

OFFICE OF RESPONDENT PARENTS' COUNSEL

FISCAL YEAR 2018-19
BUDGET REQUEST



MELISSA M. THOMPSON,
EXECUTIVE DIRECTOR

November 1, 2017

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OFFICE OF RESPONDENT
PARENTS' COUNSEL
Protecting the Fundamental Right to Parent

November 1, 2017

To the Citizens and Legislators of the State of Colorado:

The Office of Respondent Parents' Counsel (ORPC) is an independent government agency within the State of Colorado Judicial Branch and is vested with the oversight and administration of Respondent Parent Counsel (RPC) representation in Colorado. The doors of the agency opened on January 1, 2016, and the ORPC assumed oversight for RPC attorneys on July 1, 2016. As of the writing of this budget, our agency will be 22 months old.

In Colorado, indigent parents whose parental rights are at risk are statutorily entitled to counsel. The ORPC's enabling legislation, § 13-92-104, C.R.S., charges and entrusts the ORPC, at a minimum, with enhancing the provision of respondent parents' counsel by:

1. Ensuring the provision and availability of high-quality legal representation for parents in dependency and neglect proceedings;
2. Making recommendations for minimum practice standards;
3. Establishing fair and realistic state rates by which to compensate RPC; and,
4. Working cooperatively with the judicial districts to establish pilot programs.

In a short period of time, the ORPC has strived to enhance the provision of counsel for respondent parents. In the spring of 2016 and 2017, our agency completed a significant step toward providing high-quality legal representation to parents by requiring any lawyer who wished to represent a parent facing termination of parental rights to apply for a contract with our agency and undergo a detailed application and evaluation process. Each RPC attorney awarded a contract is an independent small business owner, and we are working diligently to provide each of them with support and practice resources so they provide the best representation possible for Colorado parents.

In the last year the ORPC has offered 40 separate trainings, including a two-day, statewide conference for RPC attorneys and regional trainings for every judicial district in the state. We have developed a dedicated appellate support program and we have provided case law updates, a motions bank, an RPC listserv, and access to the legal research tool, Westlaw, to every RPC attorney. Our staff also conducts 35 to 45 individual case consultations each week to support RPC attorneys with case strategy and access to resources for parents. Our agency's Chief Justice Directive 16-02 outlines practice guidelines and standards for parents' attorneys, and we are conducting in-court observations of RPCs to ensure compliance with these guidelines.

We are also looking at ways to reduce costs and produce better outcomes for children and parents. In 2017, the ORPC launched a Social Worker Pilot Program in three representative judicial districts



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across the state. The program is based on a multidisciplinary approach to parents' representation from other states, and is expected to improve outcomes for parents and children in Colorado. From the beginning of the pilot, the social workers in the program were assigned to approximately 77 cases. Of those cases, 18% have already seen children in out-of-home placement return home to parents.

Through this pilot program, we hope to see an increase in family reunifications and a decrease in the amount of time children spend in out-of-home placement, which could create a significant financial systems savings. Continued funding for this two-year pilot program is a significant priority for our agency. Consequently, funding for the second year of the pilot is the first decision item in our budget request. Additionally, we are requesting funding for a contract statistician to evaluate the effectiveness of the ORPC as a whole as well as the Social Worker Pilot Program specifically.

Through our budget request we also seek to provide the citizens and legislators of the State of Colorado with a comprehensive overview of our agency and a review of emerging trends and workload indicators for RPC practice across Colorado. In the last year, we have seen an increase in the volume of requests for experts, interpreters, transcripts, and other court costs due to changes in RPC practice. To ensure the provision and availability of high-quality legal representation for parents in dependency cases, our second decision item includes a request for adequate funding to support these mandated costs for RPC practice.

Our agency is also working to meet another one of our primary statutory mandates: establishing fair and realistic state rates by which to compensate respondent parents' counsel. With this budget request we seek an investment from the State of Colorado so that attorneys and contractors working diligently to keep Colorado families together are paid reasonably for the difficult work they perform on behalf of clients. Accordingly, we request that the state approve a small increase in contractor hourly rates. This increase will help our office in recruiting and maintaining high-quality attorneys willing to undertake public interest work on behalf of indigent parents in Colorado.

The Legislature created our agency to ensure that respondent parents in Colorado receive the best representation possible. Funding for the decision items in the following budget request is critical to fulfilling the Legislature's intent in creating the ORPC, and is basic to providing equal representation to indigent parents.

Sincerely,

Melissa M. Thompson
Executive Director

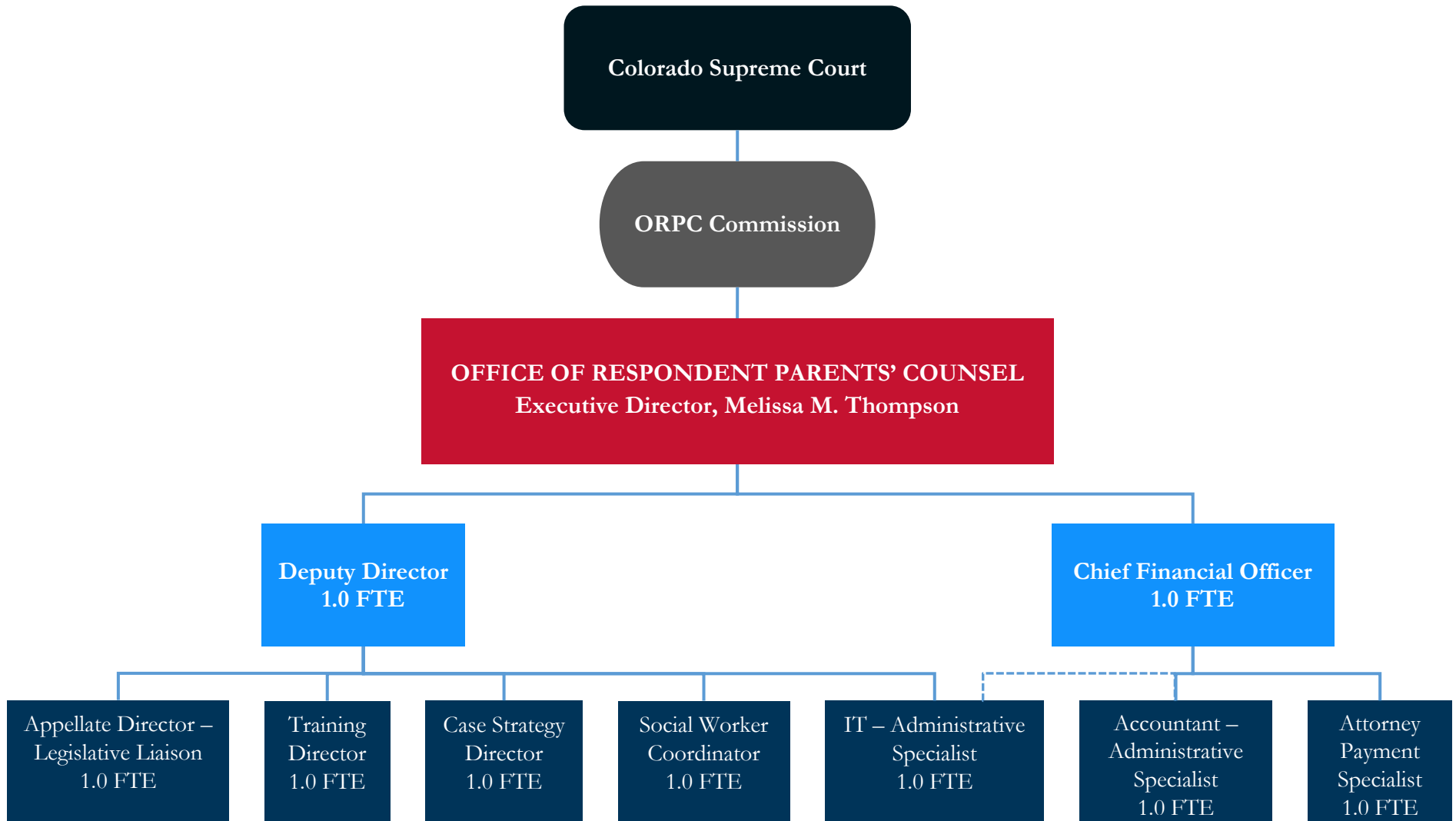
Office of the Respondent Parents' Counsel
FY 2018-19 Budget Change Summary - by Fund Source

	FTE	Total	GF	CF	RF
<u>Long Bill</u>					
S.B. 17-254, Office of the Respondent Parents' Counsel	10.0	\$16,230,423	\$16,169,328 10.0 FTE	\$30,000	\$31,095
Total FY 2017-18 Appropriation	10.0	\$16,230,423	\$16,169,328	\$30,000	\$31,095
<u>Prior Year Budget Change Annualizations</u>					
BA-2, Social Worker Pilot Program	0.0	(\$301,033)	(\$301,033)	\$0	\$0
Total Prior Year Budget Change Annualizations	0.0	(\$301,033)	(\$301,033)	\$0	\$0
<u>Salary Survey and Merit</u>					
FY 2018-19 Salary Survey Increase	0.0	\$31,841	\$31,841	\$0	\$0
Total Salary Survey and Merit	0.0	\$31,841	\$31,841	\$0	\$0
<u>Common Policy Adjustments</u>					
Health, Life and Dental Change	0.0	\$9,590	\$9,590	\$0	\$0
Short-term Disability Change	0.0	\$54	\$54	\$0	\$0
AED Change	0.0	\$6,581	\$6,581	\$0	\$0
SAED Change	0.0	\$6,581	\$6,581	\$0	\$0
Total Common Policy Adjustments	0.0	\$22,806	\$22,806	\$0	\$0
<u>Other Adjustments</u>					
FY 2018-19 Dept. of Law Legal Services Allocations	0.0	(\$242)	(\$242)	\$0	\$0
Total Other Adjustments	0.0	(\$242)	(\$242)	\$0	\$0
Total FY 2018-19 Base Request	10.0	\$15,983,795	\$15,922,700	\$30,000	\$31,095
<u>Decision Items/Budget Amendments</u>					
R-1, Continuation of Social Worker Pilot Program	0.0	\$302,640	\$302,640	\$0	\$0
R-2, Mandated Costs	0.0	\$191,999	\$191,999	\$0	\$0
R-3, Increase in Contractor Hourly Rates	0.0	\$915,883	\$915,883	\$0	\$0
R-4, Contract Statistician	0.0	\$220,000	\$220,000	\$0	\$0
R-5, Operating Expenses	0.0	\$16,931	\$16,931	\$0	\$0
Total Decision Items/Budget Amendments	0.0	\$1,647,453	\$1,647,453	\$0	\$0
Total FY 2018-19 Budget Request	10.0	\$17,631,248	\$17,570,153	\$30,000	\$31,095
#/\$\$ change from FY 2017-18	0.0	\$1,400,825	\$1,400,825	\$0	\$0
% change from FY 2017-18	0.0%	8.6%	8.7%	0.0%	0.0%

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III. Agency Overview

OFFICE OF RESPONDENT PARENTS' COUNSEL Organizational Chart



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A. Background

The United States Supreme Court recognized that the “Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children.” *Troxel v. Granville*, 530 U.S. 57, 66 (2000). In Colorado, an indigent respondent parent has a statutory right to appointed counsel (hereinafter referred to as “respondent parent counsel” or “RPC”) to protect this fundamental right to parent. *See* § 19-3-202, C.R.S. (2015).

As U.S. Supreme Court Justice Stevens observed more than thirty years ago, depriving a parent of the right to raise one’s child is “more grievous” even in comparison to a sentence to prison. *Lassiter v. Department of Social Services*, 452 U.S. 18, 59 (1981)(Stevens, J., dissenting). Many parents would agree with this sentiment. This deprivation of parental rights is the outcome all parent attorneys work to defend against and is the heart of RPC practice.

The Colorado General Assembly declared that respondent parents’ counsel “plays a critical role in helping achieve the best outcomes for children involved in dependency and neglect proceedings by providing effective legal representation for parents in dependency and neglect proceedings, protecting due process and statutory rights, presenting balanced information to judges, and promoting the preservation of family relationships when appropriate.” § 13-92-101, C.R.S. (2015).

The Office of Respondent Parents’ Counsel (ORPC) was established on January 1, 2016 by Senate Bill 14-203 (Section 13-92-101 through 104, C.R.S.) as an independent office in the Judicial Branch. House Bill 15-1149 established the Respondent Parents’ Counsel Governing Commission and provided that all existing and new state-paid RPC appointments be transferred to the ORPC on July 1, 2016. The ORPC Contract and Chief Justice Directive 16-02 (CJD 16-02), titled “Court Appointments through the Office of Respondent Parents’ Counsel,” govern the appointment, payment, and training of respondent parents’ counsel.

B. Statutory Mandate

Section 13-92-101 to 104, C.R.S. established the ORPC and vested within it statutory requirements regarding the oversight and administration of respondent parent representation in Colorado. The ORPC’s enabling legislation charges and entrusts the ORPC, at a minimum, with enhancing the provision of respondent parent counsel by:

1. Ensuring the provision and availability of high-quality legal representation for parents in dependency and neglect proceedings;
2. Making recommendations for minimum practice standards;
3. Establishing fair and realistic state rates by which to compensate RPC; and,
4. Working cooperatively with the judicial districts to establish pilot programs.

C. Mission Statement and Agency Vision

The ORPC's mission is to protect the fundamental right to parent by providing effective legal advocates for indigent parents in child welfare proceedings. This right is protected when a parent has a dedicated advocate knowledgeable about child welfare laws and willing to hold the state to its burden. The office's duties are to provide accountability, training and resources, develop practice standards, and advocate for systemic and legislative changes in Colorado.

The ORPC's vision is that every child deserves to have their parent represented by the best lawyer in town. To achieve this ideal, the ORPC embraces three central concepts: Advocacy, Accountability, and Access.

- Advocacy – The ORPC will contract with experienced, high-quality lawyers and will support parents' attorneys through training, litigation support, and other resources to ensure that they are advocating for parents' constitutional rights.
- Accountability – The ORPC will be an effective steward of taxpayer dollars by ensuring that parents' attorneys are accountable for minimum standards and billing policies implemented by the agency.
- Access – The ORPC will ensure that all indigent parents have access to high-quality representation in Colorado child welfare cases.

D. Agency Structure and Priorities

The ORPC is tasked with enhancing the provision of respondent parent representation across the State of Colorado and is charged with providing oversight of attorneys appointed to represent indigent parents in child welfare cases. Since the agency opened on January 1, 2016, the ORPC has focused on infrastructure development, the creation of sound policies and procedures for RPC practice, and access to training and resources for RPC attorneys.

Infrastructure: Over the last year the ORPC has continued to focus on infrastructure development. In 2016 the ORPC designed and collaborated with the Ralph L. Carr building to construct and furnish dedicated agency space. The space had to be modified in 2017 to create room for all ten FTEs at the ORPC. Based on an assessment of agency needs, the ORPC completed its hiring process in February 2017 to become fully staffed for the first time since the agency's doors opened. The agency purchased computers, phones, and software licenses for all employees. The ORPC also released updates and new resources to the agency's website, located at www.coloradoorpc.org.

Most importantly, the ORPC has continued to refine and tailor the agency's online payment system, the Respondent Parent Payment System (RPPS), that allows RPC to bill and be paid by the agency for legal services. RPPS is a powerful billing system that allows the agency to run complex reports about data related to child welfare cases. RPPS also functions as a robust data collection system that will allow the agency to review attorney practices in correlation with case outcomes.

RPPS tracks data about child welfare cases—from reasons for filing to reasons for case closure. Every bill submitted to RPPS is reviewed by the agency for compliance with billing policies. On cases that are billed hourly, RPPS also tracks costs in relation to specific case activities such as travel to client meetings and participation in hearings.

Beginning July 1, 2017, all RPC attorneys are paid \$75 per hour for all new case filings. Although there are cases prior to July 1, 2017 that are still under the old flat-fee payment system, the ORPC has worked to develop billing policies that encourage RPCs to request to convert their older cases to hourly billing as soon as possible. The ORPC's goal is to have all cases operate under the hourly billing and payment system, which will enable the agency to collect more comprehensive and robust data about each individual RPC appointment for indigent parents in dependency cases. In the future, the data obtained from RPPS will continue to drive the ORPC's budget requests.

Part of the ORPC's personal services appropriation continues to be dedicated to ongoing support and improvement of the RPPS system, continued IT Services, and the creation of an attorney database. The ORPC has begun development of an attorney database and plans to complete initial development in the current fiscal year.

Processes and Policies: The ORPC has developed numerous agency documents and processes to ensure the provision of high quality counsel for respondent parents. The first major document is CJD 16-02, which outlines the agency's responsibilities and authority, the requirement that Courts must appoint from attorneys approved by our office, the appellate process, practice guidelines, indigency and application requirements for parents, guidelines for payment by our agency, duties of Judges and Magistrates, and a complaint process. After one year of oversight of RPC attorneys, the ORPC worked with the Judicial Department to refine CJD 16-02 and the Colorado Supreme Court issued an updated version in July 2017. In addition to the CJD, the agency has developed billing policies that govern payment requests by RPC attorneys across the state. The ORPC has also drafted and finalized fiscal rules, personnel policies, and internal office policies.

In the last fiscal year, the agency again underwent a comprehensive contracting process to execute one of its major duties: creating and maintaining attorney appointment lists from which courts must appoint lawyers to represent indigent parents. In March 2017, all attorneys desiring a contract to represent parents in dependency and neglect cases were required to apply with the agency. Upon review of those applications, the ORPC offered contracts to 182 lawyers and 18 associates. Also in 2017, the ORPC implemented a three-year contracting cycle and offered one, two, and three-year contracts to RPC attorneys across the state.

All attorneys due for contract evaluation and renewal in subsequent years will be required to complete the ORPC application process anew. Attorneys due for evaluation will undergo a comprehensive review of contracts that includes a detailed application, judicial and stakeholder feedback, and in-person court observations of attorneys. Each year in the month of June, the ORPC will publish new appointment lists to the judicial districts. Courts must use these lists to

appoint RPCs that have been approved through the ORPC's annual contracting and evaluation process.

Training: Since the last budget request, the ORPC sponsored or co-sponsored a total of 40 trainings. In FY 2016-17, the ORPC conducted a total of 27 trainings for RPC attorneys. In the current fiscal year from July 1, 2017 through September 30, 2017, the ORPC has already sponsored or co-sponsored 13 trainings for RPC attorneys. Notably, the ORPC executed its second annual fall conference, *The League of Extraordinary Family Defenders: Not All Heroes Wear Capes, Transforming the Art of Family Defense*, in September 2017. This conference attracted 210 registrants and offered 27 individual training sessions over multiple breakout tracks. The entire conference program was approved for 15 continuing legal education credits and 7 ethics credits. The upcoming training calendar for the remainder of FY 2018 will include 12 additional training opportunities for RPC attorneys.

Agency Priorities: The creation of the office is just the beginning of a comprehensive plan to enhance parent representation across the state. The ORPC's statutory mandate requires that the office provide high-quality legal representation for parents, develop and recommend minimum practice standards, establish fair and realistic state rates to compensate RPC, and to work cooperatively with judicial districts to establish pilot programs. In just 16 months of RPC oversight, the ORPC has accomplished many of its statutory mandates. In the future, the agency's priorities will continue to be those that the agency is statutorily required to fulfill. The ORPC will continue to focus on providing high-quality legal representation for parents by enhancing resources and practice supports for RPC attorneys, by developing sound policies and procedures for RPC practice, and by increasing the availability of quality training opportunities for RPC attorneys across the state.

E. Emerging Trends in RPC Practice and Workload Indicators

Prior to the creation of the ORPC, no agency existed in Colorado exclusively dedicated to parents' representation. In fact, a 2007 national study (hereinafter *Assessment Report*) conducted on respondent parent representation in Colorado found that RPC representation was "typically adequate but rarely proficient."¹ The ORPC was established because "sub proficient practice is not the unwillingness of counsel to provide proficient services but rather the existence of practice, administration, and court systems which discourage optimal practice."²

¹ *The National Center for State Courts, National Council for Juvenile and Family Court Judges, and National Association of Counsel for Children, State of Colorado Judicial Department Colorado Needs Assessment* (hereinafter "*Assessment Report*"), available here:

https://www.courts.state.co.us/userfiles/File/Court_Probation/Supreme_Court/Committees/Court_Improvement/CO_RPCFinalNeedAsstReptApp.pdf

² *Id.* at 75

1. Overview of RPC Practice

In a child welfare case, RPC are appointed for each indigent respondent parent named by the county department of social services in a petition in dependency and neglect. In practice, this means there are cases where one RPC is appointed because only one indigent parent was named in the petition or, conversely, there are cases where five or six attorneys are appointed because multiple children with different parents are named as respondents to the petition. Measuring a cost per case must take these cases with multiple appointments into account, and ORPC data measures are therefore appointment-driven instead of case-driven.

Much of the work conducted by RPCs takes place after a petition is filed, and the child or children have been removed from the home or placed under the protective supervision of the local county Department of Human Services. This work can include investigations, case staffing meetings with caseworkers, consultation with treatment providers and therapists, consultation with social workers, and requests for independent evaluations for parents and children.

One of the main gaps identified in the 2007 *Assessment Report* was the lack of resources for respondent parent counsel in Colorado. The authors of the study concluded that “there are insufficient resources for RPC to conduct an independent investigation, and to procure the services of expert witnesses if needed.”³ Currently, the ORPC is statutorily required to provide an expert to a respondent parent at termination.⁴ The *Assessment Report* recommended the provision of resources—including investigators, discovery, and expert witnesses—to RPC at every stage of a dependency and neglect proceeding.

These concerns were echoed by the Respondent Parent Counsel Workgroup seven years later in their 2014 report to the State Court Administrator.⁵ The work group found that the lack of access to resources negatively impacts RPC representation because adequate representation sometimes requires an independent assessment of allegations against a parent, of a parent’s need for services, and of the appropriateness of a treatment plan.⁶ “For example, experts may be necessary to assess the appropriate level and type of treatment for a parent; to evaluate the attachment between a parent and a child; or to testify regarding the cause of injury in an alleged non-accidental injury adjudicatory trial.”⁷

³ *Assessment Report*, *supra* n. 1, p. 44

⁴ §19-3-607, C.R.S. 2017

⁵ *Respondent Parents’ Counsel Work Group Final Report to the State Court Administrator*, September 30, 2014, p. 24, available here:

https://www.courts.state.co.us/userfiles/file/Administration/Planning_and_Analysis/Family%20Law%20Programs/RPC/RPC_Work_Group_Final_Report.pdf

⁶ *Id.* at 28.

⁷ *Id.*

Child welfare cases proceed on accelerated timelines, particularly when compared to other types of civil or criminal legal proceedings.⁸ Additionally, cases with children under the age of 6 are subject to even tighter restrictions under Expedited Permanency Planning (EPP) timeframes. In EPP cases, children must be in a permanent home within 12 months of the date of removal. Due to this rapid timeframe, much of an RPC's work must be done within the first few weeks of receiving a case. For example, RPCs must request all relevant records (such as school records, medical records, department of human services paperwork, etc.) and wade through them quickly to distill and identify major issues and witnesses to prepare for possible litigation. This case preparation by the RPC runs in tandem with the requirement to attend department-run meetings with all the Department of Human Services staff involved in the case, working with treatment providers to get parents enrolled in services, and ensuring that parents are getting adequate visitation with their children. These advocacy steps must be done quickly on every dependency case that an attorney carries, which can intensify and multiply a workload quickly.

To alleviate some of the pressure caused by the brisk timeline in dependency cases, RPC must rely on other professionals. This includes hiring an investigator to track down and interview potential witnesses for a possible jury trial. It also includes hiring a paralegal to help compile, read, and sort through the volumes of information and discovery that an RPC might receive at the beginning of a case, and to also help draft possible motions to be filed with the court. Sometimes, RPC work includes hiring a social worker to help clinically identify a client's therapeutic needs in order to help an RPC advocate for the safe return of the children to the parent once those needs are met. Social workers working as part of the defense team can also attend the department-led meetings with parents. Because it can be difficult for parents to meaningfully engage in family planning meetings led by the very department that has intervened into their family unit and possibly removed their children, social workers acting as part of the defense team can fulfill a crucial advocacy role by keeping a parent calm, engaged, and open to working with the department.

Another development in child welfare practice has been the advent of the Family Treatment Drug Court (FTDC). There are currently thirteen judicial districts with FTDCs in Colorado, and the ORPC expects these numbers to grow.⁹ Research demonstrates that children in FTDCs spent significantly less time in out-of-home care than did comparison children, spent a greater percentage of their case in their parents' care, and were significantly more likely to be reunified with their parents than unserved children when the case was in FTDC.¹⁰

Given these family-focused results, it is not surprising that infusing drug court principles into family treatment courts is therefore a priority in Colorado. Across the country, child welfare case filings are

⁸ One reason for this accelerated timeline is the federal Adoption and Safe Families Act (ASFA, Public Law 105-89) which accelerated the timeframe in which states are required to move for termination of parental rights.

⁹ The following judicial districts have FTDC: 1, 3, 4, 7, 8, 11, 12, 13, 14, 16, 17, 19, 20.

¹⁰ www.npcresearch.com/Files/FTDC_Evaluation_Final_Report.pdf.

up, and the U.S. Department of Health and Human Services ascribes the change to an increase in parental substance abuse.¹¹

In October 2014, Colorado became one of five states to win an Office of Juvenile Justice and Delinquency Prevention Statewide System Reform Program award. This federal initiative (three years of planning with a subsequent three-year implementation phase) is intended to infuse effective drug court practices into our dependency and neglect cases across the state. This effort will involve systems change for Colorado's Judicial Department, CDHS-Division of Child Welfare, and CDHS-Office of Behavioral Health, supported by a nationally-recognized substance abuse and child welfare research agency, Children and Family Futures.

This program is called DANSR, which stands for Dependency and Neglect System Reform Program, and is aimed at infusing the best practices from FTDC into non-treatment court dockets with the hope of increasing positive outcomes for families and children impacted by substance abuse and mental health issues.

FTDC and DANSR programs inherently require more professional time, both in and out of court, and therefore have a fiscal impact to the ORPC. Because of the drug court focus on more court involvement and support for families struggling with substance abuse, team meetings and court reviews can occur weekly, which requires increased client contact, professional contact, and increased document review. This increased commitment by the court system, attorneys, and families involved in the child welfare system necessarily requires more time to be spent on the case by RPC attorneys and other professionals.

Even through FTDC/DANSR cases may cause ORPC costs to increase, it is anticipated that the long term positive outcomes will ultimately save the State of Colorado money. From October 1, 2014, to September 30, 2015, the State of Colorado reported a \$70,370,496 expenditure to the U.S. Department of Health and Human Services Administration for Children and families for foster care maintenance for children.¹² There is a potential cost savings when children remain with their parents because the cost of keeping a child in out-of-home care is significant.

Since the creation of the ORPC, the agency has worked to ensure that RPC attorneys are receiving the resources that they need at the beginning of the case and in accord with the short timeframes in dependency cases. Further, the ORPC strives to ensure that RPC attorneys no longer struggle to get

¹¹ *Number of US foster kids rises; Parents' drug abuse a factor*, David Crary, Associated Press, October 27, 2016, available at: <http://bigstory.ap.org/article/7ed740607fb44de79b1bc85c0dd57df9/number-us-foster-kids-rises-parents-drug-abuse-factor>

¹² CFS-101 Annual Report to Congress—Attachment A, The Children's Bureau, December 30, 2015, available at: <https://cwoutcomes.acf.hhs.gov/cwodatasite/pdf/colorado.html>

the resources they need to adequately represent parents. Investing resources in adequate representation for parents at the beginning of a case through access to experts, other professionals such as paralegals, investigators, and social workers, and programs like FTDC will hopefully ensure better outcomes for all Colorado families involved in the child welfare system.

2. Colorado Case Law Impacting RPC Practice

Changes in case law can broadly impact how RPC representation proceeds at the trial court level, and can impact how an attorney chooses to strategically allocate his or her billable time to factual issues that arise in the course of parent representation.

In the last year, the Colorado appellate courts have released decisions in three major legal areas that impact how RPC attorneys represent parents.

- **Indian Child Welfare Act (ICWA):** ICWA cases are increasing the workload of trial and appellate attorneys since new ICWA regulations went into effect in December 2016 and have increased the amount of litigation at the trial and appellate level.
- **Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA):** UCCJEA decisions often result in more protracted litigation and additional hearings for trial attorneys as well as increased briefing time for appellate attorneys.
- **Court Interviews with Children:** These cases have increased litigation at the appellate level because some have required multiple remands to the trial court for record supplementation, including the production of additional transcripts.

Indian Child Welfare Act Related Litigation

These cases are increasing the workload of trial and appellate RPC attorneys. The 2016 ICWA regulations have increased burdens on parent counsel, and the updated regulations provide clarity as to what is required under the ICWA. The clarified regulations have increased litigation in ICWA cases, and appeals are more often successful due to the lack of ICWA compliance by county departments and trial courts alike.

People In Interest of A.D., 2017COA61 (May 4, 2017)

The Court of Appeals ruled that courts and county departments cannot rely on its ICWA inquiries in a prior case involving the same parents and one of the same children to satisfy its obligation to make continuing inquiries as to any possible Indian heritage of children in a new case.

People In Interest of L.L., 395 P.3d 1209 (Colo. App. 2017)

The Court of Appeals ruled that if a parent alleges Indian heritage, without alleging membership in a tribe, the court and department of human services must comply with the 2016 ICWA regulations and guidelines notice requirements, and send notice pursuant to those regulations and guidelines.

People in the Interest of C.A., 2017COA135 (October 19, 2017).

The Court of Appeals ruled that courts and county departments must make new ICWA inquiries, send notices, and make findings at the time the termination of parental rights motion is filed, even if the court had previously made inquiries, sent notices, and made findings earlier in the case.

Uniform Child Custody Jurisdiction and Enforcement Act Litigation

These cases require RPCs to be more diligent about advocacy under the UCCJEA, and will require additional hearings when courts need to inquire about jurisdictional issues with other courts. Due to trial courts' failure to comply strictly with the UCCJEA, appeals are more often successful based on jurisdictional challenges.

People In Interest of M.S., 2017COA60 (May 4, 2017)

The Court of Appeals ruled Colorado courts must follow the UCCJEA in dependency and neglect cases. Unless Colorado has jurisdiction under the act, the court cannot enter permanent custody orders in dependency and neglect cases.

People In Interest of C.L.T., 2017COA119 (September 7, 2017)

The Court of Appeals ruled in dependency and neglect cases that if a Colorado court learns that a custody proceeding has already been commenced in a court of another state, or that an out-of-state custody order has been entered, the Colorado court must communicate with the court of the other state before continuing. Colorado courts have jurisdiction to make an initial child custody determination only if it has "home state" jurisdiction, "significant connection" jurisdiction, "more appropriate forum" jurisdiction, or last resort jurisdiction.

Court Interviews with Children Litigation

The case below will increase transcript costs as trial attorneys will need to obtain transcripts of the *in camera* interviews with children (interviews conducted by the court without RPCs or other professionals present). At times these transcripts must be requested at expedited rates, before hearings on permanent custody or termination of parental rights take place.

People In Interest of H.K.W., 2017COA70 (May 18, 2017)

The Court of Appeals held *in camera*, or private interviews, between judges and children in dependency and neglect cases must be on the record and transcripts must be made available to respondent parent attorneys in most cases.

3. Case Filing Data

Based on data received from the Colorado Judicial Department, dependency and neglect case filings, including EPP case filings, for the period July through September 2017 have decreased 6.4% over the period July through September 2016 (see table below).

The year-to-year comparisons of case filing data varied significantly throughout FY 2016-17, indicating an increase of 6.5% at the end of September, a decrease of 2.7% at the end of November, an increase of 2.1% at the end of January, and an increase of 1.6% for the whole year. The ORPC therefore believes that it would be imprudent to request an adjustment of the Court-Appointed

Counsel and Mandated Costs appropriations based on case filing data at this time. Updated information on case filings will be provided before the figure setting hearing so that appropriations may be adjusted with the most recent information available.

FY18 Judicial Filings per District Report Expedited Permanency Planning and Dependency Filings							
Judicial District	Jul	Aug	Sep	FY18 YTD	FY17 YTD	# Change	% Change
1	29	32	27	88	86	2	2.3%
2	30	39	31	100	117	(17)	-14.5%
3	3	3	2	8	3	5	166.7%
4	44	57	53	154	161	(7)	-4.3%
5	-	3	1	4	7	(3)	-42.9%
6	1	-	2	3	7	(4)	-57.1%
7	12	12	10	34	18	16	88.9%
8	19	10	18	47	44	3	6.8%
9	4	3	-	7	9	(2)	-22.2%
10	11	10	10	31	33	(2)	-6.1%
11	3	6	5	14	22	(8)	-36.4%
12	6	6	8	20	11	9	81.8%
13	7	11	7	25	25	-	0.0%
14	-	1	1	2	3	(1)	-33.3%
15	1	1	-	2	5	(3)	-60.0%
16	1	4	4	9	9	-	0.0%
17	31	31	17	79	86	(7)	-8.1%
18	25	19	35	79	95	(16)	-16.8%
19	21	21	18	60	46	14	30.4%
20	7	9	6	22	31	(9)	-29.0%
21	5	14	6	25	49	(24)	-49.0%
22	-	1	-	1	3	(2)	-66.7%
Totals	260	293	261	814	870	(56)	-6.4%

Source: SCAO, Judicial Monthly Reports

4. Appeals

Another gap identified in the *Assessment Report* was the lack of standards of practice for RPC, which would create proficiency standards by which appointed attorneys could be held accountable.¹³ Such practice standards were adopted in 2009 by the Colorado Supreme Court as an amendment to Chief

¹³ *Assessment Report, supra n. 1, p. 77.*

Justice Directive 04-05.¹⁴ The guideline for appellate counsel in CJD 04-05, which has since been removed and replaced by CJD 16-02, recommended that RPC “make certain that appellate options, timelines, and requirements are fully explained to parents whose rights have been affected by orders of the court,” and that appellate RPC “keep the client informed as to the status of any appeal that is filed.”¹⁵

The 2014 work group report recommended that more comprehensive guidelines for both trial and appellate counsel be created by the ORPC, since the guidelines adopted in CJD 04-05 were voluntary and there had been little oversight to monitor compliance.¹⁶

Since assuming oversight, the ORPC has implemented an appellate program from scratch by developing policies for transfer of a case between trial counsel and appellate counsel and by implementing a policy preventing trial attorneys from handling their own cases on appeal. The appellate program allowed the ORPC to begin work on comprehensive practice guidelines specifically directed at appellate attorneys, and to gather data related to child welfare appeals.

Further, the Supreme Court revised and implemented updates to C.A.R. 3.4, the procedural rule governing dependency appeals. The new procedures took effect on July 1, 2016—the same day that the ORPC officially took oversight of RPC attorneys. The rule was revised in response to unintended consequences of the passage of the original Rule 3.4 in 2005.¹⁷ The 2005 version of the rule was adopted to expedite the appellate process for dependency and neglect cases, and established a petition process in lieu of traditional briefing.¹⁸ Because of the expedited timelines under the new rule, RPC did not have access to real-time transcripts of trial court proceedings when drafting the initial petition on appeal, which diminished the quality of the appellate advocacy.¹⁹ The 2016 changes to Rule 3.4 allow for the creation and submission of transcripts to the Court of Appeals and appellate counsel, and for a traditional briefing process.²⁰

The simultaneous implementation of the ORPC appellate program and the change to Rule 3.4 has resulted in increased costs. First, because appeals conducted under the old Rule 3.4 were often written by the respondent parents’ trial counsel due to the shorter timeframes, the standard of appellate practice varied widely across the state. Sometimes, trial counsel would not even request transcripts prepared for the court of appeals. Under the auspices of the new rule, transcripts are required for every appeal and for almost every hearing conducted at the trial level. CJD 05-03 allows court reporters to charge an upfront per-page fee for transcripts to state agencies, but does not allow

14 *Workgroup Report, supra n. 5*, p. 24

15 Chief Justice Directive 04-05, rev. January 2016, available by request

16 *Id.*

17 *Revisions to CAR 3.4 Encourage Improved Advocacy in Dependency and Neglect Appeals*, The Colorado Lawyer, October 2016, Vol. 45 No. 10, p. 49.

18 *Id.*

19 *Id.*

20 *Id.* at pp. 50-51.

for charging state agencies for copies.²¹ Because the ORPC is the first state agency to handle the appeal, the burden of the cost for transcripts for the entire appeal falls on the ORPC.

Second, Rule 3.4 significantly increased the amount of work required of appellate counsel. Under the old rule, the formal requirements to file a petition on appeal were minimal and were often completed by using a standard form that did not require an in-depth review of either the court file or transcripts. The new rule has instituted the traditional brief format which requires a formal table of contents and table of authorities, as well as proper citations to the record on appeal—all of which require more of an appellate attorney's time than drafting a petition on appeal.

Finally, Rule 3.4(f)(1)(E) added a new requirement for ICWA certification in the opening brief. This section requires appellate counsel to cite to the locations in the trial record of: each date when the court made an inquiry to determine whether the child is or could be an Indian child, copies of ICWA notices, postal return receipts for Indian Child welfare notices, responses from each of the possible parties to the sent notices, any additional notices that were sent, and dates of ruling by the trial court as to whether the child is an Indian child. As a result, trial courts must make ICWA inquiries more often, and with increased detail.

Billing records indicate the ICWA requirement has proven to be time-consuming and burdensome on appellate counsel because it requires a detailed review, or sometimes a double or triple review, of every document in the record and transcripts from every hearing to ascertain whether the trial court followed all the requirements of the ICWA. This detailed review was not initially factored in ORPC's costs for appellate cases.

Since implementing the appellate program, the numbers of appeals filed in dependency and neglect cases has increased 42%. Of those appeals, the remand rate of appeals has doubled, from 11% to 23%. This means that the Court of Appeals is finding errors in trial court rulings and remanding those cases back to the trial court for correction at almost double the rate of the year before. Further, the number of published dependency and neglect cases has also doubled since ORPC began oversight of appellate attorneys, and the Colorado Supreme Court is currently considering five issues raised in child welfare cases.

This data indicates that the ORPC's appellate program is having a positive impact on advocacy and change in the law for parents and families. Correcting errors at the trial court level is important to protecting parents' due process rights and is crucial to ensuring that children achieve permanency appropriately when the case first proceeds through the trial court.

21 Chief Justice Directive 05-03, Amended July 1, 2015, available at: https://www.courts.state.co.us/Courts/Supreme_Court/Directives/05-03_Amended%202015%20Jul1%20Court%20Reporting%20Post.pdf

The above listed trends, from case law to rule changes to the implementation of specialty programs, can drive case costs in child welfare cases. The ORPC is working to develop systems to monitor and better anticipate such costs.

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Office of the Respondent Parents' Counsel FY 2018-19
Change Request Summary

Schedule 10

Priority	Request Name	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
R-1	Continuation of Social Worker Pilot Program	-	302,640	302,640	-	-	-
R-2	Mandated Costs	-	191,999	191,999	-	-	-
R-3	Increase in Contractor Hourly Rates	-	915,883	915,883	-	-	-
R-4	Contract Statistician	-	220,000	220,000	-	-	-
R-5	Operating Expenses	-	16,931	16,931	-	-	-
	Total Change Requests	-	\$ 1,647,453	\$ 1,647,453	\$ -	\$ -	\$ -

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Department Priority: R-1

Request Detail: Continuation of Social Worker Pilot Program

Summary of Incremental Funding Change for FY 2018-19	Total funds	General Fund
TOTAL REQUEST (All Lines)	\$302,640	\$302,640
Mandated Costs	\$302,640	\$302,640

Request Summary:

The Office of Respondent Parents' Counsel requests \$302,640 in increased Mandated Costs for the continuation of the Social Worker Pilot Program.

Background:

Families that enter Colorado's child welfare system are confronted with profound and complicated histories that likely impact parents' abilities to care for their children. The ORPC believes that parents have the capacity to make positive and meaningful changes in their parenting skills that will allow them to safely parent and successfully reunify with their children. The ORPC also believes that a family's chance of succeeding improves dramatically when provided with a multidisciplinary approach including a zealous attorney, an appropriate clinical assessment, timely and effective services, and strong advocacy within the child welfare system by a social worker.²²

The ORPC is requesting funding for the second year of a two-year Social Worker Pilot Program that is operational in three representative regions including the 4th, 17th, and 21st judicial districts. The program is based on a multidisciplinary approach to parent representation from other states, and is expected to improve outcomes for parents and children in Colorado.

In recognition of the ORPC's statutory mandate to work cooperatively with the judicial districts to establish pilot programs, the current limitations on access to social workers for RPC attorneys, and the multiple requests the ORPC has received to provide access to social workers on dependency cases, the ORPC launched a Social Worker Pilot Program on July 1, 2017.

In the last fiscal year, RPC attorneys were given limited access to social workers on individual cases though the ORPC's expert request process. RPC attorneys also had the option to consult with the

²² National Council of Juvenile and Family Court Judges, *Effects of parental and attorney involvement on reunification in juvenile dependency cases*, PPCD Research Snapshot August 2011 (August 2011).

Social Worker Coordinator on staff with the ORPC to provide guidance and support related to a variety of case issues. Through these early processes, the ORPC learned that there was a demand for access to well-trained social workers with familiarity with dependency law, and a desire to have a cost-effective practice support who could invest the time and energy necessary to access needed services for parents early in a dependency case.

As the demand for social workers grew, the ORPC began to research multidisciplinary models incorporating social workers in other states. As discussed below, research shows that a social worker must be part of a multidisciplinary family defense team from the inception of a child welfare case in order to make the greatest impact on outcomes for families. After conducting this research, the ORPC developed the Social Worker Pilot Program to examine the impact of hiring contract social workers and pairing them with the court-assigned RPC attorneys and indigent clients on dependency cases in Colorado.

I. A Multidisciplinary Approach to Parent Representation Has Resulted in Better Outcomes for Families.

Research demonstrates that children have better long-term outcomes when they are raised in their families of origin.²³ Reunification, or the return of children to their families of origin from out-of-home placement, is one of the most common outcomes for children in the child welfare system, and is often the goal of successful parent advocacy.²⁴

Research also shows that high-quality legal representation for parents in child welfare cases results not only in improved outcomes for families, but a potential cost savings for taxpayers because children spend less time in foster care and are reunified with their families more quickly.²⁵

For example, the Center for Family Representation (CFR) in New York City is an independent non-profit office serving clients in an urban area. CFR employs the “cornerstone advocacy approach” to family defense, meaning that each parent is represented by a multidisciplinary advocacy team, which includes a social worker, parent advocate, and attorney.²⁶ Using this model of representation, which begins when the dependency petition is filed, CFR data shows that more than 50% of children of CFR clients avoided foster care altogether and, of the children who were in foster care, the median

23 Mimi Laver, *Improving Representation for Parents in the Child-Welfare System*, October 7, 2013, available at: apps.americanbar.org/litigation/committees/childrights/content/articles

24 Child Welfare Information Gateway, *Family Reunification: What the Evidence Shows*, p. 2, available at: www.childwelfare.gov/pubs/issue_briefs/family_reunification

25 Elizabeth Thornton & Betsy Gwin, *High Quality Legal Representation for Parents in Child-Welfare Cases Results in Improved Outcomes for Families and Potential Cost Savings*, *Family Law Quarterly*, Vol. 46 No. 1 (Spring 2012)

26 *Id.*

length of stay in foster care was 2.2 months—much lower than the New York state average of two years.²⁷

In 2010 when the data was collected, CFR’s services cost approximately \$6,000 per family over the entire lifetime of the case—a large cost savings over placement of a child in foster care which, in 2010, cost (on average) around \$29,000 per child per year, but often costs upwards of \$66,000 per child per year.²⁸

By comparison, researchers at Colorado State University conducted a 2012 study to determine the costs associated with a single foster care episode. They concluded that based on an average per episode length of stay of 209 days, county foster care averaged \$8,805 per episode of care.²⁹ These cost figures are related to EPP cases involving children under the age of 6 and are from FY 2007-08 and FY 2008-09.³⁰

Further, other available data from the National Council of Juvenile and Family Court Judges supports the conclusion that a family’s chance of successful reunification improves dramatically when provided with a multidisciplinary approach that includes a zealous attorney, an appropriate clinical assessment, timely and effective services, and strong advocacy within the child welfare system by a social worker.³¹

Social workers have different licensing and educational requirements than case workers in the Department of Human Services. Social workers are master’s level clinicians that can offer a wide range of expertise in mental health assessment, substance abuse, attachment and bonding, domestic violence, and service delivery. A licensed social worker must complete a vigorous graduate-level education program that includes two years of field practice through school-sponsored internships and, upon graduation, successful completion of a licensing examination.

Social workers can be a valuable part of the legal team for court-appointed attorneys in dependency cases. If a social worker is referred at the onset of the case, he or she can immediately conduct an independent evaluation and assessment to determine what services are necessary for the parent and child to achieve reunification. This assessment helps to inform an attorney’s advocacy during court hearings and during other meetings with the Department of Human Services, so that a treatment plan is developed that is individually tailored, manageable, and appropriate for a parent.

²⁷ *Id.*

²⁸ *Id.*

²⁹ Winokur, Crawford, and Batchelder, *Comparison of Public and Private Foster Care in Colorado*, Social Work Research Center (October, 2012).

³⁰ *Id.*; EPP cases reduce the legal time frames for children who are the subject of a dependency case in Colorado to 12 months to achieve permanency.

³¹ National Council of Juvenile and Family Court Judges, *Effects of parental and attorney involvement on reunification in juvenile dependency cases*, PPCD Research Snapshot August 2011 (August 2011).

Social worker program evaluations have demonstrated that clinical social workers contracted by the respondent parent attorney achieve reunification more quickly.³² The contract social workers also produce an increase in system and legal engagement by the respondent parents by making referrals for additional services and attending and advocating for parents at meetings. Even a moderate increase in parental engagement is associated with a 47% increase in the rate of reunification.³³ Additional advocacy from the contract social worker can provide flexible and creative services which enable parents to achieve reunification faster.³⁴

Washington State's multidisciplinary parent representation program is one of the oldest in the country, and has been successfully improving outcomes for families. The program contracts with several clinical social workers throughout the state to work with attorneys and parents as part of the legal team. The program evaluation has demonstrated that children served by the Washington Parent Representation Program reunify one month faster and achieve other permanency outcomes one year sooner.³⁵ Studies have shown that jurisdictions that want to improve parental representation and reduce the length of time children are in foster care should develop a multidisciplinary model that utilizes social workers similar to the Washington State program.³⁶

II. The ORPC's Social Worker Pilot Program has been Implemented in the 4th, 17th, and the 21st Judicial Districts.

The ORPC received an increase of \$300,000 in Mandated Costs and \$1,033 in Operating Expenses to implement the Social Worker Pilot Program for FY 2017-18. The ORPC identified three sites for the Pilot: the 4th judicial district (comprised of El Paso and Teller Counties), the 17th judicial district (comprised of Adams and Broomfield Counties) and the 21st judicial district (Mesa County).

These three judicial districts met several basic qualifications necessary to establish a pilot program. First, the pilot jurisdictions had to have a high enough volume of new dependency case filings to support the work of a full-time social worker. The ORPC determined that rolling out at least half of the pilot program in metro area jurisdictions would be necessary because of the sheer concentration of child welfare case filings in Colorado's urban metro areas. El Paso County has the highest child welfare filings in the state and Adams County provides a unique hybrid of both a rural and urban landscape.

32 Pilnik, *Parents' social workers help parents succeed*, ABA Child Law Practice Vol. 27 No 9.

33 Marcenko, Newby, Mienko, and Courtney, *Family reunification in Washington State: which children go home and how long does it take?*, Partners for our children (August 2011).

34 Cohen and Cortese, *Cornerstone advocacy in the first 60 days: achieving safe and lasting reunification for families*, ABA Child Law Practice (May 2009).

35 Washington Partners for Our Children, *Washington's Parents Representation Program helping children in child welfare systems reach permanency*, Partners for Our Children Issue Brief (February 2011).

36 *Supra n. 24.*

Next, the ORPC explored a non-metro area jurisdiction with a relatively large number of case filings to produce sufficient comparison data for a pilot program assessment. In addition to volume of work to sustain a full-time pilot program social worker, the number of case filings is important because it ensures that there will be enough data at the end of a pilot program assessment period to be able to ascertain statistically significant outcomes. In the three judicial districts selected, the pilot program focuses on new EPP cases filed after July 1, 2017.

The ORPC conducted interviews with potential program candidates and offered contracts to three social workers for the 4th and 17th judicial districts who started accepting case assignments on July 15, 2017.³⁷ The ORPC had some difficulty recruiting and hiring a qualified candidate in the 21st judicial district. As a result, the program social worker in the 21st judicial district did not start receiving case assignments until September 1, 2017.

After appointment to an EPP case in one of the three pilot program jurisdictions, the RPC attorney is required to complete an “EPP Information Sheet” in RPPS. The EPP Information Sheet was created to evaluate the highest risk factors for termination based on relevant peer-reviewed research and the highest risk factors for termination identified by the federal government. The RPC attorney is required to complete one EPP Information Sheet for each EPP case.

The ORPC Social Worker Coordinator uses the data collected in the EPP Information Sheet to inform decisions regarding appointment of a contract social worker to an individual case. This decision involves weighing multiple factors for case assignment including risk, need, availability of the social worker to take on new appointments, and potential conflict issues such as whether a different parent on the case has already been assigned to work with a social worker. The Social Worker Coordinator must also ensure that all the RPC attorneys in the pilot jurisdictions have the opportunity to work with the program social worker in the first year of the pilot program. Only one respondent parent on each case is eligible for assignment of a social worker to ensure there is no conflict in having one social worker working on behalf of two parents in a single case.

The program social worker works as part of the legal defense team in advocating for the identified goal of the client. The program social worker remains on the case until legal permanency has been achieved.³⁸ The Social Worker Coordinator maintains a database of every case that is eligible for the pilot program and documents the reasons why a case is either approved or denied for appointment of a social worker.

It has taken program social workers several weeks to build up new appointments and reach a full caseload. Thus, the total billing in the first few weeks of the program did not reach the anticipated 40 hours a week. At this time, all the program social workers are at full capacity and are billing 40

37 There are two contract social workers in the 17th judicial district that are job sharing the 40 hours of billable time per week.

38 The contract social worker does not remain on the case through the appellate process.

hours a week on cases. The Social Worker Coordinator has established a maximum caseload of 25 cases for the program social workers. Although the program social workers have reached capacity and cannot take on new cases, there continue to be new EPP cases that would have been assigned to a program social worker if one had been available. As part of the control group to measure case outcome data for the pilot program, the ORPC is collecting data on the cases that would have qualified but were denied a social worker due to availability and capacity of the pilot program.

The program social workers were appointed to cases beginning July 15, 2017. Through October 13, 2017, there have been a total of 392 EPP Information Sheets submitted for possible case assignment in the pilot jurisdictions. Of those, 77 have been approved and assigned a program social worker, and 315 have been denied.

As of October 13, 2017, the social workers have been able to achieve reunification, with children returning home to their parents, on 14 cases. Of those 14 cases, two cases have closed successfully with the children being reunified to the respondent parent. The other 12 cases are still ongoing, but with the children residing in their homes with their parents. This represents an 18% reunification rate on cases where the program social workers have been assigned. The social workers have also been able to increase visitation between parents and children on an additional 16 cases. In total, the program social workers have had a measurable, positive impact in 30 of the 77 cases. This level of advocacy is remarkable given that the social workers have only been assigned and working on cases for less than four months.

The ORPC has received tremendous positive feedback from the attorneys, parents, community providers, and judges about the Social Worker Pilot Program. The social workers are completing a wide range of tasks on each case including advocating for parents at team meetings, making independent referrals for services, developing alternative treatment plans, completing comprehensive assessments for the attorneys to utilize in litigation, observing visitation between parents and children, making referrals for daycare, and making referrals for concrete resources for the parents including housing assistance. The social workers are receiving considerable praise and recognition from the RPC attorneys, caseworkers, judges, parents, and Guardian ad litem (GAL) attorneys for their work on cases.

Respondent parents from the dependency cases have even reached out and contacted the ORPC to express their gratitude for having social workers assigned to their cases. One respondent parent stated that his social worker was successfully advocating for him during every facet of the case. This father shared that he had never encountered someone who cared so much about his family. The ORPC has continued to receive positive feedback regarding the advocacy from the program social workers, including:

“I wanted to let you know that working with [Name] as a social worker, on [case number] has done wonders. We were able to go from termination to [Parent] obtaining 5 days per

week of visitation at this point, and at the review in about 5 weeks, the child likely will be returned to [Parent] permanently.”

“My clients have said they really like having [the social worker] on their cases.”

“I am working closely with [Social Worker] on a couple of cases and she is a great asset and help.”

“Thank you again for approving [Social Worker] to help on the pending D&N case. [Social Worker] met with us on Thursday and he was very helpful, professional, resourceful, and enthusiastic. I am sure that my client and I will benefit from his participation and assistance.”

The ORPC anticipates that the Social Worker Pilot Program will continue to receive positive feedback from the various stakeholders in the child welfare system.

III. Continued Funding for Year Two of the Social Worker Pilot Program Would Allow for Assessment of Outcomes Associated with the Multidisciplinary Model.

One possible outcome from the implementation of the two-year Social Worker Pilot Program is a state-wide cost savings to the child welfare system as a result of positive outcomes for Colorado families. The New York Center for Family Representation saves the state of New York an average of \$9 million/year by reducing a child’s length of stay in foster care and promoting safe reunification with parents.³⁹ Washington’s Parent Representation Program saved its state \$7.5 million in 2013 by reducing the time children spent in foster care.⁴⁰

Further, in FY 2014-15, almost 270,000 children entered foster care nationally—the highest documented number of children entering care since 2008.⁴¹ The number of children under the age of one entering foster care is increasing and has become the highest percentage, by age group, of children entering foster care—from 39,697 in 2011 to 47,219 in 2015.⁴² The United States Department of Health and Human Services, in seeking to explain the increase, points out that parental substance abuse was cited as a factor in 32.2% of the cases.⁴³ Indeed from 1999-2014, the national incidence of parental alcohol or other drug use as a reason for removal has more than doubled from 15.8 percent to 31.8 percent.⁴⁴

39 Thornton and Gwin, *supra n. 24*

40 American Bar Association Center on Children and the Law, *ABA National Project to Improve Representation to Parents*.

41 Children’s Bureau, U.S. Department of Health and Human Services, AFCARS Report #23 (June 2016) available here: <http://www.acf.hhs.gov/sites/default/files/cb/afcarsreport23.pdf>

42 *Id.* at p. 2.

43 David Crary, *supra n. 11*

44 National Conference of State Court Legislatures, *Substance Abuse and Child Welfare Resources*, updated October 25, 2016 available here: <http://www.ncsl.org/research/human-services/substance-abuse-and-child-welfare-resources.aspx>

Research also demonstrates that earlier access to social workers improves outcomes for youth. Research has shown that youth aging out of foster care are more likely to drop out of high school, to be unemployed, and to be dependent on public assistance when compared with youth in the general population.⁴⁵ Youth from foster care also experience mental health problems, substance use, and involvement with the criminal justice system at higher rates than children in the general population.⁴⁶

The ORPC's provision of social workers will theoretically help address the above issues, because a social worker provided as part of the family defense team will be able to help parents access tailored supports and resources that might not otherwise be identified. Such built-in case supports should help parents and children reunify faster and help to stem the tide of children who would otherwise remain in out-of-home placement.

In the current ORPC Social Worker Pilot Program, for example, one of the program social workers was able to identify a housing resource for a teenage parent and her infant within two weeks of the case opening. As a result, a mere two weeks after the case was filed, the case closed with community supports because the resource the ORPC program social worker identified alleviated all of the concerns in the original filing.

The GAL attorney on the case then contacted the ORPC and stated that, had it not been for the advocacy of the pilot program social worker, this was the type of case that would have languished in the child welfare system due to lack of resources. The GAL said that the program social worker managed to locate a housing resource that was out of county and unknown to the other parties on the case, including the caseworker from the Department of Human Services. This is the type of concrete, tailored advocacy that social workers working on behalf of the parent defense team can bring to the table in helping parents and children to reach the goal of reunification quickly.

By referring social workers through the agency's comprehensive referral process in dependency cases and measuring case and family outcomes, the ORPC will be able to assess whether social workers are improving outcomes for Colorado families. This assessment will help determine whether social workers should be available as part of a multidisciplinary team in every judicial district in the state.

Anticipated Outcomes:

Maintaining the funding for the second year of the two-year Social Worker Pilot Program will continue to provide more engagement from the parents at the onset of the case, which will produce better permanency outcomes for families. It is anticipated that the program will reduce the time children spend in out of home placement, reduce the overall length of the case, increase the rates of

45 Pecora et al., *Educational and employment outcomes of adults formerly placed in foster care: results from the Northwest Foster Care Alumni Study*, Child and Youth Services Review (2006).

46 Courtney et al., *Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 26*, Chapin Hall at the University of Chicago, Chicago (2011).

reunification, and produce better permanency outcomes for children by helping parents and children to reunify.

These outcomes will be measured through the program evaluation prepared after two fiscal years. The program evaluation will utilize several qualitative and quantitative data points to assess the efficacy of the program. The contract social workers have been completing case opening and case closing interviews with the parents to provide qualitative data about the program. The ORPC hopes to utilize an outside statistician to analyze the quantitative data that will be obtained. A control group has been established which includes EPP cases that were not assigned a program social worker in the pilot jurisdictions as well as cases within the pilot jurisdictions that would have received a social worker assignment if the social workers were not at case capacity. The program evaluation will assess the efficacy of the program to determine if the anticipated outcomes are achieved. This will provide insight into whether expanding the program statewide would be beneficial and effective.

Assumptions and Calculations

All contract social workers will sign a one-year contract with the ORPC. Licensed Social Workers (LSWs) will be compensated at a rate of \$41 an hour and Licensed Clinical Social Workers (LCSWs) or individuals with 5 or more years of child welfare experience will be compensated at a rate of \$50 an hour.

If the rate increase is approved for social workers under priority R-3, the hourly rate would increase to \$44 for LSWs and \$53 an hour for LCSWs. The expense estimates below are based on the average of the rates for LSWs and LCSWs. The request is based on the rates that will be in effect if the rate increase is approved.

Every contract social worker must keep a detailed list of their activities on each case and must bill their time through RPPS. The projected program cost is based on three contract social workers⁴⁷ billing 40 hours a week for 52 weeks. This number is an estimate and could be influenced by case filings, vacations, license level, court and travel time, and case need.

47 The two contract social workers in the 17th will continue to time share the 40 hours a week

Estimated Costs of Social Worker Pilot Program at Current Hourly Rate	
	Total
Contractor Cost:	
Number of Social Workers in Pilot Program	3
Hours per Year (40 hours/week x 52 weeks/year)	2,080
Total Hours per Year	6,240
Average Cost per Hour - $(\$41 + \$50)/2 = \$45.50$	\$ 45.5
Annual Cost for Contractors (Mandated Costs)	\$ 283,920

Estimated Costs of Social Worker Pilot Program if Rate Increase is Approved	
	Total
Contractor Cost:	
Number of Social Workers in Pilot Program	3
Hours per Year (40 hours/week x 52 weeks/year)	2,080
Total Hours per Year	6,240
Average Cost per Hour - $(\$44 + \$53)/2 = \$48.50$	\$ 48.5
Annual Cost for Contractors (Mandated Costs)	\$ 302,640

Consequences if Not Funded:

If not funded, parents in the participating jurisdictions will not have continued access to contract social workers on EPP cases. The ORPC would not be able to evaluate the efficacy of the multidisciplinary pilot program to determine if expanding the program would have system wide benefits.

Impact to Other State Government Agencies:

The Social Worker Pilot Program will allow collaboration with other stakeholders including the Department of Human Services, the Office of the Child’s Representative (OCR), and mental health/substance abuse providers in the community. The program could increase parental engagement with treatment plans, services offered, and other parties on the case, which could create better outcomes for children and families. As demonstrated by other states, the pilot program could generate a significant savings to other government agencies by reducing the time children spend in foster care and by producing better permanency outcomes.



Department Priority: R-2

Request Detail: Mandated Costs

Summary of Incremental Funding Change for FY 2018-19	Total funds	General Fund
TOTAL REQUEST (All Lines)	\$191,999	\$191,999
Mandated Costs	\$191,999	\$191,999

Request Summary:

The Office of Respondent Parents' Counsel requests \$191,999 in increased Mandated Costs for expert requests, transcripts, and other court costs due to changes in RPC practice and RPC supports.

Background:

In recognition of the critical role played by respondent parent counsel, the General Assembly has declared that "it is in the best interest of the children and parents of the state of Colorado...to improve the quality of legal representation for parents involved in dependency and neglect proceedings." §13-92-101(2), C.R.S. 2016.

I. The ORPC Requests an Increase in the Mandated Costs Line for Increased Costs Related to Expert Witnesses and Transcripts.

Respondent parents have a statutory right to an expert witness at the termination hearing phase of a dependency case. Best practice standards, however, call for an expert witness or mental health evaluation at earlier phases of the case. Resolution of the question of when an expert witness or mental health evaluation must be used to effectively represent a respondent parent has resulted in increased costs for expert witnesses for the ORPC.

Further, on July 1, 2016, the same date ORPC officially took oversight of RPC attorneys, changes to Colorado Appellate Rule 3.4 came into effect. These procedural changes require the creation of an actual record on appeal for appellate review, including preparation of a significantly larger number of transcripts for submission to the Colorado Court of Appeals. These additional transcripts are now required to proceed through the appellate phase and the ORPC must pay most of these additional costs.

Based on current and projected expenditures for expert witnesses and transcripts, the ORPC requests that the state approve an increase for court costs, especially expert witnesses and transcripts.

A. Indigent Parents have a Statutory Right to an Expert Witness in Termination Actions; Best Practice calls for Expert Witnesses Earlier in the Case.

Pursuant to section 19-3-607, respondent parents have the right for the court to appoint, and the ORPC to pay for, an expert witness during a “termination action.”⁴⁸ Because this provision refers to termination actions and is housed in part 6 of Article 3 of the Colorado Children’s Code—which pertains specifically to termination of the parent-child legal relationship—it has been interpreted by the judiciary to mean that respondent parents are entitled to one expert witness at a termination hearing as a matter of constitutional due process.

In contrast, in a 2007 national study of respondent parent representation in Colorado, the study’s authors recommended that procedures for appointment of experts in dependency cases should allow for appointment of experts “early on in the dependency and neglect cases, not just at termination proceedings.”⁴⁹ This recommendation was echoed by the Colorado Respondent Parents’ Workgroup in their 2014 report to the Office of the State Court Administrator (SCAO).

The work group found that the lack of access to resources early on in a case negatively impacts RPC representation because adequate representation sometimes requires an independent assessment of allegations against a parent, of a parent’s need for services, and of the appropriateness of a treatment plan.⁵⁰ “For example, experts may be necessary to assess the appropriate level and type of treatment for a parent; to evaluate the attachment between a parent and a child; or to testify regarding the cause of injury in an alleged non-accidental injury adjudicatory trial.”⁵¹

The work group’s assessment of RPC practice is also reflected in the national American Bar Association (ABA) standards of practice for parents’ attorneys.⁵² Practice standard twenty-six, for example, recommends that parents’ attorneys engage in case planning and advocate for appropriate social services.⁵³ The commentary notes that “[f]or a parent to succeed in a child welfare case the parent must receive and cooperate with social services. It is therefore necessary that the parent’s attorney does whatever possible to obtain appropriate services for the client.”⁵⁴

One means of obtaining appropriate services for a parent is for the RPC attorney to have access to independent experts early in the life of a dependency case. The RPC attorney’s ability to engage a

48 §19-3-607, C.R.S. 2016 states “An indigent parent has the right to have appointed one expert witness of his or her own choosing whose reasonable fees and expenses, subject to the review and approval by the office of the respondent parents’ counsel, shall be paid by the state of Colorado pursuant to section 19-3-610.”

49 *Supra n.1*, pp. 44-45

50 *Supra n.5*, p. 28

51 *Id.*

52 *ABA Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases*, available here: http://www.americanbar.org/content/dam/aba/administrative/child_law/ParentStds.authcheckdam.pdf

53 *Id.* at p. 12.

54 *Id.*

parent in independent evaluations by experts prior to the court’s entry of the treatment plan means that the court will not have to rely solely on the department’s case manager for information about the parent and possible treatment recommendations. As the ABA standards point out, “[t]he services in which the client is involved must be tailored to the client’s needs, and not merely hurdles over which the client must jump (e.g., if the parent is taking parenting classes, the classes must be relevant to the underlying issue in the case).”⁵⁵

Appropriately assessing parent needs and making treatment recommendations is technical. Understanding a client’s need for any type of assessment requires a background in the social science underlying each type of evaluation, and the strategic strengths and limitations associated with the evaluation—as illustrated in the following table.

Psychological Evaluations		
Purpose:	Strengths:	Limitations:
<ul style="list-style-type: none"> • Measure a person’s cognitive and emotional functioning • Examine how a person is functioning presently/historically • Create a clinical picture using a combination of psychological instruments 	<ul style="list-style-type: none"> • Gives a full picture that includes both psychological indicators and cognitive indicators • Provides recommendations for treatment • Based on cognitive functioning 	<ul style="list-style-type: none"> • Does not address trauma history • Does not address parenting skills or abilities • Does not address parenting limitations

⁵⁵ *Id.*

Parent-Child Interactionals

Purpose:	Strengths:	Limitations:
<ul style="list-style-type: none"> • Determine parenting strengths and limitations • Determine bonding and attachment between the child and the parents • Bonding is a crucial measure for successful reunification 	<ul style="list-style-type: none"> • Provides a full look at parenting—both skills and limitations • Gives an idea of the bonding between the parent and child 	<ul style="list-style-type: none"> • Not an evidence-based evaluation; rather, the measure is subjective to the person or persons who are conducting the evaluation

Substance Abuse Evaluations

Purpose:	Strengths:	Limitations:
<ul style="list-style-type: none"> • Measure substance use presently and historically • A large portion of child welfare cases involve some sort of substance abuse 	<ul style="list-style-type: none"> • Provides recommendations for treatment and the level of care required for a parent 	<ul style="list-style-type: none"> • Does not account for trauma history or addressing trauma history • Only looks at substance use treatment, unless a parent requests a dual diagnosis evaluation (rare)

Mental Health Screenings

Purpose:	Strengths:	Limitations:
<ul style="list-style-type: none"> • Measure mental health issues presently and historically • A large portion of child welfare cases involve mental health issues 	<ul style="list-style-type: none"> • Provides recommendations for treatment and the level of mental health care required for a parent 	<ul style="list-style-type: none"> • Does not account for trauma history or addressing trauma history

Trauma Evaluations

Purpose:	Strengths:	Limitations:
<ul style="list-style-type: none"> • Measure trauma presently and historically • Provide a framework for impact of trauma • A large portion of parents in the child welfare system have trauma symptoms 	<ul style="list-style-type: none"> • A comprehensive evaluation that utilizes evidence based screening tools • Provides treatment recommendations 	<ul style="list-style-type: none"> • Does not account for cognitive functioning • Does not specifically address parenting strengths and limitations

In line with ORPC's statutory mandate to enhance the provision of respondent parent counsel services in Colorado,⁵⁶ the office has been approving requests for experts at earlier stages of dependency cases as well as experts requested for termination hearings. Last fiscal year from July 1, 2016 through June 30, 2017, the ORPC estimates that 65% of expert approvals were for experts at the termination stage of the case, and 35% of expert approvals were for experts at earlier stages of the dependency case. This fiscal year from July 1, 2017 through September 30, 2017, the ORPC estimates that 54% of expert approvals have been for experts at the termination stage and that 46% have been for experts at earlier stages of the case. The ORPC believes that this change will positively impact the outcomes of cases and, ultimately, the lives of the children and families involved.

The ORPC aims to help RPCs utilize experts who will make the greatest impact on a case, and the agency has begun a process of vetting experts who can testify to issues that are specifically related to child welfare cases. In this process, it has become clear that there can be a great variation in the rates charged by experts depending on sub-specialties, location, and availability. For example, an expert on a very specific topic might charge a higher hourly rate in a rural jurisdiction because of a lack of competition from other experts. The expert's fee could then be driven up by travel costs and other expenditures.

Since the ORPC has taken oversight, the agency has been able to track expert request data so that the numbers can help inform the General Assembly's budget projections. For example, between July 1, 2017 and September 30, 2017, a total of 126 expert requests have been approved for RPC attorneys. On average, an expert request—whether the expert testifies or not—works out to \$918. From July 1, 2017, through September 30, 2017, the ORPC has approved \$115,662 for experts requested during all phases of child welfare cases.

Because of an indigent parent's statutory right to an expert at termination hearings and the increased demand for and use of expert evaluations and testimony at earlier stages of a case, the ORPC has seen a rise in the cost of expert witnesses.

B. Changes to Colorado Appellate Procedure Requires More Transcripts to be prepared for Appeals.

The Supreme Court revised and implemented updates to C.A.R. 3.4, the procedural rule governing dependency appeals, which took effect on July 1, 2016. The rule was revised in response to unintended consequences of the passage of the original Rule 3.4 in 2005, which did not give RPC time to access transcripts of trial court proceedings prior to completing the appeal.⁵⁷ The changes to

⁵⁶ §13-92-104(1)(a), C.R.S. 2017

⁵⁷ *Revisions to CAR 3.4, supra n. 18*

Rule 3.4 allow for the creation and submission of transcripts to the Court of Appeals and appellate counsel, and for a traditional briefing process.⁵⁸

The simultaneous implementation of the ORPC appellate program and the change to Rule 3.4 has resulted in additional costs for dependency appeals in Colorado. First, transcripts are now required for every appeal and for almost every hearing conducted at the trial level. Under Chief Justice Directive 05-03, court reporters can charge a per-page fee for transcripts to state agencies, but cannot charge state agencies for copies.⁵⁹ Because the ORPC is usually the first state agency to handle the appeal, the burden of the cost for transcripts for the entire appeal falls on the ORPC.

Second, C.A.R. 3.4(f)(1)(E) added a new requirement for Indian Child Welfare Act (ICWA) certification in the opening brief. This section requires appellate counsel to cite to the multiple locations in the trial court record where the ICWA is discussed.

In order to comply with this new ICWA requirement, appellate counsel must now order and review every transcript from every hearing held in a dependency case. Because most review hearings in dependency cases are recorded digitally, rather than live-reported by a court reporter, the hearings must be transcribed rather than sent to a court reporter for preparation of a transcript based on his or her notes. Transcriptions of digital recordings (“FTR transcripts”), rather than transcripts prepared by court reporters, are more costly to produce because they must go to a private company to be produced. Further, it often takes a transcriber more time to listen to a digital recording rather than producing a transcript based on notes taken live by a court reporter, which also drives up the costs of producing the FTR transcript.

For example, in fiscal year 2015, the SCAO spent \$36,660 on court reporter transcripts prepared for appeal. In the same year, the SCAO spent \$50,413 on FTR transcripts prepared for appeal. In the single quarter from July 1, 2017 through September 30, 2017, the ORPC has approved \$61,409 for transcripts for appeals. In this period, transcripts costs are averaging \$487 per appellate case. The SCAO did not collect data on average transcript costs per case.

Finally, in FY 2015-16, the Court of Appeals reported 173 new dependency and neglect case filings by RPC attorneys. In FY 2016-17, the Court of Appeals reported 278 new dependency and neglect case filings. This represents a 42% increase in dependency appeals filed in fiscal year 2017 as compared to fiscal year 2016. Of those appeals, the remand rate of appeals has doubled, from 11% to 23%. This means that the Court of Appeals is finding errors in trial court rulings and remanding those cases back to the trial court for correction at almost double the rate than the year before.

⁵⁸ *Id.* at pp. 50-51.

⁵⁹ Chief Justice Directive 05-03, *supra n. 21*

This increase in the overall number of dependency appeals filed and the number of cases remanded is likely due, in part, to the development of the ORPC appellate program, which has streamlined access to appellate counsel for parents. Under CJD 16-02, RPC attorneys are required to advise their clients regarding the right to appeal and to submit either a waiver of appeal or a request for appellate counsel to the ORPC on each case. Additionally, the ORPC has dedicated trainings in the last year to teaching RPCs about their ethical obligation to advise clients regarding the right to appeal and the appellate obligations for RPC attorneys under CJD 16-02.

Now that RPC attorneys are procedurally required to order transcripts, an increasing number of which are FTR transcripts, and the state has seen an overall increase in the number of appeals filed on behalf of parents and the number of cases remanded to the trial courts for ongoing proceedings, the mandated costs associated with transcripts have been rising.

Assumptions and Calculations:

Mandated Costs:

Mandated Costs include five broad categories: Discovery, Expert Witnesses, Service of Process (Subpoenas), Transcripts, and Other Costs. The calculations below assume that the request rates and average amounts of the three months from July 1 through September 30 will continue throughout FY 2017-18 and FY 2018-19.

Discovery:

From July 1, 2017 through September 30, 2017, the RPC has incurred Discovery expenses totaling \$3,784. The projected expense is \$15,132, as shown in the table below.

Estimate of FY2018-19 Discovery Expense	
Total Discovery Expense, July 1 - September 30	\$ 3,784
Number of Expense Requests	122
Average amount of expense request	<u>\$ 31</u>
Average requests per month for first 3 months (\$3,784/3)	
	\$ 1,261
Months per year	12
Projection of annual expense for Discovery	\$ 15,132

Experts:

As discussed in Section I.A. of this request, indigent parents have a right to an expert witness in termination actions and best practice dictates that expert witnesses be used before a case goes to termination. The ORPC has communicated these messages to its contractors and has approved 126 expert requests from July 1, 2017 through September 30, 2017. The projected expense is \$462,648, as shown in the table below.

Estimate of FY2018-19 Experts Expense	
Amount of Approved Expert Requests, July 1 - September 30	\$ 115,662
Number of Approved Expert Requests	126
Average amount of approved request	<u>\$ 918</u>
Average approvals per month (\$115,662/3)	\$ 38,554
Months per year	<u>12</u>
Projection of annual expense for Experts	\$ 462,648

Service of Process (Subpoena):

Based on expenses incurred July 1, 2017 through September 30, 2017, the projected FY 2018-19 Service of Process (Subpoena) expense is \$17,628, as shown in the table below.

Estimate of FY2018-19 Service of Process (Subpoena) Expense	
Total Service of Process (Subpoena) Expense, July 1 - September 30	\$ 4,407
Number of Expense Requests	25
Average amount of expense request	<u>\$ 176</u>
Average requests per month for first 3 months (\$4,407/3)	\$ 1,469
Months per year	<u>12</u>
Projection of annual expense for Service of Process (Subpoena)	\$ 17,628

Transcripts:

As discussed in Section I.B. of this request, changes to Colorado Appellate Rule 3.4 took effect on July 1, 2016, the day the ORPC assumed responsibility for the payment of Respondent Parent Counsel expenses. The rule requires that more transcripts per appeal be prepared, a cost that is primarily borne by the ORPC. Based on expenses incurred July 1, 2017 through September 30, 2017, the projected FY 2018-19 Transcripts expense will be \$245,640, as shown in the table below.

Estimate of FY2018-19 Transcripts Expense	
Total Transcripts Expense, July 1 - September 30	\$ 61,409
Number of Approved Transcript Requests	126
Average amount of approved request	<u>\$ 487</u>
Average approvals per month (\$61,409/3)	\$ 20,470
Months per year	<u>12</u>
Projection of annual expense for Transcripts	\$ 245,640

Other Costs:

The “Other Costs” category of Mandated Costs currently includes interpreter expense. The total expense for interpreters from July 1, 2017 through September 30, 2017 is \$94, which results in an estimate of annual expense of \$372, as shown in the table below. Last year, the ORPC contracted with TeleLanguage to provide access to interpretation services in over 300 languages at a cost of \$0.97 per minute. The availability of this service makes it possible for RPC attorneys to easily access interpreting services for clients no matter what language they speak, which facilitates communication with clients and improves client representation.

Estimate of FY 2018-19 Other Costs - Interpreters Expense	
Total Interpreter Expense, July 1 - September 30	\$ 94
Number of Expense Requests	7
Average amount of expense request	<u>\$ 13</u>
Average requests per month for first 3 months (\$94/7)	\$ 31
Months per year	<u>\$ 12</u>
Projection of annual expense for Interpreters	\$ 372

Social Worker Pilot Program:

The Social Worker Pilot Program incurred expenses totaling \$38,786 from July 1, 2017 through September 30, 2017, the initial start-up phase of the program during which costs were lower. The program is now fully operational and the ORPC expects the total expenses to be \$300,000, the amount requested and appropriated for the program. Please see the full discussion of the Social Worker Pilot Program in section R-1 for more information.

Summary of Mandated Costs Request:

The projection for each of the Mandated Costs categories discussed above is shown in the table below.

Estimate of FY2018-19 Mandated Costs Expense	
Mandated Costs Category	FY2018-19 Estimate
Discovery	\$ 15,132
Experts	462,648
Service of Process	17,628
Transcripts	245,640
Other Costs - Interpreters	372
TOTAL Estimated Mandated Costs	741,420
FY2017-18 Appropriation of \$849,421	
less \$300,000 appropriation for the Social Worker Pilot Program	549,421
FY 2018-19 Adjustment Requested	\$ 191,999

Anticipated Outcomes:

If funded, the Office of Respondent Parents' Counsel will be able to fulfill its mandate to pay respondent parents' counsel and related mandated costs.

Consequences if Not Funded:

If not funded, the Office of Respondent Parents' Counsel will be unable to fulfill its mandate to pay respondent parents' counsel and related mandated costs.

Impact to Other State Government Agencies:

None.



Department Priority: R-3

Request Detail: Increase in Contractor Hourly Rates

Summary of Incremental Funding Change for FY 2018-19	Total funds	General Fund
TOTAL REQUEST (All Lines)	\$915,883	\$915,883
Court Appointed Counsel	\$900,958	\$900,958
Mandated Costs	\$14,925	\$14,925

Request Summary:

The Office of Respondent Parents' Counsel requests \$915,883 General Fund, including \$900,958 for Court-Appointed Counsel and \$14,925 for Mandated Costs to fund a 6.7% increase in the hourly contractor rates for attorneys, paralegals, investigators, and social workers. The current and proposed contractor rates are shown below. The ORPC will update the estimate and consider the need to submit a budget amendment as more information becomes available.

Contractor Hourly Rates			
	Current	Proposed	Change
Attorneys	\$75	\$80	\$5
Paralegals	\$30	\$32	\$2
Investigators	\$41	\$44	\$3
Licensed Social Workers	\$41	\$44	\$3
Licensed Clinical Social Workers	\$50	\$53	\$3

Background:

The Office of Respondent Parents' Counsel was established on January 1, 2016 in accordance with Senate Bill 14-203 as amended by House Bill 15-1149. On July 1, 2016 the Office assumed responsibility for paying contract attorneys, paralegals, and other members of the legal team tasked with representing indigent parents in dependency and neglect cases.

The rates paid to contractors by the ORPC are the same as those paid in FY 2014-15, the most recent year in which the contractors received an increase. Salary Survey adjustments for State employees were 2.5% in FY 2014-15, 1% (3.3% for attorney positions) in FY 2015-16, and 1.75% in FY 2017-18. Independent contractor rates have not kept pace with inflation. To attract and retain experienced attorneys, the Office of Respondent Parents' Counsel requests a \$5/hour increase in the hourly rate for attorneys and a commensurate 6.7% increase in the hourly rates of other contractors.

The ORPC sought data from other sources to evaluate the requested rate increase. The United States Attorney’s Office (USAO) Matrix for the District of Columbia is a matrix of hourly rates for attorneys of different experience levels. It is used to evaluate requests for attorney’s fees in civil cases in District of Columbia courts. Based on the matrix for 2016-17⁶⁰, the current rates range from \$291 per hour for attorneys with less than 2 years of experience to \$581 per hour for attorneys with 31 or more years of experience. Based on the Bureau of Labor Statistics Occupational Employment Statistics for lawyers, the annual mean wage of lawyers in Colorado in 2016 was 75.6% that of lawyers in the District of Columbia.⁶¹ Applying that percentage to the range of pay in the USAO Matrix results in hourly rates for Colorado attorneys ranging from \$220 to \$439, or 2.75 times to 5.5 times the proposed hourly rate of \$80.

The data in the USAO Matrix is supported by the most recent data available in Colorado regarding law firm billing rates. The Colorado Bar Association conducted a 2017 economic survey and published results regarding the average rate of pay for attorneys. As of 2017, the hourly billing rate for attorneys with less than one year of experience is \$162 while attorneys practicing between 5 and 9 years charge an hourly rate of \$225.⁶²

Colorado Bar Association 2017 Economics of Law Practice Survey Hourly Billing Rates		
<u>Associates</u>	Average	Median
Less than 1 year	\$ 162	\$ 185
1-2 years experience	\$ 192	\$ 193
3-4 years experience	\$ 203	\$ 200
5-9 years experience	\$ 225	\$ 225
10-19 years experience	\$ 244	\$ 250
20-29 years experience	\$ 274	\$ 275
30-39 years experience	\$ 292	\$ 275
<u>Paralegals</u>		
Less than 1 year	\$ 99	\$ 95
1-2 years experience	\$ 105	\$ 100
3-4 years experience	\$ 111	\$ 108
5-9 years experience	\$ 118	\$ 115
10-14 years experience	\$ 120	\$ 120
15-19 years experience	\$ 128	\$ 125

60 The USAO Matrix is available at <https://www.justice.gov/usao-dc/file/889176/download>

61 Bureau of Labor statistics can be accessed at [https://www.bls.gov/oes/current/oes231011.htm#\(9\)](https://www.bls.gov/oes/current/oes231011.htm#(9))

62 *The Colorado Bar Association 2017 Economic Survey* compiled by ReadexResearch.

While the level of compensation provided by the State cannot compete with private-pay rates, an increase to the hourly rate will mean that the public interest attorneys who represent indigent clients in Colorado will receive some acknowledgment of the increased costs they incur in operating their practices.

The ORPC agrees with the Office of the Child's Representative (OCR) and the Office of the Alternate Defense Counsel (OADC) that the compensation rate should be increased. Parallel requests and funding will ensure that there is parity in the rates across the respective offices.

Anticipated Outcomes:

It is critical that the ORPC be able to attract and retain skilled and experienced attorneys to represent indigent parents who might lose a critical and fundamental constitutional right. Increasing the hourly rates as proposed will help prevent the loss of the public-spirited attorneys who provide a vital service to their clients and to the State of Colorado.

Assumptions and Calculations:

In Fiscal Year 2016-17, the ORPC paid RPC attorneys in some Judicial districts on a flat fee basis. RPC attorneys in other Judicial districts were paid on an hourly basis. In the FY 2017-18 budget request, the ORPC requested and received approval to implement hourly billing and payment for all RPC attorneys. The hourly payment structure provides better representation for parents, more accountability for RPC attorneys, and parity with contract attorneys working for OCR and OADC. However, the revised rate structure means that the ORPC must rely on payment requests from FY 2017-18 only when estimating the cost of the revised hourly rates of pay.

The new payment structure, which went into effect on July 1, 2017, necessitated extensive programming changes to RPPS, the ORPC's online attorney payment system. These changes required that the system be closed to new payment requests for almost two weeks in July. As a result, the requests for July were abnormally low and are not considered an adequate basis for estimation of future costs. RPC attorneys have 31 days after the date services are rendered to request payment. This means that requests for payment of services rendered in September may be received through October 31. At the time of the writing of this budget request, therefore, September figures were not available. For those reasons, at this time the ORPC has expense figures for only one complete month, August 2017.

If we assume that August expenses are indicative of monthly expenses throughout the year, a \$1,363,954 decrease in Court-appointed Counsel and a \$101,878 decrease in Mandated Costs are indicated as shown in the table below.

Estimate of Adjustment Needed Based on August Expenses							
	August Expense	Increase Factor	Estimated Monthly Expense	Number of months	Estimated Expense per Category	FY2017-18 Appropriation	Appropriation Adjustment
COURT-APPOINTED COUNSEL							
Attorney	\$927,559	1.067	\$ 989,705	12	\$ 11,876,460		
Paralegal	20,719	1.067	22,107	12	265,284		
Copies	1,729	1	1,729	12	20,748		
Expenses	822	1	822	12	9,864		
Mileage	24,302	1	24,302	12	291,624		
TOTAL CAC	\$ 975,131		\$ 1,038,665		\$ 12,463,980	\$ 13,827,934	\$ (1,363,954)
MANDATED COSTS							
Experts	\$ 18,803	1	\$ 18,803	12	\$ 225,636		
Interpreters	46	1	46	12	552		
Licensed Social Workers	16,375	1.067	17,472	12	209,664		
Licensed Clinical Social Workers	-	1.067	-	12	-		
Discovery	1,561	1	1,561	12	18,732		
Subpoenas	2,236	1	2,236	12	26,832		
Transcripts	23,421	1	23,421	12	281,052		
TOTAL MANDATED	\$ 62,442		\$ 63,539		\$ 762,468	\$ 864,346	\$ (101,878)
TOTAL COURT-APPOINTED COUNSEL AND MANDATED COSTS						\$ 14,692,280	\$ (1,465,832)

Such an outcome as the result of a 6.7% increase to the hourly rates for the contractors in the largest contractor expense categories is clearly illogical. For that reason, the ORPC believes that expenses for August are also an inadequate basis for estimating future expenses.

The estimate below, therefore, is based on the assumptions that the original FY 2017-18 appropriation was correct and that the relative percentages of expense throughout the year will be the same as those in August. Based on those assumptions, a \$900,958 increase in Court-appointed Counsel and a \$14,925 increase in Mandated Costs will be needed as shown in the table below. These results are logical even though they are not very well supported due to the lack of data. The ORPC will update the expense estimate, in conjunction with updated case filing data, and consider the need to submit a budget amendment as more information becomes available.

Estimate of Adjustment Needed Based on Current Appropriation							
	August Expense	% of Total Expense	FY2017-18 Appropriation	Appropriation per Category based on % of Total Expense	Increase factor	Estimated Appropriation per Category	Appropriation Adjustment
COURT-APPOINTED COUNSEL							
Attorney	\$ 927,559	95.1%	\$ 13,827,934	\$ 13,153,335	1.067	\$ 14,034,608	\$ 881,273
Paralegal	20,719	2.1%	13,827,934	293,808	1.067	313,493	19,685
Copies	1,729	0.2%	13,827,934	24,518	1	24,518	-
Expenses	822	0.1%	13,827,934	11,656	1	11,656	-
Mileage	24,302	2.5%	13,827,934	344,617	1	344,617	-
TOTAL CAC	\$ 975,131	100.0%		\$ 13,827,934		\$ 14,728,892	\$ 900,958
MANDATED COSTS							
Experts	\$ 18,803	30.1%	\$ 849,421	\$ 255,784	1	\$ 255,784	\$ -
Interpreters	46	0.1%	849,421	626	1	626	-
Licensed Social Workers	16,375	26.2%	849,421	222,755	1.067	237,680	14,925
Licensed Clinical Social Workers	-	0.0%	849,421	-	1.067	-	-
Discovery	1,561	2.5%	849,421	21,235	1	21,235	-
Subpoenas	2,236	3.6%	849,421	30,417	1	30,417	-
Transcripts	23,421	37.5%	849,421	318,604	1	318,604	-
TOTAL MANDATED	\$ 62,442	100.0%		\$ 849,421		\$ 864,346	\$ 14,925
TOTAL COURT-APPOINTED COUNSEL AND MANDATED COSTS						\$ 15,593,238	\$ 915,883

Consequences if Not Funded:

Inadequate pay could result in the de facto denial of adequate counsel to parents faced with the possibility of losing their parental rights. In addition, inexperienced and less-skilled attorneys could slow case processing, causing costly delays in cases. Finally, if the rates paid to the contractors of the ORPC are less than those paid to the contractors of other agencies, issues of parity will result.

Impact to Other State Government Agencies:

None.

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Department Priority: R-4

Request Detail: Contract Statistician

Summary of Incremental Funding Change for FY 2018-19	Total funds	General Fund
TOTAL REQUEST (All Lines)	\$220,000	\$220,000
Personal Services (Professional Services)	\$220,000	\$220,000

Request Summary:

The Office of Respondent Parents' Counsel requests \$220,000 in additional Personal Services funds to engage the services of a contract statistician to evaluate the overall effectiveness of the ORPC and the Social Worker Pilot Program.

Background:

The ORPC was established on January 1, 2016 in accordance with Senate Bill 14-203 as amended by House Bill 15-1149. On July 1, 2016 the Office assumed responsibility for paying contract attorneys, paralegals, and other members of the legal team. Section 13-92-101 to 104 and section 13-92-104 (1), C.R.S. charges and entrusts the ORPC, at a minimum, with enhancing the provision of respondent parents' counsel by:

1. Ensuring the provision and availability of high-quality legal representation for parents in dependency and neglect proceedings;
2. Making recommendations for minimum practice standards;
3. Establishing fair and realistic state rates by which to compensate RPC; and,
4. Working cooperatively with the judicial districts to establish pilot programs.

The ORPC is committed to improving the provision of respondent parent counsel in Colorado and to achieving the best outcomes for children and families. The ORPC has developed and continues to improve an online payment system, RPPS, that allows respondent parent counsel to bill and be paid by the agency. To submit requests for payment, RPC attorneys must provide detailed information about the activities performed and types of services provided on each appointment. The types of information collected by RPPS are listed in Appendices A-C.

RPPS has made it possible for the ORPC to collect large amounts of data about state-paid dependency and neglect cases across the State. In addition, the ORPC has undertaken a Social Worker Pilot Program in three judicial districts to test the multidisciplinary model of pairing RPC

attorneys with licensed social workers, a model proven effective in other states. The ORPC is also using RPPS and other software applications to gather data that is specific to the pilot program cases in the three judicial districts.

The ORPC has worked with the RPPS programmer to develop both detailed and summary reports, which have been helpful in identifying specific issues related to RPC practice and billing patterns. For example, RPPS reports allowed the agency to identify attorneys that were billing significant amounts of wait time in court. As a result, the ORPC addressed the billing issue with specific attorneys and ultimately revised billing policies in accordance with that information. The ORPC can currently answer the following questions using existing RPPS reports, which relate to cost-related and auditing/review issues:

Cost-related questions:

- What is the average cost per case, i.e., the cost per case for all respondents?
- What is the average cost per appointment?
- What is the average number of appointments per case?
- What is the number of appointments for each judicial district?
- What is the average cost per respondent for all cases?
- What is the total cost for each case, each appointment, and each client?
- What are the total costs for each judicial district, county, and judicial officer?
- How is the cost per case impacted when the case is a “special case type” (ICWA, DANSR, EPP, P-Home, Family Drug Court, Concurrent dependency, or Concurrent Criminal)?
- What is the average duration of a case?

Auditing/Review questions:

- How many hours has each attorney billed in a time period, broken down by case?
- How many hours in a day is each attorney billing across all of their cases?
- How is each attorney spending their time?
- What amount of time is spent by attorneys for travel?

Although the ORPC is able to collect data regarding the above cost-related and auditing questions, the agency also needs to answer much more complex and critical questions related to improving case outcomes for families in the child welfare system. The ORPC is working to explore answers to questions such as:

Outcomes-related questions:

- What is a “standard” or “typical” outcome in a dependency case?
- Do some attorneys consistently achieve better or worse outcomes than the standard?
- What accounts for the differences between the outcomes achieved by different attorneys?

- Do intensive treatment courts yield different results than other traditional courts?
- Do the cases in one jurisdiction consistently have better or worse outcomes than the cases in another jurisdiction?
- Do particular types and/or levels of attorney services or activities result in better or worse outcomes for families?
- Do certain case characteristics generally result in the same outcomes?
- What affects the amount of time children spend in out-of-home placement?

However, evaluating our own data to answer these questions is problematic for many reasons. The list of potential problems includes:

- Inherent bias,
- Lack of professional training, expertise, and experience,
- Accepting anecdotes as evidence,
- Making unsupported inferences,
- Assuming a correlation indicates causation,
- Using inappropriate tests,
- Failing to control for important variables,
- Failing to recognize statistical anomalies, and
- Inability to reduce complex situations to manageable formats to explain them.

The ORPC wants to make decisions based on rigorous data analysis completed by professional statisticians to help us determine the correlations between case characteristics, inputs, and case outcomes. The use of professional, credentialed statisticians to review, compile, and analyze our data will lead to results that are credible, replicable, and comparable to those of other studies, which will help us identify those policies and practices that work and those which don't and help us fulfill our critical mandate to improve child and family well-being.

Anticipated Outcomes:

If funded, the ORPC will be able to engage a statistician to evaluate the data collected regarding RPC practices in general and the Social Worker Pilot Program specifically. The ORPC will use the analyses to determine which practices are working and encourage those policies, and to modify policies which are not efficient, thereby improving the representation of parents and increasing child and family well-being.

The ORPC will also determine if the Social Worker Pilot Program is effective and if the additional costs are outweighed by the benefits of the program. The agency will be able to determine if the positive results found in other states with similar programs can be replicated here, and the ORPC will have the ability to make informed decisions about the program.

Assumptions and Calculations:

The ORPC has discussed the needed analysis of the approximately 392 Expedited Permanency Planning cases that have thus far been included in the Social Worker Pilot Program with Dr.

Kathryn Trujillo, LCSW, Ph.D, of the Department of Social Work at Metropolitan State University and a member of the ORPC Commission. Dr. Trujillo notes that the statistician chosen for the analysis of the Social Worker Pilot Program should have a social science background to accurately evaluate and compile the information, which will be influenced by social science variables. Dr. Trujillo estimates the statistical analysis of the Social Worker Pilot Program can be completed effectively for \$15,000 - \$20,000.

The evaluation of the ORPC's general billing data provided through RPPS will be a much more complex project, involving hundreds of variables (see Appendices A through C). Based on information regarding evaluations of other projects, the ORPC estimates the evaluation will cost approximately ten times as much as the evaluation of the Social Worker Pilot Program, or approximately \$200,000. The ORPC will prepare a Request for Proposal to obtain an accurate estimate.

The total estimate for analysis of the Social Worker Pilot Program and of the ORPC in general is therefore \$220,000 (\$20,000 for the Social Worker Pilot Program and \$200,000 for the ORPC).

Consequences if Not Funded:

If not funded, the ORPC will be unable to contract for the services of a professional statistician. The ORPC will continue to try to determine which policies and procedures are efficient and effective, but we will not be able to produce analyses which are reliable and free of bias. As a result, we might use policies and procedures that are less effective and may result in less desirable outcomes for the families that we serve. In addition, we will be unable to respond objectively to questions from the Joint Budget Committee, the Legislature, and others regarding the effectiveness of the ORPC.

Impact to Other State Government Agencies:

None.

APPENDICES: CATEGORIES OF INFORMATION COLLECTED

I. Information regarding individual appointments:

The initial required information includes the case classification (Juvenile, Court of Appeals or Supreme Court); the jurisdiction; the judicial officer; the statutory reasons for the filing; the factual bases for the filing; whether the case is subject to special circumstances or is being heard in an intensive treatment court; the name, date of birth, party status (mother, father, or guardian) and race/ethnicity of the parent; the number of children on the case and each child's name, original placement, and original custody status. To close a case, RPC attorneys must provide the reason why the appointment closed; the disposition of the case; the judicial officer presiding at the disposition of the case; whether or not the parent attended the final hearing and if they attended, whether they attended by phone or in person, and if they did not attend, whether there had been no recent parent contact or they failed to appear; and the final placement and custody status of each child on the case. Please see **Appendix A** for lists of the required appointment-related data points and the response options.

II. Information regarding services provided:

RPC must specify one of 30 payment types and one of 91 payment descriptions for each service rendered or expense incurred over the course of the case. This information must be provided with each request for payment. Please see **Appendix B** for lists of the required payment types and payment descriptions and the response options for each.

III. Information regarding contractors and experts:

The ORPC is developing comprehensive information about RPC attorneys. This information will be used to evaluate each RPC to inform the agency's decisions regarding renewing specific attorney contracts and regarding recommending specific experts to RPC attorneys. The ORPC is also working to develop comprehensive information about experts by maintaining a database of expert data. Please see **Appendix C** for lists of contractor classifications and expert categories.

APPENDIX A - APPOINTMENT-RELATED DATA POINTS

Appointment Closure Reasons (36)

Appeal - Appeal Withdrawn
Appeal - Trial Court Decision Affirmed
APR to Other
APR to Parent
APR to Relative
Automatically Closed by System
Case Dismissed
Cert denied
Change of Venue
Child on the Run
Client did not attend-Appearance not required
Client did not attend-Appearance waived
Client did not attend-In custody not made available
Client did not qualify for CAC
Client Dismissed from Petition
Client Dismissed from Petition - non paternity/maternity
Client Dismissed from Petition - won adjudication
Client Left with Child
Closed on Transfer from CAC
Conflict or Substitution
Death of Client
Duplicate Appointment need to close
DYC Commitment
Emancipation
Final Payment Entered
Lawyer dismissed by Court - case ongoing
Order for rule to show cause - denied
Order for rule to show cause - issued
Reinstatement of Parental Rights
Relinquishment
Remain Home
Reunification
Reversed and remanded
Termination of Legal Guardianship
Termination of Parental Rights
Transfer to Tribe

Child Placement (8)

DYC Commitment
Emancipation
Foster Care
Group Home
Guardian
Home
Relative/Kinship
Residential Placement

Appointment Re-open Reasons (5)

Appointment closed in error
Appointment re-opened
Closed by SCAO - CAC in error
Remanded on Court of Appeals
Re-open Case

Case Classification (4)

CA - Court of Appeals
JV - Juvenile
SA - Special
SC - Supreme Court

Change to Hourly Reasons (11)

Appointed after Disposition
Case Closes under 60 days
Case Over 24 Months
Change to Contract Reason 1
Family Treatment Court
New / Substitute Counselor
Other - Please explain below
Post-Disposition - 15 hours in any fiscal year
Pre-Disposition - 15 hours post July 1, 2017
Termination Motion - 17 hours in any fiscal year
TPR Mtn filed 7/1/17 or later, no TPR fee recv'd

Child Custody (4)

Department
Emancipation
Parent/Guardian
Relative/Kinship

Factual Filing Bases (multi-select) (10)

Delinquency
Dirty Home
Domestic Violence
Long-term Confinement
Mental Health
Neglect
Parent/Child Conflict
Physical Abuse
Sexual Abuse
Substance Abuse

Party Status

Father
Guardian
Mother

APPENDIX A - APPOINTMENT-RELATED DATA POINTS (continued)

Disability (32)

ADHD
Anxiety
Autism/Asperger's
Bipolar
Blind
Borderline/Low IQ
Cancer
Cerebral Palsy
Chronic illness/Chronic Fatigue
Chronic pain/Back issues
Deaf/Hard of Hearing
Depression
Diabetes
Heart Disease
HIV/AIDS
Intellectual disability/Developmental Disability

Disability continued in next column

Disability (continued)

Learning Disability
Lung Disease
Lupus
Multiple Sclerosis
None of the Above
Other Disability
Other Mental health
Other Mobility disability
PTSD
Rheumatoid Arthritis
Schizophrenia
Seizures
Speech disability
Stroke
Substance Abuse
TBI

Race/Ethnicity (8)

Asian
Black or African American
Hispanic or Latino
Indian or Alaska Native
Native Hawaiian or other Pacific Islander
ORPC Staff Override
Other
White

In-Custody Reasons (5)

Client appeared in person
Client by phone, transportation at issue
Client by phone, transportation NOT at issue
Client did not appear, transportation at issue
Client did not appear, transportation NOT at issue

Filing Reasons - Statutory (multi-select) (15)

Abandonment/Mistreatment by Parent or Legal Guardian
Abandonment/Mistreatment by someone other than Parent or Legal Guardian
Adjudicatory appeal
APR
Child has runaway or is beyond control of Parents
Child is homeless, lacks proper care, or is not domiciled with Parent
Child tested positive at birth for Schedule I or II substance
Injurious Environment
Lack of Proper Parental Care through acts/omissions of Parent
Parent/Child Conflict
Parent's failure to provide care necessary for health or well-being
Pattern of habitual abuse and parent was prior respondent parent
Petition for Writ of Certiorari
Rule 21
Termination Appeal

Jurisdictions (67)

Each of the 64 counties plus the Supreme Ct, the Ct of Appeals, and Special Jurisdiction

APPENDIX B - PAYMENT-RELATED DATA POINTS

Attendance of Respondent at Final Hearing (8)

Attended by phone
Attended in person
Did not attend - appearance waived
Did not attend - client failed to appear
Did not attend - no recent client contact
Did not attend - oral argument
Duplicate Appt - Need to close
No hearing held

Billing Status (11)

Associate Invoice
Contract Expense Final Invoice
Contract Expense Invoice
Contract Initial Invoice
Contract Termination Invoice
Hourly Final Invoice
Hourly Initial Invoice
Hourly Invoice
None
Transcript Invoice
Transfer from Judicial CAC

Contract Types (2)

Initial Contract Payment
Termination Contract payment

Document Types (6)

Change to Hourly Documentation
Expense Receipt
Invoice
Notice of Appointment
Other
Trip Authorization

Payment Types (42)

Appellate Attorney Time
Associate Appellate Attorney Time
Associate Attorney Travel Time
Associate Attorney-In-Court
Associate Attorney-Out-of-Court
Attorney Travel Time
Attorney-In-Court
Attorney-Out-Of-Court
Contract
Copies
Deposition
Discovery
Expenses
Expert
Expert - In-Court
Expert - Preparation
Expert - Travel Time
In State Overnight Travel
Interpreter - Telelanguage
Interpreter Certified
Interpreter Expenses
Interpreter In-State Travel
Interpreter Mileage - In State
Interpreter Mileage - Out of State
Interpreter NOT Certified
Investigator
LCSW- Out-Of-Court
LCSW Travel Time
LCSW-In-Court
LSW- Out-Of-Court
LSW Travel Time
LSW-In-Court
Overnight Hotel Stay
Paralegal Travel Time
Paralegal-In-Court
Paralegal-Out-Of-Court
Subpoenas
Transcripts
Transfer from CAC
Travel Mileage in State
Travel Mileage out of State
Wait Time

APPENDIX B - PAYMENT-RELATED DATA POINTS (continued)

Payment Descriptions (163)

Adjudicatory - Admission	Draft Entry of Appearance
Adjudicatory - Court Trial	Draft Motion – Court of Appeals
Adjudicatory - Jury Trial	Draft Motion – Trial Court
Allocation of Parental Responsibility	Draft Motion for Extension of Time
Appear at Oral Argument	Draft Motion for Reconsideration
Appearance Review	Draft Motion to file Notice of Appeal out of Time
Change of Placement Hearing	Draft Notice of Appeal
Close case in RPPS	Draft Opening Brief
Collect Call from Client	Draft Petition for Review
Communication with a PD on a concurrent case	Draft Pleadings/ Motions
Communication with Appellate Attorney	Draft Reply Brief – Department
Communication with Attorney	Draft Reply Brief – Guardian ad Litem
Communication with CASA	Draft Reports
Communication with Caseworker	Draft Response to Order to Show Cause
Communication with City/County Attorney	Draft Table of Authorities
Communication with Court of Appeals Staff	Draft Table of Contents
Communication with Court Reporter	Draft Witness List
Communication with Expert	Email to/from ORPC-App't'd SW
Communication with Family	Email/Letter to/from Client
Communication with GAL – Appeal	Email/Letter to/from County Attorney
Communication with GAL - Trial	Email/Letter to/from Expert
Communication with GAL for child	Email/Letter to/from GAL
Communication with GAL for Respondent Parent	Email/Letter to/from Intervenor
Communication with Intervenor	Email/Letter to/from Special Respondent
Communication with ORPC-Appointed SW	Email/Letter to/from Treatment Provider
Communication with other	Email/Letter to/from Witness
Communication with PD/ADC	Expert
Communication with Probation	Family Treatment Court
Communication with RPC for another parent	FTC - Client Staffing
Communication with RPC for other party	FTC - General Staffing
Communication with Special Respondent	FTC - Review Hearing
Communication with Treatment Provider	FTC - Spouse Appearance
Communication with Trial Attorney for client	Hearing Preparation
Communication with Trial Court Staff	In State Overnight Travel
Communication with Witnesses	Initial Contract Payment
Contempt	Interpreter
Copies	Interviewing Collaterals for Biopsychosoc
Deposition	Investigation
Discovery	Investigator
Discovery Hearing	Legal Research to draft Opening Brief
Disposition Hearing	Legal Research to draft Reply Brief
Disposition - Contested	LSW/LCSW Complete Case Closing Form
Disposition - Non Contested	LSW/LCSW Complete Case Opening Form
Draft Brief	LSW/LCSW Complete Case Tracking Form
Draft Designation of Transcripts	Making referral for services
Draft Discovery Request	Mediation

(Payment Descriptions continued on next page)

APPENDIX B - PAYMENT-RELATED DATA POINTS (continued)

Payment Descriptions (continued)

Mediation/Facilitation	Review Reports/Evaluations
Meeting with Client	Review Staff/SW Notes
Meeting with Expert	Review Transcripts
Meeting with Family	Review Witness List
Meeting with GAL for Child	Specialty/Treatment Court
Meeting with GAL for Client	Status Conference
Meeting with RPC other party	Subpoenas
Meeting with SRS/Intervenor	TDM/Family Meeting
Meeting with Treatment Provider	Team Decision Meetings/LINKs Meeting
Meeting with Witness	Telephone call to/from ORPC-App't'd SW
Meeting/Consultation w/ORPC-App't'd SW	Telephone Call with Client
Mileage	Temporary Custody Hearing
Motions	Termination Contract Payment
Motions Hearing	Termination of Parental Rights
Notary	Text Message with Client
Notes to File	Transcripts
Observe Related Case	Transfer from Judicial CAC
Observe Visitation	Travel Time
Open case in RPPS	Treatment Team Meetings
Oral Argument	Visitation Hearing
Overnight Hotel Stay	Wait Time
P Home Hearing	Wait Time – Oral Argument
Permanency Planning	Writing biopsychosocial assessment
Post Term. Review	Writing notes
Postage	
Prepare Appellate Transmittal Form	
Prepare for Oral Argument	
Pre-Trial Conference	
Protective Order Hearing	
Records Request Costs	
Requesting records	
Requesting Records outside of Discovery	
Research	
Research - Legal	
Research - Social Science	
Researching services and community resources	
Return Initial Contract Payment	
Return Termination Contract Payment	
Review Answer Brief – Department	
Review Answer Brief – Guardian ad Litem	
Review Court File	
Review Court File for ICWA compliance	
Review Court of Appeals Orders	
Review Court of Appeals Pleadings	
Review Discovery	
Review Family Services Plan	
Review Pleadings/Motions/Orders	

APPENDIX C - CONTRACTOR, EXPERT, AND JUDGE CATEGORIES

Languages (240)

240 languages available via Telelanguage and in-person interpreters

Contractor Classifications (18)

Attorney
Attorney Associate
Discovery
Expert
Interpreter - Telelanguage
Interpreter Certified
Interpreter NOT Certified
Investigator
Licensed Clinical Social Worker
Licensed Social Worker
Misc.
Paralegal
Researcher
Runner
Scanner
Staff
Transcriber
Transcripts Payment

Judge Classifications (5)

Court of Appeals
Judge
Magistrate
Special
Supreme Court

Expert Categories (39)

Deposition
Disability Evaluation
Document/Handwriting
Domestic Violence
Educational
Family Therapist
Forensic Document Examiner/Handwriting
Mediation
Investigator
Medical Doctor - Child Protection
Mental Health - Cognitive Evaluation
Mental Health - Psychiatric Evaluation
Mental Health - Psychological Evaluation
Mental Health - Review Previous Evaluation
Mental Health Evaluation
Parenting - Bonding and Attachment
Parenting - Parent-Child Interactional
Polygraph Evaluator
Polygraph Examiner
Reasonable Efforts Review
Relinquishment Counseling
Sexual Abuse-Non-Offnd Prnt-Informed Sprvisn
Sexual Abuse-Non-Offending Prnt-Parent Therapy
Sexual Abuse - SOMB Treatment/Diagnosis
Shaken Baby - Neurologist
Shaken Baby - Pediatric Neurologist
Shaken Baby - Pediatric Ophthalmologist
Social Worker - LCSW/LSW
Substance Abuse - CACI
Substance Abuse - CACII
Substance Abuse - CACIII
Substance Abuse - Drug Toxicology & Drug Testing
Substance Abuse - Dual-Diagnosis/Evaluation
Substance Abuse - LPC
Substance Abuse - Marijuana
Substance Abuse - Perinatal Exposure
Supervisor Visits
Therapist
Witness

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Department Priority: R-5

Request Detail: Operating Expenses

Summary of Incremental Funding Change for FY 2018-19	Total funds	General Fund
TOTAL REQUEST (All Lines)	\$16,931	\$16,931
Operating Expenses	\$16,931	\$16,931

Request Summary:

The Office of Respondent Parents' Counsel requests \$16,931 in additional Operating Expenses to align the appropriation with the uses of the office and to complete scheduled replacements of computers.

Background:

The ORPC was established on January 1, 2016 in accordance with Senate Bill 14-203 as amended by House Bill 15-1149. Reasonable assumptions were used by JBC staff to estimate the Operating appropriation for FY 2015-16 using the subcategories of operating expenses in the table below.

The initial appropriation has been adjusted for changes in FTE and for the transfer of expense for independent contractor access to Westlaw services from the Mandated Costs appropriation to the Operating Expenses appropriation, but has otherwise remained the same. The ORPC now has data which indicates that some of the subcategories of the Operating appropriation should be adjusted as shown below.

FY2017-18 Operating Expense Appropriation compared to FY2018-19 Expense Estimate				
	FY2017-18 Appropriation	FY2018-19 Estimate	Adjustment Requested	
Operating:				
Supplies	\$ 5,000	\$ 5,000	\$	-
Telephone and Internet Access	4,500	14,148		9,648
Staff travel (after annualization of FY2017-18 BA-2)	26,000	32,136		6,136
Commissioner travel	8,400	3,062		(5,338)
Dues, subscriptions, and memberships	12,000	5,200		(6,800)
Copy/scanning machines	3,600	3,888		288
Software licenses	1,300	6,633		5,333
Other (Access to Westlaw)	25,388	26,152		764
Computer Replacement (one-time)	-	6,900		6,900
Total Operating	\$ 86,188	\$ 103,119	\$	16,931

Anticipated Outcomes:

If approved, the Operating Expenses appropriation will provide the funding needed for the base expenses of the office and will accurately reflect the planned uses of the appropriation. In addition, the ORPC will be able to replace computers as needed.

Assumptions and Calculations:

Telephone and Internet Access

The ORPC has an online attorney payment system, RPPS. This system makes it possible for RPC attorneys to easily and conveniently submit detailed requests for payment and for ORPC staff to review the requests quickly and completely. For the online system to function and provide the intended benefits, the ORPC must have fast, reliable internet service, which is provided by our telephone service company. Based on the current contract and the minimum FY17 invoice amount, the ORPC estimates that the FY 2018-19 telephone and internet access expense will be \$14,148, as detailed below. This is \$9,648 more than the Common Policy amount of \$4,500 (\$450 per FTE x 10 FTE).

Estimated Telephone and Internet Access Expense, FY2018-19			
Contract Purpose	Monthly Expense	# of Months	Annual Expense
CPE - Managed Router	\$ 45	12	\$ 540
Ethernet (DIA)	681	12	8,172
IP Address MRC	6	12	72
Network Maintenance Fee	15	12	180
10 HPBX Premium Seat Licenses	271	12	3,252
9 Polycom Rentals	86	12	1,032
1 Polycom Rental	9	12	108
1 Basic Seat License	13	12	156
Monthly taxes and fees (June 2017)	53	12	636
Total Phone Expense	\$ 1,179		\$ 14,148

Staff Travel

The ORPC's statutory mandate requires that the office ensure the provision and availability of high-quality legal representation for parents in dependency and neglect proceedings. CJD 16-02 further requires the ORPC to provide oversight of and accountability for state-paid attorney services through evaluation and receipt of complaints regarding attorneys who contract with the ORPC. To fulfill the oversight responsibilities dictated by statute and CJD 16-02, the ORPC must travel across the state to conduct in-person court observations of RPC attorneys. Data from these court observations are used to evaluate the provision of high-quality legal representation for parents, to identify ongoing training needs for RPC attorneys, and to make contracting decisions.

In its first year executing these oversight responsibilities, the ORPC recognized the need to travel to the various judicial districts and learn about the unique issues facing dependency courtrooms in Colorado. Consequently, in FY 2016-17 and in FY 2017-18, the ORPC applied for and was awarded specific grant funding that allowed ORPC staff to travel throughout Colorado to conduct in-person meetings with judicial officers and court staff and provide free continuing legal education training for RPC attorneys. These jurisdictional visits helped build group cohesion, created an opportunity for action planning regarding local practice issues, and provided a forum for discussion of professionalism issues for local RPCs. Grant funds were also used to send ORPC staff and RPC attorneys to the American Bar Association National Parent Attorney Conference and to the National Organization of Forensic Social Workers Conference.

The ORPC needs to continue these vital outreach and educational programs for RPC attorneys and must have the ability to travel across the state to fulfill its oversight responsibilities by conducting court observation of and meeting in person with RPC attorneys. The ORPC staff cannot depend on the continued availability of grant funding to complete necessary agency travel. The following table provides the detailed schedule of programs requiring staff travel and related costs in FY 2018-2019.

Estimated Staff Travel Expense, FY2018-19													
Purpose of Trip/ City	Mileage				Meals				Lodging				Total
	Round- trip Mileage	# of Staff	Mileage Rate	Total Mileage Expense	Meals Expense per Day	# of Staff	# of Days	Total Meals Expense	Lodging Expense per room	# of Staff	# of Nights	Total Lodging Expense	
<u>Court Observations</u>													
Co. Spgs.	142	1	\$0.48	\$ 68				\$ -				\$ -	\$ 68
Brighton	47	1	\$0.48	\$ 22				\$ -				\$ -	\$ 22
Walsenburg	326	1	\$0.48	\$ 156	\$ 51	2	2	\$ 204	\$ 93	2	1	\$ 186	\$ 546
Trinidad	398	1	\$0.48	\$ 191	\$ 51	2	2	\$ 204	\$ 93	2	1	\$ 186	\$ 581
Lamar	416	1	\$0.48	\$ 200	\$ 51	2	2	\$ 204	\$ 93	2	1	\$ 186	\$ 590
La Junta	352	1	\$0.48	\$ 169	\$ 51	2	2	\$ 204	\$ 93	2	1	\$ 186	\$ 559
Canon City	232	1	\$0.48	\$ 111	\$ 51	2	2	\$ 204	\$ 93	2	1	\$ 186	\$ 501
Alamosa	470	1	\$0.48	\$ 226	\$ 51	2	2	\$ 204	\$ 93	2	1	\$ 186	\$ 616
Saguache	364	1	\$0.48	\$ 175	\$ 51	2	2	\$ 204	\$ 93	2	1	\$ 186	\$ 565
Durango	674	1	\$0.48	\$ 324	\$ 64	2	3	\$ 384	\$ 105	2	2	\$ 420	\$ 1,128
Cortez	762	1	\$0.48	\$ 366	\$ 59	2	3	\$ 354	\$ 93	2	2	\$ 372	\$ 1,092
Golden	32	1	\$0.48	\$ 15				\$ -				\$ -	\$ 15
Ft. Collins	126	1	\$0.48	\$ 60				\$ -				\$ -	\$ 60
Denver			\$0.48	\$ -				\$ -				\$ -	\$ -
Greeley	126	1	\$0.48	\$ 60				\$ -				\$ -	\$ 60
Pueblo	228	1	\$0.48	\$ 109	\$ 51	2	2	\$ 204	\$ 93	2	1	\$ 186	\$ 499
Boulder	60	1	\$0.48	\$ 29				\$ -				\$ -	\$ 29
Ft. Morgan	164	1	\$0.48	\$ 79				\$ -				\$ -	\$ 79
Centennial	32	1	\$0.48	\$ 15				\$ -				\$ -	\$ 15
Castle Rock	62	1	\$0.48	\$ 30				\$ -				\$ -	\$ 30
Gunnison	400	1	\$0.48	\$ 192	\$ 64	2	3	\$ 384	\$ 119	2	2	\$ 476	\$ 1,052
Montrose	296	1	\$0.48	\$ 142	\$ 64	2	3	\$ 384	\$ 95	2	2	\$ 380	\$ 906
Grand Jcn	486	1	\$0.48	\$ 233	\$ 51	2	3	\$ 306	\$ 93	2	2	\$ 372	\$ 911
Glenwood Spgs	314	1	\$0.48	\$ 151	\$ 51	2	3	\$ 306	\$ 93	2	2	\$ 372	\$ 829
Craig	394	1	\$0.48	\$ 189	\$ 51	2	3	\$ 306	\$ 93	2	2	\$ 372	\$ 867
Steamboat Spgs	312	1	\$0.48	\$ 150	\$ 74	2	3	\$ 444	\$ 102	2	2	\$ 408	\$ 1,002
Eagle	252	1	\$0.48	\$ 121	\$ 74	2	2	\$ 296	\$ 149	2	1	\$ 298	\$ 715
Breckenridge	160	1	\$0.48	\$ 77	\$ 64	2	2	\$ 256	\$ 121	2	1	\$ 242	\$ 575
Durango	674	1	\$0.48	\$ 324	\$ 64	2	3	\$ 384	\$ 105	2	2	\$ 420	\$ 1,128
Gunnison	400	1	\$0.48	\$ 192	\$ 64	2	3	\$ 384	\$ 119	2	2	\$ 476	\$ 1,052
Montrose	296	1	\$0.48	\$ 142	\$ 64	2	3	\$ 384	\$ 95	2	2	\$ 380	\$ 906
Canon City	232	1	\$0.48	\$ 111	\$ 51	2	2	\$ 204	\$ 93	2	1	\$ 186	\$ 501
Alamosa	470	1	\$0.48	\$ 226	\$ 51	2	2	\$ 204	\$ 93	2	1	\$ 186	\$ 616
Saguache	364	1	\$0.48	\$ 175	\$ 51	2	2	\$ 204	\$ 93	2	1	\$ 186	\$ 565
Cortez	762	1	\$0.48	\$ 366	\$ 59	2	3	\$ 354	\$ 93	2	2	\$ 372	\$ 1,092
<u>ABA Conference</u>													
East Coast	80	6	\$0.48	\$ 230	\$ 74	6	3	\$ 1,332	\$ 235	4	3	\$ 2,820	\$ 4,382
Airfare, cabs, etc.													\$ 3,150
Registration													\$ 2,400
<u>SELC Conference</u>													
Co. Spgs.	142	1	\$0.48	\$ 68	\$ 59	1	1	\$ 59	\$ 106	1	2	\$ 212	\$ 339
Registration													\$ 250
<u>Train the Trainer</u>													
East Coast				\$ -	\$ 72	1	4	\$ 288	\$ 235	1	3	\$ 705	\$ 993
Airfare, cabs, etc.													\$ 550
Registration													\$ 300
				\$ 5,494				\$ 8,849				\$ 11,143	\$ 32,136

Commissioner Travel

The members of the ORPC Commission who live in the metropolitan area rarely request reimbursement for travel expenses. As a result, the expense for Commissioner Travel is less than estimated at the inception of the ORPC. In addition, the Commission now meets quarterly instead of monthly as was the practice in the first year and a half of operations. The ORPC estimates that Commissioner Travel will be approximately \$3,062 per year.

Estimated Commissioner Travel Expense, FY2018-19			
Expense Type	Fall Conference Meeting	Other Quarterly Meetings	TOTAL
Food	\$ 600	\$ 300	
Travel	170	164	
Lodging	900	-	
Total Per Meeting	1,670	464	
Number of Meetings	1	3	
Total Commissioner Travel	\$ 1,670	\$ 1,392	\$ 3,062

Dues, Subscriptions, and Memberships

The ORPC pays for RTD EcoPasses, professional licensure and professional registrations for staff. The estimated expense is shown below.

Estimated Dues, Subscriptions & Memberships, FY2018-19	
Item	FY19 Expense
EcoPass	\$ 3,500
Attorney Registrations (5 x \$325)	1,625
CPA Licensure	75
Total Dues, Subscriptions & Memberships	\$ 5,200

Copy/fax scanning machines

The ORPC leases a copier for \$167.47 per month. In FY 2016-17, the average monthly usage expense was \$157.00.

Estimated Copy Machine Expense, FY2018-19			
Item	Monthly Expense	# of Months	Annual Expense
Rental	\$ 167	\$ 12	\$ 2,004
Average Use	157	12	1,884
Total Copy Machine Expense			\$ 3,888

Software Licenses

As a small independent agency, the ORPC is unable to take advantage of volume discounts in the purchase of software licenses. The major components of the software licenses expense are as follows:

- **BNC:** MalWareBytes protects the ORPC and its critical computer systems.
- **Colorado Capitol Watch:** It is critical that the ORPC monitor proposed and pending legislation that might have an impact on parents' rights and child welfare law. Colorado Capitol Watch makes it possible for us to customize tracking of bills, votes and calendars at minimal cost.
- **Conference Calling:** The ORPC uses this service to schedule conference calls requiring multiple dedicated phone lines for important meetings with attorneys or stakeholders.
- **DropBox:** DropBox allows us to share documents with our Commission and staff confidentially.
- **Formsite:** The ORPC uses Formsite to build and create electronic forms for applications from attorneys who want to contract with our office, for employment applications, for registration forms for ORPC sponsored trainings, for tracking data related to the social work program, and for various satisfaction and stakeholder surveys.
- **GoDaddy:** The ORPC purchases SSL certificates, business hosting, Office 365 licenses for each of its staff members, and email licenses for our general email boxes from GoDaddy.
- **LogMeIn:** LogMeIn allows ORPC staff to share screens remotely with RPC attorneys across the state who call in with questions regarding the billing system. LogMeIn helps minimize billing errors and increase compliance.
- **PurelyHR:** PurelyHR provides TimeOffManager, which allows staff and managers to accurately request, monitor, and summarize all types of leave, including paid time off, holidays, extended sick leave, FMLA use, etc.
- **SimpleList:** The ORPC uses SimpleList as an email hosting service for all RPC attorneys. For the first time RPC attorneys, both trial and appellate, can reach out to others in the RPC community for advice and help—a service they use many times every week.
- **Vimeo:** Vimeo gives the ORPC the ability to post professional-quality, ad-free, and private videos to communicate with RPC attorneys and to share recorded training sessions that are accessible to rural and metro area attorneys alike.

The following table details the estimated software licenses expense.

Estimated Software Licenses Expense, FY2018-19		
Provider	Product	FY19 Expense
BNC	MalWareBytes	\$ 99
Colorado Capitol Watch	Colorado Capitol Watch	700
FreeConferenceCall	Conference Calling	84
DropBox	DropBox	120
Formsite	Formsite	1,200
GoDaddy	Domain Name	-
GoDaddy	Office 365 Business Premium (10 licenses)	1,800
GoDaddy	Office 365 Email Essentials	60
GoDaddy	Office 365 Email Essentials	60
GoDaddy	Office 365 Online Essentials	120
GoDaddy	Prime Business Hosting with cPanel	360
GoDaddy	SSL	70
GoDaddy	SSL Certificate	70
LogMeIn	LogMeIn GoToMeeting	687
LogMeIn	LogMeIn LogMeIn Inc.	224
PurelyHR	TimeOffManager	480
SimpleList	SimpleList	300
Vimeo	VimeoPro	199
Total Software Licenses Expense		\$ 6,633

Other (Access to Westlaw)

The ORPC's contract with Thomson Reuters provides access to WestLaw, including all state case law, all state statutes, Colorado primary law, and Colorado Federal materials for 200 users. The contract includes a scheduled increase each year of the contract. The annual cost in FY 2018-19 will be \$26,152, or \$764 more than the FY 2017-18 expense of \$25,388.

FY2018-19 Other Court Costs - Westlaw Expense	
<u>FY2018-19:</u>	
Contract price per month, 7/1/2018 - 8/31/2018	\$ 2,126
Number of months	2
July-August, FY2018-19 Westlaw Expense	<u>\$ 4,252</u>
Contract price per month, 9/1/2018 - 6/30/2019	\$ 2,190
Number of months	10
September-June, FY2018-19 Westlaw Expense	<u>\$ 21,900</u>
FY2018-19 Westlaw Expense	\$ 26,152

Scheduled Replacement of Computers

The computers of the ORPC Executive Director, Deputy Director, and Chief Financial Officer will be three years old in 2019. To prevent hardware failures and to maintain efficiency, these computers should be replaced on a standard three-year schedule. As the agency's officers require relatively more capacity and as they travel extensively, the ORPC is requesting \$2,300 per computer based on a recent bid from Insight. This is \$1,330 less than the Judicial Department's standard computer/printer/software cost of \$3,330 for a magistrate. As three machines are needed, the request is 3 x \$2,300, for a total of \$6,900.

Consequences if Not Funded:

If not funded, the ORPC's operating expense appropriation will not accurately reflect the Agency's needs and the Agency might be unable to fulfill its statutory oversight mandates and purchase needed equipment and services.

Impact to Other State Government Agencies:

None.

Office of the Respondent Parents' Counsel

FY 2018-19 RECONCILIATION OF DEPARTMENT REQUEST

Long Bill Line Item	Total Funds	FTE	General Fund	General Fund Exempt	Cash Funds	Reappropriated Funds	Federal Funds
Personal Services							
FY 2017-18 Long Bill Appropriation, S.B. 17-164	\$1,177,365	10.0	\$1,177,365	\$0	\$0	\$0	\$0
FY 2017-18 Total Appropriation	\$1,177,365	10.0	\$1,177,365	\$0	\$0	\$0	\$0
FY 2017-18 Salary Survey allocated to Personal Services	\$17,159	0.0	\$17,159	\$0	\$0	\$0	\$0
FY 2017-18 Merit allocated to Personal Services	\$7,354	0.0	\$7,354	\$0	\$0	\$0	\$0
FY 2018-19 Base Request	\$1,201,878	10.0	\$1,201,878	\$0	\$0	\$0	\$0
R-4, Contract Statistician	\$220,000	0.0	\$220,000	\$0	\$0	\$0	\$0
FY 2018-19 November 01 Request	\$1,421,878	10.0	\$1,421,878	\$0	\$0	\$0	\$0
Health Life and Dental							
FY 2017-18 Long Bill Appropriation, S.B. 17-164	\$84,338	0.0	\$84,338	\$0	\$0	\$0	\$0
FY 2017-18 Total Appropriation	\$84,338	0.0	\$84,338	\$0	\$0	\$0	\$0
Total Compensation Common Policy (incremental change)	\$9,590	0.0	\$9,590	\$0	\$0	\$0	\$0
FY 2018-19 Base Request	\$93,928	0.0	\$93,928	\$0	\$0	\$0	\$0
FY 2018-19 November 01 Request	\$93,928	0.0	\$93,928	\$0	\$0	\$0	\$0
Short Term Disability							
FY 2017-18 Long Bill Appropriation, S.B. 17-164	\$1,611	0.0	\$1,611	\$0	\$0	\$0	\$0
FY 2017-18 Total Appropriation	\$1,611	0.0	\$1,611	\$0	\$0	\$0	\$0
Total Compensation Common Policy (incremental change)	\$54	0.0	\$54	\$0	\$0	\$0	\$0
FY 2018-19 Base Request	\$1,665	0.0	\$1,665	\$0	\$0	\$0	\$0
FY 2018-19 November 01 Request	\$1,665	0.0	\$1,665	\$0	\$0	\$0	\$0
AED							
FY 2017-18 Long Bill Appropriation, S.B. 17-164	\$42,397	0.0	\$42,397	\$0	\$0	\$0	\$0
FY 2017-18 Total Appropriation	\$42,397	0.0	\$42,397	\$0	\$0	\$0	\$0
Total Compensation Common Policy (incremental change)	\$6,581	0.0	\$6,581	\$0	\$0	\$0	\$0
FY 2018-19 Base Request	\$48,978	0.0	\$48,978	\$0	\$0	\$0	\$0
FY 2018-19 November 01 Request	\$48,978	0.0	\$48,978	\$0	\$0	\$0	\$0
SAED							
FY 2017-18 Long Bill Appropriation, S.B. 17-164	\$42,397	0.0	\$42,397	\$0	\$0	\$0	\$0
FY 2017-18 Total Appropriation	\$42,397	0.0	\$42,397	\$0	\$0	\$0	\$0
Total Compensation Common Policy (incremental change)	\$6,581	0.0	\$6,581	\$0	\$0	\$0	\$0
FY 2018-19 Base Request	\$48,978	0.0	\$48,978	\$0	\$0	\$0	\$0
FY 2018-19 November 01 Request	\$48,978	0.0	\$48,978	\$0	\$0	\$0	\$0

Office of the Respondent Parents' Counsel

FY 2018-19 RECONCILIATION OF DEPARTMENT REQUEST

Long Bill Line Item	Total Funds	FTE	General Fund	General Fund Exempt	Cash Funds	Reappropriated Funds	Federal Funds
Salary Survey							
FY 2017-18 Long Bill Appropriation, S.B. 17-164	\$17,159	0.0	\$17,159	\$0	\$0	\$0	\$0
FY 2017-18 Total Appropriation	\$17,159	0.0	\$17,159	\$0	\$0	\$0	\$0
Salary Survey allocated to Personal Services	(\$17,159)	0.0	(\$17,159)	\$0	\$0	\$0	\$0
Total Compensation Common Policy (full amount for FY19)	\$31,841	0.0	\$31,841	\$0	\$0	\$0	\$0
FY 2018-19 Base Request	\$31,841	0.0	\$31,841	\$0	\$0	\$0	\$0
FY 2018-19 November 01 Request	\$31,841	0.0	\$31,841	\$0	\$0	\$0	\$0
Merit Pay							
FY 2017-18 Long Bill Appropriation, S.B. 17-164	\$7,354	0.0	\$7,354	\$0	\$0	\$0	\$0
FY 2017-18 Total Appropriation	\$7,354	0.0	\$7,354	\$0	\$0	\$0	\$0
Merit allocated to Personal Services	(\$7,354)	0.0	(\$7,354)	\$0	\$0	\$0	\$0
FY 2018-19 Base Request	\$0	0.0	\$0	\$0	\$0	\$0	\$0
FY 2018-19 November 01 Request	\$0	0.0	\$0	\$0	\$0	\$0	\$0
Operating Expenses							
FY 2017-18 Long Bill Appropriation, S.B. 17-164	\$87,221	0.0	\$87,221	\$0	\$0	\$0	\$0
FY 2017-18 Total Appropriation	\$87,221	0.0	\$87,221	\$0	\$0	\$0	\$0
Annualization of FY 2017-18 BA-2, Social Worker Pilot Program	(\$1,033)	0.0	(\$1,033)	\$0	\$0	\$0	\$0
FY 2018-19 Base Request	\$86,188	0.0	\$86,188	\$0	\$0	\$0	\$0
R-5, Operating Expenses	\$16,931	0.0	\$16,931	\$0	\$0	\$0	\$0
FY 2018-19 November 01 Request	\$103,119	0.0	\$103,119	\$0	\$0	\$0	\$0
Legal Services							
FY 2017-18 Long Bill Appropriation, S.B. 17-164	\$2,131	0.0	\$2,131	\$0	\$0	\$0	\$0
FY 2017-18 Total Appropriation	\$2,131	0.0	\$2,131	\$0	\$0	\$0	\$0
FY 2018-19 Dept. of Law Legal Services Allocation Adjustment	(\$242)	0.0	(\$242)	\$0	\$0	\$0	\$0
FY 2018-19 Base Request	\$1,889	0.0	\$1,889	\$0	\$0	\$0	\$0
FY 2018-19 November 01 Request	\$1,889	0.0	\$1,889	\$0	\$0	\$0	\$0
Training							
FY 2017-18 Long Bill Appropriation, S.B. 17-164	\$60,000	0.0	\$30,000	\$0	\$30,000	\$0	\$0
FY 2017-18 Total Appropriation	\$60,000	0.0	\$30,000	\$0	\$30,000	\$0	\$0
FY 2018-19 Base Request	\$60,000	0.0	\$30,000	\$0	\$30,000	\$0	\$0
FY 2018-19 November 01 Request	\$60,000	0.0	\$30,000	\$0	\$30,000	\$0	\$0

Office of the Respondent Parents' Counsel

FY 2018-19 RECONCILIATION OF DEPARTMENT REQUEST

Long Bill Line Item	Total Funds	FTE	General Fund	General Fund Exempt	Cash Funds	Reappropriated Funds	Federal Funds
Court-Appointed Counsel							
FY 2017-18 Long Bill Appropriation, S.B. 17-164	\$13,827,934	0.0	\$13,827,934	\$0	\$0	\$0	\$0
FY 2017-18 Total Appropriation	\$13,827,934	0.0	\$13,827,934	\$0	\$0	\$0	\$0
FY 2018-19 Base Request	\$13,827,934	0.0	\$13,827,934	\$0	\$0	\$0	\$0
R-3, Increase in Contractor Hourly Rates	\$900,958	0.0	\$900,958	\$0	\$0	\$0	\$0
FY 2018-19 November 01 Request	\$14,728,892	0.0	\$14,728,892	\$0	\$0	\$0	\$0
Mandated Costs							
FY 2017-18 Long Bill Appropriation, S.B. 17-164	\$849,421	0.0	\$849,421	\$0	\$0	\$0	\$0
FY 2017-18 Total Appropriation	\$849,421	0.0	\$849,421	\$0	\$0	\$0	\$0
Annualization of FY 2017-18 BA-2, Social Worker Pilot Program	(\$300,000)	0.0	(\$300,000)	\$0	\$0	\$0	\$0
FY 2018-19 Base Request	\$549,421	0.0	\$549,421	\$0	\$0	\$0	\$0
R-1, Continuation of Social Worker Pilot Program	\$302,640	0.0	\$302,640	\$0	\$0	\$0	\$0
R-2, Mandated Costs	\$191,999	0.0	\$191,999	\$0	\$0	\$0	\$0
R-3, Increase in Contractor Hourly Rates	\$14,925	0.0	\$14,925	\$0	\$0	\$0	\$0
FY 2018-19 November 01 Request	\$1,058,985	0.0	\$1,058,985	\$0	\$0	\$0	\$0
Grants							
FY 2017-18 Long Bill Appropriation, S.B. 17-164	\$31,095	0.0	\$0	\$0	\$0	\$31,095	\$0
FY 2017-18 Total Appropriation	\$31,095	0.0	\$0	\$0	\$0	\$31,095	\$0
FY 2018-19 Base Request	\$31,095	0.0	\$0	\$0	\$0	\$31,095	\$0
FY 2018-19 November 01 Request	\$31,095	0.0	\$0	\$0	\$0	\$31,095	\$0
FY 2017-18 Total Appropriation (Long Bill plus Special Bills)	\$16,230,423	10.0	\$16,169,328	\$0	\$30,000	\$31,095	\$0
FY 2018-19 Base Request	\$15,983,795	10.0	\$15,922,700	\$0	\$30,000	\$31,095	\$0
FY 2018-19 November 01 Request	\$17,631,248	10.0	\$17,570,153	\$0	\$30,000	\$31,095	\$0
Change FY 2017-18 Appropriation to FY 2018-19 Base Request	(\$246,628)	0.0	(\$246,628)	\$0	\$0	\$0	\$0
Change FY 2017-18 Appropriation to FY 2018-19 November 01 Request	\$1,400,825	0.0	\$1,400,825	\$0	\$0	\$0	\$0
Percentage Change from FY 2017-18	8.6%	0.0%	8.7%	0.0%	0.0%	0.0%	0.0%
<i>Change FY 2017-18 Appropriation to FY 2018-19 Base Request - FROM ANNUALIZATIONS</i>	<i>(\$301,033)</i>	<i>0.0</i>	<i>(\$301,033)</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>
<i>Percent Changes - FROM ANNUALIZATIONS</i>	<i>-1.9%</i>	<i>0.0%</i>	<i>-1.9%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>
<i>Change FY 2017-18 Appropriation to FY 2018-19 Base Request - FROM COMMON POLICY</i>	<i>\$54,405</i>	<i>0.0</i>	<i>\$54,405</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>
<i>Percent Changes - FROM COMMON POLICY</i>	<i>0.3%</i>	<i>0.0%</i>	<i>0.3%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>
<i>Change FY 2017-18 Appropriation to FY 2018-19 Base Request - FROM DECISION ITEMS</i>	<i>\$1,647,453</i>	<i>0.0</i>	<i>\$1,647,453</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>
<i>Percent Changes - FROM DECISION ITEMS</i>	<i>10.2%</i>	<i>0.0%</i>	<i>10.2%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>

**Office of the Respondent Parents' Counsel FY 2018-19
Department Summary**

Schedule 2

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
FY 2015-16 Actual Expenditures	2.7	712,564	712,564	-	-	-
FY 2016-17 Actual Expenditures	10.0	13,961,461	13,932,510	9,613	19,338	-
FY 2017-18 Appropriation	10.0	16,230,423	16,169,328	30,000	31,095	-
FY 2018-19 Request	10.0	17,631,248	17,570,153	30,000	31,095	-

Office of the Respondent Parents' Counsel FY 2018-19 - Summary

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Summary						
FY 2015-16 Appropriation						
FY 2015-16 Long Bill, S.B. 15-234	\$6,736,570	6.90	\$6,714,070	\$22,500	\$0	\$0
Special Bill, H.B. 15-1149	(\$5,778,577)	(4.20)	(\$5,763,577)	(\$15,000)	\$0	\$0
FY 2015-16 Appropriation	\$957,993	2.70	\$950,493	\$7,500	\$0	\$0
FY 2016-17 Appropriation						
FY 2016-17 Long Bill, H.B. 16-1405	\$12,879,472	10.00	\$12,849,472	\$30,000	\$0	\$0
FY 2016-17 Supplemental, H.B. 17-164	\$2,365,756		\$2,342,001		\$23,755	
FY 2016-17 Appropriation	\$15,245,228	10.00	\$15,191,473	\$30,000	\$23,755	\$0
FY 2017-18 Appropriation						
FY 2017-18 Long Bill, S.B. 17-254	\$16,230,423	10.00	\$16,169,328	\$30,000	\$31,095	\$0
FY 2017-18 Appropriation	\$16,230,423	10.00	\$16,169,328	\$30,000	\$31,095	\$0
FY 2018-19 Request						
FY 2017-18 Appropriation	\$16,230,423	10.00	\$16,169,328	\$30,000	\$31,095	\$0
Common policy adjustment, Salary Survey	\$31,841	-	\$31,841	\$0	\$0	\$0
Common policy adjustment, HLD	\$9,590	-	\$9,590	\$0	\$0	\$0
Common policy adjustment, STD	\$54	-	\$54	\$0	\$0	\$0
Common policy adjustment, AED	\$6,581	-	\$6,581	\$0	\$0	\$0
Common policy adjustment, SAED	\$6,581	-	\$6,581	\$0	\$0	\$0
DOL Legal Services Allocation Adjustment	(\$242)	-	(\$242)	\$0	\$0	\$0
Annualization, FY 2016-17 BA-2, SWPP Travel	(\$301,033)	-	(\$301,033)	\$0	\$0	\$0
R-1, Continuation of Social Worker Pilot Program	\$302,640	-	\$302,640	\$0	\$0	\$0
R-2, Mandated Costs	\$191,999	-	\$191,999	\$0	\$0	\$0
R-3, Increase in Contractor Hourly Rates	\$915,883	-	\$915,883	\$0	\$0	\$0
R-4, Contract Statistician	\$220,000	-	\$220,000	\$0	\$0	\$0
R-5, Operating Expenses	\$16,931	-	\$16,931	\$0	\$0	\$0
FY 2018-19 Request	\$17,631,248	10.00	\$17,570,153	\$30,000	\$31,095	\$0
<i>annual change</i>	<i>\$1,400,825</i>	<i>-</i>	<i>\$1,400,825</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>
Change, FY 2017-18 to FY 2018-19:						
Dollar amounts and FTE	\$1,400,825	0.0	\$1,400,825	\$0	\$0	\$0
Percentage	8.6%	0.0%	8.7%	0.0%	0.0%	0.0%

Office of the Respondent Parents' Counsel FY 2018-19
Line Item by Year

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Personal Services						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	6.9	842,361	842,361	-	-	-
Special Bill, HB 15-1149	(4.2)	(479,386)	(479,386)	-	-	-
Final FY 2015-16 Appropriation	2.7	362,975	362,975	-	-	-
FY 2015-16 Allocated Pots	-	34,339	34,339	-	-	-
Year End Transfers	-	(23,950)	(23,950)	-	-	-
Rollforward to FY 2016-17	-	(4,500)	(4,500)	-	-	-
FY 2015-16 Total Available Spending Authority	2.7	368,864	368,864	-	-	-
FY 2015-16 Expenditures	2.7	280,358	280,358	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	88,506	88,506	-	-	-
FY 2016-17 Actual						
FY 2016-17 Long Bill, HB 16-1405	10.0	1,177,365	1,177,365	-	-	-
FY 2016-17 Supplemental Bill, SB 17-164		-	-	-	-	-
Final FY 2016-17 Appropriation	10.0	1,177,365	1,177,365	-	-	-
FY 2016-17 Allocated Pots	-	179,530	179,530	-	-	-
Year End Transfers	-	(72,150)	(72,150)	-	-	-
Rollforward to FY 2016-17	-	4,500	4,500	-	-	-
FY 2016-17 Total Available Spending Authority	10.0	1,289,245	1,289,245	-	-	-
FY 2016-17 Expenditures	2.7	1,102,640	1,102,640	-	-	-
FY 2016-17 Reversion/(Overexpenditure)	7.3	186,605	186,605	-	-	-
FY 2017-18 Appropriation						
FY 2017-18 Long Bill, SB 17-254	10.0	1,177,365	1,177,365	-	-	-
FY 2017-18 Total Appropriation	10.0	1,177,365	1,177,365	-	-	-

Office of the Respondent Parents' Counsel FY 2018-19
Line Item by Year

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
FY 2018-19 Request						
FY 2017-18 Appropriation	10.0	1,177,365	1,177,365	-	-	-
FY 2017-18 Salary Survey Allocated to Personal Svcs		17,159	17,159	-	-	-
FY 2017-18 Merit Allocated to Personal Svcs		7,354	7,354	-	-	-
FY 2018-19 Base Request	10.0	1,201,878	1,201,878	-	-	-
R-4, Contract Statistician		220,000	220,000	-	-	-
FY 2018-19 Total Request	10.0	1,421,878	1,421,878	-	-	-
FY 2017-18 Total Appropriation	10.0	1,177,365	1,177,365	-	-	-
FY 2018-19 Base Request	10.0	1,201,878	1,201,878	-	-	-
FY 2018-19 Total Request	10.0	1,421,878	1,421,878	-	-	-
Percentage Change FY 2017-18 to FY 2018-19	0%	21%	21%	0%	0%	0%

Office of the Respondent Parents' Counsel FY 2018-19
Line Item by Year

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Health, Life and Dental						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	30,579	30,579	-	-	-
Special Bill, HB 15-1149	-	(18,790)	(18,790)	-	-	-
Final FY 2015-16 Appropriation	-	11,789	11,789	-	-	-
Year End Transfers	-	(11,789)	(11,789)	-	-	-
FY 2015-16 Total Available Spending Authority	-	-	-	-	-	-
FY 2015-16 Expenditures	-	-	-	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	-	-	-	-	-
FY 2016-17 Actual						
FY 2016-17 Long Bill, HB 16-1405	-	90,389	90,389	-	-	-
Final FY 2016-17 Appropriation	-	90,389	90,389	-	-	-
Year End Transfers	-	(90,389)	(90,389)	-	-	-
FY 2016-17 Total Available Spending Authority	-	-	-	-	-	-
FY 2016-17 Expenditures	-	-	-	-	-	-
FY 2016-17 Reversion/(Overexpenditure)	-	-	-	-	-	-
FY 2017-18 Appropriation						
FY 2017-18 Long Bill, SB 17-254	-	84,338	84,338	-	-	-
FY 2017-18 Total Appropriation	-	84,338	84,338	-	-	-
FY 2018-19 Request						
FY 2017-18 Appropriation	-	84,338	84,338	-	-	-
Total Compensation Common Policy	-	9,590	9,590	-	-	-
FY 2018-19 Base Request	-	93,928	93,928	-	-	-
FY 2018-19 Total Request	-	93,928	93,928	-	-	-
FY 2017-18 Total Appropriation	-	84,338	84,338	-	-	-
FY 2018-19 Base Request	-	93,928	93,928	-	-	-
FY 2018-19 Total Request	-	93,928	93,928	-	-	-
Percentage Change FY 2017-18 to FY 2018-19	-	11%	11%	0%	0%	0%

Office of the Respondent Parents' Counsel FY 2018-19
Line Item by Year

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Short-term Disability						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	1,430	1,430	-	-	-
Special Bill, HB 15-1149	-	(868)	(868)	-	-	-
Final FY 2015-16 Appropriation	-	562	562	-	-	-
Year End Transfers	-	(461)	(461)	-	-	-
FY 2015-16 Total Available Spending Authority	-	101	101	-	-	-
FY 2015-16 Expenditures	-	-	-	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	101	101	-	-	-
FY 2016-17 Actual						
FY 2016-17 Long Bill, HB 16-1405	-	1,739	1,739	-	-	-
Final FY 2016-17 Appropriation	-	1,739	1,739	-	-	-
Year End Transfers	-	(1,739)	(1,739)	-	-	-
FY 2016-17 Total Available Spending Authority	-	-	-	-	-	-
FY 2016-17 Expenditures	-	-	-	-	-	-
FY 2016-17 Reversion/(Overexpenditure)	-	-	-	-	-	-
FY 2017-18 Appropriation						
FY 2017-18 Long Bill, SB 17-254	-	1,611	1,611	-	-	-
FY 2017-18 Total Appropriation	-	1,611	1,611	-	-	-
FY 2018-19 Request						
FY 2017-18 Appropriation	-	1,611	1,611	-	-	-
Total Compensation Common Policy	-	54	54	-	-	-
FY 2018-19 Base Request	-	1,665	1,665	-	-	-
FY 2018-19 Total Request	-	1,665	1,665	-	-	-
FY 2017-18 Total Appropriation	-	1,611	1,611	-	-	-
FY 2018-19 Base Request	-	1,665	1,665	-	-	-
FY 2018-19 Total Request	-	1,665	1,665	-	-	-
Percentage Change FY 2017-18 to FY 2018-19	-	3%	3%	0%	0%	0%

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Line Item by Year

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
S.B. 04-257 AED						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	28,598	28,598	-	-	-
Special Bill, HB 15-1149	-	(17,362)	(17,362)	-	-	-
Final FY 2015-16 Appropriation	-	11,236	11,236	-	-	-
Year End Transfers	-	(11,236)	(11,236)	-	-	-
FY 2015-16 Total Available Spending Authority	-	-	-	-	-	-
FY 2015-16 Expenditures	-	-	-	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	-	-	-	-	-
FY 2016-17 Actual						
FY 2016-17 Long Bill, HB 16-1405	-	43,930	43,930	-	-	-
FY 2016-17 Supplemental Bill, SB 17-164	-	-	-	-	-	-
Final FY 2016-17 Appropriation	-	43,930	43,930	-	-	-
Year End Transfers	-	(43,930)	(43,930)	-	-	-
FY 2016-17 Total Available Spending Authority	-	-	-	-	-	-
FY 2016-17 Expenditures	-	-	-	-	-	-
FY 2016-17 Reversion/(Overexpenditure)	-	-	-	-	-	-
FY 2017-18 Appropriation						
FY 2017-18 Long Bill, SB 17-254	-	42,397	42,397	-	-	-
FY 2017-18 Total Appropriation	-	42,397	42,397	-	-	-
FY 2018-19 Request						
FY 2017-18 Appropriation	-	42,397	42,397	-	-	-
Total Compensation Common Policy	-	6,581	6,581	-	-	-
FY 2018-19 Base Request	-	48,978	48,978	-	-	-
FY 2018-19 Total Request	-	48,978	48,978	-	-	-
FY 2017-18 Total Appropriation	-	42,397	42,397	-	-	-
FY 2018-19 Base Request	-	48,978	48,978	-	-	-
FY 2018-19 Total Request	-	48,978	48,978	-	-	-
Percentage Change FY 2017-18 to FY 2018-19	-	16%	16%	0%	0%	0%

Office of the Respondent Parents' Counsel FY 2018-19
Line Item by Year

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
S.B. 06-235 SAED						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	27,623	27,623	-	-	-
Special Bill, HB 15-1149	-	(16,770)	(16,770)	-	-	-
Final FY 2015-16 Appropriation	-	10,853	10,853	-	-	-
Year End Transfers		(10,853)	(10,853)	-	-	-
FY 2015-16 Total Available Spending Authority	-	-	-	-	-	-
FY 2015-16 Expenditures	-	-	-	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	-	-	-	-	-
FY 2016-17 Actual						
FY 2016-17 Long Bill, HB 16-1405	-	43,472	43,472	-	-	-
FY 2016-17 Supplemental Bill, SB 17-164	-	-	-	-	-	-
Final FY 2016-17 Appropriation	-	43,472	43,472	-	-	-
Year End Transfers		(43,472)	(43,472)	-	-	-
FY 2016-17 Total Available Spending Authority	-	-	-	-	-	-
FY 2016-17 Expenditures	-	-	-	-	-	-
FY 2016-17 Reversion/(Overexpenditure)	-	-	-	-	-	-
FY 2017-18 Appropriation						
FY 2017-18 Long Bill, SB 17-254	-	42,397	42,397	-	-	-
FY 2017-18 Total Appropriation	-	42,397	42,397	-	-	-
FY 2018-19 Request						
FY 2017-18 Appropriation	-	42,397	42,397	-	-	-
Total Compensation Common Policy	-	6,581	6,581	-	-	-
FY 2018-19 Base Request	-	48,978	48,978	-	-	-
FY 2018-19 Total Request	-	48,978	48,978	-	-	-
FY 2017-18 Total Appropriation	-	42,397	42,397	-	-	-
FY 2018-19 Base Request	-	48,978	48,978	-	-	-
FY 2018-19 Total Request	-	48,978	48,978	-	-	-
Percentage Change FY 2017-18 to FY 2018-19	-	16%	16%	0%	0%	0%

Office of the Respondent Parents' Counsel FY 2018-19
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Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Salary Survey						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	-	-	-	-	-
Final FY 2015-16 Appropriation	-	-	-	-	-	-
FY 2015-16 Expenditures	-	-	-	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	-	-	-	-	-
FY 2016-17 Actual						
FY 2016-17 Long Bill, HB 16-1405	-	-	-	-	-	-
Final FY 2016-17 Appropriation	-	-	-	-	-	-
FY 2016-17 Expenditures	-	-	-	-	-	-
FY 2016-17 Reversion/(Overexpenditure)	-	-	-	-	-	-
FY 2017-18 Appropriation						
FY 2017-18 Long Bill, SB 17-254	-	17,159	17,159	-	-	-
FY 2017-18 Total Appropriation	-	17,159	17,159	-	-	-
FY 2018-19 Request						
FY 2017-18 Appropriation	-	17,159	17,159	-	-	-
Total Compensation Common Policy	-	(17,159)	(17,159)	-	-	-
Total Compensation Common Policy	-	31,841	31,841	-	-	-
FY 2018-19 Base Request	-	31,841	31,841	-	-	-
FY 2018-19 Total Request	-	31,841	31,841	-	-	-
FY 2017-18 Total Appropriation	-	17,159	17,159	-	-	-
FY 2018-19 Base Request	-	31,841	31,841	-	-	-
FY 2018-19 Total Request	-	31,841	31,841	-	-	-
Percentage Change FY 2017-18 to FY 2018-19	-	86%	86%	0%	0%	0%

Office of the Respondent Parents' Counsel FY 2018-19
Line Item by Year

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Merit						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	-	-	-	-	-
Special Bill, HB 15-1149	-	-	-	-	-	-
Final FY 2015-16 Appropriation	-	-	-	-	-	-
FY 2015-16 Expenditures	-	-	-	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	-	-	-	-	-
FY 2016-17 Actual						
FY 2016-17 Long Bill, HB 16-1405	-	-	-	-	-	-
Final FY 2016-17 Appropriation	-	-	-	-	-	-
FY 2015-16 Expenditures	-	-	-	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	-	-	-	-	-
FY 2017-18 Appropriation						
FY 2017-18 Long Bill, SB 17-254	-	7,354	7,354	-	-	-
FY 2017-18 Total Appropriation	-	7,354	7,354	-	-	-
FY 2018-19 Request						
FY 2017-18 Appropriation	-	7,354	7,354	-	-	-
Total Compensation Common Policy	-	(7,354)	(7,354)	-	-	-
FY 2018-19 Base Request	-	-	-	-	-	-
FY 2018-19 Total Request	-	-	-	-	-	-
FY 2017-18 Total Appropriation	-	7,354	7,354	-	-	-
FY 2018-19 Base Request	-	-	-	-	-	-
FY 2018-19 Total Request	-	-	-	-	-	-
Percentage Change FY 2017-18 to FY 2018-19	-	-100%	-100%	0%	0%	0%

Office of the Respondent Parents' Counsel FY 2018-19
Line Item by Year

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Operating						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	38,546	38,546	-	-	-
Special Bill, HB 15-1149	-	(13,113)	(13,113)	-	-	-
Final FY 2015-16 Appropriation	-	25,433	25,433	-	-	-
Year End Transfers	-	1,113	1,113	-	-	-
FY 2015-16 Total Available Spending Authority	-	26,546	26,546	-	-	-
FY 2015-16 Expenditures	-	24,106	24,106	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	2,440	2,440	-	-	-
FY 2016-17 Actual						
FY 2016-17 Long Bill, HB 16-1405	-	60,800	60,800	-	-	-
FY 2016-17 Supplemental Bill, SB 17-164	-	6,890	6,890	-	-	-
Final FY 2016-17 Appropriation	-	67,690	67,690	-	-	-
Year End Transfers	-	67,746	67,746	-	-	-
Rollforward to FY 2017-18	-	(711)	(711)	-	-	-
FY 2016-17 Total Available Spending Authority	-	134,725	134,725	-	-	-
FY 2016-17 Expenditures	-	117,003	117,003	-	-	-
FY 2016-17 Reversion/(Overexpenditure)	-	17,722	17,722	-	-	-
FY 2017-18 Appropriation						
FY 2017-18 Long Bill, SB 17-254	-	87,221	87,221	-	-	-
FY 2017-18 Total Appropriation	-	87,221	87,221	-	-	-
FY 2018-19 Request						
FY 2017-18 Appropriation	-	87,221	87,221	-	-	-
Annualization of FY 2017-18 BA-2	-	(1,033)	(1,033)	-	-	-
FY 2018-19 Base Request	-	86,188	86,188	-	-	-
R-5, Operating Expenses	-	16,931	16,931	-	-	-
FY 2018-19 Total Request	-	103,119	103,119	-	-	-
FY 2017-18 Total Appropriation	-	87,221	87,221	-	-	-
FY 2018-19 Base Request	-	86,188	86,188	-	-	-
FY 2018-19 Total Request	-	103,119	103,119	-	-	-
Percentage Change FY 2017-18 to FY 2018-19	-	18%	18%	0%	0%	0%

Office of the Respondent Parents' Counsel FY 2018-19
Line Item by Year

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Legal Services						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	47,505	47,505	-	-	-
Final FY 2015-16 Appropriation	-	47,505	47,505	-	-	-
FY 2015-16 Total Available Spending Authority	-	47,505	47,505	-	-	-
FY 2015-16 Expenditures		460	460	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	47,045	47,045	-	-	-
FY 2016-17 Actual						
FY 2016-17 Long Bill, HB 16-1405	-	1,901	1,901	-	-	-
Final FY 2016-17 Appropriation	-	1,901	1,901	-	-	-
Year End Transfers	-	4,404	4,404	-	-	-
FY 2016-17 Total Available Spending Authority	-	6,305	6,305	-	-	-
FY 2016-17 Expenditures		4,838	4,838	-	-	-
FY 2016-17 Reversion/(Overexpenditure)	-	1,467	1,467	-	-	-
FY 2017-18 Appropriation						
FY 2017-18 Long Bill, SB 17-254	-	2,131	2,131	-	-	-
FY 2017-18 Total Appropriation	-	2,131	2,131	-	-	-
FY 2018-19 Request						
FY 2017-18 Appropriation	-	2,131	2,131	-	-	-
FY 2018-19 Base Request	-	2,131	2,131	-	-	-
FY 2018-19 Dept. of Law Legal Services Allocations	-	(242)	(242)	-	-	-
FY 2018-19 Total Request	-	1,889	1,889	-	-	-
FY 2017-18 Total Appropriation	-	2,131	2,131	-	-	-
FY 2018-19 Base Request	-	2,131	2,131	-	-	-
FY 2018-19 Total Request	-	1,889	1,889	-	-	-
Percentage Change FY 2017-18 to FY 2018-19	-	-11%	-11%	0%	0%	0%

Office of the Respondent Parents' Counsel FY 2018-19
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Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Capital Outlay						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	435,140	435,140	-	-	-
Final FY 2015-16 Appropriation	-	435,140	435,140	-	-	-
Rollforward to FY 2016-17	-	(85,266)	(85,266)	-	-	-
FY 2015-16 Total Available Spending Authority	-	349,874	349,874	-	-	-
FY 2015-16 Expenditures	-	340,260	340,260	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	9,614	9,614	-	-	-
FY 2016-17 Actual						
FY 2016-17 Long Bill, HB 16-1405	-	-	-	-	-	-
Final FY 2016-17 Appropriation	-	-	-	-	-	-
Year End Transfers	-	-	-	-	-	-
Rollforward from FY 2015-16	-	85,266	85,266	-	-	-
FY 2016-17 Total Available Spending Authority	-	85,266	85,266	-	-	-
FY 2016-17 Expenditures	-	84,336	84,336	-	-	-
FY 2016-17 Reversion/(Overexpenditure)	-	930	930	-	-	-
FY 2017-18 Appropriation						
FY 2017-18 Long Bill, SB 17-254	-	-	-	-	-	-
FY 2017-18 Total Appropriation	-	-	-	-	-	-
FY 2018-19 Request						
FY 2017-18 Appropriation	-	-	-	-	-	-
FY 2018-19 Base Request	-	-	-	-	-	-
FY 2018-19 Total Request	-	-	-	-	-	-
FY 2017-18 Total Appropriation	-	-	-	-	-	-
FY 2018-19 Base Request	-	-	-	-	-	-
FY 2018-19 Total Request	-	-	-	-	-	-
Percentage Change FY 2017-18 to FY 2018-19	-	0%	0%	0%	0%	0%

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Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Case Management System						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	253,125	253,125	-	-	-
Special Bill, HB 15-1149	-	(215,625)	(215,625)	-	-	-
Final FY 2015-16 Appropriation	-	37,500	37,500	-	-	-
Year End Transfers	-	22,838	22,838	-	-	-
FY 2015-16 Total Available Spending Authority	-	60,338	60,338	-	-	-
FY 2015-16 Expenditures	-	60,098	60,098	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	240	240	-	-	-
FY 2016-17 Actual						
FY 2016-17 Long Bill, HB 16-1405	-	337,500	337,500	-	-	-
FY 2016-17 Supplemental Bill, SB 17-164	-	-	-	-	-	-
Final FY 2016-17 Appropriation	-	337,500	337,500	-	-	-
Rollforward to FY 2017-18	-	(3,875)	(3,875)	-	-	-
FY 2016-17 Total Available Spending Authority	-	333,625	333,625	-	-	-
FY 2016-17 Expenditures	-	245,496	245,496	-	-	-
FY 2016-17 Reversion/(Overexpenditure)	-	88,129	88,129	-	-	-
FY 2017-18 Appropriation						
FY 2017-18 Long Bill, SB 17-254	-	-	-	-	-	-
FY 2017-18 Total Appropriation	-	-	-	-	-	-
FY 2018-19 Request						
FY 2017-18 Appropriation	-	-	-	-	-	-
FY 2018-19 Base Request	-	-	-	-	-	-
FY 2018-19 Total Request	-	-	-	-	-	-
FY 2017-18 Total Appropriation	-	-	-	-	-	-
FY 2018-19 Base Request	-	-	-	-	-	-
FY 2018-19 Total Request	-	-	-	-	-	-
Percentage Change FY 2017-18 to FY 2018-19	-	0%	0%	0%	0%	0%

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Line Item by Year

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Training						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	45,000	22,500	22,500	-	-
Special Bill, HB 15-1149	-	(30,000)	(15,000)	(15,000)	-	-
Final FY 2015-16 Appropriation	-	15,000	7,500	7,500	-	-
FY 2015-16 Expenditures	-	7,282	7,282	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	7,718	218	7,500	-	-
FY 2016-17 Actual						
FY 2016-17 Long Bill, HB 16-1405	-	60,000	30,000	30,000	-	-
FY 2016-17 Supplemental Bill, SB 17-164	-	-	-	-	-	-
Final FY 2016-17 Appropriation	-	60,000	30,000	30,000	-	-
FY 2016-17 Expenditures	-	39,613	30,000	9,613	-	-
FY 2016-17 Reversion/(Overexpenditure)	-	20,387	-	20,387	-	-
FY 2017-18 Appropriation						
FY 2017-18 Long Bill, SB 17-254	-	60,000	30,000	30,000	-	-
FY 2017-18 Total Appropriation	-	60,000	30,000	30,000	-	-
FY 2018-19 Request						
FY 2017-18 Appropriation	-	60,000	30,000	30,000	-	-
FY 2018-19 Total Request	-	60,000	30,000	30,000	-	-
FY 2017-18 Total Appropriation	-	60,000	30,000	30,000	-	-
FY 2018-19 Base Request	-	60,000	30,000	30,000	-	-
FY 2018-19 Total Request	-	60,000	30,000	30,000	-	-
Percentage Change FY 2017-18 to FY 2018-19	-	0%	0%	0%	0%	0%

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Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Court Appointed Counsel						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	4,986,663	4,986,663	-	-	-
Special Bill, HB 15-1149	-	(4,986,663)	(4,986,663)	-	-	-
Final FY 2015-16 Appropriation	-	-	-	-	-	-
FY 2015-16 Expenditures	-	-	-	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	-	-	-	-	-
FY 2016-17 Actual						
FY 2016-17 Long Bill, HB 16-1405	-	10,768,254	10,768,254	-	-	-
FY 2016-17 Supplemental Bill, SB 17-164	-	2,173,497	2,173,497	-	-	-
Final FY 2016-17 Appropriation	-	12,941,751	12,941,751	-	-	-
Year End Transfers	-	(100,366)	(100,366)	-	-	-
FY 2016-17 Total Available Spending Authority	-	12,841,385	12,841,385	-	-	-
FY 2016-17 Expenditures	-	11,794,424	11,794,424	-	-	-
FY 2016-17 Reversion/(Overexpenditure)	-	1,046,961	1,046,961	-	-	-
FY 2017-18 Appropriation						
FY 2017-18 Long Bill, SB 17-254	-	13,827,934	13,827,934	-	-	-
FY 2017-18 Total Appropriation	-	13,827,934	13,827,934	-	-	-
FY 2018-19 Request						
FY 2017-18 Appropriation	-	13,827,934	13,827,934	-	-	-
FY 2018-19 Base Request	-	13,827,934	13,827,934	-	-	-
R-3, Increase in Contractor Hourly Rates	-	900,958	900,958	-	-	-
FY 2018-19 Total Request	-	14,728,892	14,728,892	-	-	-
FY 2017-18 Total Appropriation	-	13,827,934	13,827,934	-	-	-
FY 2018-19 Base Request	-	13,827,934	13,827,934	-	-	-
FY 2018-19 Total Request	-	14,728,892	14,728,892	-	-	-
Percentage Change FY 2017-18 to FY 2018-19	-	7%	7%	0%	0%	0%

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Line Item by Year

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Mandated Costs						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	-	-	-	-	-
Special Bill, HB 15-1149	-	-	-	-	-	-
Final FY 2015-16 Appropriation	-	-	-	-	-	-
FY 2015-16 Expenditures	-	-	-	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	-	-	-	-	-
FY 2016-17 Actual						
FY 2016-17 Long Bill, HB 16-1405	-	294,122	294,122	-	-	-
FY 2016-17 Supplemental Bill, SB 17-164	-	161,614	161,614	-	-	-
Final FY 2016-17 Appropriation	-	455,736	455,736	-	-	-
Year End Transfers	-	100,366	100,366	-	-	-
FY 2016-17 Total Available Spending Authority	-	556,102	556,102	-	-	-
FY 2016-17 Expenditures	-	553,773	553,773	-	-	-
FY 2016-17 Reversion/(Overexpenditure)	-	2,329	2,329	-	-	-
FY 2017-18 Appropriation						
FY 2017-18 Long Bill, SB 17-254	-	849,421	849,421	-	-	-
FY 2017-18 Total Appropriation	-	849,421	849,421	-	-	-
FY 2018-19 Request						
FY 2017-18 Appropriation	-	849,421	849,421	-	-	-
Annualization of FY 2017-18 BA-2	-	(300,000)	(300,000)	-	-	-
FY 2018-19 Base Request	-	549,421	549,421	-	-	-
R-1, Continuation of Social Worker Pilot Program	-	302,640	302,640	-	-	-
R-2, Mandated Costs	-	191,999	191,999	-	-	-
R-3, Increase in Contractor Hourly Rates	-	14,925	14,925	-	-	-
FY 2018-19 Total Request	-	1,058,985	1,058,985	-	-	-
FY 2017-18 Total Appropriation	-	849,421	849,421	-	-	-
FY 2018-19 Base Request	-	549,421	549,421	-	-	-
FY 2018-19 Total Request	-	1,058,985	1,058,985	-	-	-
Percentage Change FY 2017-18 to FY 2018-19	-	25%	25%	0%	0%	0%

Office of the Respondent Parents' Counsel FY 2018-19
Line Item by Year

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Grants						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	-	-	-	-	-
Special Bill, HB 15-1149	-	-	-	-	-	-
Final FY 2015-16 Appropriation	-	-	-	-	-	-
FY 2015-16 Expenditures	-	-	-	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	-	-	-	-	-
FY 2016-17 Actual						
FY 2016-17 Long Bill, HB 16-1405	-	-	-	-	-	-
FY 2016-17 Supplemental Bill, SB 17-164	-	23,755	-	-	23,755	-
Final FY 2016-17 Appropriation	-	23,755	-	-	23,755	-
Year End Transfers	-	-	-	-	-	-
FY 2016-17 Total Available Spending Authority	-	23,755	-	-	23,755	-
FY 2016-17 Expenditures	-	19,338	-	-	19,338	-
FY 2016-17 Reversion/(Overexpenditure)	-	4,417	-	-	4,417	-
FY 2017-18 Appropriation						
FY 2017-18 Long Bill, SB 17-254	-	31,095	-	-	31,095	-
FY 2017-18 Total Appropriation	-	31,095	-	-	31,095	-
FY 2018-19 Request						
FY 2017-18 Appropriation	-	31,095	-	-	31,095	-
FY 2018-19 Base Request	-	31,095	-	-	31,095	-
FY 2018-19 Total Available Spending Authority	-	31,095	-	-	31,095	-
FY 2018-19 Total Request	-	31,095	-	-	31,095	-
FY 2017-18 Total Appropriation	-	31,095	-	-	31,095	-
FY 2018-19 Base Request	-	31,095	-	-	31,095	-
FY 2018-19 Total Request	-	31,095	-	-	31,095	-
Percentage Change FY 2017-18 to FY 2018-19	-	0%	0%	0%	0%	0%

Office of the Respondent Parents' Counsel FY 2018-19
Funding Source

Schedule 4

	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
FY 2015-16 Actual	712,564	712,564	-	-	-
FY 2016-17 Actual	13,961,461	13,932,510	9,613	19,338	-
FY 2017-18 Appropriation	16,230,423	16,169,328	30,000	31,095	-
FY 2018-19 Request	17,631,248	17,570,153	30,000	31,095	-

Office of the Respondent Parents' Counsel FY 2017-18
Line Item to Statute

Schedule 5

Following passage of S.B. 14-203 and H.B. 15-1149, and pursuant to sections 13-92-101 through 103, C.R.S. (2015), the Office of the Respondent Parents' Counsel was established as an independent agency in the Judicial Branch beginning January 1, 2016. This Long Bill Group funds the activities of the Office of the Respondent Parents' Counsel, which include ensuring provision of uniform, high-quality legal representation for parents involved in judicial dependency and neglect proceedings and who lack the financial means to afford legal representation; to assume all existing Respondent Parent Counsel appointments; and to make all new Respondent Parent Counsel appointments.

Long Bill Line	Line Item Description	Programs Supported by Line Item	Statutory Cite
Personal Services	Funds all staff within the Office of the Respondent Parents' Counsel.	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S
Health/Life/Dental	Funds all health/life/dental costs for Office of the Respondent Parents' Counsel employees.	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S
Short-term disability	Funds all short-term disability costs for Office of the Respondent Parents' Counsel employees.	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S
SB 04-257 AED	Funds Office of the Respondent Parents' Counsel's disbursement towards amortizing the unfunded liability in the PERA trust fund.	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S
SB 06-235 Supplemental AED	Funds Office of the Respondent Parents' Counsel's disbursement towards amortizing the unfunded liability in the PERA trust fund.	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S
Salary Survey	Funding for salary adjustments based on the Total Compensation Survey and on job and wage classifications	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S
Merit Pay	Funding for salary increases for merit-based compensation adjustments	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S
Operating Expenses	Funds general operating expenses for the Office of the Respondent Parents' Counsel.	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S
Legal Services	Funds payments to the Attorney General's office for legal representation.	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S
Training	Funds training for attorneys providing respondent parents' counsel.	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S
Court-appointed Counsel	Funds the payment of attorneys appointed to represent indigent Respondent Parents' in Dependency and Neglect cases.	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S
Mandated Costs	Funds the payment of case-related costs which are required by statutory or Constitutional law to ensure due process. Mandated costs include fees and travel reimbursements for expert witnesses and interpreters and fees for mental health evaluations and tr	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S
Grants	Funds various programs within the Office of the Respondent Parents' Counsel	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S

**Office of the Respondent Parents' Counsel FY 2018-19
Special Bills Summary**

Schedule 6

Bill Number & Short Title	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
FY 2015-16						
H.B. 15-1149: Concerning the RPC						
Personal Services	(4.2)	(479,386)	(479,386)			
HLD		(18,790)	(18,790)			
STD		(868)	(868)			
AED		(17,362)	(17,362)			
SAED		(16,770)	(16,770)			
Operating		(13,113)	(13,113)			
Case Management System		(215,625)	(215,625)			
Training		(30,000)	(15,000)	(15,000)		
Court-appointed Counsel		(4,986,663)	(4,986,663)			
H.B. 15-1149: Concerning the RPC	(4.2)	(5,778,577)	(5,763,577)	(15,000)	-	-
FY 2015-16 Department Total	(4.2)	(5,778,577)	(5,763,577)	(15,000)	-	-

**Office of the Respondent Parents' Counsel FY 2018-19
Supplemental Bills Summary**

Schedule 7

Bill Number & Short Title	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
FY 2016-17, Senate Bill 17-164						
Operating		6,890	6,890			
Court-appointed Counsel		2,173,497	2,173,497			
Mandated Costs		161,614	161,614			
GRANTS (new line)		23,755			23,755	
	-	2,365,756	2,342,001	-	23,755	-
FY 2016-17 Department Total	-	2,365,756	2,342,001	-	23,755	-

**Office of the Respondent Parents' Counsel FY 2018-19
Common Policy Summary**

Schedule 8

	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
PERA Employer Share					
Appropriation FY 2015-16	28,925	28,925	-	-	-
Appropriation FY 2016-17	103,669	103,669	-	-	-
Appropriation FY 2017-18	103,669	103,669	-	-	-
Request FY 2018-19	103,669	103,669	-	-	-
AED					
Appropriation FY 2015-16	11,236	11,236	-	-	-
Appropriation FY 2016-17	43,930	43,930	-	-	-
Appropriation FY 2017-18	42,397	42,397	-	-	-
Request FY 2018-19	48,978	48,978	-	-	-
SAED					
Appropriation FY 2015-16	10,853	10,853	-	-	-
Appropriation FY 2016-17	43,472	43,472	-	-	-
Appropriation FY 2017-18	42,397	42,397	-	-	-
Request FY 2018-19	48,978	48,978	-	-	-
Salary Survey					
Appropriation FY 2015-16	-	-	-	-	-
Appropriation FY 2016-17	-	-	-	-	-
Appropriation FY 2017-18	17,159	17,159	-	-	-
Request FY 2018-19	31,841	31,841	-	-	-
Merit					
Appropriation FY 2015-16	-	-	-	-	-
Appropriation FY 2016-17	-	-	-	-	-
Appropriation FY 2017-18	7,354	7,354	-	-	-
Request FY 2018-19	-	-	-	-	-
Health, Life, and Dental					
Appropriation FY 2015-16	11,789	11,789	-	-	-
Appropriation FY 2016-17	90,389	90,389	-	-	-
Appropriation FY 2017-18	84,338	84,338	-	-	-
Request FY 2018-19	93,928	93,928	-	-	-
Short-term Disability					
Appropriation FY 2015-16	562	562	-	-	-
Appropriation FY 2016-17	1,739	1,739	-	-	-
Appropriation FY 2017-18	1,611	1,611	-	-	-
Request FY 2018-19	1,665	1,665	-	-	-
Legal Services					
Appropriation FY 2015-16	47,505	47,505	-	-	-
Appropriation FY 2016-17	1,901	1,901	-	-	-
Appropriation FY 2017-18	2,131	2,131	-	-	-
Request FY 2018-19	1,889	1,889	-	-	-

Office of the Respondent Parents' Counsel FY 2017-18
Personal Services

Schedule 14

Position Type	FY 2015-16 Actual		FY 2016-17 Appropriation		FY 2017-18 Request	
	Expenditures	FTE				
Executive Director	79,661	0.6				
Executive Management	66,036	0.8				
Professional Staff	42,310	0.7				
Administrative Staff	18,546	0.6				
Total Full and Part-time Employee Expenditures	206,553	2.7				
PERA Contributions	20,463					
Medicare	2,926					
Merit Pay						
Shift Differential Wages						
Temporary Employees						
Sick and Annual Leave Payouts						
Contract Services	17,126					
Other Expenditures (specify as necessary)						
Total Temporary, Contract, and Other Expenditures	247,068	2.7				
POTS Expenditures (excluding Salary Survey and Performance-based Pay already included above):						
Health, Life, and Dental	14,710					
Short-term Disability	353					
S.B. 04-257 AED	9,221					
S.B. 06-235 SAED	9,006					
Total Expenditures for Line Item	280,358	2.7	1,356,895	10.0	1,372,621	10.0
Total Spending Authority / Request for Line Item	368,864	2.7				
Amount Under/(Over) Expended	88,506					

Office of the Respondent Parents' Counsel FY 2018-19

Personal Services

Position Type	FY 2016-17 Actual		FY 2017-18		FY 2018-19 Request	
	Expenditures	FTE	Appropriation			
Executive Director	164,856	0.9				
Executive Management	225,027	2.3				
Professional Staff	254,982	2.8				
Administrative Staff	146,008	2.7				
Total Full and Part-time Employee Expenditures	790,873	8.7				
PERA Contributions	77,365					
Medicare	11,350					
Merit Pay						
Shift Differential Wages						
Temporary Employees						
Sick and Annual Leave Payouts	10,522	0.1				
Contract Services	73,734					
Furlough Wages						
Other Expenditures (specify as necessary)	75					
Total Temporary, Contract, and Other Expenditures	963,919	8.8				
POTS Expenditures (excluding Salary Survey and Performance-based Pay already included above):						
Health, Life, and Dental	64,632					
Short-term Disability	1,432					
S.B. 04-257 AED	36,527					
S.B. 06-235 SAED	36,130					
Total Expenditures for Line Item	1,102,640	8.8	1,372,621	10.0	1,647,268	10.0
Total Spending Authority / Request for Line Item	1,289,245	10.0				
Amount Under/(Over) Expended	186,605	1.2				

**Office of the Respondent Parents' Counsel
Operating**

Schedule 14

Object Code & Description	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request
1920 - Personal Services - Professional		\$27,640		
2252 - State Fleet	\$650			
2253 - Rental of Non-IT Equipment		\$3,412		
2510 - General Travel - Employee	\$309	\$398		
2512 - Meals - Employee	\$131	\$264		
2513 - Mileage Reimbursement - Employee	\$326	\$386		
2520 - General Travel - Nonemployee	\$142	\$496		
2523 - Mileage Reimbursement - Nonemployee	\$1,183	\$807		
2530 - General Travel - Employee, Out of State	\$24			
2531 - Common Carrier Fares - Employee, Out of State	\$100	\$1,070		
2532 - Meals - Employee, Out of State	\$134	\$69		
2610 - Advertising Services		\$382		
2631 - Communication Services	\$4,321	\$14,571		
2680 - Printing & Reproduction Services	\$210	\$511		
2810 - Freight		\$33		
2820 - Purchased Services	\$4,431	\$9,560		
3110 - Identification & Safety Supplies	\$392	\$626		
3118 - Food & Food Services Supplies	\$2,407	\$4,152		
3120 - Books / Periodicals / Subscriptions	\$3,873	\$4,969		
3121 - Office Supplies	\$4,725	\$6,553		
3123 - Postage		\$1,082		
3128 - NonCapitalized Non-IT Equipment		\$1,170		
3132 - NonCapitalized Office Furniture and Fixtures		\$16,572		
3140 - Noncapitalized IT Eqpt - Software and Hardware	\$27	\$18,812		
4100 - Other Operating Expenditures	\$71	\$774		
4220 - Registration Fees	\$650	\$2,694		
Total Expenditures Denoted in Object Codes	\$24,106	\$117,003		
Total Spending Authority / Request for Line Item	\$26,545	\$134,725	\$87,221	\$103,119
Amount Under/(Over) Expended	\$2,439	\$17,722		

Office of the Respondent Parents' Counsel

Schedule 14

Legal Services

Object Code & Description	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request
2690 - Legal Services	\$460	\$4,838		
Total Expenditures Denoted in Object Codes	\$460	\$4,838		
Total Spending Authority / Request for Line Item	\$47,505	\$6,305	\$2,131	\$1,889
Amount Under/(Over) Expended	\$47,045	\$1,467		

Office of the Respondent Parents' Counsel
Capital Outlay

Schedule 14

Object Code & Description	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request
1920 - Personal Services - Professional	\$297,099			
3128 - Noncapitalized Non-IT Equipment	\$6,549	\$3,283		
3132 - Noncapitalized Office Furn & Fixtures	\$5,951	\$81,053		
3140 - Noncapitalized IT - Software and Hdwe	\$24,527			
6211 - Capitalized Information Technology	\$6,135			
Total Expenditures Denoted in Object Codes	\$340,261	\$84,336		
Total Spending Authority / Request for Line Item	\$349,874	\$85,266	\$0	\$0
Amount Under/(Over) Expended	\$9,613	\$930		

Office of the Respondent Parents' Counsel
Case Management System

Schedule 14

Object Code & Description	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request
2520 - General Travel - Nonemployee	\$1,407			
2521 - Common Carrier Fares - Nonemployee	\$2,274			
2522 - Meals - Nonemployee	\$158			
2631 - Communication Services	\$10			
3140 - Noncapitalized IT Eqpt - Software and Hardware			\$18,340	
6211 - Capitalized Information Technology	\$11,280			
6511 - Capitalized IT Professional Services	\$44,969		\$227,156	
Total Expenditures Denoted in Object Codes	\$60,098	\$245,496		
Total Spending Authority / Request for Line Item	\$60,338	\$333,625	\$0	\$0
Amount Under/(Over) Expended	\$240	\$88,129		

**Office of the Respondent Parents' Counsel
Training - General Fund**

Schedule 14

Object Code & Description	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request
2255- Rental of Meeting Rooms		\$2,582		
2260 - Rental of IT Equipment		\$5,578		
2510 - General Travel - Employee		\$82		
2512 - Meals - Employee		\$107		
2513 - Mileage Reimbursement - Employee	\$143	\$593		
2520 - General Travel - Nonemployee	\$212	\$1,878		
2521 - Common Carrier Fares - Nonemployee		\$1,113		
2522 - Meals - Nonemployee		\$341		
2523 - Mileage Reimbursement - Nonemployee		\$288		
2530 - General Travel - Employee, Out of State		\$361		
2530 - General Travel - Nonemployee, Out of State		\$25		
2631 - Communication Services		\$102		
2680 - Printing & Reproduction Services	\$83			
2681 - Printing & Reproduction Services, Reimbursements		\$144		
2820 - Purchased Services	\$700	\$4,576		
3110 - Identification & Safety Supplies		\$66		
3118 - Food & Food Services Supplies	\$1,518	\$11,056		
3120 - Books / Periodicals / Subscriptions	\$663			
3121 - Office Supplies	\$701	\$383		
3123 - Postage	\$84			
3140 - Noncapitalized IT - Software and Hdwe	\$2,843			
4100 - Other Operating Expenditures	\$75			
4220 - Registration Fees	\$260	\$725		
Total Expenditures Denoted in Object Codes	\$7,282	\$30,000		
Total Spending Authority / Request for Line Item	\$7,500	\$30,000	\$30,000	\$30,000
Amount Under/(Over) Expended	\$218	\$0		

**Office of the Respondent Parents' Counsel
Training - Cash Fund**

Schedule 14

Object Code & Description	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request
2510 - General Travel - Employee		\$4,293		
2520 - General Travel - Nonemployee		\$912		
2521 - Common Carrier Fares - Nonemployee		\$646		
2522 - Meals - Nonemployee		\$153		
2541 - Common Carrier Fares - Nonemployee, Out of State		\$21		
2543 - Mileage - Nonemployee, Out of State		\$6		
2820 - Purchased Services		\$450		
3118 - Food & Food Services Supplies		\$2,073		
3121 - Office Supplies		\$259		
4220 - Registration Fees		\$800		
Total Expenditures Denoted in Object Codes	\$0	\$9,613		
Total Spending Authority / Request for Line Item	\$7,500	\$30,000	\$30,000	\$30,000
Amount Under/(Over) Expended	\$7,500	\$20,387		

**Office of the Respondent Parents' Counsel
Court-appointed Counsel**

Schedule 14

Object Code & Description	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request
1622 - Contractual Employee, PERA		\$1,634		
1624 - Contractual Employee, PERA AED		\$791		
1625 - Contractual Employee, PERA Supplemental AED		\$787		
1935 - Personal Services		\$11,591,932		
2520 - General Travel - Nonemployee		\$122		
2523 - Mileage Reimbursement - Nonemployee		\$175,208		
2543 - Mileage - Nonemployee, Out of State		\$347		
4260 - Nonemployee Expense Reimbursements		\$23,603		
Total Expenditures Denoted in Object Codes	\$0	\$11,794,424		
Total Spending Authority / Request for Line Item	\$0	\$12,841,385	\$13,827,934	\$14,728,892
Amount Under/(Over) Expended	\$0	\$1,046,961		

Office of the Respondent Parents' Counsel
Mandated Costs

Schedule 14

Object Code & Description	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request
1622 - Contractual Employee, PERA		\$1,071		
1624 - Contractual Employee, PERA AED		\$514		
1625 - Contractual Employee, PERA Supplemental AED		\$510		
1935 - Personal Services		\$530,441		
2523 - Mileage Reimbursement - Nonemployee		\$597		
3120 - Books / Periodicals / Subscriptions (Westlaw)		\$20,640		
Total Expenditures Denoted in Object Codes	\$0	\$553,773		
Total Spending Authority / Request for Line Item	\$0	\$556,102	\$849,421	\$1,058,985
Amount Under/(Over) Expended	\$0	\$2,329		

Office of the Respondent Parents' Counsel
Grants - Reappropriated Funds

Schedule 14

Object Code & Description	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Appropriation	FY 2018-19 Request
2510 - General Travel - Employee		\$993		
2511 - In-State Common Carrier Fares		\$889		
2512 - Meals - Employee		\$596		
2513 - Mileage Reimbursement - Employee		\$995		
2530 - General Travel - Employee, Out of State		\$4,191		
2531 - Common Carrier Fares - Employee, Out of State		\$1,881		
2532 - Meals - Employee, Out of State		\$1,150		
2540 - General Travel - Nonemployee, Out of State		\$3,078		
2541 - Common Carrier - Nonemployee, Out of State		\$389		
2820 - Purchased Services		\$720		
3118 - Food & Food Services Supplies		\$81		
3123 - Postage		\$45		
4220 - Registration Fees		\$4,330		
Total Expenditures Denoted in Object Codes	\$0	\$19,338		
Total Spending Authority / Request for Line Item	\$0	\$23,755	\$31,095	\$31,095
Amount Under/(Over) Expended	\$0	\$4,417		

Office of the Respondent Parents' Counsel **Transfers**

Long Bill Line Item	Spending Authority before Transfers	Use of 2.5% Transfer Authority	Benefits Transfers	Rollforward to Subsequent Year	Spending Authority after Transfers
<u>FY 2015-16 Transfers</u>					
Personal Services	362,975	(23,950)	34,339	(4,500)	368,864
Health, Life, and Dental	11,789		(11,789)		
Short-term Disability	562		(461)		101
SB 04-257 AED	11,236		(11,236)		
SB 06-235 SAED	10,853		(10,853)		
Operating Expenses	25,433	1,112			26,545
Legal Services	47,505				47,505
Capital Outlay	435,140			(85,266)	349,874
Case Management System	37,500	22,838			60,338
Training - General Fund	7,500				7,500
Training - Cash Fund	7,500				7,500
Court-appointed Counsel					
Mandated Costs					
FY 2015-16 Spending Authority	957,993	-	-	(89,766)	868,227
Percentage of General Fund appropriation allowed as additional transfer authority per Long Bill footnote	2.5%				
Additional General Fund Transfer Authority allowed per Long Bill footnote	23,950				
Additional Transfer Authority used	23,950				

Office of the Respondent Parents' Counsel					Transfers
Long Bill Line Item	Spending Authority before Transfers	Use of 2.5% Transfer Authority	Benefits Transfers	Rollforward to Subsequent Year	Spending Authority after Transfers
<u>FY 2016-17 Transfers</u>					
Personal Services	1,177,365	(72,150)	179,530		1,284,745
Health, Life, and Dental	90,389		(90,389)		
Short-term Disability	1,739		(1,739)		
SB 04-257 AED	43,930		(43,930)		
SB 06-235 SAED	43,472		(43,472)		
Operating Expenses	67,690	67,746		(711)	134,725
Legal Services	1,901	4,404			6,305
Case Management System	337,500			(3,875)	333,625
Training - General Fund	30,000				30,000
Training - Cash Fund	30,000				30,000
Court-appointed Counsel	12,941,751	(100,366)			12,841,385
Mandated Costs	455,736	100,366			556,102
Grants - Reappropriated	23,755				23,755
Rollforwards from FY16:					
Capital Outlay	85,266				85,266
Personal Services	4,500				4,500
FY 2015-16 Spending Authority	15,334,994	-	-	(4,586)	15,330,408
Percentage of General Fund appropriation allowed as additional transfer authority per Long Bill footnote	2.5%				
Additional General Fund Transfer Authority allowed per Long Bill footnote	379,787				
Additional Transfer Authority used	172,516				

Salary Pots Request Template – Fiscal Year 2018 – 2019

	TOTAL FUNDS/FTE FY 2017-18	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
I. Continuation Salary Base					
Sum of Filled FTE as of July 25, 2017	10.00	100.000%	0.000%	0.000%	0.0000%
Salary X 12	\$951,032	951,032	-	-	-
FUND SPLITS - From Position-by-Position Tab					
PERA (Standard, Trooper, and Judicial Rates)	\$96,530	96,530	-	-	-
Medicare @ 1.45%	\$13,790	13,790	-	-	-
Subtotal Continuation Salary Base =	\$1,061,352	1,061,352	-	-	-
II. Salary Survey Adjustments					
System Maintenance Studies	-	\$0.00	-	-	-
Across the Board - Base Adjustment	\$28,531	\$28,531.00	-	-	-
Across the Board - Non-Base Adjustment	\$0	-	-	-	-
Movement to Minium - Base Adjustment	\$0	-	-	-	-
Subtotal - Salary Survey Adjustments	\$28,531	\$28,531.00	-	-	-
PERA (Standard, Trooper, and Judicial Rates)	\$2,896	2,896	-	-	-
Medicare @ 1.45%	\$414	414	-	-	-
Request Subtotal =	\$31,841	\$31,841.00	-	-	-
III. Merit Pay Adjustments					
Merit Pay - Base Adjustments	\$0	-	-	-	-
Merit Pay - Non-Base Adjustments	\$0	-	-	-	-
Subtotal - Merit Pay Adjustments	\$0	-	-	-	-
PERA (Standard, Trooper, and Judicial Rates)	\$0	-	-	-	-
Medicare @ 1.45%	\$0	-	-	-	-
Request Subtotal =	\$0	-	-	-	-
IV. Shift Differential					
FY 2016-17 ACTUAL EXPENDITURES for All Occupational Groups	\$0	-	-	-	-
Total Actual and Adjustments @ 100%	\$0	-	-	-	-
PERA (Assumed 10.15% Rate)	\$0	-	-	-	-
Medicare @ 1.45%	\$0	-	-	-	-
Request Subtotal =	\$0	-	-	-	-
V. Revised Salary Basis for Remaining Request Subtotals					
Total Continuation Salary Base, Adjustments, Performance Pay & Shift	\$979,563	979,563	-	-	-
VI. Amortization Equalization Disbursement (AED)					
Revised Salary Basis * 5.00%	\$48,978	48,978	-	-	-
VII. Supplemental AED (SAED)					
Revised Salary Basis * 5.00%	\$48,978	48,978	-	-	-
VIII. Short-term Disability					
Revised Salary Basis * 0.17%	\$1,665	1,665	-	-	-
IX. Health, Life, and Dental					
Funding Request	\$93,928	93,928	-	-	-

Common Policy Line Item	FY 2017-18 Appropriation	GF	CF	RF	FF
Salary Survey	\$17,159	\$17,159			
Merit Pay	\$7,354	\$7,354			
Shift	\$0				
AED	\$42,397	\$42,397			
SAED	\$42,397	\$42,397			
Short-term Disability	\$1,611	\$1,611			
Health, Life and Dental	\$84,338	\$84,338			
TOTAL	\$195,256	\$195,256	\$0	\$0	\$0
Common Policy Line Item	FY 2018-19 Total Request	GF	CF	RF	FF
Salary Survey	\$31,841	\$31,841	\$0	\$0	\$0
Merit Pay	\$0	\$0	\$0	\$0	\$0
Shift	\$0	\$0	\$0	\$0	\$0
AED	\$48,978	\$48,978	\$0	\$0	\$0
SAED	\$48,978	\$48,978	\$0	\$0	\$0
Short-term Disability	\$1,665	\$1,665	\$0	\$0	\$0
Health, Life and Dental	\$93,928	\$93,928	\$0	\$0	\$0
TOTAL	\$225,390	\$225,390	\$0	\$0	\$0
Common Policy Line Item	FY 2018-19 Incremental	GF	CF	RF	FF
Salary Survey	\$31,841	\$31,841	\$0	\$0	\$0
Merit Pay	\$0	\$0	\$0	\$0	\$0
Shift	\$0	\$0	\$0	\$0	\$0
AED	\$6,581	\$6,581	\$0	\$0	\$0
SAED	\$6,581	\$6,581	\$0	\$0	\$0
Short-term Disability	\$54	\$54	\$0	\$0	\$0
Health, Life and Dental	\$9,590	\$9,590	\$0	\$0	\$0
TOTAL	\$54,647	\$54,647	\$0	\$0	\$0

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