

**JUDICIAL BRANCH  
FY 2010-11 JOINT BUDGET COMMITTEE HEARING AGENDA**

**Thursday, November 18, 2010  
1:30 pm – 5:00 pm**

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**OFFICE OF THE CHILD'S REPRESENTATIVE**

**4:25-4:45**

**INTRODUCTIONS AND OPENING COMMENTS**

- 1. Please describe how the OCR evaluates the effectiveness of its programs and services. Further, if the OCR is currently statutorily required to administer one or more programs that are no longer effective or appropriate, please identify such programs and the associated statutory provisions.**

Pursuant to its enabling statute, §13-91-101 *et seq.*, the OCR is mandated to administer only one program—the provision of effective and enhanced best interest legal representation to children subject to proceedings in the Colorado court system. This program is not only effective and appropriate, but also essential to protecting and promoting the safety and well-being of children.

The OCR engages in a comprehensive evaluation strategy, 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. These are detailed in pages 15-18 of the OCR's Fiscal Year 2012 Budget Request. A summary of these evaluation strategies is set forth below:

- **Statewide Annual Contract/Appraisal Process:** The OCR's goal is to ensure that it is contracting with the most skilled, qualified, and dedicated attorneys to provide GAL services. To fulfill this goal, the OCR engages in an annual application and contract process. This process includes a series of steps:
  - i) The OCR first distributes an objective evaluation form to gather feedback on all attorneys currently providing GAL services. The surveys are sent to all CASA agencies, court facilitators, court administrators, and judicial officers throughout Colorado's 22 judicial districts.
  - ii) Because contracts are not automatically renewed, the office also requires all attorneys, regardless of whether they have existing contracts or are new applicants, to complete a new application.

iii) OCR attorney staff visit each of the 22 judicial districts to assess attorney services and to learn how the OCR can better serve its attorneys and each community. During these visits, OCR attorney staff meet with attorneys, court personnel, judicial officers, CASA directors, and other stakeholders. Additionally, in Fiscal Year 2010, the OCR implemented the use of an individual evaluation tool, to be completed by OCR attorney staff in concert with each attorney.

Upon collecting all of this information, the OCR compiles its annual list of attorneys eligible for appointment in each judicial district, distributes it to judges and court officers in each judicial district by July 1 of the upcoming fiscal year, and prepares yearly contracts for attorneys on its list. This annual appraisal process serves as an effective method of monitoring attorney services and ensures only the most qualified attorneys provide legal representation for children. It also helps the OCR address systemic needs within each jurisdictional district, such as the need for additional or fewer attorneys, training on a specific issue, or the facilitation of communication between local actors within the system. Further, data provided from these written and verbal assessments allow the OCR to monitor systemic issues in attorney performance and is a helpful indicator of OCR's progress towards its vision/goals.

- **OCR's Complaint Investigation Process:** One of the OCR's first activities was to establish a formal complaint process. This process remains in existence, and OCR staff attorneys investigate every submitted complaint concerning an OCR contract attorney. Complaint forms are available on the OCR's website, and a complaint must be submitted in writing. While the specifics of each investigation vary depending on the nature of the complaint, the investigation typically involves interviews with the attorney, the complainant, and other stakeholders and/or witnesses, including foster parents, judicial officers, county attorneys, parents' counsel, and caseworkers. A review of the case file and other relevant documents is often warranted.

While the majority of complaints have been unfounded, founded complaints may lead to further investigation of the attorney's performance, corrective action plans, termination of the attorney's contract, and/or removal of the attorney from existing appointments. Although the primary purpose of the OCR's complaint process is to allow the OCR to identify and remedy problems with attorney performance, the resolution of complaints also provides helpful information on whether the OCR is continuing to make progress towards meeting its vision/goals.

- **Monitoring of GAL Activity through Hourly Billing Statements:** Review of hourly billing also serves as a mechanism of monitoring attorney activity. The review of billing statements allows the OCR to check every activity or service billed by the attorney, including but not limited to, when the attorney began the case, met with the child, visited the child in placement, and appeared in court on behalf of the child.

- **Implementation of KidsVoice Integrated Data System:** Although all of the aforementioned evaluation activities do provide helpful indicators of this progress, to date, it has been extremely difficult for the OCR to obtain accurate and comprehensive reports monitoring key indicators of attorney performance. While the OCR's 2007 Performance Audit identified increased monitoring of attorneys' hourly billing as a method of enhancing the OCR's evaluation of attorney services, the OCR's current billing system presents coding and reporting challenges that make such monitoring time-intensive and that limit the OCR's ability to draw meaningful systemic data from its reports. Additionally, because the OCR's system is a billing system, it does not provide real-time data allowing the OCR to immediately address concerns in attorney performance or billing practices. The OCR did address this problem by reducing attorneys' billing time frame from 6 months to 90 days in Fiscal Year 2009-10; however, real-time data is still not accessible through the system.

To address these problems and to provide greater accountability and efficiency in GAL services, the OCR recently entered into a contract with KidsVoice USA, LLC, a nonprofit organization, to institute a new web-based case management and data system. This system, the KidsVoice Integrated Data System ("KIDS"), allows attorneys to maintain a comprehensive electronic file for each child they serve. Data such as placement location, dates and substance of visits with children and contact with other parties/professionals/witnesses, activity and outcomes of court appearances, school and service provider information, and duration of placements is collected in the system, promoting efficiency and effectiveness in GAL services.

KIDS will significantly improve the OCR's ability to perform comprehensive systemic monitoring of attorney performance and the OCR's progress towards meeting its vision/goals. Subject to attorney work product, KIDS will enable the OCR to run reports on the activity of individual attorneys, all attorneys, or a select group of attorneys (e.g., attorneys in a specific district). Because the OCR is working with KidsVoice to tailor KIDS to the unique oversight needs of the OCR, the reports available through KIDS will allow the OCR to efficiently run reports on key indicators of attorney performance, such as in-placement contact with children, other contacts with children and other parties, court appearances, and attendance at staffings. Under KIDS, the OCR will have access to previously unavailable systemic data, such as number of changes in placements and educational settings. Because KIDS is a case management system instead of a billing system, the OCR will enjoy access to real-time data on GAL performance.

2. **Please identify the OCR's three most effective programs or services and the three least effective programs, and explain why you identified them as such. How do your most effective programs further the OCR's goals? What recommendations would you make to increase the effectiveness of the three least effective programs?**

As stated above, the OCR is responsible to administer only one program—the provision of enhanced and effective best interest representation for children involved in the Colorado court

system. As evidenced from the 2007 Performance Audit of the OCR, this is an effective program providing a critical safeguard to some of the most vulnerable children in Colorado.

Because of its singular program, the OCR is unable to highlight its three most effective programs or three least effective programs. The OCR is, however, able to discuss the three most effective/promising aspects of its program and its three biggest challenges.

The OCR's three most effective/promising aspects of its program include its efforts to limit expenses in discretionary case types, expansion of the use of multidisciplinary staff offices, and institution of Cornerstone Advocacy for GALs in dependency and neglect cases.

- **Efforts to limit expenses in discretionary case types:** As illustrated in the following diagram, 96% of the OCR's budget is caseload-driven, making achieving efficiencies in its budget is a challenging endeavor. Moreover, 81% of the OCR's Court-Appointed Counsel expenditures cover services in dependency and neglect appointments, which are non discretionary appointments mandated in every filing. This leaves the OCR with a very small percentage of its budget in which to achieve efficiencies. Even in these case types—delinquency, domestic, probate, and truancy—the OCR does not have control over the appointment of attorneys, as the appointment decision is made by the court.

While the OCR has always been cognizant of the need to control costs in discretionary case types, in Fiscal Year 2009-10, it worked diligently to further scrutinize and control these costs. Identifying wide inconsistencies in discretionary costs across judicial districts, the OCR, pursuant to the request of the Joint Budget Committee, crafted legislation clarifying the appropriate use of state-funded appointments in these discretionary case types (SB 09-268). The OCR worked with judicial officers, GALs, and other stakeholders to ensure that the changes in legislation would not negatively impact the safety of children in these case types. Additionally, the OCR engaged in heightened scrutiny of billing in these case types, setting lower presumptive billing caps on such cases and committing attorney staff time to review any costs in excess of the presumptive caps. In the districts in which domestic relations appointments were most costly, the OCR also instituted the use of an indigency screening process similar to the process used by the Office of the Public Defender. Prior to this process, judicial officers were basing the decision to make the CFI/CLR a state-paid appointment on the parties' representation alone. The OCR's indigency screener delves further into the parties' financial situations to ensure that they truly do qualify for this state-paid service. The OCR has realized significant savings from this effort, reducing costs in domestic relations cases by 49.8% in Fiscal Year 2009-10.

- **Expansion of the use of multidisciplinary staff offices:** Upon its inception, the OCR inherited a multidisciplinary GAL staff model office in El Paso County. A multidisciplinary GAL staff office makes use of the expertise and training of on-site social workers to inform and enhance GALs' best interest investigation and advocacy. At the time, this project represented cutting-edge practice in GAL services. Over time, the

multidisciplinary staff office model has become increasingly recognized as a cost-effective method for providing optimal attorney representation to children involved in dependency and neglect proceedings, as staff are able to benefit from the office's collective knowledge and institutional presence in the courthouse, providing more comprehensive and informed representation to the children they serve.

Because of the success of the El Paso County office and the growing national recognition of the benefits of staff model offices, the OCR, pursuant to its legislative mandate to explore other models of representation, § 13-91-105(f), C.R.S., and the specific request of the JBC/General Assembly to study the implementation of such an office in other jurisdictions, has contracted with three entities to pilot multidisciplinary staff offices in Denver and Arapahoe Counties beginning January 1, 2011. The details of this project are set forth on pages 23 and 24 of the OCR's Fiscal Year 2012 Budget Request; in summary, after extensive analysis and consultation with other states, the OCR determined that in the current fiscal climate, a RFP process would be an effective and more feasible implementation strategy than the pursuit of additional state offices/FTE. The three offices with whom the OCR has contracted to serve as multidisciplinary staff offices are scheduled to be piloted through June 30, 2013; an ongoing evaluation of their performance will inform the OCR's decision about the continuation and expansion of this model of service delivery.

- **Institution of Cornerstone Advocacy for GALs in dependency and neglect cases:** The Cornerstone Advocacy model employed by New York's Center for Family Representation has recently received much national attention for the impressive outcomes it has demonstrated with families involved in the child welfare system, including increased family placement, a shorter length of time in out-of-home care, and lower reentry rates. This model of representation, as adapted by the OCR for GAL practice, mandates intensive advocacy within the first 60 days of a case focused on four cornerstones: appropriate placement, meaningful and frequent visitation, creative and accessible services, and education/life skills. This model requires "small adjustments" in attorney practice, such as taking time at the first visit/court appearance to talk to children and parents about potential visitation "hosts" (appropriate individuals outside of the department of social services who may be able to safely supervise more frequent visitation than department of social services staff can supervise), and requires attorneys to be well-versed in department regulations in addition to the statutes governing the proceedings. The OCR's multidisciplinary staff office models will engage in this approach from their outset, and the OCR has begun to spread this practice throughout Colorado through trainings and other supports. This model is not only a best practice tool, but also a potential cost stabilization mechanism, as it will decrease the overall life of the case—ultimately leading to reductions in the OCR's caseload. The OCR's supportive approach to the implementation of this model, which will include the provision of practical handbooks, sample motions and letters, and ongoing training and updates, will help minimize the costs of the upfront intensive advocacy.

The OCR's three biggest challenges include maintaining a qualified and dedicate attorney bank despite the relatively low rate of compensation authorized for GALs; revising the Chief Justice Directive governing GAL practice to reflect currently recognized best practices; and obtaining comprehensive, accurate, and up-to-date data on GAL performance.

- **Maintaining a qualified attorney bank:** It is the statutory mandate of the OCR to “establish fair and realistic rates of compensation” in order to enhance the legal representation of children. §13-91-105, C.R.S. The OCR has taken three main steps to achieve this goal: elimination of the flat fee payment structure and conversion to a statewide fee-for-service payment structure; elimination of the discrepancy between in-court and out-of-court rates; and working with the JBC and the General Assembly to bring the rate of compensation closer to a fair and realistic rate. Prior to these conversions, the majority of GAL work was compensated on a flat fee basis that contemplated an unreasonably low number of hours of work for each case and provided neither accuracy nor accountability in billing. In addition, a discrepancy between the in-court and out-of-court hourly rates undermined the importance of investigatory work critical to informed representation and the safety of children. Regardless of the payment structure, all attorneys were compensated at a rate that fell far below the rate for other public sector and private sector attorneys and that had not been adjusted to reflect the cost of living or inflation in several years. The conversion to statewide fee-for-service billing, elimination of the in-court/out-of-court rate discrepancy, and gradual increase in the hourly rate have improved the OCR's ability to recruit and retain qualified, trained, and dedicated GALs.

However, the rate for GAL services remains significantly lower than rates for other private and public-sector attorneys, and it has yet to reach the target rate of \$75/hr planned for during the Fiscal Year 2009 budgeting process. The issues with this rate have made it particularly difficult for the OCR to recruit and retain qualified attorneys in some rural areas, where the attorney pool is limited and the opportunity for private pay cases is high. The OCR has worked diligently to recruit and retain attorneys in these districts, sometimes drawing from surrounding metro areas to fulfill the need. However, the OCR is cognizant of the tenuousness of attorney availability in these districts, as the loss of just one attorney could leave a judicial district with a significant shortage in GAL services. Additionally, the OCR struggles to achieve diversity in its list of qualified attorneys. While the OCR believes its list of qualified attorneys would ideally reflect the racial and cultural demographic of the population served by GALs, the OCR has been less than successful in this recruitment and retention effort. The OCR also faces a significant shortage of attorneys who speak Spanish and other languages. The low rate of compensation is among the factors that contribute to the OCR's challenges in recruiting and retaining such attorneys.

- **Updating Chief Justice Directive 04-06/ practice standards for GALs:** The OCR's statutory mandate requires it to make recommendations to the Chief Justice of the Colorado Supreme Court on practice standards for GALs. These standards are currently embodied in Chief Justice Directive 04-06 and represent a significant improvement in

uniform expectations for GALs in Colorado. However, the standards reflect the bare minimum expectations for GALs instead of optimal practice and contain ambiguities undermining the uniformity in services that such standards could create. For example, the requirements of an in-person visit with a child within thirty days of each placement and for GALs to maintain contact with children potentially allows a GAL to see a child in person in placement only once throughout the duration of a case that could last many years, as long as the child does not change placement. The OCR has set forth enhanced expectations in its contract with the model staff offices. The OCR would like to recommend enhanced standards for GALs, but in the current fiscal climate is unable to recommend a potentially unfunded mandate for GALs. The OCR will continue to work with the Chief Justice to identify the appropriate and feasible time to revise CJD 04-06.

- **Obtaining data on GAL performance:** The outcome of effective OCR programming is quality GAL services and enhanced representation of the best interests of children involved in the Colorado Court system. As expressed in the OCR's response to Question 1, obtaining timely, accurate, and systemic data on GAL services is difficult in light of the OCR's current billing system. The OCR anticipates significant improvements in the ability to collect and use such data through its implementation of KIDS, which is also detailed in the response to Question 1.

**3. For the three most effective and the three least effective programs identified above, please provide the following information:**

Because the OCR administers only one program, the provision of enhanced and effective best interest attorney services for children involved in court proceedings in Colorado, the OCR will provide the following information with regard to that program.

- a. **A statement listing any other state, federal, or local agencies that administer similar or cooperating programs, and outline the interaction among such agencies for each program;**

The OCR is the only agency in Colorado administering best interest attorney services for children. The OCR works cooperatively with other stakeholders in proceedings involving children to ensure the effectiveness of attorney services and efficient use of OCR resources.

- b. **A statement of the statutory authority for these programs and a description of the need for these programs;**

The OCR's statutory mandates are set forth in §13-91-101 *et seq.* Federal law also requires the appointment of a GAL for every child in a dependency and neglect case. 42 U.S.C. § 5106a(b)(2)(A)(xiii). The provision of attorney services to independently advocate for the best interests of children involved in the court system, particularly in dependency and neglect cases, is critical to the safety and well-being of children and a

long-term cost saving measure. In cases in which GALs are appointed, children are virtually without a voice and without parents available or able to advocate for their best interests.

**c. A description of the activities which are intended to accomplish each objective of the programs, as well as, quantified measures of effectiveness and efficiency of performance of such activities;**

Key OCR activities are set forth in the OCR's enabling legislation. *See* §13-91-105, C.R.S. In summary, they consist of the following:

- Improve quality of best interest attorney services and maintain consistency of best interest representation statewide.
- Establish fair and realistic compensation for state-appointed GALs.
- Provide accessible training statewide for attorneys.
- Provide statewide training to judges and magistrates.
- Establish minimum training requirements for all attorneys representing the best interests of children.
- Establish minimum practice standards for all attorneys representing the best interests of children.
- Provide oversight of the practice of GALs to ensure compliance with the established minimum standards.
- Create local oversight entities in each of Colorado's 22 judicial districts to oversee the provision of services and to report to the OCR director concerning the practice of GALs.
- Work with CASA to develop local CASAs in each of the 64 counties statewide.
- Enhance funding resources for CASA.
- Work cooperatively with CASA to provide statewide CASA training.
- Serve as a resource for attorneys.
- Develop measurement instruments to assess and document the effectiveness of various models of representation.

The OCR has developed a strategic plan to measure these mandates, which is summarized on pages 10-14 of the OCR's Fiscal Year 2012 Budget Request. These measures include but are not limited to: percentage of GALs in compliance with the standards set forth by CJD 04-06; compensation structure/rates; ongoing comparison of attorney billing records; use of OCR supports such as the motions bank and listserv; and number of trainings hosted, location of trainings, and attendance by GALs and other stakeholders at such trainings.

**d. A ranking of the activities necessary to achieve the objectives of each program by priority of the activities; and**



Prioritizing the OCR's activities and objectives is somewhat artificial, as all are interrelated and focused on the OCR's singular and statutory mandate of providing enhanced GAL services. However, the OCR has prioritized its activities below.

**Priority 1: Provide effective and efficient GAL services**

- Monitor attorney activity through complaint investigation process, annual evaluation process, implementation of enhanced data systems, and other measures; take corrective action and terminate contracts when necessary.
- Maintain qualified and dedicated pool of attorneys statewide through recruitment efforts and adequate compensation.
- Provide efficient GAL services through ongoing monitoring of attorney billing; supportive services such as the listserv, motions bank, and case consultation/litigation support; and expansion/evaluation of multidisciplinary disciplinary law offices.
- Ensure well-trained cadre of attorneys through provision of accessible and meaningful training.
- Promote best practices in GAL services through ongoing training efforts, OCR's Cornerstone Advocacy Initiative, and expansion/evaluation of multidisciplinary law offices.

**Priority 2: Collaborate with and support other stakeholders in juvenile law, including but not limited to judicial officers, CASA programs and volunteers, and respondent parent counsel/county attorneys.**

- Develop and maintain relationships with stakeholders through annual jurisdictional visits, participation in committees, and ongoing availability to respond to questions and address issues in each community/district.
- Make training available and accessible for other stakeholders, including but not limited to judicial officers, CASA, and respondent parent counsel/county attorneys.

**e. The level of effort required to accomplish each activity associated with these programs in terms of funds and personnel.**

With an administrative staff of 7.3 FTE, the OCR must make efficient use of all staff time to accomplish its goals. Each attorney staff is responsible to act as a liaison for a specific number of jurisdictions; that attorney conducts the annual jurisdictional visits, investigates complaints, scrutinizes excess fee requests, and addresses issues/answers questions on an ongoing basis. Attorney staff also support individual GALs, monitor the OCR's listserv, maintain the OCR's motions bank, prepare legal newsletters, remain updated on case law and legislative developments impacting GAL services, implement the expansion of model staff offices and other best practices, assist legislators with questions related to juvenile law and GAL services, and work with the OCR's training coordinator to prepare meaningful and practical trainings for GALs. The billing administrator, office manager, and controller spend a significant amount of time scrutinizing and processing the

approximate 60,000 bills paid by the OCR each fiscal year; these positions also assist in developing/running reports to assist attorney staff in assessing and monitoring GAL activity. The OCR's training coordinator not only runs OCR-sponsored trainings, but also maintains contact with other stakeholders/providers and monitors national and state training initiatives to remain updated on relevant training opportunities and to make these accessible for GALs. The training coordinator also serves as the OCR's part-time indigency screener. Because of the small number of OCR staff and the cyclical nature of some of the OCR's activities (e.g., statewide conferences, May-June contracting and evaluation process), OCR staff must work collaboratively and cooperatively to accomplish its mission—all employees play a critical role in the ongoing functioning of the agency.

**4. Detail what could be accomplished by the OCR if funding is maintained at the fiscal year 2009-10 level.**

If the OCR's Fiscal Year 2012 budget was reduced to the fiscal year 2009-10 level, the OCR would experience an approximate \$800,000 shortfall. Because 96% of the OCR's budget goes directly to compensation for attorney services, the OCR would not be able to pay attorney bills for the last month of the 2012 fiscal year. Under the OCR's contract, the OCR's only legal option when it faces a shortfall in funds is to terminate the contract, which would leave thousands of children without a GAL to advocate for their best interests in compliance with Colorado law.

**5. Please discuss initiatives the OCR has been involved in that have resulted in a reduction in the number of truancy and juvenile delinquency cases for which the OCR provides legal representation. Are there any further actions or policy changes the General Assembly should consider to further reduce the need for OCR involvement and/or to more effectively address truancy or delinquency?**

GAL appointments in truancy and delinquency cases are discretionary appointments made by individual judicial officers in ongoing cases. In truancy cases, the appointment of a GAL is statutorily limited to exceptional and extraordinary circumstances. C.R.S. § 19-1-111(2)(b). In delinquency cases, GALs are appointed when a conflict of interest or other issues render a parent unable or unwilling to promote the best interest of the child in that proceeding. C.R.S. § 19-1-111(2)(a)(I-III). Typically, GALs are appointed in the most complicated of these cases and those that present child protective issues.

Although the OCR does not have control over individual judicial officers' decision to appoint in these case types, the OCR did work with the Joint Budget Committee and State Judicial to craft legislation providing greater uniformity in the use of GALs in these cases (SB 09-268). The OCR also participated in crafting legislation expanding the use of Exceptional and At-Risk Student Services Program funding to minimize the courts' need for GAL services (SB 09-256), and it advised the Department of Education on using authorized funds to support meaningful alternatives to GAL services.

While the OCR is not directly involved in many truancy reduction initiatives, it is aware of model truancy and delinquency court programs occurring in the 1<sup>st</sup>, 10<sup>th</sup>, 18<sup>th</sup>, and other judicial districts, and it would welcome the opportunity to assist JBC members in contacting and learning about such programs. Additionally, it is important to note that effective services in dependency and neglect cases does lead to increased school attendance and decreased drop-out and delinquency rates. Accordingly, the OCR has provided ongoing training to GALs on educational advocacy and has dedicated one of the four cornerstones in its Cornerstone Advocacy Initiative to education and life skills.

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

- 6. Please provide a table comparing the actual number of OCR FTEs in FY 2000-01 and the requested number of FTEs for FY 2011-12.**

<b>Fiscal Year</b>	<b># of FTE</b>
FY 2000-01*	20.0
FY 2011-12	26.9

\* A “staff model” office (4<sup>th</sup> Judicial District Pilot Project/El Paso County Office) was established under the Judicial Branch as a direct response to Senate Bill 99-215 (Long Bill Appropriations), Footnote 135. The bill directed the Judicial Department to pilot alternative methods of providing guardian ad litem (GAL) services. In 2000, House Bill 00-1371 created the Office of the Child’s Representative. All provisions of GAL services were transferred from the Judicial Department to OCR, including the pilot staff model office. Under the pilot staff were not accounted for as FTE, but as contract staff.

Due to confusion and at the request of the JBC, OCR requested the staff be converted to FTE in its Fiscal Year 2007-08 Budget Request.

- 7. Please provide a table comparing the actual number of FTEs in FY 2008-09 and FY 2009-10 to the appropriated level of FTE for each of those fiscal years.**

<b>OCR Offices</b>	<b>FY 2008-09</b>		<b>FY 2009-10</b>	
	<b>Appropriation</b>	<b>Actual</b>	<b>Appropriation</b>	<b>Actual</b>
Denver-Executive Office	7.3	7.3	7.3	7.3
El Paso County Office	19.5	19.5	19.5	19.5
<b>Total</b>	<b>26.8</b>	<b>26.8</b>	<b>26.8</b>	<b>26.8</b>

**8. Please identify the number of attorneys employed by your office, as well as the number of attorneys with whom you contract.**

The Denver Executive Office employs four attorneys (3.3 FTE), including the Executive Director. The El Paso County staff model office employs thirteen attorneys (12.4 FTE), including the managing attorney. OCR also contracts with approximately 250 attorneys who provide best interest legal representation to children in Colorado through providing guardian ad litem, child legal representation, and child and family investigator services.

Please note that the discrepancy between the number of attorneys employed and the identified number of FTE positions is a result of the part-time employment status of some of the OCR's attorney staff. In addition, please note that many of OCR's contract attorneys do not perform GAL work exclusively on a full-time basis.



## Office of the Child's Representative 2011-12 Budget Request Fact Sheet

Linda Weirnerman, Executive Director 303.860.1517 X 105

Dorothy M. Macias, Staff Attorney and Legislative Liaison 303.860.1517 X 106

**The Office of the Child's Representative ("OCR"):** The OCR is the state agency mandated to provide competent and effective best interest legal representation to Colorado's children involved in the court system. The children served by the OCR have been abused and neglected, impacted by high conflict parenting time disputes, or charged with delinquent acts and without a parent or guardian able to protect their best interests during the proceedings.

### **The children represented:**

- **22,600 Colorado children** were served by the OCR in FY 2010. The majorities of these children are victims of serious child abuse and neglect and reside in foster care. Dependency and neglect (D&N) cases are filed in every county and require attorney services for the entire life of the case.
- Children also receive best interest attorney services in delinquency, adoption, probate, paternity, mental health matters, truancy, and high conflict divorce cases.

**OCR attorneys:** The OCR contracts with approximately 250 Colorado attorneys (aka GALs). The attorneys are skilled in pediatric and juvenile law and provide attorney services at a cost-effective rate of \$65 an hour. The OCR also oversees the El Paso County GAL Office. Most OCR contract attorneys live and work in the same communities as the children they represent.

**OCR expectations of attorneys:** The attorney must independently investigate, make recommendations that are in the best interest of the child, and advocate on the child's behalf. The attorney must meet each child in placement and continue to communicate with the child throughout the case. Usually, there is more than one child per case and the children are often placed in different homes or treatment facilities. The attorney must attend all court hearings; attend ancillary hearings such as special education hearings or child support hearings; prepare for and litigate contested hearings; and attend staffings. A staffing is a meeting between the GAL, caseworkers, therapists, family members, and others that work with the child in order to determine appropriate placement and treatment. The GAL is responsible for locating a safe, appropriate, and permanent home for the child(ren) in order to close the case.

**The average cost per case:** The average cost of a D&N case in FY2010 was \$1,418 per year. The average time spent on a case was 22 hours. This cost represents an increase of 9% from the previous fiscal year. Two main factors drove the increase in the amount of time attorneys must dedicate to each case: improved practice and the increasing complexity of cases.

### **The 2011-2012 budget issue:**

The OCR projects a modest increase of 1.6% in overall caseload. OCR's budget is primarily **case-driven**. The OCR does not have control over its caseload. Changes in the number of appointments, ongoing cases (caseload) or the amount of work demanded by cases (workload) directly impacts the budget. The OCR is committed to achieving its legislative mandate in the most cost-efficient manner without compromising the integrity of services or the safety and well-being of children.

- **96%** of the OCR's budget is directly spent on mandated attorney services for children.
  - Of this amount, **81%** is spent on D&N cases, where attorney appointment is mandatory
  - Of this amount, **14%** is expended in delinquency matters.
- **4%** of OCR's budget is expended on administration, oversight, training, and support.