



Office of the Child's Representative

Linda Weinerman, Executive Director

Dorothy Macias, Staff Attorney & Legislative Liaison

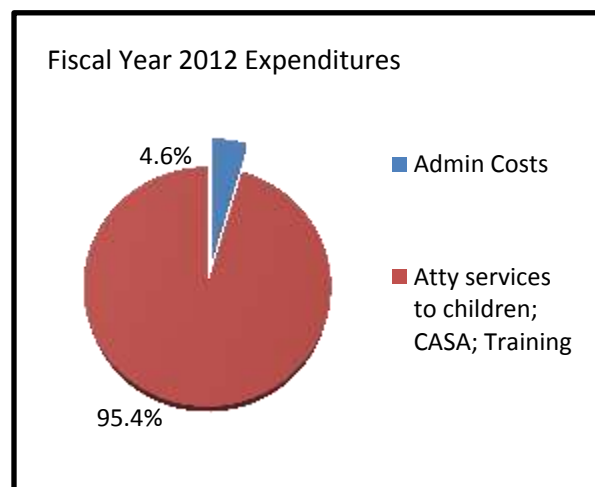
Annual Performance Report November 30, 2012

The Office of the Child's Representative (OCR) provides competent and effective best interests legal representation to children who have been abused, neglected or abandoned, impacted by high conflict parenting-time disputes, or charged with delinquent acts and without a parent or guardian able to protect their best interests during the proceedings. Depending upon the case to which the attorney is appointed, the attorneys are known as Guardians *ad litem* (GALs), Child Legal Representatives (CLRs), or Child and Family Investigators (CCFIs).

In Fiscal Year 2012 (FY 12), the OCR served nearly **21,000 children** involved in dependency and neglect, delinquency, truancy, probate, and high conflict divorce cases. At least 70% of these children are victims of serious child maltreatment such as sexual and egregious physical abuse and neglect. Many of these children have been removed from their family home and spend time in foster care. These children require attorney best interests legal services for the entire life of their case.

In FY 12, OCR spent 4.64% of its budget on central administration. The OCR central administration office is located in Denver and consists of eight employees for a total of 7.5 FTE. Four of the employees are attorneys. OCR staff oversees approximately 230 attorneys throughout the state providing attorney services to children.

The remaining 95.36% of OCR's budget was spent on attorney services to children, attorney training, and a pass-through to CASA In Colorado (CASA stands for Court Appointed Special Advocates).



The OCR provides legal services to children through three service models. First, The OCR El Paso GAL Office is staffed by state employees consisting of 13 attorneys, five case workers/coordinators, and four support staff for a total of 19.4 FTEs. Second, the OCR contracts with attorneys to be included on the OCR appointment list in every judicial district in the state. Finally, the OCR is conducting a pilot program in which it contracts with three independent multi-disciplinary law offices in Arapahoe and Denver Counties. These offices are staffed similarly to the OCR El Paso GAL Office with attorneys, social workers, paralegals, and support staff, but are independent contractors instead of state employees. OCR contract attorneys are small business owners and often live, lease space, and employ support staff in the communities they serve.

OCR maintains high expectations of its independent contractors and OCR El Paso GAL Office state employees. In addition to the professional standards governing all attorneys, OCR holds the attorneys standards set by Chief Justice Directive (CJD) 04-06, CJD 04-08, their contract with OCR, and the practice

standards set by OCR. Attorneys must independently investigate the matters to which they are appointed, make recommendations that are in the best interests of the child, and advocate on the child's behalf. GALs must meet each child in each placement and continue to communicate with the child throughout the case. Although the unique statutory responsibilities of a GAL/CLR do not set forth a traditional attorney-client relationship between the appointed attorney and the child, the client of the GAL/CLR is the best interests of the child. The GAL's/CLR's determination of the child's best interests must include consultation with the child in a developmentally appropriate manner.

The OCR's Mission is to:

Provide competent and effective legal representation to Colorado's children involved in the court system because they have been abused and neglected, impacted by high conflict parenting time disputes, or charged with delinquent acts and without a parent able to provide relevant information to the court or protect their best interests during the proceedings. As a state agency, the OCR is accountable to the State of Colorado to achieve this mission in the most cost-efficient manner without compromising the integrity of services or the safety and well-being of children. The OCR is committed to ensuring that children represented by its contract attorneys, Colorado's most vulnerable and marginalized population in the courts, receive the best legal services available to protect and promote their safety and well-being and to have their voice heard throughout all aspects of a case.

The OCR is a single purpose program whose customers are the children and families its El Paso GAL Office and independent contract attorneys serve. The OCR's Strategic Plan reflects this single purpose, focuses on OCR's statutory mandates, and is found on the OCR's website at http://coloradochildrep.org/images/uploads/attachments/Strategic_Plan_Nov_2012.pdf.

The OCR pleased to report that it has met its goals as detailed in its Strategic Plan during FY 12. Below is a synopsis of OCR's Strategic Plan's goals, key measurements, and strategies for achieving those goals.

OCR's Strategic Plan

The OCR's Vision is

Each Colorado child in need of a best interests attorney (GAL, CLR, or attorney serving as CFI) will receive comprehensive legal advocacy from an attorney who has expertise in pediatric law and who will diligently, zealously, and effectively represent the child's best interests and promote the child's safety, well-being, and voice throughout all aspects of the case. These services will be provided in a cost-effective manner.

The OCR's Strategic Plan sets forth its goals to (1) contract with skilled and qualified attorneys, (2) provide cost-effective best interests attorney services, (3) ensure its attorneys remain current in best practices, legal developments, social science research, and (4) establish fair and realistic compensation for state-appointed attorneys. Following is a brief summary of each goal and OCR's measurements and activities regarding each goal:

1. The OCR will provide effective best interests attorney services by contracting with skilled and qualified attorneys.

The OCR engages in a comprehensive evaluation strategy, consisting of the following: a statewide annual contract/appraisal process; monitoring of contract attorney activity through billing statements and available electronic databases; and auditing of attorneys on an as-needed basis.

Each spring, the OCR requires attorneys, regardless of whether they have existing contracts or are new applicants, to complete a detailed application. Existing contractors must also provide an affidavit of compliance with applicable CJD. OCR considers every application as contracts are not renewed automatically and conducts interviews as necessary.

The assessment of current attorneys is conducted on a year-round basis. The OCR seeks input on attorneys from judicial officers and staff, county departments of human services staff, community volunteers known as CASAs, probation officers, and attorneys representing other parties in the cases. The OCR sends surveys and evaluations to these key stakeholders, the results of which assist the OCR in reviewing the competency and quality of attorney services. In addition, OCR attorney staff meets with key stakeholders in each of the 22 judicial districts to assess attorney services and to learn how the OCR can better serve its attorneys and each community. The OCR's formal complaint process also informs OCR's contracting and attorney assessment process.

The OCR's data management system supports the OCR's comprehensive systemic monitoring of attorney performance. The data system allows OCR to run reports on individual attorneys and jurisdictions to determine whether attorneys are complying with practice requirements and standards.

2. The OCR will provide cost-effective best interests attorney services.

The OCR works to ensure reasonable attorney billing through the establishment of presumptive maximum fees for each case type, ongoing comparison of attorneys' bills statewide and by jurisdiction for each case type, and periodic audits of attorneys' billing activity. The OCR supports efficient use of attorney time through its maintenance of a motions bank and listserv, and it also publishes summaries of recent cases and other developments in juvenile law. These activities promote efficiencies in attorney practice, allowing attorneys to draw on the experience and efforts of OCR staff attorneys and other attorneys instead of recreating what has already been done. OCR attorney staff also serves as a resource to OCR attorneys, assisting them with questions on individual cases, and linking them to other attorneys with expertise in particular subject areas. In

Fiscal Year 2011, the OCR secured grant funding to publish a comprehensive advocacy guide for GALs in D&N proceedings. The Guided Reference in Dependency (GRID) covers the main hearings that occur in D&N cases, detailing statutes and seminal cases governing the hearings and containing checklists and practice tips for GALs. GRID Fact Sheets highlight key aspects of issues that arise in

D&N cases. In the fall of 2012, physical copies of the approximately 500 page GRID were made available to all GALs.

The OCR's multidisciplinary staff office pilot program is an endeavor allowing the OCR to explore another method of providing efficiencies, and perhaps cost-savings, in GAL practice. Through an RFP process in FY 10, the OCR has contracted with three law offices to provide multidisciplinary GAL services in Denver and Arapahoe Counties. OCR entered contracts with the offices on January 1, 2011. In FY 12, OCR partnered with the University of Denver Graduate School of Social Work to evaluate the effectiveness of the multidisciplinary law office as a model of delivering legal services to children in juvenile court proceedings. The study began in Fiscal Year 2013 and focuses on understanding how the multidisciplinary law offices function and whether the model has enhanced GAL practice in Arapahoe, Denver, and El Paso counties. Results of study should be reported in June 2013.

- 3. The OCR will ensure attorneys with whom it contracts to provide best interests legal representation remain current in best practices and their knowledge of state and federal law and regulations, social science research, and evidence-based practices impacting the provision of services.**

OCR's training program and its sponsorship of trainings, tracking and announcing other relevant training opportunities to GALs comprise the key measures of OCR's performance of this goal. OCR requires all attorneys to attend 10 hours of OCR-sponsored training each fiscal year and tracks attorney compliance through its own records and attorney self-report. All OCR attorneys complied with this requirement.

- 4. Establish fair and realistic compensation for state-appointed best interests attorneys.**

OCR attorneys provide best interests legal services on a fee-for service basis at a rate of compensation to other public sector attorneys. The current rate is \$65/hour.

OCR staff assess attorneys' requests for payment of experts, litigation support, and other resources necessary to support effective and independent case preparation and advocacy. OCR has established an excess and expert fees request process in order to assess attorney requests and ensure that state dollars are spent wisely.

Conclusion

OCR is pleased to report it met the goals established by its FY 12 Strategic Plan. In order to further improve its delivery of best interests legal services to Colorado's children, the OCR has established enhanced goals in its November 2012 Strategic Plan. If you have any questions or comments about OCR's Strategic Plan, please contact Dorothy Macias at 303.860.1517 ext. 106.