

OFFICE OF RESPONDENT PARENTS' COUNSEL

FISCAL YEAR 2021-22
BUDGET REQUEST



MELISSA MICHAELIS THOMPSON
EXECUTIVE DIRECTOR

November 2, 2020

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November 2, 2020

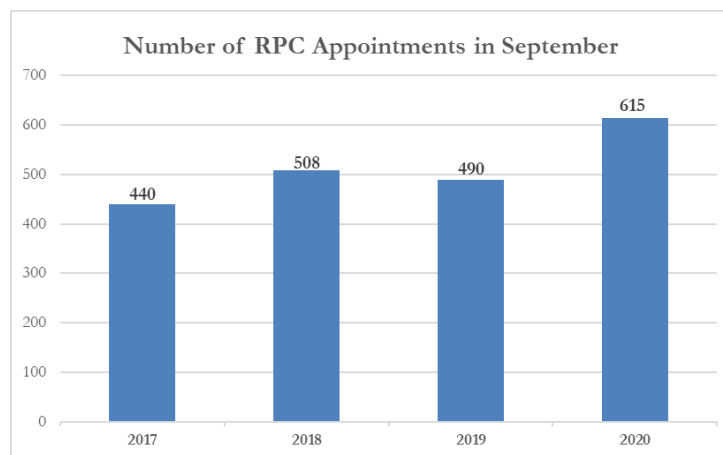
To the Citizens and Legislators of the State of Colorado:

The Office of Respondent Parents' Counsel (ORPC) is an independent agency within the State of Colorado Judicial Branch vested with the oversight and administration of Respondent Parent Counsel representation for Dependency and Neglect (D&N) proceedings in Colorado. The doors of the agency opened on January 1, 2016, and the ORPC assumed oversight for RPC attorneys on July 1, 2016. The ORPC requests no additional general fund for FY 2021-22 due to Colorado's budget crisis.

No one is untouched by the COVID-19 pandemic, and the ORPC is acutely aware of the state of Colorado's current budget crisis. The ORPC is trying to do its part to aid the state in reducing costs. The ORPC's budget represents 0.09 percent, or less than one tenth of one percent of the state's overall budget, and 3.38 percent of the budget for the Judicial Branch. The ORPC recognizes that executive branch agencies are cutting their budgets, and every scenario evaluated to join those ranks impacted the ORPC's ability to meet statutory and constitutional requirements to provide counsel to indigent parents with child welfare cases.

As state revenues decrease, the ORPC's costs are rising due to pandemic-related economic issues impacting rates of poverty and unemployment. As families continue to enter the child welfare system, an increasing number will fall below the poverty line and meet indigency guidelines to qualify for court-appointed counsel through the ORPC. This increase in qualifying families is further compounded by the projected increase in case filings.

Illustrated in the chart below, ORPC appointments increased dramatically in September 2020 when children returned to school and other normal activities after the early spring pandemic-related shutdowns. Appointments in this month were greater than in any previous September since the establishment of the ORPC and were 21% greater than the next highest September. Although this figure is not dispositive of future increases, the increase in RPC appointments is notable.



Despite projections for rising costs over time, the ORPC was able to revert \$800,000 of its FY 2019-20 budget due to reduced costs of travel and court appearances resulting from the COVID-19 shutdowns. Additionally, the ORPC strategically left two FTE positions vacant to reduce costs in the ORPC's personnel services line, representing a fourteen percent decrease in staffing.



While the ORPC has focused on cost reductions where possible, the agency has simultaneously worked to provide an increasing number of supports to ORPC Contractors. Respondent Parent Counsel (RPC) attorneys statewide are also experiencing the impact of the pandemic. In a recent ORPC survey, 72 percent of RPC reported that they experience burnout in their practice. Additionally, 55 percent reported a decrease in their earnings resulting from pandemic-related challenges, and 43 percent reported an impact to their practice from increased responsibilities for childcare and remote learning for their children.

While burnout among RPC and increasing demands of family obligations have already impacted practice for attorneys, child welfare cases are also becoming more difficult. Among surveyed RPC, 87 percent reported visitation between parents and their children was reduced while relapses and overdoses, lack of access to services, and no accommodations due to COVID-19 made cases and the pressure on families more difficult to manage. As cases become more complex, the stress already inherent in representation of indigent parents will be amplified, and the ORPC anticipates having to train new attorneys as contractors turn over. Since the pandemic began in March, the ORPC has onboarded a total of 30 new RPC to support the volume of case filings and the reduced capacity or actual turnover of existing RPC.

Now, the agency is transitioning from reacting to the initial effects of the pandemic to anticipating and preparing for the long-lasting effects of COVID-19—not only on the economy, but on families engaged in the child welfare system. One step on the road to understanding the impact of COVID-19 on ORPC costs was to first understand anticipated long-term effects on indigent families experiencing the brunt of the pandemic-related economic fallout.

In an effort to anticipate potential increases in D&N filings due to the downturn in the economy, the ORPC conducted a regression analysis to explore the statistical relationship between the number of case filings and three economic indicators: unemployment, inflation, and poverty rates. The model predicts that a 0.5 percentage point increase in the poverty rate from one year to the next would mean a 5.9% increase in case filings in the upcoming year.

This translates to a potential increase to ORPC costs in the amount of \$1,139,764 for FY 2021-22. In the current budget request, the ORPC does not seek this anticipated increase in costs in an effort to reduce general fund expenditures for the State of Colorado. Even though the agency's analysis anticipates an increase in case filings, the ORPC requests no additional general fund for FY 2021-22.

On behalf of the ORPC, I thank you for your consideration of our budget request and the needs of families facing unprecedented hardship.

Sincerely,

Melissa M. Thompson
Executive Director

Office of the Respondent Parents' Counsel FY 2021-22 Budget Summary Narrative

The total FY 2021-22 budget request for the Office of Respondent Parents' Counsel (ORPC) is \$28,266,472 and 14 FTE.

FY 2020-21 Appropriation of \$27,993,134

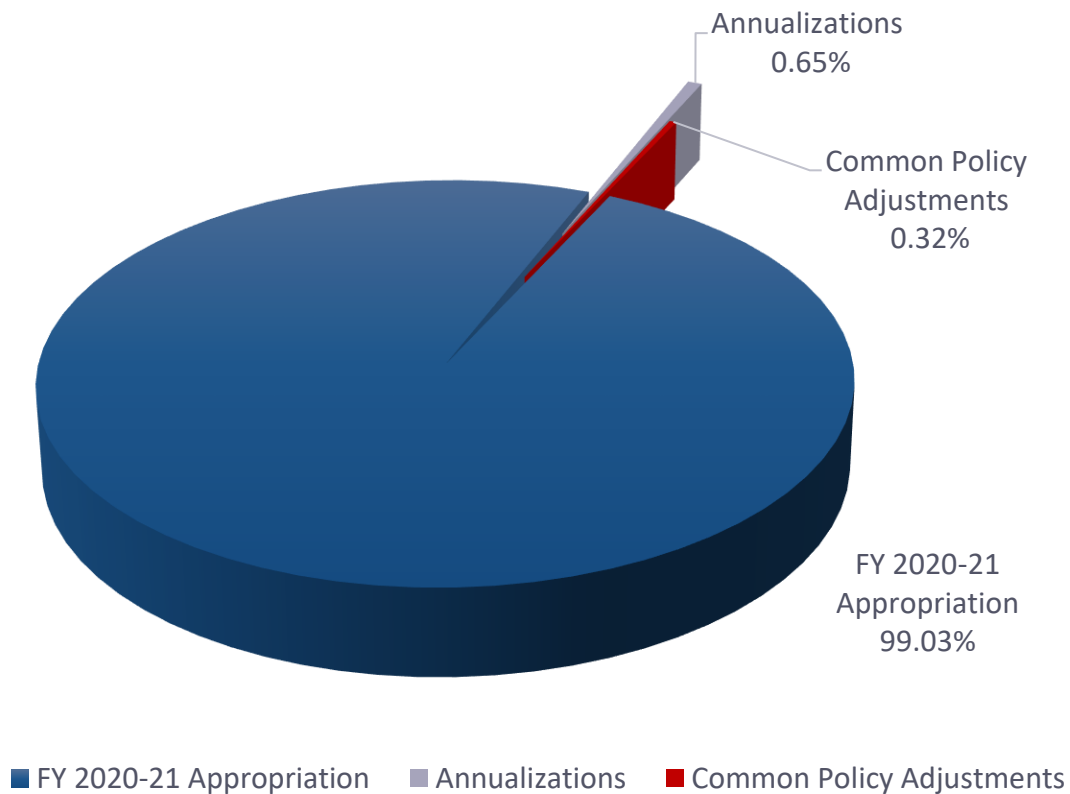
PLUS Special Bill Annualizations of \$178,832

PLUS Prior Year Budget Annualizations of \$5,254

PLUS Common Policy Adjustments of \$89,252

FY 2020-21 Base and Total Budget Request of \$28,266,472

FY 2021-22 Budget Request



**Office of the Respondent Parents' Counsel
FY 2021-22 Budget Change Summary – by Fund Source**

	FTE	Total	GF	CF	RF
Long Bill					
H.B. 20-1360, Office of the Respondent Parents' Counsel	14.0	\$27,814,574	\$22,474,237	\$48,000	\$5,292,337
Special Bills (2020 session)					
S.B. 20-162, Changes for Federal Family First Policy	0.00	\$178,560	\$178,560	\$0	\$0
Total Special Bills (2020 session)	0.00	\$178,560	\$178,560		\$0
Total FY2020-21 Appropriation	14.00	\$27,993,134	\$22,652,797	\$48,000	\$5,292,337
Special Bill Annualizations					
S.B. 18-200, Modifications to PERA	0.0	\$272	\$250	\$0	\$22
S.B. 20-162, Changes for Federal Family First Policy	0.0	\$178,560	\$178,560	\$0	\$0
Total Special Bill Annualizations	0.00	\$178,832	\$178,810	\$0	\$22
Prior Year Budget Change Annualizations					
R-7, Carrie Ann Lucas Fellowship	0.0	\$5,254	\$0	\$0	\$5,254
Total Prior Year Budget Change Annualizations	0.0	\$5,254	\$0	\$0	\$5,254
Common Policy Adjustments					
Health, Life and Dental Change (minus annualizations)	0.0	\$82,325	\$73,526	\$0	\$8,799
Short-term Disability Change (minus annualizations)	0.0	\$21	\$65	\$0	(\$44)
AED Change (minus annualizations)	0.0	\$3,453	\$3,671	\$0	(\$218)
SAED Change (minus annualizations)	0.0	\$3,453	\$3,671	\$0	(\$218)
Total Common Policy Adjustments	0.0	\$89,252	\$80,933	\$0	\$8,319
Total FY 2021-22 Base Request	14.00	\$28,266,472	\$22,912,540	\$48,000	\$5,305,932
Decision Items/Budget Amendments					
R-1, Increase in Number of and Costs per Appointment	0.0	\$0	\$0	\$0	\$0
Total Decision Items/Budget Amendments	0.0	\$0	\$0	\$0	\$0
Total FY 2021-22 Budget Request	14.00	\$28,266,472	\$22,912,540	\$48,000	\$5,305,932
#/\$\$ change from FY 2020-21	0.00	\$273,338	\$259,743	\$0	\$13,595
% change from FY 2020-21	0%	1%	1%	0%	0%

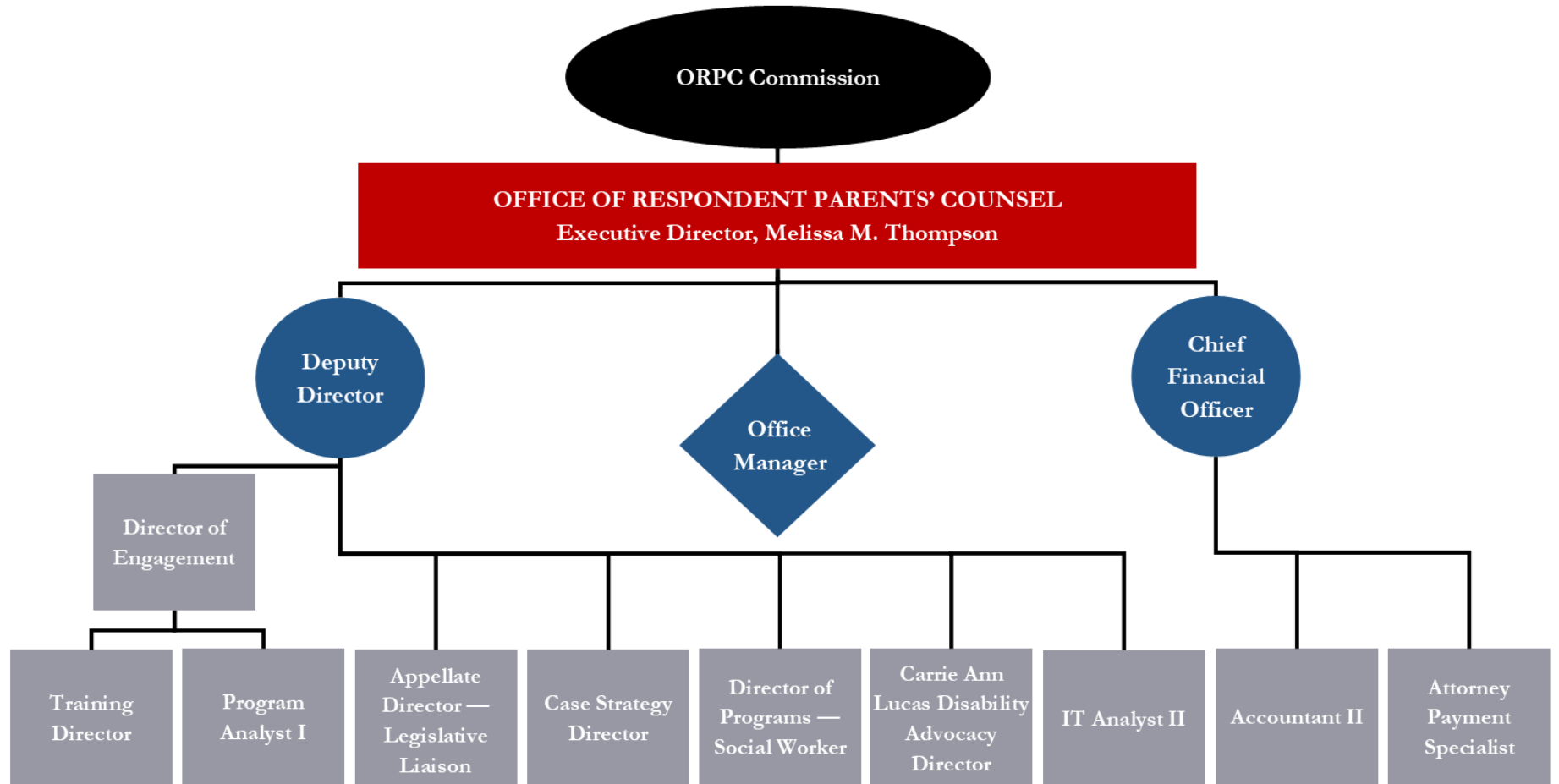
Office of the Respondent Parents' Counsel - FY 2021-22
Reconciliation of Department Request

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Personal Services						
FY 2020-21 Long Bill Appropriation, HB 20-1360	\$1,721,458	14.0	\$1,581,687	\$0	\$139,771	\$0
HB 18-1322, Footnote 66		0.0		\$0	\$0	\$0
FY 2020-21 Total Appropriation	\$1,721,458	14.0	\$1,581,687	\$0	\$139,771	\$0
Annualization of SB 18-200, Modifications to PERA	\$272	0.0	\$250	\$0	\$22	\$0
Annualization of FY 2020-21 R-7, Carrie Ann Lucas Fellowship	\$12,707	0.0	\$0	\$0	\$12,707	\$0
FY 2021-22 Base Request	\$1,734,437	14.0	\$1,581,937	\$0	\$152,500	\$0
FY 2021-22 November 01 Request	\$1,734,437	14.0	\$1,581,937	\$0	\$152,500	\$0
Health Life and Dental						
FY 2020-21 Long Bill Appropriation, HB 20-1360	\$112,070	0.0	\$99,398	\$0	\$12,672	\$0
FY 2020-21 Total Appropriation	\$112,070	0.0	\$99,398	\$0	\$12,672	\$0
Total Compensation Common Policy (incremental change)	\$82,325	0.0	\$73,526	\$0	\$8,799	\$0
FY 2021-22 Base Request	\$194,395	0.0	\$172,924	\$0	\$21,471	\$0
FY 2021-22 November 01 Request	\$194,395	0.0	\$172,924	\$0	\$21,471	\$0
Short Term Disability						
FY 2020-21 Long Bill Appropriation, HB 20-1360	\$2,344	0.0	\$2,108	\$0	\$236	\$0
FY 2020-21 Total Appropriation	\$2,344	0.0	\$2,108	\$0	\$236	\$0
Total Compensation Common Policy (incremental change)	\$21	0.0	\$65	\$0	(\$44)	\$0
FY 2021-22 Base Request	\$2,365	0.0	\$2,173	\$0	\$192	\$0
FY 2021-22 November 01 Request	\$2,365	0.0	\$2,173	\$0	\$192	\$0
AED						
FY 2020-21 Long Bill Appropriation, HB 20-1360	\$70,467	0.0	\$64,247	\$0	\$6,220	\$0
FY 2020-21 Total Appropriation	\$70,467	0.0	\$64,247	\$0	\$6,220	\$0
Total Compensation Common Policy (incremental change)	\$3,453	0.0	\$3,671	\$0	(\$218)	\$0
FY 2021-22 Base Request	\$73,920	0.0	\$67,918	\$0	\$6,002	\$0
FY 2021-22 November 01 Request	\$73,920	0.0	\$67,918	\$0	\$6,002	\$0
SAED						
FY 2020-21 Long Bill Appropriation, HB 20-1360	\$70,467	0.0	\$64,247	\$0	\$6,220	\$0
FY 2020-21 Total Appropriation	\$70,467	0.0	\$64,247	\$0	\$6,220	\$0
Total Compensation Common Policy (incremental change)	\$3,453	0.0	\$3,671	\$0	(\$218)	\$0
FY 2021-22 Base Request	\$73,920	0.0	\$67,918	\$0	\$6,002	\$0
FY 2021-22 November 01 Request	\$73,920	0.0	\$67,918	\$0	\$6,002	\$0
Operating Expenses						
FY 2020-21 Long Bill Appropriation, HB 20-1360	\$133,853	0.0	\$125,450	\$0	\$8,403	\$0
FY 2020-21 Total Appropriation	\$133,853	0.0	\$125,450	\$0	\$8,403	\$0
Annualization of FY 2020-21 R-7, Carrie Ann Lucas Fellowship	(\$7,453)	0.0	\$0	\$0	(\$7,453)	\$0
FY 2021-22 Base Request	\$126,400	0.0	\$125,450	\$0	\$950	\$0
FY 2021-22 November 01 Request	\$126,400	0.0	\$125,450	\$0	\$950	\$0
Training						
FY 2020-21 Long Bill Appropriation, HB 20-1360	\$106,000	0.0	\$30,000	\$48,000	\$28,000	\$0
FY 2020-21 Total Appropriation	\$106,000	0.0	\$30,000	\$48,000	\$28,000	\$0
FY 2021-22 Base Request	\$106,000	0.0	\$30,000	\$48,000	\$28,000	\$0
FY 2021-22 November 01 Request	\$106,000	0.0	\$30,000	\$48,000	\$28,000	\$0

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
IV-E Legal Representation						
FY 2020-21 Long Bill Appropriation, HB 20-1360	\$4,741,480	0.0	\$0	\$0	\$4,741,480	\$0
FY 2020-21 Total Appropriation	\$4,741,480	0.0	\$0	\$0	\$4,741,480	\$0
FY 2021-22 Base Request	\$4,741,480	0.0	\$0	\$0	\$4,741,480	\$0
FY 2021-22 November 01 Request	\$4,741,480	0.0	\$0	\$0	\$4,741,480	\$0
Court-Appointed Counsel						
FY 2020-21 Long Bill Appropriation, HB 20-1360	\$19,286,624	0.0	\$19,286,624	\$0	\$0	\$0
S.B. 20-162, Changes for Federal Family First Policy	\$99,636	0.0	\$99,636	\$0	\$0	\$0
FY 2020-21 Total Appropriation	\$19,386,260	0.0	\$19,386,260	\$0	\$0	\$0
Annualization of S.B. 20-162, Changes for Federal Family First Policy	\$99,636	0.0	\$99,636	\$0	\$0	\$0
FY 2021-22 Base Request	\$19,485,896	0.0	\$19,485,896	\$0	\$0	\$0
FY 2021-22 November 01 Request	\$19,485,896	0.0	\$19,485,896	\$0	\$0	\$0
Mandated Costs						
FY 2020-21 Long Bill Appropriation, HB 20-1360	\$1,538,716	0.0	\$1,220,476	\$0	\$318,240	\$0
S.B. 20-162, Changes for Federal Family First Policy	\$78,924	0.0	\$78,924	\$0	\$0	\$0
FY 2020-21 Total Appropriation	\$1,617,640	0.0	\$1,299,400	\$0	\$318,240	\$0
Annualization of S.B. 20-162, Changes for Federal Family First Policy	\$78,924	0.0	\$78,924	\$0	\$0	\$0
FY 2021-22 Base Request	\$1,696,564	0.0	\$1,378,324	\$0	\$318,240	\$0
FY 2021-22 November 01 Request	\$1,696,564	0.0	\$1,378,324	\$0	\$318,240	\$0
Grants						
FY 2020-21 Long Bill Appropriation, HB 20-1360	\$31,095	0.0	\$0	\$0	\$31,095	\$0
FY 2020-21 Total Appropriation	\$31,095	0.0	\$0	\$0	\$31,095	\$0
FY 2021-22 Base Request	\$31,095	0.0	\$0	\$0	\$31,095	\$0
FY 2021-22 November 01 Request	\$31,095	0.0	\$0	\$0	\$31,095	\$0
FY 2020-21 Total Appropriation (Long Bill plus Special Bills)	\$27,993,134	14.0	\$22,652,797	\$48,000	\$5,292,337	\$0
FY 2021-22 Base Request	\$28,266,472	14.0	\$22,912,540	\$48,000	\$5,305,932	\$0
FY 2021-22 November 01 Request	\$28,266,472	14.0	\$22,912,540	\$48,000	\$5,305,932	\$0
Change, FY 2020-21 Appropriation to FY 2021-22 Base Request	\$273,338	0.0	\$259,743	\$0	\$13,595	\$0
Change, FY 2020-21 Appropriation to FY 2021-22 November 01 Request	\$273,338	0.0	\$259,743	\$0	\$13,595	\$0
Percentage Change from FY 2020-21	1.0%	0.0%	1.1%	0.0%	0.3%	0.0%
<i>Change FY 2020-21 Appropriation to FY 2021-22 Base Request - FROM ANNUALIZATIONS</i>	<i>\$184,086</i>	<i>0.0</i>	<i>\$178,810</i>	<i>\$0</i>	<i>\$5,276</i>	<i>\$0</i>
<i>Percent Changes - FROM ANNUALIZATIONS</i>	<i>0.7%</i>	<i>0.0%</i>	<i>0.8%</i>	<i>0.0%</i>	<i>0.1%</i>	<i>0.0%</i>
<i>Change FY 2020-21 Appropriation to FY 2021-22 Base Request - FROM COMMON POLICY</i>	<i>\$89,252</i>	<i>0.0</i>	<i>\$80,933</i>	<i>\$0</i>	<i>\$8,319</i>	<i>\$0</i>
<i>Percent Changes - FROM COMMON POLICY</i>	<i>0.3%</i>	<i>0.0%</i>	<i>0.4%</i>	<i>0.0%</i>	<i>0.2%</i>	<i>0.0%</i>
<i>Change FY 2020-21 Appropriation to FY 2021-22 Base Request - FROM DECISION ITEMS</i>	<i>\$0</i>	<i>0.0</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>
<i>Percent Changes - FROM DECISION ITEMS</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>

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. (2018).

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 at 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. (2018).

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

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 believes that every child deserves to have their parent represented by the best lawyer in town. To achieve this ideal, the ORPC has identified five essential pillars that support and inform its work.

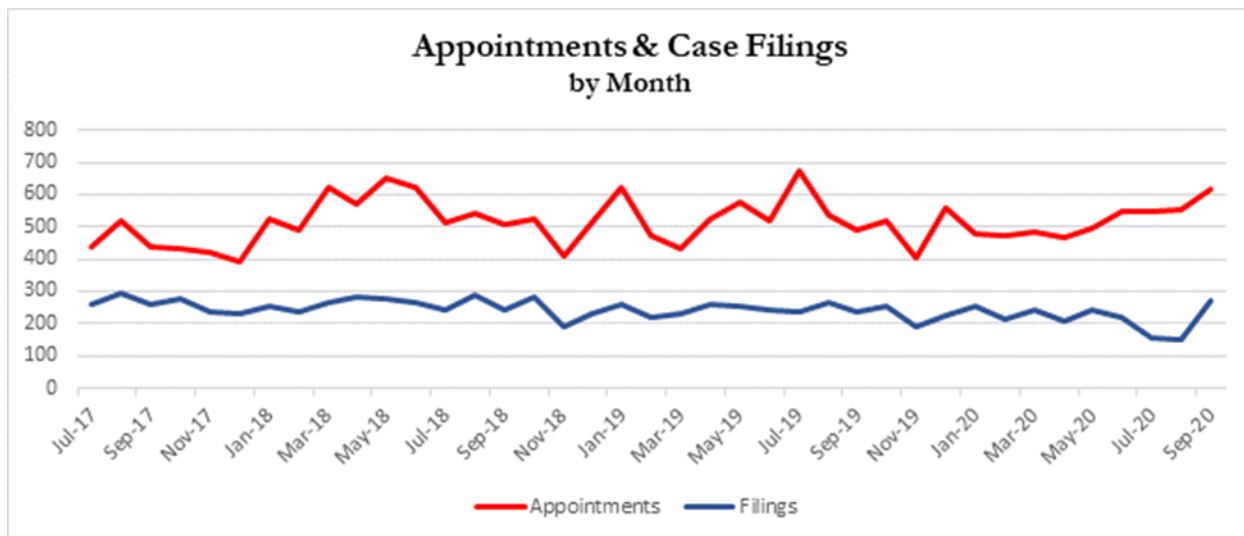
1. **Systems are Fair and Followed** – Procedural fairness occurs when parents receive access to excellent interdisciplinary teams through engagement, recruitment, and retention of contractors who have access to the resources necessary to give dignity and fairness to families and to ensure procedures are followed.
2. **Family Voice Leads** – Family voice is strong when parents are engaged and present at every stage of their case, supported by their family defense team, so they may be heard by the system and play an active role in their case planning.
3. **Decrease Trauma to Children** – Trauma to children is reduced when caregivers are provided with preventative or in-home supports to keep children with their family of origin, when unnecessary removals are rare, and when children can safely stay with their family.
4. **Family Defenders Have a Strong Community** – Parents have better representation when there is a strong community of family defenders who have access to training, litigation and practice support, and who are celebrated for every kind of success in their parent advocacy.
5. **ORPC is Recognized, Respected, Productive and its Staff is Strong** – The ORPC achieves its statutory mandate when its reputation, performance, staff strength, and adherence to its values, which include the Five Pillars of the ORPC, have a positive impact on the child welfare system.

D. Representing Colorado Parents and Current Practice Trends

1. Overview of ORPC 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 RPC 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 analyzed

according to the number of RPC appointments and the number of overall dependency and neglect (D&N) case filings. The below chart illustrates the number of RPC appointments versus the number of D&N case filings by month for the period between July 2017 and September 2020.



Much of the work conducted by RPC 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 consultations with the parent client, investigations, case staffing meetings with caseworkers, consultations with treatment providers and therapists, consultation with social workers and experts, and requests for independent evaluations for parents and children.

A 2007 Assessment Report identified the lack of resources for respondent parent counsel in Colorado as one of the main gaps in RPC practice. 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.”¹ Currently, the ORPC is statutorily required to provide at least one expert to a respondent parent at termination.² The Assessment Report recommended the provision of resources – including expert witnesses, investigators, and discovery – to RPC at every stage of a dependency and neglect proceeding.

These concerns were echoed by the Respondent Parent Counsel Work Group seven years later in their 2014 report to the State Court Administrator.³ The work group found that the lack of access to

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”), *supra n.* p. 44 available here:

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

² §19-3-607, C.R.S. 2018

³ *Respondent Parents’ Counsel Work Group Final Report to the State Court Administrator*, September 30, 2014, p.

resources negatively impacts RPC representation because adequate representation sometimes requires an independent assessment of allegations against a parent, a parent's need for services, and the appropriateness of a treatment plan.⁴ "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."⁵

Child welfare cases proceed on accelerated timelines, particularly when compared to other types of civil or criminal legal proceedings.⁶ Additionally, cases with children ages six and under 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 unless there is good cause to extend the timeframes. 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, RPC must request all relevant records (such as school records, medical records, department of human services documentation, etc.) and review them quickly to distill and identify major issues and witnesses to prepare for possible litigation. While preparing the case, RPC must also attend department-run meetings with all the Department of Human Services staff involved in the case, work with treatment providers to get parents enrolled in services, and ensure that parents are getting adequate visitation with their children. These advocacy steps must be done quickly on every dependency case, which can quickly intensify and increase an attorney's workload.

RPC rely on other professionals to alleviate some of the pressure caused by the brisk timeline in dependency cases, as well as to ensure high quality legal representation for parents. This includes using an investigator to locate missing parents, to track down and interview potential witnesses for a possible jury trial, and to locate and communicate with far away family members for potential kinship placements. It also includes using a paralegal to help compile, read, and organize the volumes of information and discovery that an RPC might receive at the beginning of a case. Paralegals may also help draft possible motions to be filed with the court. Engaging various experts to provide context and expertise about a client's history is essential to RPC in evaluating treatment plans, assessing appropriate family services, and understanding essential components of the client's background to provide excellent advocacy.

Often, RPC work includes engaging a social worker to help clinically identify a client's therapeutic needs to help an RPC advocate for the safe return of the children to the parent once those needs are met. Social workers involved as part of the family defense team can also attend the department-led family engagement meetings with parents, which are meetings from which some counties exclude RPC

24, available here:

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

⁴ *Id.* at 28

⁵ *Id.*

⁶ 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

participation according to local policy or practice. For many parents, it is difficult to meaningfully engage with the very department that has intervened in their family and possibly removed their children. Support from a social worker who is on their family defense team can fulfill a crucial advocacy role by helping parents understand what the department is asking, helping them engage in their treatment planning and services, and encouraging the parent's openness in working with the department. As part of an interdisciplinary team, social workers support parents and ensure their voices are heard throughout the process.

In a memorandum from August 2019, the Federal Administration on Children, Youth and Families Children's Bureau (hereinafter the Children's Bureau) defines family voice as giving families and youth a say in decisions that will impact their lives, as well as ensuring their engagement at various stages.⁷ The Children's Bureau notes that "families and youth are our best sources of information about the strengths and needs of their families and communities, yet, historically, we make decisions and plans in the absence of their input."⁸ Most importantly, interdisciplinary legal representation for parents reduces the time children spend in foster care.⁹ When compared to solo practitioners, interdisciplinary teams increase the rate of first year family reunifications by 43% and allow children to be released to relatives more than twice as often during the first year of the case.¹⁰ When families as a whole are supported and their voices heard, outcomes are better. These teams not only support and preserve Colorado families, but also reduce the cost of foster care.

Since the creation of the ORPC, the agency has worked to ensure that RPC are receiving the resources that they need from the beginning of the case and consistent with the short timeframes in dependency cases. Investing in interdisciplinary teams for parents both at the beginning of and throughout a case by providing access to other professionals such as paralegals, investigators, experts, social workers, and parent advocates will ensure strong family defense teams, high quality legal representation, and 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 RPC representation at the trial court level, including creating and emphasizing issues that may increase litigation. Changes in the law historically increase the amount of billable time an attorney spends on a case to represent the needs of an individual parent.

Colorado Appellate courts have published opinions in three broad areas of change in FY 19-20.

⁷ ACF – Children's Bureau, Engaging, empowering, and utilizing family and youth voice in all aspects of child welfare to drive case planning and system improvement, ACYF-CB-IM-19-03 (August 1, 2019), p.2

⁸ *Id.* at 3

⁹ "Providing Parents Multidisciplinary Legal Representation Significantly Reduces Children's Time in Foster Care" by Martin Guggenheim and Susan Jacobs, p.2-3 available here:

https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/january---december-2019/providing-parents-multidisciplinary-legal-representation-signifi/

¹⁰ *Id.* at 3

- **Constitutional Law and Due Process:** These cases increase the workload of RPC by increasing the amount of litigation at both the trial and appellate level. At the trial level, constitutional case law changes can also sometimes decrease the time between removal and reunification by allowing issues to be raised earlier in a case.
- **Indian Child Welfare Act (ICWA):** ICWA cases increase the workload of both trial and appellate RPC, since the appellate court continually clarifies how ICWA applies specifically to child welfare proceedings.
- **Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA):** These cases are increasing the applicability of the UCCJEA to invoking the court’s jurisdiction over children who have not legally claimed Colorado as their “home state.” Given all the recent changes in Colorado demographics, including the influx of out of state residents, changes in UCCJEA application can have wide-ranging impacts.

In addition, there have been two statutory changes affecting RPC practice in the upcoming fiscal year.

- **SB 20-162, Changes Related to Federal Family First Policy:** This bill implemented a number of statute changes related to implementation of the Federal Family First Act in Colorado. It included an appropriation of \$178,560 to the ORPC for anticipated increases in litigation costs related to the language updates related to out-of-home placements.
- **SB 20-1104, Court Procedures Relinquishment Parental Rights:** This bill expanded petitions for reinstatement of parental rights to also be filed in cases where a parent voluntarily relinquished parental rights. This bill also clarified that in cases where a parent voluntarily relinquishes parental rights and a dependency case has been filed, both of those cases must be consolidated into the dependency proceeding.

Constitutional Law and Due Process

The holdings in these cases have the potential to increase litigation costs in child welfare proceedings, since they govern the application of the constitutional due process right to parent.

People in Interest of NGG, 459 P.3d 664 (Colo. App. 2020): Among other holdings, this case made it clear that the presumption of parental fitness can be restored once a parent fully complies with the requirements of a treatment plan in a dependency case.

People in Interest of SRNJ-S, 2020 COA 12 (January 23, 2020): The court of appeals held that an unfitness finding in a dependency case is a legal determination, not a factual conclusion. This will result in more litigation about unfitness at the termination of parental rights phase.

A.R. v. D.R., 456 P.3d 1266 (Colo. 2020): The Colorado Supreme Court concluded that the constitutional claim of ineffective assistance of counsel is available in dependency or neglect cases but that deficient performance related to an earlier stage of the proceeding may have been waived if not raised prior to an appeal from a termination order.

Indian Child Welfare Act (ICWA)

These cases have the potential to increase litigation costs in proceedings where there is a possibility that one of the children is an Indian child.

People in Interest of KR, 463 P.3d 336 (Colo. App. 2020): The court of appeals had previously remanded this case related to ICWA and, on a second appeal, reversed again concluding that the record was insufficient to demonstrate whether the children are ICWA children for the purposes of the statute.

In re the Petition of MG for the Adoption of JD, 465 P.3d 120 (Colo. App. 2020): The court of appeals clarified that, even in an adoption case, an Indian child must be both eligible for membership in an Indian tribe and the biological child of a member of an Indian tribe. Both criteria must be established for ICWA to apply.

People in Interest of KC, 2020 COA 86 (May 28, 2020): The court of appeals concluded that the trial court must hold a separate “enrollment hearing” to determine whether it is in the child’s best interests to be enrolled in a tribe. This case is currently pending in front of the Colorado Supreme Court.

Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)

These cases increase the possible litigation costs in cases where the family or children are from outside the state of Colorado. The UCCJEA requires a trial court to make certain findings after exercising emergency jurisdiction over a family to ensure that Colorado then becomes the “home state” of the out-of-state child.

People in Interest of SAG, 2020 COA 45 (March 19, 2020): The court of appeals reversed a termination order in this case because the trial court did not make the necessary jurisdictional findings about an Arkansas family. Without proper jurisdiction over the child, the court could not enter an order terminating parental rights. This case is currently pending in front of the Colorado Supreme Court.

In re Petition of MMV for the adoption of DDR, 469 P.3d 556 (Colo. App. 2020): The court of appeals held that the UCCJEA generally governs proceedings terminating parental rights, even if the termination happens in the context of a stepparent adoption.

3. Impact of COVID-19 on Parents, Respondent Parents’ Counsel, and the ORPC

During the 2019 budget cycle and at the beginning of 2020, the future of collaborative and interdisciplinary representation for parents in Colorado seemed bright. The Federal Administration for Children and Families had recently issued a series of memoranda and rule changes indicating a shift in federal funding priorities to allow funding for high quality legal representation for children and parents.

In line with this funding shift, in the FY2020-21 budget request, the ORPC prioritized exploration of partnerships with other agencies to provide preventative legal representation. The goal of such partnerships was reducing the entry of children into foster care and the costly filing of dependency and neglect court proceedings. Among the ideas discussed:

- Partnering with county departments of human services to provide legal representation to parents involved in “voluntary” cases where the lack of legal counsel to advise parents could lead to the unnecessary filing of dependency and neglect petitions;
- Partnering with civil legal aid providers to ensure that parents were not ending up with removals of their children due to poverty or homelessness when legal representation may aid a parent in maintaining benefits or housing; and
- Partnering with the Colorado Data Lab to develop a data analysis plan to assist the ORPC in obtaining case-level child welfare data to better understand population needs and more effectively spend federal funds.

As the pandemic took hold, it became clear that the ORPC’s financial goals had to shift to preserve gains made in respondent parent representation in the four years of the ORPC’s existence.

Much more devastatingly, the pandemic hit indigent parents involved in the child welfare system—specifically their ability to visit with children who had been removed from their care. In most counties across the state, parents whose children had been removed did not see their children in person for three to four months, from March through May or June. As counties struggled with implementation of the statewide executive health orders, parents were left wondering how their children were doing in an extraordinarily stressful time of uncertainty and children were deprived of the ability to have meaningful contact with their parents.

In some counties, parents were reduced to a reality in which participating in virtual visits constituted an “essential activity” as an exception to the general order to lockdown. This meant that some parents were forced to carry a court order deeming visits to be an exception in their pocket, just in case of interaction with law enforcement, as they sat in parking lots outside businesses offering free Wifi to have brief virtual visits with their children. Mothers who had just given birth were unable to hold their infants or do anything other than gaze at them on a screen as a stranger held their babies – sometimes going months without in-person contact or more than the occasional video call.

In other counties, courts became nearly inaccessible for at least the first two months of the pandemic. Some courts issued blanket orders permitting departments of human services to suspend visitation between parents and children altogether, even where children were placed with relatives who were willing to supervise visits or provide some other alternative digital visit.

The uncertainty engendered by the sudden stop of in-person visitation persists even now. One in ten RPC responding to a recent survey reported that in-person visitation is still not happening in their jurisdictions, seven months into this crisis. This emergency was intensified by circumstance as many parents lost stable housing or jobs. Others struggled with sobriety as the hardship and panic induced by the pandemic interlaced with depression about separation from their children led to relapses at the same time that effective treatment became unavailable as services and treatment options were suspended for many parents.

In the same survey, RPC universally responded that a lack of access to services has been the most major and detrimental impact to parents and families during the pandemic. One-third of RPC

responded that COVID-19 led to a lack of access to services in *every case*, while half responded that the pandemic led to a lack of access to services in *most cases*. This lack of services compounded the problem faced by parents of young children facing the Colorado Children's Code Expedited Permanency Planning (EPP) requirement that they complete their treatment plan within a year or face a motion to lose their children permanently through legal termination of parental rights. Most courts have not stopped the clock, despite the dearth of service availability created by the pandemic, preventing many parents from effectively beginning or staying on the path to rehabilitation required to gain their children back.

For parents' attorneys, the pandemic created uncertainty and challenges as well. Many RPC have health conditions or family members who are at higher risk for COVID-19 complications that resulted in some attorneys being unable to attend court in person. In the recent survey, RPC were asked whether their duties to meet with clients or attend court posed risks to their health or family members' health. Over half of RPC identified that there was a high or moderate impact to their practice based on these risks.

Just as many other working parents experienced, RPC attorneys often had children in their homes without childcare, juggling homeschooling their children with virtual court appearances and phone calls calming panicked clients. Just under half of RPC responded that there was a high to moderate impact on their practice by family responsibilities for childcare and remote learning. These impacts were compounded by a decrease in earnings caused by courts not holding hearings for up to two months and the competition for time due to increased family responsibilities. Over half of RPC who responded to the survey reported that the decrease in earnings had a moderate to high impact on them. Because RPC are independent contractors with ORPC, they typically do not have paid time off or other benefits, so losses in earnings are not easily absorbed. Losses in earnings may also be passed down to attorneys' employees, such as paralegals or associates, in the form of layoffs, furloughs, or reduced hours.

Attorneys also faced practical challenges regarding maintaining robust advocacy for their clients in virtual hearings, where judges could simply mute parties or refuse individualized hearings and determinations on cases. Many courts instead dealt with the crisis through the creation of sweeping and blanket orders about case management that engendered more confusion and delegated much of their authority to departments of human services. These moves upended parents' expectations that their relationships with their children would be valued and protected by the courts from indiscriminate cessation of all in-person contact with their children for months on end, with no recourse. Cases that were near resolution with children returning home became impossible to resolve. Seemingly overnight, children who were scheduled to go to live with relatives in other states became unable to travel, remaining in the limbo of foster care while other states refused to accept them.

In the midst of this chaos, Jerry Milner, the Associate Commissioner of the Children's Bureau, wrote a letter to states urging them to carefully consider the appropriateness of filing to terminate parental rights during the pandemic, particularly where parental access to services or family time were impacted

by the pandemic.¹¹ Despite this federal guidance and following a several month lull in which most courts were not conducting routine hearings, the pace of termination of parental rights seems to be increasing in most Colorado jurisdictions. Two-thirds of RPC report that parents are still being held to the same expectations as they were pre-pandemic, with cases expected to wrap up within twelve months without regard to the barriers to reunification created by COVID-19. Parents who did not have adequate services or in-person visitation with their children for four months or more, and who are likely still struggling, find themselves being rushed to a hearing on termination of parental rights. RPC find themselves having to keep up with court settings increasing at a frenetic pace as they continue to navigate the challenges of being working parents and accessing courts in this new virtual environment.

Now, seven months into the pandemic, parents continue to be denied adequate and meaningful parenting time with their children, with less than ten percent of RPC surveyed indicating that visitation practices continue on the same level in their county as before the pandemic. Two-thirds of RPC indicate that in-person visitation has decreased by at least half compared to prior to COVID-19. One-third of RPC report that, due to COVID-19 constraints, parents are not permitted any physical contact with their children during in-person visitation. Further, at the outset of the COVID-19 pandemic, child welfare stakeholders raised the concern that with more children at home while schools were shut down, fewer allegations of abuse and neglect would be reported. The number of new child welfare case filings did not actually decrease during the early months of the pandemic despite the well-publicized decline in calls to the child welfare hotline. This meant that new cases continued to be filed as parents struggled with more frequent service delays and interruptions to visitation and RPC were forced to contend with much less access to courts.

As one means of support, the ORPC has hosted regular calls with contractors around the state since the initial state of emergency declaration in March. One RPC said of these calls: “You all have been awesome at helping all of us navigate this chaotic stressful time. I think we all need help realizing this is building up and having significant effect on our mental and physical health. I guess we all hoped it would be a sprint but it’s turned into a marathon.” Every aspect of how the ORPC connects with and supports contractors has changed because of the pandemic. The ORPC has lost contractors as a result of the stress caused by COVID-19 or, in many cases, has contractors who are unable to take on the same volume of work as before, resulting in a need for additional attorneys and other contractors willing to work with child welfare involved parents. Parents are also impacted by having changes in attorneys and other professionals on their cases, and RPC report that it takes longer to get answers or make changes because everyone is stretched thin.

Ultimately, this pandemic will have huge costs for both parents and RPC. Despite the agency’s efforts to support RPC and other ORPC contractors, the stress already inherent in this work will be amplified

¹¹ Children’s Bureau June 23, 2020 letter to state and tribal child welfare leaders re: Termination of Parental Rights and Adoption Assistance, available here: <https://www.acf.hhs.gov/cb/resource/terminating-parental-rights-service-interruptions>

– undoubtedly resulting in contractor turnover. Additionally, the ORPC, individual attorneys, and interdisciplinary team members will continue to spend a great deal of time trying to improve collaboration. The agency anticipates having to train new attorneys to do this work as contractors turn over. Since the pandemic began in March, the ORPC has onboarded a total of 30 new RPC to support the volume of case filings and the reduced capacity of or actual turnover of existing RPC. Additionally, the unprecedented changes made by courts in response to the pandemic, from virtual hearings to the loss of in-person visits and services, will result in additional litigation and long-term appellate litigation.

For families in the child welfare system, the impact of this pandemic is heartbreaking and traumatic. Children suffering separation trauma will have lifelong mental health, educational, and physical health impacts from being removed from their homes during the pandemic only to have no in-person contact with their parents for months.¹² Regular in-person parenting time is crucial to help parents stay engaged – it gives them hope and leads to significantly higher treatment plan compliance and ultimate reunification.¹³ Where parents do not have adequate and accessible substance use or mental health treatment, they will struggle to engage and likely face termination of parental rights, resulting in lifelong detrimental trauma for parents and children.

It is crucial for the legislature to recognize the impact the pandemic has had on our most vulnerable populations and make every effort to right the ship. If herculean efforts are not made to repair the lost and damaged attachments caused by gaps in parenting time or to address the trauma parents and children have experienced since March, these children and parents will only become more traumatized and will need more extensive services and supports in the future, resulting in incredible costs to the system.¹⁴ In a June 2019 report, the Casey Family Foundation found that each new instance of nonfatal child maltreatment costs \$830,928 over the child’s lifetime, including costs based on the likelihood that the child may end up in the criminal justice system as a juvenile or adult.¹⁵

As we face yet another resurgence of COVID-19 cases, the ORPC is also deeply concerned that the mistakes of the past will repeat themselves, with parents again being denied any in-person contact with their children and having access to vital services cut off. With every agency facing funding cuts, the ORPC is deeply concerned that the necessary services and time will not be provided to families in need.

¹² See Children’s Bureau Memo *ACYF-CB-IM-20-02*, Feb. 5, 2020, available here: <https://www.acf.hhs.gov/sites/default/files/cb/im2002.pdf>; see also Erin Sugrue, *Evidence Base for Avoiding Family Separation in Child Welfare Practice*, July 2019, available here: <http://www.thetcj.org/wp-content/uploads/2019/10/Alia-Research-Brief-2019.pdf>

¹³ *Id.*

¹⁴ See, e.g., Casey Family Programs, *Transforming Child Welfare Systems: What do we know about the return on investment in prevention child maltreatment?*, June 2019, available at: https://caseyfamilypro-wpengine.netdna-ssl.com/media/TS_Research-return-on-investment-maltreatment-prevention.pdf

¹⁵ *Id.*

4. Assessing the True Cost of Foster Care and Out-of-Home Placement

Prior to the 2018 passage of the Family First Prevention Services Act (FFPSA), federal child welfare funding has largely been funneled to the costs of foster care maintenance for eligible children (among other program-related costs).¹⁶ This skewed funding stream unintentionally created a system whereby removal of children and placement in foster care became a primary child welfare system intervention into the lives of individual families.

By assessing the child welfare system holistically when measuring costs—rather than examining each piece of the system in a vacuum—it is clear that the biggest expenditures are for out of home placement under Title IV-E of the Social Security Act and Social Services Block Grants.¹⁷

In an analysis conducted in 2019 based on 2017 data, Colorado spent \$68,739,140 of federal money on foster care while only spending \$7,729,982 of federal money on prevention and permanency services.¹⁸ This 68.7 million dollars of federal money served only a portion of the state's total foster care population in 2017. Of the 5,704 children in foster care on September 30, 2017, the 68.7 million dollars of federal money served a total of 1,797 children.¹⁹ This means that Colorado spent an average of \$38,252.16 of federal funds for each of the 1,797 children in foster care in 2017. Breaking this down further into an average monthly cost of foster care for each of the 1,797 children receiving federal dollars in 2017, an astounding \$3,188 was spent each month per child in Colorado's foster care system.

This calculation only represents the *federal* share of money spent on foster care in 2017 and does not account for funding from the state of Colorado or individual counties to cover the total cost of foster care. The ORPC was unable to obtain data regarding Colorado's total expenditures on the cost of foster care for recent years. One indicator of the state's foster care costs, however, is the daily provider rate, meaning the rate that is paid to individual county foster homes for each day that the child is in foster care.

The daily rate for children in foster care varies widely depending on the provider and child. According to CDHS, in FY 2017-18 counties paid \$11,803,322 to county foster homes (this amount does not include congregate care placements, kinship foster care placements, or placements made through child placement agencies).²⁰ The rate for county providers is currently set at \$35.39 per day with the rate for child placement agencies varying widely from \$92.29 per day to \$229.07 per day.²¹ In 2017, children

¹⁶ National Conference of State Legislatures (NCSL), *Family First Prevention Services Act*, April 2020, available at <https://ncsl.org/human-services>

¹⁷ NCSL, *Child Welfare Financing 101*, May 2019, available at <https://ncsl.org/human-services/child-welfare-financing-101.aspx>

¹⁸ Casey Family Programs, State-by-State data, May 2019, available at: <https://www.casey.org/state-data/> and here: <https://caseyfamilypro-wpengine.netdna-ssl.com/media/state-data-sheet-CO.pdf>

¹⁹ *Id.* and Children's Bureau, Trends in Foster Care and Adoption, AFCARS State Data Tables 2010 through 2019 available at: <https://www.acf.hhs.gov/cb/resource/trends-in-foster-care-and-adoption>

²⁰ https://leg.colorado.gov/sites/default/files/fy2019-20_humhrg1.pdf, p. 17

²¹ Colorado Office of Children, Youth & Families, Division of Child Welfare, *Information Memorandum number IM-CW-2020-0025 on Provider Rates* (June 29, 2020) available at

stayed 15.8 months in foster care on average.²² If a child is housed in such a placement agency where the daily rate can vary from ninety dollars a day to hundreds of dollars a day depending on the therapeutic level of care offered at such agencies, the state's portion of foster care costs per child can become staggering.

Most researchers who have studied this issue have concluded that preventative services can result in huge cost savings over time²³ and are far more cost-effective interventions for child maltreatment than foster care. Further, the prevention of unnecessary removal and the reduction of a child's length of stay in foster care also present opportunities for significant cost-savings to the system. In line with the ORPC's vision and strategic plan, these cost-saving measures also work to reduce unnecessary trauma to families by preventing removals in the first place and hastening reunification when removals have occurred.

For example, if a child is born affected by substances – for instance, methamphetamines – and may be at risk due to a parent's continuing use, the child is usually removed from the parent. If the child has extensive medical needs, the provider would likely receive a higher rate. Assuming a median rate of \$50 per day, which does not include all of the ancillary costs of foster care such as supervision of the foster home, training, licensing, etc., the cost of foster care is \$1,500 per month for the child. If the baby could remain home with the mother as the mother is receiving intensive substance abuse treatment, parenting education, and sobriety monitoring, the cost would likely be far less than the cost of placing the child in foster care and would incur fewer long term costs, including court litigation costs.

Similarly, if a teenager with out of control behavior is placed out of the home at a cost of over \$200 per day, services provided in the home for therapy, even if they were occurring every day, would likely be far less expensive than the cost of placing the child outside of the home. In addition, many treatment costs are paid by other federal funding streams such as Medicaid, resulting in even lower costs to the state.

One evidence-based means of reducing stays in foster care is staffing child welfare cases with interdisciplinary teams. As explained in Section (III)(F)(1) on the Interdisciplinary Model of Representation, when parents have access to a high quality interdisciplinary family defense team the length of stay for children in foster care is reduced.²⁴ Several factors relate to a child's reduced length of stay in foster care. First, earlier reunification is possible because an effective attorney learns about their client's needs and helps them connect with resources earlier on in the case. Second, well-resourced attorneys and professionals can recognize when the evidence does not support a removal.

https://mcusercontent.com/cd781c9bc8f90270567729e9e/files/f5679c2e-cb0c-4e4d-8708-67aecb6f420d/IM_CW_2020_0025.pdf?mc_cid=9648a07d2a&mc_eid=a2e11a6199

²² *State-level data for understanding child welfare in the United States*, Child Trends (Feb. 26, 2019), available at:

<https://www.childtrends.org/publications/state-level-data-for-understanding-child-welfare-in-the-united-states>

²³ See n.14 *supra*.

²⁴ Gerber, L. A., Pang, Y. C., Ross, T., Guggenheim, M., Pecora, P. J., & Miller, J. (2019). *Effects of an interdisciplinary approach to parental representation in child welfare*. *Children and Youth Services Review*, 102(2019), 42–65)

This better recognition could result in an earlier challenge to the events causing the removal, resulting in an earlier return home. Finally, if a social worker or parent advocate professional on the family defense team is able to assist a client in creating a safety plan for a child to remain at home or return home, the length of stay for children in out of home placement will shorten.

Because foster care is incredibly expensive compared to prevention services, any reduction in length of stay will reduce overall expenditures for the system. More importantly, reductions in length of stay or preventing a removal and separation in the first place results in better outcomes for children. These better outcomes reduce costs over the life of the child. Children who do not experience separation trauma and are able to stay in their homes safely are less likely to have long term mental health problems²⁵ or end up in the delinquency and criminal justice system as adults²⁶. Children and youth who do live with the harm of removal are much more likely drop out of high school than their peers in the foster care system,²⁷ which will impact greatly their lifetime individual earnings²⁸ and therefore the future economic health of the state as a whole. The adult outcomes for former foster youth, attributable mainly to lack of permanence and inadequate educational foundation, are dismal. Within the first two to four years after emancipation, 51% of foster children are unemployed, 40% are on public assistance, 25% become homeless, and one in five are incarcerated.”²⁹

Continuing to invest in interdisciplinary family defense teams is crucial as Colorado moves to a system that prioritizes prevention through implementation of the 2018 federal Family First Prevention Services Act, as discussed in Section (III)(E)(3).³⁰ The more access parents have to these teams of dedicated experts, the more these teams can assist parents in avoiding removals and reducing the length of stay in care.

The ORPC strives to implement innovative programming to promote earlier reunification and reduce the number of out-of-home placements, which will reduce the cost of the child welfare system as a whole.

²⁵ Côté SM, Orri M, Marttila M, Ristikari T. *Out-of-home placement in early childhood and psychiatric diagnoses and criminal convictions in young adulthood: a population-based propensity score-matched study*, Lancet Child Adolesc Health 2018; published online July 25, 2018

²⁶ Joseph J. Doyle, Jr., *Child Protection and Adult Crime: Using Investigator Assignment to Estimate Causal Effects of Foster Care*, 116 J. of Political Econ. 4 (2008)

²⁷ Colorado Department of Education, *2018-2019 State Policy Report: Dropout Prevention and Student Engagement*, p. 7-8

²⁸ Anthony P. Carnevale, Stephen J. Rose, and Ban Cheah, *The College Payoff: Education, Occupations, Lifetime Earnings*, Georgetown University Center on Education and the Workforce, p.3; Doyle, Joseph J. Jr, *Child Protection and Child Outcomes: Measuring the Effects of Foster Care*, The American Economic Review, December 2007, pp. 1583-1610

²⁹ Cromer, Deborah, *Through No Fault of their Own: Reasserting a Child's Right to Family Connectedness in the Child Welfare System*, ABA Family Law Quarterly, Spring 2007, Vol. 41, No 1, pp. 181-195

³⁰ Family First Prevention Services Act of 2017, H.R. 253

E. Federal Funding Priorities Evolve to Prevention and Quality Legal Representation

1. The Children’s Bureau’s Emphasis on the Importance of Funding High Quality Legal Representation for Parties in Child Welfare Proceedings

After the ORPC was created, the Children’s Bureau issued an informational memorandum about the importance of high quality legal representation for all parties in child welfare proceedings.³¹ The Children’s Bureau emphasized the importance of “numerous studies and reports” indicating the importance of competent legal representation for parents, children and youth in ensuring that legal rights are protected.³²

The Children’s Bureau noted that there is evidence that legal representation for parties in child welfare proceedings contributes to:

- Increases in party perceptions of fairness;
- Increases in party engagement in case planning, services, and court hearings;
- More personally tailored and specific case plans and services;
- Increases in visitation and parenting time;
- Expedited permanency; and
- Cost savings to state government due to reductions of time children and youth spend in care.

The Children’s Bureau remarked “[t]ermination of parental rights is often referred to as the civil law equivalent of the death penalty,” and that the complexity of the proceedings requires all parents to have competent legal counsel.³³ The Bureau concluded “[p]arents’ attorneys protect parents’ rights and can be key problem solvers as counselors at law, helping parents understand their options, the best strategies for maintaining or regaining custody of their children and bringing cases to conclusion.”³⁴

Further, the memo points to the demonstrated link between the provision of competent legal representation and increases in procedural justice, fairness, and engagement for families in the child welfare system.³⁵ One study of outcomes in Mississippi, for example, demonstrated that cases where parents were represented by an attorney indicated a trend toward more positive outcomes because the parents were attending court more often and their children were placed in foster care less often.³⁶

³¹ ACF – Children’s Bureau, High Quality Legal Representation for All Parties in Child Welfare Proceedings, ACYF-CB-IM-17-02 (January 17, 2017)

³² *Id.* at p. 2

³³ *Id.* at p. 3

³⁴ *Id.*

³⁵ *Id.* at p. 5

³⁶ *Id.* at pp. 5-6

2. Changes in Federal Funding to Promote High Quality Representation for Parents

The Children's Bureau's emphasis on increasing high quality representation for parents to impact outcomes for families is directly in line with the ORPC's vision for ensuring that Colorado's child welfare system is procedurally fair and followed. Procedural fairness is guaranteed in part through the provision of high quality legal representation for parents.

The Children's Bureau's recognition of the crucial importance of funding legal representation for parents was solidified by a federal funding rule change promulgated in January 2019. The rule change allowed the draw down of federal funds for the provision of legal services to both parents and children. The Children's Bureau changed the child welfare policy manual Q/A 8.4B to remove question 18 and replace it with a new question 30, as follows:

Question: May a title IV-E agency claim title IV-E administrative costs for attorneys to provide legal representation for the title IV-E agency, a candidate for title IV-E foster care or a title IV-E eligible child in foster care and the child's parents to prepare for and participate in all stages of foster care related legal proceedings?

Answer: Yes. The statute at section 474(a)(3) of the Act and regulations at 45 CFR 1356.60(c) specify that Federal financial participation (FFP) is available at the rate of 50% for administrative expenditures necessary for the proper and efficient administration of the title IV-E plan. The title IV-E agency's representation in judicial determinations continues to be an allowable administrative cost. Previous policy prohibited the agency from claiming title IV-E administrative costs for legal services provided by an attorney representing a child or parent. This policy is revised to allow the title IV-E agency to claim title IV-E administrative costs of independent legal representation by an attorney for a child who is a candidate for title IV-E foster care or in foster care and his/her parent to prepare for and participate in all stages of foster care legal proceedings, such as court hearings related to a child's removal from the home. These administrative costs of legal representation must be paid through the title IV-E agency. This change in policy will ensure that, among other things: reasonable efforts are made to prevent removal and finalize the permanency plan; and parents and youth are engaged in and complying with case plans.³⁷

Generally, the foster care system is federally funded through an entitlement created in title IV-E of the Social Security Act (SSA).³⁸ The SSA authorizes the federal government to pay a 50% match for funds in two broad categories: Administrative Costs and Foster Care Maintenance Payments. Foster Care Maintenance Payments are payments to caregivers of eligible foster children.³⁹

³⁷ See 45 CFR § 1356.60(c), section 474(a)(3)

³⁸ See generally §§ 42 U.S.C. 670-679c

³⁹ Mark Hardin, *Claiming Title IV-E Funds to Pay for Parents' and Childrens' Attorneys: A Brief Technical Overview*, ABA Child Law Practice Today (February 25, 2019)

Administrative costs, on the other hand, are generally allotted for the costs related to administration and operation of the foster care system.⁴⁰ These items include costs incurred by the state child welfare agency, such as costs for agency staff, buildings, administration, and related contracts.⁴¹

The January 2019 rule change allowed state child welfare agencies to request a 50% match in funds spent on attorney representation for both parents and children. This influx of funds now eligible for states to draw down solidifies the Children’s Bureau’s change in attitude about the importance of high quality legal representation for parents in changing outcomes for families involved in the child welfare system.

Additionally, the Children’s Bureau issued a subsequent rule change promulgated in April 2020 that clarifies that administrative costs for paralegals, investigators, peer partners, or social workers may also be claimed as title IV-E administrative costs when they are necessary to support an attorney providing independent legal representation. The Children’s Bureau changed the child welfare policy manual Q/A 8.1B to issue question 32 which states:

Question: Does the policy at CWPM 8.1B #30 allow a title IV-E agency to claim title IV-E administrative costs of paralegals, investigators, peer partners or social workers that support an attorney providing independent legal representation to a child who is a candidate for title IV-E foster care or is in title IV-E foster care, and his/her parent, to prepare for and participate in all stages of foster care legal proceedings, and for office support staff and overhead expenses?

Answer: Yes, the policy permits a title IV-E agency to claim such title IV-E administrative costs to the extent that they are necessary to support an attorney in providing independent legal representation to prepare for and participate in all stages of foster care legal proceedings for candidates for title IV-E foster care, youth in foster care and his/her parents. The costs must be consistent with federal cost principles per 45 CFR Part 75 Subpart E. The title IV-E agency must allocate such costs so as to assure that the title IV-E program is charged its proportionate share of costs (See CWPM sections 8.1B and 8.1C).⁴²

After this second rule change, on July 20, 2020, the Children’s Bureau issued a Technical Bulletin regarding Frequently Asked Questions on Independent Legal Representation to respond to questions posed by title IV-E agencies and other stakeholders about these rule changes. Notably, the Technical Bulletin provides guidance to states regarding allowable administrative activities, notes requirements states must meet to claim title IV-E funds, and further clarifies the authority for states to claim allowable administrative costs of “pre-removal” independent legal representation by an attorney for a child that is a candidate for title IV-E foster care and/or his or her parent. ⁴³

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² See n.37 *supra*.

⁴³ ACF – Children’s Bureau, Technical Bulletin – FAQs on Independent Legal Representation (July 20, 2020), available at https://www.acf.hhs.gov/sites/default/files/cb/technical_bulletin_faq_legal_representation.pdf

The rule changes to the child welfare policy manual and the guidance provided by the technical bulletin provide further insight to the priorities of the Children's Bureau. These changes signal not only a recognition of the importance of high quality legal representation for parents, but also a willingness to explore innovative approaches such as "pre-removal" legal representation and the use of interdisciplinary teams to support the attorney to improve outcomes for families involved in the child welfare system.

a. The ORPC's Work to Access New Federal Title IV-E Funding

The 2019 rule change to the Child Welfare Policy Manual allows a state's title IV-E agency to claim title IV-E administrative costs of independent legal representation for both parents and children. In Colorado, the title IV-E Agency is CDHS. As a result of the 2019 rule change, the ORPC may seek federal reimbursement for the allowable legal representation costs incurred by ORPC contractors and those funds will pass through to the ORPC pursuant to C.R.S. § 26-2-102.5.

As described in C.R.S. § 26-2-102.5, the ORPC collaborated with CDHS on the creation of a Memorandum of Understanding (MOU) governing the process to claim title IV-E federal matching funds for legal representation. Throughout 2019, the ORPC engaged in monthly meetings with the Office of the Child's Representative and CDHS to discuss how Colorado would access these funds.

Recognizing that executing the MOU before the end of FY 2019-20 would allow the ORPC to request Federal matching funds for the entire fiscal year, the ORPC worked aggressively to execute the MOU and to maximize the draw down of Federal matching funds. By October 2019, the ORPC proposed a final MOU and Statement of Work (SOW) that governed the process for submission of funding requests from the ORPC to CDHS. By January 2020, both ORPC and CDHS leadership had signed the MOU. After completing the state's contracting process, the MOU was signed and fully executed by the State Controller in March 2020.

By meeting the goal of executing the MOU prior to the end of FY 2019-20, the ORPC was able to submit requests for title IV-E Federal matching funds for costs incurred by the agency for the entire state Fiscal Year. These efforts helped Colorado to not only access a new source of federal matching dollars, but to maximize the federal draw down.

Requests for federal matching funds of costs incurred by the ORPC for legal representation are reimbursed at 50% of Colorado's penetration rate, which is a state's proportion of foster care children eligible for title IV-E. The reimbursed funds are earmarked for the ORPC and recorded in the title IV-E Administrative Costs Cash Fund created by SB 19-258. Eligible ORPC expenses and reimbursements from the cash fund are recorded in the newly created Long Bill line titled "IV-E Legal Representation."

The reimbursed funds shall be used in accordance with the Children's Bureau Child Welfare Policy Manual's stated objectives, which are:

- Ensuring reasonable efforts are made to prevent removal and finalize children's permanency plans;
- Ensuring that parents and youth are engaged in and complying with case plans;
- Ensuring compliance with the Manual's requirement that attorneys for parents be independent of and not overseen by the IV-E agency.

The ORPC will use IV-E money to fund innovations in family defense, such as increased access to interdisciplinary teams and the availability of legal representation earlier in the child welfare process to prevent removal and family separation.

b. ORPC's Federal Title IV-E Funding Priorities to Enhance the Quality of Legal Representation for Parents and Families

In light of the newly available federal funding and the priorities of the Children's Bureau,⁴⁴ the ORPC has developed a plan for use of reimbursement funds from the new Long Bill Line that include the following new initiatives and expansions of existing programming:

1. Increasing parent attorney access to an interdisciplinary team which may include social workers, parent advocates or parent partners, experts, and other professionals.
2. Expansion of available legal services to parents and families through:
 - a. Ensuring early appointment of parent attorneys prior to initial hearings in a case and early access to an interdisciplinary team.
 - b. Providing representation to address ancillary civil legal issues that impact the removal of children and reunification, such as protective orders, housing and eviction issues, and other legal work during the DHS investigation and upon case filing.
 - c. Exploring methods to recruit new RPC talent, incentivize work in rural communities, and provide mentoring to attorneys.
 - d. Contracting with professionals to assist in providing agency supports and to conduct quality assurance, supervision, and mentoring of ORPC contractors such as attorneys, social workers, family advocates, and parent advocates.
3. Expansion of the Respondent Parent Payment System (RPPS) to allow for efficiency in processes, tracking of IV-E eligible costs and spending on new initiatives, and robust data collection.

⁴⁴ See n.31 *supra.*; ACF – Children's Bureau, Reshaping child welfare in the United States to focus on strengthening families through primary prevention of child maltreatment and unnecessary parent-child separation, ACYF-CB-IM-18-05 (November 16, 2018), available at <https://www.acf.hhs.gov/sites/default/files/cb/im1805.pdf>; and See n.7 *supra.*

4. Establishing a partnership with the Colorado Data Lab to develop a data analysis plan and to onboard the ORPC to the Linked Information Network of Colorado, which will assist the agency in obtaining individual, case-level child welfare data as opposed to aggregate data.

The above efforts are designed to deliver timely, evidence-based legal interventions to parents and to move child welfare policy toward a future where removal of a child from his or her home is reserved for the most extreme circumstances. A hallmark of such a child welfare system is allowing parents to have pre-filing access to high quality legal representation from the time a family faces child welfare intervention.

Further, lawyers who can address ancillary civil issues earlier in a case can make an impact because “[s]eventy-one percent of low-income households experienced at least 1 civil legal issue in the past year. Twenty-five percent had more than 6 legal issues. But only 20% of low-income Americans even sought legal assistance to resolve their problems. Of those who did, most could not find help. As a result, over 80% of civil legal problems reported by low-income Americans received no or inadequate help. That equals approximately 1.1 million unresolved legal issues per year.”⁴⁵ These unresolved civil legal issues can be what drives continual child welfare involvement in the lives of some indigent families. Providing early help with lawyers trained to address housing, immigration, domestic violence, healthcare and public benefits issues may help “prevent children from entering foster care or help children return home sooner.”⁴⁶

Another component of effective parental legal services in the child welfare system is access to an interdisciplinary team that incorporates a social worker or similarly qualified professional, which is a practice the Children’s Bureau encourages all jurisdictions to consider for both parents and children.⁴⁷ As the ORPC’s Social Worker Pilot Program (SWPP) evaluation and other recent studies have demonstrated, an interdisciplinary team with a social worker can reduce the time that children are placed in out of home care and increase a parent and child’s likelihood of being reunified safely at case closure.

Research shows that, in order for a parent to complete all of the tasks on a treatment plan, the parent must spend between 22 to 26 hours per week on just completing those treatment plan tasks--*not* including travel.⁴⁸ A substantial portion of the services offered to parents in treatment plans are “cookie cutter” resulting in 35% of parents getting services for problems they do not have.⁴⁹ Having

⁴⁵ Vivek Sankaran, *Redesigning the Delivery of Legal Services to Prevent Children from Entering Foster Care*, available at <http://rethinkingfostercare.blogspot.com/2018/07/redesigning-delivery-of-legal-services.html>

⁴⁶ See n.31 *supra*.

⁴⁷ *Id.*

⁴⁸ Jody Brook and Thomas P. McDonald, *Evaluating the Effects of Comprehensive Substance Abuse Intervention on Successful Reunification*, *Research on Social Work Practice*, Volume 17, No. 6 (2007), pp.664-673, available at <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.535.7888&rep=rep1&type=pdf>

⁴⁹ Amy C. D'Andrade and Ruth M.Chambers, *Parental problems, case plan requirements, and service targeting in child welfare reunification*, *Children and Youth Services Review*, Volume 34, No. 10 (October 2012), pp. 2131-2138, available at https://scholarworks.sjsu.edu/cgi/viewcontent.cgi?article=1009&context=social_work_pub

a social worker serving as part of the parent’s family defense team to work with parents and their attorneys to tailor treatment plans provides a solution for addressing unduly burdensome and unnecessary services. Research also demonstrates that parents who visit their children as recommended by the child welfare agency are approximately 10 times more likely to be reunified.⁵⁰ Social workers and lawyers together can advocate and support a parent in increasing visits and achieving visitation goals, which decreases trauma for the children and increases the likelihood of reunification.

Increasing and expanding access to an RPC lawyer with an interdisciplinary team at earlier stages of child welfare proceedings and addressing related civil legal issues to prevent the trauma of removal to children and parents is part of the ORPC strategic plan, supported by research, and encouraged by the Children’s Bureau.

3. Family First Prevention Services Act

In January 2018, tucked into a congressional measure to keep the federal government open, Congress passed the Family First Prevention Services Act (FFPSA).⁵¹ The act shifted how current federal funding for the child welfare system works, in an attempt to create more funding to prevent family separation whenever possible.

Under the FFPSA, all states must implement significant changes in child welfare by October 2021.⁵² The FFPSA creates two major areas of system reform for child welfare. First, the FFPSA incentivizes spending on evidence-based prevention services, or services put in place to keep children out of unnecessary foster care placement. These services must be trauma-informed and must be delivered in an evidence-based model to qualify for federal funding. Second, the FFPSA eliminates federal funding for congregate care (i.e. group homes or residential care) unless, due to the child’s extensive needs, the child is placed in newly designated Qualified Residential Treatment Programs, or QRTPs. The law added stringent parameters around when residential treatment programs can be used, with the intention of reducing the number of children in congregate care.

The ORPC has been involved in implementation of the FFPSA over the last year through attendance and participation in stakeholder meetings. The ORPC is a voting member of the FFPSA Implementation Team as well as various working groups related to implementation. Through this work, the ORPC has identified several major barriers to implementation. Other stakeholders have also identified significant barriers to implementation making it likely that the state will need until October 2021 to fully implement changes required by the FFPSA.

Implementation of FFPSA in Colorado has been met with several unanticipated barriers and challenges. Some projections, for example, demonstrate major shortfalls in federal funding for existing

⁵⁰ Davis, I., Landsverk, J., Newton, R., & Ganger, W., *Parental visiting and foster care reunification*. Children and Youth Services Review, Volume 18, No. 4-5 (1996), pp. 363-382

⁵¹ See n.30 *supra*.

⁵² *Id.*

child welfare programs once implementation occurs. Logistical challenges to implementation also exist. A large challenge currently lies in identifying current evidence-based services or identifying what services can be implemented throughout Colorado. Another unaddressed logistical hurdle is identifying community-based placement options to make up for a loss in residential placements.

Additionally, as part of the rules writing process, the Colorado Department of Human Services (CDHS) determined that no residential facility with more than 16 beds will be certified as a QRTP. This is due to existing federal legislation related to the loss of Medicaid funding for residential facilities that would be designated as Institutes of Mental Disease,⁵³ or IMDs. In practical terms, implementation of this priority under the FFPSA means the elimination of funding for congregate care unless a child or youth is placed in a QRTP. This may result in a reduction in the number of placement options for Colorado's youth. With this recent decision, it will take time for the state to work with existing and new placement providers to ensure that children needing a higher level of care have access to appropriate placements, and that this change does not result in a dearth of placement options for children with the most severe needs.

The ORPC supports placement of children in the least restrictive placement possible, preferably with parents or relatives. Where this is not possible, it is crucial that an appropriate community-based placement be provided, especially those that are able to work with families to return children to parents or family as quickly as possible. The implementation of the FFPSA requires the state to do the hard work of creating a much more responsive system of care for children with the highest level of need.

At this time, the ORPC is most concerned that if implementation of the FFPSA creates shortfalls in federal (and then state and county) budgets for child welfare, these costs may get partially passed on to parents and the ORPC. For example, if a shortfall in federal funding results in a county being unable to fund services that are necessary for reunification, the ORPC anticipates that RPCs will increasingly request the ORPC to fund such services.

While the ORPC does not fund services, the ORPC does fund expert evaluations to assist attorneys in providing high quality legal representation. If a parent is denied funding for, say, a psychological evaluation by the Department, that could result in the ORPC paying for such an evaluation. It could also result in increased litigation over issues such as whether the Department made reasonable efforts to reunify children with a parent, subsequently increasing the ORPC's spending on court appointed counsel and mandated costs due to increases in billed attorney time and expert fees. In addition, if parents are not provided adequate services due to budget shortfalls, the number of terminations of parental rights could increase.

It is important to remember that the FFPSA was envisioned to create a cost-savings to the system as a whole by reducing incentives to fund out of home placement for children. In this vein, providing preventative services to families earlier on could result in fewer cases being filed and reduced costs for

⁵³ Though the ORPC acknowledges that the term "mental disease" is no longer accepted terminology, it is used as a direct quotation from federal legislation.

the ORPC. The transition to this vision could result in temporary shortfalls in some places and increased spending in others.

Increased availability of preventative services across the state should also result in fewer removals or shorter-term removals, which would reduce costs for foster care provision and costs of litigation.⁵⁴ Overall, the ORPC remains optimistic that FFPSA implementation can reduce trauma to children and families caused by removal and separation or placement in a highly restrictive residential placement.

The ORPC will continue to partner with agencies and stakeholders across the state as the child welfare system plans for FFPSA implementation.

F. ORPC Innovations Increasing Savings and Reducing Trauma to Children and Families

1. Interdisciplinary Model of Representation

a. Social Worker Pilot Program (SWPP)

Since its inception, the ORPC has studied and piloted interventions to improve the quality of representation for parents in Colorado. The ORPC launched a Social Worker Pilot Program (SWPP) in FY 2017-18, which was the first documented attempt in Colorado to partner RPCs with Social Workers to represent parents and families in a holistic approach. This approach arose because indigent families often face a myriad of economic, social, and systemic difficulties during their court proceedings which must be addressed through an interdisciplinary lens. The goal of interdisciplinary representation in parental legal defense is to provide as much support as possible to families so that fewer children are removed from their families of origin. Providing this holistic support during a case also ensures that parents have a meaningful opportunity to reunify with their children after addressing the concerns that led them to become system involved.

The ORPC SWPP had many positive results, which were measured through an independent evaluation conducted by Metropolitan State University in 2019.⁵⁵ The evaluation concluded that an interdisciplinary team model of parent representation practice in Colorado reduces the time that children are placed in out-of-home care and increases a parent and child's likelihood of being reunified safely at case closure.

In one notable program evaluation highlight, children in El Paso County whose parents had a social worker assigned to their family defense team achieved permanency by reunification at over twice the rate of the state and county averages. In 2017, these children achieved reunification in 77.5% of cases

⁵⁴ See ACYF-CB-IM-18-5 n.44 *supra*. at 4

⁵⁵ Lori Darnel and Dawn Matera Basset, *A Program Evaluation of Colorado Office of Respondent Parents' Counsel Social Work Program*, Metro State University Department of Social Work, November 2019, available at: <https://coloradoorpc.org/wp-content/uploads/2019/11/ORPC-SWPP-Evaluation.pdf>

compared to the state rate of 36.20%. The rate of reunification was even better in 2018, where children in the program achieved reunification in 79.5% of cases as compared to the state rate of 37.1%. Higher reunification rates are one example of the possible costs savings in utilizing this interdisciplinary representation approach since children spend less time in out of home placements.⁵⁶

These outcomes are in line with the ORPC strategic plan goal of decreasing trauma to children and fulfills the ORPC's statutory mandate to improve the quality of legal representation for parents in Colorado.

The SWPP outcomes are also in line with national data. In a 2019 published study comparing the efficacy of interdisciplinary legal teams compared to solo law practitioners for parents in child welfare cases, researchers concluded that legal offices with interdisciplinary teams were able to achieve the safe return of children to their families 43% more often than solo practitioners in the first year of a case, and 25% more often in the second year.⁵⁷ When reunification is not possible, the interdisciplinary defense allowed children to be permanently released to relatives over 200% more often in the first year of a case and 67% more often in the second year. The study found that full implementation of an interdisciplinary representation model would reduce the New York foster care population by 12 percent and reduce foster care costs by \$40 million annually as compared with exclusive reliance on solo practitioners.⁵⁸ The study, published in *Children and Youth Services Review*, was conducted by New York University and Action Research, and examined over 28,000 child welfare cases in New York City between 2007-2014.

Interdisciplinary legal teams are a nationally established best practice standard for parents' and children's defense agencies. The American Bar Association integrated the interdisciplinary representation approach into its Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases.⁵⁹ The federal Children's Bureau actively promotes this approach in the legal representation of parents and children⁶⁰, offering practice guides⁶¹ and, more recently, changing federal policy to directly fund interdisciplinary representation in jurisdictions around the country through direct Title IV-E funding.⁶²

In light of these impressive results, the ORPC has also aggressively pursued statewide implementation of an interdisciplinary approach for Colorado parents. The ORPC surveyed its attorney contractors in 2020 to obtain qualitative data about interdisciplinary programming to better assess how this statewide implementation is affecting RPC practice overall. Survey results show that 86.7% of RPCs

⁵⁶ *Id.*

⁵⁷ See n.24 *supra*.

⁵⁸ *Id.*

⁵⁹ ABA Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases. *Available at* https://www.americanbar.org/content/dam/aba/administrative/child_law/abaparent-rep-stds.pdf

⁶⁰ Child Welfare Information Gateway. (2011). Family reunification: What the evidence shows. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau

⁶¹ See n.7 *supra*.

⁶² See n.37 *supra*.

use ORPC social workers, family advocates, and/or parent advocates on their cases. In soliciting their anonymous feedback on this model, RPCs from across the state reported:

Social workers do a great job building rapport with parents and fostering more trust. They are good for connecting parents with resources and making them feel more supported through a case with more trust.

I have found social workers and family advocates to be very successful at engaging the client in the treatment plan, which free me up to focus my client communication more on legal issues and addressing barriers to success.

Attending to every client's treatment related question/need in a timely manner with the volume of work I have is impossible without going insane! So, the use of Social Workers is essential for me in serving my clients and their needs. Also, it's such a pleasure to tap into the wisdom of experienced and caring professionals and strategize together in creating solutions to tough issues and to serve our clients.

b. Parent Advocates Further Support Parents and Enhance Family Voice

Beyond including social workers, an interdisciplinary team may also include a parent advocate when the represented parent would benefit from peer support. Peer mentors or parent advocates, are parents with personal child welfare experiences who work alongside other professionals to guide and support parents navigating the child welfare system. Peer coaching and support has been an integral part of mental health and substance use intervention and advocacy for decades. The Children's Bureau and the National Center on Substance Abuse and Child Welfare promote and provide technical assistance for agencies to include peer mentors in the interdisciplinary approach.⁶³

Based on the successful outcomes of interdisciplinary models including parent advocates on the family defense teams, the ORPC received JBC approval to recruit, train and mentor contractor parent advocates in FY 2020-21. The ORPC has developed the infrastructure to orient and train parent advocates starting in November/December 2020. The ORPC will contract with parents who successfully navigated Colorado's child welfare system, reunified with their children, and have had their court cases closed for at least one year. Parent Advocates will join social work program colleagues as peer supports for parents alongside court appointed attorneys.

In the 2020 ORPC contractor survey, over 81% of contractors reported they would consider working with a parent advocate as a member of their interdisciplinary team.

The ORPC contracted with its first parent advocate in 2019 to pilot the role and seek feedback on how to recruit, train, and supervise future parent advocates. The parent advocate is working with

⁶³ Capacity Building Center for States. (2016). Parent Partner Program Navigator: Designing and implementing parent partner programs in child welfare. Washington, DC: Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services; and National Center on Substance Abuse and Child Welfare, The Use of Peers and Recovery Specialists in Child Welfare Settings, found online: https://ncsacw.samhsa.gov/files/peer19_brief.pdf

approximately 20 parents in the metro-Denver area. The ORPC sought attorney feedback on the parent advocate's work on their legal team:

[The parent advocate], having been in similar situations as my client parents, is able to immediately foster trusting relationships with our clients and in a way that I never will as the attorney. There is often a deep distrust of the system, especially for parents who were part of the foster care system as children. They don't see [him] as part of the system, but rather as one of their own.

[The parent advocate] has been instrumental in ensuring parents are given a much better opportunity to comply with their treatment plans. He has provided necessary and timely support to clients that has, in at least one case, directly aided the client in having their child returned home to them. [His] support to parent clients runs the gamut from assisting them in navigating their dependency and neglect cases, navigating the cumbersome process of finding longer-term housing, and learning day-to-day life skills that directly relate to their ability to safely parent their children.

The ORPC also plans to contract with parent advocates to impact systemic advocacy by serving on child welfare advisory committees, contributing to policy development, and co-facilitating trainings for contractors. The agency is optimistic that this level of parent advocate engagement at a larger systems level will allow for more impactful and thoughtful integration of the parent voice in reducing trauma to families and using funding to impact communities more deeply.

The ORPC is tasked with developing legislative efforts to improve representation. In the many policy-oriented groups that ORPC staff are invited to attend, child welfare stakeholders often ask the ORPC to bring parents with lived experience to policy discussions. For example, the Court Improvement Program (CIP) has organized stakeholders to improve six priority areas of focus, from Family First Prevention Services Act (FFPSA) implementation to High Quality Legal Representation. Focus groups have asked for a parent who navigated the child welfare and juvenile court system to participate in regular meetings to provide input. Through the recruitment, training, and supervision of parent advocates, the ORPC will be able to include parents' voices in these decision-making processes for the first time.

The ORPC would like to share a parent's feedback on their experience having an ORPC parent advocate assigned to their legal team. The parent is aware his words are being shared with the Colorado legislature:

[The parent advocate] has provided valuable information and insight to this process. While there is no manual and each case is unique in itself, [the parent advocate] has shed a positive light on circumstances that otherwise would be dark and grey. [He] provides the input of a solid male figure and it has been greatly appreciated. At times it can be overwhelming having no male input or advice in the proceedings. [He] provides a stable outlet to vent and to learn from as he has been in the system as a child and an adult.

[He] is the X-Factor that can make the difference and help people like myself over that bump of failure into success. [He] has had an open mind and open ear. He has taken me to drug screenings and also made sure that I have made it to the Outpatient classes on time.

2. Reducing Trauma by Improving Educational Outcomes

One of Governor Polis' priorities for Colorado is "ensur[ing] all Coloradoans have access to opportunities for quality, life-long education connected to the future of work."⁶⁴ Ensuring Colorado youth graduate high school greatly impacts their future education, as well as their ability to adapt and thrive in an ever changing marketplace.

Currently, high school graduation rates for Colorado foster youth are dismal. In 2019, the four-year completion rate for high school students in foster care, defined as either receiving a high school diploma or equivalency, was 38.5%,⁶⁵ while the overall rate for all high school students was 82.9%.⁶⁶ If given six years to achieve their degree or equivalency, foster students from the class of 2017 increased completion rates to 48.8%⁶⁷, whereas the overall completion rate rose to nearly 90%.⁶⁸

In an increasingly knowledge-based economy, the impact of low graduation rates will be felt in Colorado for decades, both at the individual and the statewide level. The median earnings between the ages of 24-35 (the primary earning years) of young adults who don't complete high school are 25% less than their peers who complete high school.⁶⁹ This disparity increases to 33% where lifetime earnings are concerned.⁷⁰ Beyond lost wages, today's increasingly information heavy marketplace requires a well-educated workforce to meet future demand. The World Bank cites education as the main engine for long-term economic growth for the way it encourages innovation and improves economic prospects.⁷¹

The disparity in high school completion rates for foster children and the overall student population has persisted for years, despite multiple programs designed at engaging and supporting foster youth.⁷² In 2019, the dropout rate for foster care youth was 6.9%,⁷³ significantly higher than the overall state rate of 2%.⁷⁴ An interdisciplinary approach to family support and using federal resources for prevention as provided by the Families First Prevention Services Act (FFPSA), can help keep children in the home.⁷⁵ This data shows that better outcomes for Colorado families and their high school students means better outcomes for Colorado. For this reason, the most effective way to prevent these educational disparities in Colorado is by preventing children from entering foster care in the first place.

⁶⁴ Governor's Dashboard <https://dashboard.state.co.us/bold4-education-workforce.htm>

⁶⁵ See n.27 *supra*. at 33

⁶⁶ Colorado Graduation Dashboard <http://www.cde.state.co.us/code/graduationrate>

⁶⁷ See n.27 *supra*. at 33

⁶⁸ See n.66 *supra*.

⁶⁹ "Annual Earnings of Young Adults" *The Condition of Education* by National Center for Education Statistics https://nces.ed.gov/programs/coe/indicator_cba.asp

⁷⁰ See Carnevale, et. al., n.28 *supra*.

⁷¹ <https://www.worldbank.org/en/topic/education/overview>

⁷² Foster Care Education: Legislation and Guidance. Colorado Department of Education. https://www.cde.state.co.us/dropoutprevention/fostercare_legislationandguidance

⁷³ See n.27 *supra*.

⁷⁴ *Id.*

⁷⁵ See n.30 *supra*.

3. Disability Law Overview

Since taking oversight of RPC practice four years ago, the ORPC has gathered evidence demonstrating that parents with disabilities make up a disproportionately high percentage of the parents involved in the Colorado child welfare system. It is clear that parents with disabilities often face systemic discrimination rooted in nothing more substantial than stereotypes and low expectations. This discrimination is contrary to state and federal law, including the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

In a 2015 Joint Statement of the U.S. Department of Health And Human Services (HHS) and the U.S. Department of Justice (DOJ), the Departments highlighted a prior finding of the National Council on Disability that “parents with disabilities are overly, and often inappropriately, referred to child welfare services, and once involved, are permanently separated at disproportionately high rates.”⁷⁶ The Joint Statement went on to acknowledge that “[i]ndividuals with disabilities seeking to become foster or adoptive parents also encounter bias and unnecessary barriers to foster care and adoption placements based on speculation and stereotypes about their parenting abilities.”⁷⁷

Prompting this Joint Statement was a high profile case in which a young mother with Intellectual/Developmental Disabilities filed a complaint with HHS and the DOJ alleging disability discrimination when the Massachusetts child welfare agency removed her newborn child from her care and placed the infant in foster care for two years based on the mother’s disability. Following an investigation, HHS and the DOJ concluded:

The Departments find that DCF [the child welfare agency] acted based on [mother’s] disability as well as on DCF’s discriminatory assumptions and stereotypes about her disability, without consideration of implementing appropriate family-based support services. DCF has continued to deny [mother] access to appropriate family-based support services it makes available to parents to successfully achieve reunification and has failed to reasonably modify its policies, practices, and procedures to accommodate [mother’s] disability.⁷⁸

The Departments further concluded that DCF staff assumed the mother was unable to learn how to safely care for her daughter because of her disability and ultimately sought to terminate the mother’s parental rights on the basis of her disability.⁷⁹

⁷⁶ U.S. Department of Health And Human Services, Office for Civil Rights, Administration for Children And Families and U.S. Department of Justice, Civil Rights Division, Disability Rights Section, *Protecting the Rights of Parents and Prospective parents with Disabilities: Technical Assistance for State and Local Child Welfare Agencies and Courts under Title II of the Americans with disabilities Act and Section 504 of the Rehabilitation Act*, at 2 (August 2015), at www.ada.gov/doj_hhs_ta/child_welfare_ta.html citing National Council on Disability, *Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children* at 14, 18 (2012), at www.ncd.gov/publications/2012/Sep272012/

⁷⁷ *Id.*

⁷⁸ U.S. Department of Justice Civil Rights Division and U.S. Department of Health and Human Services Office for Civil Rights, *Investigation of the Massachusetts Department of Children and Families by the United States Departments of Justice and Health and Human Services Pursuant to the Americans with Disabilities Act and the Rehabilitation Act*, DJ No. 204-36-216 and HHS No. 14-182176, at 2 (January 29, 2015)

⁷⁹ *Id.*

Colorado is not exempt from disability discrimination within the child welfare system. Based on current ORPC contractor estimates, at least 53 % of respondent parents involved in the Colorado system have known disabilities. That means over half the parents involved in child welfare may qualify for accommodations from the court and in their treatment plans. These parents face real barriers to their ability to access appropriate services and reunify with their children yet, unfortunately, too often those accommodations are not being provided.

In 2018, Colorado passed HB 18-1104, with the policy goal of ensuring that parents with disabilities would not be deemed unfit to parent based solely on their disabilities. The law clarifies that parents with disabilities are entitled to due process and the right to visit with, adopt, and parent their children. The mere fact that this law was necessary, however, is evidence that Colorado is not immune from disability discrimination in the child welfare system. This notion was highlighted in the legislative declaration to HB18-1104, which notes in part, "Persons with disabilities continue to face unfair, preconceived, and unnecessary societal biases, as well as antiquated attitudes, regarding their ability to successfully parent their children."⁸⁰

In 2020 the ORPC created a staff position dedicated specifically to addressing these issues. As a result of this demonstrated inequity in the child welfare system, the ORPC plans to work with stakeholders to guarantee that parents with disabilities are treated fairly in the child welfare system and to ensure that they and their children are not unjustly brought into the system based on stereotypes of their abilities.

In a first step toward achieving this goal, in September 2020 the ORPC hired the first Carrie Ann Lucas Disability Advocacy Director. The position was named after the late Carrie Ann Lucas, a former ORPC employee who was a nationally recognized pioneering and steadfast advocate for parents with disabilities. In this new role with the ORPC, the Carrie Ann Lucas Disability Advocacy Director will work with individual RPCs to help ensure that parents are receiving necessary modifications and individualized treatment as required by federal and state disability law.

The ORPC Disability Advocacy Director will also develop and provide training for RPCs about the rights of individuals with disabilities in the child welfare system. This will be combined with creating relevant resources, including a tool kit, lists of recommended evaluators and expert witnesses, and an overall resource data bank to assist RPCs in providing high quality representation to their clients with disabilities. Finally, the ORPC will use this position to collaborate with state and county partners and other private and public stakeholders to identify barriers in the system and work to find effective systemic solutions for parents and families with disabilities.

⁸⁰ § 24-34-805(1)(a)(I), C.R.S. 2020

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Office of the Respondent Parents' Counsel FY 2020-21

Schedule 10

Change Request Summary

Priority	Request Name	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
R-1	Changes in Number of Appointments	-	\$ -	\$ -	\$ -	\$ -	\$ -
	Total Change Requests	-	\$ -	\$ -	\$ -	\$ -	\$ -

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Department Priority: R-1

Request Title: Changes in Number of Appointments

Summary of Incremental Funding Change for FY 2021-22	Total funds	General Fund
TOTAL REQUEST (All Lines)	\$0	\$0
Court Appointed Counsel	\$0	\$0

Request Summary:

The Office of Respondent Parents' Counsel (ORPC) does not request additional General Fund support for expected caseload increases in Court-appointed Counsel expense.

Should it be possible for the Joint Budget Committee (JBC) to consider increases due to increased caseloads, however, the ORPC requests \$1,139,764 General Fund for expected changes in the ORPC's Court-appointed Counsel expense. The ORPC also wishes to notify the JBC that a FY 2020-21 Supplemental Request for the appropriation may be needed.

Background:

Recognizing that "it is in the best interest of the children and parents of the state of Colorado to have an independent office to oversee the respondent parents' counsel to improve the quality of legal representation for parents involved in dependency and neglect proceedings",⁸¹ the General Assembly established the Office of Respondent Parents' Counsel (ORPC) on January 1, 2016 and gave the ORPC responsibility for all existing and new respondent parent counsel appointments on July 1, 2016. The ORPC is charged with ensuring the provision of uniform, high quality legal representation to indigent parents whose parental rights are at risk, with improving the quality of legal representation, and with paying for the services provided by Respondent Parents' Counsel (RPC).⁸²

Assumptions and Calculations:

The costs of providing representation by the ORPC are affected by many factors, including the number of cases filed, the number of appointments made, the complexity and cost of individual cases, and changes in Federal and State law.

The number of appointments in Dependency and Neglect (D&N) cases, rather than the number of cases, is the critical factor in predicting ORPC costs. The number of RPC appointments is not equal to the number of D&N cases filed because there are usually multiple respondents (mother, father,

⁸¹ C.R.S. § 13-92-101(2) (2015)

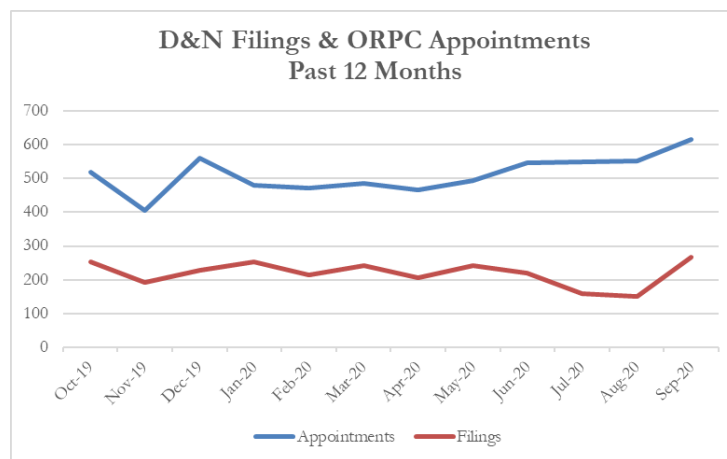
⁸² See generally Colorado Supreme Court Chief Justice Directive 16-02 (2016)

others) on each D&N case and each of those respondents may require RPC representation. From July 1, 2020 through September 30, 2020, there were 728 D&N case filings and 1,718 ORPC appointments on those cases, a ratio of 2.36 ORPC appointments per D&N case filed.

The ORPC cannot control or accurately predict the number of D&N case filings or appointments and related expenditures. In an attempt to understand some of the underlying economic drivers of D&N case filings, the ORPC conducted a statistical analysis of D&N case filings from FY 2000-01 through FY 2018-19 to determine if the number of case filings correlated with changes in macroeconomic conditions, including the rates of poverty, unemployment, and inflation.⁸³

The ORPC found a statistically significant, positive relationship between changes in the poverty rate in Colorado and the number of D&N filings. The ORPC’s model predicted that a 0.5 percentage point increase in the poverty rate from one year to the next would result in a 5.9 % increase in case filings, or about 222 additional case filings.⁸⁴ If the current pandemic contributes to an economic downturn, as reflected by a 0.5 percentage point increase in the state poverty rate, the agency will see a corresponding increase in D&N filings.

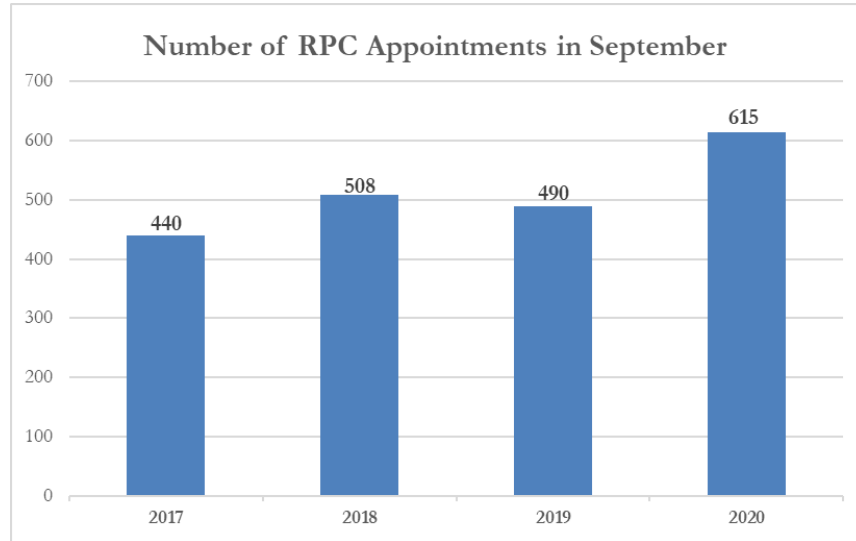
Another factor in cost calculations for this year are the pandemic-related shutdowns. At the outset of the COVID-19 pandemic, child welfare stakeholders raised the concern that with more children at home while schools were shut down, fewer allegations of abuse and neglect would be reported. Initially there was not such a decrease in filings, but there was a decrease in D&N filings in the summer months of June, July, and August. As the ORPC expected, D&N filings and ORPC appointments increased dramatically in September when children started returning to school and other normal activities after the spring 2020 shutdowns caused by the pandemic.



⁸³ The statistical analysis conducted by the ORPC represents a regression analysis with predicted values, rather than a forecast.

⁸⁴ With 95% confidence intervals, the predicted increase ranges from 3.1% to 8.3%, or from 108 to 336 additional D&N case filings.

As illustrated in the chart below, September 2020 appointments were greater than in any previous September since the establishment of the ORPC and were 21% greater than the next highest September. This increase in D&N appointments is what one would expect in an economic downturn, as more families increasingly struggle to feed, clothe, and house themselves and their children, more parents fall below poverty guidelines and therefore qualify for court-appointed RPC.



The ORPC assumes that the economy will continue to be depressed for the duration of the pandemic, at least. Further, the ORPC assumes that the increased number of appointments will continue throughout FY 2020-21 and FY 2021-22. If the ORPC also assumes that there will be a 0.5 percentage point increase in the poverty rate from FY 2020-21 to FY 2021-22, the ORPC’s model predicts that there will be a 5.9% increase in D&N case filings.

The resulting estimate of the additional expense expected in the Court-appointed Counsel appropriation is shown below.⁸⁵

Estimate of FY2021-22 Court-appointed Counsel	
FY 2020-21 Appropriation	\$ 19,386,260
Projected FY 2021-22 increase	5.9%
Total Estimated Expense Increase	\$ 1,139,764

Because of the anticipated increase in the number of case filings noted above, the ORPC believes that a FY 2020-21 supplemental appropriation adjustment for Court-appointed Counsel may be needed.

⁸⁵ Taking into account the 95% confidence intervals noted in footnote (3) above, the range of estimated additional expense is \$599,575 with a 3.1% increase in case filings to \$1,604,775 with a 8.3% increase in case filings.

The ORPC will continue to monitor case filings and appointments and consider the need for a FY 2020-21 Supplemental Appropriation request and a FY 2021-22 Budget Amendment request.

Anticipated Outcomes:

The ORPC does not request additional General Fund support for expected caseload increases in Court-appointed Counsel expense. Should it be possible for the Joint Budget Committee (JBC) to consider increases due to increased caseloads, however, the ORPC would request \$1,139,764 General Fund for expected changes in the ORPC's Court-appointed Counsel expense. If no additional funding is provided, the ORPC might be unable to fulfill its statutory obligation to pay for high quality legal representation for indigent parents involved in dependency and neglect proceedings.

If there is a 0.5 percentage point increase in the poverty rate from FY 2020-21 to FY 2021-22 resulting in a 5.9% increase in D&N case filings, then increasing the Court-appointed Counsel appropriation will enable the ORPC to fulfill its statutory obligations.

Consequences if Not Funded:

If the estimated expense increase is not funded, the ORPC might be unable to fulfill its statutory mandate to pay respondent parents' counsel and other experts for their services. The Agency might have to request a FY 2021-22 Supplemental or Emergency Supplemental.

Impact to Other State Government Agencies:

Studies have shown that children have better long-term outcomes when they are raised in their families of origin.⁸⁶ Children who leave foster care struggle in all areas, including education, employment, income, housing, general and mental health, substance use, and criminal involvement.⁸⁷ Providing funding for parents' representation by Respondent Parent Counsel will prevent unnecessary removals and is therefore expected to result in cost savings to other agencies, including savings to: the Department of Human Services as a result of the decreased need for out-of-home care; the Department of Education as a result of the decreased disruption to children's lives and their increased readiness to learn; and the Judicial Department and the Department of Corrections due to the reduced likelihood that children traumatized by separation from their families will later become court-involved and possibly incarcerated.

⁸⁶ Mimi Laver, *Improving Representation for Parents in the Child-Welfare System*, October 7, 2013, available at <https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2013/improving-representation-parents-child-welfare-system/>

⁸⁷ Laura Gypen et al., *Outcomes of children who grew up in foster care: Systemic Review*, May, 2017, available at <https://www.sciencedirect.com/science/article/pii/S019074091730213X>

Office of the Respondent Parents' Counsel FY 2021-22
Department Summary

Schedule 2

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 Actual Expenditures	9.7	16,110,219	16,045,575	-	64,644	-
FY 2018-19 Actual Expenditures	9.2	20,525,589	20,435,214	20,300	70,076	-
FY 2019-20 Actual Expenditures	12.8	22,102,901	22,008,823	29,498	64,580	-
FY 2020-21 Appropriation	14.0	27,993,134	22,652,797	48,000	5,292,337	-
FY 2021-22 Request	14.0	28,266,472	22,912,540	48,000	5,305,932	-

Office of the Respondent Parents' Counsel FY 2021-22

Summary

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
FY 2018-19 Appropriation						
FY 2018-19 Long Bill, H.B. 18-1322	\$17,431,929	10.00	\$17,370,834	\$30,000	\$31,095	\$0
FY 2018-19 Supplemental, S.B. 19-115	\$3,078,244	-	\$3,078,244	\$0	\$0	\$0
FY 2018-19 Appropriation	\$20,510,173	10.00	\$20,449,078	\$30,000	\$31,095	\$0
FY 2019-20 Appropriation						
FY 2019-20 Long Bill, S.B. 19-207	\$20,869,276	13.00	\$20,808,181	\$30,000	\$31,095	\$0
Rollforward from FY 2018-19	\$12,000	-	\$12,000	\$0	\$0	\$0
FY 2019-20 Appropriation	\$20,881,276	13.00	\$20,820,181	\$30,000	\$31,095	\$0
FY 2020-21 Appropriation						
FY 2020-21 Long Bill, H.B. 20-1360	\$27,814,574	14.00	\$22,474,237	\$48,000	\$5,292,337	\$0
Special Bill, S.B. 20-192	\$178,560	-	\$178,560	\$0	\$0	\$0
FY 2020-21 Appropriation	\$27,993,134	14.00	\$22,652,797	\$48,000	\$5,292,337	\$0
FY 2021-22 Request						
FY 2020-21 Appropriation	\$27,993,134	14.00	\$22,652,797	\$48,000	\$5,292,337	\$0
Annualization of S.B. 18-200	\$272	-	\$250	\$0	\$22	\$0
Annualization of S.B. 20-162, Changes for Fed'l Family First Policy	\$178,560	-	\$178,560	\$0	\$0	\$0
Common policy adjustment, Salary Survey	\$0	-	\$0	\$0	\$0	\$0
Common policy adjustment, HLD	\$82,325	-	\$73,526	\$0	\$8,799	\$0
Common policy adjustment, STD	\$21	-	\$65	\$0	(\$44)	\$0
Common policy adjustment, AED	\$3,453	-	\$3,671	\$0	(\$218)	\$0
Common policy adjustment, SAED	\$3,453	-	\$3,671	\$0	(\$218)	\$0
Annualization, FY 2020-21, R-7, Carrie Ann Lucas Fellowship	\$5,254	-	\$0	\$0	\$5,254	\$0
FY 2021-22 Request	\$28,266,472	14.00	\$22,912,540	\$48,000	\$5,305,932	\$0
<i>annual change</i>	<i>\$273,338</i>	<i>-</i>	<i>\$259,743</i>	<i>\$0</i>	<i>\$13,595</i>	<i>\$0</i>
Change, FY 2020-21 to FY 2021-22:						
Dollar amounts and FTE	\$273,338	0.0	\$259,743	\$0	\$13,595	\$0
Percentage	1.0%	0.0%	1.1%	0.0%	0.3%	0.0%

Office of the Respondent Parents' Counsel FY 2020-21

Schedule 3

Line Item by Year

Long Bill Line Item	Total FTE	Total Fund	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed/Fu	Federal Fund
Personal Services										
FY 2018-19 Actual										
FY 2018-19 Long Bill, HB 18-1322	10.0	1,221,878	10.0	1,221,878	-	-	-	-	-	-
Final FY 2018-19 Appropriation	10.0	1,221,878	10.0	1,221,878	-	-	-	-	-	-
FY 2018-19 Allocated Pots	-	193,549	-	193,549	-	-	-	-	-	-
FY 2018-19 Salary Survey Allocated to Personal Svcs	-	31,841	-	31,841	-	-	-	-	-	-
Year End Transfers	-	(62,016)	-	(62,016)	-	-	-	-	-	-
Rollforward to FY 2019-20, HB 18-1322, footnote 66	-	(12,000)	-	(12,000)	-	-	-	-	-	-
FY 2018-19 Total Available Spending Authority	10.0	1,373,252	10.0	1,373,252	-	-	-	-	-	-
FY 2018-19 Expenditures	9.7	1,373,252	9.7	1,373,252	-	-	-	-	-	-
FY 2018-19 Reversion/(Overexpenditure)	0.3	-	0.3	-	-	-	-	-	-	-
FY 2019-20 Actual										
FY 2019-20 Long Bill, SB 19-207	13.0	1,485,089	13.0	1,485,089	-	-	-	-	-	-
Rollfvd from FY 2018-19, HB 18-1322, footnote 66	-	12,000	-	12,000	-	-	-	-	-	-
FY 2019-20 Supplemental Bill, HB 20-1249	-	36,245	-	36,245	-	-	-	-	-	-
Final FY 2019-20 Appropriation	13.0	1,533,334	13.0	1,533,334	-	-	-	-	-	-
FY 2019-20 Allocated Pots	-	290,151	-	290,151	-	-	-	-	-	-
FY 2019-20 Merit Pay Allocated to Personal Svcs	-	34,215	-	34,215	-	-	-	-	-	-
Year End Transfers	-	(32,809)	-	(32,809)	-	-	-	-	-	-
FY 2019-20 Total Available Spending Authority	13.0	1,824,891	13.0	1,824,891	-	-	-	-	-	-
FY 2019-20 Expenditures	12.8	1,824,183	12.8	1,824,183	-	-	-	-	-	-
FY 2019-20 Reversion/(Overexpenditure)	0.2	708	0.2	708	-	-	-	-	-	-
FY 2020-21 Appropriation										
FY 2020-21 Long Bill, HB 20-1360	14.0	1,721,458	13.0	1,581,687	-	-	1.0	139,771	-	-
FY 2020-21 Total Appropriation	14.0	1,721,458	13.0	1,581,687	-	-	1.0	139,771	-	-
FY 2020-21 Total Available Spending Authority	14.0	1,721,458	13.0	1,581,687	-	-	1.0	139,771	-	-
FY 2021-22 Request										
FY 2020-21 Appropriation	14.0	1,721,458	13.0	1,581,687	-	-	1.0	139,771	-	-
Annualization of HB 18-200	-	272	-	250	-	-	-	22	-	-
Annualization of FY 2020-21, R-7	-	12,707	-	-	-	-	-	12,707	-	-
FY 2020-21 Base Request	14.0	1,734,437	13.0	1,581,937	-	-	1.0	152,500	-	-
FY 2021-22 Total Request	14.0	1,734,437	13.0	1,581,937	-	-	1.0	152,500	-	-
FY 2020-21 Total Appropriation	14.0	1,721,458	13.0	1,581,687	-	-	1.0	139,771	-	-
FY 2021-22 Base Request	14.0	1,734,437	13.0	1,581,937	-	-	1.0	152,500	-	-
FY 2021-22 Total Request	14.0	1,734,437	13.0	1,581,937	-	-	1.0	152,500	-	-
Percentage Change FY 2020-21 to FY 2021-22	-	1%	-	0%	-	0%	-	9%	-	0%

Office of the Respondent Parents' Counsel FY 2020-21

Schedule 3

Line Item by Year

Long Bill Line Item	Total FTE	Total Funds	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed'l Funds	Federal Funds
Personal Services										
FY 2018-19 Actual										
FY 2018-19 Long Bill, HB 18-1322	10.0	1,221,878	10.0	1,221,878	-	-	-	-	-	-
Final FY 2018-19 Appropriation	10.0	1,221,878	10.0	1,221,878	-	-	-	-	-	-
FY 2018-19 Allocated Pots	-	193,549	-	193,549	-	-	-	-	-	-
FY 2018-19 Salary Survey Allocated to Personal Svcs	-	31,841	-	31,841	-	-	-	-	-	-
Year End Transfers	-	(62,016)	-	(62,016)	-	-	-	-	-	-
Rollforward to FY 2019-20, HB 18-1322, footnote 66	-	(12,000)	-	(12,000)	-	-	-	-	-	-
FY 2018-19 Total Available Spending Authority	10.0	1,373,252	10.0	1,373,252	-	-	-	-	-	-
FY 2018-19 Expenditures	9.7	1,373,252	9.7	1,373,252	-	-	-	-	-	-
FY 2018-19 Reversion/(Overexpenditure)	0.3	-	0.3	-	-	-	-	-	-	-
FY 2019-20 Actual										
FY 2019-20 Long Bill, SB 19-207	13.0	1,485,089	13.0	1,485,089	-	-	-	-	-	-
Rollfwd from FY 2018-19, HB 18-1322, footnote 66	-	12,000	-	12,000	-	-	-	-	-	-
FY 2019-20 Supplemental Bill, HB 20-1249	-	36,245	-	36,245	-	-	-	-	-	-
Final FY 2019-20 Appropriation	13.0	1,533,334	13.0	1,533,334	-	-	-	-	-	-
FY 2019-20 Allocated Pots	-	290,151	-	290,151	-	-	-	-	-	-
FY 2019-20 Merit Pay Allocated to Personal Svcs	-	34,215	-	34,215	-	-	-	-	-	-
Year End Transfers	-	(32,809)	-	(32,809)	-	-	-	-	-	-
FY 2019-20 Total Available Spending Authority	13.0	1,824,891	13.0	1,824,891	-	-	-	-	-	-
FY 2019-20 Expenditures	12.8	1,824,183	12.8	1,824,183	-	-	-	-	-	-
FY 2019-20 Reversion/(Overexpenditure)	0.2	708	0.2	708	-	-	-	-	-	-
FY 2020-21 Appropriation										
FY 2020-21 Long Bill, HB 20-1360	14.0	1,721,458	13.0	1,581,687	-	-	1.0	139,771	-	-
FY 2020-21 Total Appropriation	14.0	1,721,458	13.0	1,581,687	-	-	1.0	139,771	-	-
FY 2020-21 Total Available Spending Authority	14.0	1,721,458	13.0	1,581,687	-	-	1.0	139,771	-	-
FY 2021-22 Request										
FY 2020-21 Appropriation	14.0	1,721,458	13.0	1,581,687	-	-	1.0	139,771	-	-
Annualization of HB 18-200	-	272	-	250	-	-	-	22	-	-
Annualization of FY 2020-21, R-7	-	12,707	-	-	-	-	-	12,707	-	-
FY 2020-21 Base Request	14.0	1,734,437	13.0	1,581,937	-	-	1.0	152,500	-	-
FY 2021-22 Total Request	14.0	1,734,437	13.0	1,581,937	-	-	1.0	152,500	-	-
FY 2020-21 Total Appropriation	14.0	1,721,458	13.0	1,581,687	-	-	1.0	139,771	-	-
FY 2021-22 Base Request	14.0	1,734,437	13.0	1,581,937	-	-	1.0	152,500	-	-
FY 2021-22 Total Request	14.0	1,734,437	13.0	1,581,937	-	-	1.0	152,500	-	-
Percentage Change FY 2020-21 to FY 2021-22	-	1%	-	0%	-	0%	-	9%	-	0%

Long Bill Line Item	Total FTE	Total Funds	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed'l Funds	Federal Funds
Health, Life and Dental										
FY 2018-19 Actual										
FY 2018-19 Long Bill, HB 18-1322	-	93,928		93,928		-		-		-
Final FY 2018-19 Appropriation	-	93,928		93,928		-		-		-
FY 2018-19 Allocated Pots	-	(93,928)		(93,928)		-		-		-
FY 2018-19 Total Available Spending Authority	-	-		-		-		-		-
FY 2019-20 Actual										
FY 2019-20 Long Bill, SB 19-207	-	159,549	-	159,549	-	-	-	-	-	-
Final FY 2019-20 Appropriation	-	159,549	-	159,549	-	-	-	-	-	-
FY 2019-20 Allocated Pots	-	(159,549)		(159,549)		-		-		-
FY 2019-20 Total Available Spending Authority	-	-		-		-		-		-
FY 2020-21 Appropriation										
FY 2020-21 Long Bill, HB 20-1360	-	112,070		99,398		-		12,672		-
FY 2020-21 Total Appropriation	-	112,070		99,398		-		12,672		-
FY 2020-21 Total Available Spending Authority	-	112,070		99,398		-		12,672		-
FY 2021-22 Request										
FY 2020-21 Appropriation	-	112,070		99,398		-		12,672		-
Total Compensation Common Policy	-	82,325		73,526		-		8,799		-
FY 2021-22 Base Request	-	194,395		172,924		-		21,471		-
FY 2021-22 Total Request	-	194,395		172,924		-		21,471		-
FY 2020-21 Total Appropriation	-	112,070		99,398		-		12,672		-
FY 2021-22 Base Request	-	194,395		172,924		-		21,471		-
FY 2021-22 Total Request	-	194,395		172,924		-		21,471		-
Percentage Change FY 2020-21 to FY 2021-22	-	73%		74%		0%		69%		0%

Long Bill Line Item	Total FTE	Total Funds	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed'l Funds	Federal Funds
Short-term Disability										
FY 2018-19 Actual										
FY 2018-19 Long Bill, HB 18-1322	-	1,665		1,665		-		-		-
Final FY 2018-19 Appropriation	-	1,665		1,665		-		-		-
FY 2018-19 Allocated Pots	-	(1,665)		(1,665)		-		-		-
FY 2018-19 Total Available Spending Authority	-	-		-		-		-		-
FY 2019-20 Actual										
FY 2019-20 Long Bill, SB 19-207	-	2,058	-	2,058	-	-	-	-	-	-
FY 2019-20 Supplemental Bill, HB 20-1249	-	50	-	-	-	-	-	50	-	-
Final FY 2019-20 Appropriation	-	2,108	-	2,058	-	-	-	50		-
FY 2019-20 Allocated Pots	-	(2,108)		(2,058)		-		(50)		-
FY 2019-20 Total Available Spending Authority	-	-		-		-		-		-
FY 2020-21 Appropriation										
FY 2020-21 Long Bill, HB 20-1360	-	2,344		2,108		-		236		-
FY 2020-21 Total Appropriation	-	2,344		2,108		-		236		-
FY 2021-22 Request										
FY 2020-21 Appropriation	-	2,344		2,108		-		236		-
Total Compensation Common Policy	-	21		65		-		(44)		-
FY 2021-22 Base Request	-	2,365		2,173		-		192		-
FY 2021-22 Total Available Spending Authority	-	2,365		2,173		-		192		-
FY 2021-22 Total Request	-	2,365		2,173		-		192		-
FY 2020-21 Total Appropriation	-	2,344		2,108		-		236		-
FY 2021-22 Base Request	-	2,365		2,173		-		192		-
FY 2021-22 Total Request	-	2,365		2,173		-		192		-
Percentage Change FY 2020-21 to FY 2021-22	-	1%		3%		0%		-19%		0%

Long Bill Line Item	Total FTE	Total Funds	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed'l Funds	Federal Funds
S.B. 04-257 AED										
FY 2018-19 Actual										
FY 2018-19 Long Bill, HB 18-1322	-	48,978		48,978		-		-		-
Final FY 2018-19 Appropriation	-	48,978		48,978		-		-		-
FY 2018-19 Allocated Pots	-	(48,978)		(48,978)		-		-		-
FY 2018-19 Total Available Spending Authority	-	-		-		-		-		-
FY 2018-19 Expenditures	-	-		-		-		-		-
FY 2018-19 Reversion/(Overexpenditure)	-	-		-		-		-		-
FY 2019-20 Actual										
FY 2019-20 Long Bill, SB 19-207	-	64,247		64,247		-		-		-
FY 2019-20 Supplemental Bill, HB-1249	-	-		-		-		-		-
Final FY 2019-20 Appropriation	-	64,247		64,247		-		-		-
FY 2019-20 Allocated Pots	-	(64,247)		(64,247)		-		-		-
FY 2019-20 Total Available Spending Authority	-	-		-		-		-		-
FY 2020-21 Appropriation										
FY 2020-21 Long Bill, HB 20-1360	-	70,467		64,247		-		6,220		-
FY 2020-21 Total Appropriation	-	70,467		64,247		-		6,220		-
FY 2021-22 Request										
FY 2020-21 Appropriation	-	70,467		64,247		-		6,220		-
Total Compensation Common Policy	-	3,453		3,671		-		(218)		-
FY 2021-22 Base Request	-	73,920		67,918		-		6,002		-
FY 2021-22 Total Request	-	73,920		67,918		-		6,002		-
FY 2020-21 Total Appropriation	-	70,467		64,247		-		6,220		-
FY 2021-22 Base Request	-	73,920		67,918		-		6,002		-
FY 2021-22 Total Request	-	73,920		67,918		-		6,002		-
Percentage Change FY 2020-21 to FY 2021-22	-	5%		6%		0%		-4%		0%

Long Bill Line Item	Total FTE	Total Funds	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fedl Funds	Federal Funds
S.B. 06-235 SAED										
FY 2018-19 Actual										
FY 2018-19 Long Bill, HB 18-1322	-	48,978		48,978		-		-		-
Final FY 2018-19 Appropriation	-	48,978		48,978		-		-		-
FY 2018-19 Allocated Pots	-	(48,978)		(48,978)		-		-		-
FY 2018-19 Total Available Spending Authority	-	-		-		-		-		-
FY 2019-20 Actual										
FY 2019-20 Long Bill, SB 19-207	-	64,247		64,247		-		-		-
FY 2019-20 Supplemental Bill, HB 20-1249	-	-		-		-		-		-
Final FY 2019-20 Appropriation	-	64,247		64,247		-		-		-
FY 2019-20 Allocated Pots	-	(64,247)		(64,247)		-		-		-
FY 2019-20 Total Available Spending Authority	-	-		-		-		-		-
FY 2020-21 Appropriation										
FY 2020-21 Long Bill, HB 20-1360	-	70,467		64,247		-		6,220		-
FY 2020-21 Total Appropriation	-	70,467		64,247		-		6,220		-
FY 2021-22 Request										
FY 2020-21 Appropriation	-	70,467		64,247		-		6,220		-
Total Compensation Common Policy	-	3,453		3,671		-		(218)		-
FY 2021-22 Base Request	-	73,920		67,918		-		6,002		-
FY 2021-22 Total Request	-	73,920		67,918		-		6,002		-
FY 2020-21 Total Appropriation	-	70,467		64,247		-		6,220		-
FY 2021-22 Base Request	-	73,920		67,918		-		6,002		-
FY 2021-22 Total Request	-	73,920		67,918		-		6,002		-
Percentage Change FY 2020-21 to FY 2021-22	-	5%		6%		0%		-4%		0%

Long Bill Line Item	Total FTE	Total Funds	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed'l Funds	Federal Funds
Salary Survey										
FY 2018-19 Actual										
FY 2018-19 Long Bill, HB 18-1322	-	31,841		31,841		-		-		-
Final FY 2018-19 Appropriation	-	31,841		31,841		-		-		-
Allocated to Personal Services	-	(31,841)		(31,841)		-		-		-
FY 2018-19 Total Available Spending Authority	-	-		-		-		-		-
FY 2019-20 Actual										
FY 2019-20 Long Bill, SB 19-207	-	-		-		-		-		-
Final FY 2019-20 Appropriation	-	-		-		-		-		-
FY 2019-20 Total Available Spending Authority	-	-		-		-		-		-
FY 2020-21 Appropriation										
FY 2020-21 Long Bill, HB 20-1360	-	-		-		-		-		-
FY 2020-21 Total Appropriation	-	-		-		-		-		-
FY 2021-22 Request										
FY 2020-21 Appropriation	-	-		-		-		-		-
Total Compensation Common Policy	-	-		-		-		-		-
FY 2021-22 Base Request	-	-		-		-		-		-
FY 2021-22 Total Request	-	-		-		-		-		-
FY 2020-21 Total Appropriation	-	-		-		-		-		-
FY 2021-22 Base Request	-	-		-		-		-		-
FY 2021-22 Total Request	-	-		-		-		-		-
Percentage Change FY 2020-21 to FY 2021-22	-	0%		0%		0%		0%		0%

Merit										
FY 2018-19 Actual										
FY 2018-19 Long Bill, HB 18-1322	-	-		-		-		-		-
FY 2018-19 Total Available Spending Authority	-	-		-		-		-		-
FY 2019-20 Actual										
FY 2019-20 Long Bill, SB 19-207	-	34,215		34,215		-		-		-
Final FY 2019-20 Appropriation	-	34,215		34,215		-		-		-
Allocated to Personal Services	-	(34,215)		(34,215)		-		-		-
FY 2019-20 Total Available Spending Authority	-	-		-		-		-		-
FY 2020-21 Appropriation										
FY 2020-21 Long Bill, HB 20-1360	-	-		-		-		-		-
FY 2020-21 Total Appropriation	-	-		-		-		-		-
FY 2021-22 Request										
FY 2020-21 Appropriation	-	-		-		-		-		-
FY 2021-22 Base Request	-	-		-		-		-		-
FY 2021-22 Total Request	-	-		-		-		-		-
FY 2020-21 Total Appropriation	-	-		-		-		-		-
FY 2021-22 Base Request	-	-		-		-		-		-
FY 2021-22 Total Request	-	-		-		-		-		-
Percentage Change FY 2020-21 to FY 2021-22	-	0%		0%		0%		0%		0%

Long Bill Line Item	Total FTE	Total Funds	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fedl Funds	Federal Funds
Operating										
FY 2018-19 Actual										
FY 2018-19 Long Bill, HB 18-1322	-	103,119		103,119		-		-		-
Final FY 2018-19 Appropriation	-	103,119		103,119		-		-		-
Year End Transfers	-	30,974		30,974		-		-		-
FY 2018-19 Total Available Spending Authority	-	134,093		134,093		-		-		-
FY 2018-19 Expenditures	-	134,093		134,093		-		-		-
FY 2018-19 Reversion/(Overexpenditure)	-	-		-		-		-		-
FY 2019-20 Actual										
FY 2019-20 Long Bill, SB 19-207	-	104,899		104,899		-		-		-
FY 2019-20 Supplemental Bill, HB 20-1249	-	12,273		12,273		-		-		-
Final FY 2019-20 Appropriation	-	117,172		117,172		-		-		-
Year End Transfers	-	(8,500)		(8,500)		-		-		-
FY 2019-20 Total Available Spending Authority	-	108,672		108,672		-		-		-
FY 2019-20 Expenditures	-	108,365		108,365		-		-		-
FY 2019-20 Reversion/(Overexpenditure)	-	307		307		-		-		-
FY 2020-21 Appropriation										
FY 2020-21 Long Bill, HB 20-1360	-	133,853		125,450		-		8,403		-
FY 2020-21 Total Appropriation	-	133,853		125,450		-		8,403		-
FY 2021-22 Request										
FY 2020-21 Appropriation	-	133,853		125,450		-		8,403		-
Annualization of FY 2020-21 R-7	-	(7,453)		-		-		(7,453)		-
FY 2021-22 Base Request	-	126,400		125,450		-		950		-
FY 2021-22 Total Request	-	126,400		125,450		-		950		-
FY 2020-21 Total Appropriation	-	133,853		125,450		-		8,403		-
FY 2021-22 Base Request	-	126,400		125,450		-		950		-
FY 2021-22 Total Request	-	126,400		125,450		-		950		-
Percentage Change FY 2020-21 to FY 2021-22	-	-6%		0%		0%		-89%		0%

Long Bill Line Item	Total FTE	Total Funds	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed'l Funds	Federal Funds
Legal Services										
FY 2018-19 Actual										
FY 2018-19 Long Bill, HB 18-1322	-	1,864		1,864		-		-		-
Final FY 2018-19 Appropriation	-	1,864		1,864		-		-		-
FY 2018-19 Total Available Spending Authority	-	1,864		1,864		-		-		-
FY 2018-19 Expenditures	-	1,864		1,864		-		-		-
FY 2018-19 Reversion/(Overexpenditure)	-	-		-		-		-		-
FY 2019-20 Actual										
FY 2019-20 Long Bill, SB 19-207	-	-		-		-		-		-
Final FY 2019-20 Appropriation	-	-		-		-		-		-
FY 2019-20 Total Available Spending Authority	-	-		-		-		-		-
FY 2020-21 Appropriation										
FY 2020-21 Long Bill, HB 20-1360	-	-		-		-		-		-
FY 2020-21 Total Appropriation	-	-		-		-		-		-
FY 2021-22 Request										
FY 2020-21 Appropriation	-	-		-		-		-		-
FY 2021-22 Base Request	-	-		-		-		-		-
FY 2021-22 Total Request	-	-		-		-		-		-
FY 2020-21 Total Appropriation	-	-		-		-		-		-
FY 2021-22 Base Request	-	-		-		-		-		-
FY 2021-22 Total Request	-	-		-		-		-		-
Percentage Change FY 2020-21 to FY 2021-22	-	0%		0%		0%		0%		0%

Long Bill Line Item	Total FTE	Total Funds	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed'l Funds	Federal Funds
Training										
FY 2018-19 Actual										
FY 2018-19 Long Bill, HB 18-1322	-	60,000		30,000		30,000		-		-
Final FY 2018-19 Appropriation	-	60,000		30,000		30,000		-		-
Undercollection of Revenue	-	(9,700)		-		(9,700)		-		-
Year End Transfers	-	66		66		-		-		-
FY 2018-19 Total Available Spending Authority	-	50,366		30,066		20,300		-		-
FY 2018-19 Expenditures	-	50,366		30,066		20,300		-		-
FY 2018-19 Reversion/(Overexpenditure)	-	-		-		-		-		-
FY 2019-20 Actual										
FY 2019-20 Long Bill, SB 19-207	-	60,000		30,000		30,000		-		-
FY 2019-20 Supplemental Bill, HB 20-1249	-	5,000				5,000		-		-
Final FY 2019-20 Appropriation	-	65,000		30,000		35,000		-		-
Undercollection of Revenue	-	(5,502)		-		(5,502)		-		-
Year End Transfers	-	(4,000)		(4,000)		-		-		-
FY 2019-20 Total Available Spending Authority	-	55,498		26,000		29,498		-		-
FY 2019-20 Expenditures	-	55,212		25,714		29,498		-		-
FY 2019-20 Reversion/(Overexpenditure)	-	286		286		-		-		-
FY 2020-21 Appropriation										
FY 2020-21 Long Bill, HB 20-1360	-	106,000		30,000		48,000		28,000		-
FY 2020-21 Total Appropriation	-	106,000		30,000		48,000		28,000		-
FY 2021-22 Request										
FY 2020-21 Appropriation	-	106,000		30,000		48,000		28,000		-
FY 2020-21 Base Request	-	106,000		30,000		48,000		28,000		-
R-1,	-	-								-
FY 2021-22 Total Request	-	106,000		30,000		48,000		28,000		-
FY 2020-21 Total Appropriation	-	106,000		30,000		48,000		28,000		-
FY 2021-22 Base Request	-	106,000		30,000		48,000		28,000		-
FY 2021-22 Total Request	-	106,000		30,000		48,000		28,000		-
Percentage Change FY 2020-21 to FY 2021-22	-	0%		0%		0%		0%		0%

Long Bill Line Item	Total FTE	Total Funds	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed'l Funds	Federal Funds
IV-E Legal Representation										
FY 2018-19 Actual										
FY 2018-19 Long Bill, HB 18-1322	-	-		-		-		-		-
Final FY 2018-19 Appropriation	-	-		-		-		-		-
FY 2019-20 Actual										
FY 2019-20 Long Bill, SB 19-207	-	-		-		-		-		-
FY 2019-20 Supplemental Bill, HB 20-1249		2,370,740				-		2,370,740		-
Final FY 2019-20 Appropriation	-	2,370,740		-		-		2,370,740		-
FY 2019-20 Total Available Spending Authority	-	2,370,740		-		-		2,370,740		-
FY 2019-20 Expenditures		-						-		
FY 2019-20 Reversion/(Overexpenditure)	-	2,370,740		-		-		2,370,740		-
FY 2020-21 Appropriation										
FY 2020-21 Long Bill, HB 20-1360	-	4,741,480		-		-		4,741,480		-
FY 2020-21 Total Appropriation	-	4,741,480		-		-		4,741,480		-
FY 2021-22 Request										
FY 2020-21 Appropriation	-	4,741,480		-		-		4,741,480		-
FY 2021-22 Base Request	-	4,741,480		-		-		4,741,480		-
FY 2021-22 Total Request	-	4,741,480		-		-		4,741,480		-
FY 2020-21 Total Appropriation	-	4,741,480		-		-		4,741,480		-
FY 2021-22 Base Request	-	4,741,480		-		-		4,741,480		-
FY 2021-22 Total Request	-	4,741,480		-		-		4,741,480		-
Percentage Change FY 2020-21 to FY 2021-22	-	0%		0%		0%		0%		0%

Long Bill Line Item	Total FTE	Total Funds	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed'l Funds	Federal Funds
Court Appointed Counsel										
FY 2018-19 Actual										
FY 2018-19 Long Bill, HB 18-1322	-	14,728,892		14,728,892		-		-		-
FY 2018-19 Supplemental Bill, SB 19-115	-	2,847,813		2,847,813		-		-		-
Final FY 2018-19 Appropriation	-	17,576,705		17,576,705		-		-		-
Year End Transfers	-	(197,335)		(197,335)		-		-		-
FY 2018-19 Total Available Spending Authority	-	17,379,370		17,379,370		-		-		-
FY 2018-19 Expenditures	-	17,379,370		17,379,370		-		-		-
FY 2018-19 Reversion/(Overexpenditure)	-	-		-		-		-		-
FY 2019-20 Actual										
FY 2019-20 Long Bill, SB 19-207	-	17,576,705		17,576,705		-		-		-
FY 2019-20 Supplemental Bill, HB 20-1249	-	1,709,919		1,709,919		-		-		-
Final FY 2019-20 Appropriation	-	19,286,624		19,286,624		-		-		-
Year End Transfers	-	(700,691)		(700,691)		-		-		-
FY 2019-20 Total Available Spending Authority	-	18,585,933		18,585,933		-		-		-
FY 2019-20 Expenditures	-	17,781,549		17,781,549		-		-		-
FY 2019-20 Reversion/(Overexpenditure)	-	804,384		804,384		-		-		-
FY 2020-21 Appropriation										
FY 2020-21 Long Bill, HB 20-1360	-	19,286,624		19,286,624		-		-		-
SB 20-162, Changes for Federal Family First Policy	-	99,636		99,636		-		-		-
FY 2020-21 Total Appropriation	-	19,386,260		19,386,260		-		-		-
FY 2021-22 Request										
FY 2020-21 Appropriation	-	19,386,260		19,386,260		-		-		-
Annualization of SB 20-162	-	99,636		99,636		-		-		-
FY 2021-22 Base Request	-	19,485,896		19,485,896		-		-		-
FY 2021-22 Total Request	-	19,485,896		19,485,896		-		-		-
FY 2020-21 Total Appropriation	-	19,386,260		19,386,260		-		-		-
FY 2021-22 Base Request	-	19,485,896		19,485,896		-		-		-
FY 2021-22 Total Request	-	19,485,896		19,485,896		-		-		-
Percentage Change FY 2020-21 to FY 2021-22	-	0.5%		0.5%		0.0%		0.0%		0.0%

Long Bill Line Item	Total FTE	Total Funds	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed'l Funds	Federal Funds
Mandated Costs										
FY 2018-19 Actual										
FY 2018-19 Long Bill, HB 18-1322	-	1,059,691		1,059,691		-		-		-
FY 2018-19 Supplemental Bill, SB 19-115	-	230,431		230,431		-		-		-
Final FY 2018-19 Appropriation	-	1,290,122		1,290,122		-		-		-
Year End Transfers	-	228,311		228,311		-		-		-
FY 2018-19 Total Available Spending Authority	-	1,518,433		1,518,433		-		-		-
FY 2018-19 Expenditures	-	1,518,433		1,518,433		-		-		-
FY 2018-19 Reversion/(Overexpenditure)	-	-		-		-		-		-
FY 2019-20 Actual										
FY 2019-20 Long Bill, SB 19-207	-	1,290,122		1,290,122		-		-		-
FY 2019-20 Supplemental Bill, HB 20-1249	-	232,994		232,994		-		-		-
Final FY 2019-20 Appropriation	-	1,523,116		1,523,116		-		-		-
Year End Transfers	-	746,000		746,000		-		-		-
FY 2019-20 Total Available Spending Authority	-	2,269,116		2,269,116		-		-		-
FY 2019-20 Expenditures	-	2,269,012		2,269,012		-		-		-
FY 2019-20 Reversion/(Overexpenditure)	-	104		104		-		-		-
FY 2020-21 Appropriation										
FY 2020-21 Long Bill, HB 20-1360	-	1,538,716		1,220,476		-		318,240		-
SB 20-162, Changes for Federal Family First Policy	-	78,924		78,924		-		-		-
FY 2020-21 Total Appropriation	-	1,617,640		1,299,400		-		318,240		-
FY 2021-22 Request										
FY 2020-21 Appropriation	-	1,617,640		1,299,400		-		318,240		-
Annualization of SB 20-162	-	78,924		78,924		-		-		-
FY 2021-22 Base Request	-	1,696,564		1,378,324		-		318,240		-
FY 2020-21 Total Available Spending Authority	-	1,696,564		1,378,324		-		318,240		-
FY 2021-22 Total Request	-	1,696,564		1,378,324		-		318,240		-
FY 2020-21 Total Appropriation	-	1,617,640		1,299,400		-		318,240		-
FY 2021-22 Base Request	-	1,696,564		1,378,324		-		318,240		-
FY 2021-22 Total Request	-	1,696,564		1,378,324		-		318,240		-
Percentage Change FY 2020-21 to FY 2021-22	-	5%		6%		0%		0%		0%

Long Bill Line Item	Total FTE	Total Funds	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed'l Funds	Federal Funds
Grants										
FY 2018-19 Actual										
FY 2018-19 Long Bill, HB 18-1322	-	31,095		-		-		31,095		-
Custodial Appropriation	-	38,981		-		-		38,981		-
Final FY 2018-19 Appropriation	-	70,076		-		-		70,076		-
FY 2018-19 Total Available Spending Authority	-	70,076		-		-		70,076		-
FY 2018-19 Expenditures	-	70,076		-		-		70,076		-
FY 2018-19 Reversion/(Overexpenditure)	-	0		-		-		0		-
FY 2019-20 Actual										
FY 2019-20 Long Bill, SB 19-207	-	31,095		-		-		31,095		-
Custodial Appropriation	-	63,221		-		-		63,221		-
Final FY 2019-20 Appropriation	-	94,316		-		-		94,316		-
FY 2019-20 Total Available Spending Authority	-	94,316		-		-		94,316		-
FY 2019-20 Expenditures	-	64,580		-		-		64,580		-
FY 2019-20 Reversion/(Overexpenditure)	-	29,736		-		-		29,736		-
FY 2020-21 Appropriation										
FY 2020-21 Long Bill, HB 20-1360	-	31,095		-		-		31,095		-
FY 2020-21 Total Appropriation	-	31,095		-		-		31,095		-
FY 2021-22 Request										
FY 2020-21 Appropriation	-	31,095		-		-		31,095		-
FY 2021-22 Base Request	-	31,095		-		-		31,095		-
FY 2021-22 Total Request	-	31,095		-		-		31,095		-
FY 2020-21 Total Appropriation	-	31,095		-		-		31,095		-
FY 2021-22 Base Request	-	31,095		-		-		31,095		-
FY 2021-22 Total Request	-	31,095		-		-		31,095		-
Percentage Change FY 2020-21 to FY 2021-22	-	0%		0%		0%		0%		0%

Office of the Respondent Parents' Counsel FY 2021-22

Schedule 4

Funding Source

	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 Actual	16,110,219	16,045,575	-	64,644	-
FY 2018-19 Actual	20,525,589	20,435,214	20,300	70,076	-
FY 2019-20 Actual	22,102,901	22,008,823	29,498	64,580	-
FY 2020-21 Appropriation	27,993,134	22,652,797	48,000	5,292,337	-
FY 2021-22 Request	28,266,472	22,912,540	48,000	5,305,932	-

Office of the Respondent Parents' Counsel FY 2021-22

Schedule 5

Line Item to Statute

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	Funds 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.
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 transcripts.	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S.
IV-E Legal Reimbursement	Funds the expansion and enhancement of legal representation for parents and administrative costs under Title IV-E of the Social Security Act and the U.S. Dept. of Health and Human Services Children's Bureau Child Welfare Policy Manual.	Office of the Respondent Parents' Counsel	26-2-102 to 26-5-104, 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 2020-21
Special Bills Summary**

Schedule 6

Bill Number & Short Title	FTE	Total Funds	General Fund	Cash Funds	Reappropriated	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)	-	-
FY 2016-17 - none						
FY 2017-18 - none						
FY 2018-19 - none						
FY 2019-20 - none						
FY 2020-21						
S.B. 20-162: Changes for Fed'1 Family First Policy						
Court-appointed Counsel		99,636	99,636	-	-	-
Mandated Costs		78,924	78,924	-	-	-
H.B. 15-1149: Concerning the RPC	-	178,560	178,560	-	-	-
FY 2020-21 Department Total	-	178,560	178,560	-	-	-
FY 2021-22						
Annualization of S.B. 20-162: Changes for Fed'1 Family First Policy						
Court-appointed Counsel		99,636	99,636	-	-	-
Mandated Costs		78,924	78,924	-	-	-
H.B. 15-1149: Concerning the RPC	-	178,560	178,560	-	-	-
FY 2021-22 Department Total	-	178,560	178,560	-	-	-

Office of the Respondent Parents' Counsel FY 2020-21
Supplemental Bills Summary

Schedule 7

Bill Number & Short Title	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
FY 2015-16 - none						
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	
FY 2016-17 Department Total	-	2,365,756	2,342,001	-	23,755	-
FY 2017-18 - none						
FY 2018-19, Senate Bill 19-115						
Court-appointed Counsel		2,847,813	2,847,813			
Mandated Costs		230,431	230,431			
FY 2018-19 Department Total	-	3,078,244	3,078,244	-	-	-
FY 2019-20, House Bill 20-1249						
Personal Services		36,245	36,245			
STD		50	50			
AED		1,475	1,475			
SAED		1,475	1,475			
Operating		12,273	12,273			
Training		5,000		5,000		
Title IV-E Legal Representation (new line)		2,370,740	-		2,370,740	
Court-appointed Counsel		1,709,919	1,709,919			
Mandated Costs		232,994	232,994			
FY 2019-20 Department Total	-	4,370,171	1,994,431	5,000	2,370,740	-

Office of the Respondent Parents' Counsel FY 2021-22				Schedule 8	
Common Policy Summary					
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
AED					
Appropriation FY 2018-19	48,978	48,978	-	-	-
Appropriation FY 2019-20	62,772	62,772	-	-	-
Appropriation FY 2020-21	70,467	64,247	-	6,220	-
Request FY 2021-22	73,920	67,918	-	6,002	-
SAED					
Appropriation FY 2018-19	48,978	48,978	-	-	-
Appropriation FY 2019-20	62,772	62,772	-	-	-
Appropriation FY 2020-21	70,467	64,247	-	6,220	-
Request FY 2021-22	73,920	67,918	-	6,002	-
Salary Survey					
Appropriation FY 2018-19	31,841	31,841	-	-	-
Appropriation FY 2019-20	-	-	-	-	-
Appropriation FY 2020-21	-	-	-	-	-
Request FY 2021-22	-	-	-	-	-
Merit					
Appropriation FY 2018-19	-	-	-	-	-
Appropriation FY 2019-20	34,215	34,215	-	-	-
Appropriation FY 2020-21	-	-	-	-	-
Request FY 2021-22	-	-	-	-	-
Health, Life, and Dental					
Appropriation FY 2018-19	93,928	93,928	-	-	-
Appropriation FY 2019-20	159,549	159,549	-	-	-
Appropriation FY 2020-21	112,070	99,398	-	12,672	-
Request FY 2021-22	194,395	172,924	-	21,471	-
Short-term Disability					
Appropriation FY 2018-19	1,665	1,665	-	-	-
Appropriation FY 2019-20	2,058	2,058	-	-	-
Appropriation FY 2020-21	2,344	2,108	-	236	-
Request FY 2021-22	2,365	2,173	-	192	-
Legal Services					
Appropriation FY 2018-19	1,864	1,864	-	-	-
Appropriation FY 2019-20	-	-	-	-	-
Appropriation FY 2020-21	-	-	-	-	-
Request FY 2021-22	-	-	-	-	-

Office of the Respondent Parents' Counsel FY 2021-22			Schedule 14			
Personal Services			FY 2019-20		FY 2020-21	
Position Type	FY 2018-19 Actual Expenditures	FTE	Appropriation		Appropriation	
Executive Director	168,202	1.0				
Executive Management	281,519	2.0				
Attorney Staff	325,343	3.3				
Administrative & Accounting Staff	187,505	2.9				
Total Full and Part-time Employee Expenditures	962,569	9.2				
PERA Contributions & Other Retirement Plans	94,753					
Medicare	14,094					
Merit Pay						
Unemployment	5,946					
Settlement less repayment from Risk Management	17,500					
Temporary Employees						
Sick and Annual Leave Payouts	4,615					
Contract Services	83,800					
Furlough Wages						
Other Expenditures (specify as necessary)						
Total Temporary, Contract, and Other Expenditures	1,183,277	9.2				
POTS Expenditures (excluding Salary Survey and Performance-based Pay already included above):						
Health, Life, and Dental	95,176					
Short-term Disability	1,446					
S.B. 04-257 AED	46,677					
S.B. 06-235 SAED	46,677					
Total Expenditures for Line Item	1,373,252	9.2				
Total Spending Authority (General Fund)	1,447,268	10.0				
Transfers	(62,016)					
Rollforwards	(12,000)					
Spending Authority - General Fund	1,373,252	10.0	1,806,455	13.0	1,811,687	13.0
Spending Authority - Reappropriated Funds	-	-	-	-	165,119	1.0
Total Spending Authority	1,373,252	10.0	1,806,455	13.0	1,976,806	14.0
Amount Under/(Over) Expended	-	0.8				

Office of the Respondent Parents' Counsel FY 2021-22

Schedule 14

Personal Services

Position Type	FY 2019-20 Actual		FY 2020-21		FY 2021-22 Request	
	Expenditures	FTE	Appropriation			
Executive Director	172,827	1.0				
Executive Management	297,775	2.0				
Professional Staff	595,908	5.8				
Administrative & Accounting Staff	243,325	4.0				
Total Full and Part-time Employee Expenditures	1,309,835	12.8				
PERA Contributions & Other Retirement Plans	133,157					
Medicare	18,584					
Merit Pay						
Unemployment						
Temporary Employees						
Sick and Annual Leave Payouts	10,175					
Contract Services	68,326					
Furlough Wages						
Other Expenditures (specify as necessary)						
Total Temporary, Contract, and Other Expenditures	1,540,077	12.8				
POTS Expenditures (excluding Salary Survey and Performance-based Pay already included above):						
Health, Life, and Dental	153,887					
Short-term Disability	1,937					
S.B. 04-257 AED	64,141					
S.B. 06-235 SAED	64,141					
Total Expenditures for Line Item	1,824,183	12.8				
Total Spending Authority (General Fund)	1,845,700	13.0				
Transfers	(32,809)					
Rollforwards from Prior Year	12,000					
Spending Authority - General Fund	1,824,891	13.0	1,811,687	13.0	1,892,870	13.0
Spending Authority - Reappropriated Funds	-	-	165,119	1.0	186,167	1.0
Total Spending Authority	1,824,891	13.0	1,976,806	14.0	2,079,037	14.0
Amount Under/(Over) Expended - General Fund	708	0.2				

**Office of the Respondent Parents' Counsel FY 2021-22
Operating - General Fund**

Schedule 14

Object Code & Description	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Appropriation	FY 2021-22 Request
2210 - Other Maintenance and Repair Services	185			
2250 - Miscellaneous Rentals		360		
2252 - State Fleet	437	526		
2253 - Rental of Non-IT Equipment	2,856	2,434		
2255 - Rental of Meeting Rooms & Leased Space		320		
2510 - General Travel - Employee	290	953		
2511 - Common Carrier Fares	221	848		
2512 - Meals - Employee	776	275		
2513 - Mileage Reimbursement - Employee	1,668	1,421		
2520 - General Travel - Nonemployee	185	314		
2522 - Meal Reimbursement - Nonemployee	73	39		
2523 - Mileage Reimbursement - Nonemployee	872	883		
2610 - Advertising Services	140			
2631 - Communication Services	15,462	14,916		
2680 - Printing & Reproduction Services	1,307	1,747		
2710 - Medical Services		524		
2820 - Purchased Services	5,902	4,750		
3110 - Identification & Safety Supplies	576	202		
3118 - Food & Food Services Supplies	1,506	940		
3120 - Books / Periodicals / Subscriptions	35,440	1,443		
3121 - Office Supplies	2,613	1,649		
3123 - Postage	1,597	1,254		
3128 - NonCapitalized Non-IT Equipment	2,474	260		
3132 - NonCapitalized Office Furniture and Fixtures	23,170	6,811		
3140 - Noncapitalized IT Eqpt - Software and Hardware	26,493	3,944		
3145 - Software Subscriptions		55,996		
4100 - Other Operating Expenditures	2,119	1,729		
4140 - Dues and Memberships	190	3,759		
4220 - Registration Fees	580	68		
6211 - Capitalized Information Technology	6,960			
Total Expenditures Denoted in Object Codes	\$134,093	\$108,365		
Total Spending Authority / Request for Line Item	\$134,093	\$108,672	\$125,450	\$125,450
Amount Under/(Over) Expended	\$0	\$307		

Operating - Reappropriated Funds				
Object Code & Description	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Appropriation	FY 2021-22 Request
Total Expenditures for Line Item	\$0	\$0		
Total Spending Authority / Request for Line Item	\$0	\$0	\$8,403	\$950
Amount Under/(Over) Expended	\$0	\$0		

Office of the Respondent Parents' Counsel Legal Services			Schedule 14	
Object Code & Description	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Appropriation	FY 2021-22 Request
2690 - Legal Services	\$1,864	\$0		
Total Expenditures Denoted in Object Codes	\$1,864	\$0		
Total Spending Authority / Request for Line Item	\$1,864	\$0	\$0	\$0
Amount Under/(Over) Expended	\$0	\$0		

Office of the Respondent Parents' Counsel Training - General Fund			Schedule 14	
Object Code & Description	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Appropriation	FY 2021-22 Request
1935 - Professional Services	\$5,275	\$730		
2510 - General Travel - Employee	\$871	\$222		
2511 -	\$750			
2512 - Meals - Employee	\$306			
2513 - Mileage Reimbursement - Employee	\$345			
2520 - General Travel - Nonemployee	\$703	\$916		
2521 - Common Carrier Fares - Nonemployee		\$3,190		
2522 - Meals - Nonemployee		\$528		
2523 - Mileage Reimbursement - Nonemployee		\$792		
2681 - Printing & Reproduction Services, Reimbursements		\$234		
2820 - Purchased Services	\$6,465	\$687		
3118 - Food & Food Services Supplies	\$1,860	\$17,184		
3120 - Books / Periodicals / Subscriptions	\$885			
3121 - Office Supplies	\$5,090	\$806		
3128 - Noncapitalized Non-IT Equipment	\$1,585			
4100 - Other Operating Expenditures	\$520	\$250		
4220 - Registration Fees	\$5,411	\$175		
Total Expenditures Denoted in Object Codes	\$30,066	\$25,714		
Total Spending Authority / Request for Line Item	\$30,066	\$26,000	\$30,000	\$30,000
Amount Under/(Over) Expended	\$0	\$286		

Office of the Respondent Parents' Counsel			Schedule 14	
Training - Cash Fund				
Object Code & Description	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Appropriation	FY 2021-22 Request
2520 - General Travel - Nonemployee	\$1,549			
2820 - Purchased Services		\$700		
3118 - Food & Food Services Supplies	\$18,751	\$27,125		
3120 - Books / Periodicals / Subscriptions		\$253		
3121 - Office Supplies		\$136		
3145 - Software Subscriptions		\$484		
4100 - Other Operating Expenditures		\$50		
4140 - Dues and Memberships		\$750		
Total Expenditures Denoted in Object Codes	\$20,300	\$29,498		
Transfers	\$0	\$0		
Roll Forwards	\$0	\$0		
Total Expenditures for Line Item	\$20,300	\$29,498		
Total Spending Authority / Request for Line Item	\$20,300	29,498	\$48,000	\$48,000
Amount Under/(Over) Expended	\$0	\$0		

Office of the Respondent Parents' Counsel			Schedule 14	
Training - Reappropriated Funds				
Object Code & Description	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Appropriation	FY 2021-22 Request
Total Expenditures Denoted in Object Codes	\$0	\$0		
Transfers	\$0	\$0		
Roll Forwards	\$0	\$0		
Total Expenditures for Line Item	\$0	\$0		
Total Spending Authority / Request for Line Item	\$0	\$0	\$28,000	\$28,000
Amount Under/(Over) Expended	\$0	\$0		

Office of the Respondent Parents' Counsel			Schedule 14	
IV-E Legal Reimbursement - Reappropriated Funds				
Object Code & Description	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Appropriation	FY 2021-22 Request
Total Expenditures Denoted in Object Codes	\$0	\$0		
Transfers	\$0	\$0		
Roll Forwards	\$0	\$0		
Total Expenditures for Line Item	\$0	\$0		
Total Spending Authority / Request for Line Item	\$0	2,370,740	\$4,741,480	\$4,741,480
Amount Under/(Over) Expended	\$0	\$2,370,740		

Office of the Respondent Parents' Counsel			Schedule 14	
Court-appointed Counsel				
Object Code & Description	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Appropriation	FY 2021-22 Request
1622 - Contractual Employee, PERA	\$2,455	\$2,563		
1624 - Contractual Employee, PERA AED	\$1,209	\$1,232		
1625 - Contractual Employee, PERA Supplemental AED	\$1,209	\$1,232		
1935 - Personal Services	\$16,828,498	\$17,327,853		
2520 - General Travel - Nonemployee	\$94	\$463		
2523 - Mileage Reimbursement - Nonemployee	\$495,100	\$399,212		
2543 - Mileage - Nonemployee, Out of State	\$1,453	\$629		
4260 - Nonemployee Expense Reimbursements	\$49,352	\$48,365		
Total Expenditures Denoted in Object Codes	\$17,379,370	\$17,781,549		
Total Spending Authority / Request for Line Item	\$17,379,370	18,585,933	\$19,386,260	\$19,485,896
Amount Under/(Over) Expended	\$0	\$804,384		

Office of the Respondent Parents' Counsel			Schedule 14	
Mandated Costs - General Fund				
Object Code & Description	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Appropriation	FY 2021-22 Request
1622 - Contractual Employee, PERA	\$2,526	\$2,100		
1624 - Contractual Employee, PERA AED	\$1,245	\$1,010		
1625 - Contractual Employee, PERA Supplemental AED	\$1,245	\$1,010		
1935 - Personal Services	\$1,508,735	\$2,199,485		
2513 - Mileage Reimbursement - Employee	\$137			
2520 - General Travel - Nonemployee	\$2,105	\$3,055		
2523 - Mileage Reimbursement - Nonemployee	\$1,785	\$61,635		
2540 - General Travel - Nonemployee, Out of State	\$118			
2541 - Common Carrier Fares - Nonemployee, Out of State	\$373			
2542 - Meals - Nonemployee, Out of State	\$55			
4100 - Other Operating Expenditures		\$75		
4140 - Dues and Memberships		\$30		
4260 - Nonemployee Reimbursement	\$108	\$612		
Total Expenditures Denoted in Object Codes	\$1,518,433	\$2,269,012		
Total Spending Authority / Request for Line Item	\$1,518,433	2,269,116	\$1,299,400	\$1,378,324
Amount Under/(Over) Expended	(\$0)	\$104		

Office of the Respondent Parents' Counsel			Schedule 14	
Mandated Costs - Reappropriated Funds				
Object Code & Description	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Appropriation	FY 2021-22 Request
Total Expenditures Denoted in Object Codes	\$0	\$0		
Total Spending Authority / Request for Line Item		-	\$318,240	\$318,240
Amount Under/(Over) Expended	\$0	\$0		

**Office of the Respondent Parents' Counsel
Grants - Reappropriated Funds**

Schedule 14

Object Code & Description	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Appropriation	FY 2021-22 Request
1210 - Contractual and Non-Classified Full-Time Wages		\$8,339		
1935 - Personal Services - Professional	\$2,325	\$1,500		
2250 - Miscellaneous Rentals	\$938			
2255 - Rental of Meeting Rooms	\$171	\$1,636		
2260 - Rental of IT Equipment		\$4,998		
2510 - General Travel - Employee	\$14,180	\$3,646		
2511 - In-State Common Carrier Fares	\$2,835	\$1,774		
2512 - Meals - Employee	\$1,845	\$3,058		
2513 - Mileage Reimbursement - Employee	\$1,619	\$1,977		
2520 - General Travel - Nonemployee	\$8,243	\$12,255		
2521 - Common Carrier Fares - Nonemployee	\$9,054	\$4,960		
2522 - Meals - Nonemployee	\$4,145	\$448		
2523 - Mileage Reimbursement - Nonemployee	\$671	\$446		
2530 - General Travel - Employee, Out of State		\$829		
2681 - Printing & Reproduction Services - Reimbursements		\$171		
2820 - Purchased Services	\$6,171	\$6,800		
3110 - Identification & Safety Supplies	\$54			
3118 - Food & Food Services Supplies	\$11,709	\$370		
3120 - Books / Periodicals / Subscriptions	\$475	\$430		
3121 - Office Supplies	\$43	\$166		
3145 - Software Subscriptions		\$2,542		
4100 - Other Operating Expenditures	\$129	\$425		
4140 - Dues and Memberships	\$460	\$4,928		
4220 - Registration Fees	\$5,010	\$2,882		
Total Expenditures Denoted in Object Codes	\$70,076	\$64,580		
Total Spending Authority / Request for Line Item	\$87,392	94,316	\$31,095	\$31,095
Amount Under/(Over) Expended	\$17,316	\$29,736		

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Office of the Respondent Parents' Counsel FY 2021-22

Transfers

Long Bill Line Item	Spending Authority before Transfers	Transfers per C.R.S. 24-75-108 (5)	Use of 2.5% Transfer Authority	Benefits Transfers	Rollforward to Subsequent Year	Spending Authority after Transfers
<u>FY 2018-19 Transfers</u>						
Personal Services	1,221,878		(62,016)	225,390	(12,000)	1,373,252
Health, Life, and Dental	93,928			(93,928)		-
Short-term Disability	1,665			(1,665)		-
SB 04-257 AED	48,978			(48,978)		-
SB 06-235 SAED	48,978			(48,978)		-
Salary Survey	31,841			(31,841)		-
Merit	-			-		-
Operating Expenses	103,119		30,974			134,093
Legal Services	1,864					1,864
Capital Outlay	-					-
Case Management System	-					-
Training - General Fund	30,000		66			30,066
Training - Cash Fund	30,000					30,000
Court-appointed Counsel	17,576,705	(197,335)				17,379,370
Mandated Costs	1,290,122	197,335	30,976			1,518,433
Grants - Reappropriated	87,392					87,392
FY 2018-19 Spending Authority	20,566,470	-	-	-	(12,000)	20,554,470
Percentage of General Fund appropriation allowed as additional transfer authority per Long Bill footnote	2.5%					
Additional Transfer Authority allowed per Long Bill footnote	511,227					
Additional Transfer Authority used	62,016					

Long Bill Line Item	Spending Authority before Transfers	Transfers per C.R.S. 24- 75-108 (5)	Use of 2.5% Transfer Authority	Benefits Transfers	Rollforward to Subsequent Year	Spending Authority after Transfers
<u>FY 2019-20 Transfers</u>						
Personal Services	1,533,334		(32,809)	324,366		1,824,891
Health, Life, and Dental	159,549			(159,549)		-
Short-term Disability	2,108			(2,108)		-
SB 04-257 AED	64,247			(64,247)		-
SB 06-235 SAED	64,247			(64,247)		-
Salary Survey	-			-		-
Merit	34,215			(34,215)		-
Operating Expenses	117,172		(8,500)			108,672
Legal Services	-					-
Capital Outlay	-					-
Case Management System	-					-
Training - General Fund	30,000		(4,000)			26,000
Training - Cash Fund	29,498					29,498
Court-appointed Counsel	19,286,624	(700,691)				18,585,933
Mandated Costs	1,523,116	700,691	45,309			2,269,116
Grants - Reappropriated	94,316					94,316
Title IV-E Legal Representation - Reappropriated	2,370,740					2,370,740
Rollforwards from FY19:						
Personal Services	12,000					12,000
FY 2019-20 Spending Authority	25,321,166	-	-	-	-	25,321,166
Percentage of appropriation allowed as additional transfer authority per Long Bill footnote	2.5%					
Additional Transfer Authority allowed per Long Bill footnote	633,029					
Additional Transfer Authority used	45,309					

Office of Respondent Parents' Counsel FY 2020-21
Salary Pots Request Template

	TOTAL FUNDS/FTE FY 2021-22	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
FUND SPLITS - From Position-by-Position Tab					
I. Continuation Salary Base					
Sum of Filled FTE as of July 27, 2020	14.00	91.880%	0.000%	8.120%	0.0000%
Salary X 12	\$1,478,396	1,358,350	-	120,046	-
PERA (Standard, Trooper, and Judicial Rates) at FY 2021-22 PERA Rates	\$161,145	148,060	-	13,085	-
Medicare @ 1.45%	\$21,437	19,696	-	1,741	-
Subtotal Continuation Salary Base =	\$1,660,978	1,526,106	-	134,872	-
II. Salary Survey Adjustments					
System Maintenance Studies	-	\$0.00	-	-	-
Across the Board - Base Adjustment	\$0	\$0.00	-	-	-
Across the Board - Non-Base Adjustment	\$0	-	-	-	-
Movement to Minimum - Base Adjustment	\$0	-	-	-	-
Subtotal - Salary Survey Adjustments	\$0	\$0.00	-	-	-
PERA (Standard, Trooper, and Judicial Rates) at FY 2021-22 PERA Rates	\$0	-	-	-	-
Medicare @ 1.45%	\$0	-	-	-	-
Request Subtotal =	\$0	\$0.00	-	-	-
III. Increase for Minimum Wage (if applicable)					
Increase for Minimum Wage	-	\$0.00	\$0.00	\$0.00	\$0.00
Subtotal - Minimum Wage Adjustments	-	\$0.00	\$0.00	\$0.00	\$0.00
PERA (Standard, Trooper, and Judicial Rates) at FY 2021-22 PERA Rates	\$0	\$0.00	\$0.00	\$0.00	\$0.00
Medicare @ 1.45%	\$0	-	-	-	-
Request Subtotal =	\$0	\$0.00	\$0.00	\$0.00	\$0.00
IV. 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) at FY 2021-22 PERA Rates	\$0	-	-	-	-
Medicare @ 1.45%	\$0	-	-	-	-
Request Subtotal =	\$0	-	-	-	-
V. Shift Differential					
FY 2019-20 ACTUAL EXPENDITURES for All Occupational Groups	-	-	-	-	-
Total Actual and Adjustments @ 100%	\$0	-	-	-	-
PERA (Standard, Trooper, and Judicial Rates) at Current PERA Rates	\$0	-	-	-	-
Medicare @ 1.45%	\$0	-	-	-	-
Request Subtotal =	\$0	-	-	-	-
VI. Revised Salary Basis for Remaining Request Subtotals					
Total Continuation Salary Base, Adjustments, Performance Pay & Shift	\$1,478,396	1,358,350	-	120,046	-
VII. Amortization Equalization Disbursement (AED)					
Revised Salary Basis * 5.00%	\$73,920	67,918	-	6,002	-
VIII. Supplemental AED (SAED)					
Revised Salary Basis * 5.00%	\$73,920	67,918	-	6,002	-
IX. Short-term Disability					
Revised Salary Basis * 0.16%	\$2,365	2,173	-	192	-
X. Health, Life, and Dental					
Funding Request	\$194,395	172,924	-	21,471	-
Total Employee Health Contributions	\$27,860				
Total Employees Contributing to Health Plan	13.00				
Average Health Contribution per Employee	\$2,143				
Total Employee Dental Contributions	\$4,541				
Total Employees Contributing to Dental Plan	13.00				
Average Dental Contribution per Employee	\$349				
Average Annual Employee HLD Cost per FTE	\$2,492				
Total # of FTE	14.00				
Turnover Rate FY19	9.04%				
Projected New Employees in FY 2021-22	1.00				
Estimated Annual HLD for All Projected New Employees in FY 2021-22	\$2,492				
FY 2020-21 PERA Rate	10.90%				
Estimated Additional Appropriations Needed for Net to Gross FY 2021-22	\$272				
# of Employees Enrolled in PERA DC as of July 2020	2.00				
Total # of Employees in Template	14.00				
Estimated Percent of EEs Enrolled in PERA DC Plan	14.3%				
Estimated # of New EEs Enrolled in PERA DC in FY 2021-22	-				
Average Annual Base Salary	105,599.71				
Estimated Additional Appropriations Needed for PERA DC Supplement (0.05%)	\$0.00				
Salary Base in FY 2021-22	\$1,478,396				
FY 2020-21 PERA Rate	10.90%				
PERA At FY 2020-21 Rate	\$161,145				
FY 221-22 PERA Rate	10.90%				
PERA at FY 2021-22 Rate	\$161,145				
Incremental PERA for 0.00% Pera Employer Contribution Increase	\$0				
Additional Appropriations Needed for SB18-200 Changes	\$272	\$250	\$0	\$22	\$0

OFFICE OF RESPONDENT PARENTS' COUNSEL

FY 2021-22

Long Range Financial Plan



November 2, 2020

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OFFICE OF RESPONDENT PARENTS' COUNSEL

Protecting the Fundamental Right to Parent

OUR MISSION

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.

OUR VISION

Advocacy – To contract with experienced, high quality family defense lawyers & support interdisciplinary teams through training & litigation resources to ensure parents' constitutional rights are protected.

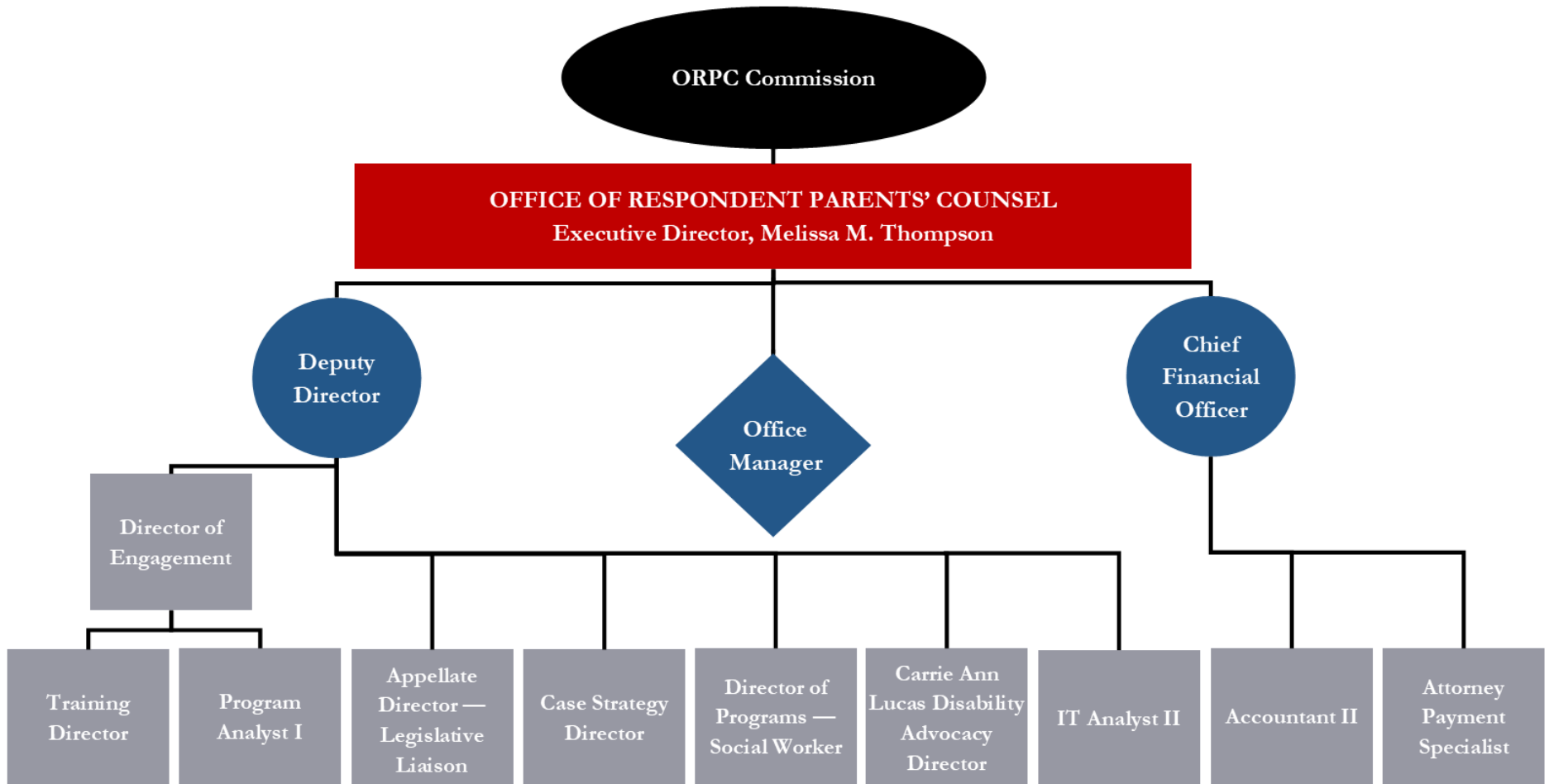
Accountability – To be an effective steward of taxpayer dollars by ensuring family defenders are accountable for ORPC practice standards & billing policies.

Access – To ensure that all indigent parents have a voice through access to high quality representation in child welfare cases.

OUR LONG RANGE GOALS

- ▶ **Systems are Fair and Followed**
Parents access excellent interdisciplinary teams who have resources necessary to give dignity & fairness to families & ensure procedures are followed.
- ▶ **Family Voice Leads**
Parents are engaged & present at every stage of their case, supported by their family defense team, so they may be heard by the system & play an active role in case planning.
- ▶ **Decrease Trauma to Children**
Caregivers are provided with preventative or in-home supports to keep children with their family of origin, unnecessary removals are rare, & children can safely stay with their family.
- ▶ **Family Defenders Have a Strong Community**
Better representation comes with a strong community of family defenders who have access to training, support, & who are celebrated for their parent advocacy.
- ▶ **ORPC is Recognized, Respected, Productive & Staff is Strong**
ORPC achieves its statutory mandate when its reputation, performance, staff strength, & adherence to its values have a positive impact on the child welfare system.

OFFICE OF RESPONDENT PARENTS' COUNSEL
Organizational Chart



Agency Overview

The Office of Respondent Parents' Counsel (ORPC) is an independent agency within the State of Colorado Judicial Branch and is vested with the oversight and administration of Respondent Parents' Counsel (RPC) representation in Colorado. The agency opened on January 1, 2016, and assumed oversight for RPC attorneys on July 1, 2016.

In establishing the ORPC, the General Assembly recognized that “it is in the best interest of the children and parents of the state of Colorado to have an independent office to oversee the respondent parents' counsel to improve the quality of legal representation for parents involved in dependency and neglect proceedings.”¹ In Colorado, indigent parents whose parental rights are at risk are statutorily entitled to counsel. Prior to the creation of the ORPC, no agency existed in Colorado exclusively dedicated to parent representation.

A study conducted on respondent parent representation in Colorado and published in 2007 found that RPC representation is “typically adequate but rarely proficient.”² The ORPC was established to address this performance gap, as the cause of “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.”³

The ORPC is charged with ensuring the provision of uniform, high quality legal representation to indigent parents whose parental rights are at risk, with improving the quality of legal representation, and with paying for the services provided by RPC.⁴

The ORPC has extensively studied how to improve parents' representation most efficiently and effectively. Research studies have consistently shown that a family's chance of success improves dramatically when the interdisciplinary representation model for family defense is used.⁵ This model, in which a parent is provided with a committed and highly competent attorney, appropriate clinical

¹ C.R.S. § 13-92-101(2) (2015)

² *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/C_ORPCFinalNeedAsstReptApp.pdf

³ *Id.* at 75

⁴ *See generally* Colorado Supreme Court Chief Justice Directive 16-02 (2016)

⁵ Elizabeth Thornton & Betsy Gwin, *High Quality Legal Representation for Parents in Child-Welfare Cases Results in Improved Outcomes for Families and Potential Cost Savings*, Elizabeth Thornton & Betsy Gwin, *Family Law Quarterly*, Vol. 46 No. 1 (Spring 2012); Lucas Gerber et al., *Effects of an interdisciplinary approach to parental representation in child welfare*, July 2019, available at <https://www.sciencedirect.com/science/article/pii/S019074091930088X>; Lori Darnel and Dawn Matera Basset, *A Program Evaluation of Colorado Office of Respondent Parents' Counsel Social Work Program*, Metro State University Department of Social Work, November 2019, available at: <https://coloradoorpc.org/wp-content/uploads/2019/11/ORPC-SWPP-Evaluation.pdf>

assessment for needed services and treatment, and advocacy within the child welfare system by a social worker and parent advocate working as part of the family defense team, greatly decreases the amount of time children spend in out of home care and increases the likelihood of family reunification. For these reasons, the ORPC has adopted an interdisciplinary model of parent representation and seeks to make these resources available to parents and families across the state of Colorado.

SECTION 2: Evaluation of Agency Goals

The ORPC believes that every child deserves to have their parent represented by the best lawyer in town. To achieve this ideal, the ORPC has identified five essential pillars that support and inform the agency's work.

- 1. Systems are Fair and Followed** – Procedural fairness occurs when parents receive access to excellent interdisciplinary teams through engagement, recruitment, and retention of contractors who have access to the resources necessary to give dignity and fairness to families and to ensure procedures are followed.
- 2. Family Voice Leads** – Family voice is strong when parents are engaged and present at every stage of their case, supported by their family defense team so they may be heard by the system, and play an active role in their case planning.
- 3. Decrease Trauma to Children** – Trauma to children is reduced when caregivers are provided with preventative or in-home supports to keep children with their family of origin, when unnecessary removals are rare, and when children can safely stay with their family.
- 4. Family Defenders Have a Strong Community** – Parents have better representation when there is a strong community of family defenders who have access to training, litigation and practice support, and who are celebrated for every kind of success in their parent advocacy.
- 5. ORPC is Recognized, Respected, Productive and its Staff is Strong** – The ORPC achieves its statutory mandate when its reputation, performance, staff strength, and adherence to its values, which include the Five Pillars of the ORPC, have a positive impact on the child welfare system.

The ORPC's goals and performance measures are based on the agency's statutory mandate to improve the quality of representation for parents in dependency and neglect (D&N) proceedings. Section 13-92-101 to 104, C.R.S. established the ORPC and created statutory requirements regarding the oversight and administration of respondent parent representation in Colorado. The ORPC's enabling legislation charges and entrusts the ORPC with, at a minimum, 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.

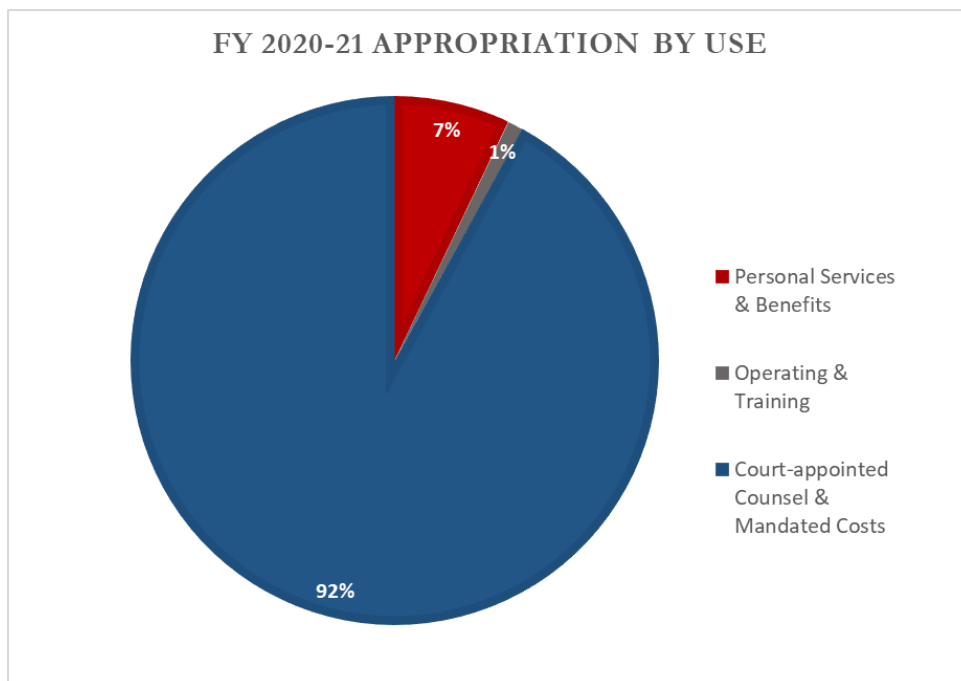
The ORPC is required to submit an Annual Performance Report to the Colorado Legislature by January 1 of each year. The report details the major functions of the agency and the efforts by the ORPC to meet its four primary legislative mandates through the five essential pillars of the agency. The report also details specific performance measures and establishes target projections and future goals to evaluate the overall progress of the ORPC.⁶

SECTION 3: Financial Structure

a. Department Budget Overview

The ORPC has aggressively pursued new funding sources as they become available and has significantly reduced the percentage of General Fund in the agency’s total funding mix, as shown in the table and charts below.

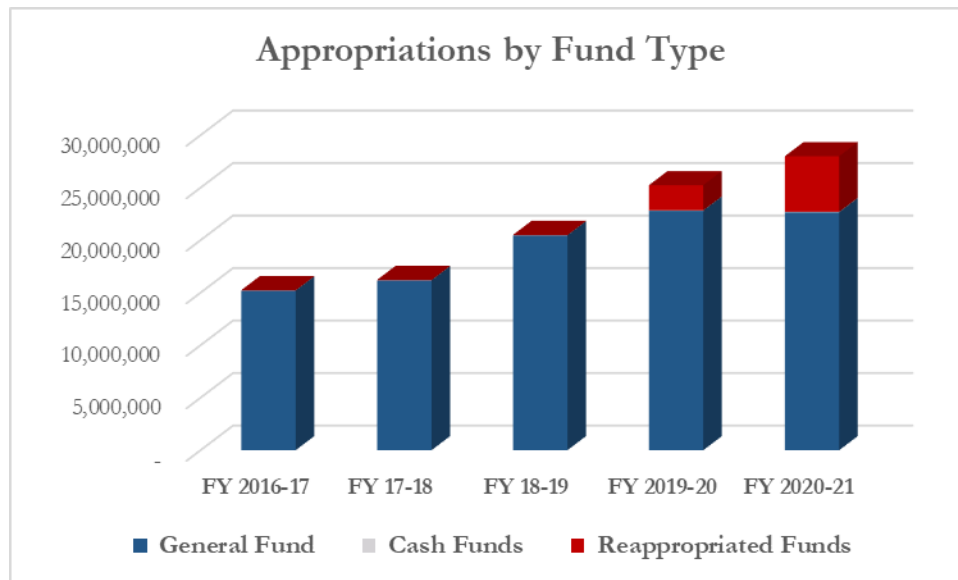
Over 90% of the ORPC’s total appropriation is for Court-appointed Counsel and Mandated Costs, which are directly related to the agency’s statutorily mandated role. All other costs comprise less than 10% of the agency’s total appropriation. The ORPC expects these relative proportions to remain unchanged.



⁶ Office of Respondent Parents’ Counsel, *Annual Performance Report*, January 2020, available at <https://coloradoorpc.org/wp-content/uploads/2020/01/2020-01-01-Legislative-Report-Final.pdf>

b. Historical Appropriation by Long Bill Item

Appropriations History					
Funding Year	General Fund	Cash Funds	Reappropriated Funds	Total	General Fund as Percent of Total
FY 15-16	950,493	7,500	-	957,993	99.2%
FY 16-17	15,191,473	30,000	23,755	15,245,228	99.6%
FY 17-18	16,169,328	30,000	31,095	16,230,423	99.6%
FY 18-19	20,449,078	30,000	31,095	20,510,173	99.7%
FY 19-20	22,802,612	35,000	2,401,835	25,239,447	90.3%
FY 20-21	22,652,797	48,000	5,292,337	27,993,134	80.9%



c. Capital Construction Funds & Projects

The ORPC has not had and does not expect to request any Capital Construction projects or funds.

d. Ongoing Debt Obligations

The ORPC has not had and does not expect to have any large ongoing debt obligations.

SECTION 4: Financial Forecast

a. Baseline Forecast

The table below shows forecasted appropriations for the ORPC. The forecast assumes that:

- 1) The economic recovery will follow the course predicted in the September, 2020 Legislative Council forecast,
 - a. The recovery will be initially steep and will then flatten,
 - b. General Fund revenues will reach pre-downturn levels in FY 2022-23.
- 2) Unemployment will remain elevated and will continue to disproportionately impact low-wage workers in the service and tourism sectors, which will result in approximately 6% more D&N case filings in FY 2020-21 and will remain at that level throughout the forecast period. The ORPC will be able to absorb the increase in FY 2020-21 and possibly in FY 2021-22 because of the pandemic-related delay of planned programs in IV-E Legal Representation but will have to request additional General Fund support in FY 2022-23 and following years.
- 3) The population will continue to increase at the current rate of 3.5% annually with a commensurate increase in D&N case filings and related ORPC expenses. The ORPC will be able to absorb the increase in FY 2020-21 and FY 2021-22 because of the pandemic-related delay of planned programs in IV-E Legal Representation but will have to request additional General Fund support in FY 2022-23 and following years.
- 4) To retain professional contractors, it will be necessary to increase professional contractor rates by 5% in FY 2022-23.

ORPC Baseline Forecast				
	Total Funds	General Fund	Cash Funds	Reappropriated Funds
Current Appropriation	27,993,134	22,652,797	48,000	5,292,337
FY 2021-22	28,266,472	22,912,540	48,000	5,305,932
FY 2022-23	26,743,773	26,082,963	48,000	6,074,782
FY 2023-24	27,597,816	26,924,175	48,000	6,106,730
FY 2024-25	34,154,678	27,794,830	48,000	6,311,848

b. Major Budget Drivers

Over 90% of the ORPC’s total appropriation is in the Court-appointed Counsel, Mandated Costs, and IV-E Legal Representation lines, which are used to pay attorneys and other contractors for their services on behalf of respondent parents in D&N cases.

Major budget drivers for the ORPC include the number of RPC appointments and the average cost per appointment. The number of RPC appointments is not equal to the number of D&N cases filed

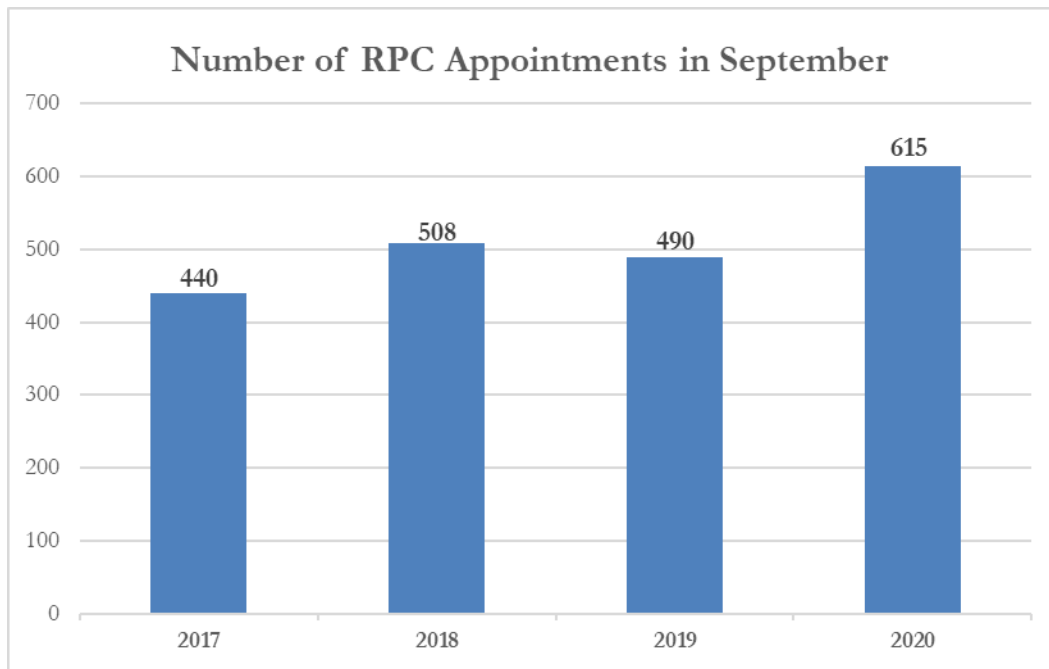
because there are usually multiple respondents (mother, father, others) on each D&N case and each of those respondents may require RPC representation. From July 1, 2020 through September 30, 2020, there were 728 D&N case filings and 1,718 ORPC appointments on those cases, a ratio of 2.36 ORPC appointments per D&N case filed. The average cost per appointment is affected by contractor rates, the complexity of the case; the number of other experts (interpreters, investigators, social workers, family advocates, parent advocates, etc.) needed to represent the client; and the length of the appointment.

Case Filings, FY2001 through FY2021									
Fiscal Year	Dependency and Neglect (DN)			Expedited Permanency Plan (EPP)			Total		
	Count	Change	Percentage Change	Count	Change	Percentage Change	Count	Change	Percentage Change
2001*							3,313		
2002*							3,552	239	7.2%
2003	1,886			1,983			3,869	317	8.9%
2004	1,974	88	4.7%	2,361	378	19.1%	4,335	466	12.0%
2005	1,907	(67)	-3.4%	2,288	(73)	-3.1%	4,195	(140)	-3.2%
2006	1,844	(63)	-3.3%	2,292	4	0.2%	4,136	(59)	-1.4%
2007	1,653	(191)	-10.4%	2,199	(93)	-4.1%	3,852	(284)	-6.9%
2008	1,635	(18)	-1.1%	2,248	49	2.2%	3,883	31	0.8%
2009	1,657	22	1.3%	2,194	(54)	-2.4%	3,851	(32)	-0.8%
2010	1,462	(195)	-11.8%	2,106	(88)	-4.0%	3,568	(283)	-7.3%
2011	1,278	(184)	-12.6%	1,998	(108)	-5.1%	3,276	(292)	-8.2%
2012	1,287	9	0.7%	1,978	(20)	-1.0%	3,265	(11)	-0.3%
2013	1,133	(154)	-12.0%	1,856	(122)	-6.2%	2,989	(276)	-8.5%
2014	1,197	64	5.6%	1,813	(43)	-2.3%	3,010	21	0.7%
2015	1,226	29	2.4%	1,866	53	2.9%	3,092	82	2.7%
2016	1,310	84	6.9%	1,965	99	5.3%	3,275	183	5.9%
2017	1,266	(44)	-3.4%	2,089	124	6.3%	3,355	80	2.4%
2018	1,129	(137)	-10.8%	2,014	(75)	-3.6%	3,143	(212)	-6.3%
2019	1,094	(35)	-3.1%	1,863	(151)	-7.5%	2,957	(186)	-5.9%
2020	1,021	(73)	-6.7%	1,769	(94)	-5.0%	2,790	(167)	-5.6%
2021	968	(53)	-5.2%	2,094	325	18.4%	3,062	272	9.8%

*** D&N and EPP Filings were not reported separately in this year**

**2001-2020 Based on Annual Statistical Reports prepared by the Co. Judicial Dept.
2020 and 2021 Based on Annualized ORPC Summary of Monthly Reports prepared by the Co. Judicial Dept. through June, 2020**

Due to the pandemic and expected increases in factors that lead to D&N filings, the estimate of FY 2020-21 filings above is more uncertain than it is ordinarily. As more families become indigent and eligible for RPC representation and as problems that can lead to D&N filings (homelessness, food insecurity, etc.) increase, D&N filings are expected to increase. D&N filings in September were the highest for any September since the ORPC's inception, as shown below. Estimating case filings and expenses in such an environment is therefore extremely difficult. Please see Scenario Evaluation: Economic Downturn for more information about efforts the ORPC has made to estimate case filings and appointments.



a. Scenario Evaluation: Economic Downturn

The ORPC has completed a statistical analysis of the number of D&N filings from FY 2000-01 through FY 2018-19 to determine if the number of D&N filings correlates with changes in the rates of macroeconomic conditions, including the rates of poverty, unemployment and inflation.⁷

The ORPC found a statistically significant, positive correlation between changes in the poverty rate in Colorado and the number of D&N filings. The ORPC's model predicted that a 0.5 percentage point increase in the poverty rate from one year to the next would result in a 5.9 % increase in case filings.⁸

⁷ The statistical analysis conducted by the ORPC represents a regression analysis with predicted values, rather than a forecast.

⁸ With 95% confidence intervals, the predicted increase ranges from 3.1% to 8.3%, or from 108 to 336 additional D&N case filings.

If the current pandemic contributes to an economic downturn, as reflected by a 0.5 percentage point increase in the state poverty rate, the agency will see a corresponding increase in D&N filings.

At the outset of the COVID-19 pandemic, child welfare stakeholders raised the concern that with more children at home while schools were shut down, fewer allegations of abuse and neglect would be reported. Initially there was not such a decrease in filings, but there was a decrease in D&N filings in the summer months of June, July, and August. As the ORPC expected and as shown in the charts above, D&N filings and ORPC appointments increased dramatically in September when children started returning to school and other normal activities after the shutdowns caused by the pandemic in the spring of 2020.

The increase in filings is exactly what one would expect in an economic downturn as more parents qualify as indigent and as they struggle to feed, clothe, and house themselves and their children.

An increase of this magnitude will have a significant impact on the Court-appointed Counsel, Mandated Costs, and IV-E Legal Representation appropriations, which comprise over 90% of the agency's budget. A large increase in appointments and case filings will therefore require additional General Fund support.

b. Scenario Evaluation: Department-Specific Contingencies

The Office of Respondent Parents' Counsel vigorously pursued new funding made available by a federal funding rule change issued by the Children's Bureau in January 2019, which acknowledged the crucial importance of funding legal representation for parents and for the first time provided federal Title IV-E matching funds for states' provision of legal services to parents and children. As the Title IV-E agency in Colorado, the Colorado Department of Human Services (CDHS) requests reimbursement for eligible ORPC expenses and passes the funds through to the ORPC pursuant to C.R.S. § 26-2-102.5. The funds are therefore reappropriated funds in the ORPC's budget.

All federal sources of which the ORPC is aware have made it clear that the additional funding should be used for new programs and services. The ORPC therefore believes that using the funds for existing programs is supplanting and an unallowable use of federal funds. However, during the budget crisis in which the FY 2020-21 budget was finalized, the ORPC's budget was modified to require that the ORPC use IV-E funds for existing programs, including Personal Services and benefits, Operating, Training, and Mandated Costs programs. The ORPC believes that this use of the title IV-E funds is supplanting and that the agency may be required to repay the amounts from the General Fund. The amount of the repayment will depend on how long the agency is required to continue supplanting. The amount subject to repayment is shown below.

Potential Required Repayments of Federal Title IV-E Funds						
	FY 2020-21 Long Bill	FY 2021-22 Request	FY 2022-23 Estimate	FY 2023-24 Estimate	FY 2024-25 Estimate	Total
Personal Services	139,771	152,500	152,500	152,500	152,500	749,771
Benefits	25,348	33,667	35,350	37,118	38,974	170,457
Operating	8,403	950	950	950	950	12,203
Training	28,000	28,000	28,000	28,000	28,000	140,000
Mandated Costs	318,240	318,240	318,240	318,240	318,240	1,591,200
Total	519,762	533,357	535,040	536,808	538,664	2,663,631

c. Major Expenses Anticipated

Studies have shown that children have better long-term outcomes when they are raised in their families of origin.⁹ Children who leave foster care struggle in all areas, including education, employment, income, housing, general and mental health, substance use and criminal involvement.¹⁰ As noted in Section 1, Agency Overview, the best outcomes for families involved in D&N proceedings are obtained when an interdisciplinary representation model of parent defense is used.¹¹ The cost per case for cases with interdisciplinary teams is initially greater but the ORPC anticipates that the savings to other state systems, including education, public health, human services, courts, and corrections, will far outweigh those costs. To the extent possible, the ORPC intends to use the federal Title IV-E funds to defray these additional costs.

The ORPC does not anticipate any other major expenses.

SECTION 5: Anticipated Funding Decreases

The ORPC does not anticipate any federal funding decreases unless the potential supplanting discussed above should lead to a reduction or cessation of Title IV-E funding

⁹ Mimi Laver, *Improving Representation for Parents in the Child-Welfare System*, October 7, 2013, available at <https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2013/improving-representation-parents-child-welfare-system/>

¹⁰ Laura Gypen et al., *Outcomes of children who grew up in foster care: Systemic Review*, May, 2017, available at <https://www.sciencedirect.com/science/article/pii/S019074091730213X>

¹¹ See n.5 *supra*.