

# OFFICE OF RESPONDENT PARENTS' COUNSEL

FISCAL YEAR 2022-23

BUDGET REQUEST



MELISSA MICHAELIS THOMPSON

EXECUTIVE DIRECTOR

November 1, 2021

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November 1, 2021

To the Citizens and Legislators of the State of Colorado:

Thank you for your consideration of the Office of Respondent Parents' Counsel's (ORPC) annual budget. The ORPC is an independent agency within the State of Colorado Judicial Branch vested with the oversight and administration of legal representation for indigent parents in child welfare cases across the state. Since its inception in 2016, the ORPC has advocated for parents' due process rights, access to appropriate services, and the constitutional right to parent their children. This budget request includes highlights of the amazing work, yet often overwhelming barriers, faced by family defense teams in carrying out the mission and values of the ORPC.



Shayna and her family.

Amidst a pandemic, the ORPC launched a new program for parent advocates – parents with lived experience who navigated the child welfare system successfully. The program provides parents with an advocate who has been in their shoes to walk alongside them as they navigate a very complex system in the hopes of reunifying their families. I want to tell you about one of our parent advocates, Shayna. Shayna grew up in the child welfare system with one parent in prison and the other addicted to drugs. By the age of 13, she was using drugs to stabilize her bi-polar disorder. She soon found herself back in the child welfare system, this time as a parent. But when things seemed hopeless, Shayna found the support she needed to get clean, access services, and reunify with her son with the help of her family defense

team. She now contracts with the ORPC as a parent advocate. Shayna's words embody the work of our agency; "I thrive on seeing people do well and seeing them do well for their children."

The ORPC seeks the worthy investment of additional general fund to increase contractors' hourly rates so that parents like Shayna can access a team of professionals to help them succeed. Family defense teams consist of attorneys, known as Respondent Parents' Counsel or RPC, together with social workers and parent advocates. These professionals contract with the ORPC to work on behalf of parents threatened by separation of their families. In nearly one in five cases in Colorado, such families experience the permanent severance of their fundamental rights to raise their children. The work of RPC is challenging and emotional for even the most skilled advocates. For their devoted efforts, RPC do not often win acclaim, admiration, or praise. But their work is integral to the well-being of families. When their work is successful and families can avoid separation, reunify more quickly, or ensure children remain with a family member, system costs are greatly reduced.

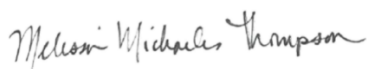
Yet, the ORPC struggles to recruit and retain experienced and skilled lawyers to RPC work. The ORPC routinely hears from lawyers that they are leaving the work due to the emotional toll of the practice and/or for increased wages with benefits. In 2019, the ORPC started tracking the percentage of contractors who say they experience burnout. Sadly, the percentage is increasing. In 2021, 76% of contractors reported burnout sometimes, usually, or always, up from 72% in 2020 and 66% in 2019. Compounding the difficulty of the work and the risk of burnout, 41% of RPC have three or fewer years of experience as an RPC, resulting in a dearth of experienced lawyers for parents. To ensure high quality representation can continue helping families like Shayna's prosper, and so RPC can earn a wage that allows them to enter and remain in this vital work, we ask the JBC to approve the request to increase contractor rates.

The ORPC also seeks a full-time position dedicated to addressing the issue of racial disproportionality in the child welfare system. The last 20 months have been exceptionally challenging for our agency and for all parents, but they have been excruciatingly painful for families of color, particularly those targeted by and overrepresented in Colorado's child welfare system. For them, the highly publicized public censure of former Arapahoe County juvenile court judge Natalie Chase for using racial slurs confirmed what they already knew: that the system is stacked against them and they are treated unfairly. The data backs them up. Overrepresentation is especially prevalent for Black and Latinx children in Colorado. While only 4% of Colorado children are Black, they account for 11% of children in an out-of-home placement and 14% of children in a congregate care setting. Latinx children comprise 32% of the child population, but they make up 38% of children involved in a child welfare case and 40% of children who reenter out-of-home care.

While there is no easy way to resolve this issue, we must address it. Relatedly, we are asking for an additional full-time position for a social worker to help oversee our advocacy programs. This social worker will increase access to the crucial support that parent advocates like Shayna provide and ensure that social workers and parent advocates have the support and training needed to do this difficult work. When parents can work not only with a talented attorney, but with an interdisciplinary team, more families reunite successfully, children spend less time in out-of-home placement, and the trauma wrought by temporary and permanent family separation is reduced.

The ORPC prides itself on collaborating with partners in the system. This June, the agency worked with the Colorado Department of Human Services and the Governor's Office in highlighting and celebrating Reunification Month by proclaiming: "Grow together. Live together. Stay together. Families are better together." This campaign celebrated the work of both parents and professionals such as treatment providers, GALs, RPC, and foster parents. Reunification Hero Carolyn Gaglione, RPC, stated, "Sometimes we have to work harder than our clients, because that parent, that child, deserves to have every opportunity to be raised by their parent." We at the ORPC could not agree more. When parents have the support of a team that believes in their ability to succeed, they can be the heroes their children need. We ask for your assistance in funding this vital work.

Sincerely,



Melissa M. Thompson  
**Executive Director**

## Why ORPC Contractors Do the Work

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It is vitally important that the talented advocates working on behalf of indigent parents feel supported in their efforts. The ORPC is dedicated to creating a strong community of family defenders. Contractors say this about what makes their heart soar as they engage in this difficult work:

*Standing with those in the margin who have not been heard.*

*Fighting alongside the families to build a stronger, better, brighter future for them.*

*Seeing and asking other participants to see our clients' humanity and resilience, challenging racist heteronormative ableist systems, fighting for constitutional and civil rights.*

*How supportive the [other] RPCs have been in helping me learn the ropes.*

*Being the voice for someone who has lived a lot of their life not being heard.*

*The camaraderie among colleagues.*

*Seeing a parent overcome obstacles and reunite with their child.*

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## Office of the Respondent Parents' Counsel FY 2022-23 Budget Summary Narrative

The total FY 2022-23 budget request for the Office of Respondent Parents' Counsel (ORPC) is \$31,182,010 and 16 FTE.

### **FY 2021-22 Appropriation of \$29,183,550**

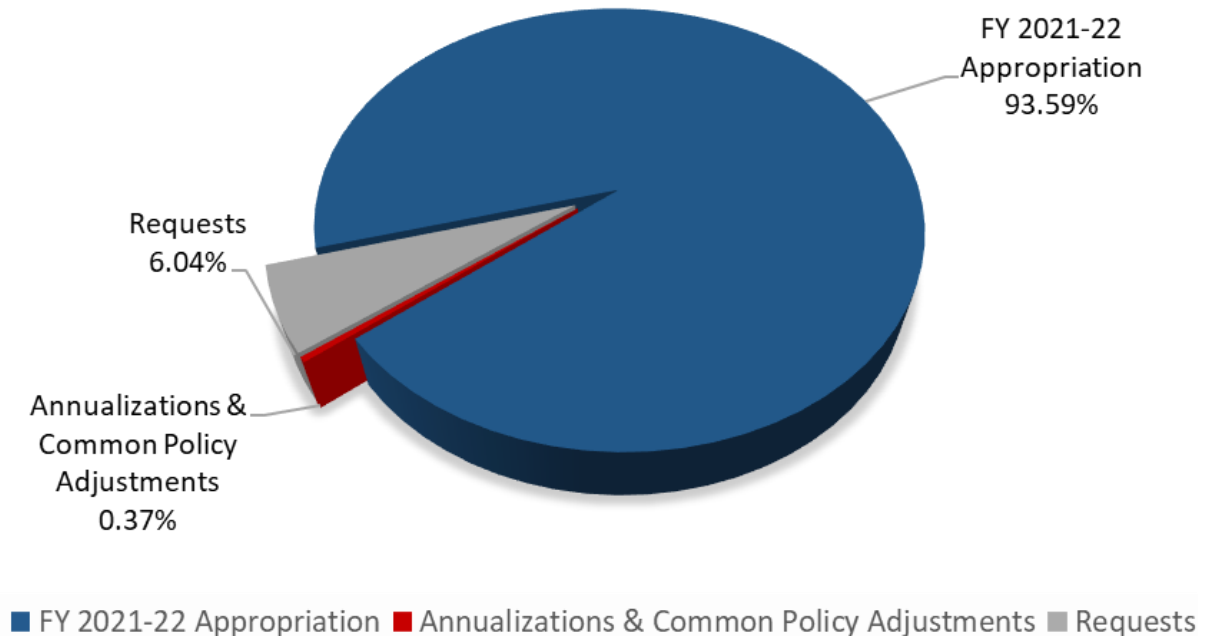
PLUS Special Bill Annualizations of \$9,577

PLUS Common Policy Adjustments of \$106,218

PLUS Requests of \$1,882,665 and 2.0 FTE

### **FY 2022-23 Total Budget Request of \$31,182,101**

## FY 2022-23 Budget Request



**NOTE:** The ORPC identified an error in footnote 65 of the Judicial section of the 2021-22 Long Appropriations Bill (SB 21-205). This footnote states “In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 2.5 percent of the total Office of Respondent Parents’ Counsel’s appropriation may be transferred between line items in the Office of the Respondent Parents’ Counsel”. The JBC staff comment for this footnote in the FY 2021-22 Figuresetting document makes it clear that JBC staff intended that the additional transfer authority should be 5.0 percent. JBC staff will be making this correction for FY 2021-22 and FY 2022-23.

**Office of the Respondent Parents' Counsel**  
**FY 2022-23 Budget Change Summary - by Fund Source**

	FTE	Total	GF	CF	RF
<b>Long Bill</b>					
S.B. 21-205, Office of the Respondent Parents' Counsel	14.0	\$29,183,550	\$23,826,319	\$48,000	\$5,309,231
<b>Total FY2021-22 Appropriation</b>	<b>14.00</b>	<b>\$29,183,550</b>	<b>\$23,826,319</b>	<b>\$48,000</b>	<b>\$5,309,231</b>
<b>Special Bill Annualizations</b>					
S.B. 18-200, Modifications to PERA	0.0	\$9,577	\$8,836		\$741
<b>Total Special Bill Annualizations</b>	<b>0.00</b>	<b>\$9,577</b>	<b>\$8,836</b>	<b>\$0</b>	<b>\$741</b>
<b>Common Policy Adjustments</b>					
Health, Life and Dental Change	0.0	\$36,093	\$41,084	\$0	(\$4,991)
Short-term Disability Change	0.0	\$194	\$188	\$0	\$6
AED Change	0.0	\$6,071	\$5,890	\$0	\$181
SAED Change	0.0	\$6,071	\$5,890	\$0	\$181
Paid Family and Medical Leave		\$3,699	\$3,413	\$0	\$286
Salary Survey	0.0	\$54,090	\$49,902	\$0	\$4,188
<b>Total Common Policy Adjustments</b>	<b>0.0</b>	<b>\$106,218</b>	<b>\$106,367</b>	<b>\$0</b>	<b>(\$149)</b>
<b>Total FY 2022-23 Base Request</b>	<b>14.00</b>	<b>\$29,299,345</b>	<b>\$23,941,522</b>	<b>\$48,000</b>	<b>\$5,309,823</b>
<b>Decision Items/Budget Amendments</b>					
R-1, Contractor Rate Increase	0.0	\$1,596,930	\$1,293,347	\$0	\$303,583
R-2, EDI Specialist	1.0	\$172,656	\$172,656	\$0	\$0
R-3, Social Work Outreach Coordinator	1.0	\$113,079	\$113,079	\$0	\$0
R-4, Align Appropriations with other Agencies	0.0	\$0	\$0	\$0	\$0
<b>Total Decision Items/Budget Amendments</b>	<b>2.0</b>	<b>\$1,882,665</b>	<b>\$1,579,082</b>	<b>\$0</b>	<b>\$303,583</b>
<b>Total FY 2022-23 Budget Request</b>	<b>16.00</b>	<b>\$31,182,010</b>	<b>\$25,520,604</b>	<b>\$48,000</b>	<b>\$5,613,406</b>
<b>#/\$\$ change from FY 2021-22</b>	<b>2.00</b>	<b>\$1,998,460</b>	<b>\$1,694,285</b>	<b>\$0</b>	<b>\$304,175</b>
<b>% change from FY 2021-22</b>	<b>14%</b>	<b>7%</b>	<b>7%</b>	<b>0%</b>	<b>6%</b>



**Office of the Respondent Parents' Counsel - FY 2022-23**

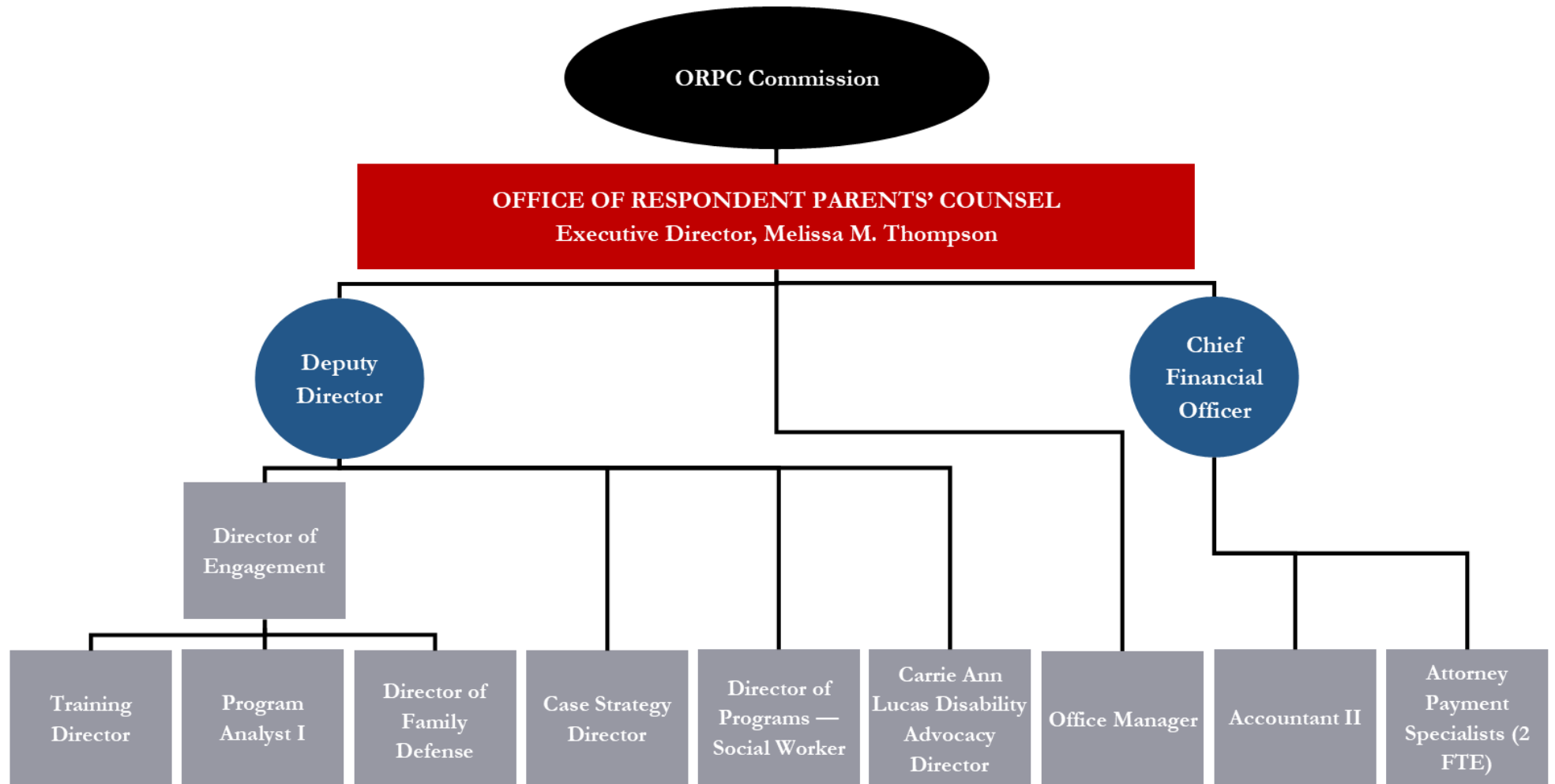
**Reconciliation of Department Request**

Long Bill Line Item	Total Funds	FTE	General Fund	Gen'l Fund Exempt	Cash Funds	Reappropriated Funds	Federal Funds
<b>Personal Services</b>							
FY 2021-22 Long Bill Appropriation, SB 21-205	\$1,912,724	14.0	\$1,760,249	\$0	\$0	\$152,475	\$0
HB 18-1322, Footnote 66		0.0		\$0	\$0	\$0	\$0
<b>FY 2021-22 Total Appropriation</b>	<b>\$1,912,724</b>	<b>14.0</b>	<b>\$1,760,249</b>	<b>\$0</b>	<b>\$0</b>	<b>\$152,475</b>	<b>\$0</b>
Annualization of SB 18-200, Modifications to PERA	\$9,577	0.0	\$8,836	\$0	\$0	\$741	\$0
FY 2020-21 Salary Survey allocated to Personal Services	\$49,829	0.0	\$45,785	\$0	\$0	\$4,044	\$0
<b>FY 2022-23 Base Request</b>	<b>\$1,972,130</b>	<b>14.0</b>	<b>\$1,814,870</b>	<b>\$0</b>	<b>\$0</b>	<b>\$157,260</b>	<b>\$0</b>
R-2, Equity, Diversity and Inclusion Coordinator	\$137,763	1.0	\$137,763	\$0	\$0	\$0	\$0
R-3, Social Work Outreach Coordinator	\$83,219	0.0	\$83,219	\$0	\$0	\$0	\$0
<b>FY 2022-23 November 01 Request</b>	<b>\$2,193,112</b>	<b>16.0</b>	<b>\$2,035,852</b>	<b>\$0</b>	<b>\$0</b>	<b>\$157,260</b>	<b>\$0</b>
<b>Health Life and Dental</b>							
FY 2021-22 Long Bill Appropriation, SB 21-205	\$187,275	0.0	\$166,890	\$0	\$0	\$20,385	\$0
<b>FY 2021-22 Total Appropriation</b>	<b>\$187,275</b>	<b>0.0</b>	<b>\$166,890</b>	<b>\$0</b>	<b>\$0</b>	<b>\$20,385</b>	<b>\$0</b>
Total Compensation Common Policy (incremental change)	\$36,093	0.0	\$41,084	\$0	\$0	(\$4,991)	\$0
<b>FY 2022-23 Base Request</b>	<b>\$223,368</b>	<b>0.0</b>	<b>\$207,974</b>	<b>\$0</b>	<b>\$0</b>	<b>\$15,394</b>	<b>\$0</b>
R-2, Equity, Diversity and Inclusion Coordinator	\$14,630	0.0	\$14,630	\$0	\$0	\$0	\$0
R-3, Social Work Outreach Coordinator	\$14,630	0.0	\$14,630	\$0	\$0	\$0	\$0
<b>FY 2022-23 November 01 Request</b>	<b>\$252,628</b>	<b>0.0</b>	<b>\$237,234</b>	<b>\$0</b>	<b>\$0</b>	<b>\$15,394</b>	<b>\$0</b>
<b>Short Term Disability</b>							
FY 2021-22 Long Bill Appropriation, SB 21-205	\$2,437	0.0	\$2,239	\$0	\$0	\$198	\$0
<b>FY 2021-22 Total Appropriation</b>	<b>\$2,437</b>	<b>0.0</b>	<b>\$2,239</b>	<b>\$0</b>	<b>\$0</b>	<b>\$198</b>	<b>\$0</b>
Total Compensation Common Policy (incremental change)	\$194	0.0	\$188	\$0	\$0	\$6	\$0
<b>FY 2022-23 Base Request</b>	<b>\$2,631</b>	<b>0.0</b>	<b>\$2,427</b>	<b>\$0</b>	<b>\$0</b>	<b>\$204</b>	<b>\$0</b>
R-2, Equity, Diversity and Inclusion Coordinator	\$207	0.0	\$207	\$0	\$0	\$0	\$0
R-3, Social Work Outreach Coordinator	\$125	0.0	\$125	\$0	\$0	\$0	\$0
<b>FY 2022-23 November 01 Request</b>	<b>\$2,963</b>	<b>0.0</b>	<b>\$2,759</b>	<b>\$0</b>	<b>\$0</b>	<b>\$204</b>	<b>\$0</b>
<b>AED</b>							
FY 2021-22 Long Bill Appropriation, SB 21-205	\$76,137	0.0	\$69,955	\$0	\$0	\$6,182	\$0
<b>FY 2021-22 Total Appropriation</b>	<b>\$76,137</b>	<b>0.0</b>	<b>\$69,955</b>	<b>\$0</b>	<b>\$0</b>	<b>\$6,182</b>	<b>\$0</b>
Total Compensation Common Policy (incremental change)	\$6,071	0.0	\$5,890	\$0	\$0	\$181	\$0
<b>FY 2022-23 Base Request</b>	<b>\$82,208</b>	<b>0.0</b>	<b>\$75,845</b>	<b>\$0</b>	<b>\$0</b>	<b>\$6,363</b>	<b>\$0</b>
R-2, Equity, Diversity and Inclusion Coordinator	\$6,098	0.0	\$6,098	\$0	\$0	\$0	\$0
R-3, Social Work Outreach Coordinator	\$3,684	0.0	\$3,684	\$0	\$0	\$0	\$0
<b>FY 2022-23 November 01 Request</b>	<b>\$91,990</b>	<b>0.0</b>	<b>\$85,627</b>	<b>\$0</b>	<b>\$0</b>	<b>\$6,363</b>	<b>\$0</b>
<b>SAED</b>							
FY 2021-22 Long Bill Appropriation, SB 21-205	\$76,137	0.0	\$69,955	\$0	\$0	\$6,182	\$0
<b>FY 2021-22 Total Appropriation</b>	<b>\$76,137</b>	<b>0.0</b>	<b>\$69,955</b>	<b>\$0</b>	<b>\$0</b>	<b>\$6,182</b>	<b>\$0</b>
Total Compensation Common Policy (incremental change)	\$6,071	0.0	\$5,890	\$0	\$0	\$181	\$0
<b>FY 2022-23 Base Request</b>	<b>\$82,208</b>	<b>0.0</b>	<b>\$75,845</b>	<b>\$0</b>	<b>\$0</b>	<b>\$6,363</b>	<b>\$0</b>
R-2, Equity, Diversity and Inclusion Coordinator	\$6,098	0.0	\$6,098	\$0	\$0	\$0	\$0
R-3, Social Work Outreach Coordinator	\$3,684	0.0	\$3,684	\$0	\$0	\$0	\$0
<b>FY 2022-23 November 01 Request</b>	<b>\$91,990</b>	<b>0.0</b>	<b>\$85,627</b>	<b>\$0</b>	<b>\$0</b>	<b>\$6,363</b>	<b>\$0</b>
<b>Salary Survey</b>							
FY 2021-22 Long Bill Appropriation, SB 21-205	\$49,829	0.0	\$45,785	\$0	\$0	\$4,044	\$0
<b>FY 2021-22 Total Appropriation</b>	<b>\$49,829</b>	<b>0.0</b>	<b>\$45,785</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,044</b>	<b>\$0</b>
Salary Survey allocated to Personal Services	(\$49,829)	0.0	(\$45,785)	\$0	\$0	(\$4,044)	\$0
Total Compensation Common Policy (full amount for FY23)	\$54,090	0.0	\$49,902	\$0	\$0	\$4,188	\$0
<b>FY 2022-23 Base Request</b>	<b>\$54,090</b>	<b>0.0</b>	<b>\$49,902</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,188</b>	<b>\$0</b>
<b>FY 2022-23 November 01 Request</b>	<b>\$54,090</b>	<b>0.0</b>	<b>\$49,902</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,188</b>	<b>\$0</b>

<b>Paid Family Medical Leave</b>							
FY 2021-22 Long Bill Appropriation, SB 21-205		0.0		\$0	\$0	\$0	\$0
<b>FY 2021-22 Total Appropriation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Total Compensation Common Policy (full amount for FY21)	\$3,699	0.0	\$3,413	\$0	\$0	\$286	\$0
<b>FY 2022-23 Base Request</b>	<b>\$3,699</b>	<b>0.0</b>	<b>\$3,413</b>	<b>\$0</b>	<b>\$0</b>	<b>\$286</b>	<b>\$0</b>
<b>FY 2022-23 November 01 Request</b>	<b>\$4,196</b>	<b>0.0</b>	<b>\$3,910</b>	<b>\$0</b>	<b>\$0</b>	<b>\$286</b>	<b>\$0</b>
<b>Operating Expenses</b>							
FY 2021-22 Long Bill Appropriation, SB 21-205	\$126,400	0.0	\$125,450	\$0	\$0	\$950	\$0
H.B. 15-1043 Felony DUI		0.0		\$0	\$0	\$0	\$0
<b>FY 2021-22 Total Appropriation</b>	<b>\$126,400</b>	<b>0.0</b>	<b>\$125,450</b>	<b>\$0</b>	<b>\$0</b>	<b>\$950</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$126,400</b>	<b>0.0</b>	<b>\$125,450</b>	<b>\$0</b>	<b>\$0</b>	<b>\$950</b>	<b>\$0</b>
R-2, Equity, Diversity and Indusion Coordinator	\$7,550	0.0	\$7,550	\$0	\$0	\$0	\$0
R-3, Social Work Outreach Coordinator	\$7,550	0.0	\$7,550	\$0	\$0	\$0	\$0
<b>FY 2022-23 November 01 Request</b>	<b>\$141,500</b>	<b>0.0</b>	<b>\$140,550</b>	<b>\$0</b>	<b>\$0</b>	<b>\$950</b>	<b>\$0</b>
<b>Training</b>							
FY 2021-22 Long Bill Appropriation, SB 21-205	\$106,000	0.0	\$30,000	\$0	\$48,000	\$28,000	\$0
<b>FY 2021-22 Total Appropriation</b>	<b>\$106,000</b>	<b>0.0</b>	<b>\$30,000</b>	<b>\$0</b>	<b>\$48,000</b>	<b>\$28,000</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$106,000</b>	<b>0.0</b>	<b>\$30,000</b>	<b>\$0</b>	<b>\$48,000</b>	<b>\$28,000</b>	<b>\$0</b>
<b>FY 2022-23 November 01 Request</b>	<b>\$106,000</b>	<b>0.0</b>	<b>\$30,000</b>	<b>\$0</b>	<b>\$48,000</b>	<b>\$28,000</b>	<b>\$0</b>
<b>IV-E Legal Representation</b>							
FY 2021-22 Long Bill Appropriation, SB 21-205	\$4,741,480	0.0	\$0	\$0	\$0	\$4,741,480	\$0
<b>FY 2021-22 Total Appropriation</b>	<b>\$4,741,480</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,741,480</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$4,741,480</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,741,480</b>	<b>\$0</b>
R-1, Increase in Hourly Rates of Contractors	\$284,489	0.0	\$0	\$0	\$0	\$284,489	\$0
<b>FY 2022-23 November 01 Request</b>	<b>\$5,025,969</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$5,025,969</b>	<b>\$0</b>
<b>Court-Appointed Counsel</b>							
FY 2021-22 Long Bill Appropriation, SB 21-205	\$19,918,541	0.0	\$19,918,541	\$0	\$0	\$0	\$0
<b>FY 2021-22 Total Appropriation</b>	<b>\$19,918,541</b>	<b>0.0</b>	<b>\$19,918,541</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$19,918,541</b>	<b>0.0</b>	<b>\$19,918,541</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
R-1, Increase in Hourly Rates of Contractors	\$1,195,112	0.0	\$1,195,112	\$0	\$0	\$0	\$0
R-4, Align Appropriations with those of other Independent Agencies	\$1,114,819	0.0	\$796,579	\$0	\$0	\$318,240	\$0
Add'l adjustment if R-1 and R-4 are approved	\$19,094	0.0	\$0	\$0	\$0	\$19,094	\$0
<b>FY 2022-23 November 01 Request</b>	<b>\$22,247,566</b>	<b>0.0</b>	<b>\$21,910,232</b>	<b>\$0</b>	<b>\$0</b>	<b>\$337,334</b>	<b>\$0</b>
<b>Mandated Costs</b>							
FY 2021-22 Long Bill Appropriation, SB 21-205	\$1,955,495	0.0	\$1,637,255	\$0	\$0	\$318,240	\$0
<b>FY 2021-22 Total Appropriation</b>	<b>\$1,955,495</b>	<b>0.0</b>	<b>\$1,637,255</b>	<b>\$0</b>	<b>\$0</b>	<b>\$318,240</b>	<b>\$0</b>
Annualization of S.B. 20-162, Changes for Federal Family First Policy	\$0	0.0	\$0	\$0	\$0	\$0	\$0
<b>FY 2022-23 Base Request</b>	<b>\$1,955,495</b>	<b>0.0</b>	<b>\$1,637,255</b>	<b>\$0</b>	<b>\$0</b>	<b>\$318,240</b>	<b>\$0</b>
R-1, Increase in Hourly Rates of Contractors	\$117,329	0.0	\$98,235	\$0	\$0	\$19,094	\$0
R-4, Align Appropriations with those of other Independent Agencies	(\$1,114,819)	0.0	(\$796,579)	\$0	\$0	(\$318,240)	\$0
Add'l adjustment if R-1 and R-4 are approved	(\$19,094)	0.0	\$0	\$0	\$0	(\$19,094)	\$0
<b>FY 2022-23 November 01 Request</b>	<b>\$938,911</b>	<b>0.0</b>	<b>\$938,911</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Grants</b>							
FY 2021-22 Long Bill Appropriation, SB 21-205	\$31,095	0.0	\$0	\$0	\$0	\$31,095	\$0
<b>FY 2021-22 Total Appropriation</b>	<b>\$31,095</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$31,095</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$31,095</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$31,095</b>	<b>\$0</b>
<b>FY 2022-23 November 01 Request</b>	<b>\$31,095</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$31,095</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation (Long Bill plus Special Bills)</b>	<b>\$29,183,550</b>	<b>14.0</b>	<b>\$23,826,319</b>	<b>\$0</b>	<b>\$48,000</b>	<b>\$5,309,231</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$29,299,345</b>	<b>14.0</b>	<b>\$23,941,522</b>	<b>\$0</b>	<b>\$48,000</b>	<b>\$5,309,823</b>	<b>\$0</b>
<b>FY 2022-23 November 01 Request</b>	<b>\$31,182,010</b>	<b>16.0</b>	<b>\$25,520,604</b>	<b>\$0</b>	<b>\$48,000</b>	<b>\$5,613,406</b>	<b>\$0</b>
Change, FY 2021-22 Appropriation to FY 2022-23 Base Request	\$115,795	0.0	\$115,203	\$0	\$0	\$592	\$0
Change, FY 2021-22 Appropriation to FY 2022-23 November 01 Request	\$1,998,460	2.0	\$1,694,285	\$0	\$0	\$304,175	\$0
Percentage Change from FY 2021-22	6.8%	14.3%	7.1%	0.0%	0.0%	5.7%	0.0%
<i>Change FY 2021-22 Appropriation to FY 2022-23 Base Request - FROM ANNUALIZATIONS</i>	<i>\$9,577</i>	<i>0.0</i>	<i>\$8,836</i>	<i>\$0</i>	<i>\$0</i>	<i>\$741</i>	<i>\$0</i>
<i>Percent Changes - FROM ANNUALIZATIONS</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>	<i>0.0%</i>
<i>Change FY 2021-22 Appropriation to FY 2022-23 Base Request - FROM COMMON POLICY</i>	<i>\$106,218</i>	<i>0.0</i>	<i>\$106,367</i>	<i>\$0</i>	<i>\$0</i>	<i>(\$149)</i>	<i>\$0</i>
<i>Percent Changes - FROM COMMON POLICY</i>	<i>0.4%</i>	<i>0.0%</i>	<i>0.4%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>
<i>Change FY 2021-22 Appropriation to FY 2022-23 Base Request - FROM DECISION ITEMS</i>	<i>\$1,882,665</i>	<i>2.0</i>	<i>\$1,579,082</i>	<i>\$0</i>	<i>\$0</i>	<i>\$303,583</i>	<i>\$0</i>
<i>Percent Changes - FROM DECISION ITEMS</i>	<i>6.5%</i>	<i>14.3%</i>	<i>6.6%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>5.7%</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). As former United States Supreme Court Justice John Paul Stevens highlighted more than thirty years ago, there is little that is “more grievous” than depriving a parent of the right to raise one’s child, including even a prison sentence. *Lassiter v. Department of Social Services*, 452 U.S. 18, 59 (1981) (Stevens, J., dissenting). This deprivation of a parent’s rights is what all respondent parent counsel (hereinafter referred to as “respondent parent counsel” or “RPC”) tirelessly defend against and is the very heart of RPC practice.

In Colorado, an indigent respondent parent has a statutory right to appointed counsel to protect this fundamental right to parent. *See* § 19-3-202, C.R.S. (2018). Indeed, as the Colorado General Assembly has declared, a 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).

## **B. Statutory Mandate**

To protect and oversee the appointment of these critical counsel, 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’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.

Additionally, the ORPC Contract, Billing Policies and Procedures, 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.

## 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 and 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 parents 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, access to 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. Overrepresentation in the Child Welfare System of People Living in Poverty, People of Color, and People with Disabilities

Historically, the child welfare system has not treated all families equally. A parent's race, disability, income, national origin, gender, and LGBTQ+ status have, too often, factored negatively into the system's view of the family. This is not the fault of one individual, one program, or even our state; rather it is the cumulation of decades and even centuries old policies, stereotypes, and assumptions.

Nationally, it is estimated that more than one-third of all US children will experience a child protective services investigation by the time they turn 18.<sup>1</sup> Most investigations and subsequent removals relate to a family's poverty and lack of resources, not physical or sexual abuse.<sup>2</sup> In fact, approximately 86% of children entering foster care in Colorado are removed due to neglect, not abuse.<sup>3</sup> Moreover, as President Biden recently observed,

[t]oo many children are removed from loving homes because poverty is often conflated with neglect, and the enduring effects of systemic racism and economic barriers mean that families of color are disproportionately affected.<sup>4</sup>

Families who already have the deck stacked against them because they are poor, people of color, or people with disabilities are funneled into a system that traumatizes them even further by separating children from their parents. Generations of families caught in this cycle experience “trauma that is proven to result in significant harm that can last a lifetime.”<sup>5</sup> The harm to communities, families, and children wrought by overuse of family separation cannot be overstated.

### **i. The Link Between Poverty and Child Welfare Involvement**

The ORPC was created to provide counsel to indigent parents in dependency cases, meaning the parents served by the agency are impoverished by definition.<sup>6</sup> In FY 2020-21, 91% of all dependency cases filed in Colorado involved at least one indigent parent.<sup>7</sup> This is a startling statistic, especially considering that only 11% of Colorado's population lived in poverty in 2019.<sup>8</sup> And while 11% of the population living in poverty is too much, to think the impoverished are overrepresented in dependency cases by more than 800% is a truly sobering statistic.

Additionally, because RPC are appointed for each indigent respondent parent named in a dependency and neglect (D&N) court petition, the ORPC must consider costs and resources allocated to each appointment of an RPC rather than each D&N case. 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. Each of those respondents may require RPC representation. The Colorado Judicial Branch data displayed in the chart below illustrates that the number of RPC appointments per month is consistently higher than the number of D&N case filings. In fact, from July 1 through August

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<sup>1</sup> Hyunil Kim, *et. al.*, *Lifetime Prevalence of Investigating Child Maltreatment Among US Children*, AM. J. PUB. HEALTH (2017), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5227926/>.

<sup>2</sup> David Crary, *HHS Leaders: No Evidence of Child Abuse Surge Amid Pandemic*, AP NEWS, Jan. 14, 2021.

<sup>3</sup> Casey Family Programs, State Fact Sheet – Colorado, 2021, <https://caseyfamilypro-wpengine.netdna-ssl.com/media/colorado-fact-sheet-2021.pdf>.

<sup>4</sup> Proclamation No. 10192, 86 Fed. Reg. 23,849 (Apr. 30, 2021).

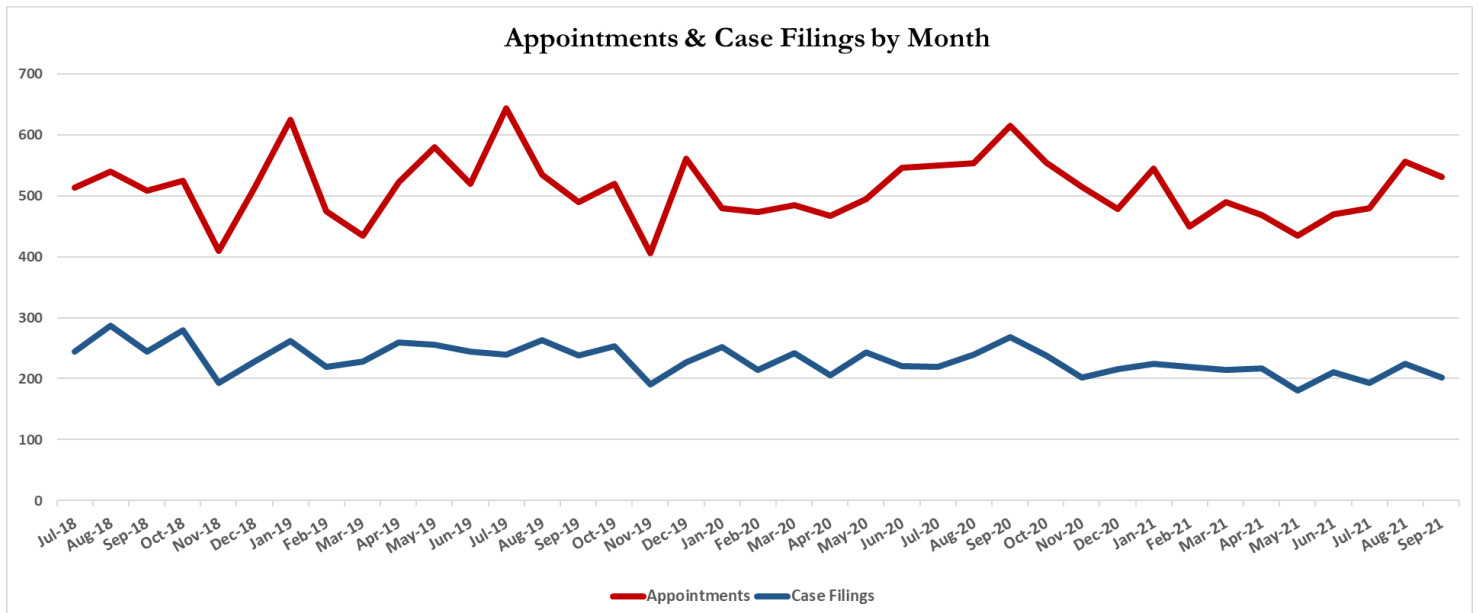
<sup>5</sup> Children's Rights, *Fighting Institutional Racism at the Front End of Child Welfare Systems* (May 25, 2021).

<sup>6</sup> See Chief Justice Directive 16-02, Amended March 2021, Attachment B. As an example, a mother with two children would qualify for counsel only if making less than \$27,450 annually, or around \$13 an hour working full time.

<sup>7</sup> Colorado Judicial Branch, Colorado State Court Administrators Office, State Court Data Access System, analyzed October 2021 (showing that from July 1, 2020, through June 30, 2021, 2412 dependency or neglect cases out of 2648 cases had at least one RPC attorney).

<sup>8</sup> See Annie E. Casey Foundation, *Kids Count Data Center* (Poverty by Race and Ethnicity), <https://datacenter.kidscount.org/data/tables/44-children-in-poverty-by-race-and>, (last visited October 14, 2021).

31, 2021, there were 418 D&N case filings and 1,036 ORPC appointments on those cases, a ratio of 2.48 ORPC appointments per D&N case filed. The number of parents named in the D&N petition is what drives the number of RPC appointments, and this number can range from one to five or more per case filing.



Critically, parents in poverty often come to these cases having already dealt with significant trauma in their lives, and far too many of these parents were themselves children in the system.<sup>9</sup> This being widely known, Colorado caseworkers are required to complete a risk assessment prior to removing children from their home, and one of the risks assessed includes whether the child’s primary caregiver was himself or herself placed out of the home as a child.<sup>10</sup>

The constant pressures of living in poverty and being engaged in a dependency and neglect case can create an outlook of helplessness and hopelessness for indigent parents in the child welfare system. Indeed, in a 2019 report, the Children’s Bureau noted that,

[w]hile some families and youth provide positive reports of their interaction with the child welfare system, more typically, the words they use include, for example, overwhelmed, confused, voiceless, judged, ashamed, angry and sad.<sup>11</sup>

<sup>9</sup> Children’s Bureau, *Intergenerational Patterns of Child Maltreatment: What the Evidence Shows* (2016). Most research on this issue supports the conclusion that adults who were maltreated as children are more likely to end up neglecting or abusing their own children as adults, but at the same time, the majority of adults who were maltreated as children do not go on to abuse or neglect their own children.

<sup>10</sup> See Office of Children Youth & Families, Colorado Family Risk Assessment Instructions. The more points assessed on the instrument, the higher the risk level. A prior substantiated finding of abuse or neglect is worth an equivalent number of points to the primary caregiver having been placed in out of the home as a child.

<sup>11</sup> 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, p. 2 (August 1, 2019).



It is a tragedy that a system that is supposed to help parents become better instead leaves them feeling hopeless. As former Children’s Bureau Special Assistant David Kelly observed, “[i]f we take a closer look . . . we might be able to see the depth of resiliency that is present and the remarkable efforts poor parents make to get by on the smallest fraction of what many of us have.”<sup>12</sup>

The ORPC also recognizes that poverty disproportionately affects racial and ethnic minorities. For example, while white children make up 55% of Colorado’s child population, they only make up 31% of the child population living in poverty,<sup>13</sup> whereas Latinx children make up 32% of Colorado’s child population, and yet they comprise more than 51% of the child population living in poverty.<sup>14</sup> Importantly, similar disparities exist for all children of color.<sup>15</sup> Thus, the ORPC’s efforts to address the issues a family in poverty faces intersects with the agency’s efforts to combat other discrimination in the child welfare system.

## **ii. The Challenge of Equity, Diversity, and Inclusion in Child Welfare**

Inequality remains a prominent feature in child welfare cases today. As the state agency dedicated to ensuring the voices and rights of parents are amplified in the child welfare system, the ORPC is committed to being part of the solution to this ongoing inequity.

At the outset of the pandemic, child welfare, medical, and educational professionals raised the alarm that, with more children at home while schools were shut down, fewer allegations of abuse and neglect would be reported, creating a pandemic of undetected child abuse with long term impacts.<sup>16</sup> Child welfare leaders at the federal level expressed concerns about these dire warnings, with former Children’s Bureau executive David Kelly noting that these warnings had “racist underpinnings”<sup>17</sup> which demonstrated the system’s “distrust and lack of faith in the poor families and families of color that disproportionality [sic] populate the child welfare system.”<sup>18</sup>

Recent data supports David Kelly’s statements and provides stark evidence of the racial and ethnic disparities in the child welfare system. For example, children of color make up 45% of Colorado’s child population.<sup>19</sup> However, they comprise 56% of the children involved in the Colorado child

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<sup>12</sup> Crary, *supra* note 2.

<sup>13</sup> See Annie E. Casey Foundation, *Kids Count Data Center*, (Population by Race), <https://datacenter.kidscount.org/data/tables/103-child-population-by-> (last visited October 14, 2021).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> See e.g., Angela Ufheil, *Calls to Colorado’s Child Abuse Hotline Have Dropped—And That’s Not a Good Thing*, 5280 (May 18, 2020), <https://www.5280.com/2020/05/calls-to-colorados-child-abuse-hotline-have-dropped-and-thats-not-a-good-thing/>.

<sup>17</sup> Crary, *supra* note 2.

<sup>18</sup> David Kelly, *Child Welfare Alarmism Paints Unfair Picture of Families*, The Imprint (June 12, 2020), <https://imprintnews.org/child-welfare-2/child-welfare-alarmism-paints-unfair-picture-of-families/44315>; see also Eli Hager, *Is Child Abuse Really Rising During the Pandemic?*, The Marshall Project, (June 15, 2020), <https://www.themarshallproject.org/2020/06/15/is-child-abuse-really-rising-during-the-pandemic>.

<sup>19</sup> Kids Count Data Center, (Population by Race), *supra* note 13.

welfare system and are 58% of children who age out of the system.<sup>20</sup> Additionally, 60% percent of the children placed in congregate care, rather than in a family-like setting, are children of color.<sup>21</sup>

Overrepresentation is especially prevalent for Black and Latinx children in Colorado. While only 4% of Colorado children are Black, they account for 11% of children in an out-of-home placement and 14% of children in a congregate care setting.<sup>22</sup> Latinx children comprise 33% of the child population, but make up 38% of children involved in child welfare cases and 40% of children who reenter out-of-home care.<sup>23</sup>

These statistics demonstrate what has been apparent for decades—families of color are more likely to face child welfare system involvement and family separation than white families. This is not due to parents of color being more likely to abuse or neglect their children, but rather, as noted above, parents of color are more likely to be living in poverty. They therefore have less access to stable food, housing, transportation, education, and health care for themselves and their children, all of which leads to their overrepresentation in the child welfare system. Additionally, even when similarly situated to white families, families of color face implicit bias,<sup>24</sup> which also contributes to the higher removal rate. For example, one study found that when infants suffered head injuries, white families were much more likely to be given the benefit of the doubt and believed about what caused the injury compared to black families, who were much more likely to have invasive and expansive testing ordered when their children were brought to the hospital with injuries.<sup>25</sup>

The ORPC is committed to engaging every parent in every case and directly confronting the issues each client faces, including negative stereotypes, assumptions, and bias. In the agency’s most recent survey of contractors, 78% agreed or strongly agreed that “[t]he ORPC does a good job promoting diversity, equity, and inclusion,” but 75% of contractors also understand that “implicit bias and systemic oppression against indigent parents” is a large or moderate challenge in their jurisdiction. Contractors appreciate the values the ORPC promotes, but still need hands-on support and access to resources to help them confront issues of bias in individual cases and in the system as a whole.

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<sup>20</sup> CDHS Community Performance Center, [https://rom.socwel.ku.edu/CO\\_Public/AllViews.aspx?RVID=580](https://rom.socwel.ku.edu/CO_Public/AllViews.aspx?RVID=580), accessed on September 22, 2021; CDHS Community Performance Center, [https://rom.socwel.ku.edu/CO\\_Public/AllViews.aspx?RVID=644](https://rom.socwel.ku.edu/CO_Public/AllViews.aspx?RVID=644), accessed on September 22, 2021.

<sup>21</sup> CDHS Community Performance Center, [https://rom.socwel.ku.edu/CO\\_Public/AllViews.aspx?RVID=773](https://rom.socwel.ku.edu/CO_Public/AllViews.aspx?RVID=773), accessed on September 22, 2021.

<sup>22</sup> Kids Count table from fn. 19; CDHS Community Performance Center, [https://rom.socwel.ku.edu/CO\\_Public/AllViews.aspx?RVID=773](https://rom.socwel.ku.edu/CO_Public/AllViews.aspx?RVID=773), accessed on September 22, 2021; CDHS Community Performance Center, [https://rom.socwel.ku.edu/CO\\_Public/AllViews.aspx?RVID=574](https://rom.socwel.ku.edu/CO_Public/AllViews.aspx?RVID=574), accessed on September 22, 2021.

<sup>23</sup> Kids Count table from fn. 19; CDHS Community Performance Center, [https://rom.socwel.ku.edu/CO\\_Public/AllViews.aspx?RVID=580](https://rom.socwel.ku.edu/CO_Public/AllViews.aspx?RVID=580), accessed on September 22, 2021; CDHS Community Performance Center, [https://rom.socwel.ku.edu/CO\\_Public/AllViews.aspx?RVID=707](https://rom.socwel.ku.edu/CO_Public/AllViews.aspx?RVID=707), accessed on September 22, 2021.

<sup>24</sup> See J. Pediatr., *Disparities in the Evaluation and Diagnosis of Abuse Among Infants with Traumatic Brain Injury* (2010), <https://pediatrics.aappublications.org/content/126/3/408>

<sup>25</sup> *Id.*

To make this a reality, interdisciplinary teams of attorneys, social workers, and parent advocates must have the tools needed to tackle these difficult and complicated issues in and out of court. The ORPC must take action, such as continuing to press for earlier appointment of counsel for parents. Ensuring appointment of counsel at the earliest possible stage for parents is vital to protecting families of color from the systemic racism they experience in this system.<sup>26</sup> The federal government has also recognized this priority, with President Biden's budget for Federal FY 2021-22 including a new request for \$100 million to address racial inequity in the child welfare system.<sup>27</sup>

In addition to supporting contractors, the ORPC also intends to use its resources to help recruit, hire, and retain more employees and contractors of color and from diverse backgrounds. These efforts align with the state of Colorado's employment mission:

The State of Colorado believes that an equitable, diverse, and inclusive workplace is one where all employees and community partners, whatever their gender, race, ethnicity, religion, national origin, age, sexual orientation, gender identity, citizenship status, education, disability, socio-economic status, or any other identity, feel valued and respected.<sup>28</sup>

The ORPC believes that a parent's race, disability, national origin, income, or LGBTQ+ status should not determine whether they enter the child welfare system or the outcome of their case. The ORPC is recognized for promoting diversity, equity, and inclusion, but the agency needs more resources to support lawyers, social workers, and parent advocates in changing the status quo of inequity, racism, and bias in Colorado's child welfare system.

### **iii. The Unseen Plight of Parents with Disabilities in Child Welfare**

Just as people of color and families living in poverty have been targeted by the child welfare system, the government has long discriminated against people with disabilities under the guise of protecting children. Almost one hundred years ago, the Supreme Court of the United States decided the case of Carrie Buck, who was born to a mother with Intellectual/Developmental Disabilities living in the Virginia State Colony for Epileptics and Feeble-minded. Carrie was released from the institution to live with another family, but became pregnant following a sexual assault and was returned to the institution. The institution's superintendent elected to pursue forced sterilization of Carrie, hoping to pave the way for forced sterilization of any other person with a disability in state custody. In upholding Carrie's forced sterilization, Justice Holmes penned:

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<sup>26</sup> Children's Rights, *Fighting Institutional Racism at the Front End of Child Welfare Systems* (May 15, 2021).

<sup>27</sup> Child Welfare League of America, *The President's Fiscal Year 2022 Budget Request*, <https://www.cwla.org/wp-content/uploads/2021/06/CWLA-Summary-of-Presidents-FY-2022-Childrens-Child-Welfare-Budget-1.pdf>.

<sup>28</sup> Colorado Department of Personnel and Administration, *Equity, Diversity, and Inclusion*, <https://dpa.colorado.gov/about-us/edi>.

It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind.<sup>29</sup>

This view is deplorable but, sadly, not completely absent from modern day child welfare systems. In fact, just a few years ago in 2018, the Colorado General Assembly found:

- I. 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;
- II. Because of these societal biases and antiquated attitudes, children of persons with disabilities historically have been vulnerable to unnecessary removal from one or both of their parents' care or are restricted from enjoying meaningful time with one or both parents; and
- III. Children have been denied the opportunity to enjoy the experience of living in loving homes with a parent or parents with a disability or other caretakers with a disability.<sup>30</sup>

Fighting against negative stereotypes of parents with disabilities is one of the primary roles of the ORPC. On April 26, 2021, Governor Polis signed SB21-107 into law, formally honoring the efforts of an ORPC attorney's movement to end discrimination against parents with disabilities by renaming a portion of Colorado statute, the Carrie Ann Lucas Parental Rights for People with Disabilities Act.

Ms. Lucas was a devoted disability advocate who lived with disabilities and parented children with disabilities. She was vocal about the discrimination she faced on her road to parenthood and vowed that other parents with disabilities should not face the same discrimination. Tragically, Ms. Lucas died in 2019 at the age of 47. Her death left a huge void at the agency where she had worked tirelessly to ensure that RPC would have the skills to recognize when their clients had disabilities and the tools to advocate for their clients, ensuring them access to justice and amplifying their voices. While no one could ever fill the void left by Ms. Lucas's death, the ORPC decided that her efforts were too important to discontinue. With support from this legislative body, added a position at the agency dedicated to focusing on the rights of parents and families with disabilities.

The Carrie Ann Lucas Disability Advocacy Director began work with the agency in September 2020. Despite the pandemic, the ORPC continued its trainings on the rights of people with disabilities in the child welfare system for RPC. The agency also conducted trainings at the American Bar Association's Parent Representation Conference, for child welfare attorneys in the states of Texas and Idaho, and for numerous child welfare Best Practices Court Teams throughout Colorado. Realizing that caseworkers must also have training in recognizing disabilities and identifying reasonable

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<sup>29</sup> *Buck v. Bell*, 274 U.S. 200, 207 (1927).

<sup>30</sup> Concerning Family Preservation Safeguards for Parents with Disabilities, H.B. 18-1104 (2018) (codified at § 24-34-805(1)(a)(I), (III), (IV), C.R.S.).

accommodations for persons with disabilities, the ORPC is developing a training for social workers through The Kempe Center's Child Welfare Training System.

These efforts are just the beginning of what is needed to ensure that parents with disabilities are not discriminated against and that they enjoy the full right to parent. Most parents involved in the child welfare system have at least one disability.<sup>31</sup> Of the population of parents served by the ORPC, a staggering 49.6% of parents have one or more disabilities.<sup>32</sup>

While parents with disabilities account for nearly half of the parents ORPC serves, they comprise nearly three-fourths of the parents whose parental rights are ultimately terminated.<sup>33</sup> Stated a different way, while 9.7% of parents without disabilities will have their parental rights terminated, that percentage jumps to 23.9% for parents with disabilities.<sup>34</sup> Similarly, while parents without disabilities enjoy a 73.2% reunification rate, for parents with disabilities, that rate decreases to 51.3%.<sup>35</sup>

In some cases, a disability is the primary reason that a family is referred to the system. This often occurs when a parent's mental health condition is not effectively managed, a substance use disorder is uncontrolled, or an Intellectual/Developmental (I/DD) disability is detected. While the ORPC arms its contractors with the information and resources needed to help support indigent parents with disabilities and educate other stakeholders about the rights of people with disabilities, there is still much work to be done. A person's disability does not have to dictate whether they can successfully parent. To think otherwise plays into the antiquated stereotypes and assumptions that Carrie Ann Lucas and decades of advocates before her, including the young Carrie Buck, cautioned us against.

## 2. Impact of COVID-19 on Indigent Parents

The COVID-19 pandemic continues to disproportionately impact the poor,<sup>36</sup> people of color,<sup>37</sup> and people with disabilities.<sup>38</sup> Its ongoing impact on these populations has only been magnified for those families entangled in child welfare system. Twenty months into the pandemic, many parents have lost jobs and income, and many are now being evicted after moratoriums on evictions have expired.

During the initial shutdowns, mothers involved in the child welfare system who had been separated from their infants at birth, were unable to hold their babies or do anything more than gaze at them on

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<sup>31</sup>Nat'l Council on Disability, *Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children* (2012), chapter 5, <https://www.ncd.gov/publications/2012/Sep272012>.

<sup>32</sup>ORPC Internal Data, Respondent Parent Payment System, analyzed September 2021 for the period FY 2018-19 through FY 2020-21.

<sup>33</sup>*Id.*, analyzed October 2021 for the period FY 2018-19 through FY 2020-21.

<sup>34</sup>*Id.*

<sup>35</sup>*Id.*

<sup>36</sup>Memorandum from Elizabeth Ramey (Principal Economist), Legislative Council Staff (Feb. 11, 2021), [https://leg.colorado.gov/sites/default/files/r20-1320\\_income\\_inequality\\_and\\_the\\_economy.pdf](https://leg.colorado.gov/sites/default/files/r20-1320_income_inequality_and_the_economy.pdf).

<sup>37</sup>Centers for Disease Control, *Health Equity Considerations and Racial and Ethnic Minority Groups* (updated Apr. 19, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/race-ethnicity.html>.

<sup>38</sup>Nat'l Governors' Assoc., *Governors' Role in Promoting Disability Employment in COVID-19 Recovery Strategies* (Mar. 23, 2021), <https://www.nga.org/center/publications/governors-role-in-promoting-disability-employment-in-covid-19-recovery-strategies/>.

a screen as a stranger held them. This agonizing separation sometimes went on for months without in-person contact or more than the occasional video call. Almost two years into the pandemic, many children in out-of-home placements continue to only see their parents on screens or, at best, once per week while wearing a mask and social distancing.

Parents in these cases are now facing termination of their parental rights for failure to adequately engage in their treatment plans. The ORPC expended considerable funds to appoint experts to testify that virtual visitation is not sufficient to allow parents to bond with infants and small children — a conclusion that would be common sense to any parent who has tried to engage their children on a zoom call with grandparents. Yet the courts and counties persisted in only permitting virtual visitation for months on end.

Now that statewide executive orders have largely left pandemic restrictions and precautions to individual counties, parents have been left with a patchwork system. Parents in a rural county on the Eastern Plains may not experience any differences in how cases are handled now versus pre-pandemic, while parents in some metro Denver counties are routinely only permitted one visit each week, even with infants. Moreover, access to the courts to address these issues remains an obstacle, forcing families to stay separated while waiting up to a year for a jury trial to determine whether there are sufficient grounds for the case to remain open. Courts continue to issue automated emergency orders permitting restricted visitation and restricted court access.

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.<sup>39</sup> 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.<sup>40</sup> When parents do not have adequate and accessible substance use or mental health treatment, they will struggle to engage and likely face termination of their parental rights, resulting in lifelong detrimental trauma for both parents and children.

The most marginalized and oppressed populations continue to be disproportionately impacted by COVID-19. Even an end to the pandemic will not automatically mend the harm done to families during these long months. The ORPC urges the General Assembly to heed the lessons of COVID-19: it is not the removal of children from their parents that saves children. It is the deployment of concrete supports and preventative services to our most marginalized communities that can save children from the generational cycle of trauma and family separation.<sup>41</sup> For, “[i]f we are truly a field

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<sup>39</sup> See Children’s Bureau, *ACYF-CB-IM-20-02: Family Time and visitation for children and youth in out-of-home care* (Feb. 5, 2020), <https://www.acf.hhs.gov/cb/policy-guidance/im-20-02>; 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>

<sup>40</sup> *Id.*

<sup>41</sup> Anna Arons, *An Unintended Abolition: Family Regulation During the COVID-19 Crisis*, COLUM. J. RACE & LAW, (forthcoming 2021), <https://ssrn.com/abstract=3815217> or <http://dx.doi.org/10.2139/ssrn.3815217>

and a society that looks to data and facts to help us understand the world, it is time to put to rest the preconceived notion and prejudiced narrative that parents are a danger to their children, because in the overwhelming majority of families involved with child welfare that is simply not the case.”<sup>42</sup>

### **3. 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 had largely been funneled to the costs of foster care maintenance for eligible children (among other program-related costs).<sup>43</sup> This skewed funding stream unintentionally created a system whereby removal of children and placement in foster care became a primary child welfare system intervention. As a result of this imbalance, “the federal government spends almost 10 times more on foster care and adoption than on programs geared toward reunification.”<sup>44</sup>

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.<sup>45</sup> Indeed, the projected costs for IV-E foster care maintenance and administrative costs is projected to cost \$5.8 billion by 2021.<sup>46</sup> Yet, only 39% of children in foster care in 2020 were eligible for IV-E funding, meaning that states must subsidize the remaining costs of foster care.<sup>47</sup>

For fiscal year 2020, Colorado spent an estimated \$90,632,069 in federal funds on foster care services, with only 1,429 children being served through those funds.<sup>48</sup> That is a cost of \$63,423 per child served in foster care. Yet, IV-E reimbursements for foster care do not cover every child in foster care, nor do they cover all foster care costs.

Only 30% of the children in foster care received federal IV-E dollars.<sup>49</sup> That means that it costs much more on average per child in foster care than \$63,423 per year, or \$5,285 per month, because the state picks up the tab for children who are not IV-E eligible. The yearly expenditure per foster child is nearly three times higher than the poverty line for a family of three in Colorado.<sup>50</sup>

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<sup>42</sup> Kelly, *supra* note 18.

<sup>43</sup> Nat'l Conf. State Legislatures (NCSL), *Family First Prevention Services Act* (April 1, 2020),

<https://www.ncsl.org/research/human-services/family-first-prevention-services-act-ffpsa.aspx>

<sup>44</sup> Elizabeth Brico, *The Government Spends 10 Times More on Foster Care and Adoption Than Reuniting Families*, Talk Poverty (Aug. 23, 2019).

<sup>45</sup> NCSL, *Child Welfare Financing* (May 30, 2019), <https://www.ncsl.org/research/human-services/child-welfare-financing-101.aspx>.

<sup>46</sup> Child Welfare League of America, *The President's Fiscal Year 2022 Budget Request*, <https://www.cwla.org/wp-content/uploads/2021/06/CWLA-Summary-of-Presidents-FY-2022-Childrens-Child-Welfare-Budget-1.pdf>.

<sup>47</sup> *Id.*

<sup>48</sup> Casey Family Programs, State Fact Sheet – Colorado, *supra* note 3., <https://caseyfamilypro-wpengine.netdna-ssl.com/media/colorado-fact-sheet-2021.pdf>.

<sup>49</sup> Child Trends, *Child Welfare Agency Spending in Colorado in SFY 2018*, [https://www.childtrends.org/wp-content/uploads/2021/01/Colorado\\_SFY2018-CWFS\\_03.03.2021.pdf](https://www.childtrends.org/wp-content/uploads/2021/01/Colorado_SFY2018-CWFS_03.03.2021.pdf). The amount spent on foster care in Colorado continues to go up.

<sup>50</sup> U.S. Dept. Health & Human Svcs., *U.S. Federal Poverty Guidelines Used to Determine Financial Eligibility for Certain Programs* (2021), <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>.

While federal foster care expenditures increased dramatically over prior years, the amount of federal funds spent on prevention was stagnant at a mere 13% of total federal child welfare funds.<sup>51</sup> Colorado spends over half of federal child welfare dollars received on out-of-home placements and just 6% of federal funds received on preventative services.<sup>52</sup> Additionally, Colorado spends far more preventative child welfare dollars on caseworker visits and administration than other states, spending very little on actual services or concrete supports.<sup>53</sup>

Most researchers have concluded that funding preventative services can result in huge cost savings over time<sup>54</sup> and that these services 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, not to mention better outcomes for families.

For example, children are often removed from victims of domestic violence because the abuser does not follow protection orders.<sup>55</sup> Often, the victim lacks economic resources to move to a secure location. The child welfare system often responds by telling victims that children will be removed if the abuser contacts them or by requiring that the victim attend counseling, which often results in additional economic burdens to the victim. If the child welfare system provided concrete economic supports for the victim or preventative legal assistance to allow the victim to obtain supports such as a protection order, legal status, or child support, children might remain safely in the care of the victim. Any costs would likely be far less than the cost of placing the child in foster care and would further reduce long-term costs such as services related to addressing the trauma that would be caused by removing the child from a loving parent.

Because foster care is incredibly expensive, any reduction in length of stay will reduce overall expenditures for the system. More importantly, reductions in length of stay or the prevention of a removal results in better outcomes for children and families. These better outcomes reduce costs over the life of the child.

Children who do not experience separation trauma and have supports to stay in their homes safely are less likely to have long term mental health conditions<sup>56</sup> or end up in the delinquency or criminal justice

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<sup>51</sup> Casey Family Programs, State Fact Sheet – Colorado, *supra* note 3.

<sup>52</sup> Child Trends, *supra* note 48.

<sup>53</sup> *Id.*

<sup>54</sup> See e.g., Casey Family Programs, *Transforming Child Welfare Systems: What do we know about the return on investment in prevention child maltreatment?* (updated June 2019), [https://caseyfamilypro-wpengine.netdna-ssl.com/media/TS\\_Research-return-on-investment-maltreatment-prevention.pdf](https://caseyfamilypro-wpengine.netdna-ssl.com/media/TS_Research-return-on-investment-maltreatment-prevention.pdf).

<sup>55</sup> See e.g., Elizabeth Brico, *State Laws Can Punish Parents Living in Abusive Households*, Talk Poverty (Oct. 25, 2019), <https://talkpoverty.org/2019/10/25/failure-protect-child-welfare/>.

<sup>56</sup> 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, p. 1, [https://www.researchgate.net/publication/326652825\\_Out-of-home\\_placement\\_in\\_early\\_childhood\\_and\\_psychiatric\\_diagnoses\\_and\\_criminal\\_convictions\\_in\\_young\\_adulthood\\_a\\_population-based\\_propensity\\_score-matched\\_study](https://www.researchgate.net/publication/326652825_Out-of-home_placement_in_early_childhood_and_psychiatric_diagnoses_and_criminal_convictions_in_young_adulthood_a_population-based_propensity_score-matched_study).



system as adults.<sup>57</sup> Children and youth who live in the foster care system are more than three times as likely to drop out of high school as their non-foster care peers,<sup>58</sup> which greatly impacts their lifetime individual earnings<sup>59</sup> and therefore the future economic health of the state as a whole.

The adult outcomes for former foster youth, attributable mainly to a lack of permanence and an 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.”<sup>60</sup> These costs are unsustainable on both a financial and a moral level.

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.

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

### **1. Importance of Funding High Quality Representation for Parents**

The ORPC was established in July of 2016<sup>61</sup> in response to a 2007 Assessment Report noting the lack of resources for indigent parents and their counsel (RPC). The study bluntly concluded that “there are insufficient resources for RPC to conduct an independent investigation, and to procure the services of expert witnesses if needed.”<sup>62</sup> In addition to counsel, the Assessment Report recommended the provision of resources, including investigators, discovery, and expert witnesses, to RPC at every stage of a dependency and neglect proceeding.<sup>63</sup>

In 2017 the Children’s Bureau of the U.S. Department of Health and Human Services (“Children’s Bureau”) issued an information memorandum addressing the importance of high quality legal

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<sup>57</sup> 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).

<sup>58</sup> Colorado Depart. of Ed., *2018-2019 State Policy Report: Dropout Prevention and Student Engagement*, p. 7-8 (6.9% for foster children vs. 2.0% statewide average for non-foster children).

<sup>59</sup> Anthony P. Carnevale et al., *The College Payoff: Education, Occupations, Lifetime Earnings*, Georgetown University Center on Education and the Workforce, p. 3 (2011), <https://1gyhoq479ufd3yna29x7ubjn-wpengine.netdna-ssl.com/wp-content/uploads/collegepayoff-completed.pdf>; Joseph J. Doyle Jr., *Child Protection and Child Outcomes: Measuring the Effects of Foster Care*, AM. ECONOMIC REVIEW (Dec. 2007), pp. 1583-1610.

<sup>60</sup> 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.

<sup>61</sup> C.R.S. § 13-92-101.

<sup>62</sup> *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”), p. 44,

[https://www.courts.state.co.us/userfiles/File/Court\\_Probation/Supreme\\_Court/Committees/Court\\_Improvement/CORPCFinalNeedAsstReptApp.pdf](https://www.courts.state.co.us/userfiles/File/Court_Probation/Supreme_Court/Committees/Court_Improvement/CORPCFinalNeedAsstReptApp.pdf)

<sup>63</sup> *Id.* at p. 45-46.

representation for all parties in child welfare proceedings.<sup>64</sup> In that memorandum, the Children’s Bureau highlighted the “[n]umerous studies and reports” that cited the importance of competent legal representation for parents, children, and youth in ensuring that legal rights are protected.<sup>65</sup> The Children’s Bureau also noted that high quality legal representation for parties in child welfare proceedings contributes to a fundamental increase in both the fairness and perceived fairness of the proceedings, as well as increased engagement by parents.<sup>66</sup>

Since the creation of the ORPC just five years ago, parents and families in Colorado have benefited immensely from the provision of high quality legal representation. From FY 2016-2017 to FY 2020-2021, the percentage of cases ending in terminations of parental rights in Colorado reduced by one-third. This means that through the provision of high quality legal representation, hundreds of families have avoided the trauma of permanent separation that often felt inevitable prior to the creation of the ORPC. The Agency’s provision of resources, previously only available to parents in the system with financial means, has changed the lives of indigent parents and their families in ways never before possible in Colorado. The ORPC is proud to provide a voice to indigent parents who were previously silenced, and to reduce the trauma of separation for Colorado’s children.

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

Nationally, child welfare stakeholders have become keenly aware of the benefits of a wraparound, interdisciplinary approach to legal representation in child welfare proceedings. For example, in 2021, the Children’s Bureau issued a new information memorandum citing a New York study that looked at the interdisciplinary approach.<sup>67</sup> The study showed that parents represented by an interdisciplinary law office reunified with their children faster and more often. Specifically, in the first year of a court case, parents who were represented by an interdisciplinary law office reunified with their children a staggering 43% more often than those parents represented solely by an attorney.<sup>68</sup> Similarly, in the second year of a court case, those parents working with an interdisciplinary law office were successful in reuniting their families 25% more often than those represented by an attorney alone.<sup>69</sup> Moreover, the higher rate and faster speed of reunification occurred “without any negative impact on child safety.”<sup>70</sup>

Based on such successful outcomes, the Children’s Bureau “strongly urges all Title-IV agencies to actively pursue utilization of Title IV-E funding to create, expand and sustain models of multi-disciplinary representation . . .”<sup>71</sup> In other words, the federal government is actively urging child

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<sup>64</sup> ACF – Children’s Bureau, *High Quality Legal Representation for All Parties in Child Welfare Proceedings*, ACYF-CB-IM-17-02 (January 17, 2017), <https://www.acf.hhs.gov/sites/default/files/documents/cb/im1702.pdf>.

<sup>65</sup> *Id.* at p. 2.

<sup>66</sup> *Id.* at pp. 2, 5-6.

<sup>67</sup> ACF – Children’s Bureau, *Utilizing Title IV-E Funding to Support high Quality Legal Representation for Children and Youth who are in Foster Care, Candidates for Foster Care and their Parents and to Promote Child and Family Well-being*, ACYF-CB-IM-21-06 (January 14, 2021), <https://www.acf.hhs.gov/sites/default/files/documents/cb/im2106.pdf>.

<sup>68</sup> *Id.* at 5.

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Id.* at 6.

welfare stakeholders across the country to use federal dollars to pay for paralegals, investigators, peer advocates, and social workers to better respond to the overall needs of parents and families who may be candidates for foster care.<sup>72</sup>

Colorado began discussing the interdisciplinary approach to respondent parent representation at least as early as 2007. Responding to these encouraging outcomes, the ORPC implemented a interdisciplinary system of representation. The agency brought on its first independent social worker in 2017 and its first parent advocate in 2020 during the pandemic. The ORPC's interdisciplinary program has proven very successful. Specifically, the rates of family reunifications have increased and the rates of terminations of parental rights continues to fall,<sup>73</sup> and the Children's Bureau specifically recognized Colorado's interdisciplinary model in its 2021 memorandum.<sup>74</sup>

The ORPC continues to capitalize on the opportunities afforded by changes in federal funding and is currently implementing a pilot program to provide legal assistance to parents prior to the filing of a dependency case. The goal of this program is to assist parents with legal needs that are obstacles to successful parenting, such as housing and protection order issues, so that the family can avoid entry into the child welfare system and possible separation. Through these innovative and interdisciplinary approaches, the ORPC strives to reduce out-of-home placements, terminations of parental rights, and the trauma that is caused to both parents and children as a result.

### **3. The ORPC's Work to Access New Federal Title IV-E Funding**

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 drawdown of federal funds for the provision of legal services to parents as well as children.<sup>75</sup>

In April 2020, the Children's Bureau issued a subsequent rule to clarify that administrative costs for paralegals, investigators, peer partners, and social workers may also be claimed as Title IV-E foster care administrative costs when they are necessary to support an attorney providing independent legal representation.<sup>76</sup> Subsequent to this second rule change, in July 2020, the Children's Bureau issued a Technical Bulletin addressing frequently asked questions on independent legal representation. In it, the Children's Bureau further clarified 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

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<sup>72</sup> *Id.* at 3

<sup>73</sup> ORPC Internal Data, Reunification and Termination of Parental Rights, *infra* page 47.

<sup>74</sup> ACF – Children's Bureau, *Utilizing Title IV-E Funding to Support high Quality Legal Representation for Children and Youth who are in Foster Care, Candidates for Foster Care and their Parents and to Promote Child and Family Well-being*, ACYF-CB-IM-21-06 (January 14, 2021), at 10, <https://www.acf.hhs.gov/sites/default/files/documents/cb/im2106.pdf>.

<sup>75</sup> See 45 CFR § 1356.60(c).

<sup>76</sup> *Id.*

(meaning at risk of entry into the child welfare system) for Title IV-E foster care and/or his or her parent.<sup>77</sup>

These changes by the Children’s Bureau signal a federal recognition of the importance of high quality legal representation for parents. The changes also signal a willingness by the federal government to explore innovative approaches, such as “pre-removal” legal representation and the use of interdisciplinary defense teams, working together to support parents to improve outcomes for children and families in the child welfare system.

Requests for federal matching funds of costs incurred by the ORPC for legal representation are governed by a Memorandum of Understanding between the Colorado Department of Human Services (“CDHS”) and the ORPC. Currently, the costs 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 are used in accordance with the Children’s Bureau Child Welfare Policy Manual’s stated objectives. Namely, these objectives include:

- 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; and
- Ensuring compliance with the Manual’s requirement that attorneys for parents be independent of and not overseen by the IV-E agency.

The ORPC envisions a future in which IV-E money will be used to fund innovations in family defense aimed at preventing family separation and removals of children and supporting families to parent safely in their homes and communities.

#### **4. The 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,<sup>78</sup> the ORPC has developed a plan for using reimbursement funds that include the following new initiatives and expansions of existing programming:

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<sup>77</sup> ACF – Children’s Bureau, Technical Bulletin – FAQs on Independent Legal Representation (July 20, 2020), [https://www.acf.hhs.gov/sites/default/files/cb/technical\\_bulletin\\_faq\\_legal\\_representation.pdf](https://www.acf.hhs.gov/sites/default/files/cb/technical_bulletin_faq_legal_representation.pdf).

<sup>78</sup> ACF – Children’s Bureau, Utilizing Title IV-E Funding to Support High Quality Legal Representation for Children, *supra* note 66. <https://www.acf.hhs.gov/sites/default/files/documents/cb/im2106.pdf>; ACF – Children’s Bureau, Family Time and visitation for children and youth in out-of-home care, *supra* note 37; ACF – Children’s Bureau, Engaging, empowering, and utilizing family and youth voice, *supra* note 11; 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),

1. Increasing RPC access to an interdisciplinary team, which may include social workers, parent advocates, experts, and other professionals.
2. Expanding available legal services to parents and families through:
  - a. Ensuring early appointment of RPC prior to initial hearings and early access to an interdisciplinary team;
  - b. Providing legal representation during investigations and upon initial filings to address a family’s ancillary civil legal issues that may impact the removal of children and reunification, such as protective orders, housing and eviction issues, and guardianships;
  - c. Exploring methods to recruit new RPC talent, provide mentoring to attorneys, and incentivize work in rural communities and “legal deserts” where there are fewer than 10 or even no registered attorneys;<sup>79</sup> and
  - 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. Expanding 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.
4. Continuing a partnership with the Colorado Data Lab to develop a data analysis plan to identify best practices and effective programs 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 families and to move child welfare policy toward a future where removal of a child from his or her home is reserved for only the most extreme circumstances. RPC who address ancillary civil issues earlier in a case can make a significant impact in the reduction of out-of-home placements. This is because unresolved civil legal issues can drive continual child welfare involvement in the lives of some indigent families. Indeed,

[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

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<https://www.acf.hhs.gov/sites/default/files/cb/im1805.pdf>; and ACF – Children’s Bureau, High Quality Legal Representation for All Parties in Child Welfare Proceedings, *supra* note 63.

<sup>79</sup> In a 2020 Annual Report, the Colorado Office of Attorney Regulation highlighted the limited number of attorneys in many rural jurisdictions of Colorado. *See*:

<https://coloradosupremecourt.com/PDF/AboutUs/Annual%20Reports/2020%20Annual%20Report.pdf>, at p. 4.

reported by low-income Americans received no or inadequate help. That equals approximately 1.1 million unresolved legal issues per year.<sup>80</sup>

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.”<sup>81</sup> As discussed above, another component of effective parental legal services in the child welfare system includes 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.<sup>82</sup> As the ORPC’s Social Worker Pilot Program (SWPP) evaluation<sup>83</sup> and other recent studies have demonstrated,<sup>84</sup> 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.

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

## **F. ORPC Innovations Increase Savings and Reduce Trauma to Children and Families**

### **1. Interdisciplinary Model of Representation**

#### **a. Social Workers and Family Advocates on Parent Defense Teams**

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 with the goal of offering holistic, high quality legal representation to parents. The ORPC’s interdisciplinary representation model pairs attorneys with social workers or parent advocates who work in partnership to advocate for the needs and wishes of their client. The goal of interdisciplinary representation is to provide as much support as possible to parents so that: 1) fewer children enter foster care, 2) children who cannot remain home safely are placed with family members, and 3) parents have a meaningful opportunity to reunify with their children. The combined efforts of

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<sup>80</sup> Vivek Sankaran, *Redesigning the Delivery of Legal Services to Prevent Children from Entering Foster Care*, Rethinking Foster Care (July 10, 2018), <http://rethinkingfostercare.blogspot.com/2018/07/redesigning-delivery-of-legal-services.html>.

<sup>81</sup> ACF – Children’s Bureau, High Quality Legal Representation for All Parties in Child Welfare Proceedings, *supra* note 63.

<sup>82</sup> *Id.*

<sup>83</sup> Lori Darnel and Dawn Matera Bassett, *A Program Evaluation of the Colorado Office of Respondent Parents’ Counsel Social Work Program*, Metropolitan State University of Denver, Department of Social Work (2019), <https://coloradoorpc.org/wp-content/uploads/2019/11/ORPC-SWPP-Evaluation.pdf>

<sup>84</sup> Lucas A. Gerber, *et al.*, . *Understanding the Effects of an Interdisciplinary Approach to Parental Representation in Child Welfare*. Children and Youth Services Review, 116 (September 2020), <https://www.sciencedirect.com/science/article/pii/S0190740920304643>.

the interdisciplinary team improve families' lives, reduce trauma to children, and reduce public costs for out-of-home placement.

This inclusion of social workers on legal defense teams has produced positive results, measured through an independent evaluation conducted by Metropolitan State University in 2019.<sup>85</sup> Put simply, the evaluation concluded that the interdisciplinary team model of parent representation practiced 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.

One example highlighted in this evaluation involved reunification in El Paso County. There, parents who had a social worker assigned to their family defense team achieved reunification with their children at over twice the rate of the state and county averages. This also included data showing that when placed out-of-home, the time in placement was reduced.<sup>86</sup> Higher reunification rates and shorter out-of-home stays are just two examples of the potentially significant costs savings in utilizing this interdisciplinary representation approach.<sup>87</sup>

Additionally, the SWPP outcomes reflect the national research. In a 2019 published study examining outcomes for 9,582 child welfare cases over seven years, researchers compared the efficacy of interdisciplinary legal teams to solo law practitioners for parents in child welfare cases. The results were staggering. Specifically, researchers concluded that the interdisciplinary teams achieved 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.<sup>88</sup> Further, even when reunification was not possible, the interdisciplinary model 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.

Moreover, 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.<sup>89</sup> The federal Children's Bureau actively promotes this approach in the legal representation of parents and children,<sup>90</sup> offering practice guides<sup>91</sup> and, more recently, changing federal policy to directly fund interdisciplinary representation through Title IV-E reimbursement.<sup>92</sup>

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<sup>85</sup> Darnel and Basset, *A Program Evaluation of Colorado Office of Respondent Parents' Counsel Social Work Program*, *supra* note 82.

<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

<sup>88</sup> Gerber, *et. al.* *supra* note 83.

<sup>89</sup> ABA Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases (2006), [https://www.americanbar.org/content/dam/aba/administrative/child\\_law/aba-parent-rep-stds.pdf](https://www.americanbar.org/content/dam/aba/administrative/child_law/aba-parent-rep-stds.pdf).

<sup>90</sup> Child Welfare Information Gateway. *Family reunification: What the evidence shows*, June 2011, available at [https://www.mncourts.gov/mncourtsgov/media/scao\\_library/CJI/family\\_reunification.pdf](https://www.mncourts.gov/mncourtsgov/media/scao_library/CJI/family_reunification.pdf); *see also* ACF – Children's Bureau, High Quality Legal Representation for All Parties in Child Welfare Proceedings, *supra* note 63.

<sup>91</sup> ACF – Children's Bureau, Engaging, empowering, and utilizing family and youth *supra* note 11, p.2.

<sup>92</sup> *Supra* note 74.

The ORPC now offers social work resources to RPC upon request. The agency provides training on the model and technical assistance during regular case consultations with RPC. The ORPC's Program Director is a Social Worker who oversees the contracting, training, and oversight of non-attorney contractors. To ensure the model continues to serve parents effectively, the ORPC will partner with the Colorado Evaluation and Action Lab to continue to review interdisciplinary programming and monitor outcomes.

#### **b. Parent Advocates Further Support Parents and Enhance Family Voice**

ORPC interdisciplinary teams may also include a parent advocate. Parent advocates have personally navigated the child welfare system and reunited with their children. They are trained and supervised to work alongside RPC to guide and support parents with current dependency and neglect cases. Peer coaching and support has been an integral part of mental health and substance use intervention 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 on interdisciplinary teams.<sup>93</sup> The Children's Bureau includes parent advocacy as a reimbursable expense for parental defense teams.<sup>94</sup>

Based on the successful outcomes of interdisciplinary models including parent advocates on legal teams,<sup>95</sup> the ORPC received JBC approval to recruit, train, and mentor parent advocates in FY 2020-21. The agency contracted with the first class of advocates in November 2020 and they have since been assigned to support over 200 parents statewide.

The ORPC surveys its contractors annually. In the 2020 ORPC Contractor Survey, in anticipation of contracting with parent advocates, over 81% of RPC reported they would consider working with a parent advocate as a member of their interdisciplinary team. In the 2021 ORPC Contractor Survey, 45% of RPC responded that they have already started working with a parent advocate in just the first few months of the program.

RPC shared feedback on the addition of parent advocates to the legal team, including:

*"I don't think it possible to overemphasize the positive impact [the Parent Advocate] has had in our client's lives."*

*"[The Parent Advocate] was instrumental in closing out this case with the two youngest children in the home and out of foster care and the eldest child 50/50 custody between the parents. Our client now seeks to be a Parent Advocate herself!"*

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<sup>93</sup> Children's Bureau, Administration for Children and Families, Capacity Building for States, <https://capacity.childwelfare.gov/states/topics/foster-care-permanency/parent-partner-navigator>; National Center on Substance Abuse and Child Welfare, The Use of Peers and Recovery Specialists in Child Welfare Settings, [https://ncsacw.samhsa.gov/files/peer19\\_brief.pdf](https://ncsacw.samhsa.gov/files/peer19_brief.pdf).

<sup>94</sup> ACF – Children's Bureau, Technical Bulletin – FAQs on Independent Legal Representation, *supra* note 78.

<sup>95</sup> Gerber, *et. al. supra* note 83.



*“[The Parent Advocate] was instrumental in helping this client stay in his home and dealing with a deep depression. [They] bonded over incarceration experiences and difficulties co-parenting.”*

*“[The Parent Advocate] is persistent in keeping in contact with clients and pushing them to keep in contact with case workers and stay in compliance with treatment plans.”*

*“[The Parent Advocate] has proven to be an integral part of my team and my cases. [She] has turned two of my cases around from potential TPR to now APR [shared custody] or return home. I do not have the words to express how helpful and amazing she is with my clients and how she changes parents.”*

The ORPC also advocates for legislative changes to improve parental representation and, ultimately, the well-being of children and families. Parent advocates are effective in bringing the voice of parents and families to critical policy and lawmaking bodies. For example, ORPC parent advocates testified at the legislative hearings on “Preserving Family Relationships in Child Placement,” HB 21-1101<sup>96</sup> which was signed into law in July 2021. Additionally, they participate in training for local and national audiences, including sharing their stories and offering solutions to child welfare professionals at the National Association for the Counsel of Children (NACC) annual conference, the National Association for the Public Defense (NAPD) annual conference, the Colorado Court Improvement Program (CIP) annual child welfare conference, and the Kempe Center’s International Virtual Conference in 2021.

Parent advocates also serve on a Family First Prevention Services Act (FFPSA) implementation committee, the CIP’s subcommittee on High Quality Legal Representation, and the Children’s Justice Act (CJA) task force subcommittee on child welfare training.

This is the first time in Colorado’s history that child welfare leaders have had this level of collaboration with parents who both successfully navigated the child welfare system and have training and supervision in their work as professional peer mentors. Parent advocates continue to be in high demand on the many task forces and committees addressing child welfare reform, and the ORPC is gaining recognition for bringing the voices of parents with lived experiences to the table to inform and influence policy making decisions.

Based on the increased requests for parent advocates to join legal teams and the need to provide this resource equitably throughout the state, the ORPC will recruit the next class of parent advocates in early 2022. The ORPC continues to ask RPC to identify clients who may be interested in becoming future parent advocates when their cases close successfully. To date, RPC have identified over 250 clients who they feel were successful in their child welfare cases and could potentially support another parent struggling with similar issues.

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<sup>96</sup> HB21-1101 Preserving Familial Relationships In Child Placement. See: <https://leg.colorado.gov/bills/hb21-1101>

## 2. Reducing Trauma by Improving Educational Outcomes

One of Governor Polis' "Wildly Important Priorities" for Colorado is "ensur[ing] all Coloradoans have access to opportunities for quality, life-long education connected to the future of work."<sup>97</sup> Currently, high school graduation rates for Colorado foster youth are abysmally low, and this has lasting effects on their future earning potential and the readiness of the Colorado economy to excel in the years ahead.

In 2020, the four-year completion rate<sup>98</sup> for high school students in foster care was a mere 29.5%. This was a marked decrease from 2019's already low 38.5% completion rate.<sup>99</sup> By comparison, the statewide four-year completion rate for all high school students in 2020 was 83.4%, up slightly from 2019's completion rate of 82.9%.<sup>100</sup> When completion after six years instead of four is considered, students in foster care in 2018 achieved a high school diploma or equivalency degree just over half of the time,<sup>101</sup> whereas the completion rate for all students rose to nearly 90%.<sup>102</sup>

The disparity in high school completion rates between foster youth and the overall student population has persisted for years, despite multiple programs designed to engage and support foster youth.<sup>103</sup> In 2020, the dropout rate for foster care youth was 6.4%,<sup>104</sup> more than three times the overall state dropout rate of 1.8%.<sup>105</sup> This evidences that the problem is not a lack of trying to support kids in foster care, but rather the fact that kids are in foster care in the first place.

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. 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.<sup>106</sup> Nationally, those without a high school diploma or its equivalent experience an unemployment rate almost 50% higher than those with a degree or equivalent.<sup>107</sup>

A better solution would be an interdisciplinary approach to providing family support, including the use of federal resources for prevention services as provided by the Family First Prevention Services

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<sup>97</sup> Governor Jared Polis, Education and Workforce Dashboard <https://dashboard.colorado.gov/key-issues-performance/education-workforce>.

<sup>98</sup> Colorado Department of Education, *2019-2020 State Policy Report: Dropout Prevention and Student Engagement*, p. 33, <https://www.cde.state.co.us/dropoutprevention/2019-20statepolicyreport>.

<sup>99</sup>, *Id.* at p. 8.

<sup>100</sup> *Id.*

<sup>101</sup> *Id.* at p. 8.

<sup>102</sup> *Id.* at p. 3.

<sup>103</sup> Colorado Department of Education, *Legislation and Guidance*, [https://www.cde.state.co.us/dropoutprevention/fostercare\\_legislationandguidance](https://www.cde.state.co.us/dropoutprevention/fostercare_legislationandguidance).

<sup>104</sup> Colorado Department of Education, *supra* note 97.

<sup>105</sup> *Id.*

<sup>106</sup> <https://www.worldbank.org/en/topic/education/overview>

<sup>107</sup> Tim Stobierski, Northeastern University, *Average Salary by Education Level: The Value of a College Degree*, (June 2, 2020). <https://www.northeastern.edu/bachelors-completion/news/average-salary-by-education-level/>

Act. Such efforts can help keep children in the home and out of foster care.<sup>108</sup> The data supports the proposition that better outcomes for Colorado families and their high school students mean better outcomes for Colorado. For these reasons, the most effective way to prevent these educational disparities in Colorado is by preventing children from entering foster care in the first place.

### 3. Creating Legislative Reform in Colorado

When the ORPC was created in 2016, RPC lacked access to interdisciplinary teams and resources such as social workers, investigators, and expert witnesses. While all parents and families deserve the full support and dedication of RPC, sometimes obstacles must be addressed through changes in the law. For example, prior to the agency's creation, indigent parents were represented by lawyers who were paid more on a case if a motion to terminate parental rights was filed, and lawyers did not receive adequate payment to provide high quality, individualized representation.<sup>109</sup> Because of this, the ORPC always anticipated working on a more systemic level to bring those resources to RPC and the parents they serve.

The ORPC legislative team represents the interests of parents, families, and RPC at a statewide level. This includes working with stakeholders from within and without the child welfare system to address barriers that families face in remaining together or reunifying. The ORPC has advanced many legislative changes crucial to supporting families, including:

- In 2018, the legislature passed HB 18-1104<sup>110</sup> Concerning Family Preservation Safeguards for Parents with Disabilities, which required that the Americans with Disabilities Act be considered at all stages of child welfare cases and when considering a foster or adoptive placement. Former ORPC Case Strategy Director Carrie Ann Lucas was the primary proponent of the bill, harnessing her personal experiences as a person with a disability attempting to adopt a child with a disability, as well as her legal expertise in representing parents as RPC. This year, the ORPC stood with Governor Polis as he signed SB 21-107 into law, renaming the initial bill The Carrie Ann Lucas Parental Rights for People with Disabilities Act honoring the life and herculean efforts of Ms. Lucas to ensure that those with disabilities are treated fairly and with dignity.<sup>111</sup>
- In 2021, the ORPC legislative team ambitiously initiated HB 21-1101<sup>112</sup> with bipartisan sponsorship and support to address two critical issues for families in the child welfare system: early and consistent parenting time for children who are separated from their parents and the option for an enforceable open adoption agreement. The bill ultimately passed unanimously with support from all major stakeholders in the child welfare system.

Now, courts must order contact between children and their parents within three days of their removal. Courts must also provide a hearing prior to reducing or stopping contact between

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<sup>108</sup> H.R. 253, 115th Cong. (2017-18).

<sup>109</sup> See e.g., National Center for State Courts, *supra* note 61.

<sup>110</sup> [https://leg.colorado.gov/sites/default/files/2018a\\_1104\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2018a_1104_signed.pdf).

<sup>111</sup> [https://leg.colorado.gov/sites/default/files/2021a\\_107\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2021a_107_signed.pdf).

<sup>112</sup> [https://leg.colorado.gov/sites/default/files/2021a\\_1101\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2021a_1101_signed.pdf).

parents and their children, including when moving to virtual visitation. These provisions are crucial to ensuring that trauma to children is reduced and that parents remain engaged in their treatment plans and are able to safely reunify with their children.

The open adoption provision of the bill will also ensure that parents who acknowledge that they are unable to parent their children have an option to continue to have a positive relationship with their children after adoption, or at least be informed about how their children are doing. The ORPC expects this provision to reduce costs, as parents now have additional options to do what is best for their children. Further, child welfare stakeholders committed to create a task force to examine best practices for parenting time and visitation in child welfare cases and support further systemic change. The ORPC will be spearheading these efforts with plans to address issues of crucial importance for families.

- In 2021, the ORPC partnered with various disability advocates, including The Arc of Colorado, to pass SB 21-075<sup>113</sup> Supported Decision Making. This bill provided a legally recognized method for adults with disabilities to dictate who they wanted to be involved and how they wanted support in making decisions for themselves. This bill is important for parents with disabilities in the child welfare system who may be able to parent when provided with more support to make informed decisions for themselves and their children, but who do not require the restrictions of a formal guardianship or conservatorship.

The ORPC looks forward to continuing to tackle challenges that exist for families and proactively seek legislative solutions to address them.

#### **4. Data Driven Investments and Evidence Building Activities**

Critical to the ORPC's ongoing efforts to improve interdisciplinary representation, enhance educational outcomes, and make systemic change at the state and local levels, is the availability of high quality data and the tools to effectively respond to that data. An evidence based; data driven approach to investments is necessary to fulfill the agency's mission to protect the fundamental right to parent by providing effective legal advocates for indigent parents in child welfare proceedings. In FY 2020-21, the ORPC began partnering with the Colorado Evaluation and Action Lab (Colorado Lab) to develop a strategic plan to study the effectiveness of parent representation approaches and evaluate the overall efficacy of the agency. In FY 2021-22, the ORPC and the Colorado Lab began the first year of a planned four-year collaboration.

The Colorado Lab is a policy lab, housed at the University of Denver, that uses government-research partnerships to integrate evaluation into policy making. Evaluating overall agency effectiveness to inform continuous improvement in parent representation is at the core of the ORPC and the Colorado Lab's collaborative work. During FY 2020-21, capacity was built to access cross-system data by onboarding the ORPC to the Linked Information Network of Colorado (LINC),<sup>114</sup> the state collaborative based out of the Governor's Office of Information Technology that supports timely and

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<sup>113</sup> [https://leg.colorado.gov/sites/default/files/2021a\\_075\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2021a_075_signed.pdf).

<sup>114</sup> Linked Information Network of Colorado, <https://lincolorado.org/>.

cost-efficient research, evaluation, and analytics. LINC facilitates the integration of data across state and local agencies including human services, health, labor and employment, higher education, housing, K-12 education, and criminal justice. This provides the ORPC with access to comprehensive data about the participants, processes, and outcomes that comprise parent representation in D&N cases. The Colorado Lab is also advising the ORPC on improving its internal data collection.

In addition to facilitating an assessment of the agency's overall performance, synthesis of this internal and external data will be used to evaluate two aspects of ORPC's work:

- Interdisciplinary representation, as discussed above, is an evidence informed model of parent representation. The three-phase evaluation plan developed by the ORPC and the Colorado Lab will:
  - further the interdisciplinary team model already in place to define team roles and indicators of client-centered representation within the unique context of Colorado;
  - explore the value of the interdisciplinary model vs. attorney-only representation; and
  - identify activities and practices associated with positive case outcomes, long-term return on investment, and systemic changes.
- Pre-filing representation is an innovative practice whereby parents are provided legal representation to address a range of concerns that could lead to child welfare system involvement. The purpose of this work is to support families safely parenting in the home, avoiding the trauma of parent-child separation, and preventing either initial child welfare involvement or further penetration into the system. During FY 2021-22, the ORPC, in partnership with the Colorado Lab, will launch a pilot program for pre-filing representation in Jefferson County. Evaluation of the referral and parent engagement processes, as well as the outcomes of this pre-filing representation program, will inform the implementation of this practice on a broader scale.

By investing in preventative legal services and advocacy, as well as robust interdisciplinary representation of parents, Colorado can reduce trauma to children caused by unnecessary family separation. Investment in prevention and robust advocacy for parents and families is also far more cost-effective than both the continued removal of children from their homes and the overuse of foster care. The ORPC aims to increase system savings and reduce trauma to children and families by enhancing interdisciplinary representation, bringing awareness to the disparate educational outcomes experienced by children in the foster care system, making systemic change at the state and local levels, and continuing to evaluate the agency's effectiveness.

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**Office of the Respondent Parents' Counsel FY 2022-23**  
**Change Request Summary**

**Schedule 10**

Priority	Request Name	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
R-1	Increase in Hourly Rates of Contractors	-	\$ 1,596,930	\$ 1,293,347	\$ -	\$ 303,583	\$ -
R-2	EDI Specialist	1.0	172,656	172,656	-	-	-
R-3	Social Work Outreach Coordinator	1.0	113,079	113,079	-	-	-
R-4	Align Appropriations with Other Agencies	-	-	-	-	-	-
<b>Total Change Requests</b>		<b>2.0</b>	<b>\$ 1,882,665</b>	<b>\$ 1,579,082</b>	<b>\$ -</b>	<b>\$ 303,583</b>	<b>\$ -</b>

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*Department Priority: R-1*

*Request Title: Increase in Hourly Rates of Contractors*

Summary of Incremental Funding Change for FY 2022-23	Total funds	General Fund	Cash Funds	Reappropriated Funds
<b>TOTAL REQUEST (All Lines)</b>	<b>\$1,596,930</b>	<b>\$1,293,347</b>	<b>\$0</b>	<b>\$303,583</b>
Title IV-E Legal Representation	284,489	-	-	284,489
Court-appointed Counsel	1,195,112	1,195,112	-	-
Mandated Costs	117,329	98,235	-	19,094

**Request Summary:**

The Office of Respondent Parents' Counsel (ORPC) joins the Office of the Alternate Defense Counsel (OADC) and the Office of the Child's Representative (OCR) in requesting a 6% increase in the hourly contractor rates for attorneys and members of legal teams. The ORPC requests \$1,293,347 additional General Fund spending authority and \$303,583 additional Reappropriated Fund spending authority to implement the rate increase. This increase is needed to attract and retain effective counsel for indigent parents as required by Colorado statute.

The ORPC further requests that the Court-appointed Counsel (CAC) and Mandated Costs appropriations be adjusted by equal and offsetting amounts to allow the ORPC to pay contractor types from the same appropriations used by OADC and OCR.

**Background:**

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

Attracting and retaining experienced and effective contractors for the difficult work of representing impoverished parents is a continuing challenge for the ORPC. Attorney contractors, called Respondent Parents' Counsel or RPC, represent parents at what is likely the most difficult time in their life, often after they have been separated from their child, by an exceedingly complex system with many variables. RPC must not only fully understand the legal complexity of the child welfare system, but also how to work and emotionally contend with clients who likely have at least one

disability including mental health disabilities, are disproportionately people of color who may have experienced significant discrimination, and who may be struggling with substance use disorders.<sup>115</sup>

RPC work to support and counsel clients who experience mental health crises, suicidal ideation, and even overdoses as indigent parents experience an unimaginable level of stress and desperation over the separation from their children. In addition to providing sound legal counsel, RPC must also learn to effectively assist their client with extremely challenging and difficult emotions and must continuously regulate their own emotions in order to remain effective and able to continue in this work. Despite these higher demands on RPC, the rates currently paid to ORPC attorneys result in annual earnings far below those of attorneys in the private sector and the most recent rate increase for ORPC contractors occurred more than three years ago, in July 2018.

According to the Bureau of Labor Statistics, Colorado attorneys earned an average of \$148,330 in 2020.<sup>116</sup> In addition to wages, salaried attorneys typically receive benefits, which often include paid leave; health, life, and malpractice insurance, retirement plan contributions, and payment of professional fees (such as bar dues) and continuing legal education. In fact, employer-paid benefits often comprise 30% or more of a total compensation package.<sup>117</sup> Including these benefits, the mean compensation package for the typical attorney rises to approximately \$192,000 per year.

In comparison, if an ORPC contract attorney were to bill 1,800 hours per year, the number of hours many associate attorneys employed by large firms are required to bill per client,<sup>118</sup> the contract attorney would receive \$144,000 in fees at the current rate of \$80 per hour. Moreover, that \$144,000 is not salary to the contractor. From that income, solo practitioners, who comprise a substantial majority of ORPC contractors, must deduct office overhead costs, which may include other employee salaries and benefits. Additionally, solo practitioners must fund their own retirement, health insurance, malpractice insurance, and annual professional fees. They must also attend to the administrative tasks of running a law office, for which they are not compensated by any client or the ORPC.

Law practice management is a time-consuming task that impacts the number of hours a contractor can reasonably bill any agency during a year. These deductions result in contractor take-home pay that is much lower than their salaried counterparts. Finally, many ORPC contract attorneys are burdened with substantial student loans which directly impact their choice of work. Indeed, 33% of participants in a recent ABA survey reported that they took a job that was less focused on public service or doing

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<sup>115</sup> NAT'L COUNCIL ON DISABILITY, ROCKING THE CRADLE: ENSURING THE RIGHTS OF PARENTS WITH DISABILITIES AND THEIR CHILDREN 8 (2012), <https://ncd.gov/publications/2012/Sep272012>.

<sup>116</sup> U.S. Bureau of Labor Statistics, *Occupational Employment and Wages* (May 2020), <https://www.bls.gov/oes/current/oes231011.htm#st>.

<sup>117</sup> U.S. Bureau of Labor Statistics, *Employer Costs for Employee Compensation for the Regions* (June 2021), [https://www.bls.gov/regions/southwest/news-release/employercostsforemployeecompensation\\_regions.htm](https://www.bls.gov/regions/southwest/news-release/employercostsforemployeecompensation_regions.htm).

<sup>118</sup> According to the National Association for Law Placement, in 2015 and 2016, law firms required first-year associates to bill an average of 1,892 hours each year. See Nat'l Ass'n of Law Placement, *Update on Associate Hours Worked* (2016), <https://www.nalp.org/0516research?s=billable%20hours%20required>.

good than they intended when they began law school because of student loan debt from law school.<sup>119</sup> Additionally, 26% reported that qualifying for student loan forgiveness factored more heavily into their job selection than anticipated when beginning law school, and 55% reported that salary factored more heavily in their job selection than originally anticipated.<sup>120</sup> To make matters worse, because RPC are independent contractors and not employees of a state agency, they do not qualify for federal loan forgiveness. This means that, on average, ORPC contract attorneys must pay far more towards their student loan debt than attorneys who are employees at a government agency such as the Public Defender's Office. These disparities between private sector and public sector pay and benefits substantially impacts the ORPC's ability to attract and retain contractors.

Recognizing these issues, in March 2020, the Joint Budget Committee unanimously approved a 5% rate increase to contractor rates for Fiscal Year 2020-21. Unfortunately, the approval had to be rescinded because of the budget crisis. The Colorado economy has substantially recovered since that time as reported by Legislative Council Staff<sup>121</sup> and the Governor's Office of State Planning and Budgeting<sup>122</sup> and the cost of living has increased for contractors and others,<sup>123</sup> while contractor hourly rates have remained unchanged.

For these reasons, the ORPC agrees with OCR and OADC that the compensation rate should be increased. Parallel requests and funding among these independent agencies will ensure that there is parity in the contractor rates across the respective offices. This parity is critical to retain effective counsel by the ORPC because, if other similar agencies pay more than the ORPC, it will likely cause contractors to migrate to those agencies.

### **Assumptions and Calculations:**

The most recent increase to contractor rates was for FY 2018-19. Since that time, Colorado State Employees have received two cost-of-living adjustments totaling 6%. The ORPC requests that the 6% adjustment be applied to the hourly rates for independent contractors who serve indigent parents.

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<sup>119</sup> AM. BAR ASS'N, PROFILE OF THE LEGAL PROFESSION 63 (2021), <https://www.americanbar.org/content/dam/aba/administrative/news/2021/0721/polp.pdf>, p. 63.

<sup>120</sup> *Id.*

<sup>121</sup> COLO. LEGISLATIVE COUNCIL STAFF, ECONOMIC AND REVENUE FORECAST (September 21, 2021), [https://leg.colorado.gov/sites/default/files/images/lcs/septforecast\\_1.pdf](https://leg.colorado.gov/sites/default/files/images/lcs/septforecast_1.pdf).

<sup>122</sup> Colo. Governor Jared Polis, *Economic Outlook* (September 2021), <https://www.colorado.gov/governor/economics>.

<sup>123</sup> COLO. LEGISLATIVE COUNCIL STAFF, *supra* note 7.

Cost of Living Adjustments for State Employees	
Fiscal Year	Increase
2019-20	3%
2021-22	3%
<b>TOTAL</b>	<b>6%</b>

The ORPC assumes that the 6% increase will be applied to all contractor types and that the hourly rate for each contractor type will be rounded to the nearest dollar. The current and proposed contractor rates and the total adjustment requested are shown below.

Contractor Hourly Rates			
	Current	Proposed	Change
Attorneys	\$80	\$85	\$5
Paralegals	\$33	\$35	\$2
Investigators	\$44	\$47	\$3
Family Advocates	\$44	\$47	\$3
Parent Advocates	\$33	\$35	\$2
Licensed Social Workers	\$44	\$47	\$3
Licensed Clinical Social Workers	\$53	\$56	\$3

Adjustments Requested							
	General Fund			Reappropriated Funds			Total
	Court-Appointed Counsel	Mandated Costs	Total	Title IV-E Legal Representation	Mandated Costs	Total	All Appropriations
FY 2021-22 Appropriation	19,918,541	1,637,255	21,555,796	4,741,480	318,240	5,059,720	26,615,516
Increase Requested	6.0%	6.0%	6%	6.0%	6.0%	6%	6.0%
Incremental Increase	<b>1,195,112</b>	<b>98,235</b>	<b>1,293,347</b>	<b>284,489</b>	<b>19,094</b>	<b>303,583</b>	<b>1,596,930</b>
Requested Appropriation	21,113,653	1,735,490	22,849,143	5,025,969	337,334	5,363,303	28,212,446

### Anticipated Outcomes:

Increasing hourly contractor rates will help the ORPC attract and retain attorneys and other professionals who provide the critically important service of helping impoverished parents keep their families together. The parents RPC represent are disproportionately people of color and/or people with disabilities,<sup>124</sup> and they are involved in legal proceedings that can result in removal of children from their homes and in a permanent separation of their families through termination of parental

<sup>124</sup> ORPC Internal Data, Respondent Parent Payment System, analyzed October 2021 for the period FY 2018-19 through FY 2020-21, showing that parents with a disability account for nearly half of the parents ORPC serves and comprise nearly three-fourths of the parents whose parental rights are ultimately terminated.

rights. Such a loss will impact these parents and their children for the rest of their lives, often leading to intergenerational involvement in the child welfare system. Children who leave foster care struggle in all areas, including education, employment, income, housing, general and mental health, substance abuse and criminal involvement.<sup>125</sup> Alternatively, studies have shown that when raised in their families of origin children have significantly better long-term outcomes.<sup>126</sup>

Further, the current child welfare system disproportionately affects racial and ethnic minorities and people of color. Though children of color make up 45% of Colorado's child population, 56% of the children involved in a child welfare case are children of color, as are 58% of children who age out of the system.<sup>127</sup> Sixty percent of children who are placed in congregate care, rather than in a family-like setting, are children of color.<sup>128</sup> Overrepresentation is especially prevalent for Black and Latinx children in Colorado.<sup>129</sup> A recent report by the organization Children's Rights called for "[e]stablishing an absolute right to counsel for parents who are the subject of investigations initiated by child welfare agencies", finding that such a right "could significantly reduce and protect against the unnecessary involvement of Black families in the child welfare system."<sup>130</sup>

Information from the Colorado Office of Children, Youth and Families notes that there were 5,196 children in out-of-home placements during the period from April through June, 2021.<sup>131</sup> Of those children, 506 had been in out-of-home placements for 36 months or more.<sup>132</sup> The average daily cost of foster care in the state varies widely depending on the provider and child. The rate for county providers is currently set at \$39.34 per day for children under 8, all the way up to \$61.34 per day for children over 14.<sup>133</sup> Placement of a child in a residential facility costs \$304.54 per day, while placement in a treatment foster care home is \$231 per day.<sup>134</sup>

In looking at the 506 children that had been in out-of-home placements for 36 months or more, and using the lowest county provider rate above of \$39.34, the minimum cost of keeping only those 506

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<sup>125</sup> Laura Gypen et al., *Outcomes of Children Who Grew Up in Foster Care: Systematic Review*, 76 CHILDREN & YOUTH SERVICES REVIEW 74-83 (May 2017),

<https://www.sciencedirect.com/science/article/abs/pii/S019074091730213X>.

<sup>126</sup> Mimi Laver, *Improving Representation for Parents in the Child-Welfare System* (October 7, 2013),

<https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2013/improving-representation-parents-child-welfare-system/>.

<sup>127</sup> See Annie E. Casey Foundation, *Kids Count Data Center* (2019), <http://datacenter.kidscount.org>, accessed on October 14, 2021; CDHS Community Performance Center, <http://www.cdhsdatamatters.org/data-by-topic.html>.

<sup>128</sup> *Id.*

<sup>129</sup> *Id.*

<sup>130</sup> CHILDREN'S RIGHTS, FIGHTING INSTITUTIONAL RACISM AT THE FRONT END OF CHILD WELFARE SYSTEMS (May 15, 2021).

<sup>131</sup> See Colo. Offc. of Children, Youth and Families, *Child, Population in Out of Home Care*, [https://rom.socwel.ku.edu/CO\\_Public/AllViews.aspx?RVID=574](https://rom.socwel.ku.edu/CO_Public/AllViews.aspx?RVID=574) (data as of 10.14.21).

<sup>132</sup> See Colo. Offc. of Children, Youth and Families, *Length of Stay* [in out of home care], [https://rom.socwel.ku.edu/CO\\_Public/AllViews.aspx?RVID=595](https://rom.socwel.ku.edu/CO_Public/AllViews.aspx?RVID=595) (data as of 10.14.21).

<sup>133</sup> Colorado Office of Children, Youth & Families, Division of Child Welfare, *Information Memorandum number IM-CW-2021-0035 on FY 2021-22 Rate Increase* (July 1, 2021), <https://drive.google.com/file/d/1z70uAn5C1x1O1fDy7jYiS8X6KO5PI-Lm/view>.

<sup>134</sup> *Id.*

children in placement for 3 years or more was at least \$21,498,523 (506 children x 36 months x 30 days/month x \$39.34/day). The costs of foster care in Colorado are simply staggering.

However, even this large cost of keeping children in foster care is much smaller than the long-term costs that result from the difficulties experienced by children who leave foster care. Only 28.7% percent of Colorado foster kids will graduate from high school on time, but at least 38% will have been incarcerated between the ages of 16 and 19.<sup>135</sup> Youth who spend time in foster care, particularly those who emancipate from foster care and males, are far more likely to end up in jail or prison as adults.<sup>136</sup> The Colorado Department of Corrections FY 2019 Statistical Report notes that the average annual cost per adult inmate was \$42,665 in FY 2019 for state facilities.<sup>137</sup> That is an average daily cost of \$117 per adult inmate.

The Children's Bureau of the U.S. Department of Health and Human Services reports that 1,228 Colorado youth emancipated from the foster care system from 2015-2019.<sup>138</sup> If 25% or 307 of those young people go to prison within two years of their emancipation, the daily cost will be \$35,919 (307 inmates x \$117/day/inmate); if 77 (or about 25% of the 307 incarcerated) remain incarcerated for a full year, the annual cost will be \$3,285,205.

In addition, "former foster youth are less likely to be employed and earn roughly half than their peers in the general population."<sup>139</sup> As a result, they are more likely to need government services and supports, including unemployment compensation, Medicaid, TANF (Temporary Assistance for Needy Families), SNAP (Supplemental Nutrition Assistance Program), WIC (Women, Infants, and Children), LEAP (Colorado Low Income Energy and Heating Assistance Program), CHP+ (Child Health Plan Plus), and other State and Federal programs.

Taking into account many of these poor outcomes and associated costs, a recent study estimated that even a child who only spent a year in foster care and reunified successfully with their family would have a total of \$119,069 in costs of negative outcomes over the course of their life, while a child who has four or more placements and does not achieve permanency has an average of \$627,501 in costs to society after leaving foster care, meaning these costs do not even account for the costs of foster

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<sup>135</sup> Katie Kuntz, *supra* note 12.

<sup>136</sup> See MARK E. COURTNEY ET AL., MIDWEST EVALUATION OF THE ADULT FUNCTIONING OF FORMER FOSTER YOUTH: OUTCOMES AT AGE 26, 90-94 (2011), <https://www.chapinhall.org/wp-content/uploads/Midwest-Eval-Outcomes-at-Age-26.pdf>; Laura Bauer & Judy L. Thomas, *Throwaway Kids: We are Sending More Foster Kids to Prison than College.* Kansas City Star, Feb. 25, 2020, <https://www.kansascity.com/news/special-reports/article238206754.html>.

<sup>137</sup> COLO. DEPT. OF CORRECTIONS, FY 2019 STATISTICAL REPORT 9(2019), <https://spl.cde.state.co.us/artemis/crserials/cr111internet/cr1112019internet.pdf>.

<sup>138</sup> U.S. DEPT. OF HEALTH AND HUMAN SERVICES, CHILDREN'S BUREAU, CHILD WELFARE OUTCOMES REPORT DATA: COLORADO CONTEXT DATA (2015-2019), <https://cwoutcomes.acf.hhs.gov/cwodatasite/pdf/colorado.html>.

<sup>139</sup> Lauren Gypen, *supra* note 10.

care itself.<sup>140</sup> The study concludes that investing in foster care has a significant negative return on investment and that all efforts should be made to keep children in their homes or with family.

However, data also demonstrates that high quality representation provided through the ORPC is having a positive impact on families, with an increase in family reunifications and a decrease in terminations of parental rights. These outcomes ultimately save money by either reducing the time children spend in foster care or keeping children out of foster care altogether.

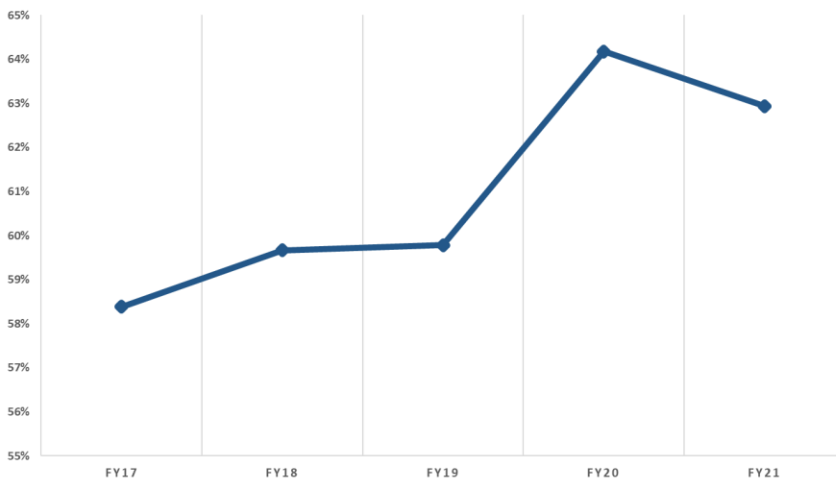
By providing a rate increase, the ORPC will continue to attract and retain experienced and dedicated independent contractors who do the difficult and critical work of providing representation to indigent parents, thereby keeping as many families together as possible. Keeping families together whenever

possible will further the State's goals of increasing equity, diversity, and inclusion and of improving education, economic opportunity, and health for all Coloradans.

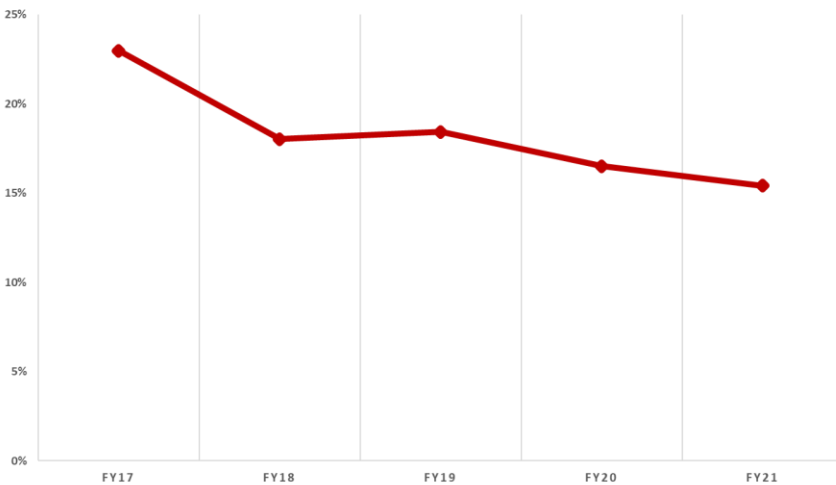
**Consequences if Not Funded:**

Inadequate pay could result in the de facto denial of adequate counsel to parents faced with the possibility of losing their parental rights. Inexperienced and less-skilled attorneys could slow case processing, causing costly delays in cases. Experienced, talented, and well-trained professionals are crucial to meet the ORPC's mandate of providing effective assistance of counsel to protect the fundamental right to parent. Finally, if the rates paid to the contractors of the ORPC are less than those paid to the contractors of other agencies, issues of parity will result.

**CHANGE IN REUNIFICATIONS SINCE START OF ORPC**



**CHANGE IN TERMINATIONS SINCE START OF ORPC**



<sup>140</sup> WILLIAM NIELSEN ET AL., THE UNSEEN COSTS OF FOSTER CARE: A SOCIAL RETURN ON INVESTMENT STUDY (January 2019), <https://www.thetcj.org/wp-content/uploads/2019/10/Alia-unseen-costs-of-FC.pdf>.

### **Impact to Other State Government Agencies:**

As noted above, providing funding for parents' representation by RPC will allow the ORPC to pay more competitive rates and, therefore, attract and retain the independent contractors who provide critical services to indigent families and prevent unnecessary removals of children from their homes. Additionally, the poor outcomes for children in foster care create additional expenses systemwide. Though indirect, the rate increase is expected to result in cost savings to other agencies, including savings to the following departments:

- Department of Human Services due to the decreased need for out-of-home care and the decreased reliance on their services by former foster care children;
- Judicial Department due to the reduced likelihood that children traumatized by separation from their families will later become court-involved;
- Department of Corrections due to the decreased number of former foster youth who have a statistically larger possibility of being incarcerated.
- Department of Health Care Policy and Financing due to the decreased number of former foster children whose earnings make them eligible for support; and
- Department of Education due to the decreased disruption to children's lives and their increased readiness to learn.





*Department Priority: R-2*

*Request Title: Equity, Diversity, and Inclusion Coordinator*

Summary of Incremental Funding Change for FY 2022-23	Total funds	General Fund	Cash Funds	Reappropriated Funds	FTE
<b>TOTAL REQUEST (All Lines)</b>	<b>\$172,656</b>	<b>\$172,656</b>	<b>\$0</b>	<b>\$0</b>	<b>1.0</b>
Personal Services	137,763	137,763			1.0
Health/Life/Dental	14,630	14,630			
Short-term Disability	207	207			
AED	6,098	6,098			
SAED	6,098	6,098			
Paid Family and Medical Leave Insurance	310	310			
Operating	7,550	7,550			

**Request Summary:**

The Office of Respondent Parents' Counsel (ORPC) requests \$172,656 General Fund and 1.0 FTE to create and staff a position to promote and increase equity, diversity, and inclusion within the agency, among ORPC contractors, and in the child welfare and judicial systems. In addition, this position would aid in the collection and dissemination of information on the disparate impact of dependency and neglect proceedings and outcomes on poor people, people of color, indigenous people, people who identify as LGBTQ+, and people with disabilities. The position would also allow the ORPC to create a strategic plan to increase resources and advocacy to address these systemic biases.

**Background:**

The foundation of our judicial system rests on the notion that justice is blind and available to all. Unfortunately, for families in the child welfare system who are Black, Native American, Latinx, have disabilities, or belong to the LGBTQ+ community, that foundational principle has historically not been upheld.

**I. Recent Colorado Data Provides Stark Evidence of the Racial and Ethnic Disparities in the Child Welfare System.**

The over-representation of children of color in the child welfare system is well-documented. Black children make up 23% of the children in the foster care system nationally, but only 14% of the United States child population; children of color comprise 56% of the foster care population in the United States though they only account for 50% of the child population.<sup>141</sup> According to data provided by the

<sup>141</sup> See Annie E. Casey Foundation, *Kids Count Data Center* (2019), <http://datacenter.kidscount.org>, accessed on October 14, 2021.

Colorado Department of Human Services (“CDHS”) on its Data Matters site, this overrepresentation relative to population is mirrored in Colorado, as outlined in the chart below.<sup>142</sup>

**Racial and Ethnic Overrepresentation in Colorado’s Child Welfare System**

	Child population (2019)	Involved in a case	Children in out-of-home placement	Children in congregate care	Emancipation	Re-entry to out-of-home care
<b>White children</b>	55%	44%	43%	40%	42%	43%
<b>Children of color</b>	45%	56%	57%	60%	58%	57%
<i>Black</i>	4%	9%	11%	14%	19%	11%
<i>Latinx</i>	32%	38%	38%	40%	28%	40%
<i>Other</i>	8%	9%	8%	6%	11%	6%

This recent data from FY 2020-21 overwhelmingly demonstrates that children of color are represented in Colorado’s child welfare system at higher rates than their population as a whole, and this is true for all facets of the system. Though children of color make up 45% of Colorado’s child population, 56% of the children involved in a child welfare case are children of color, as are 58% of children who age out of the system.<sup>143</sup> Sixty percent of children who are placed in congregate care, rather than in a family-like setting, are children of color.<sup>144</sup>

Overrepresentation is especially prevalent for Black and Latinx children in Colorado. While only 4% of Colorado children are Black, they account for 11% of children in an out-of-home placement and 14% of children in a congregate care setting.<sup>145</sup> Latinx children comprise 32% of the child population, but they make up 38% of children involved in a child welfare case and 40% of children who reenter out-of-home care.<sup>146</sup>

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<sup>142</sup> *Id.*, CDHS Community Performance Center, <http://www.cdhsdatamatters.org/data-by-topic.html>.

<sup>143</sup> *Id.*

<sup>144</sup> *Id.*

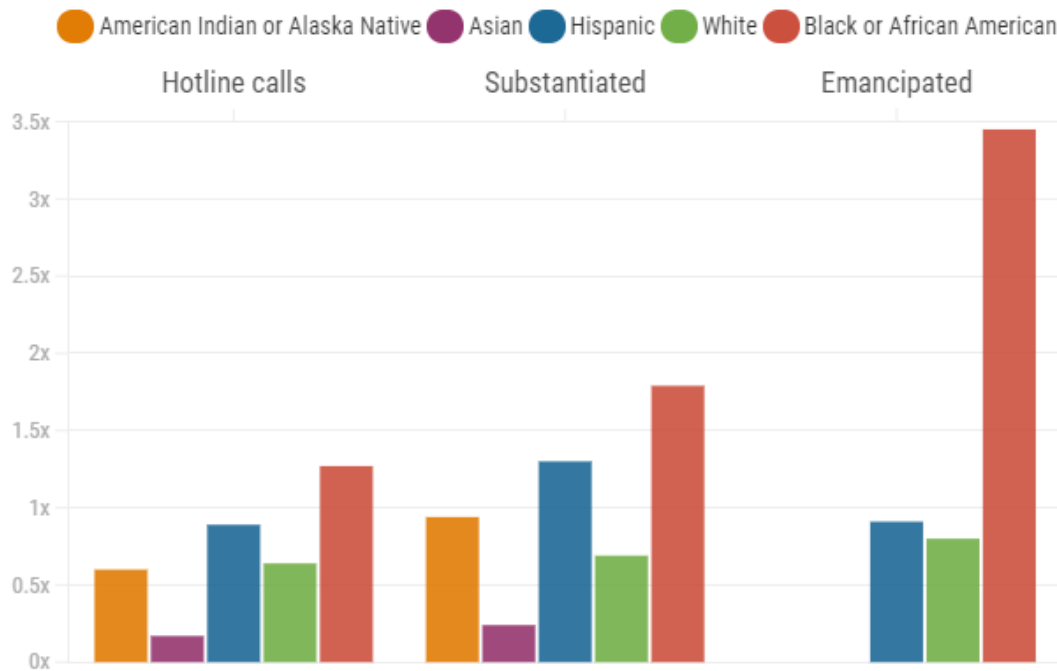
<sup>145</sup> *Id.*

<sup>146</sup> *Id.*

Indeed, disproportionality rates in child welfare have been featured in the media as recently as October 19, 2021, when the *Colorado Sun* ran an article titled “Colorado begins to reckon with racial bias in child welfare, where Black kids are way overrepresented,” which included the below graph.<sup>147</sup>

### Child welfare disparity in Colorado

Black children in Colorado were overrepresented in all levels of the child welfare system in 2020. They were the subject of reports to the child abuse and neglect hotline at a rate 1.27 times their population, and were more than three times as likely as other children to emancipate from foster care to live on their own.



Source: Colorado Department of Human Services • Note: Emancipation data does not include race categories with fewer than 11 children who emancipated in 2020.



Given the above, Colorado’s data affirmatively demonstrates that children of color are pulled into the child welfare system at disproportionate rates. This knowledge requires action on the part of state and local child welfare stakeholders to change current policies and actively implement anti-racist practice changes in Colorado’s child welfare system. As the agency providing high quality legal representation to indigent parents in the child welfare system, the ORPC must play a significant role in creating those solutions.

<sup>147</sup> Jennifer Brown, *Colorado Begins to Reckon with Racial Bias in Child Welfare, Where Black Kids are Way Overrepresented*, THE COLORADO SUN, Oct. 19, 2021, <https://coloradosun.com/2021/10/19/cps-racial-bias-black-kids-overrepresented-colorado/>.

## II. Indigent Parents in the Child Welfare System do not Receive Representation by Attorneys who Look Like Them or Share Similar Life Experiences.

Notwithstanding decades-long efforts by the Colorado Bar Association<sup>148</sup> and other bar associations, 85.4% of U.S. lawyers are white and 63% are male.<sup>149</sup> This is despite the U.S. population only being approximately 76% white and 50% male.<sup>150</sup> Colorado's data tracks with these national statistics. In a 2020 annual report by Colorado's Office of Attorney Regulation Counsel citing the results of demographic survey for lawyers, 85.99% of Colorado attorneys identified as being white.<sup>151</sup>

Beyond race and ethnicity data, the legal profession nationally reflects a group that is lacking in diversity. Less than 1% of all lawyers report having disabilities,<sup>152</sup> even though 25% of the U.S. population reports having at least one disability.<sup>153</sup> The disproportionality is even more stark when you consider that, of the population of parents served by the ORPC, a staggering 49.6% of parents have one or more disabilities.<sup>154</sup> Given the dearth of lawyers nationally that report having a disability, it is unlikely that parents served by the ORPC will be represented by counsel who share similar life experiences. Overall, these demographic statistics point to a scarcity of diversity within the legal profession, which presents unique challenges for the population of parents and families represented by the ORPC.

Put simply, the indigent families the ORPC serves are not receiving the blind and equal justice they were promised. Because parents are not being represented by people who look like them or who come from similar backgrounds, they are deprived of the chance to work with counsel who better understand the racism or ableism they face and who recognize the biases that work against their clients. This also affects the agency's independent contractors, who are denied the opportunity to work and learn alongside others from diverse backgrounds.

The ORPC aims to take active efforts to make the agency anti-racist, and to be an organization that not only values equity, diversity, and inclusion, but that puts that value into action through advocacy at all levels, including recruiting, hiring, retaining, and training family defense teams. This shift in practice cannot be simply added to an existing employee's job or divvied up among current employees. This work is critical to the ORPC's mission to provide high quality legal representation to indigent parents in the child welfare system, and the agency needs an employee fully dedicated to making this

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<sup>148</sup> Colo. Bar Ass'n, *Diversity in the Legal Profession*, <https://www.cobar.org/For-Members/Committees/Diversity-in-the-Legal-Profession-Committee>.

<sup>149</sup> Am. Bar Ass'n, *Profile of the Legal Profession* (2021), pp 12-13, <https://www.americanbar.org/content/dam/aba/administrative/news/2021/0721/polp.pdf>.

<sup>150</sup> U.S. Census Bureau, *Quick Facts*, <https://www.census.gov/quickfacts/fact/table/US/PST045219>

<sup>151</sup> Off. of Attorney Regulation Counsel, *2020 Report*, p 50, <https://coloradosupremecourt.com/PDF/AboutUs/Annual%20Reports/2020%20Annual%20Report.pdf>.

<sup>152</sup> Am. Bar Ass'n, *Profile of the Legal Profession*, supra note 8.

<sup>153</sup> Press Release, Centers for Disease Control & Prevention, CDC: *1 in 4 US Adults Lives With a Disability* (Aug. 16, 2018), <https://www.cdc.gov/media/releases/2018/p0816-disability.html>

<sup>154</sup> ORPC Internal Data, Respondent Parent Payment System, analyzed September 2021 for the period FY 2018-19 through FY 2020-21.

work successful. The agency also needs an employee who brings expertise and skills specifically related to the goals of the position. Such expertise does not exist within the current ORPC staff, nor is it contemplated by any of the roles of existing agency employees.

### **III. The ORPC needs an Equity, Diversity, and Inclusion Coordinator Dedicated to Confronting Disproportionality in the Child Welfare System and Diversifying the ORPC workforce.**

Creating an Equity, Diversity, and Inclusion (EDI) Coordinator position will allow the ORPC to achieve three important high-level objectives. First, the position will amplify the voices of families of color, families with disabilities, and LGBTQ+ families in the child welfare system. Second, adding this position would allow the ORPC to focus on increasing the number of independent contractors of color and from diverse backgrounds. Finally, creating an EDI Coordinator position at the ORPC will provide internal resources and expertise. This resource will save the agency's current expenditures on outside national experts and certified racial bias trainers to support equity, diversity, and inclusion reform in Colorado's child welfare system.

The Director of the Office of Children, Youth and Families, Minna Castillo Cohen, wrote this year that Black children are overrepresented in the child welfare system in Colorado at a rate approximately double their representation in the overall population in Colorado.<sup>155</sup> Additionally, families of color often participate in a system where the judges, attorneys, and even caseworkers are all white. This brings with it cross-cultural implied bias. For example, Black families are presumed to have abused their children while white families are given the benefit of the doubt.<sup>156</sup> Black fathers, in particular, are often perceived without any objective evidence as being violent and, if a Black baby has a traumatic brain injury, their families are subjected to much greater scrutiny than the families of white infants with traumatic brain injuries.<sup>157</sup>

This bias continues throughout the family's involvement with the system, leading to higher rates of termination of parental rights for Black parents than for white parents.<sup>158</sup> Even after rights are terminated, Black children continue to be ill-served by the child welfare system, with a significantly higher proportion of Black children aging out of the system and never achieving permanency.<sup>159</sup>

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<sup>155</sup> Minna Castillo Cohen, *Black Kids and Families are Overrepresented in Child Welfare. We Must Change That* (Feb. 24, 2021), <https://co4kids.org/community/black-kids-and-families-are-overrepresented-child-welfare-we-must-change>.

<sup>156</sup> Steve Volk, *Black Families Confront a Child Welfare System That Seems Intent on Separating Children from Parents*, Generosity (Apr. 15, 2021), <https://generosity.org/philly/2021/04/15/black-families-confront-a-child-welfare-system-that-seems-intent-on-separating-children-from-parents/> (citing Joanne N. Wood et al., *Disparities in the Evaluation and Diagnosis of Abuse Among Infants with Traumatic Brain Injury*, 126(3) PEDIATRICS 408-414 (Sept. 2010), <https://doi.org/10.1542/peds.2010-0031>).

<sup>157</sup> *Id.*

<sup>158</sup> Christopher Wildeman et al., *The Cumulative Prevalence of Termination of Parental Rights for U.S. Children, 2000–2016*, 25(1) CHILD MALTREAT. 32-42, (Feb. 2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6868298/>.

<sup>159</sup> Dalls J. Elgin et al., *Factors Affecting Permanency for Legally Free Children & Youth: A Study of*

When the ORPC recognized the disparate and discriminatory treatment parents with disabilities experience in the child welfare system, the agency hired Carrie Ann Lucas. Ms. Lucas's tireless advocacy as a lawyer and a parent with disabilities led to huge legislative change and protections for people with disabilities. That change, while significant, was not enough. While parents with disabilities account for nearly half of the parents ORPC serves, they comprise nearly three-fourths of the parents whose parental rights are ultimately terminated.<sup>160</sup> Parents with disabilities are 85% more likely to have their parental rights terminated than parents without disabilities.<sup>161</sup> Similarly, while parents without disabilities reunify with their children 73.2% of the time, for parents with disabilities, that rate decreases to 51.3%.<sup>162</sup>

After Ms. Lucas's death, the ORPC sought funding for a dedicated Disability Advocacy Director. The agency recognized that without an attorney whose primary focus is rooting out discrimination against people with disabilities, disparate treatment of parents with disabilities cannot be successfully addressed. The legislature agreed with this assessment, funding the position even in a difficult budget cycle. This request is no different: racial disparities and inequity in the child welfare system constitute such a large and enduring problem that a dedicated advocate is necessary if the agency is to succeed in systemically challenging racism, inequities, and discrimination in all facets of the child welfare system.

In recognizing the racial disparities in the child welfare system, Director Castillo Cohen explicitly called on agencies such as the ORPC to join CDHS in their work addressing EDI. Specifically, Director Cohen asked "counties, communities, friends and foes to be vulnerable, curious, bold and brave" in working with other child welfare stakeholders and create solutions to the inequities that have plagued this system for decades.<sup>163</sup>

The ORPC is working to challenge these inequities and suggest solutions. Nevertheless, it is clear that current resources are insufficient to allow the ORPC to address an issue that permeates child welfare at every level. To properly answer this call and protect the families who continue to bear the weight of a racist, classist, and ableist system, the ORPC must increase its resources to identify, challenge, and create solutions to these historic inequities.

Through research, education, collaboration with stakeholders, and direct family advocacy support, the EDI Coordinator will enable state and county officials and judicial officers to more fully comprehend the disparity and disproportionality that exist in the child welfare system *and* provide them with tangible ways to become part of the solution.

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*Colorado's Legally Free Population Across Age Groups, 2008–2014*, CHILDREN & YOUTH SERVICES REVIEW 57, 60-67, (2015), <https://drive.google.com/file/d/1MUE7Q788XNzSSqvIKHW0ARjNYjFjG-6Y/view>.

<sup>160</sup> ORPC Internal Data, Respondent Parent Payment System, analyzed October 2021 for the period FY 2018-19 through FY 2020-21.

<sup>161</sup> *Id.*

<sup>162</sup> *Id.*

<sup>163</sup> Cohen, *supra* note 17.

The goals of adding an EDI Coordinator include:

- **Research and Reporting:** The Coordinator will conduct research that will include the following topics:
  - Examining permanency outcomes for children of color and children with disabilities in the child welfare system;
  - Identifying contributing factors to, and underlying causes of, disproportionality;
  - Identifying and exploring novel approaches that may alleviate disproportionate removal of children from their homes and the termination of parental rights;
  - Identifying jurisdictions where disproportionality is particularly egregious and where parents would most benefit from more diverse representation, including social workers and parent advocates;
  - Collecting and accessing data for use by contractors in their advocacy, both in and out of courtrooms, to include partnering with other state agencies in the collection and sharing of data when appropriate; and
  - Producing a comprehensive and publicly available report for the use of the Colorado Department of Human Services, the American Bar Association, and other relevant agencies.
  
- **Attorney Consultation:** The Coordinator will provide individual case consultations for all members of the interdisciplinary team working with a parent, including attorneys, social workers, and parent advocates. The consultations will allow members of the interdisciplinary team to better understand the intersections among the child welfare system and race, ethnicity, disabilities, and LGBTQ status.
  
- **Attorney Outreach and Contractor Recruitment:** The EDI Coordinator will develop strategies to recruit and retain attorney contractors and non-attorney professionals from diverse backgrounds, including social workers, parent advocates, and attorneys. This will include establishing partnerships with law schools and recruiting interns with the goal of getting diverse law school graduates excited about and interested in parent representation and anti-racist work. In addition, the EDI Coordinator will network nationally to recruit, attract, and retain a more diverse applicant pool interested in representing parents in Colorado. The EDI Coordinator will be able to assess the need for these professionals across jurisdictions and work to resolve the challenges unique to the rural areas of the state.
  
- **Resource Development and Training:** The EDI Coordinator will create and maintain a resource portal on the ORPC website which will house equity, diversity, and inclusion resources, including resources related to combating systemic racism in the child welfare system and strategies to create an anti-racist system. The EDI Coordinator will create and lead trainings for all child welfare stakeholders. In addition, the EDI Coordinator will help develop internal trainings for ORPC contractors addressing ways to use evidence-based approaches in casework to better advocate for families of color. The EDI Coordinator will work on a national level to assess where other states may be experiencing more success or taking innovative steps to provide support and training to the professionals serving this community of parents and adapt successful strategies for use in Colorado.

Supporting the ORPC's efforts to diversify its workforce through the creation of an EDI Coordinator position will create an opportunity to ensure that more members of the family defense team look like the families the ORPC serves. The ORPC expects this will provide the opportunity for increased trust with both potential contractors and clients and improved relationship-building across the system, which will ultimately support better engagement of families in the child welfare system, ultimately leading to more successful outcomes for families.

**Assumptions and Calculations:**

The Calculations are based on common policies and the Common Compensation Plan of the Office of Respondent Parents' Counsel, the Office of Alternate Defense Counsel, and the Office of the Child's Representative. The ORPC assumes that the position will be staffed by a licensed attorney capable of dealing with the complex issues inherent in dependency and neglect cases. The salary range of the position will be the same as that of staff having comparable responsibilities as reflected in the Common Compensation Plan. The ORPC assumes that it will be necessary to offer a salary of at least the midpoint of the relevant range to hire an individual with the needed education, experience, and expertise.

The ORPC assumes that the person hired will choose health and dental coverage at the expected average of the agency's FY 2022-23 premiums for that coverage.

The ORPC requests that the salary and dependent benefits requested be increased by any Salary Survey or Merit increase approved by the JBC.



<b>EDI Coordinator - Attorney</b>			
<b>Personal Services &amp; Benefits</b>		<b>YEAR 1</b>	<b>YEAR 2</b>
Number of Persons per Class Title		1.0	1.0
Monthly Base Salary		11,088	11,088
Number of months in Fiscal Year		11	12
Subtotal, Salary		121,968	133,056
PERA	11.50%	14,026	15,301
Medicare	1.45%	1,769	1,929
<b>Sub-total Personal Services</b>		<b>137,763</b>	<b>150,286</b>
<b>Health/Life/Dental (ORPC Avg. for July, 2021)</b>	<b>1,330</b>	<b>14,630</b>	<b>15,960</b>
Short-term Disability	0.17%	207	226
AED	5.00%	6,098	6,653
SAED	5.00%	6,098	6,653
Paid Family and Medical Leave Insurance		310	676
<b>Total Personal Services &amp; Benefits</b>		<b>165,106</b>	<b>180,454</b>
FTE		0.9	1.0
<b>Operating</b>			
Regular FTE Operating	\$ 500	500	500
Telephone Expenses	\$ 450	450	450
Software	\$ 400	400	400
Computer	\$ 1,200	1,200	-
Cubicle/Workstation	\$ 5,000	5,000	-
<b>Total Operating</b>		<b>7,550</b>	<b>1,350</b>
<b>TOTAL PERSONAL SERVICES &amp; OPERATING</b>		<b>\$ 172,656</b>	<b>\$ 181,804</b>

**Anticipated Outcomes:**

If funded, the EDI Coordinator will provide at least three training opportunities each year for RPC to increase their knowledge about racism in the child welfare system and its impacts on the families they serve, unique issues faced by LGBTQ+ clients and clients with disabilities, as well as how to use the data and knowledge gained to better advocate for their clients. The EDI Coordinator will be available on an ongoing basis for case consultations and will travel throughout the state to ensure that attorneys are advocating appropriately for parents of color and other overrepresented populations, including recognizing biases and ensuring that RPC are able to effectively identify strategies to combat systemic racism in the child welfare system. The EDI Coordinator will also allow the ORPC staff to better address increased case consultation volume.

Together with the Carrie Ann Lucas Disability Advocacy Director, the EDI Coordinator will produce a comprehensive and publicly available report for the use of the Colorado Department of Human Services, the American Bar Association, and other relevant agencies. The report will evaluate the services and resources, including representation by RPC, provided to parents of color and parents with disabilities in dependency and neglect cases and make recommendations for systems-level change.

**Consequences if Not Funded:**

If not funded, the ORPC will likely not have sufficient resources to combat the effects of disparity and overrepresentation of children and families of color in Colorado’s child welfare system. The ORPC will continue to consult with and refer RPC to national race experts who reside in other states. RPC will likely not have the technical expertise needed to litigate complex racial bias issues or to meaningfully build trust and improve relationships to better support engagement of families of color. The ORPC may be unable to adequately perform its critical role of attorney observations, oversight, and training. Most importantly, child welfare stakeholders will lack a strong and cohesive advocate for systems change on behalf of parents and families that will address the systemic racism and biases laid out in this request.

**Impact to Other State Government Agencies:**

As noted above, the EDI Coordinator will provide meaningful educational opportunities to all stakeholders, including the judicial branch and the CDHS. Child welfare stakeholders working with more consciousness of their own biases may lead to more individualized treatment plans and modes of communication with parents and families from diverse backgrounds, ultimately leading to improved parental engagement and success. This can lead to improved outcomes for Colorado’s vulnerable children and families and potentially to reduced costs for out-of-home placement and long-term services for children impacted by separation trauma.

Having a position within the ORPC that coordinates meaningful and engaging training opportunities with other state agencies, the legislature, and the Judiciary can create efficiencies. The ORPC intends this position to be collaborative and supportive of other agencies, working together to take active steps to address the problems of disproportionality and overrepresentation for families of color and families with diverse backgrounds in Colorado’s child welfare system.



*Department Priority: R-3*

*Request Title: Social Work Outreach Coordinator*

Summary of Incremental Funding Change for FY 2022-23	Total funds	General Fund	Cash Funds	Reappropriated Funds	FTE
<b>TOTAL REQUEST (All Lines)</b>	<b>\$113,079</b>	<b>\$113,079</b>	<b>\$0</b>	<b>\$0</b>	<b>1.0</b>
Personal Services	83,219	83,219			1.0
Health/Life/Dental	14,630	14,630			
Short-term Disability	125	125			
AED	3,684	3,684			
SAED	3,684	3,684			
Paid Family and Medical Leave Insurance	187	187			
Operating	7,550	7,550			

**Request Summary:**

The Office of Respondent Parents' Counsel (ORPC) requests \$113,079 General Fund and 1.0 FTE to create and staff the position of Social Work Outreach Coordinator. The position will promote the ORPC's legislative mandate to improve the quality of appointed legal representation for parents in dependency and neglect proceedings by supporting both the agency's interdisciplinary programming and new preventive legal services pilot program in Jefferson County. The pilot begins in 2022 and will serve parents and families at risk of having their children removed from their homes when there are unresolved civil legal services impacting child safety.

**Background:**

It is well-established nationwide that social workers are an integral component of high quality interdisciplinary legal defense teams for parents and children in dependency and neglect proceedings. This best practice is reflected in the social science research and included in the ABA Standards of Practice for Attorneys Representing Parents in Abuse and Neglect cases.<sup>164</sup> The federal Children's Bureau actively promotes this interdisciplinary approach in the legal representation of parents and children,<sup>165</sup> offering practice guides<sup>166</sup> and, more recently, changing federal policy to directly fund interdisciplinary representation through Title IV-E reimbursement.<sup>167</sup>

<sup>164</sup> AM. BAR ASS'N, STANDARDS OF PRACTICE FOR ATTORNEYS REPRESENTING PARENTS IN ABUSE AND NEGLECT CASES (2006), [https://www.americanbar.org/content/dam/aba/administrative/child\\_law/aba-parent-rep-stds.pdf](https://www.americanbar.org/content/dam/aba/administrative/child_law/aba-parent-rep-stds.pdf).

<sup>165</sup> U.S. DEPT. OF HEALTH & HUMAN SVCS., CHILDREN'S BUREAU, FAMILY REUNIFICATION: WHAT THE EVIDENCE SHOWS (2011). See also ACF – Children's Bureau, *ACYF-CB-IM-17-02, High Quality Legal Representation for All Parties in Child Welfare Proceedings* (Jan. 17, 2017).

<sup>166</sup> ACF – Children's Bureau, *ACYF-CB-IM-19-03, Engaging, Empowering, and Utilizing Family and Youth Voice in All Aspects of Child Welfare to Drive Case Planning and System Improvement* (Aug. 1, 2019).

<sup>167</sup> See 45 CFR § 1356.60(c); ACF – Children's Bureau, *ACYF-CB-IM-21-06, Utilizing Title IV-E Funding to Support High-Quality Legal Representation and Promote Child and Family Well-Being* (Jan. 20, 2021).

Whenever possible, the parent’s attorney should engage or involve a social worker as part of the parent’s “team” to help determine an appropriate case plan, evaluate social services suggested for the client, and act as a liaison and advocate for the client with the service providers.<sup>168</sup>

A comprehensive 2019 study examined the utilization of interdisciplinary teams, including a social worker and a parent advocate, in over 28,000 child welfare cases in New York City between 2007-2014. The study concluded that 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.<sup>169</sup> When reunification was not possible, the interdisciplinary defense model resulted in children living permanently with relatives over 200% more often than solo practitioners in the first year of a case and 67% more often in the second year.<sup>170</sup> In a 2018 Colorado program evaluation of the ORPC Social Worker Pilot Program, Metropolitan State University researchers also found promising results. Specifically, the inclusion of a social worker on the legal team resulted in children reunifying with their parents more quickly and at higher rates than county averages.<sup>171</sup>

The ORPC contracts with more than 40 social workers, family advocates, and parent advocates—parents who navigated the Colorado child welfare system successfully—and makes this interdisciplinary resource available to Respondent Parent Counsel (RPC) with the goals of keeping children home safely, reducing the time that children are placed in out-of-home care, and increasing the likelihood that parents and children will be reunified safely. According to the 2021 ORPC Contractor Survey, over 82% of RPC reported working with a social worker or family advocate<sup>172</sup> on a legal defense team since the program’s inception.

Research shows that in order for a parent to successfully complete a treatment plan, the parent must spend between 22 to 26 hours per week just completing treatment plan tasks--*not* including travel.<sup>173</sup> 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.<sup>174</sup> Having a social worker serving as part of the parent defense team to assist parents and their attorneys in tailoring treatment plans specific to the parent and family provides a solution for addressing unduly burdensome and unnecessary

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<sup>168</sup> AM. BAR ASS’N, *supra* note 1.

<sup>169</sup> L.A. Gerber et al., *Effects of an Interdisciplinary Approach to Parental Representation in Child Welfare*. 102 CHILDREN & YOUTH SERVICES REVIEW 42-65 (2019).

<sup>170</sup> *Id.*

<sup>171</sup> Lori Darnel & Dawn Matera Bassett, *A Program Evaluation of the Colorado Office of Respondent Parents’ Counsel Social Work Program* (2018).

<sup>172</sup> Social workers earned a Master’s degree in Social Work and Family Advocates have at least a bachelor’s degree and a minimum of two years of commensurate child welfare experience.

<sup>173</sup> Jody Brook & Thomas P. McDonald, *Evaluating the Effects of Comprehensive Substance Abuse Intervention on Successful Reunification*, 17(6) RESEARCH ON SOCIAL WORK PRACTICE 664-73 (2007), <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.535.7888&rep=rep1&type=pdf>.

<sup>174</sup> Amy C. D’Andrade & Ruth M. Chambers, *Parental Problems, Case Plan Requirements, and Service Targeting in Child Welfare Reunification*, 34(10) CHILDREN & YOUTH SERVICES REVIEW 2131-2138 (Oct. 2012), [https://scholarworks.sjsu.edu/cgi/viewcontent.cgi?article=1009&context=social\\_work\\_pub](https://scholarworks.sjsu.edu/cgi/viewcontent.cgi?article=1009&context=social_work_pub).

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.<sup>175</sup> 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. The use of social workers as part of the legal defense team is an evidenced based, best practice in child welfare. As the demand for defense team social workers continues to grow across the state, the ORPC needs new agency resources to support the expansion of access to interdisciplinary teams.

The ORPC's initial appropriation for a Social Worker–Director of Programs 1.0 FTE was approved in 2016. The ORPC hired a Licensed Clinical Social Worker (LCSW) to recruit, supervise, train, and coordinate independent contractor social workers in the Social Worker Pilot Program (SWPP), assist in training new RPC, identify expert resources, and integrate access to social science literature and research for attorneys. The current ORPC staff Social Worker–Director of Programs has expanded the agency's interdisciplinary programming following the success of the SWPP. Building on those results, the ORPC initiated contracting with nine parent advocates in 2020. The parent advocates, all with lived experience navigating the child welfare system successfully, have been welcomed and recognized by RPC, judicial officers, and other child welfare stakeholders.

When surveyed, one RPC shared that parent advocates “are a great support in helping the client communicate with the caseworker as well as other treatment professionals.” Another said they “provide a listening ear that the parent may not get from anyone else based on the parent advocate's own experience.” RPC have shared that parent advocates have helped parents change course, seek and maintain sobriety from substances, find housing, obtain public benefits to sustain their stability, and improve their methods of communicating with the court, child welfare caseworkers, and generally engage in the process more openly.

The ORPC Social Worker–Director of Programs consults, trains, supervises, recruits, and develops innovating programs that meet the ORPC's judicial mandates and enhances high quality legal representation for parents. However, the agency's needs require additional full-time support to ensure adequate oversight of an expanded list of non-attorney contractors, to consult with RPC on interdisciplinary teams to maximize their impact on cases, and to recruit appropriately to ensure equitable distribution of this valuable resource across the metro and rural counties.

Additionally, the ORPC requires an additional Social Work staff member to support the expansion of its interdisciplinary programming in a new Title IV-E funded pilot program that will provide preventive civil legal service to families in Jefferson County beginning in 2022. The ORPC collaborated with Jefferson County Department of Human Services and child welfare stakeholders to develop programming that addresses the unmet civil legal services needs of indigent families at risk of entering the child welfare system. To avoid costly and unnecessary child protective interventions and

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<sup>175</sup> I. Davis et al., *Parental Visiting and Foster Care Reunification*, 18(4-5) CHILDREN & YOUTH SERVICES REVIEW 363-382 (1996).

the use of foster care, the ORPC's preventive program will provide interdisciplinary legal services in areas such as domestic violence, custody, guardianship, and eviction prevention. Providing civil legal services representation before a dependency and neglect petition is filed will address child safety concerns in the home and help families stabilize without having to place children in foster care.<sup>176</sup> It is estimated that 71% of low-income households have experienced at least one civil legal issue yet only 20% sought legal assistance, and many could not find adequate assistance.<sup>177</sup> From 2009-2016, The Detroit Center for Family Advocacy employed a model where lawyers, social workers, and parent advocates provided the legal advocacy families needed and were able to successfully avoid dependency and neglect petitions and foster care entry in 98% of the cases served.<sup>178</sup>

The continued rapid pace of growth in requests for social workers and parent advocates to join parent defense legal teams carries challenges that other state judicial agencies are also experiencing. Defense-based forensic social work is relatively new to Colorado in both parent defense and criminal defense. The deficit in the available professional workforce means that recruitment and training for new social work contractors is time consuming and resource intensive. In this specialized area of work, even experienced social work professionals need supervision, case consultation, and training to practice at a level where they can sustain a high-volume caseload effectively and maintain fidelity to the model. Expanding the interdisciplinary model to preventive legal services interventions will require additional oversight, training, and supervision. An additional FTE Social Work Outreach Coordinator would take responsibility for day-to-day programming oversight, consultations, and data collection.

Managing quality of work is important to the ORPC's mission and values. An additional Social Work staff member will ensure proper oversight and management and will enhance the ORPC's statewide and national reputation as a role model for high quality interdisciplinary parent representation. Interdisciplinary representation programs are growing at a face pace nationwide because the evidence shows that this model positively impacts permanency timeframes and outcomes for children and families.

The ORPC proposes adding 1.0 FTE to create a position of Social Work Outreach Coordinator. Adding a Social Work Outreach Coordinator will:

1. Serve the ORPC's mission and legislative mandate to improve legal representation available to indigent parents.
2. Enable the ORPC to offer social work and parent advocacy resources throughout the state with commensurate oversight and consultation.

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<sup>176</sup> CASEY FAMILY PROGRAMS, STRATEGY BRIEF: HOW CAN PRE-PETITION LEGAL REPRESENTATION HELP STRENGTHEN FAMILIES AND KEEP THEM TOGETHER? (Jan. 2020).

<sup>177</sup> Vivek Sankaran, *Redesigning the Delivery of Legal Services to Prevent Children From Entering Foster Care* (July 10, 2018), <http://rethinkingfostercare.blogspot.com/2018/07/redesigning-delivery-of-legal-services.html>.

<sup>178</sup> *Id.*

3. Oversee day-to-day programming of an OPRC preventive legal services pilot rolling out in 2022 to serve indigent families in Jefferson County whose children are at risk of entering foster care.
4. Allow the Social Worker – Director of Programs to refine and expand current social worker and parent advocate programming, oversee ongoing program evaluation processes, participate in attorney training modules, and provide ongoing consultation to interdisciplinary teams across the state.

The Social Work Outreach Coordinator will be supervised by the current Social Worker – Director of Programs.

**Assumptions and Calculations:**

Calculations are based on common policies and the Common Compensation Plan of the Office of Respondent Parents’ Counsel, the Office of Alternate Defense Counsel, and the Office of the Child’s Representative. The salary range of the position will be the same as that of staff having comparable responsibilities as reflected in the Common Compensation Plan. The ORPC assumes that it will be possible to hire an individual with the needed education, experience, and expertise at or near the minimum of the relevant range for the appropriate job class.

The ORPC assumes that the person hired will choose health and dental coverage at the expected average of the agency’s FY 2022-23 premiums for that coverage.

The ORPC requests that the salary and dependent benefits requested be increased by any Salary Survey or Merit increase approved by the JBC.

<b>Social Work Outreach Coordinator</b>			
<b>Personal Services &amp; Benefits</b>		<b>YEAR 1</b>	<b>YEAR 2</b>
Number of Persons per Class Title		1.0	1.0
Monthly Base Salary		6,698	6,698
Number of months in Fiscal Year		11	12
Subtotal, Salary		73,678	80,376
PERA	11.50%	8,473	9,243
Medicare	1.45%	1,068	1,165
<b>Sub-total Personal Services</b>		<b>83,219</b>	<b>90,784</b>
<b>Health/Life/Dental (ORPC Avg. for July, 2021)</b>	<b>1,330</b>	<b>14,630</b>	<b>15,960</b>
Short-term Disability	0.17%	125	137
AED	5.00%	3,684	4,019
SAED	5.00%	3,684	4,019
Paid Family and Medical Leave Insurance		187	409
<b>Total Personal Services &amp; Benefits</b>		<b>105,529</b>	<b>115,328</b>
<b>FTE</b>		<b>0.9</b>	<b>1.0</b>
<b>Operating</b>			
Regular FTE Operating	\$ 500	500	500
Telephone Expenses	\$ 450	450	450
Software	\$ 400	400	400
Computer	\$ 1,200	1,200	-
Cubicle/Workstation	\$ 5,000	5,000	-
<b>Total Operating</b>		<b>7,550</b>	<b>1,350</b>
<b>TOTAL PERSONAL SERVICES &amp; OPERATING</b>		<b>\$ 113,079</b>	<b>\$ 116,678</b>

**Anticipated Outcomes:**

An additional Social Work Outreach Coordinator will help the ORPC ensure fidelity to the well-researched interdisciplinary model that has emerged as a best practice across the country. The ORPC will fulfill more of the current demand for social workers and parent advocates to join parent defense teams. The position will also oversee new pilot programming that will provide preventive civil legal services to address safety concerns that may otherwise result in children being placed in foster care. This will improve outcomes for families by decreasing the usage of foster care and out-of-home placements, reducing the length of time children remain in out-of-home placements, and increasing reunification rates at case closure. The ORPC will increase its ability to recruit highly qualified contractors, including outside of the metro areas, and provide essential supervision and consultation to contracted professionals.



**Consequences if Not Funded:**

The consequences of not funding this position are that the ORPC will not be able to meet the current and increasing demands for social workers and parent advocates to be assigned equitably to parent defense legal teams across the state and the agency will struggle to adequately oversee a new preventive legal services pilot program. This would limit the ORPC's ability to meet the requirement of C.R.S. 13-92-104. Additionally, given the research available nationally and, now in Colorado, this would impact the numbers of children removed from their homes and placed in foster care and the time that some children spend in out-of-home placements. Removing children from their families is traumatic for children and has a fiscal impact on taxpayers who pay for foster care and kinship supports.

**Impact to Other State Government Agencies:**

Increasing program oversight and access to interdisciplinary teams through the creation of this position would mean expanded access to social workers and parent advocates on family defense teams. Research demonstrates that access to interdisciplinary teams is a national best practice in child welfare as it increases parental engagement with treatment plans and services and leads to better outcomes for children and families. Interdisciplinary team representation decreases the reliance on extended foster care placements. When foster care is inevitable, this model of representation is shown to decrease lengths of stays in foster care and decrease expenditures on foster care placements. Supporting families when they need it most prevents trauma and maximizes government funding by preventing the need to utilize the foster care system. The ORPC regularly collaborates with other state partners who respect the interdisciplinary model, allowing for collaborations that focus on prevention.

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*Department Priority: R-4*

*Request Title: Align Appropriations with those of other Independent Agencies*

Summary of Incremental Funding Change for FY 2022-23	Total funds	General Fund	Cash Funds	Reappropriated Funds
<b>TOTAL REQUEST (All Lines)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Court-appointed Counsel	1,114,819	796,579		318,240
Mandated Costs	(1,114,819)	(796,579)		(318,240)

**Request Summary:**

The Office of Respondent Parents' Counsel (ORPC) requests a decrease of \$1,114,819 in Mandated Costs and an equal and offsetting increase in Court-appointed Counsel in order to pay its contractors from the same appropriations used by the Office of the Alternate Defense Counsel (OADC) and the Office of the Child's Representative (OCR).

**Background:**

On July 1, 2016, the Office of Respondent Parents' Counsel assumed responsibility for paying contract attorneys, paralegals, and other members of legal teams tasked with representing indigent parents in dependency and neglect cases.

In FY 2017-18, the ORPC requested and received approval to launch a Social Worker Pilot Program in the agency's Mandated Costs appropriation. Based on the success of that program, the ORPC requested and received approval to continue the use of social workers as well as lower-cost family advocates and parent advocates. These costs have been paid from the Mandated Costs appropriation of the ORPC. However, the Office of the Alternate Defense Counsel (OADC) and the Office of the Child's Representative (OCR) pay for these contractor types from the Court-appointed Counsel appropriations of their respective agencies. As a result, the appropriations of the three agencies do not include the same expense types and are not comparable. The ORPC therefore requests that its Court-appointed Counsel and Mandated Costs appropriations be adjusted to improve comparability between the three agencies.

**Assumptions and Calculations:**

The ORPC assumes that the relative costs of each contractor type will be approximately the same in FY 2022-23 as in the first two months of the current fiscal year, FY 2021-22. These costs by appropriation and contractor type for the General Fund appropriations of the ORPC are shown in the table below. Also shown in the table are the percentages of total costs by appropriation if the ORPC were to pay for the various contractor types from the same appropriation as OADC and OCR:

Costs by Appropriation and Contractor Type - General Fund Appropriations						
	Costs Incurred in the First Two Months of FY 2021-22 by Contractor Type				Percentages by Corrected Appropriation	
Contractor Type	Court-appointed Counsel	Mandated Costs	Total	Percent of Total	Court-appointed Counsel (GF)	Mandated Costs (GF)
Attorney/Attorney Associate	\$ 1,933,677	\$ -	\$ 1,933,677	86.1%	86.1%	
Paralegal	45,071	-	45,071	2.0%	2.0%	
Discovery		200	200	0.0%		0.0%
Expert		9,936	9,936	0.4%		0.4%
Family Advocate		86,914	86,914	3.9%	3.9%	
Interpreter		2,317	2,317	0.1%		0.1%
Investigator	6,273		6,273	0.3%	0.3%	
Parent Advocates		3,539	3,539	0.2%	0.2%	
Social Worker		82,454	82,454	3.7%	3.7%	
Transcripts		75,711	75,711	3.4%		3.4%
<b>TOTAL</b>	<b>\$ 1,985,021</b>	<b>\$ 261,070</b>	<b>\$ 2,246,091</b>	<b>100%</b>	<b>96.1%</b>	<b>3.9%</b>

One hundred percent of the Mandated Costs Reappropriated Funds appropriation of \$318,240 is for the payment of social workers. This amount should therefore be moved from the Mandated Costs appropriation to a new Court-appointed Counsel Reappropriated Funds appropriation.

If the FY 2022-23 appropriations remain the same as those in FY 2021-22, the calculation of the adjustment and the adjustment requested are as follows:

Adjustments Requested - Without Rate Increase Requested in ORPC R-1						
	General Fund			Reappropriated Funds		
	Court-Appointed Counsel	Mandated Costs	Total	Court-Appointed Counsel	Mandated Costs	Total
FY 2021-22 Appropriation	19,918,541	1,637,255	21,555,796	-	318,240	318,240
Percentage of total (from table above for GF)	96.1%	3.9%	100%	100.0%	0.0%	100%
Total of CAC & Mandated Costs Appropriations (from first line above)	21,555,796	21,555,796	21,555,796	318,240	318,240	318,240
FY 2022-23 Appropriation Requested	20,715,120	840,676	21,555,796	318,240	-	318,240
FY 2021-22 Appropriation (from above)	19,918,541	1,637,255	21,555,796	-	318,240	318,240
Adjustment Requested	796,579	(796,579)	-	318,240	(318,240)	-

If this request and the rate increase in ORPC R-1 are approved, the ORPC requests that the increase be applied to the appropriations as adjusted by this request R-4, as shown below.

Appropriations Requested - With Realignment and Rate Increase						
	General Fund		Reappropriated Funds			TOTAL, ALL FUNDS
	Court- Appointed Counsel	Mandated Costs	Court- Appointed Counsel	Mandated Costs	Title IV-E Legal Repre- sentation	
FY 2022-23 Appropriation Requested after Realignment (from above and R-1)	20,715,120	840,676	318,240	-	4,741,480	26,615,516
Rate Increase Requested in R-1	6%	6%	6%	6%	6%	6%
Rate Increase Amount	1,242,906	50,441	19,094	-	284,489	1,596,930
Appropriation after requested Rate Increase	21,958,026	891,117	337,334	-	5,025,969	28,212,446

**Anticipated Outcomes:**

If approved, the Court-appointed Counsel and Mandated Costs appropriations of the ORPC will be comparable to those of the OADC and the OCR, which will aid future analyses.

**Impact to Other State Government Agencies:**

None.

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**Office of the Respondent Parents' Counsel FY 2022-23  
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 Actual Expenditures	11.9	23,879,099	22,829,158	10,354	1,039,587	-
FY 2021-22 Appropriation	14.0	29,183,550	23,826,319	48,000	5,309,231	-
FY 2022-23 Request	16.0	\$31,182,010	\$25,520,604	\$48,000	\$5,613,406	-

**Office of the Respondent Parents' Counsel FY 2022-23**

**Summary**

	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>FY 2018-19 Appropriation</b>						
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
<b>FY 2018-19 Appropriation</b>	<b>\$20,510,173</b>	<b>10.00</b>	<b>\$20,449,078</b>	<b>\$30,000</b>	<b>\$31,095</b>	<b>\$0</b>
<b>FY 2019-20 Appropriation</b>						
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
<b>FY 2019-20 Appropriation</b>	<b>\$20,881,276</b>	<b>13.00</b>	<b>\$20,820,181</b>	<b>\$30,000</b>	<b>\$31,095</b>	<b>\$0</b>
<b>FY 2020-21 Appropriation</b>						
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
<b>FY 2020-21 Appropriation</b>	<b>\$27,993,134</b>	<b>14.00</b>	<b>\$22,652,797</b>	<b>\$48,000</b>	<b>\$5,292,337</b>	<b>\$0</b>
<b>FY 2021-22 Appropriation</b>						
FY 2021-22 Long Bill, S.B. 21-205	\$29,183,550	14.00	\$23,826,319	\$48,000	\$5,309,231	\$0
<b>FY 2021-22 Appropriation</b>	<b>\$29,183,550</b>	<b>14.00</b>	<b>\$23,826,319</b>	<b>\$48,000</b>	<b>\$5,309,231</b>	<b>\$0</b>
<b>FY 2022-23 Request</b>						
FY 2021-22 Appropriation	\$29,183,550	14.00	\$23,826,319	\$48,000	\$5,309,231	\$0
Annualization of S.B. 18-200	\$9,577	-	\$8,836	\$0	\$741	\$0
Common policy adjustment, Salary Survey	\$54,090	-	\$49,902	\$0	\$4,188	\$0
Common policy adjustment, HLD	\$36,093	-	\$41,084	\$0	(\$4,991)	\$0
Common policy adjustment, STD	\$194	-	\$188	\$0	\$6	\$0
Common policy adjustment, AED	\$6,071	-	\$5,890	\$0	\$181	\$0
Common policy adjustment, SAED	\$6,071	-	\$5,890	\$0	\$181	\$0
Common policy adjustment, PFML	\$3,699	-	\$3,413	\$0	\$286	\$0
R-1, Increase in Hourly Rates of Contractors	\$1,596,930	-	\$1,293,347	\$0	\$303,583	\$0
R-2, Equity, Diversion and Inclusion Coordinator	\$172,656	1.00	\$172,656	\$0	\$0	\$0
R-3, Social Work Outreach Coordinator	\$113,079	1.00	\$113,079	\$0	\$0	\$0
R-4, Align Appropriations with other Agencies	\$0	-	\$0	\$0	\$0	\$0
<b>FY 2022-23 Request</b>	<b>\$31,182,010</b>	<b>16.00</b>	<b>\$25,520,604</b>	<b>\$48,000</b>	<b>\$5,613,406</b>	<b>\$0</b>
<i>annual change</i>	<i>\$1,998,460</i>	<i>2.00</i>	<i>\$1,694,285</i>	<i>\$0</i>	<i>\$304,175</i>	<i>\$0</i>
<b>Change, FY 2021-22 to FY 2022-23:</b>						
Dollar amounts and FTE	\$1,998,460	2.00	\$1,694,285	\$0	\$304,175	\$0
Percentage	6.8%	14.3%	7.1%	0.0%	5.7%	0.0%



Office of the Respondent Parents' Counsel FY 2022-23

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/Ful	Federal Fund
<b>Personal Services</b>										
<b>FY 2019-20 Actual</b>										
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	-	-	-	-	-	-
<b>Final FY 2019-20 Appropriation</b>	<b>13.0</b>	<b>1,533,334</b>	<b>13.0</b>	<b>1,533,334</b>	-	-	-	-	-	-
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)	-	-	-	-	-	-
<b>FY 2019-20 Total Available Spending Authority</b>	<b>13.0</b>	<b>1,824,891</b>	<b>13.0</b>	<b>1,824,891</b>	-	-	-	-	-	-
FY 2019-20 Expenditures	12.8	1,824,183	12.8	1,824,183	-	-	-	-	-	-
<b>FY 2019-20 Reversion/(Overexpenditure)</b>	<b>0.2</b>	<b>708</b>	<b>0.2</b>	<b>708</b>	-	-	-	-	-	-
<b>FY 2020-21 Actual</b>										
FY 2020-21 Long Bill, HB 20-1360	14.0	1,721,458	13.0	1,581,687	-	-	1.0	139,771	-	-
<b>Final FY 2020-21 Appropriation</b>	<b>14.0</b>	<b>1,721,458</b>	<b>13.0</b>	<b>1,581,687</b>	-	-	<b>1.0</b>	<b>139,771</b>	-	-
FY 2020-21 Allocated Pots	-	255,348	-	230,000	-	-	-	25,348	-	-
Year End Transfers	-	12,000	-	12,000	-	-	-	-	-	-
<b>FY 2020-21 Total Available Spending Authority</b>	<b>14.0</b>	<b>1,988,806</b>	<b>13.0</b>	<b>1,823,687</b>	-	-	<b>1.0</b>	<b>165,119</b>	-	-
FY 2020-21 Expenditures	11.9	1,917,339	11.2	1,823,206	-	-	0.7	94,133	-	-
<b>FY 2020-21 Reversion/(Overexpenditure)</b>	<b>2.1</b>	<b>71,467</b>	<b>1.8</b>	<b>481</b>	-	-	<b>0.3</b>	<b>70,986</b>	-	-
<b>FY 2021-22 Appropriation</b>										
FY 2021-22 Long Bill, SB 21-205	14.0	1,912,724	13.0	1,760,249	-	-	1.0	152,475	-	-
<b>FY 2021-22 Total Appropriation</b>	<b>14.0</b>	<b>1,912,724</b>	<b>13.0</b>	<b>1,760,249</b>	-	-	<b>1.0</b>	<b>152,475</b>	-	-
<b>FY 2021-22 Total Available Spending Authority</b>	<b>14.0</b>	<b>1,912,724</b>	<b>13.0</b>	<b>1,760,249</b>	-	-	<b>1.0</b>	<b>152,475</b>	-	-
<b>FY 2022-23 Request</b>										
FY 2021-22 Appropriation	14.0	1,912,724	13.0	1,760,249	-	-	1.0	152,475	-	-
Annualization of SB 18-200	-	9,577	-	8,836	-	-	-	741	-	-
FY 2021-22 Salary Survey Allocated to Personal Svcs	-	49,829	-	45,785	-	-	-	4,044	-	-
<b>FY 2022-23 Base Request</b>	<b>14.0</b>	<b>1,972,130</b>	<b>13.0</b>	<b>1,814,870</b>	-	-	<b>1.0</b>	<b>157,260</b>	-	-
R-2, Equity, Diversity and Inclusion Coordinator	1.0	137,763	1.0	137,763	-	-	-	-	-	-
R-3, Social Work Outreach Coordinator	1.0	83,219	1.0	83,219	-	-	-	-	-	-
<b>FY 2022-23 Total Request</b>	<b>16.0</b>	<b>2,193,112</b>	<b>15.0</b>	<b>2,035,852</b>	-	-	<b>1.0</b>	<b>157,260</b>	-	-
FY 2021-22 Total Appropriation	14.0	1,912,724	13.0	1,760,249	-	-	1.0	152,475	-	-
FY 2022-23 Base Request	14.0	1,972,130	13.0	1,814,870	-	-	1.0	157,260	-	-
FY 2022-23 Total Request	16.0	2,193,112	15.0	2,035,852	-	-	1.0	157,260	-	-
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	<b>14%</b>	<b>15%</b>	<b>15%</b>	<b>16%</b>	-	0%	-	3%	-	0%

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'l Fu	Federal Fund
<b>Health, Life and Dental</b>										
<b>FY 2019-20 Actual</b>										
FY 2019-20 Long Bill, SB 19-207	-	159,549	-	159,549	-	-	-	-	-	-
<b>Final FY 2019-20 Appropriation</b>	-	<b>159,549</b>	-	<b>159,549</b>	-	-	-	-	-	-
FY 2019-20 Allocated Pots	-	(159,549)	-	(159,549)	-	-	-	-	-	-
<b>FY 2019-20 Total Available Spending Authority</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2020-21 Actual</b>										
FY 2020-21 Long Bill, HB 20-1360	-	112,070	-	99,398	-	-	-	12,672	-	-
<b>Final FY 2020-21 Appropriation</b>	-	<b>112,070</b>	-	<b>99,398</b>	-	-	-	<b>12,672</b>	-	-
FY 2020-21 Allocated Pots	-	(112,070)	-	(99,398)	-	-	-	(12,672)	-	-
<b>FY 2020-21 Total Available Spending Authority</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2021-22 Appropriation</b>										
FY 2021-22 Long Bill, SB 21-205	-	187,275	-	166,890	-	-	-	20,385	-	-
<b>FY 2021-22 Total Appropriation</b>	-	<b>187,275</b>	-	<b>166,890</b>	-	-	-	<b>20,385</b>	-	-
<b>FY 2021-22 Total Available Spending Authority</b>	-	187,275	-	166,890	-	-	-	20,385	-	-
<b>FY 2022-23 Request</b>										
FY 2021-22 Appropriation	-	187,275	-	166,890	-	-	-	20,385	-	-
Total Compensation Common Policy	-	36,093	-	41,084	-	-	-	(4,991)	-	-
<b>FY 2022-23 Base Request</b>	-	<b>223,368</b>	-	<b>207,974</b>	-	-	-	<b>15,394</b>	-	-
R-2, Equity, Diversity and Inclusion Coordinator	-	14,630	-	14,630	-	-	-	-	-	-
R-3, Social Work Outreach Coordinator	-	14,630	-	14,630	-	-	-	-	-	-
<b>FY 2022-23 Total Request</b>	-	<b>252,628</b>	-	<b>237,234</b>	-	-	-	<b>15,394</b>	-	-
FY 2021-22 Total Appropriation	-	187,275	-	166,890	-	-	-	20,385	-	-
FY 2022-23 Base Request	-	223,368	-	207,974	-	-	-	15,394	-	-
FY 2022-23 Total Request	-	252,628	-	237,234	-	-	-	15,394	-	-
Percentage Change FY 2021-22 to FY 2022-23	-	35%	-	42%	-	0%	-	-24%	-	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 Fund	Federal Fund
<b>Short-term Disability</b>										
<b>FY 2019-20 Actual</b>										
FY 2019-20 Long Bill, SB 19-207	-	2,058	-	2,058	-	-	-	-	-	-
FY 2019-20 Supplemental Bill, HB 20-1249	-	50	-	-	-	-	-	50	-	-
<b>Final FY 2019-20 Appropriation</b>	-	<b>2,108</b>	-	<b>2,058</b>	-	-	-	<b>50</b>	-	-
FY 2019-20 Allocated Pots	-	(2,108)	-	(2,058)	-	-	-	(50)	-	-
<b>FY 2019-20 Total Available Spending Authority</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2020-21 Actual</b>										
FY 2020-21 Long Bill, HB 20-1360	-	2,344	-	2,108	-	-	-	236	-	-
<b>Final FY 2020-21 Appropriation</b>	-	<b>2,344</b>	-	<b>2,108</b>	-	-	-	<b>236</b>	-	-
FY 2020-21 Allocated Pots	-	(2,344)	-	(2,108)	-	-	-	(236)	-	-
<b>FY 2020-21 Total Available Spending Authority</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2021-22 Appropriation</b>										
FY 2021-22 Long Bill, SB 21-205	-	2,437	-	2,239	-	-	-	198	-	-
<b>FY 2021-22 Total Appropriation</b>	-	<b>2,437</b>	-	<b>2,239</b>	-	-	-	<b>198</b>	-	-
<b>FY 2021-22 Total Available Spending Authority</b>	-	2,437	-	2,239	-	-	-	198	-	-
<b>FY 2022-23 Request</b>										
FY 2021-22 Appropriation	-	2,437	-	2,239	-	-	-	198	-	-
Total Compensation Common Policy	-	194	-	188	-	-	-	6	-	-
<b>FY 2022-23 Base Request</b>	-	<b>2,631</b>	-	<b>2,427</b>	-	-	-	<b>204</b>	-	-
R-2, Equity, Diversity and Inclusion Coordinator	-	207	-	207	-	-	-	-	-	-
R-3, Social Work Outreach Coordinator	-	125	-	125	-	-	-	-	-	-
<b>FY 2021-22 Total Available Spending Authority</b>	-	<b>2,963</b>	-	<b>2,759</b>	-	-	-	<b>204</b>	-	-
<b>FY 2022-23 Total Request</b>	-	<b>2,963</b>	-	<b>2,759</b>	-	-	-	<b>204</b>	-	-
<b>FY 2021-22 Total Appropriation</b>	-	<b>2,437</b>	-	<b>2,239</b>	-	-	-	<b>198</b>	-	-
<b>FY 2022-23 Base Request</b>	-	<b>2,631</b>	-	<b>2,427</b>	-	-	-	<b>204</b>	-	-
<b>FY 2022-23 Total Request</b>	-	<b>2,963</b>	-	<b>2,759</b>	-	-	-	<b>204</b>	-	-
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	-	<b>22%</b>	-	<b>23%</b>	-	<b>0%</b>	-	<b>3%</b>	-	-

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/Fn	Federal Fund
<b>S.B. 04-257 AED</b>										
<b>FY 2019-20 Actual</b>										
FY 2019-20 Long Bill, SB 19-207	-	64,247	-	64,247	-	-	-	-	-	-
<b>Final FY 2019-20 Appropriation</b>	-	<b>64,247</b>	-	<b>64,247</b>	-	-	-	-	-	-
FY 2019-20 Allocated Pots	-	(64,247)	-	(64,247)	-	-	-	-	-	-
<b>FY 2019-20 Total Available Spending Authority</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2020-21 Actual</b>										
FY 2020-21 Long Bill, HB 20-1360	-	70,467	-	64,247	-	-	-	6,220	-	-
<b>Final FY 2020-21 Appropriation</b>	-	<b>70,467</b>	-	<b>64,247</b>	-	-	-	<b>6,220</b>	-	-
FY 2020-21 Allocated Pots	-	(70,467)	-	(64,247)	-	-	-	(6,220)	-	-
<b>FY 2020-21 Total Available Spending Authority</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2021-22 Appropriation</b>										
FY 2021-22 Long Bill, SB 21-205	-	76,137	-	69,955	-	-	-	6,182	-	-
<b>FY 2021-22 Total Appropriation</b>	-	<b>76,137</b>	-	<b>69,955</b>	-	-	-	<b>6,182</b>	-	-
<b>FY 2022-23 Request</b>										
FY 2021-22 Appropriation	-	76,137	-	69,955	-	-	-	6,182	-	-
Total Compensation Common Policy	-	6,071	-	5,890	-	-	-	181	-	-
<b>FY 2022-23 Base Request</b>	-	<b>82,208</b>	-	<b>75,845</b>	-	-	-	<b>6,363</b>	-	-
R-2, Equity, Diversity and Inclusion Coordinator	-	6,098	-	6,098	-	-	-	-	-	-
R-3, Social Work Outreach Coordinator	-	3,684	-	3,684	-	-	-	-	-	-
<b>FY 2022-23 Total Request</b>	-	<b>91,990</b>	-	<b>85,627</b>	-	-	-	<b>6,363</b>	-	-
FY 2021-22 Total Appropriation	-	76,137	-	69,955	-	-	-	6,182	-	-
FY 2022-23 Base Request	-	82,208	-	75,845	-	-	-	6,363	-	-
FY 2022-23 Total Request	-	91,990	-	85,627	-	-	-	6,363	-	-
Percentage Change FY 2021-22 to FY 2022-23	-	21%	-	22%	-	0%	-	3%	-	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 Fund	Federal Fund
<b>S.B. 06-235 SAED</b>										
<b>FY 2019-20 Actual</b>										
FY 2019-20 Long Bill, SB 19-207	-	64,247	-	64,247	-	-	-	-	-	-
<b>Final FY 2019-20 Appropriation</b>	-	<b>64,247</b>	-	<b>64,247</b>	-	-	-	-	-	-
FY 2019-20 Allocated Pots	-	(64,247)	-	(64,247)	-	-	-	-	-	-
<b>FY 2019-20 Total Available Spending Authority</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2020-21 Actual</b>										
FY 2020-21 Long Bill, HB 20-1360	-	70,467	-	64,247	-	-	-	6,220	-	-
<b>Final FY 2020-21 Appropriation</b>	-	<b>70,467</b>	-	<b>64,247</b>	-	-	-	<b>6,220</b>	-	-
FY 2020-21 Allocated Pots	-	(70,467)	-	(64,247)	-	-	-	(6,220)	-	-
<b>FY 2020-21 Total Available Spending Authority</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2021-22 Apropriation</b>										
FY 2021-22 Long Bill, SB 21-205	-	76,137	-	69,955	-	-	-	6,182	-	-
<b>FY 2021-22 Total Appropriation</b>	-	<b>76,137</b>	-	<b>69,955</b>	-	-	-	<b>6,182</b>	-	-
<b>FY 2022-23 Request</b>										
FY 2021-22 Appropriation	-	76,137	-	69,955	-	-	-	6,182	-	-
Total Compensation Common Policy	-	6,071	-	5,890	-	-	-	181	-	-
<b>FY 2022-23 Base Request</b>	-	<b>82,208</b>	-	<b>75,845</b>	-	-	-	<b>6,363</b>	-	-
R-2, Equity, Diversity and Inclusion Coordinator	-	6,098	-	6,098	-	-	-	-	-	-
R-3, Social Work Outreach Coordinator	-	3,684	-	3,684	-	-	-	-	-	-
<b>FY 2022-23 Total Request</b>	-	<b>91,990</b>	-	<b>85,627</b>	-	-	-	<b>6,363</b>	-	-
FY 2021-22 Total Appropriation	-	76,137	-	69,955	-	-	-	6,182	-	-
FY 2022-23 Base Request	-	82,208	-	75,845	-	-	-	6,363	-	-
FY 2022-23 Total Request	-	91,990	-	85,627	-	-	-	6,363	-	-
Percentage Change FY 2021-22 to FY 2022-23	-	21%	-	22%	-	0%	-	3%		0%

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
<b>Salary Survey</b>										
<b>FY 2019-20 Actual</b>										
FY 2019-20 Long Bill, SB 19-207	-	-	-	-	-	-	-	-	-	-
<b>Final FY 2019-20 Appropriation</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2019-20 Total Available Spending Authority</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2020-21 Actual</b>										
FY 2020-21 Long Bill, HB 20-1360	-	-	-	-	-	-	-	-	-	-
<b>Final FY 2020-21 Appropriation</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2020-21 Total Available Spending Authority</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2021-22 Appropriation</b>										
FY 2021-22 Long Bill, SB 21-205	-	49,829	-	45,785	-	-	-	4,044	-	-
<b>FY 2021-22 Total Appropriation</b>	-	<b>49,829</b>	-	<b>45,785</b>	-	-	-	<b>4,044</b>	-	-
<b>FY 2022-23 Request</b>										
FY 2021-22 Appropriation	-	49,829	-	45,785	-	-	-	4,044	-	-
Allocated to Personal Services	-	(49,829)	-	(45,785)	-	-	-	(4,044)	-	-
Total Compensation Common Policy	-	54,090	-	49,902	-	-	-	4,188	-	-
<b>FY 2022-23 Base Request</b>	-	<b>54,090</b>	-	<b>49,902</b>	-	-	-	<b>4,188</b>	-	-
<b>FY 2022-23 Total Request</b>	-	<b>54,090</b>	-	<b>49,902</b>	-	-	-	<b>4,188</b>	-	-
<b>FY 2021-22 Total Appropriation</b>	-	<b>49,829</b>	-	<b>45,785</b>	-	-	-	<b>4,044</b>	-	-
<b>FY 2022-23 Base Request</b>	-	<b>54,090</b>	-	<b>49,902</b>	-	-	-	<b>4,188</b>	-	-
<b>FY 2022-23 Total Request</b>	-	<b>54,090</b>	-	<b>49,902</b>	-	-	-	<b>4,188</b>	-	-
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	-	<b>9%</b>	-	<b>9%</b>	-	<b>0%</b>	-	<b>4%</b>	-	<b>0%</b>

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
<b>Merit</b>										
<b>FY 2019-20 Actual</b>										
FY 2019-20 Long Bill, SB 19-207	-	34,215	-	34,215	-	-	-	-	-	-
<b>Final FY 2019-20 Appropriation</b>	-	<b>34,215</b>	-	<b>34,215</b>	-	-	-	-	-	-
Allocated to Personal Services	-	(34,215)	-	(34,215)	-	-	-	-	-	-
<b>FY 2019-20 Total Available Spending Authority</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2020-21 Actual</b>										
FY 2020-21 Long Bill, HB 20-1360	-	-	-	-	-	-	-	-	-	-
<b>Final FY 2020-21 Appropriation</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2020-21 Total Available Spending Authority</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2021-22 Appropriation</b>										
FY 2021-22 Long Bill, SB 21-205	-	-	-	-	-	-	-	-	-	-
<b>FY 2021-22 Total Appropriation</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2022-23 Request</b>										
FY 2021-22 Appropriation	-	-	-	-	-	-	-	-	-	-
<b>FY 2022-23 Base Request</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2022-23 Total Request</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2021-22 Total Appropriation</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2022-23 Base Request</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2022-23 Total Request</b>	-	-	-	-	-	-	-	-	-	-
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	-	<b>0%</b>	-	<b>0%</b>	-	<b>0%</b>	-	<b>0%</b>	-	<b>0%</b>

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/Fu	Federal Fund
<b>Paid Family and Medical Leave Insurance</b>										
<b>FY 2019-20 Actual</b>										
FY 2019-20 Long Bill, SB 19-207	-	-	-	-	-	-	-	-	-	-
<b>Final FY 2019-20 Appropriation</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2019-20 Total Available Spending Authority</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2020-21 Actual</b>										
FY 2020-21 Long Bill, HB 20-1360	-	-	-	-	-	-	-	-	-	-
<b>Final FY 2020-21 Appropriation</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2020-21 Total Available Spending Authority</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2021-22 Appropriation</b>										
FY 2021-22 Long Bill, SB 21-205	-	-	-	-	-	-	-	-	-	-
<b>FY 2021-22 Total Appropriation</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2022-23 Request</b>										
FY 2021-22 Appropriation	-	-	-	-	-	-	-	-	-	-
Total Compensation Common Policy	-	3,699	-	3,413	-	-	-	286	-	-
<b>FY 2022-23 Base Request</b>	-	<b>3,699</b>	-	<b>3,413</b>	-	-	-	<b>286</b>	-	-
R-2, Equity, Diversity and Inclusion Coordinator	-	310	-	310	-	-	-	-	-	-
R-3, Social Work Outreach Coordinator	-	187	-	187	-	-	-	-	-	-
<b>FY 2022-23 Total Request</b>	-	<b>4,196</b>	-	<b>3,910</b>	-	-	-	<b>286</b>	-	-
<b>FY 2021-22 Total Appropriation</b>	-	-	-	-	-	-	-	-	-	-
<b>FY 2022-23 Base Request</b>	-	<b>3,699</b>	-	<b>3,413</b>	-	-	-	<b>286</b>	-	-
<b>FY 2022-23 Total Request</b>	-	<b>4,196</b>	-	<b>3,910</b>	-	-	-	<b>286</b>	-	-
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	-	<i>n/a</i>	-	<i>n/a</i>	-	<b>0%</b>	-	<i>n/a</i>	-	<b>0%</b>



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'l Fund	Federal Fund
<b>Paid Family and Medical Leave Insurance</b>										
<b>FY 2019-20 Actual</b>										
FY 2019-20 Long Bill, SB 19-207	-	104,899	-	104,899	-	-	-	-	-	-
FY 2019-20 Supplemental Bill, HB 20-1249	-	12,273	-	12,273	-	-	-	-	-	-
<b>Final FY 2019-20 Appropriation</b>	-	<b>117,172</b>	-	<b>117,172</b>	-	-	-	-	-	-
Year End Transfers	-	(8,500)	-	(8,500)	-	-	-	-	-	-
Rollforward	-	-	-	-	-	-	-	-	-	-
<b>FY 2019-20 Total Available Spending Authority</b>	-	<b>108,672</b>	-	<b>108,672</b>	-	-	-	-	-	-
FY 2019-20 Expenditures	-	108,365	-	108,365	-	-	-	-	-	-
<b>FY 2019-20 Reversion/(Overexpenditure)</b>	-	<b>307</b>	-	<b>307</b>	-	-	-	-	-	-
<b>FY 2020-21 Actual</b>										
FY 2020-21 Long Bill, HB 20-1360	-	133,853	-	125,450	-	-	-	8,403	-	-
<b>Final FY 2020-21 Appropriation</b>	-	<b>133,853</b>	-	<b>125,450</b>	-	-	-	<b>8,403</b>	-	-
Year End Transfers	-	(12,000)	-	(12,000)	-	-	-	-	-	-
<b>FY 2020-21 Total Available Spending Authority</b>	-	<b>121,853</b>	-	<b>113,450</b>	-	-	-	<b>8,403</b>	-	-
FY 2020-21 Expenditures	-	105,166	-	105,166	-	-	-	-	-	-
<b>FY 2020-21 Reversion/(Overexpenditure)</b>	-	<b>16,687</b>	-	<b>8,284</b>	-	-	-	<b>8,403</b>	-	-
<b>FY 2021-22 Appropriation</b>										
FY 2021-22 Long Bill, SB 21-205	-	126,400	-	125,450	-	-	-	950	-	-
<b>FY 2021-22 Total Appropriation</b>	-	<b>126,400</b>	-	<b>125,450</b>	-	-	-	<b>950</b>	-	-
<b>FY 2022-23 Request</b>										
FY 2021-22 Appropriation	-	126,400	-	125,450	-	-	-	950	-	-
<b>FY 2022-23 Base Request</b>	-	<b>126,400</b>	-	<b>125,450</b>	-	-	-	<b>950</b>	-	-
R-2, Equity, Diversity and Inclusion Coordinator	-	7,550	-	7,550	-	-	-	-	-	-
R-3, Social Work Outreach Coordinator	-	7,550	-	7,550	-	-	-	-	-	-
<b>FY 2022-23 Total Request</b>	-	<b>141,500</b>	-	<b>140,550</b>	-	-	-	<b>950</b>	-	-
<b>FY 2021-22 Total Appropriation</b>	-	<b>126,400</b>	-	<b>125,450</b>	-	-	-	<b>950</b>	-	-
<b>FY 2022-23 Base Request</b>	-	<b>126,400</b>	-	<b>125,450</b>	-	-	-	<b>950</b>	-	-
<b>FY 2022-23 Total Request</b>	-	<b>141,500</b>	-	<b>140,550</b>	-	-	-	<b>950</b>	-	-
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	-	<b>12%</b>	-	<b>12%</b>	-	<b>0%</b>	-	<b>0%</b>	-	<b>0%</b>

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'l Fund	Federal Fund
<b>Training</b>										
<b>FY 2019-20 Actual</b>										
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	-	-	-	-
<b>Final FY 2019-20 Appropriation</b>	-	<b>65,000</b>	-	<b>30,000</b>	-	<b>35,000</b>	-	-	-	-
Undercollection of Revenue	-	(5,502)	-	-	-	(5,502)	-	-	-	-
Year End Transfers	-	(4,000)	-	(4,000)	-	-	-	-	-	-
Rollforward	-	-	-	-	-	-	-	-	-	-
<b>FY 2019-20 Total Available Spending Authority</b>	-	<b>55,498</b>	-	<b>26,000</b>	-	<b>29,498</b>	-	-	-	-
FY 2019-20 Expenditures	-	55,212	-	25,714	-	29,498	-	-	-	-
<b>FY 2019-20 Reversion/(Overexpenditure)</b>	-	<b>286</b>	-	<b>286</b>	-	-	-	-	-	-
<b>FY 2020-21 Actual</b>										
FY 2020-21 Long Bill, HB 20-1360	-	106,000	-	30,000	-	48,000	-	28,000	-	-
<b>Final FY 2020-21 Appropriation</b>	-	<b>106,000</b>	-	<b>30,000</b>	-	<b>48,000</b>	-	<b>28,000</b>	-	-
Undercollection of Revenue	-	(36,211)	-	-	-	(36,211)	-	-	-	-
Year End Transfers	-	-	-	-	-	-	-	-	-	-
Rollforward	-	-	-	-	-	-	-	-	-	-
<b>FY 2020-21 Total Available Spending Authority</b>	-	<b>69,789</b>	-	<b>30,000</b>	-	<b>11,789</b>	-	<b>28,000</b>	-	-
FY 2020-21 Expenditures	-	30,827	-	20,473	-	10,354	-	-	-	-
<b>FY 2020-21 Reversion/(Overexpenditure)</b>	-	<b>38,962</b>	-	<b>9,527</b>	-	<b>1,435</b>	-	<b>28,000</b>	-	-
<b>FY 2021-22 Appropriation</b>										
FY 2021-22 Long Bill, SB 21-205	-	106,000	-	30,000	-	48,000	-	28,000	-	-
Rollforward from FY 2016-17	-	-	-	-	-	-	-	-	-	-
<b>FY 2021-22 Total Appropriation</b>	-	<b>106,000</b>	-	<b>30,000</b>	-	<b>48,000</b>	-	<b>28,000</b>	-	-
<b>FY 2022-23 Request</b>										
FY 2021-22 Appropriation	-	106,000	-	30,000	-	48,000	-	28,000	-	-
<b>FY 2021-22 Base Request</b>	-	<b>106,000</b>	-	<b>30,000</b>	-	<b>48,000</b>	-	<b>28,000</b>	-	-
<b>FY 2022-23 Total Request</b>	-	<b>106,000</b>	-	<b>30,000</b>	-	<b>48,000</b>	-	<b>28,000</b>	-	-
FY 2021-22 Total Appropriation	-	106,000	-	30,000	-	48,000	-	28,000	-	-
FY 2022-23 Base Request	-	106,000	-	30,000	-	48,000	-	28,000	-	-
FY 2022-23 Total Request	-	106,000	-	30,000	-	48,000	-	28,000	-	-
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	-	<b>0%</b>	-	<b>0%</b>	-	<b>0%</b>	-	<b>0%</b>	-	<b>0%</b>

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'l Fun	Federal Fund
<b>IV-E Legal Representation</b>										
<b>FY 2019-20 Actual</b>										
FY 2019-20 Long Bill, SB 19-207	-	-	-	-	-	-	-	-	-	-
FY 2019-20 Supplemental Bill, HB 20-1249	-	2,370,740	-	-	-	-	-	2,370,740	-	-
<b>Final FY 2019-20 Appropriation</b>	-	<b>2,370,740</b>	-	-	-	-	-	<b>2,370,740</b>	-	-
<b>FY 2019-20 Total Available Spending Authority</b>	-	2,370,740	-	-	-	-	-	2,370,740	-	-
FY 2019-20 Expenditures	-	-	-	-	-	-	-	-	-	-
<b>FY 2019-20 Reversion/(Overexpenditure)</b>	-	2,370,740	-	-	-	-	-	2,370,740	-	-
<b>FY 2020-21 Actual</b>										
FY 2020-21 Long Bill, HB 20-1360	-	4,741,480	-	-	-	-	-	4,741,480	-	-
<b>Final FY 2020-21 Appropriation</b>	-	<b>4,741,480</b>	-	-	-	-	-	<b>4,741,480</b>	-	-
<b>FY 2020-21 Total Available Spending Authority</b>	-	4,741,480	-	-	-	-	-	4,741,480	-	-
FY 2020-21 Expenditures	-	909,094	-	-	-	-	-	909,094	-	-
<b>FY 2020-21 Reversion/(Overexpenditure)</b>	-	3,832,386	-	-	-	-	-	3,832,386	-	-
<b>FY 2021-22 Appropriation</b>										
FY 2021-22 Long Bill, SB 21-205	-	4,741,480	-	-	-	-	-	4,741,480	-	-
<b>FY 2021-22 Total Appropriation</b>	-	<b>4,741,480</b>	-	-	-	-	-	<b>4,741,480</b>	-	-
<b>FY 2022-23 Request</b>										
FY 2021-22 Appropriation	-	4,741,480	-	-	-	-	-	4,741,480	-	-
<b>FY 2022-23 Base Request</b>	-	<b>4,741,480</b>	-	-	-	-	-	<b>4,741,480</b>	-	-
R-1, Increase in Hourly Rates of Contractors	-	284,489	-	-	-	-	-	284,489	-	-
<b>FY 2022-23 Total Request</b>	-	<b>5,025,969</b>	-	-	-	-	-	<b>5,025,969</b>	-	-
<b>FY 2021-22 Total Appropriation</b>	-	<b>4,741,480</b>	-	-	-	-	-	<b>4,741,480</b>	-	-
<b>FY 2022-23 Base Request</b>	-	<b>4,741,480</b>	-	-	-	-	-	<b>4,741,480</b>	-	-
<b>FY 2022-23 Total Request</b>	-	<b>5,025,969</b>	-	-	-	-	-	<b>5,025,969</b>	-	-
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	-	<b>6%</b>	-	<b>0%</b>	-	<b>0%</b>	-	<b>6%</b>	-	<b>0%</b>

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'l Fu	Federal Fund
<b>Court Appointed Counsel</b>										
<b>FY 2019-20 Actual</b>										
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	-	-	-	-	-	-
<b>Final FY 2019-20 Appropriation</b>	-	<b>19,286,624</b>	-	<b>19,286,624</b>	-	-	-	-	-	-
Year End Transfers	-	(700,691)	-	(700,691)	-	-	-	-	-	-
Rollforward	-	-	-	-	-	-	-	-	-	-
<b>FY 2019-20 Total Available Spending Authority</b>	-	<b>18,585,933</b>	-	<b>18,585,933</b>	-	-	-	-	-	-
FY 2019-20 Expenditures	-	17,781,549	-	17,781,549	-	-	-	-	-	-
<b>FY 2019-20 Reversion/(Overexpenditure)</b>	-	<b>804,384</b>	-	<b>804,384</b>	-	-	-	-	-	-
<b>FY 2020-21 Actual</b>										
FY 2020-21 Long Bill, HB 20-1360	-	19,286,624	-	19,286,624	-	-	-	-	-	-
Annualization of SB20-162, Changes for Family First	-	99,636	-	99,636	-	-	-	-	-	-
FY 2020-21 Supplemental Bill, SB 21-45	-	100,000	-	100,000	-	-	-	-	-	-
<b>Final FY 2020-21 Appropriation</b>	-	<b>19,486,260</b>	-	<b>19,486,260</b>	-	-	-	-	-	-
Year End Transfers	-	(200,000)	-	(200,000)	-	-	-	-	-	-
<b>FY 2020-21 Total Available Spending Authority</b>	-	<b>19,286,260</b>	-	<b>19,286,260</b>	-	-	-	-	-	-
FY 2020-21 Expenditures	-	18,527,743	-	18,527,743	-	-	-	-	-	-
<b>FY 2020-21 Reversion/(Overexpenditure)</b>	-	<b>758,517</b>	-	<b>758,517</b>	-	-	-	-	-	-
<b>FY 2021-22 Appropriation</b>										
FY 2021-22 Long Bill, SB 21-205	-	19,918,541	-	19,918,541	-	-	-	-	-	-
<b>FY 2021-22 Total Appropriation</b>	-	<b>19,918,541</b>	-	<b>19,918,541</b>	-	-	-	-	-	-
<b>FY 2022-23 Request</b>										
FY 2021-22 Appropriation	-	19,918,541	-	19,918,541	-	-	-	-	-	-
<b>FY 2022-23 Base Request</b>	-	<b>19,918,541</b>	-	<b>19,918,541</b>	-	-	-	-	-	-
<b>FY 2021-22 Total Available Spending Authority</b>	-	<b>19,918,541</b>	-	<b>19,918,541</b>	-	-	-	-	-	-
R-1, Increase in Hourly Rates of Contractors	-	1,195,112	-	1,195,112	-	-	-	-	-	-
R-4, Align Appropriations with other Agencies	-	1,114,819	-	796,579	-	-	-	318,240	-	-
R-4, Add'l adjustment if R-1 and R-4 are approved	-	19,094	-	-	-	-	-	19,094	-	-
<b>FY 2022-23 Total Request</b>	-	<b>22,247,566</b>	-	<b>21,910,232</b>	-	-	-	<b>337,334</b>	-	-
<b>FY 2021-22 Total Appropriation</b>	-	<b>19,918,541</b>	-	<b>19,918,541</b>	-	-	-	-	-	-
<b>FY 2022-23 Base Request</b>	-	<b>19,918,541</b>	-	<b>19,918,541</b>	-	-	-	-	-	-
<b>FY 2022-23 Total Request</b>	-	<b>22,247,566</b>	-	<b>21,910,232</b>	-	-	-	<b>337,334</b>	-	-
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	-	<b>11.7%</b>	-	<b>10.0%</b>	-	<b>0.0%</b>	-	<i>n/a</i>	-	<b>0.0%</b>

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
<b>Mandated Costs</b>										
<b>FY 2019-20 Actual</b>										
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	-	-	-	-	-	-
<b>Final FY 2019-20 Appropriation</b>	-	<b>1,523,116</b>	-	<b>1,523,116</b>	-	-	-	-	-	-
Year End Transfers	-	746,000	-	746,000	-	-	-	-	-	-
Rollforward	-	-	-	-	-	-	-	-	-	-
<b>FY 2019-20 Total Available Spending Authority</b>	-	<b>2,269,116</b>	-	<b>2,269,116</b>	-	-	-	-	-	-
FY 2019-20 Expenditures	-	2,269,012	-	2,269,012	-	-	-	-	-	-
<b>FY 2019-20 Reversion/(Overexpenditure)</b>	-	<b>104</b>	-	<b>104</b>	-	-	-	-	-	-
<b>FY 2020-21 Actual</b>										
FY 2020-21 Long Bill, HB 20-1360	-	1,538,716	-	1,220,476	-	-	-	318,240	-	-
Annualization of SB20-162, Changes for Family First	-	78,924	-	78,924	-	-	-	-	-	-
FY 2020-21 Supplemental Bill, SB 21-45	-	1,410,276	-	1,410,276	-	-	-	-	-	-
<b>Final FY 2020-21 Appropriation</b>	-	<b>3,027,916</b>	-	<b>2,709,676</b>	-	-	-	<b>318,240</b>	-	-
Year End Transfers	-	200,000	-	200,000	-	-	-	-	-	-
<b>FY 2020-21 Total Available Spending Authority</b>	-	<b>3,227,916</b>	-	<b>2,909,676</b>	-	-	-	<b>318,240</b>	-	-
FY 2020-21 Expenditures	-	2,352,569	-	2,352,569	-	-	-	-	-	-
<b>FY 2020-21 Reversion/(Overexpenditure)</b>	-	<b>875,347</b>	-	<b>557,107</b>	-	-	-	<b>318,240</b>	-	-
<b>FY 2021-22 Appropriation</b>										
FY 2021-22 Long Bill, SB 21-205	-	1,955,495	-	1,637,255	-	-	-	318,240	-	-
<b>FY 2021-22 Total Appropriation</b>	-	<b>1,955,495</b>	-	<b>1,637,255</b>	-	-	-	<b>318,240</b>	-	-
<b>FY 2022-23 Request</b>										
FY 2021-22 Appropriation	-	1,955,495	-	1,637,255	-	-	-	318,240	-	-
<b>FY 2022-23 Base Request</b>	-	<b>1,955,495</b>	-	<b>1,637,255</b>	-	-	-	<b>318,240</b>	-	-
R-1, Increase in Hourly Rates of Contractors	-	117,329	-	98,235	-	-	-	19,094	-	-
R-4, Align Appropriations with other Agencies	-	(1,114,819)	-	(796,579)	-	-	-	(318,240)	-	-
R-4, Add'l adjustment if R-1 and R-4 are approved	-	(19,094)	-	-	-	-	-	(19,094)	-	-
<b>FY 2022-23 Total Request</b>	-	<b>938,911</b>	-	<b>938,911</b>	-	-	-	-	-	-
FY 2021-22 Total Appropriation	-	1,955,495	-	1,637,255	-	-	-	318,240	-	-
FY 2022-23 Base Request	-	1,955,495	-	1,637,255	-	-	-	318,240	-	-
FY 2022-23 Total Request	-	938,911	-	938,911	-	-	-	-	-	-
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	-	<b>-52%</b>	-	<b>-43%</b>	-	<b>0%</b>	-	<b>-100%</b>	-	<b>0%</b>

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
<b>Grants</b>										
<b>FY 2019-20 Actual</b>										
FY 2019-20 Long Bill, SB 19-207	-	31,095	-	-	-	-	-	31,095	-	-
Custodial Appropriation	-	63,221	-	-	-	-	-	63,221	-	-
<b>Final FY 2019-20 Appropriation</b>	-	<b>94,316</b>	-	-	-	-	-	<b>94,316</b>	-	-
Year End Transfers	-	-	-	-	-	-	-	-	-	-
Rollforward	-	-	-	-	-	-	-	-	-	-
<b>FY 2019-20 Total Available Spending Authority</b>	-	<b>94,316</b>	-	-	-	-	-	<b>94,316</b>	-	-
FY 2019-20 Expenditures	-	64,580	-	-	-	-	-	64,580	-	-
<b>FY 2019-20 Reversion/(Overexpenditure)</b>	-	<b>29,736</b>	-	-	-	-	-	<b>29,736</b>	-	-
<b>FY 2020-21 Actual</b>										
FY 2020-21 Long Bill, HB 20-1360	-	31,095	-	-	-	-	-	31,095	-	-
Custodial Appropriation	-	87,223	-	-	-	-	-	87,223	-	-
<b>Final FY 2020-21 Appropriation</b>	-	<b>118,318</b>	-	-	-	-	-	<b>118,318</b>	-	-
<b>FY 2020-21 Total Available Spending Authority</b>	-	<b>118,318</b>	-	-	-	-	-	<b>118,318</b>	-	-
FY 2020-21 Expenditures	-	36,360	-	-	-	-	-	36,360	-	-
<b>FY 2020-21 Reversion/(Overexpenditure)</b>	-	<b>81,958</b>	-	-	-	-	-	<b>81,958</b>	-	-
<b>FY 2021-22 Appropriation</b>										
FY 2021-22 Long Bill, SB 21-205	-	31,095	-	-	-	-	-	31,095	-	-
<b>FY 2021-22 Total Appropriation</b>	-	<b>31,095</b>	-	-	-	-	-	<b>31,095</b>	-	-
<b>FY 2022-23 Request</b>										
FY 2021-22 Appropriation	-	31,095	-	-	-	-	-	31,095	-	-
<b>FY 2022-23 Base Request</b>	-	<b>31,095</b>	-	-	-	-	-	<b>31,095</b>	-	-
<b>FY 2022-23 Total Request</b>	-	<b>31,095</b>	-	-	-	-	-	<b>31,095</b>	-	-
FY 2021-22 Total Appropriation	-	31,095	-	-	-	-	-	31,095	-	-
FY 2022-23 Base Request	-	31,095	-	-	-	-	-	31,095	-	-
FY 2022-23 Total Request	-	31,095	-	-	-	-	-	31,095	-	-
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	-	<b>0%</b>	-	<b>0%</b>	-	<b>0%</b>	-	<b>0%</b>	-	<b>0%</b>

**Office of the Respondent Parents' Counsel FY 2022-23**  
**Funding Source**

**Schedule 4**

	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
FY 2015-16 Actual	712,564	712,564	-	-	-
FY 2016-17 Actual	13,961,461	13,932,510	9,613	19,338	-
FY 2017-18 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 Actual	23,879,099	22,829,158	10,354	1,039,587	-
FY 2021-22 Appropriation	29,183,550	23,826,319	48,000	5,309,231	-
FY 2022-23 Request	31,182,010	25,520,604	48,000	5,613,406	-

**Office of the Respondent Parents' Counsel FY 2022-23**

**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 104, 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.

<b>Long Bill Line</b>	<b>Line Item Description</b>	<b>Programs Supported by Line Item</b>	<b>Statutory Cite</b>
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.
Paid Family and Medical Leave Insurance	Funding for paid family and medical leave insurance premiums	Office of the Respondent Parents' Counsel	8-13.3-401 to 424, 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 2022-23**  
**Special Bills Summary**

**Schedule 6**

Bill Number & Short Title	FTE	Total Funds	General Fund	Cash Funds	Reappropriated	Federal Funds
<b>FY 2015-16</b>						
<b>H.B. 15-1149: Concerning the RPC</b>						
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)	-	-	-
<b>H.B. 15-1149: Concerning the RPC</b>	(4.2)	(5,778,577)	(5,763,577)	(15,000)	-	-
<b>FY 2015-16 Department Total</b>	<b>(4.2)</b>	<b>(5,778,577)</b>	<b>(5,763,577)</b>	<b>(15,000)</b>	-	-
<b>FY 2016-17 - none</b>						
<b>FY 2017-18 - none</b>						
<b>FY 2018-19 - none</b>						
<b>FY 2019-20 - none</b>						
<b>FY 2020-21</b>						
<b>S.B. 20-162: Changes for Fed'l Family First Policy</b>						
Court-appointed Counsel		99,636	99,636	-	-	-
Mandated Costs		78,924	78,924	-	-	-
<b>S.B. 20-162: Changes for Fed'l Family First Policy</b>	-	178,560	178,560	-	-	-
<b>FY 2020-21 Department Total</b>	<b>-</b>	<b>178,560</b>	<b>178,560</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>FY 2021-22 - none</b>						

**Office of the Respondent Parents' Counsel FY 2021-22  
Supplemental Bills Summary**

**Schedule 7**

Bill Number & Short Title	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>FY 2015-16 - none</b>						
<b>FY 2016-17, Senate Bill 17-164</b>						
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	
<b>FY 2016-17 Department Total</b>	<b>-</b>	<b>2,365,756</b>	<b>2,342,001</b>	<b>-</b>	<b>23,755</b>	<b>-</b>
<b>FY 2017-18 - none</b>						
<b>FY 2018-19, Senate Bill 19-115</b>						
Court-appointed Counsel		2,847,813	2,847,813			
Mandated Costs		230,431	230,431			
<b>FY 2018-19 Department Total</b>	<b>-</b>	<b>3,078,244</b>	<b>3,078,244</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>FY 2019-20, House Bill 20-1249</b>						
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			
<b>FY 2019-20 Department Total</b>	<b>-</b>	<b>4,370,171</b>	<b>1,994,431</b>	<b>5,000</b>	<b>2,370,740</b>	<b>-</b>
<b>FY 2020-21, Senate Bill 21-045</b>						
Court-appointed Counsel		100,000	100,000			
Mandated Costs		1,410,276	1,410,276			
<b>FY 2020-21 Department Total</b>	<b>-</b>	<b>1,510,276</b>	<b>1,510,276</b>	<b>-</b>	<b>-</b>	<b>-</b>

**Office of the Respondent Parents' Counsel FY 2022-23** **Schedule 8**  
**Common Policy Summary**

	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>AED</b>					
Appropriation FY 2019-20	62,772	62,772	-	-	-
Appropriation FY 2020-21	70,467	64,247	-	6,220	-
Appropriation FY 2021-22	76,137	69,955	-	6,182	-
Request FY 2022-23	91,990	85,627	-	6,363	-
<b>SAED</b>					
Appropriation FY 2019-20	62,772	62,772	-	-	-
Appropriation FY 2020-21	70,467	64,247	-	6,220	-
Appropriation FY 2021-22	76,137	69,955	-	6,182	-
Request FY 2022-23	91,990	85,627	-	6,363	-
<b>Salary Survey</b>					
Appropriation FY 2019-20	-	-	-	-	-
Appropriation FY 2020-21	-	-	-	-	-
Appropriation FY 2021-22	49,829	45,785	-	4,044	-
Request FY 2022-23	54,090	49,902	-	4,188	-
<b>Merit</b>					
Appropriation FY 2019-20	34,215	34,215	-	-	-
Appropriation FY 2020-21	-	-	-	-	-
Appropriation FY 2021-22	-	-	-	-	-
Request FY 2022-23	-	-	-	-	-
<b>Health, Life, and Dental</b>					
Appropriation FY 2019-20	159,549	159,549	-	-	-
Appropriation FY 2020-21	112,070	99,398	-	12,672	-
Appropriation FY 2021-22	187,275	166,890	-	20,385	-
Request FY 2022-23	252,628	237,234	-	15,394	-
<b>Short-term Disability</b>					
Appropriation FY 2019-20	2,058	2,058	-	-	-
Appropriation FY 2020-21	2,344	2,108	-	236	-
Appropriation FY 2021-22	2,437	2,239	-	198	-
Request FY 2022-23	2,963	2,759	-	204	-
<b>Paid Family Medical Leave Insurance</b>					
Appropriation FY 2019-20	-	-	-	-	-
Appropriation FY 2020-21	-	-	-	-	-
Appropriation FY 2021-22	-	-	-	-	-
Request FY 2022-23	4,196	3,910	-	286	-

**Office of the Respondent Parents' Counsel FY 2022-23**

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				
<b>Total Full and Part-time Employee Expenditures</b>	<b>1,309,835</b>	<b>12.8</b>				
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)						
<b>Total Temporary, Contract, and Other Expenditures</b>	<b>1,540,077</b>	<b>12.8</b>				
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					
<b>Total Expenditures for Line Item</b>	<b>1,824,183</b>	<b>12.8</b>				
<b>Total Spending Authority (General Fund)</b>	<b>1,845,700</b>	<b>13.0</b>				
<b>Transfers</b>	(32,809)					
<b>Rollforwards from Prior Year</b>	12,000					
<b>Spending Authority - General Fund</b>	<b>1,824,891</b>	<b>13.0</b>	<b>1,811,687</b>	<b>13.0</b>	<b>1,892,870</b>	<b>13.0</b>
<b>Spending Authority - Reappropriated Funds</b>	-	-	<b>165,119</b>	<b>1.0</b>	<b>186,167</b>	<b>1.0</b>
<b>Total Spending Authority</b>	<b>1,824,891</b>	<b>13.0</b>	<b>1,976,806</b>	<b>14.0</b>	<b>2,079,037</b>	<b>14.0</b>
<b>Amount Under/(Over) Expended - General Fund</b>	<b>708</b>	<b>0.2</b>				

**Office of the Respondent Parents' Counsel FY 2022-23**  
**Personal Services**

Schedule 14

Position Type	FY 2020-21 Actual		FY 2021-22		FY 2022-23	
	Expenditures	FTE	Appropriation		Request	
Executive Director	173,248	1.0				
Executive Management	282,918	2.0				
Professional Staff	741,423	6.8				
Administrative & Accounting Staff	146,771	2.1				
<b>Total Full and Part-time Employee Expenditures</b>	<b>1,344,360</b>	<b>11.9</b>				
PERA Contributions & Other Retirement Plans	143,696					
Medicare	19,279					
Merit Pay						
Unemployment						
Temporary Employees						
Sick and Annual Leave Payouts	30,632					
Contract Services	89,575					
Furlough Wages						
Other Expenditures (specify as necessary)						
<b>Total Temporary, Contract, and Other Expenditures</b>	<b>1,627,542</b>	<b>11.9</b>				
POTS Expenditures (excluding Salary Survey and Performance-based Pay already included above):						
Health, Life, and Dental	155,800					
Short-term Disability	1,987					
S.B. 04-257 AED	66,005					
S.B. 06-235 SAED	66,005					
<b>Total Expenditures for Line Item</b>	<b>1,917,339</b>	<b>11.9</b>				
<b>Spending Authority (General Fund)</b>	<b>1,811,687</b>					
<b>Transfers</b>	<b>12,000</b>					
<b>Total Spending Authority - General Fund</b>	<b>1,823,687</b>	<b>13.0</b>	<b>2,115,073</b>	<b>13.0</b>	<b>2,500,911</b>	<b>15.0</b>
<b>Spending Authority - Reappropriated Funds</b>	<b>165,119</b>	<b>1.0</b>	<b>189,466</b>	<b>1.0</b>	<b>190,058</b>	<b>1.0</b>
<b>Total Spending Authority</b>	<b>1,988,806</b>	<b>14.0</b>	<b>2,304,539</b>	<b>14.0</b>	<b>2,690,969</b>	<b>16.0</b>
<b>Amount Under/(Over) Expended - General Fund</b>	<b>481</b>	<b>1.8</b>				
<b>Amount Under/(Over) Expended - Reappropriated Funds</b>	<b>70,986</b>	<b>0.3</b>				

**Office of the Respondent Parents' Counsel FY 2022-23  
Operating - General Fund**

**Schedule 14**

<b>Object Code &amp; Description</b>	<b>FY 2019-20 Actual</b>	<b>FY 2020-21 Actual</b>	<b>FY 2021-22 Appropriation</b>	<b>FY 2022-23 Request</b>
2250 - Miscellaneous Rentals	360			
2252 - State Fleet	526			
2253 - Rental of Non-IT Equipment	2,434	1,844		
2255 - Rental of Meeting Rooms & Leased Space	320			
2510 - General Travel - Employee	953			
2511 - Common Carrier Fares	848			
2512 - Meals - Employee	275			
2513 - Mileage Reimbursement - Employee	1,421			
2520 - General Travel - Nonemployee	314			
2522 - Meal Reimbursement - Nonemployee	39			
2523 - Mileage Reimbursement - Nonemployee	883			
2631 - Communication Services	14,916	15,667		
2680 - Printing & Reproduction Services	1,747	1,709		
2710 - Medical Services	524	583		
2820 - Purchased Services	4,750			
3110 - Identification & Safety Supplies	202	17		
3118 - Food & Food Services Supplies	940			
3120 - Books / Periodicals / Subscriptions	1,443	639		
3121 - Office Supplies	1,649	578		
3123 - Postage	1,254	1,778		
3128 - NonCapitalized Non-IT Equipment	260			
3132 - NonCapitalized Office Furniture and Fixtures	6,811	3,170		
3140 - Noncapitalized IT Eqpt - Software and Hardware	3,944	6,077		
3145 - Software Subscriptions	55,996	63,974		
4100 - Other Operating Expenditures	1,729	1,648		
4140 - Dues and Memberships	3,759	3,952		
4220 - Registration Fees	68	3,531		
6211 - Capitalized Information Technology				
<b>Total Expenditures Denoted in Object Codes</b>	<b>\$108,365</b>	<b>\$105,167</b>		
<b>Total Expenditures for Line Item</b>	<b>\$108,365</b>	<b>\$105,167</b>		
<b>Total Spending Authority / Request for Line Item</b>	<b>\$108,672</b>	<b>113,450</b>	<b>\$125,450</b>	<b>\$140,550</b>
<b>Amount Under/(Over) Expended</b>	<b>\$307</b>	<b>\$8,283</b>		

<b>Operating - Reappropriated Funds</b>				
<b>Object Code &amp; Description</b>	<b>FY 2019-20 Actual</b>	<b>FY 2020-21 Actual</b>	<b>FY 2021-22 Appropriation</b>	<b>FY 2022-23 Request</b>
<b>Total Expenditures for Line Item</b>	\$0	\$0		
<b>Total Spending Authority / Request for Line Item</b>	\$0	\$8,403	\$950	\$950
<b>Amount Under/(Over) Expended</b>	\$0	\$8,403		

<b>Office of the Respondent Parents' Counsel</b>				<b>Schedule 14</b>
<b>Training - General Fund</b>				
<b>Object Code &amp; Description</b>	<b>FY 2019-20 Actual</b>	<b>FY 2020-21 Actual</b>	<b>FY 2021-22 Appropriation</b>	<b>FY 2022-23 Request</b>
1920 - Personal Services - Professional		\$541		
1935 - Professional Services	\$730	\$10,855		
2510 - General Travel - Employee	\$222			
2520 - General Travel - Nonemployee	\$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	\$687	\$250		
3118 - Food & Food Services Supplies	\$17,184			
3120 - Books / Periodicals / Subscriptions		\$4,395		
3121 - Office Supplies	\$806			
3145 - Software Subscriptions		\$3,042		
4100 - Other Operating Expenditures	\$250	\$950		
4140 - Dues and Memberships		\$440		
4220 - Registration Fees	\$175			
<b>Total Expenditures Denoted in Object Codes</b>	<b>\$25,714</b>	<b>\$20,473</b>		
<b>Total Spending Authority / Request for Line Item</b>	<b>\$26,000</b>	<b>\$30,000</b>	<b>\$30,000</b>	<b>\$30,000</b>
<b>Amount Under/(Over) Expended</b>	<b>\$286</b>	<b>\$9,527</b>		

Office of the Respondent Parents' Counsel Training - Cash Fund			Schedule 14	
Object Code & Description	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request
1920 - Personal Services - Professional		\$2,500		
1935 - Personal Services - Legal Services		\$792		
2820 - Purchased Services	\$700			
3118 - Food & Food Services Supplies	\$27,125			
3120 - Books / Periodicals / Subscriptions	\$253			
3121 - Office Supplies	\$136	\$147		
3123 - Postage		\$649		
3145 - Software Subscriptions	\$484	\$136		
4100 - Other Operating Expenditures	\$50	\$505		
4140 - Dues and Memberships	\$750			
4220 - Registration Fees		\$5,625		
<b>Total Expenditures Denoted in Object Codes</b>	<b>\$29,498</b>	<b>\$10,354</b>		
Transfers	\$0			
Roll Forwards	\$0			
<b>Total Expenditures for Line Item</b>	<b>\$29,498</b>	<b>\$10,354</b>		
<b>Total Spending Authority / Request for Line Item</b>	<b>\$29,498</b>	<b>\$48,000</b>	<b>\$48,000</b>	<b>\$48,000</b>
<b>Amount Under/(Over) Expended</b>	<b>\$0</b>	<b>\$37,646</b>		

Office of the Respondent Parents' Counsel Training - Reappropriated Funds			Schedule 14	
Object Code & Description	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request
<b>Total Expenditures Denoted in Object Codes</b>	<b>\$0</b>	<b>\$0</b>		
Transfers	\$0			
Roll Forwards	\$0			
<b>Total Expenditures for Line Item</b>	<b>\$0</b>	<b>\$0</b>		
<b>Total Spending Authority / Request for Line Item</b>	<b>\$0</b>	<b>\$28,000</b>	<b>\$125,480</b>	<b>\$28,000</b>
<b>Amount Under/(Over) Expended</b>	<b>\$0</b>	<b>\$28,000</b>		



Office of the Respondent Parents' Counsel			Schedule 14	
IV-E Legal Reimbursement - Reappropriated Funds				
Object Code & Description	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request
1935 - Personal Services		\$864,319		
2523 - Mileage Reimbursement - Nonemployee		\$44,215		
4260 - Nonemployee Reimbursement		\$560		
<b>Total Expenditures Denoted in Object Codes</b>	<b>\$0</b>	<b>\$909,094</b>		
Transfers	\$0	\$0		
Roll Forwards	\$0	\$0		
<b>Total Expenditures for Line Item</b>	<b>\$0</b>	<b>\$909,094</b>		
<b>Total Spending Authority / Request for Line Item</b>	<b>\$0</b>	<b>\$4,741,480</b>	<b>\$4,741,480</b>	<b>\$5,025,969</b>
<b>Amount Under/(Over) Expended</b>	<b>\$0</b>	<b>\$3,832,386</b>		

Office of the Respondent Parents' Counsel			Schedule 14	
Court-appointed Counsel - General Fund				
Object Code & Description	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request
1622 - Contractual Employee, PERA	\$2,563	\$4,076		
1624 - Contractual Employee, PERA AED	\$1,232	\$1,867		
1625 - Contractual Employee, PERA Supplemental AED	\$1,232	\$1,867		
1935 - Personal Services	\$17,327,853	\$18,335,849		
2520 - General Travel - Nonemployee	\$463	\$239		
2523 - Mileage Reimbursement - Nonemployee	\$399,212	\$133,693		
2543 - Mileage - Nonemployee, Out of State	\$629			
4260 - Nonemployee Expense Reimbursements	\$48,365	\$50,152		
<b>Total Expenditures Denoted in Object Codes</b>	<b>\$17,781,549</b>	<b>\$18,527,743</b>		
<b>Total Spending Authority / Request for Line Item</b>	<b>\$0</b>	<b>\$19,286,260</b>	<b>\$19,918,541</b>	<b>\$21,910,232</b>
<b>Amount Under/(Over) Expended</b>	<b>(\$17,781,549)</b>	<b>\$758,517</b>		

Office of the Respondent Parents' Counsel Court-appointed Counsel - Reappropriated Funds			Schedule 14	
Object Code & Description	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request
<b>Total Expenditures Denoted in Object Codes</b>	\$0	\$0		
Transfers	\$0	\$0		
Roll Forwards	\$0	\$0		
<b>Total Expenditures for Line Item</b>	\$0	\$0		
<b>Total Spending Authority / Request for Line Item</b>	\$0	\$0	\$0	\$337,334
<b>Amount Under/(Over) Expended</b>	\$0	\$0		

Office of the Respondent Parents' Counsel Mandated Costs - General Fund			Schedule 14	
Object Code & Description	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request
1622 - Contractual Employee, PERA	\$2,100	\$3,107		
1624 - Contractual Employee, PERA AED	\$1,010	\$1,420		
1625 - Contractual Employee, PERA Supplemental AED	\$1,010	\$1,420		
1935 - Personal Services	\$2,199,485	\$2,267,670		
2520 - General Travel - Nonemployee	\$3,055			
2522 - Meals - Nonemployee		\$37		
2523 - Mileage Reimbursement - Nonemployee	\$61,635	\$77,550		
4100 - Other Operating Expenditures	\$75			
4140 - Dues and Memberships	\$30			
4260 - Nonemployee Reimbursement	\$612	\$1,366		
<b>Total Expenditures Denoted in Object Codes</b>	\$2,269,012	\$2,352,570		
<b>Total Spending Authority / Request for Line Item</b>	\$0	\$2,909,676	\$1,637,255	\$938,911
<b>Amount Under/(Over) Expended</b>	(\$2,269,012)	\$557,106		

Office of the Respondent Parents' Counsel			Schedule 14	
Mandated Costs - Reappropriated Funds				
Object Code & Description	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request
<b>Total Expenditures Denoted in Object Codes</b>	\$0	\$0		
<b>Total Spending Authority / Request for Line Item</b>	\$0	\$318,240	\$318,240	\$0
<b>Amount Under/(Over) Expended</b>	\$0	\$318,240		

Office of the Respondent Parents' Counsel			Schedule 14	
Grants - Reappropriated Funds				
Object Code & Description	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request
1210 - Contractual and Non-Classified Full-Time Wages	\$8,339	\$14,011		
1935 - Personal Services - Professional	\$1,500	\$9,200		
2255 - Rental of Meeting Rooms	\$1,636			
2260 - Rental of IT Equipment	\$4,998			
2510 - General Travel - Employee	\$3,646	\$239		
2511 - In-State Common Carrier Fares	\$1,774			
2512 - Meals - Employee	\$3,058			
2513 - Mileage Reimbursement - Employee	\$1,977	\$31		
2520 - General Travel - Nonemployee	\$12,255	\$1,844		
2521 - Common Carrier Fares - Nonemployee	\$4,960			
2522 - Meals - Nonemployee	\$448			
2523 - Mileage Reimbursement - Nonemployee	\$446			
2530 - General Travel - Employee, Out of State	\$829			
2681 - Printing & Reproduction Services - Reimbursements	\$171			
2820 - Purchased Services	\$6,800			
3118 - Food & Food Services Supplies	\$370	\$57		
3120 - Books / Periodicals / Subscriptions	\$430			
3121 - Office Supplies	\$166	\$1,897		
3145 - Software Subscriptions	\$2,542	\$709		
4100 - Other Operating Expenditures	\$425	\$75		
4140 - Dues and Memberships	\$4,928	\$7,850		
4220 - Registration Fees	\$2,882	\$447		
<b>Total Expenditures Denoted in Object Codes</b>	<b>\$64,580</b>	<b>\$36,360</b>		
<b>Total Spending Authority / Request for Line Item</b>	<b>\$94,316</b>	<b>\$118,318</b>	<b>\$31,095</b>	<b>\$31,095</b>
<b>Amount Under/(Over) Expended</b>	<b>\$29,736</b>	<b>\$81,958</b>		

**Office of the Respondent Parents' Counsel FY 2022-23**

**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
<b>FY 2019-20 Transfers</b>						
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
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
<b>FY 2019-20 Spending Authority</b>	25,321,166	-	-	-	-	25,321,166
Percentage of appropriation allowed as additional transfer authority per Long Bill footnote	2.5%					
Additional Transfer Authority allowed	633,029					
Additional Transfer Authority used	45,309					

**Office of the Respondent Parents' Counsel FY 2022-23**

**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
<b><u>FY 2020-21 Transfers</u></b>						
Personal Services	1,721,458		12,000	255,348		1,988,806
Health, Life, and Dental	112,070			(112,070)		-
Short-term Disability	2,344			(2,344)		-
SB 04-257 AED	70,467			(70,467)		-
SB 06-235 SAED	70,467			(70,467)		-
Salary Survey	-					-
Merit	-					-
Operating Expenses	133,853		(12,000)			121,853
Training - General & Reappropriated Funds	58,000					58,000
Training - Cash Fund	48,000					48,000
Court-appointed Counsel	19,486,260		(200,000)			19,286,260
Mandated Costs	3,027,916		200,000			3,227,916
Grants - Reappropriated	118,318					118,318
Title IV-E Legal Representation - Reappropriated	4,741,480					4,741,480
<b>FY 2020-21 Spending Authority</b>	29,590,633	-	-	-	-	29,590,633
Percentage of appropriation allowed as additional transfer authority per Long Bill footnote	5.0%					
Additional Transfer Authority allowed	1,479,532					
Additional Transfer Authority used	212,000					

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Office of Respondent Parents' Counsel FY 2022-23  
Salary Pots Request Template

	TOTAL FUNDS/FTE FY 2022-23	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS												
<b>FUND SPLITS - From Position-by-Position Tab</b>																	
<b>I. Continuation Salary Base</b>																	
Sum of Filled FTE as of July 27, 2021	14.00	92.260%	0.000%	7.740%	0.0000%												
Salary X 12	\$1,596,272	1,472,721	-	123,551	-												
PERA (Standard, Trooper, and Judicial Rates) at FY 2022-23 PERA Rates	\$183,571	169,363	-	14,208	-												
Medicare @ 1.45%	\$23,145	21,354	-	1,791	-												
Subtotal Continuation Salary Base =	\$1,802,988	1,663,438	-	139,550	-												
<b>II. Salary Survey Adjustments</b>																	
System Maintenance Studies	-	\$0.00	-	-	-												
Across the Board - Base Adjustment	\$47,888	\$44,180.00	-	3,708	-												
Across the Board - Non-Base Adjustment	\$0	-	-	-	-												
Movement to Minimum - Base Adjustment	\$0	-	-	-	-												
<b>Subtotal - Salary Survey Adjustments</b>	<b>\$47,888</b>	<b>\$44,180.00</b>	-	<b>3,708</b>	-												
PERA (Standard, Trooper, and Judicial Rates) at FY 2022-23 PERA Rates	\$5,507	5,081	-	426	-												
Medicare @ 1.45%	\$695	641	-	54	-												
Request Subtotal =	\$54,090	\$49,902.00	-	4,185	-												
<b>III. Increase for Minimum Wage (if applicable)</b>																	
Increase for Minimum Wage	-	\$0.00	\$0.00	\$0.00	\$0.00												
<b>Subtotal - Minimum Wage Adjustments</b>	<b>-</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>												
PERA (Standard, Trooper, and Judicial Rates) at FY 2022-23 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												
<b>IV. Merit Pay Adjustments</b>																	
Merit Pay - Base Adjustments	\$0	-	-	-	-												
Merit Pay - Non-Base Adjustments	\$0	-	-	-	-												
<b>Subtotal - Merit Pay Adjustments</b>	<b>\$0</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>												
PERA (Standard, Trooper, and Judicial Rates) at FY 2022-23 PERA Rates	\$0	-	-	-	-												
Medicare @ 1.45%	\$0	-	-	-	-												
Request Subtotal =	\$0	-	-	-	-												
<b>V. Shift Differential</b>																	
FY 2020-21 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	-	-	-	-												
<b>VI. Revised Salary Basis for Remaining Request Subtotals</b>																	
Total Continuation Salary Base, Adjustments, Performance Pay & Shift	\$1,644,160	1,516,901	-	127,259	-												
<b>VII. Amortization Equalization Disbursement (AED)</b>																	
Revised Salary Basis * 5.00%	\$82,208	75,845	-	6,363	-												
<b>VIII. Supplemental AED (SAED)</b>																	
Revised Salary Basis * 5.00%	\$82,208	75,845	-	6,363	-												
<b>IX. Short-term Disability</b>																	
Revised Salary Basis * 0.16%	\$2,630	2,427	-	204	-												
<b>X. Health, Life, and Dental</b>																	
Funding Request	\$223,368	207,974	-	15,394	-												
<b>XI. Paid Family and Medical Leave Insurance Program Premiums (50% Employer Share of 0.9% of wages for six months)</b>																	
	\$3,699	\$3,413	\$0	\$286	\$0												
<table border="0" style="width: 100%;"> <tr> <td>Salary Base in FY 2021-22</td> <td>\$1,596,272</td> </tr> <tr> <td>FY 2021-22 PERA Rate</td> <td>10.90%</td> </tr> <tr> <td>PERA At FY 2021-22 Rate</td> <td>\$173,994</td> </tr> <tr> <td>FY 2022-23 PERA Rate</td> <td>11.500%</td> </tr> <tr> <td>PERA at FY 2022-23 Rate</td> <td>\$183,571</td> </tr> <tr> <td>Incremental PERA for 0.5% Pera Employer Contribution Increase</td> <td>\$9,577.63</td> </tr> </table>						Salary Base in FY 2021-22	\$1,596,272	FY 2021-22 PERA Rate	10.90%	PERA At FY 2021-22 Rate	\$173,994	FY 2022-23 PERA Rate	11.500%	PERA at FY 2022-23 Rate	\$183,571	Incremental PERA for 0.5% Pera Employer Contribution Increase	\$9,577.63
Salary Base in FY 2021-22	\$1,596,272																
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Incremental PERA for 0.5% Pera Employer Contribution Increase	\$9,577.63																
<table border="0" style="width: 100%;"> <tr> <td>Total # of Employees in Template</td> <td>14.00</td> </tr> <tr> <td>Statewide snapshot of DC Enrollment (March 2021) from PERA</td> <td>6.1%</td> </tr> <tr> <td>Turnover Rate FY20</td> <td>14.5%</td> </tr> <tr> <td>Estimated # of New EEs Enrolled in PERA DC in FY 2021-22</td> <td>-</td> </tr> <tr> <td>Average Annual Base Salary</td> <td>117,440.00</td> </tr> <tr> <td>Estimated Additional Appropriations Needed for PERA DC Supplement (0.1%)</td> <td>\$0.00</td> </tr> </table>						Total # of Employees in Template	14.00	Statewide snapshot of DC Enrollment (March 2021) from PERA	6.1%	Turnover Rate FY20	14.5%	Estimated # of New EEs Enrolled in PERA DC in FY 2021-22	-	Average Annual Base Salary	117,440.00	Estimated Additional Appropriations Needed for PERA DC Supplement (0.1%)	\$0.00
Total # of Employees in Template	14.00																
Statewide snapshot of DC Enrollment (March 2021) from PERA	6.1%																
Turnover Rate FY20	14.5%																
Estimated # of New EEs Enrolled in PERA DC in FY 2021-22	-																
Average Annual Base Salary	117,440.00																
Estimated Additional Appropriations Needed for PERA DC Supplement (0.1%)	\$0.00																
<b>Additional Appropriations Needed for SB18-200 Changes</b>	<b>\$9,578</b>	<b>\$8,836</b>	<b>\$0</b>	<b>\$741</b>	<b>\$0</b>												

Office of Respondent Parents' Counsel FY 2022-23					
Salary Pots Summary					
Common Policy Line Item	FY 2021-22 Appropriation	GF	CF	RF	FF
Salary Survey	\$49,829	\$45,785		\$4,044	
Movement to Minimum	\$0				
Minimum Wage Adjustment	\$0				
ATB	\$49,829	\$45,785		\$4,044	
Merit Pay	\$0				
PERA Direct Distribution	\$0				
Paid Family and Medical Leave Ins	\$0				
Shift	\$0				
AED	\$76,137	\$69,955		\$6,182	
SAED	\$76,137	\$69,955		\$6,182	
Short-term Disability	\$2,437	\$2,239		\$198	
Health, Life and Dental	\$187,275	\$166,890		\$20,385	
<b>TOTAL</b>	<b>\$391,815</b>	<b>\$354,824</b>	<b>\$0</b>	<b>\$36,991</b>	<b>\$0</b>
Common Policy Line Item	FY 2022-23 Total Request	GF	CF	RF	FF
Salary Survey	\$54,090	\$49,902	\$0	\$4,188	\$0
Movement to Minimum	\$0	\$0	\$0	\$0	\$0
Minimum Wage Adjustment	\$0	\$0	\$0	\$0	\$0
ATB	\$54,090	\$49,902	\$0	\$4,188	\$0
Merit Pay	\$0	\$0	\$0	\$0	\$0
PERA Direct Distribution	\$0				
Paid Family and Medical Leave Ins	\$3,699	\$3,413	\$0	\$286	\$0
Shift	\$0	\$0	\$0	\$0	\$0
AED	\$82,208	\$75,845	\$0	\$6,363	\$0
SAED	\$82,208	\$75,845	\$0	\$6,363	\$0
Short-term Disability	\$2,631	\$2,427	\$0	\$204	\$0
Health, Life and Dental	\$223,368	\$207,974	\$0	\$15,394	\$0
<b>TOTAL</b>	<b>\$448,205</b>	<b>\$415,406</b>	<b>\$0</b>	<b>\$32,798</b>	<b>\$0</b>
Common Policy Line Item	FY 2022-23 Incremental	GF	CF	RF	FF
Salary Survey	\$54,090	\$49,902	\$0	\$4,188	\$0
Movement to Minimum	\$0	\$0	\$0	\$0	\$0
Minimum Wage Adjustment	\$0	\$0	\$0	\$0	\$0
ATB	\$54,090	\$49,902	\$0	\$4,188	\$0
Merit Pay	\$0	\$0	\$0	\$0	\$0
PERA Direct Distribution	\$0	\$0	\$0	\$0	\$0
Paid Family and Medical Leave Ins	\$3,699	\$3,413	\$0	\$286	\$0
Shift	\$0	\$0	\$0	\$0	\$0
AED	\$6,071	\$5,890	\$0	\$181	\$0
SAED	\$6,071	\$5,890	\$0	\$181	\$0
Short-term Disability	\$194	\$188	\$0	\$6	\$0
Health, Life and Dental	\$36,093	\$41,084	\$0	-\$4,991	\$0
<b>TOTAL</b>	<b>\$106,219</b>	<b>\$106,367</b>	<b>\$0</b>	<b>-\$149</b>	<b>\$0</b>
	<b>Total Funds FY 2022-23</b>	<b>GF</b>	<b>CF</b>	<b>RF</b>	<b>FF</b>
<b>Annualization of SB18-200*</b>	<b>\$ 9,578</b>	<b>\$ 8,836</b>	<b>\$ -</b>	<b>\$ 741</b>	<b>\$ -</b>

\*Similar to last year, please allocate these adjustments to the personal services line items for the annualization of the special bill.



# OFFICE OF RESPONDENT PARENTS' COUNSEL

FY 2022-23

Long Range Financial Plan



November 1, 2021

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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.

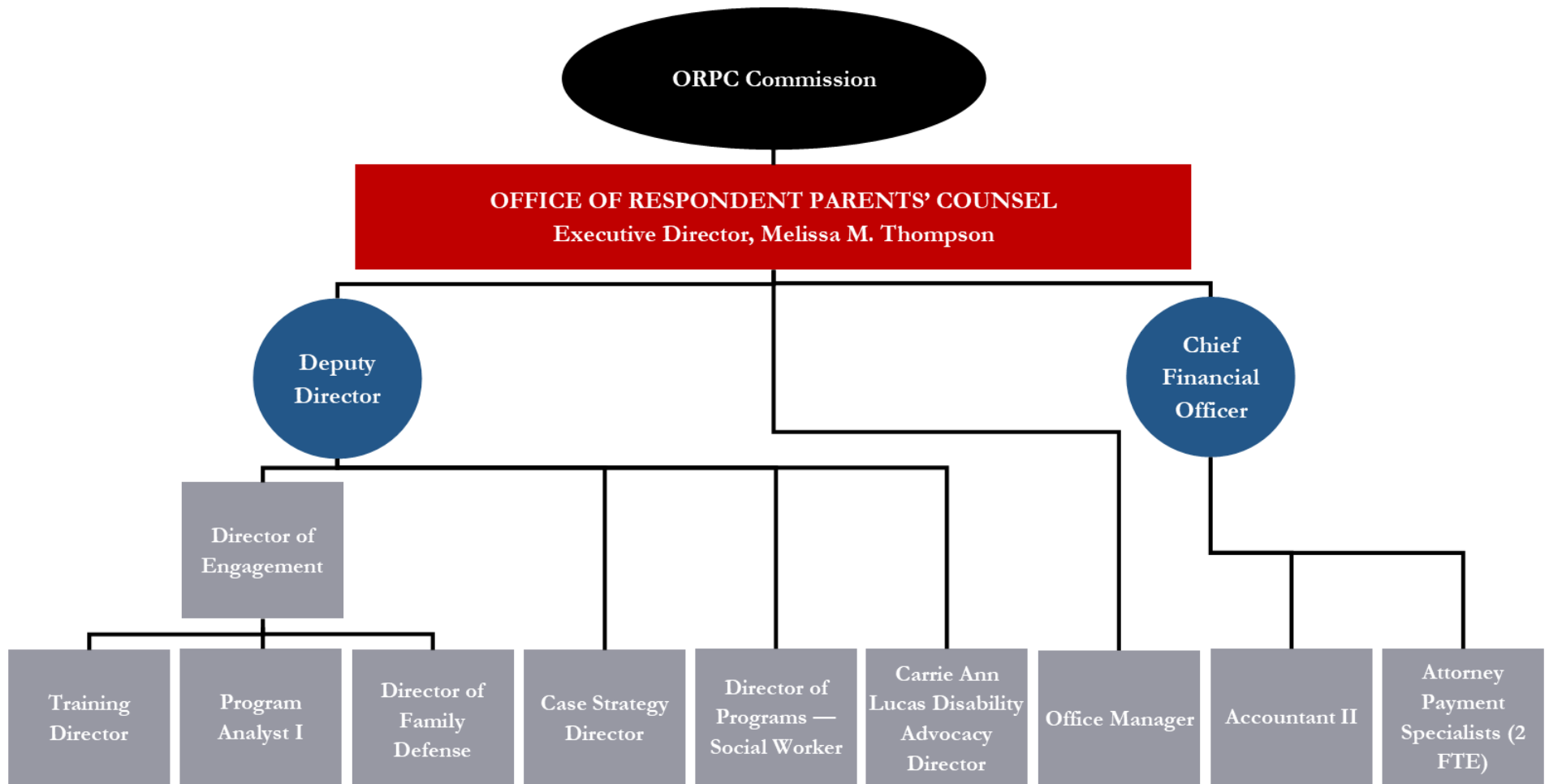
#### ► Family Defenders Have a Strong Community

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.

Parents involved in dependency and neglect (D&N) cases may lose custody of their children, temporarily or permanently. The children are often placed in foster care pending the outcome of the case, where they might remain for years if their parents lose custody. Children who are removed from their parents and spend time in foster care are much more likely to struggle in almost all major life areas, including education, employment, income, housing, general and mental health, substance abuse and criminal involvement.<sup>1</sup> The current child welfare system disproportionately affects racial and ethnic minorities and people of color. Though children of color make up 45% of Colorado's child population, 56% of the children involved in a child welfare case are children of color, as are 58% of children who age out of the system.<sup>2</sup> Additionally, while parents with a disability account for nearly half of the parents the ORPC serves, they comprise nearly three-fourths of the parents whose parental rights are ultimately terminated.<sup>3</sup> Parents with disabilities are 85% more likely to have their parental rights terminated than parents without disabilities.<sup>4</sup> Similarly, while parents without disabilities reunify with their children 73.2% of the time, for parents with disabilities, that rate decreases to 51.3%.<sup>5</sup>

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."<sup>6</sup> 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."<sup>7</sup> The ORPC was established to

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<sup>1</sup> Laura Gypen et al., *Outcomes of Children Who Grew Up in Foster Care: Systematic Review*, 76 CHILDREN & YOUTH SERVICES REVIEW 74-83 (May 2017),

<https://www.sciencedirect.com/science/article/abs/pii/S019074091730213X>.

<sup>2</sup> See Annie E. Casey Foundation, *Kids Count Data Center* (2019), <http://datacenter.kidscount.org>, accessed on October 14, 2021; CDHS Community Performance Center, <http://www.cdhsdatamatters.org/data-by-topic.html>.

<sup>3</sup> ORPC Internal Data, Respondent Parent Payment System, analyzed October 2021 for the period FY 2018-19 through FY 2020-21.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> C.R.S. § 13-92-101(2) (2015).

<sup>7</sup> NAT'L CENTER FOR STATE COURTS, COLORADO COURT IMPROVEMENT PROGRAM RESPONDENT PARENTS' COUNSEL TASK FORCE STATEWIDE NEEDS ASSESSMENT: FINAL REPORT (Mar. 2007) (hereinafter "*Assessment Report*"),

[https://www.courts.state.co.us/userfiles/File/Court\\_Probation/Supreme\\_Court/Committees/Court\\_Improvement/CORPCFinalNeedAsstReptApp.pdf](https://www.courts.state.co.us/userfiles/File/Court_Probation/Supreme_Court/Committees/Court_Improvement/CORPCFinalNeedAsstReptApp.pdf).

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.”<sup>8</sup>

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.<sup>9</sup>

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.<sup>10</sup> This model, in which a parent is provided with a committed and highly competent attorney, appropriate clinical 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 and supported by their family defense team, so they may be heard by the system and play an active role in their case planning.

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<sup>8</sup> *Id.* at 75.

<sup>9</sup> See generally Colorado Supreme Court Chief Justice Directive 16-02 (2021).

<sup>10</sup> Elizabeth Thornton & Betsy Gwin, *High Quality Legal Representation for Parents in Child-Welfare Cases Results in Improved Outcomes for Families and Potential Cost Savings*, 46(1) FAMILY LAW QUARTERLY (Spring 2012); Lucas Gerber et al., *Effects of an interdisciplinary approach to parental representation in child welfare*, 102 CHILDREN & YOUTH SERVICES REVIEW 42-55 (July 2019), <https://www.sciencedirect.com/science/article/pii/S019074091930088X>; LORI DARNEL & DAWN MATERA BASSET, A PROGRAM EVALUATION OF COLORADO OFFICE OF RESPONDENT PARENTS’ COUNSEL SOCIAL WORK PROGRAM, (Nov. 2019), <https://coloradoorpc.org/wp-content/uploads/2019/11/ORPC-SWPP-Evaluation.pdf>.

3. **Decrease Trauma to Children** – Trauma to children is reduced when parents 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, access to 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 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.<sup>11</sup>

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<sup>11</sup> OFFICE OF RESPONDENT PARENTS' COUNSEL, ANNUAL PERFORMANCE REPORT, (Jan. 2020), <https://coloradoorpc.org/wp-content/uploads/2020/01/2020-01-01-Legislative-Report-Final.pdf>

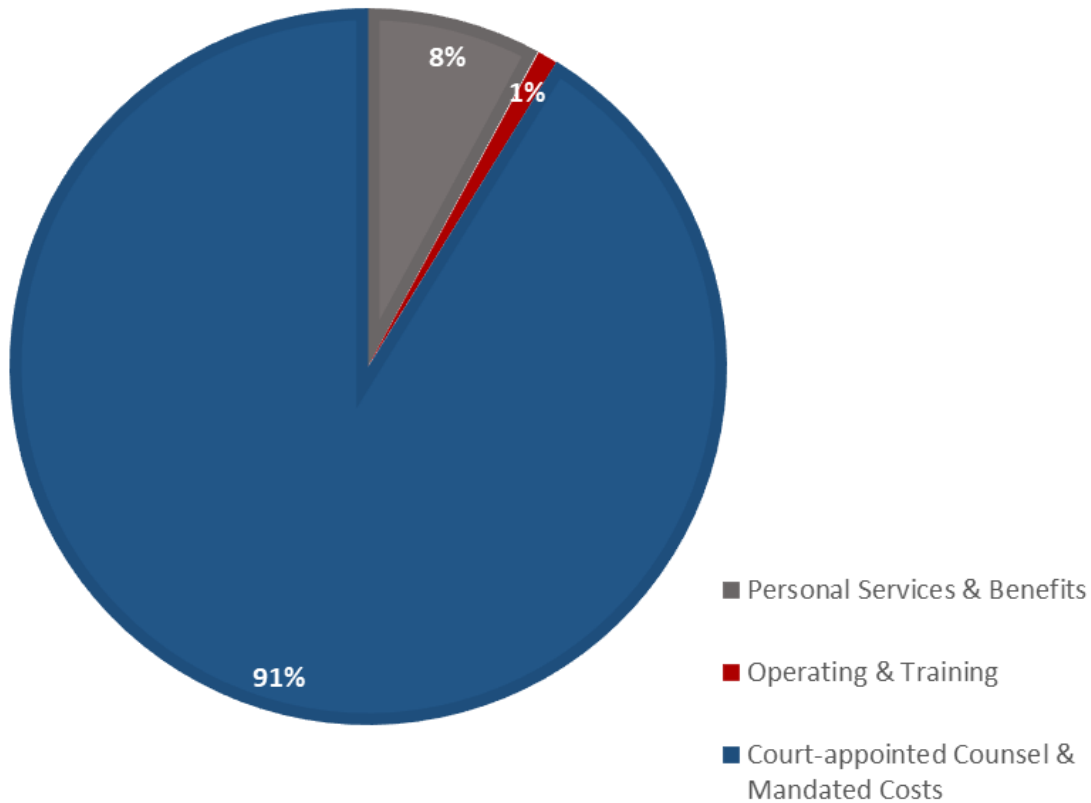
### SECTION 3: Financial Structure

#### 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 91% 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 9% of the agency's total appropriation. The ORPC expects these proportions to remain constant.

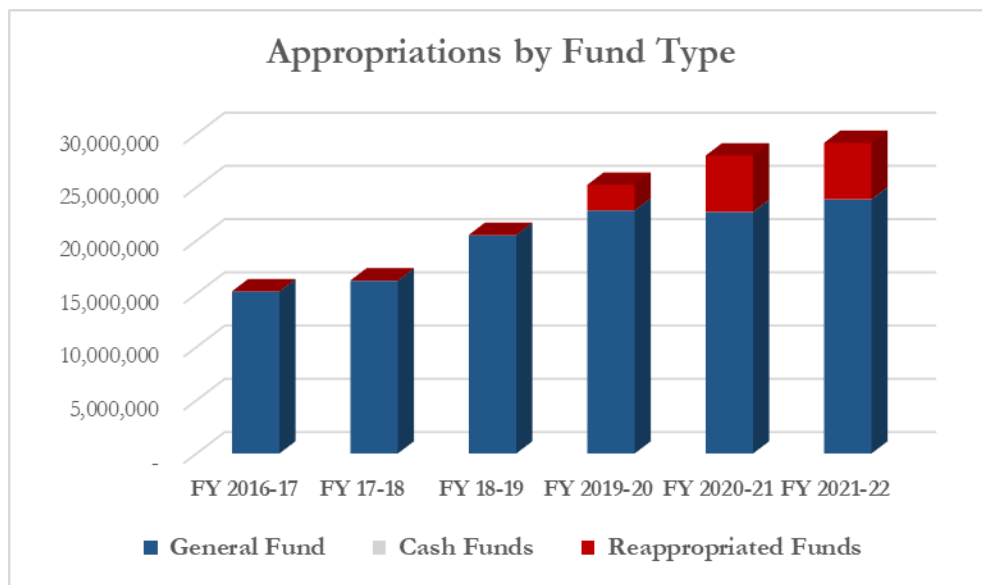
#### FY 2021-22 APPROPRIATION BY USE





**b. Historical Appropriation by Long Bill Item**

<b>Appropriations History</b>					
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%
FY 21-22	23,826,319	48,000	5,309,231	29,183,550	81.6%



**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 continue and will approximately follow the course predicted in the September 2021 Legislative Council forecast,
  - a. The Colorado recovery will be slightly better than the nationwide recovery,
  - b. The recovery, like the effects of the pandemic, will be uneven. Minorities and less-well-educated groups will continue to experience disproportionately high levels of unemployment and consequent negative income impacts, particularly as the effects of federal and state interventions are waning faster than originally expected,
  - c. General Fund revenues will exceed pre-downturn levels in FY 2022-23 and approximately \$3.3 billion in additional revenues will be available to spend or save.
- 2) Unemployment will remain elevated for all groups but will continue to disproportionately impact minority and low-wage workers.
- 3) The population will continue to increase at the current rate of 3.5% annually. Case filings will not increase at the same rate partially due to the provision of pre-filing legal assistance by ORPC contractors. The ORPC will be able to absorb a small increase in FY 2022-23 in the number of RPC appointments because of the pandemic-related delay of planned programs funded by the Agency’s IV-E Legal Representation appropriation, but may have to request additional General Fund support in FY 2023-24 and following years.
- 4) To retain professional contractors, it will be necessary to increase professional contractor rates by 6% in FY 2022-23 and by 3.5% in FY 2025-26.
- 5) Health, Life and Dental expense will increase at a rate of 5% per year.

<b>ORPC Baseline Forecast</b>				
	<b>Total Funds</b>	<b>General Fund</b>	<b>Cash Funds</b>	<b>Reappropriated Funds</b>
<b>Current Appropriation</b>	29,183,550	23,826,319	48,000	5,309,231
<b>FY 2022-23</b>	31,180,368	25,519,088	48,000	5,613,280
<b>FY 2023-24</b>	31,192,999	25,530,950	48,000	5,614,050
<b>FY 2024-25</b>	31,284,857	25,616,353	48,000	5,620,504
<b>FY 2025-26</b>	32,268,097	26,412,163	48,000	5,807,934

## **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 average cost per appointment and the number of RPC appointments.

### Average cost per appointment

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. As the ORPC encourages the use of best practices like the interdisciplinary model of representation discussed above, the cost per closed appointment has increased for attorneys, which constitute the largest proportion of ORPC costs. The rate of this increase is slowing and the agency expects that it will soon be basically constant.

### Number of RPC appointments

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. For example, from July 1 through August 31, 2021, there were 418 D&N case filings and 1,036 ORPC appointments on those cases, a ratio of 2.48 ORPC appointments per D&N case filed.

Case Filings, FY2001 through FY2022									
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	1,001	(93)	-8.5%	1,779	(84)	-4.5%	2,780	(177)	-6.0%
2021	959	(42)	-4.2%	1,691	(88)	-4.9%	2,650	(130)	-4.7%
2022	816	(143)	-14.9%	1,692	1	0.1%	2,508	(142)	-5.4%

\* 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.

2021 Based on ORPC Summary of Monthly Reports prepared by the Co. Judicial Dept.

2022 Based on annualized summary of monthly reports provided by the Co. Judicial Dept. for July and August 2021

The estimate of FY 2021-22 case filings above is based on the number of filings and appointments for only two months and is therefore very uncertain.

As noted previously, the number of RPC appointments does not necessarily follow the same trends as the number of case filings. This is so because RPC appointments are typically made for each indigent parent in a case. The number of RPC appointments has been tracked since the agency's assumption

of RPC oversight in FY2016-17. The number of RPC appointments, the number of D&N cases filed, and the average number of RPC appointments per case filed are shown in the table below.

<b>RPC Appointments per D&amp;N Case Filing, FY2016-17 through FY 2020-21</b>			
<b>Fiscal Year</b>	<b>RPC Appointments</b>	<b>D&amp;N Case Filings</b>	<b>Average # of Appointments per Case Filed</b>
2017	6,042	3,355	<b>1.80</b>
2018	6,336	3,143	<b>2.02</b>
2019	6,161	2,957	<b>2.08</b>
2020	6,133	2,790	<b>2.20</b>
2021	6,119	2,650	<b>2.31</b>

The ORPC expected that the initial economic downturn resulting from the pandemic would lead to an increase in the number of case filings and RPC appointments. This expectation was informed by empirical data. Specifically, the agency ran 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.<sup>12</sup>

At the time, the ORPC found a statistically significant, positive correlation between changes in the poverty rate in Colorado and the number of D&N filings. The 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.<sup>13</sup> The model’s prediction was off because it did not account for the financial assistance that the Federal and State governments provided. This illustrates a larger concern for such predictive analyses: the difficulty of controlling for all socioeconomic factors that impact the number of D&N case filings. In fact, in FY 2020-21 the agency explored the availability of Colorado-specific population measures of mental health and substance use and was unable to find measures that were consistent across the 19-year period for which case filing and appointments data was available.

**c. Scenario Evaluation: Economic Downturn**

In an economic downturn, the ORPC would expect to see increases in its two major budget drivers: the number of RPC appointments and the cost per appointment.

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<sup>12</sup> The statistical analysis conducted by the ORPC represents a regression analysis with predicted values, rather than a forecast.

<sup>13</sup> With 95% confidence intervals, the predicted increase ranges from 3.1% to 8.3%, or from 108 to 336 additional D&N case filings.

Number of RPC Appointments

Many of the statutory reasons and factual bases (see table below) for filing dependency and neglect cases are impacted by economic factors, either directly or indirectly. As a result, a significant increase in the poverty rate will result in an increase in the number of D&N cases filed and therefore in the number of RPC appointments. Some of the direct effects of poverty, like homelessness, are in themselves reasons for filing a D&N case. In addition, economic stress contributes to other factors that increase the likelihood that a D&N case will be filed, including mental health issues and drug or alcohol misuse,<sup>14</sup> increased rates of family conflict and domestic violence,<sup>15</sup> and child neglect and abuse.<sup>16</sup>

<b>Factual Bases and Statutory Reasons for Filing D&amp;N Cases</b>	
<u>Factual Basis</u>	<u>Statutory Reasons</u>
Delinquency	Abandonment or Mistreatment
Dirty Home	Child is homeless, lacks proper care, or is not domiciled with Parent
Domestic Violence	Child tested positive at birth for Schedule I or II substance
Long-term Confinement	Injurious environment
Mental Health	Lack of Proper Parental Care through acts or omissions of parent
Neglect	Parent/Child Conflict
Parent/Child Conflict	Parent’s failure to provide care necessary for health or well-being
Physical Abuse	Pattern of habitual abuse
Sexual Abuse	
Substance Abuse	

For these reasons, the ORPC expected large increases in filings and appointments as a result of the economic downturn during the recession caused by the COVID-19 pandemic. However, these increases did not materialize, possibly because of the unprecedented direct economic supports and transfer payments provided by the Federal and State governments, which resulted in income stability or even an income increase for many families.<sup>17</sup> That level of support and intervention is unlikely to recur and an economic downturn without such a massive government intervention will result in an increase in filings and appointments.

<sup>14</sup> Gera E. Nagelhout et al., *How Economic Recessions and Unemployment Affect Illegal Drug Use: A Systematic Realist Literature Review*, 44 INT’L JOURNAL OF DRUG POLICY 69-83 (2017), <https://www.sciencedirect.com/science/article/pii/S0955395917300877>

<sup>15</sup> Alvaro Medel-Herrero et al., *The impact of the Great Recession on California Domestic Violence Events, and Related Hospitalizations and Emergency Service Visits*, 139 PREV MED 106186 (2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7315959/>

<sup>16</sup> William Schneider et al., *The Great Recession and Risk for Child Abuse and Neglect*, 72 CHILD YOUTH SERV. REV. 71-81 (2017), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5408954/>

<sup>17</sup> Legislative Council Staff, *Economic & Revenue Forecast*, (June 18, 2021), <https://leg.colorado.gov/publications/forecast-june-2021/>

### Cost per Appointment

As noted above, an economic downturn would cause or exacerbate a myriad of problems for indigent parents, and the number of problems will increase the complexity of cases and therefore the average cost per appointment. The increase will affect the cost per appointment for attorneys, who may have to deal with more complex and/or multiple legal issues that resulted in the D&N case filing. An economic downturn will also particularly impact the cost per appointment of those contractors who work closely on the family defense team to support parental engagement with treatment plans and to resolve the issues that caused the initial filing of the D&N case, i.e., Social Workers, Family Advocates, and Parent Advocates.

An increase in the cost per appointment 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.

#### **d. 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.

The Title IV-E reimbursement is calculated by multiplying the Agency's eligible General Fund costs of providing representation to parents by the IV-E penetration rate (the percentage of all children in out-of-home placements who were Title IV-E eligible and for which the state claimed Title IV-E funds as reimbursement for foster care maintenance payments) and multiplying that result by the reimbursement rate of 50%.

All federal sources of which the ORPC is aware have made it clear that the Title IV-E funding should be used for new programs and services.<sup>18</sup> The ORPC has therefore developed and begun implementation of innovative new programs and services to improve high quality parent representation and positive outcomes for families in Colorado's child welfare system. These programs include the following initiatives and expansions of services:

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<sup>18</sup> ACF – Children's Bureau, *ACYF-CB-IM-21-06, Utilizing Title IV-E Funding to Support High-Quality Legal Representation and Promote Child and Family Well-Being* (Jan. 20, 2021), <https://www.acf.hhs.gov/sites/default/files/documents/cb/im2106.pdf>; ACF – Children's Bureau, *Technical Bulletin – FAQs on Independent Legal Representation* (July 20, 2020), [https://www.acf.hhs.gov/sites/default/files/cb/technical\\_bulletin\\_faq\\_legal\\_representation.pdf](https://www.acf.hhs.gov/sites/default/files/cb/technical_bulletin_faq_legal_representation.pdf).

- **Increase access to interdisciplinary teams, including social workers, family advocates, parent advocates, experts, and other professionals**– this expansion of services using IV-E teams allows the ORPC to use federal funds to implement proven best practices in parent representation, will decrease the amount of time children spend in out-of-home placements, and will increase family reunifications.
- **Early/pre-filing appointment of attorneys and interdisciplinary teams** – parents frequently go to their first court hearing without knowing who their attorney might be, and attorneys frequently meet the parent they are going to represent immediately before the first hearing in a case. As a result, the attorney has not had adequate time to interview and learn about the client and the client does not know what to expect before they are both required to participate in a court hearing. Ensuring that parent attorneys are appointed prior to initial hearings will lead to better parent representation, fewer child removals and more family reunifications.
- **Address ancillary civil legal issues** – parents often face other legal problems that impact the removal of children and that prevent or delay the return of their children. Providing representation to address ancillary civil legal issues that directly impact a parent’s ability to safely maintain their children in the home such as domestic violence, protective orders, custody, guardianship, and eviction prevention will help avoid costly and unnecessary child protective interventions.
- **Recruit and mentor new RPC, incentivize work in rural communities, and provide mentoring to attorneys** – the ORPC is committed to providing interdisciplinary teams of the highest quality to parents. To do so requires that the ORPC recruit and provide mentoring to new attorneys and to both recruit and incentivize the work of attorneys in rural communities and “legal deserts” where there are fewer than 10 or even no registered attorneys.<sup>19</sup>
- **Expansion and eventual replacement of the agency’s online attorney payment system** – the ORPC processes millions of lines of payment requests each year. The current system must be expanded to meet short-term program needs and eventually must be replaced to create efficiency in processes, allow flexibility in management, and provide robust data collection.
- **Continued partnership with the Colorado Data Lab** – the ORPC has partnered with the Colorado Data Lab to develop and implement a data analysis plan and to

The pandemic delayed the implementation of some of these programs, but the ORPC used the IV-E funds to increase access to interdisciplinary teams in FY 2020-21 and plans to implement all remaining

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<sup>19</sup> In a 2020 Annual Report, the Colorado Office of Attorney Regulation highlighted the limited number of attorneys in many rural jurisdictions of Colorado. OFFC. OF ATTY. REGULATION COUNSEL, 2020 ANNUAL REPORT 4 (2020), <https://coloradosupremecourt.com/PDF/AboutUs/Annual%20Reports/2020%20Annual%20Report.pdf>



programs in FY 2021-22. The table below shows the estimated costs of each IV-E program and other uses of the funds (discussed below), the estimated federal reimbursement that will be available, and the estimated balance of the cash fund in which the IV-E reimbursements are deposited.

<b>IV-E SUMMARY</b>						
<b>ACTUAL and ESTIMATED EXPENSES, REIMBURSEMENTS, AND CASH FUND BALANCES</b>						
<b>IV-E EXPENSE SUMMARY</b>						
	<i>FY 2020-21</i> <b>ACTUAL</b>	<b>FY 2021-22</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>FY 2025-26</b>
<b>IV-E INITIATIVES:</b>						
1. Increase Access to Interdisciplinary Teams	\$ 909,094	\$ 3,313,192	\$ 4,118,700	\$ 4,191,500	\$ 4,191,500	\$ 4,344,500
2.a. Early Apptmt of Attorneys & Interdisciplinary Teams	-	98,475	157,238	209,650	376,660	390,660
2.b. Address Ancillary Civil Legal Issues	-	49,364	79,089	133,064	133,064	137,777
2.c. Incentivize work in Rural Counties/ Recruit and Mentor RPCs	-	15,000	50,000	50,000	50,000	50,000
3. Expand & then Replace RPPS	-	42,500	22,500	318,750	12,500	12,500
4. Partner with Colorado Data Lab	-	225,000	34,000	34,000	34,000	34,000
5. Provide Cross-Agency and Cross-System Training	-	12,500	21,495	21,495	21,495	21,495
6. Expert to Address Systemic Racism Issues	-	5,200	-	-	-	-
7. Contractors to Support ORPC Programs	-	17,600	-	-	-	-
<b>Total IV-E Initiatives</b>	<b>\$ 909,094</b>	<b>\$ 3,761,231</b>	<b>\$ 4,483,021</b>	<b>\$ 4,958,459</b>	<b>\$ 4,819,219</b>	<b>\$ 4,990,931</b>
<b>OTHER USES:</b>						
Carrie Ann Lucas Fellowship	94,133	189,466	189,932	194,108	200,562	201,975
Training	-	28,000	28,000	28,000	28,000	28,000
Operating	-	950	950	950	950	950
Social Worker Pilot Program	-	-	-	-	-	-
<b>Total Other Uses</b>	<b>\$ 94,133</b>	<b>\$ 218,416</b>	<b>\$ 218,882</b>	<b>\$ 223,058</b>	<b>\$ 229,512</b>	<b>\$ 230,925</b>
<b>TOTAL IV-E EXPENSE</b>	<b>\$ 1,003,227</b>	<b>\$ 3,979,647</b>	<b>\$ 4,701,903</b>	<b>\$ 5,181,517</b>	<b>\$ 5,048,731</b>	<b>\$ 5,221,856</b>
<b>IV-E CASH FUND BALANCE</b>						
	<i>Actual</i>	<i>FY 2020-21</i>	<i>FY 2021-22</i>	<i>FY 2022-23</i>	<i>FY 2023-24</i>	<i>FY 2024-25</i>
<u>Actual/Estimated Reimbursement</u>						
CAC Expenditures/Appropriation	19,746,257	19,918,541	19,386,260	19,386,260	19,386,260	19,386,260
Mandated Costs Expenditures/Appropriation	2,366,258	1,637,255	1,299,400	1,299,400	1,299,400	1,299,400
Total Reimbursement Base	22,112,515	21,555,796	20,685,660	20,685,660	20,685,660	20,685,660
Penetration Rate	26.7%	26.7%	21.1%	20.0%	20.0%	20.0%
Reimbursement Rate	50%	50%	50%	50%	50%	50%
<b>ACTUAL/Estimated Reimbursement</b>	<b>2,940,080</b>	<b>2,882,818</b>	<b>2,182,463</b>	<b>2,063,905</b>	<b>2,063,905</b>	<b>2,063,905</b>
<b>IV-E CASH FUND BALANCE</b>						
Opening Balance in Cash Fund	\$ 3,212,725	\$ 5,149,579	\$ 4,052,750	\$ 1,533,310	\$ (1,584,301)	\$ (4,569,127)
Actual/Estimated Reimbursement (from above)	2,940,080	2,882,818	2,182,463	2,063,905	2,063,905	2,063,905
Actual/Estimated Expenditures (from above)	(1,003,227)	(3,979,647)	(4,701,903)	(5,181,517)	(5,048,731)	(5,221,856)
<b>BALANCE IN IV-E CASH FUND</b>	<b>\$ 5,149,579</b>	<b>\$ 4,052,750</b>	<b>\$ 1,533,310</b>	<b>\$ (1,584,301)</b>	<b>\$ (4,569,127)</b>	<b>\$ (7,727,077)</b>

As shown above, estimates are that the ORPC's expenses will exceed the available cash fund plus reimbursements in FY 2023-24. This is partially because the agency has been required to use IV-E funds for purposes other than parent representation and partially because the ORPC believes reimbursements will decrease as agency programs have a positive impact on the number of children removed, making fewer children eligible for Title IV-E reimbursement. Should it be necessary, the ORPC will consider requesting General Funds to continue programs that have been found to be effective.

As noted previously, federal sources have indicated that the additional Title IV-E funding should be used for new programs and services. The ORPC therefore believes that using Title IV-E funds for existing programs is supplanting and thus 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 existing 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.

<b>Potential Required Repayments of Federal Title IV-E Funds</b>							
	FY 2020-21 Actual	FY 2021-22 Long Bill	FY 2022-23 Request	FY 2023-24 Estimate	FY 2024-25 Estimate	FY 2025-26 Estimate	<b>Total</b>
Personal Svcs & Benefits	94,133	189,466	190,058	190,058	190,058	190,058	<b>1,043,831</b>
Operating	-	950	950	950	950	950	<b>4,750</b>
Training	-	28,000	28,000	28,000	28,000	28,000	<b>140,000</b>
Court-appointed Counsel	-	-	337,334	337,334	337,334	337,334	<b>1,349,338</b>
Mandated Costs	-	318,240	-	-	-	-	<b>318,240</b>
<b>Total</b>	<b>94,133</b>	<b>536,656</b>	<b>556,342</b>	<b>556,342</b>	<b>556,342</b>	<b>556,342</b>	<b>2,856,159</b>

**e. Major Expenses Anticipated [(Optional)]**

Studies have shown that children have better long-term outcomes when they are raised in their families of origin.<sup>20</sup> Children who leave foster care struggle in all areas, including education, employment, income, housing, general and mental health, substance use and criminal involvement.<sup>21</sup> 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.<sup>22</sup> 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.

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<sup>20</sup> Mimi Laver, *Improving Representation for Parents in the Child-Welfare System* (October 7, 2013), <https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2013/improving-representation-parents-child-welfare-system/>.

<sup>21</sup> Laura Gypen, *supra* note 1.

<sup>22</sup> Elizabeth Thornton, *supra* note 7; Lucas Gerber, *supra* note 7; and Lori Darnel, *supra* note 7.

**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.