Office of the Child's Representative

Annual Performance Report

October 31, 2014

OCR is an independent agency within the Judicial Department

COLORADO

The Office of the Child's Representative (OCR) provides competent and effective legal advocacy to children who have been abused, neglected or abandoned, impacted by high conflict domestic relations disputes, or charged with delinquent acts and without a parent or guardian able to protect their best interests during the proceedings. The OCR is committed to ensuring that children whose interests are 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. OCR ensures enhanced best interests legal representation of such children by improving the quality and consistency of representation, providing accessible statewide training to attorneys and judicial officers, establishing minimum attorney training requirements, establishing minimum practice standards, establishing fair and realistic compensation for state-appointed attorneys sufficient to retain high-quality, experienced attorneys and serving as a resource for attorneys.

The OCR's Performance Plan is found at http://www.coloradochildrep.org/wp-content/uploads/2013/09/OCR-Perf-Plan-July-2014.pdf . The Performance Plan focuses on the following goals and strategies:

OCR PERFORMANCE GOALS & STRATEGIES

GOALS	STRATEGIES
1: The OCR will provide effective attorney services to children through skilled and qualified attorneys.	A. Provide and maintain lists of qualified attorneys sufficient to meet needs in judicial districts B. Contract with attorneys based on data illustrating compliance with CJD and OCR practice standards C. Establish fair and reasonable compensation for OCR attorneys D. Investigate alternative models of providing legal representation E. Develop strategies to recruit attorneys
2: The OCR will establish efficiencies in attorney practice and billing.	A. Maximize use and effectiveness of OCR's on-line case management/billing system B. Provide litigation support and facilitate practice innovations C. Process, manage, and evaluate attorney billings
3: The OCR will ensure attorneys remain current in state and federal law and regulations, social science research, and evidence-based services.	A. Provide statewide training to attorneys B. Require attorneys to meet minimum training requirements C. Disseminate updates on developments in law and social science and maintain current and relevant resources for attorneys' use

Since its inception, the OCR has made strides towards developing a data-driven practice for overseeing attorney services and managing its state dollars. Child welfare practice does not lend itself to simple outcome-based analysis, as appropriate results in one case may not be appropriate in another. The OCR concentrates its data collection on attorney compliance with OCR'S practice standards to assess the effectiveness of representation. The OCR seeks feedback from system stakeholders through survey instruments and conducts courtroom observations of attorney practice. In addition, the OCR measures its performance through benchmarks and customer surveys. The OCR's efforts in practice assessment and data collection have received state and national attention.

Annual evaluation survey. Every year, the OCR distributes an objective evaluation survey to gather feedback on all attorneys who are providing legal services. OCR sends an electronic survey to judicial officers, court administrators, court facilitators, department of human services staff, CASA agencies, probation officers and attorneys representing other parties in D&N and JD cases in each of Colorado's 22 judicial districts. The survey results provide OCR and its contract attorneys valuable feedback concerning the attorney's practice.

Goal 1: The OCR will provide effective attorney services to children through skilled and qualified attorneys.							
Key Measures Strongly Agree/Agree *(respondents were allowed to answer "I don't know")*		**FY 11-12 N = 215 Attorneys**	**FY 12-13 N = 191 Attorneys**	**FY 13-14 N = 227 Attorneys**	**FY 14-15**	**FY 15-16**	**FY 16-17**
1. A. Attorney possesses relevant advocacy skills	**Target**	Establish baseline	86%	89%	90%	90%	90%
	Actual	86%	91%	90%			
1. B. Attorney possesses requisite knowledge	**Target**	Establish baseline	84%	87%	90%	90%	90%
	Actual	84%	90%	90%			
1. C. Attorney familiar with community services	**Target**	Establish baseline	84%	87%	90%	90%	90%
	Actual	84%	89%	90%			
1. D. Attorney attends all court hearings	**Target**	Establish baseline	91%	93%	93%	93%	93%
	Actual	91%	93%	94%			
1. E. Attorney critically assesses department case & permanency plans	**Target**	Establish baseline	72%	75%	80%	80%	80%
	Actual	72%	90%	83%			
1. F. GAL is respectful of others involved in the case	**Target**	Establish baseline	82%	85%	85%	85%	85%
	Actual	82%	87%	88%			

Court Observations. In FY 12-13, the OCR began conducting court observations in dependency and neglect proceedings in order to obtain first-hand knowledge regarding attorney courtroom performance. The OCR expanded the observations in FY 13-14 to include juvenile delinquency cases in order to help refine OCR's expectations of attorneys serving in delinquency matters. The OCR conducted **287 court observations** involving **480 children** in FY 12-13 and **426 court observations** involving **674 children** in FY 13-14.

Goal 1: The OCR will provide effective attorney services to children through skilled and qualified attorneys.						
Key Measures **Number of Court Observations**		**FY 12-13** **N = 287**	**FY 13-14** **N = 426**	**FY 14-15**	**FY 15-16**	**FY 16-17**
1. G. Average number of court observations per attorney under evaluation	**Target**	3	3	3	3	3
	Actual	4.5	3.7			
1. H. Appointed attorney appeared	**Target**	Establish baseline	90%	92%	92%	92%
	Actual	91%	94.6%			
1. I. Attorney provided current, independent information	**Target**	Establish baseline	70%	75%	80%	85%
	Actual	64%	81%			
1. J. Attorney clearly stated a position	**Target**	Establish baseline	85%	87%	90%	90%
	Actual	82%	91%			
1. K. Attorney stated child's position *(observers are not able to determine whether developmentally appropriate and according to child's wishes)*	**Target**	Establish baseline	30%	40%	40%	40%
	Actual	24%	43.75%			

OCR's litigation support and training programs raise the level of attorney services provided to Colorado's children. When representing children's interests, lawyers must, in addition to their specialized legal skills, be able to draw upon interdisciplinary knowledge from such pertinent fields as psychology, sociology, social work and medicine. Through its litigation support and training, the OCR ensures that every child in Colorado who is in need of an attorney is represented by an attorney who has considerable sophistication in the law and issues unique to children. OCR believes well-supported and well-trained attorneys are efficient attorneys.

Goal 2: The OCR will establish efficiencies in attorney practice and billing.						
Key Measures		**FY 12-13**	**FY 13-14**	**FY 14-15**	**FY 15-16**	**FY 16-17**
2. A. **Newsletters published per year**	**Target**	3	4	4	4	4
	Actual	3	4			
2. B. **Publish update of GRID**	**Target**	NA	NA	Publish Update	NA	Publish Update
	Actual	NA	NA			
2. C. **Measure listserv usage**	**Target**	NA	NA	Investigate means for measuring	Develop & implement measuring plan	Establish baseline usage
	Actual	NA	NA			
2. D. **Measure motions bank usage**	**Target**	NA	NA	Investigate means for measuring	Develop & implement measuring plan	Establish baseline usage
	Actual	NA	NA			

The OCR maintains a robust training program which provides ongoing and meaningful trainings tailored to the specialized needs of attorneys representing children. The OCR's

training program ensures that attorneys are current in legal developments, social science research and best practices.

Goal 3: The OCR will ensure attorneys remain current in state and federal law and regulations, social science research, and evidence-based services.						
Key Measure		**FY 12-13**	**FY 13-14**	**FY 14-15**	**FY 15-16**	**FY 16-17**
3. A. Training hours OCR offered	Target	42	42	42	42	42
	Actual	55.75	57			
3. B. Training Hours available online	Target	NA	Establish Baseline	120	150	180
	Actual	NA	91			
3. D. Attendee survey: Rated spring conference "Excellent/Good"	Target	NA	Establish baseline	85%	85%	85%
	Actual	NA	87.87%			
3. E. Attendee survey: "Satisfied/Very Satisfied" with spring conf. materials	Target	NA	Establish baseline	90%	90%	90%
	Actual	NA	96.92%			
3. F. Attendee survey: "Satisfied/Very Satisfied" with spring conf. information	Target	NA	Establish baseline	90%	90%	90%
	Actual	NA	92.43%			
3. G. Attendee survey: Rated summer conf. "Excellent/Good"	Target	NA	Establish baseline	85%	85%	85%
	Actual	NA	92.2%			
3. H. Attendee survey: "Satisfied/Very Satisfied" with summer conf. materials	Target	NA	Establish baseline	85%	85%	85%
	Actual	NA	96.1%			
3. F. Attendee survey: "Satisfied/Very Satisfied" with summer conf. information	Target	NA	Establish baseline	90%	90%	90%
	Actual	NA	92.3%			

Compensation. It is the statutory mandate of the OCR to "establish fair and realistic rates of compensation" in order to enhance the legal representation of children. § 13-91-105, C.R.S. (2014). Fair and realistic compensation is essential to maintaining a pool of dedicated and skilled attorneys and to allowing adequate and effective case investigation and legal advocacy.

Goal 1: The OCR will provide effective attorney services to children through skilled and qualified attorneys.						
Key Measures **Number of Court Observations**		**FY 13-14**	**FY 14-15**	**FY 15-16**	**FY 16-17**	**FY 17-18**
1. L. OCR will pay attorneys a rate of compensation commensurate to other public sector attorneys.	Target	$65/hr	$75/hr	$75/hr	$75/hr	$80/hr
	Actual	$65/hr	$75/hr			
1. M. OCR employee salaries will be commensurate to that of other public sector employees	Target	Conduct Salary Survey	Seek 10-15% correction of misalignment	Determine whether further adjustments are required	Determine whether further adjustments are required	Determine whether further adjustments are required
	Actual	Salaries "significantly misaligned"	General Assembly approved			