary Mullarkey appointed a diverse task force of judges, attorneys, and other government officials, non-profit groups, and citizens to consider the issues in the audit and to begin crafting solutions to the issues identified in the audit.

The task force held a public hearing on September 28, 2007 in Jefferson County to obtain input from community members. The task force considered the information gathered at this public hearing when formulating their recommendations.

11. The most recent performance audit appears to focus on reporting requirements and paper review processes.

- a. Is this an effective way for courts to monitor guardianships and conservatorships?
Yes. According to National Probate Court Standards¹ and consistent with Colorado Law the primary method of court monitoring should be the review and evaluation of the initial and annual reports as filed by guardians and conservators. The paper review process is an effective way for courts to monitor guardianship and conservatorship cases. The State Court Administrator's Office has been proactive to reduce paper forms. It is to our advantage to simplify the reporting process when practical to ensure that parties are able to comply with the reporting requirement and the court obtains the needed information for review. Automation may ease the paper burden of the courts and for guardians and conservators. However, no matter what collection mechanism is used, the bottom line is that the courts must receive the information in order to provide appropriate oversight of the cases.

¹ *Commission on National Probate Standards and Advisory Committee to Interstate Guardianship: National Probate Court Standards, 1993*

- b. Does this process provide the court with useful information about the welfare of the minor child or adult who is being protected through the appointment?

Yes. Annual reports provide useful information about the ward’s welfare and the protected person’s assets. Again, according to National Probate Court Standards the report should contain descriptive information on the personal status of the respondent. In addition, the report should include such items as the services and care provided to the respondent, significant actions taken by the guardian, and the expenses incurred by the guardian.

Please see Attachment A for report instructions and sample report forms as requested

Priority #3 – Pro Se Case Managers

12. Please provide trend data concerning the number and types of cases involving *pro se* litigants.

The issues that drive people to proceed in court without an attorney are more complex than a person’s ability to pay for representation. While the inability to afford an attorney is a factor, people are also demonstrating an increased willingness to represent themselves in court. Court user surveys conducted in every judicial district in Colorado between 2007 and 2010 indicate that approximately two-thirds of survey respondents across all case types are pro se. The survey results also show that the rate of self-representation was consistent across income levels.

Information derived from the courts’ data management system indicates that the number of parties without an attorney has grown since 2006.

Type of Case	Number of Parties Without an Attorney-- June 2006	Percentage of Parties Without an Attorney-- June 2006	Number of Parties Without an Attorney-- June 2010	Percentage of Parties Without an Attorney-- June 2010
Domestic Relations	4,072	61.5%	5,442	79.4%
District Civil	8,071	48.5%	10,444	58.3%
County Civil	23,449	61.1%	24,094	59.3%
Probate	376	34.1%	337	34.9%

13. How has the availability of legal aid for civil litigants impacted the number of *pro se* litigants?

Funding for Colorado Legal Services (CLS) is declining at a time when the number of pro se litigants is increasing. Cuts to the CLS budget are only one factor driving the increase in the number of pro se litigants—other factors include the current economic environment (higher unemployment and stagnant wages) and the increased willingness of people to represent themselves in a wide range of legal matters, even in cases where they can afford an attorney.

In the Judicial Department budget, there is one program that funds civil legal aid, but it is restricted to people who are victims of domestic violence. The budget of the Family Violence Justice Grant Fund program grew in between FY 2009 and FY 2011, but was cut in the current fiscal year budget.

Here is the budget of that program over the last five years:

- FY 2008: 8 agencies received \$495,000
- FY 2009: 8 agencies received \$495,000
- FY 2010: 10 agencies received \$727,500
- FY 2011: 10 agencies received \$870,000
- FY 2012 (current year): 10 agencies will receive \$675,000

The Family Violence Justice Grant funds approximately 7% of the CLS budget. All funding sources for the CLS budget are projected to decline this year, including the Family Violence Justice Grant (see the table below).

Colorado Legal Services

	2009	2010	2011 (Projected)	2012 (Projected)
Legal Services Corporation (LSC) *	4,043,462	4,364,430	4,133,336	3,471,584
Colorado Lawyer Trust Account Foundation (COLTAF)	2,388,213	1,950,000	1,760,000	1,290,000
Legal Aid Foundation of Colorado (LAF)	1,100,000	1,350,000	1,300,000	1,000,000
Family Violence Justice Fund (FVJF) State \$	610,512	708,150	580,189	285,000
Other Revenue	2,477,347	1,967,393	1,599,923	1,490,758
Total Revenue	10,619,534	10,339,973	9,273,488	7,447,342

* LSC includes Basic Field, Migrant, Native American and IUI funding.

14. Has the Department considered requesting resources to provide legal representation for indigent civil litigants? Would this approach be more cost-effective than the Department's proposal for a statewide network of services for *pro se* litigants?

The State Court Administrator's Office has considered asking for additional legal aid, but at this time SCAO is exploring other options in an attempt to direct more funding to providing representation for civil litigants. The Chief Justice has also renewed a commitment toward encouraging attorneys to provide additional volunteer legal services in their communities.

While there is merit in providing additional funding to both legal aid and *pro se* case managers, additional *pro se* case managers will support a larger number of litigants. The support provided by legal aid necessarily targets a smaller pool of litigants because of indigency requirements. As noted by one of the committee members, many people without representation would not meet the income guidelines required to qualify for free legal aid, leaving them without any assistance in meeting their legal needs.

In certain cases, such as small claims cases, the procedures were designed with pro se parties in mind. Often, pro se parties need assistance with relatively simple procedural questions such as the use of the correct forms to initiate a case or how to serve parties. Another example is a divorce case where the parties have no children and are able to agree on the division of assets but are unclear on how to complete the necessary documents to seek a divorce.

Legal aid provides an invaluable service but does not replace the need to fund pro se assistance in the courts. Legal aid combined with a network of pro se services will better identify parties who need greater help and serve those who really don't need the services of an attorney.

15. Does the Department have any data indicating the number of court cases that involve an offender who has committed multiple minor offenses and has not appeared in court? Has the Department considered alternative methods of working with such offenders to efficiently close out these cases (rather than allowing citations to accumulate and waiting to issue a summons)?

Although exact numbers are not available, the majority of the minor offenses contemplated by this question (defined here as offenses that are not jail eligible) are filed in municipal courts. To provide some perspective, there were 3,441 misdemeanor cases filed in Colorado during calendar year 2010 with minor offenses where the alleged offender failed to come to court. The total number of indigent parties that could benefit from a program that brings the court and attorney assistance directly to them in the community is unknown. To date, the Denver County Court has implemented a community court program via an initiative called Stand Down, which allows homeless military veterans to get legal issues resolved in the community. Additionally, one jurisdiction at the state court level, El Paso County, is in the planning stages for Stand Down style event in 2012.

Courts and Probation is constantly moving forward with best practices working with offenders, both in terms of probation supervision and court policies and procedures. While careful planning and adequate resources are necessary for a successful community court initiative, these programs provide a valuable opportunity for certain groups to receive legal assistance, address outstanding court matters, and obtain other community resources. The State Court Administrators Office is supportive of community court programs and is available to provide technical support to judicial districts interested in community court programs. That said, community court programs are best initiated in the local judicial district because they are in the best position to identify the needs of their community.

Priority #6 – Judicial Education and Training

16. Please describe the statutory and/or regulatory requirements concerning continuing education requirements for Colorado judges and justices. How do these requirements compare to other states or at the federal level?

There are no specific CLE requirements for judicial officers other than Rule 260 of the Colorado Rules of Civil Procedure, which requires Colorado licensed attorneys and judicial officers to complete 45 units of continuing legal education every three-year compliance period; 7 of those

units must be in legal or judicial ethics. Other than the ethics requirement, the rule is silent as to the content and or specific knowledge, skills and abilities required of a judicial officer. Rule 260 in Colorado is similar to other states' rules concerning mandatory continuing legal education and is based on the regulation of the practice of law rather than on the specific skills required of a judicial officer to preside over trials, manage cases or address the organizational needs of Courts and Probation. Similar to the federal and other state court systems, the judicial education delivered by Courts and Probation to judicial officers contains curriculum developed internally by the Judicial Educator for the specific purpose of addressing the particular education and development needs of the state's judicial officers.

17. To what extent do judges and justices pay for their own professional development needs? Why state funding is required for this purpose?

Colorado's judicial officers are required to maintain an active Colorado law license and are responsible for paying for their own annual attorney registration fees pursuant to Rule 227 of the Colorado Rules of Civil Procedure. Judicial officers are also responsible for ensuring their compliance with Colorado's continuing legal education requirements set forth in Rule 260 of the Colorado Rules of Civil Procedure and regulated by Colorado's Board of Continuing Legal and Judicial Education.

Because there are no continuing legal education providers specifically dedicated to developing and delivering programs that address the knowledge, skills, and abilities of judicial officers, Colorado—like the federal court system and most other state court systems—has a Judicial Educator who develops such curriculum internally. In order to offer internally developed curriculum to judicial officers for CLE credit, the Judicial Educator receives approval from the Board of Continuing Legal and Judicial Education. Although judicial officers are not charged for attending such programs, such programs often do not fulfill the entirety of a judge's CLE requirement and the judge must seek and pay for other education opportunities elsewhere.

18. In what case types or skill areas has the Department identified the greatest need for judicial education and training (e.g., domestic relations cases? complex civil litigation?)?

The greatest needs identified by Courts and Probation to improve the outcomes of cases include:

- **Probate and Protective Proceedings** – specifically addressing the deficiencies identified in the recent audit of protective proceedings.
- **Family and Juvenile** – particularly addressing custody and visitation decisions; ages and stages of child development; use of experts in family matters; and complicate property evaluation and division (including business evaluation).
- **Trial Practice/Bench Skills** – focusing on case and trial management through the life of a case.
- **Evidence Based Decision-Making and Sentencing** – reducing recidivism by applying evidence based principles to decision-making.
- **Changes in the Law** – Keeping current with changes in legislation, federal and state court decisions, justice system research and trends, and court technology advances.

In addition, Courts and Probation has identified a need for judicial education and training in developing judges' mentoring skills. Research suggests that it takes 5–8 years for a judge to feel competent in their role. Mentoring is a key component in that transition.

19. Please provide a detailed description of the education and training that is currently available to judges and justices, and the enhancements that are planned if the Department's request is approved.

Currently, Courts and Probation offer the following education and training opportunities to Colorado's state judicial officers:

- **New Judge Orientation (5 days) addressing the transition from lawyer to judge and including topics such as: Role of the Judge; Using Court Interpreters; Attorney Discipline; Judicial Ethics; Evidence Based Sentencing; Common Self-Represented Criminal Post-Conviction Motions; Procedural Fairness; Case Management; Victim's Rights.**
- **Advanced New Judge Orientation (2 ½ days) addressing specific case type issues and including topics such as: Jury Management; Court Security; Evidentiary Issues; Findings and Conclusions of Law; Sex Offender Issues; Sentencing Decisions; Domestic Case Management; Immigration and Customs Enforcement (ICE) Holds and Bonds; Probation Supervision and Treatment Issues; Probate and Protective Proceedings; Mental Health Issues.**
- **Colorado Judicial Conference (2 ½ days) surveying current issues affecting Colorado's system of justice and including such topics as: Trial Courts as Gatekeeper; Colorado Juvenile Risk Assessment; Criminal Law Update; Addressing Unacceptable Attorney Conduct; Indian Child Welfare Act Cases; Sentencing; Veterans in Court (PTSD and TBI); Basic Mental Health; Statutory Interpretation; Civil Law Update; Domestic Violence Continuing Issues; Evidence Based Sentencing; U.S. Supreme Court Decisions; Juvenile Update; Problem Solving Courts; Procedural Fairness; Successfully Handling Domestic Relations Matters with Pro Se Litigants; Jury Trial Issues.**
- **E- learning programs accessible to judges 24/7 through their computers including the following programs: Drug Court Research Update; Domestic Violence 101; Family Law Basics 2011; Managing Juveniles Who Commit Sex Offenses; New Treatment Standards for Domestic Violence Offenders; Processing Rule 35(c) Motions; Protecting Stalking Victims; Sentencing Adult Sex Offenders; Strangulation and Risk Assessment.**
- **On an ad hoc basis, Judicial Education also co-sponsors training and education for judicial officers related to specific case types, such as the Dependency and Neglect Institute (federally funded by the Court Improvement Program).**

With increased funding for judicial education, Courts and Probation will improve and update existing programs while expanding the scope and type of educational programs available. New programs will be developed and delivered promoting skill in:

- **Legal Subject Matter Expertise – through the development of case type specific programs designed to take an in-depth look at procedures, practices and issue arising in specific areas. Institutes to be developed include:**
 - Probate and Protected Proceedings Institute
 - Domestic Relations Institute
 - Juvenile Institute
 - Trial Practice/Bench Skills Institute
 - Evidence Based Decision-Making and Sentencing Institute
 - Civil Law Institute
 - Criminal Law Institute
 - Water Institute
 - Problem-Solving Courts Institute
- **Judges Teaching Judges - Colorado Institute for the Excellence in Judicial Education**
- **Coaching and Mentor - Training for Judges to coach and Mentor Judges Effectively**
- **Effective Case Management**

20. What relevant education and training is available to attorneys prior to being appointed as a judge (either through law school or through subsequent professional development opportunities)?

None, there are no specific programs offered in law schools or through CLE organizations designed to prepare lawyers to be judges. In fact, the Chief Justice Commission on the Legal Profession is addressing some serious criticism of legal education and its effectiveness in preparing law students to practice law upon graduation.

Judges need special training and education that keeps them abreast of current and new trends in the field. This includes following federal and state court decisions, legislative updates, advancements in court technology and management practices, social science and justice system research, and maintaining an understanding on trends and practices impacting court operations such as the increase in self-represented litigants in all areas of the law. In addition, judges need special training and education in order to develop the specific skills required to preside over trials, manage cases, and address the organizational needs of Courts and Probation.

21. The Department of Human Services requires specific court findings to claim federal Title IV-E funding for children who are placed out of their home. Does the State Court Administrator's Office believe that judges need more training or guidance to make such court findings?

No, of all the areas that Courts and Probation provide judicial education in, Dependency and Neglect is an area that is well covered. In recent years, the federally funded Court Improvement Program has worked with Courts and Probation to provide a Dependency and Neglect Institute for judicial officers. This course follows a D & N case from filing to disposition and explores

fully substantive legal issues as well as issues of child development, substance abuse and treatment, case plans, and programs offered by DHS for parents. In addition to the D & N Institute all judicial districts have participated, or will by October 2012, in a federally funded D & N Case Management Workshop to look at best practices in case management of these matters.

3:00-3:15 BREAK

3:15-3:45 RALPH L. CARR JUDICIAL CENTER (INCLUDING DECISION ITEM #7)

22. Please provide an overview of the estimated costs of the Judicial Center project at the time S.B. 08-206 was considered by the General Assembly, including total development costs and financing costs (both in total and on an annual basis over the term of the lease-purchase agreements). Further, please explain how the project was anticipated to benefit the State financially.

When SB08-206 was introduced, the project costs for the Judicial Building were estimated to be \$295 million. The current project budget based on the COP issuance is now under \$290 million.

SB08-206 Total Project Development Budget
as of 3/17/08

No.	Component	Cost Estimate
		Judicial
	Square Footage	615,000
1	Site Acquisition	\$25,000,000
2	Construction Cost (2007)	\$147,700,000
3	Years of Inflation to Mid-Point of Construction	6.0
4	Inflation @ 5.5% per year	48,741,000
5	Design / Engineering Services	\$17,680,000
6	Permits, Inspections	\$4,911,000
7	Legal & Financial Services	\$400,000
8	Other Soft Costs	\$7,170,000
9	Project Management	\$6,485,000
10	Furniture & Fixtures	\$4,000,000
11	Relocation	\$1,000,000
12	Interim Court Accommodations	\$4,500,000
13	Owner Contingency	12%
14	Owner Contingency	\$27,792,000
15	Total Project Cost	\$295,379,000

Current Project Development Budget

Combined Project Sources and uses of Funds				
Sources	Total	COP	Court Fees	CHM
State Historical Fund Contributions (1)	7,000,000			7,000,000
Court Fees Contributions - for History Center				
Land Costs/Relocation/Storage (2)	25,000,000		25,000,000	
Court Fees Contributions - for Judicial Center				
Demolition/Relocation & Building (2)	33,140,000		33,140,000	
Court Fees Contributions - for Capital Reserve Fund (2)	3,000,000		3,000,000	
Project Fund Interest (3)	7,431,000	7,431,000		
COP Proceeds Series 2009A/B Certificates (4)	338,730,305	338,730,305		
	414,301,305	346,161,305	61,140,000	7,000,000
Uses	Total		Ralph L. Carr	Museum
Capitalized Interest	38,013,667		26,609,567	11,404,100
Cost of Issuance	3,700,333		2,590,233	1,110,100
Subsidy Stabilization fund	4,500,000		3,150,000	1,350,000
Colorado History Museum	107,640,000			107,640,000
CHM Capital Reserve	3,000,000			3,000,000
Ralph L. Carr Justice Complex	257,447,305		257,447,305	
	414,301,305		289,797,105	124,504,200

The project was anticipated to benefit the State financially in the following ways:

- **Operational efficiencies gained through the co-location of 7 Judicial or legal related agencies (Public Defender, Attorney General, Alternate Defense Counsel, Attorney Regulation and others).**
- **The old Judicial building had severe and irreparable design problems that increased controlled maintenance expenses and posed significant structural, safety and security deficiencies.**
- **Space constraints for all legal entities – agencies were forced into increasingly inefficient space and multiple locations to address the growing needs of the State.**
- **Life/Health/Safety/ADA Concerns - Most notably, the building’s emergency egress systems were not constructed to meet the codes utilized within today’s buildings. Corridors and circulation areas are not within fire rated partitions, and mechanical systems to control smoke in the event of a fire are non-existent. In addition, the building was not compliant with ADA standards.**
- **Security – the old Judicial building was designed prior to the heightened level of security now required within today’s facilities and the most notable of the deficiencies lies in the placement of the buildings within the site, and the overall massing and configuration of the complex.**

- **Continued Controlled Maintenance Costs - The old Judicial Building was 30 years old, and had significant mechanical, electrical, plumbing and other infrastructure issues which were estimated at over \$17 million dollars.**

23. Please provide an overview of the revenue sources that were anticipated to support the development and financing of the Judicial Center. Specifically, what portion of the project costs were anticipated to be covered by the court fees that were authorized by S.B. 08-206, and what portion was anticipated to be covered by state General Fund or other sources of state funds?

In SB08-206, court fees were anticipated to cover \$14 million per year of debt service and operating costs with rents (primarily from general fund sources) covering \$8.9 million per year. The current plan now has court fees covering \$15.6 million and rents have been reduced to \$6.2 million (reducing the impact to the general fund by nearly \$2.7 million).

Sources and Uses - Annual Costs

	<u>SB08-206</u>		<u>FY2014</u>	<u>chg</u>
Sources				
Court Fees (cash funds)	14,000,000	Court Fees (cash funds)	15,650,000	1,650,000
Rents -\$17.88/sf in 2013 ^a	8,900,000	Rent - \$14.41/SF in 2014 ^a	6,220,000	(2,680,000)
Parking (Cash Funds)	100,000	Parking (Cash Funds)	430,000	330,000
Total	<u>23,000,000</u>	Total	<u>22,300,000</u>	<u>(700,000)</u>
Uses				
Debt Service ^b	18,000,000	Debt Service ^b	15,900,000	(2,100,000)
Maintenance Reserve	2,000,000	Maintenance Reserve	1,000,000	(1,000,000)
Operating ^c	2,704,000	Operating ^c	4,240,300	1,536,300
Security	296,000	Security	954,000	658,000
		Parking Structure	205,700	205,700
Total	<u>23,000,000</u>	Total	<u>21,140,300</u>	<u>(700,000)</u>

^a Primarily general funds (attorney reg and some of AG will be Cash)

^b principle and interest

^c Utilities, Janitorial, & Maintenance

24. Please provide an overview of the status of the Judicial Center project. Please include a discussion of the process the Department has used to allocate space within the office tower, to calculate the square footage assigned to each tenant, and to calculate the estimated rate per square foot.

The project is ahead of schedule and under budget.

In November 2006, Trammell Crow and a team of consultants performed a detailed space needs assessment of every proposed tenant for the new Judicial Building. This included the Appellate Courts, the State Court Administrators Office, The Department of Law, Attorney Regulation,

Public Defender, Alternate Defense Counsel, Office of Childs Representative, Judicial Performance and Judicial Discipline. This assessment used industry standards for office sizes and common areas.

Based on the assessment, space needs were identified for the years 2010, 2020 and 2030. As final design progressed in 2010 and 2011, it was decided by the project and tenants to plan the space build outs based on the 2020 projections. The rentable square footage for which each tenant is being charged includes space allocated for shared use, including conferencing and other tenant services, that was calculated by an independent third party consultant who does similar work for private office buildings.

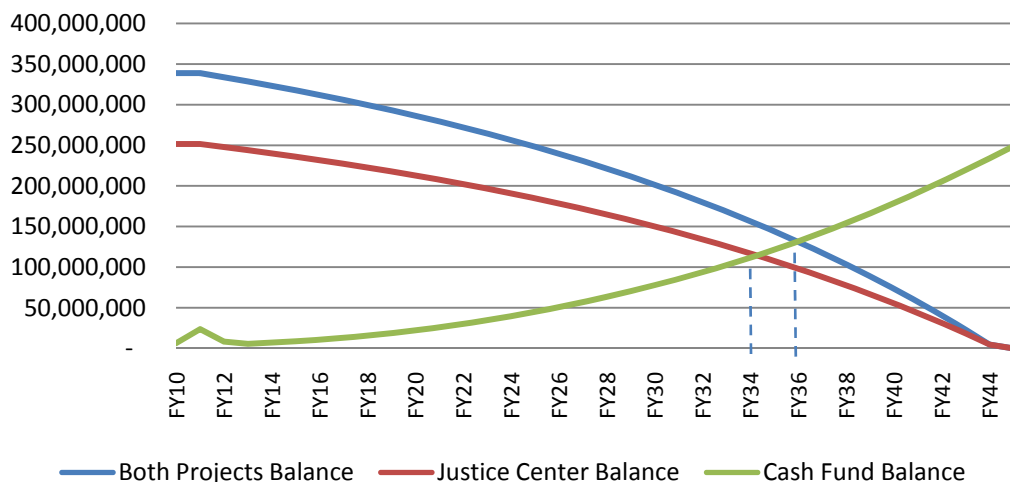
The current proposed rental rate was backed into based on the total debt service and operating costs less court fee and parking revenue. This left \$6.2 million that needed to be covered by rents. This is almost \$2.7 million less than envisioned in SB08-206.

25. Does the Department anticipate the rate charged per square foot to change over time? What factors would affect the rate charged per square foot?

Any changes in rental rates or agency square footage will require approval by the General Assembly through the annual budget process.

SB08-206 anticipated an annual rent increase of 1.8% per year with the goal of paying off the building as quickly as possible. Current projections, assuming court fees and rents come in as forecast, show both the Museum and the Court building being paid off 9 years early (FY36 instead of FY45).

**Ralph L Carr and Colorado History Museum
COP Balance (Series A and Series B)**



26. Please provide a long-term projection of revenues and expenditures associated with the Judicial Center. Please include the following:

- a. Estimated state appropriations (by fund source to the extent possible) projected for each state agency that is required to lease space in the Center pursuant to S.B. 08-206;
Below are two tables. Table 1 shows the estimated annual appropriations for each agency based on the SB08-206 funding plan for FY14 through FY20. Although authorized in SB08-206, each annual change would still require approval through the annual budget process. Table 2 shows the FY2014 estimated fund split by agency.

Table 1

Ralph L Carr Justice Building

FY2014 - FY2020 Estimated Lease Appropriations by Agency

Based on SB08-206 Funding Plan

	Ralph Carr			FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
	SF	rate	FY2014						
SCAO	76,179	\$ 14.41	\$ 1,098,008	\$ 1,117,772	\$ 1,137,892	\$ 1,158,374	\$ 1,179,225	\$ 1,200,451	\$ 1,222,059
Law	183,985	\$ 14.41	\$ 2,651,873	\$ 2,699,607	\$ 2,748,200	\$ 2,797,668	\$ 2,848,026	\$ 2,899,290	\$ 2,951,477
Public Defender	60,057	\$ 14.41	\$ 865,633	\$ 881,215	\$ 897,077	\$ 913,224	\$ 929,662	\$ 946,396	\$ 963,431
ADC	4,865	\$ 14.41	\$ 70,122	\$ 71,384	\$ 72,669	\$ 73,977	\$ 75,309	\$ 76,664	\$ 78,044
OCR	5,539	\$ 14.41	\$ 79,837	\$ 81,274	\$ 82,737	\$ 84,226	\$ 85,742	\$ 87,285	\$ 88,856
Attorney Reg	47,403	\$ 14.41	\$ 683,245	\$ 695,543	\$ 708,063	\$ 720,808	\$ 733,782	\$ 746,990	\$ 760,436
Other Agencies	49,225	\$ 14.41	\$ 709,506	\$ 722,277	\$ 735,278	\$ 748,513	\$ 761,986	\$ 775,702	\$ 789,665
Storage									
SCAO	1,293	\$ 8.00	\$ 10,344	\$ 10,530	\$ 10,720	\$ 10,913	\$ 11,109	\$ 11,309	\$ 11,513
Law	5,529	\$ 8.00	\$ 44,232	\$ 45,028	\$ 45,839	\$ 46,664	\$ 47,504	\$ 48,359	\$ 49,229
Public Defender	639	\$ 8.00	\$ 5,112	\$ 5,204	\$ 5,298	\$ 5,393	\$ 5,490	\$ 5,589	\$ 5,690
ADC	124	\$ 8.00	\$ 992	\$ 1,010	\$ 1,028	\$ 1,047	\$ 1,065	\$ 1,085	\$ 1,104
OCR	137	\$ 8.00	\$ 1,096	\$ 1,116	\$ 1,136	\$ 1,156	\$ 1,177	\$ 1,198	\$ 1,220
Attorney Reg		\$ 8.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total	433,724	\$ 14.34	\$ 6,220,000	\$ 6,331,960	\$ 6,445,935	\$ 6,561,962	\$ 6,680,077	\$ 6,800,319	\$ 6,922,724
			General Fund	\$ 2,923,805	\$ 2,976,434	\$ 3,030,010	\$ 3,084,550	\$ 3,140,072	\$ 3,196,593
			Cash Funds	\$ 979,633	\$ 997,267	\$ 1,015,218	\$ 1,033,492	\$ 1,052,094	\$ 1,071,032
			Reappropriated	\$ 1,619,796	\$ 1,648,953	\$ 1,678,634	\$ 1,708,849	\$ 1,739,609	\$ 1,770,922
			Federal Funds	\$ 86,448	\$ 88,004	\$ 89,588	\$ 91,200	\$ 92,842	\$ 94,513
			unknown tenant	\$ 722,277	\$ 735,278	\$ 748,513	\$ 761,986	\$ 775,702	\$ 789,665

Table 2
Ralph L Carr Justice Building
FY2014 Estimated Lease Appropriations by Agency and Fund Source

	Total	GF	CF	RF	FF
SCAO	\$ 1,108,352	\$ 1,108,352			
Law ^a	\$ 2,696,105	\$ 740,963	\$ 279,067	\$ 1,591,156	\$ 84,919
Public Defender	\$ 870,745	\$ 870,745			
ADC	\$ 71,114	\$ 71,114			
OCR	\$ 80,933	\$ 80,933			
Attorney Reg ^b	\$ 683,245		\$ 683,245		
Other Agencies	\$ 709,506				
	\$ 6,220,000	\$ 2,872,107	\$ 962,312	\$ 1,591,156	\$ 84,919

^a various sources of cash

^b Attorney Registration Cash Fund

- b. Estimated state appropriations for other state agencies that are anticipated to relocate to the Center; and
\$709,506 in FY2014 as detailed above.
- c. A comparison of current projections and those that were used as the basis for S.B. 08-206.
See answer to #22 and #23.

27. Please describe how the controlled maintenance needs of the Judicial Center facilities will be addressed and financed.

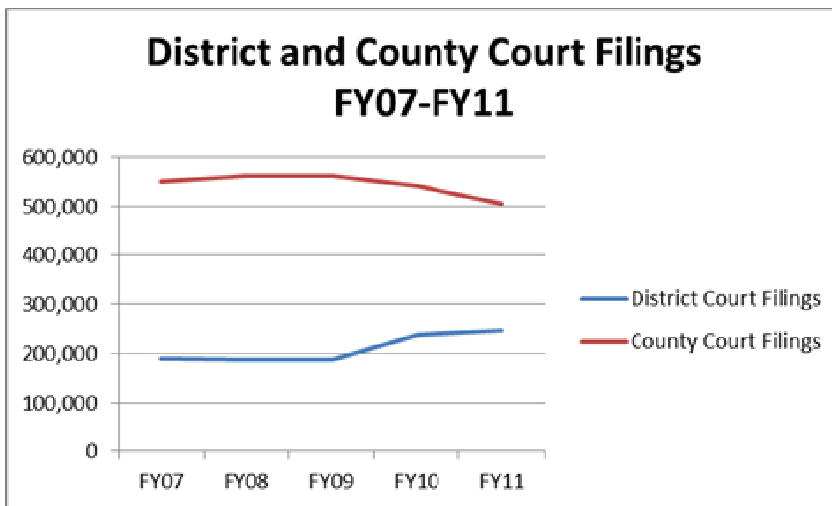
In the 2006 feasibility study, Steinmann Facility Development Consultants, in concert with Trammell Crow, estimated controlled maintenance costs based on 1% of the projected construction costs and inflated the annual payment into a trust fund to cover these costs at a rate of 2.5% per year. This amount totaled \$1.8 million in FY14. Once design began Trammell Crow determined that the annual controlled maintenance reserve payment was too high and it was reduced to \$1 million in FY14.

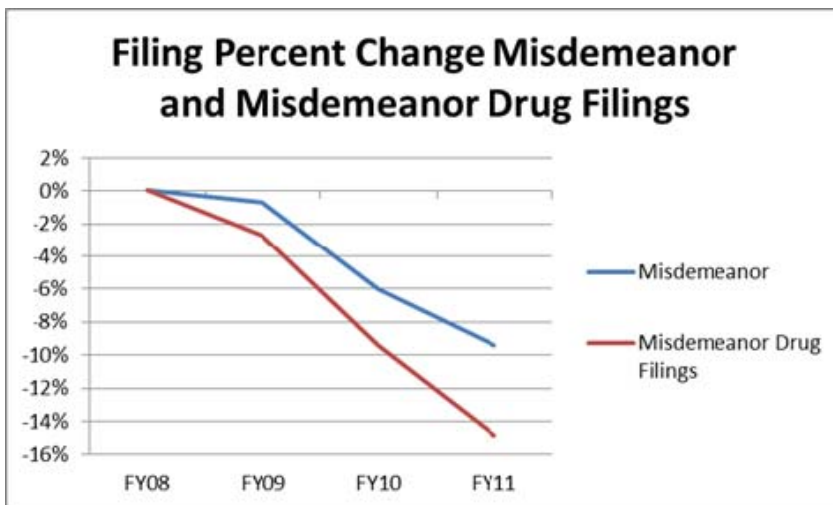
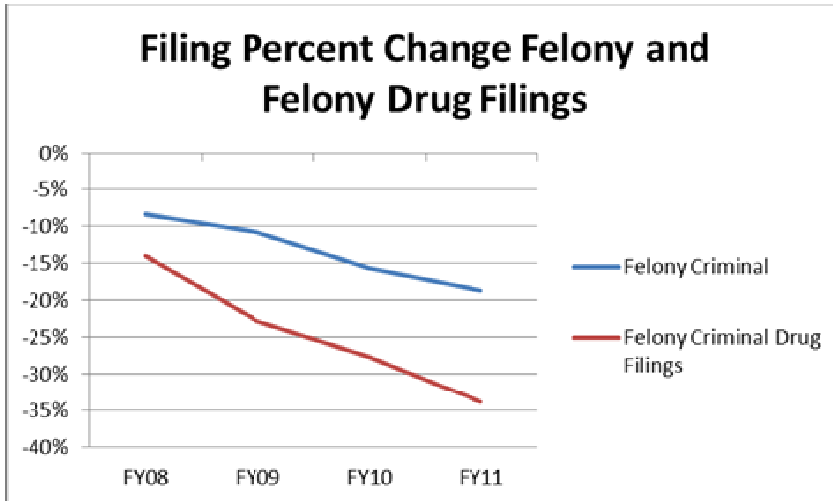
3:45-4:00 TRENDS IN DISTRICT AND COUNTY COURT CASE FILINGS

28. Please discuss general trends related to the numbers and types of cases filed in district and county courts. To what extent have recent changes in sentencing laws for drug offenses contributed to the decline in felony cases and the increase in misdemeanor cases?

Since FY2007 District Court filings have increased 30 percent. Much of that increase was in tax liens and foreclosures (an increase of 149 percent), though other civil filings also increased (15 percent), as did probate (22 percent) and domestic relations (12 percent) while the most dramatic decrease was in felony criminal (-19 percent). Declines in drug filings (-34 percent) were one of the primary drivers in the felony filing decrease.

Since FY2007 County Court filings have decreased by 8 percent. During that time period county civil (primarily debt collections) rose 8 percent, the only county court caseload that grew during that time. At the same time misdemeanors decreased by 9 percent. Declines in drug filings (-14 percent) were also the primary driver behind the decrease in misdemeanor case filings.





29. Please provide information and data concerning offenders who are convicted of “escape”, including the following:

- a. Describe the circumstances under which an offender can be charged with escape, and the associated penalties.

The elements of escape, and “attempted escape”, are defined in 18-8-208, C.R.S. and 18-8-208.1, C.R.S. Generally, it requires escape from custody or confinement in a jail, corrections, or community corrections facility. The penalties range from a class 1 petty offense [18-8-208(5)] to a class 2 felony [18-8-208(1)]. Probationers are generally not charged with escape since they are not in custody or confinement when on probation.

- b. Provide the number of offenders who are convicted of escape. If possible, please separate the number of offenders convicted for “breaking out” of a facility from the number convicted of escape for technical reasons.

The following table illustrates the number of escape convictions during FY 2011:

Number of Cases with Escape Convictions FY 2011		
Law Number	Law Description	Number of Cases with at Least One Conviction
18-6-208.1(1.5)	ESCAPE- ATTEMPT FROM COMMUNITY CORRECTION OR ISP PAROLE	180
18-6-208.1(1)	ESCAPE-ATTEMPT AFTER FELONY CONVICTION	133
18-6-208.1(2)	ESCAPE-ATTEMPT DURING PENDING FELONY	329
18-6-208.1(3)	ESCAPE-ATTEMPT AFTER MISDEMEANOR CONVICTION	3
18-6-208.1(4)	ESCAPE-ATTEMPT DURING PENDING MISDEMEANOR	0
18-6-208(2)	ESCAPE AFTER FELONY CONVICTION (NOT F1 OR F2)	222
18-6-208(3)	ESCAPE FROM PENDING FELONY	91
18-6-208(4)	ESCAPE AFTER MISDEMEANOR CONVICTION	131
18-6-208(5)	ESCAPE DURING PENDING MISDEMEANOR OFFENSE	2
18-6-208(6)(a)	ESCAPE FROM INSANITY COMMITMENT-MISDEMEANOR	8
18-6-208(6)(b)	ESCAPE FROM INSANITY COMMITMENT-FELONY	6
18-6-208(6)(c)	ESCAPE/INSANITY COMMITMENT-FELONY-LEAVE STATE	11
18-6-208(6)	ESCAPE FROM FUGITIVE HOLD	66
Total		1,204

- c. If possible, provide data concerning the costs associated with offenders convicted of escape for technical reasons.

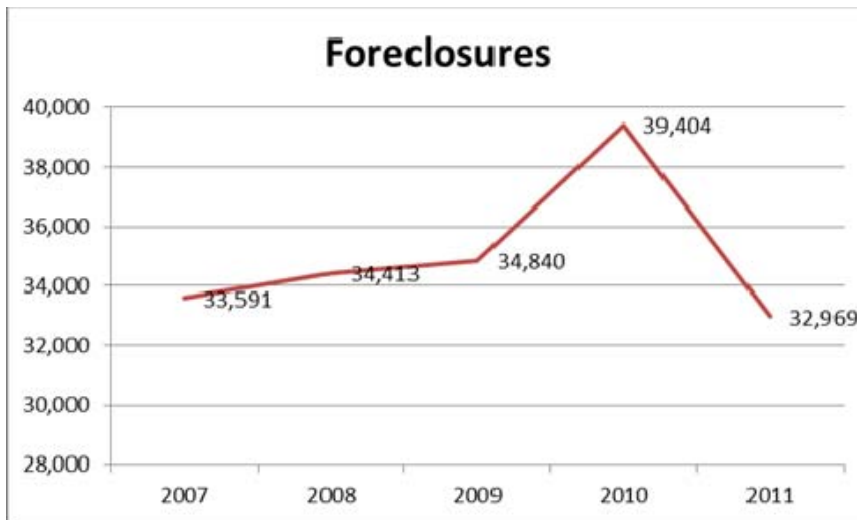
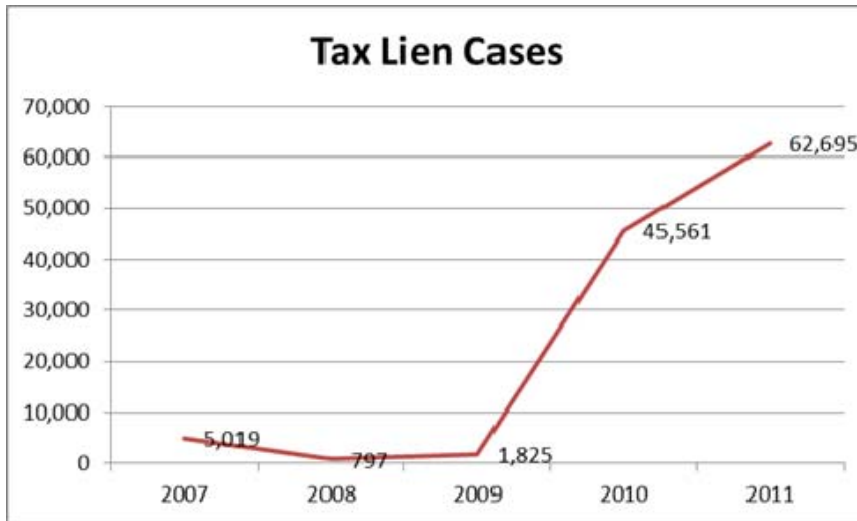
At this time, we are unable to calculate the costs associated with offenders convicted of escape for technical reasons. Probationers are generally not charged with escape since they are not in custody or confinement when on probation. Additionally, current statute does not identify what constitutes a “technical” escape. Such data could be compiled only by conducting a case-by-case file review to isolate and aggregate which cases involve “technical” escapes (violations such as late reporting to community corrections).

30. Foreclosure and tax lien cases:

- a. Please provide filing data for foreclosure and tax lien cases (cases filed, cases active, cases closed). **In the past several years tax lien and foreclosure filings have been volatile, with the greatest volatility taking place in tax lien cases. In fiscal year 2009 the Department of Revenue automated the filing process for these cases. Creation of the automated process allowed the Department of Revenue to address a long standing backlog of tax lien cases. The courts saw a dramatic increase in filings, from 1,825 in fiscal year 2009 to 45,561 in fiscal year 2010 and 62,695 filings in fiscal year 2011. These cases are closed virtually immediately after being filed.**

Foreclosure filings have also demonstrated dramatic movement in the past several years, though not at the levels seen in tax lien filings. Prior to FY 2002, foreclosure filings had been relatively

stable—generally under 10,000 case filings per year. In FY 2003 filings rose to 14,825 and continued to grow annually until peaking in FY 2010 at 39,404 new filings. In FY 2011 we experienced the first drop in these filings in almost a decade, to 32,969. These cases also tend to close fairly quickly, usually 90 days after filing. At the time of this writing, there were approximately 3,000 open foreclosure cases statewide.



- b. Are federal agencies involved in foreclosure cases (e.g., the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association)?

There is generally no involvement by federal agencies in Colorado foreclosure court cases. Federal agencies or federally-funded agencies back the loans, however generally the financial institution that issued the note and deed of trust is required to pursue foreclosure and then work with federal agencies for any reimbursement they may be due. While there may be a limited number of cases where federal agencies are involved with the process as it winds through public trustees offices, any Federal involvement is believed to be rare.

4:00-4:30 PROBATION AND RELATED SERVICES

31. Please describe general trends in the number of offenders sentenced to probation and those under supervision, in light of the recent trends in overall case filings. How do these trends relate to recent statutory changes to sentencing laws?

Criminal case filings are a gross leading indicator for future probation sentences. The time between filing and conviction varies by case and the effect of plea bargains makes projecting numbers of felony versus misdemeanor probation sentences tenuous. In the previous two years there has been a decrease in criminal filings. The effect of that decrease may become apparent in new sentences to probation in the next year. What has had a greater effect on the felony/misdemeanor mix of probation sentences has been the passage of legislation although the full effect has probably not been realized at this time. The two Acts that will probably have the greatest effect are HB-1352 that reclassified a number of drug offenses from felony to misdemeanor and HB-1347 that made probation a mandatory sentence for second and subsequent DUI convictions.

New Adult Probationers (Regular and Private)				
	Felony	Misdemeanor	Other (petty, traffic, no law class provided)	Totals
FY10	11,576 (28%)	28,051 (67%)	2,334 (6%)	41,961 (100%)
FY11	11,094 (26%)	28,657 (68%)	2,283 (5%)	42,034 (100%)

32. Please list the average cost per offender for each probation population or program.

FY 2011-12 Cost of Care and Cost by Program							
	Regular Adult	Regular Juvenile	Adult Intensive Supervision Probation (AISP)	Juvenile Intensive Supervision Probation (JISP)	Adult Sex Offender ISP (SOISP)	Female Offender Program	DUI Monitoring
Cost of Care *	\$1,593.67	\$1,860.65					
Average Cost Per Offender by Program **	\$1,417.90	\$1,593.08	\$3,853.62	\$5,380.51	\$4,356.50	\$3,306.77	\$61.50

* The Cost of Care calculation is required by statute and is computed annually. All figures include personal services, operating and treatment expenditures.

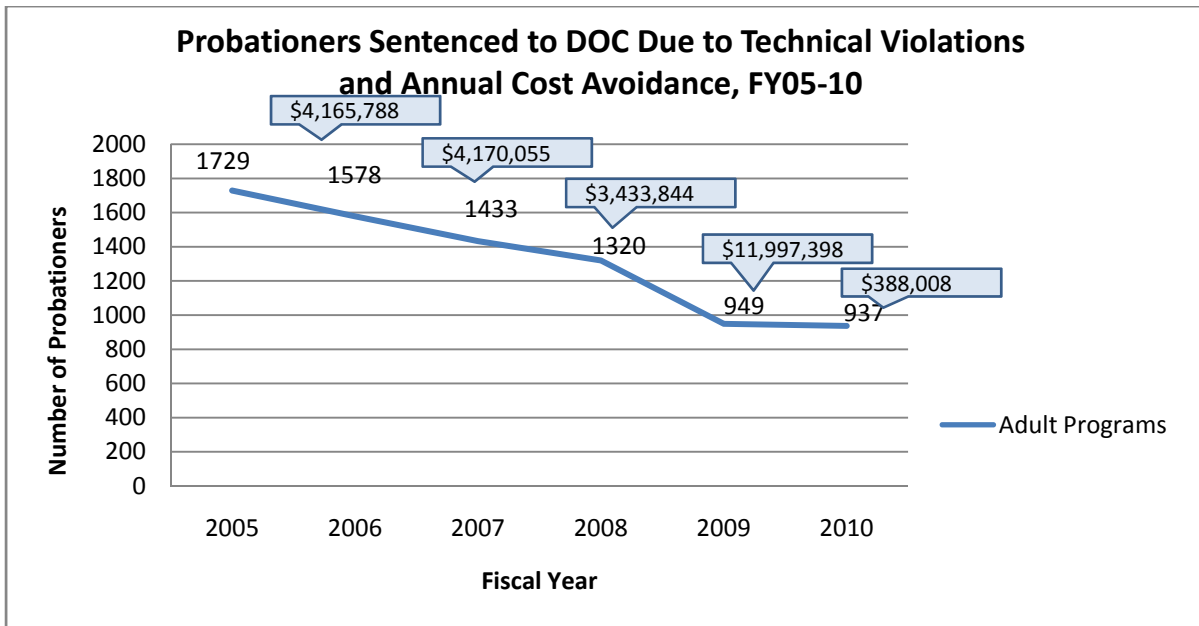
33. Please describe the nature of technical probation violations and the range of consequences related to these violations.

Technical violations are the result of actions contrary to the regular, specialized, and/or additional terms and conditions of probation as ordered by the court. They include all violations that do not involve a new crime. Consequences are based on the nature of the violations and the probationer's assessed risk level, so the sanction is equitable to the seriousness of the violation and considers risk posed by the probationer. Sanctions can range from a verbal reprimand to a term of electronic home monitoring or additional community service. Jail time cannot be imposed by probation.

- a. How many technical violations are "administrative" in nature and how many are related to more serious violations?

All technical violations are "administrative" in nature, as they do not involve a new crime. However, some violations are more serious than others based on how much the behavior compromises public safety. Although probation does not categorize technical violations as "administrative" or "serious", the probation officer addresses each violation using a structured decision making process that is grounded in evidence-based practices. A growing research base suggests that responding to violations in a structured and consistent way could lead to improved community safety and increased offender accountability. The probation officer considers several variables in making an appropriate sanctioning decision, including: the offender's risk level, the seriousness of the violation behavior, compliance history, nature of offending behavior, protective factors, and risk to public safety. Every effort is then made to match the sanction in a way that is effective in reducing the future probability of repeating the behavior, while holding the offender accountable and ensuring the lowest risk to public safety. This structured-decision making process was pilot tested and revised and is now being automated prior to training and statewide implementation.

The chart below represents the progress made from FY 2005 -2011 in efforts to more systematically and effectively address technical violations through the use of evidence based principles and practices. The dollar figures above each fiscal year represent the cost avoidance difference from the previous year. It should be noted that the number of adults on state supervised probation increased from 30,973 on June 30, 2005 to 46,822 on June 30, 2011.



- b. What types of technical violations would cause an offender’s probation to be revoked?
Ultimately the decision to revoke probation is one made by the court. However, a probation officer will make the decision to file a complaint with the court for a few reasons, which might include the following:
1. When public safety is compromised by the behavior of an offender and the risk cannot be adequately managed in the community.
 2. The offender has shown a pattern of escalating behavior and has not responded to intermediate sanctions already imposed by the probation officer.
 3. The nature of the violations is similar to the nature of the offense for which the offender is on supervision.

It should be noted that each offender is assessed initially and at least every six months, with a valid actuarial risk/need assessment tool. Technical violations are addressed by considering the risk of the offender and the seriousness of the violation behavior. Probation is currently implementing a system to improve the consistency and effectiveness of sanctions by using an evidence-based decision making tool. The Technical Violation and Behavior Change (TVBC) project has been pilot tested and is in the process of automation. Results from the pilot indicate the tool provides more options for sanctioning offenders and shaping their behavior for longer term change.

34. How did the Department establish its targets for pre-release recidivism rates for various probation populations? Have these targets changed over time?

No pre-release recidivism rates have been set. Target success rates have been established, which results in lower technical violation, absconding, and new crime rates during supervision. Success rates for probation programs are established by considering historical termination rates, reviewing national rates, research on rates of recidivism reduction by employing various evidence-based practices (EBP), level of EBP implementation in probation, and staffing levels.

Conservative target success rates were established due to uncertainties in staffing levels, vacancies that were being held to meet budget shortfalls, and unknown length of time necessary to achieve results from further EBP implementation.

The targets have changed over time as staffing levels have become more stable, EBP implementation has progressed and previously established rates have been achieved. Targets have been established through FY13.

Established Target Success Rates						
	Regular Adult	AISP	FOP	SOISP	Regular Juvenile	JISP
FY09*	60%	60%				53%
FY10	64%	66%	73%	46%	74%	45%
FY11	67%	67%	70%	40%	74%	47%
FY12	68%	67%	71%	41%	75%	48%
FY13	70%	68%	72%	42%	76%	50%

*Success rates were not established for all programs until FY10

35. *[Relates to Decision Item #4 – Supervision of Sex Offenders on Probation]* Given that the Department exceeded its pre-release recidivism rate target for the Sex Offender Intensive Supervision Program, why is it requesting additional resources for supervision of sex offenders? If the request is approved, would the Department increase the target recidivism rate for this population?

Courts and Probation is requesting an appropriation for 19.0 FTE Probation officers to address understaffing in sex offender supervision. Eleven (11.0) of the FTE are intended to lower the average Sex Offender Intensive Supervision Probation (SOISP) caseload size to 25 offenders per FTE, in accordance with the program standards. The remaining eight (8.0) FTE are intended to reduce the caseload size of probation officers supervising non-SOISP felony and misdemeanor sex offenders whose caseloads are between 65 and 90 offenders per officer.

The annual target success rates established for the various probation programs by the Chief Probation Officers, not pre-release recidivism rates, are aspirational and reflect the collective departmental management’s estimation of what level of improvement is achievable given the

current level of staffing and access to treatment and other resources. There is no research based success benchmark, nor for that matter pre-release recidivism rate for any criminal population in the United States that would provide a basis for qualitative comparison.

Were the requested staff appropriated, the Department would most certainly be able to increase the target and actual rate for successful discharges.

36. The Department's annual report concerning recidivism rates for offenders on probation reflects post-release recidivism based on filings that occur within one year of termination.

a. Why doesn't the Department use a longer time frame (e.g., three years)?

Based upon a recommendation of the State Auditor's Office, in its December 1998 audit of juvenile probation, representatives from the Division of Probation Services (DPS), the Department of Corrections, the Department of Human Services and the Department of Public Safety agreed upon a uniform definition of recidivism, which was based on a one year time at risk. The use of a single definition was recommended so policy makers could more easily compare outcomes across state criminal justice agencies in Colorado. By continuing to use the definition, DPS can compare populations across time, based on the same measure.

Furthermore, Criminal Justice research repeatedly has found that the highest rate of recidivism happens within the first 12 months following release from supervision. Although recidivism rates continue to go up after the one year period, they increase at a much smaller rate.

b. What time frame would best facilitate a comparative analysis of success rates among programs within Colorado, or to compare Colorado's success rate with those of other states?

By using the agreed upon state definition of one year at risk, DPS is able to compare outcomes of probation populations over time, as well as compare probation outcomes to the other Colorado Criminal Justice agencies. The one year timeframe also captures the majority of offenders who will receive a new filing following termination of their sentence. The definition of recidivism, as well as definitions of "success" "technical violations and "absconding" are not uniform from state to state making accurate comparisons difficult. Adding to the difficulty in making comparisons from national studies is the fact that many states combine probation and parole outcomes when reporting.

4:30-4:40 MISCELLANEOUS

37. Rule 16 of the Colorado Rules of Criminal Procedure:

- a. Please discuss the applicability of Section 24-72-205, C.R.S. [a provision within the Colorado Open Records Act concerning copies of public records] and Section 24-72-306, C.R.S. [a provision concerning copies of criminal justice records] to discovery materials that a prosecuting attorney is required to make available to the defense pursuant to Rule 16.
- b. If these provisions are not applicable to discovery materials, should the General Assembly modify one or both of these provisions to make them applicable?

Title 24 is the administrative procedures act and does not generally apply to the courts. Rather than add Judicial Branch agencies to this title, we would suggest making changes in Title 16, Article 9. The Joint Budget Committee can define the term “actual costs” from Criminal Rules of Procedure by either setting a specific fee, such as 25 cents per page and one dollar per DVD. However, to allow flexibility to accommodate the changing nature of discovery materials, they may want to adopt the following definition suggested to the rules committee in March 2011.

1. THE ACTUAL COSTS OF DUPLICATING DISCOVERABLE MATERIAL REFERED TO IN CRIMINAL RULES OF PROCEEDURE IS DEFINED TO INCLUE THE FOLLOWING:

- A. STAFF TIME TO RETRIEVE, SORT, LABEL, PREPARE OR COPY DOCUMENTS. COST OF STAFF MAY INCLUDE SALARIES AND PRO-RATED BENEFITS.
- B. COST OF MATERIALS (PAPER, COPIER SUPPLIES, CDS, DVDS, TAPES, ETC.)
- C. MAILING OR DELIVERY COSTS

AND MAY NOT INCLUDE:

- D. PURCHASE OR MAINTENANCE OF COPIER OR COMPUTER EQUIPMENT;
- E. NORMAL OPERATING EXPENSES OF COMPUTER;
- F. STAFF TIME REQUIRED TO SORT, ORGANIZE OR TRANSFER INFORMATION INTO AN ELECTRONIC FORMAT IF THE PARTY FURNISHING THE MATERIAL REGULARLY MAINTAINS OR WILL ALSO UTILIZE THE INFORMATION IN THAT FORMAT;
- G. STORAGE COSTS, INCLUDING COST OF ELECTRONIC STORAGE; AND
- H. ADMINISTRATIVE COSTS NOT DIRECTLY RELATED TO DUPLICATION REQUESTS.

2. ON AN ANNUAL BASIS OR AT ANY TIME THERE IS A CHANGE IN THE CURRENT FEE SCHEDULE AND UPON REQUEST OF THE PARTY RECEIVING AND RESPONSIBLE FOR PAYING FOR THE ACTUAL COST OF DUPLICATING THE MATERIAL, THE PARTY FURNISHING THE MATERIAL SHALL PROVIDE AN ITEMIZATION OF THE CALCULATION OF SUCH FEES FOR THE VARIOUS METHODS AND FORMS OF DUPLICATING DISCOVERY TO THE PARTY MAKING THE REQUEST.

38. *[Relates to OSPD Decision Item #3 – Refinance for Denver Sobriety Court]* Please provide any available data concerning the cost-effectiveness and outcomes associated with courts similar to the Denver Sobriety Court.

There are over sixty operational problem solving courts in Colorado, including nine DUI courts. While the Denver Sobriety Court is not part of the state court system (the Denver Sobriety

Court is part of the locally funded court), although it primarily operates under the same guiding principles as the other DUI courts in the state. DUI Court is a post-conviction, accountability court dedicated to changing the behavior of the hardcore, multiple DUI offender. The goal of DUI Court is to protect public safety by using the successful Drug Court model that uses intensive supervision and long-term treatment to address the root cause of impaired driving: alcohol and other substance abuse².

Currently, we do not have statewide outcome data specific to Colorado DUI Courts. However, preliminary data from the Boulder Integrated DUI Court shows a retention rate of 76.9% and a graduation rate of 67.6%. A recidivism rate one year post-program of 15.2% for clients who existed the program (graduated, terminated, withdrew).

The State Court Administrator’s Office has contracted with an independent evaluator and is in the process gathering data to conduct a process and outcome evaluation of all Adult Drug Courts including DUI Courts in Colorado. This evaluation will be completed by June 2012. This evaluation will establish a baseline to assess the efficacy of Colorado DUI Courts.

Nationally, multiple studies conducted by varies entities have produced promising results on the efficacy of DUI Courts. Outcome evaluations show significantly better outcomes for DUI court participants than those cases processed through traditional criminal courts in recidivism, cost effectiveness and reduction in substance abuse resulting in reduced costs to tax payers and increased public safety.

In 2002 the Governor’s Office of Highway Safety provided the Judicial Council of Georgia grant funding to evaluate the DUI courts and found at 12 months post-graduation, DUI court participants were almost three times less likely to have a new DUI and less likely to have a new felony or misdemeanor offense³.

In a Michigan study of three DUI Courts, DUI Court offenders were up to 19 times less likely to be re-arrested for another DUI than a DUI offender in a traditional court.

- The same Michigan study found that the DUI Court was instrumental in reducing the amount of illegal drug use during the first year participants spend in the program⁴.**
- A study of the Howard County DUI Court in Maryland found the average cost savings after 24 months is \$1,382 per DUI Court participant, regardless of whether or not the participant graduates⁵.**

² Carey, S. et. al. (2009), *Anne Arundel County DUI Court Program Outcome and Cost Evaluation, Executive Summary*. Portland, OR: NPC Research

³ *Research Results: Georgia’s DUI Courts Work*. Judicial Council of Georgia, Administrative of the Courts, Atlanta, GA

⁴ Carey, S. et al. (2008). *Michigan DUI Courts Outcome Evaluation*. Portland, OR: NPC Research

⁵ Carey, S. et al. (2009). *Howard County District Court DUI Court Program Outcome and Cost Evaluation*. Portland, OR: NPC Research

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED -

39. Please list and briefly describe any programs that the Department administers or services that the Department provides that directly benefit public schools (e.g., school based health clinics, educator preparation programs, interest-free cash flow loan program, etc.).

Courts and Probation does not provide services or administer programs that directly benefit public schools. It could be said, however, that many of the probation functions and programs indirectly benefit the schools in that they serve members of the student population and help keep them in school and/or perform better in school. However, none of these are a direct service to the school and instead are direct services for some students in the public school system.

Attachment A

Protective Proceedings Reporting Instructions and Sample Form JDF - 850

Reporting Requirements - Guardian/Conservator

Wednesday, August 10, 2011

- **Minor guardianships:** The court may require the guardian to file reports on the condition of a minor, but it is not mandatory. The report should be filed using the most current version of JDF 834.
- **Adult guardianships:** The guardian for an adult is required to file two reports:
 - Initial report/care plan: The initial report/care plan must be filed within sixty days after appointment unless the court sets a different due date. **This report is mandatory** and its filing should not be waived. (See §15-14-317(1), C.R.S.) The report should be filed using the most current version of **JDF 850**.
 - Annual report: The annual report must be filed at least once a year. The court may order more frequent reports to be filed. **This report is mandatory** and its filing should not be waived. (See §15-14-317(1), C.R.S.) The report should be filed using the most current version of **JDF 850**.
- **Conservatorships (minor and adult):** Whether the protected person is a minor or an adult, the conservator is required to file:
 - Financial plan: A financial plan must be filed within ninety days after appointment. The court may set an earlier filing date. **This report is mandatory** and its filing should not be waived. (See §15-14-418(3), C.R.S.) The report should be filed using the most current version of **JDF 882**.
 - Inventory: An inventory must be filed within ninety days after appointment. The court may set an earlier filing date. **This report is mandatory** and its filing should not be waived. (See §15-14-418(3), C.R.S.) The report should be filed using the most current version of **JDF 882**. For convenience, the inventory and the financial plan have been combined into one form (**JDF 882**).
 - Annual report: The annual report must be filed once a year, unless the court directs more or less frequent reports. **This report is mandatory** and its filing should not be waived. (See §15-14-420(1), C.R.S.) The report should be filed using the most current version of **JDF 885**.

Note: Effective August 10, 2011, the court may enter an order altering the statutorily required conservator's report contents. (See §15-14-402(2), C.R.S.) Therefore, in cases where the full conservatorship report is too detailed for the case, another form of report that satisfies

the court can be substituted. For example, in cases where a minor's assets are deposited into a restricted account or were used to purchase an annuity, filing an annual copy of the most current financial institution statement, confirming that the funds remain on deposit, would be an option. The long form (JDF 885) remains the default and should be required unless the court has entered an order to the contrary.

□ **UVGA guardians:** A guardian appointed pursuant to the Uniform Veterans' Guardianship Act is required to file an annual accounting on the anniversary date of his/her appointment. The court may order more frequent reports to be filed. **This report is mandatory** and its filing should not be waived. (See §28-5-211(1), C.R.S.) There is not a standard form for filing this report.

- | | Yes | No |
|--|--------------------------|--------------------------|
| D. Do you wish to remain guardian?
If No , explain: _____
_____ | <input type="checkbox"/> | <input type="checkbox"/> |
| E. Has the Ward's physical and medical condition (hospitalization/injuries) changed since the last report? If Yes , explain: _____
_____ | <input type="checkbox"/> | <input type="checkbox"/> |
| F. Has the Ward been hospitalized in the last year?
If Yes , explain: _____
_____ | <input type="checkbox"/> | <input type="checkbox"/> |
| G. Is there a need for further medical, social or psychological evaluations of the Ward?
Please explain: _____
_____ | <input type="checkbox"/> | <input type="checkbox"/> |
| H. Has the Ward's residence changed since the last report?
Identify specifics in Section V . | <input type="checkbox"/> | <input type="checkbox"/> |
| I. Does the Ward have sufficient financial resources? | <input type="checkbox"/> | <input type="checkbox"/> |

II. WARD'S INFORMATION

New Residence from last Report

Name: _____ Age: _____

Address (Include name of facility): _____

City: _____ State: ___ Zip Code: _____ Telephone Number: _____

Type of Residence: Private Nursing Home Assisted Living Home Other: _____

III. GUARDIAN'S INFORMATION

Updated Information from last Report

Guardian's Name: _____ Email address: _____

Address (Street and P.O. Box): _____

City: _____ State: ___ Zip Code: _____ Telephone Number: _____

Co-Guardian's Name: _____ Email address: _____

Address (Street and P.O. Box): _____

City: _____ State: ___ Zip Code: _____ Telephone Number: _____

IV. CURRENT CONDITION OF THE WARD

Describe the Ward's mental, physical, and social condition and if any additional evaluations are needed.

V. PLACEMENT AND CARE SUPERVISION

A. If the Ward has moved since the last reporting period, identify the date of the move, address of residence, type of residence and reason for the change.

Date of Move	Name of Facility and Address	Type of Residence	Reason for Change

B. Who currently supervises the Ward's care and treatment on a daily basis?

Name: _____
Telephone Number: _____

VI. VISITATION OF WARD

Colorado law requires that a guardian maintain sufficient contact with the Ward.

A. How often do you visit the Ward? Daily Weekly Monthly Other: _____

B. How often do you contact the Ward or the Ward's care provider?
 Daily Weekly Monthly Other: _____

C. When was the last time you saw the Ward in person? _____ (date)

D. How long are the visits and summarize your activities with and on behalf of the Ward?

E. Does the Ward participate in decision-making? Yes No Briefly describe.

VII. FINANCIAL MATTERS

A. Are there sufficient financial resources to take care of the Ward? Yes No If No, what do you believe is the best way to handle this problem?

B. Do you have possession or control of the Ward's assets, e.g. property, financial accounts? Yes No
If Yes, describe: _____

C. Do you have control of the Ward's Income? Yes No

If Yes, describe: _____

D. If applicable, identify the Representative Payee for Social Security and other income benefits.

Name: _____ Phone Number: _____

E. Have any fees been paid to you in your role as guardian? Yes No

If Yes, describe: _____

F. Have any fees been paid to others for the care of the Ward or his/her property? Yes No

If Yes, describe and identify name of person: _____

Complete this section only if there is no Conservatorship and the Guardian has custody of funds.

SUMMARY OF FINANCIAL ACTIVITY DURING REPORTING PERIOD		
Beginning balance of bank accounts (savings, checking, etc.)	\$	
Plus money received (Social Security, SSI, pension, disability, interest, etc) from any source on behalf of the person	+\$	
Less total fees to care providers	-\$	
Less total monies paid to the Ward, e.g. personal needs	-\$	
Less total fees paid to guardian	-\$	
Less any other expenses, e.g. housing, insurance, maintenance	-\$	
Ending balance of bank accounts	\$	

You are required to maintain supporting documentation for all receipts and all disbursements under your control during the duration of this appointment. The Court or any Interested Persons as identified in the Order Appointing Guardian may request copies at any time.

VIII. PERSONAL CARE AND OTHER ISSUES

A. Describe the medical, educational, vocational and other services provided to the Ward.

B. Do you believe the current plan for care, treatment and/or rehabilitation is in the Ward's best interest?

Yes No If No, describe what changes would be appropriate.

C. The Ward's care is Very Good Good Adequate Poor

D. Describe your plans for the Ward's future care including any recommended changes.

Note: If you wish to modify or terminate this guardianship, you must file a separate Petition with the Court.

VERIFICATION

I verify that the facts set forth in this document are true as far as I know or am informed. I understand that penalties for perjury follow deliberate falsification of the facts stated herein. 15-10-310, C.R.S.

Guardian's Signature

Date

Co-Guardian's Signature

Date

Certificate of Service

I certify that on _____ (date) a copy of this Guardian's Report was served on each of the following:

Name of Person to Whom You are Sending this Document (Interested Persons)	Relationship to Protected Person	Address	Manner of Service*
	Ward		

*Insert hand delivery, first class U.S. Mail, certified U.S. Mail, E-filed, or Fax.

Signature of Person Certifying Service

**JUDICIAL BRANCH:
Courts and Probation; Office of the Child’s Representative
FY 2012-13 JOINT BUDGET COMMITTEE HEARING AGENDA**

**Thursday, December 8, 2011
1:30 pm – 5:00 pm**

4:40-5:00 **OFFICE OF THE CHILD’S REPRESENTATIVE (OCR)**

INTRODUCTIONS AND OPENING COMMENTS

QUESTIONS COMMON TO ALL DEPARTMENTS

1. Please describe the process the OCR used to develop its strategic plan.

The OCR is a single-mission agency whose mandate is informed by its enabling legislation. Recognizing the unique nature of the legal representation of children and the particular vulnerability of children, the OCR’s enabling legislation finds that the representation of children necessitates “significant expertise as well as a substantial investment in time and fiscal resources” and charges the OCR to improve the quality of representation and advocacy provided to Colorado’s children in a cost-effective matter. See § 13-91-102(1)(a), (b). This mandate is the source of the OCR’s vision statement.

The OCR looks to multiple sources to define what makes a GAL effective: the GAL’s statutory responsibilities; Chief Justice Directive 04-06; the Colorado Rules of Professional Conduct; and national best practices and model programs. From these sources, the OCR distilled the measurable GAL responsibilities it determined to be most critical to effective legal advocacy. These are embodied in Goal 1 of the OCR’s strategic plan: Effective GAL Services. The OCR prioritized visiting children in their placement within 30 days of their placement as the most important measure because such contact is critical to an investigation of their safety and best interests. Lack of contact with children in placement was a significant deficit in GAL representation that lead to the creation of the OCR.

OCR’s second goal, Efficiencies in Attorney Services, is also derived from its enabling legislation. As a state agency, the OCR is responsible to provide services in a cost-effective manner and to ensure the appropriate use of taxpayer dollars. Similarly, § 13-91-105(1)(a)(I), (1)(c)(I), which require the OCR to ensure the provision of high-quality, accessible training, and § 13-91-105(1)(f), which requires the OCR assess and document the effectiveness of various models of representation, are embodied in Goals 3 and 4 of the OCR’s strategic plan. Both goals support the OCR’s vision. Well-trained GALs not only provide better

representation to children; they are more efficient in the representation they provide. Similarly, piloting alternative models of delivering GAL services increases the OCR's ability to determine how to provide the best possible legal services for Colorado's children in the most cost-effective manner.

Finally, § 13-90-105(1)(a)(VI) requires the OCR to establish fair and realistic compensation rates for GALs. This mandate is the source of Goal 5 in the OCR's strategic plan. As with the other goals, this goal supports the OCR's vision in that fair and realistic compensation enables the OCR to recruit and retain qualified and committed attorneys to serve as GALs.

2. How does the OCR define FTE? Is the OCR using more FTE than are appropriated to the OCR in the Long Bill and other legislation? How many vacant FTE did the OCR have in FY 2009-10 and FY 2010-11?

The OCR follows the definition of FTE (full-time equivalent) referenced in C.R.S. 24-75-112(d)(I). FTE "means the budgetary equivalent of a permanent position continuously filled full time for an entire fiscal year . . . who are paid for at least two thousand eighty hours per fiscal year, with adjustments made to (a) include such time computation any sick, annual, administrative or other paid leave; and (b) exclude from such time computation any overtime or shift differential payments made in excess of regular or normal hours worked and any leave payouts upon termination of employment."

The OCR does not use more FTE than appropriated in the Long Bill.

In FY 2009-10, the OCR had no vacant FTE positions, and in FY 2010-11 the OCR had a .5 vacant FTE position.

QUESTIONS SPECIFIC TO THE OCR

3. Please provide an overview of the processes or measures the OCR uses to determine whether OCR attorneys are providing effective legal representation.

The measures the OCR uses to assess effective GAL services are detailed in Goal 1 of the OCR's strategic plan, Effective GAL Services. Those measures include: GALs will visit all children in their placement within 30 days of each appointment and each change in placement; GALs will perform a comprehensive and independent initial and ongoing investigation; GALs will attend all court hearings; and GALs will provide meaningful recommendations to the court. The OCR assesses GAL services through a comprehensive evaluation process consisting of the following: a statewide annual contract/appraisal process; investigation of complaints concerning GALs; auditing of

GAL activity on an as-needed basis; and monitoring of GAL activity through billing statements and available electronic databases. This process is detailed in pages 14-16 of the OCR's Fiscal Year 2013 Budget Request.

The OCR recognizes the need for data-driven assessment of services and, as such, has instituted a new online case management system effective FY 2011. This system will not only improve GALs' ability to monitor their own case activities but will also allow the OCR to capture data concerning key performance indicators as set forth in the OCR's strategic plan. Additionally, the OCR will be able to explore potential correlations between specific measures of GAL performance (e.g., amount of contact with a child) and measures of case success (e.g., number of placement moves for a child).

4. Does the OCR have any data or information that quantifies the impact of having a court-appointed special advocate (CASA) volunteer involved in a case? For example, do guardians *ad litem* (GALs) bill fewer hours to the OCR when a CASA volunteer is involved? Do children spend less time in care or require fewer services when a CASA volunteer is involved?

The OCR does not have any data quantifying the impact of having a CASA volunteer appointed to a case. CASA volunteers play a unique role in dependency and neglect cases that is independent and different from any other party or service provider involved in the case. The CASA is a lay volunteer who is able to spend quality time getting to know and supporting a child or young person involved in a dependency and neglect proceeding. CASA volunteers typically have only one case and are able to spend significant amounts of time with the child. CASA volunteers often provide transportation to services and supervision of visits, allowing children to spend more time with significant family members including siblings. While this time is valuable to a young person and may augment court-ordered services and allow the CASA to provide additional relevant information to the court and the parties in a case, it does not replace the court-ordered services provided by professionals in the case. As CASAs cannot function as attorneys, they cannot augment the legal advocacy provided by GALs.

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

5. Please list and briefly describe any programs that the OCR administers or services that the OCR provides that directly benefit public schools (e.g., school based health clinics, educator preparation programs, interest-free cash flow loan program, etc.).

OCR does not have any programs that directly benefit public schools.