Office of the Child's Representative

Annual Performance Report

October 31, 2017

OCR is an independent agency within the Judicial Department

The Office of the Child's Representative (OCR) enhances the provision of Guardian ad Litem (GAL) services in Colorado and our contract attorneys provide high-quality and effective legal representation to Colorado's children involved in the court system because they have been abused, neglected or abandoned, impacted by high-conflict domestic relations disputes, or charged with delinquent acts and are 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 attorneys receive the best legal services available. As Colorado's most vulnerable and marginalized population in the courts, these children need OCR attorneys to protect and promote their safety and well-being and to have their voice heard throughout all aspects of a case. The 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, upholding 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 contract attorneys.

The OCR's Performance Plan is found at http://www.coloradochildrep.org/wp-content/uploads/2017/07/Final-OCR-Performance-Plan.pdf. The Performance Plan concentrates on the following goals and strategies:

OCR PERFORMANCE GOALS & STRATEGIES	
GOALS	**STRATEGIES**
1: Provide children a voice in the Colorado legal system through effective attorney services and advocacy.	A. Ensure children's voice & interests are paramount in the development of policy, law and practice B. Establish attorney qualifications and practice standards C. Provide oversight & evaluation of attorney practice D. Assess judicial district needs E. Contract with attorneys based on data illustrating compliance with CJD and OCR practice standards F. Establish fair and reasonable compensation for OCR attorneys G. Investigate alternative models of providing legal representations
2: The OCR will optimize efficiencies in attorney practice and billing.	A. Manage appropriations & assess program needs B. Maximize use and effectiveness of OCR's on-line case management/billing system. C. Provide litigation support and facilitate practice innovations D. Process, manage and evaluate attorney activities
3: The OCR will ensure attorneys remain current in state and federal law and regulations, social science research and evidence-based services.	A. Cultivate a learning & practice environment that supports excellence in legal representation B. Assess attorney education needs C. Implement OCR core competencies D. Require attorneys to meet minimum training requirements E. Disseminate updates on developments in law and social science and maintain current and relevant resources for attorney's 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 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 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 spring the OCR distributes an objective evaluation survey to gather feedback on all attorneys providing legal services. OCR sends an electronic survey to judicial officers, court administrators and facilitators, department of human services staff, CASA agencies, probation officers and attorneys representing other parties in each of Colorado's 22 judicial districts. The survey results provide OCR and its contract attorneys valuable feedback concerning the attorney's practice. In FY 16-17, OCR received **1197 survey responses** concerning **223 attorneys**; 344 responses were from judicial officers.

Goal 1: Provide children a voice in the Colorado legal system through effective attorney services and advocacy.								
Key Measures Strongly Agree/Agree *(respondents were allowed to answer "I don't know")*		FY 12-13 N = 191 Attorneys	FY 13-14 N = 227 Attorneys	FY 14-15 N = 221 Attorneys	FY 15-16 N = 207 Attorneys	FY 16-17 N=223 Attorneys	FY 17-18	FY 18-19
1. A. Attorney possesses relevant advocacy skills	Target	86%	89%	90%	90%	90%	90%	90%
	Actual	91%	90%	92%	88%	91%		
1. B. Attorney possesses requisite knowledge	Target	84%	87%	90%	90%	90%	92%	92%
	Actual	90%	90%	93%	88%	91%		
1. C. Attorney familiar with community services	Target	84%	87%	90%	90%	90%	92%	92%
	Actual	89%	90%	91%	86%	90%		
1. D. Attorney attends all court hearings	Target	91%	93%	93%	93%	93%	95%	95%
	Actual	93%	94%	95%	95%	94%		
1. E. Attorney critically assesses department case & permanency plans	Target	72%	75%	80%	80%	80%	82%	84%
	Actual	90%	83%	83%	76%	88%		

Court Observations. In FY12-13, OCR instituted an extensive tri-annual contract and evaluation process and began conducting court observations in dependency and neglect proceedings in order to obtain first-hand knowledge regarding attorney courtroom performance. The OCR expanded observations in FY13-14 to include juvenile delinquency cases in order to help refine OCR's expectations of attorneys serving in those cases. In FY16-17, OCR conducted **448 courtroom observations** involving **675 children/youth.** In addition, OCR conducted 247 reference interviews concerning 64 of our contract attorneys.

Goal 1: Provide children a voice in the Colorado legal system through effective attorney services and advocacy.								
Key Measures **Number of Court Observations**		**FY 12-13** **N = 287**	**FY 13-14** **N = 426**	**FY 14-15** **N = 366**	**FY 15-16** **N = 498**	**FY 16-17** **N=448**	**FY 17-18**	**FY 18-19**
1. F. Average number of court observations per attorney under evaluation	**Target**	3	3	3	3	3	3	3
	Actual	4.5	3.7	3.24	4.92	5.43		
1. G. Appointed attorney appeared	**Target**	Establish baseline	90%	92%	92%	92%	94%	95%
	Actual	91%	94.6%	89.9%	95%	97%		
1. H. Attorney provided current, independent information	**Target**	Establish baseline	70%	75%	80%	85%	87%	89%
	Actual	64%	81%	81.1%	81%	80%		
1. I. Attorney clearly stated a position	**Target**	Establish baseline	85%	87%	90%	90%	90%	94%
	Actual	82%	91%	90.9%	85%	89%		
1. J. Attorney stated position of child 5 years and older[1]	**Target**	Establish baseline	30%	40%	40%	40%	42%	44%
	Actual	24%	43.75%	51.23%	51.16%	61%		

OCR's litigation support and training programs enhance the level of attorney services the OCR provides 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.

Goal 2: The OCR will optimize efficiencies in attorney practice and billing.							
Key Measures		**FY 13-14**	**FY 14-15**	**FY 15-16**	**FY 16-17**	**FY 17-18**	**FY 18-19**
2. A. Newsletters published	**Target**	4	4	4	4	4	4
	Actual	4	4	4	4		
2. B. Publish update of GRID	**Target**	NA	Publish Update	Secure Funding	Publish Update	Research Update	Publish Update
	Actual	NA	Began drafting & sought funding	Published pocket part with updates	Completed in FY 15-16 – currently writing new content & doing a comprehensive update.		
2. C. Measure listserv usage	**Target**	NA	Investigate means for measuring	Enhance listserv	Investigate means for measuring	Establish baseline	Assess
	Actual	NA	Google Analytics are promising	Listserv enhanced/modified to enable archived searches	Completed - 294 members; 801 messages sent.		
2. D. Litigation toolkit/Motion Bank	**Target**	NA	Investigate means for measuring usage	Develop & implement measuring plan	Update materials & improve attorney access	Expand materials	Establish baseline
	Actual	NA	Investigation underway	Reviewed, prioritized & began update	Developed and launched a new Litigation Toolkit system with ability to measure use.		

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[1] Observers are not able to determine whether developmentally appropriate and according to the child's wishes.

The OCR maintains a robust training program in an inclusive learning and practice environment 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 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19
3. A. Training hours OCR offered	Target	42	42	42	42	42	42
	Actual	57	103	82	78		
3. B. Training Hours available online	Target	Establish Baseline	120	150	250	250	250
	Actual	91	164	235	277		
3. C. Core Competencies reflected in OCR Training Curricula	Target	N/A	N/A	N/A	33%	33%	33%
	Actual				61%		
3. D. Attendee survey: Rated Fall conference "Excellent/Good"	Target	Establish baseline	85%	87%	88%	90%	90%
	Actual	92.2%	No data available for NACC conference	94.45%	90%		
3. E. Attendee survey: "Very Satisfied/Satisfied" with fall conference materials	Target	Establish baseline	85%	87%	88%	90%	90%
	Actual	96.1%	No Data Available	98.87%	91%		
3. F. Attendee survey: "Very Satisfied/Satisfied" with fall conference information presented	Target	Establish baseline	90%	92%	92%	94%	95%
	Actual	92.3%	No Data Available	97.78%	96%		

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. (2015). 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: Provide children a voice in the Colorado legal system through effective attorney services and advocacy.							
Key Measures Number of Court Observations		FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19
1. K. OCR will pay attorneys a rate of compensation commensurate to other public sector attorneys.	Target	$65/hr	$75/hr	$75/hr	$75/hr	Investigate alignment of compensation.	Assess
	Actual	$65/hr	$75/hr	$75/hr	$75/hr		
1. L. 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 adjustments are required	Determine whether adjustments are required	Determine whether adjustments are required	Determine whether adjustments are required
	Actual	Salaries "significantly misaligned"	General Assembly approved	No adjustments	Common policy adjustments		