

# Performance Plan Evaluation

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FY22



COLORADO OFFICE OF  
**THE CHILD'S  
REPRESENTATIVE**

# Summary of FY22 Performance Plan

## OCR WILDLY IMPORTANT GOAL 2021

OCR will elevate children's and youth's voice and rights in dependency and neglect (D&N) proceedings by successfully implementing changes enacted in HB21-1094 and pursuing an updated model of representation in the 2022 legislative session.

STRATEGIES	COMPLETED
Ensure all eligible youth benefit from the services and protections provided by HB21-1094 by preparing OCR attorneys to provide effective client-directed representation to eligible youth through communication, training and supports.	Yes, with ongoing training.
Design a case assignment system and outreach strategies that ensure all eligible youth receive attorney services through OCR.	Yes, with ongoing outreach.
Further elevate youth voice in Colorado Legal Proceedings by advancing legislation that transitions best interests representation to client-directed representation for youth aged 12 or older.	Yes, see <a href="#">HB22-1038</a>
Gather feedback from OCR attorneys, youth, and other stakeholders to inform the development of legislation and policy in making this change.	Yes
Develop implementation supports including training, resources, and practice standards.	Ongoing. Training launched Sept 12-13 <sup>th</sup> at OCR Fall Conference with additional training planned throughout the end of the year. OCR worked with Justice Boatwright to update CJD 04-06 which governs practice standards for OCR attorneys. Those practice standards were approved in October 2022.
Design a data/oversight/evaluation strategy.	OCR has begun updating its attorney oversight and evaluation procedures to accommodate the updates in CJD04-06. Updated procedures will be applied to Verifications and Renewals in FY23.

## OCR Performance Goals and Strategies FY22

<b>GOAL 1: Provide children a voice in the Colorado legal system through effective and efficient attorney services and advocacy.</b>	Ensure children’s voice & interests are paramount throughout the proceedings and in the development of policy, law & practice.
	Provide and promote effective use of case consultant (CC) support to attorneys.
	Provide oversight & evaluation of attorney practice.
	Establish fair and reasonable compensation for OCR attorneys.
<b>GOAL 2: OCR will optimize efficiencies in attorney practice and billing.</b>	Manage appropriations and assess program and district needs.
	Optimize use and effectiveness of C.A.R.E.S. (OCR’s online case management and billing system).
	Process, manage, and evaluate attorney billings.
<b>GOAL 3: OCR will ensure attorneys and case consultants remain current in state and federal law and regulations, social science research, best practices in diversity and inclusion, and evidence-based services.</b>	Cultivate a learning & practice environment that supports excellence in legal representation.
	Deliver high-quality accessible training to advance best practices, address emerging topics in relevant fields, and implement OCR Core Competencies.
	Assess attorney and case consultant education and support needs.
	Maintain and disseminate current and relevant resources for attorney and case consultant use regarding relevant law, social science, and DEI (diversity, equity and inclusion) strategies.

OCR redesigned the Youth Survey in 2021 with input from the OCR Lived Expert Action Panel (LEAP)<sup>1</sup> to make it more youth friendly. As a result, some of the questions below are no longer administered. In FY22, OCR collected 140 of the new youth surveys and interviewed 62 youth regarding 61 attorneys up for renewal.

### Goal 1: Provide children a voice in the Colorado legal system through effective attorney services and advocacy.

Ensure children’s voice & interests are paramount throughout the proceedings.	FY19		FY20		FY21		FY22	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
# of youth events attended or sponsored	5	8	5	8	5	4	5	12
# of youth surveys received	50	108	75	85	100	18	100	140
% of renewing attorneys w/ at least 1 youth reference interview	60%	77%	65%	92%	95%	88%	95%	100%
% of attorneys stated child’s position in court observations <sup>2</sup>	70%	87%	80%	65%	85%	33%	85%	43%
% of attorneys who indicated efforts to get child to attend in court observations <sup>3</sup>	20%	13%	30%	12%	30%	8%	30%	4%

<sup>1</sup> LEAP is committee of 13 youth with lived experience in child welfare, juvenile delinquency, and truancy proceedings. Information about LEAP can be found [here](#).

<sup>2</sup> For youth 5 & older. This number cannot account for instances when a GAL may not state a position in accordance with the child’s wishes.

<sup>3</sup> For youth who were not already present in court and are over 5 years of age.

Judicial Officers indicate attorney always/usually advises the Court of the child's position	95%	<b>87%</b>	95%	<b>90%</b>	95%	<b>99%</b>	95%	<b>99%</b>
% of youth report GAL told the Judge what they wanted always/usually in youth survey	-	-	Est. Base line	<b>74%</b>	80%	<b>63%</b>	85%	<b>Question discontinued</b>
% of youth over 5 who attended a benchmark, permanency, or review hearing	-	-	-	-	Est. Base line	<b>12%</b>	20%	<b>11%</b>
% of youth report GAL asked them about going to court always/usually (D&N)	-	-	Est. Base line	<b>62%</b>	70%	<b>63%</b>	70%	<b>83%</b>
% of initial 30 day visits completed	-	-	-	-	100%	<b>97%</b>	100%	<b>95%</b>

As part of OCR's oversight and evaluation of attorney practice, the OCR conducts an annual verification and renewal process. In FY22, OCR received 239 survey responses from judicial officers regarding 177 attorneys, conducted 193 reference interviews regarding 61 attorneys up for contract renewal, and observed 214 court proceedings involving 68 attorneys and 332 children/youth as part of that process. Some of this data is reflected in the charts below.<sup>4</sup>

### Goal 1: Provide children a voice in the Colorado legal system through effective attorney services and advocacy.

Contract with attorneys based on data illustrating compliance with CJD and OCR practice standards.	FY19		FY20		FY21		FY22	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
Possesses relevant advocacy skills (SA/A)	95%	<b>90%</b>	95%	<b>92%</b>	95%	<b>99%</b>	100%	<b>99%</b>
Possesses requisite knowledge (SA/A)	95%	<b>90%</b>	95%	<b>92%</b>	95%	<b>99%</b>	100%	<b>99%</b>
Attends all court hearings (SA/A)	97%	<b>96%</b>	97%	<b>96%</b>	97%	<b>99%</b>	100%	<b>99%</b>
% of youth report GAL visited them in each placement in the youth survey (D&N)	-	-	Est. Base line	<b>81%</b>	90%	<b>67%</b>	85%	<b>Question discontinued</b>
% of youth report GAL knew what was best for them (SA/A)	-	-	Est. Base line	<b>64%</b>	75%	<b>73%</b>	75%	<b>Question discontinued</b>

### Goal 1: Provide children a voice in the Colorado legal system through effective attorney services and advocacy.

Provide oversight and evaluation of attorney practice.	FY19		FY20		FY21		FY22	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
Appointed Attorney Personally Appeared	95%	<b>94%</b>	95%	<b>96%</b>	95%	<b>97%</b>	98%	<b>95%</b>
Attorney provided current, independent information	90%	<b>86%</b>	90%	<b>80%</b>	90%	<b>72%</b>	90%	<b>76%</b>

<sup>4</sup> SA/A designates answers as strongly agree or agree.

Attorney Clearly Stated Position	95%	<b>94%</b>	95%	<b>65%</b>	95%	<b>88%</b>	95%	<b>85%</b>
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OCR strives to be a good steward of taxpayer dollars and to stay within its appropriation each year. In FY22, OCR used 91% of expended funds for attorney services and only 9% for administration.

## Goal 2: The OCR will optimize efficiencies in attorney practice & billing

Process, manage and evaluate contractor billing.	FY19		FY20		FY21		FY22	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
Non-CAC Expenditures stay within budgeted appropriation	Yes	<b>Yes</b>	Yes	<b>Yes</b>	Yes	<b>Yes</b>	Yes	<b>Yes</b>
Avg. # days from invoice submission to payment in state financial system	20	<b>8.6</b>	20	<b>8.3</b>	10	<b>10</b>	10	<b>12</b>

## Goal 2: The OCR will optimize efficiencies in attorney practice and billing

Provide litigation support and facilitate practice innovations.	FY19		FY20		FY21		FY22	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
% attorneys indicated very satisfied/satisfied with GRID	95%	<b>88%</b>	95%	<b>100%</b>	95%	<b>99%</b>	95%	<b>100%</b>
% attorneys indicated very satisfied/satisfied with OCR Listserv	80%	<b>84%</b>	80%	<b>96%</b>	95%	<b>96%</b>	95%	<b>98%</b>
Litigation Tool Kit forms/resources online	60	<b>109</b>	120	<b>160</b>	190	<b>206</b>	220	<b>266</b>
% attorneys indicated very satisfied/satisfied with OCR Litigation Toolkit	70%	<b>72%</b>	75%	<b>93%</b>	95%	<b>95%</b>	95%	<b>94%</b>

OCR continued to provide a robust training program throughout FY22 as illustrated below. Additionally, OCR provided 17 mentors to new attorneys covering 7 judicial districts, provided every attorney with access to Westlaw at no cost to the attorney, and hosted regular townhalls to provide attorney support.

## Goal 3: The OCR will ensure attorneys remain current in state and federal law and regulations, social science research and evidence-based services.

Require attorneys to meet minimum training requirements.	FY19		FY20		FY21		FY22	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
# of new CLE hours sponsored by OCR/year	80	<b>89</b>	80	<b>105.4</b>	80	<b>85</b>	85	<b>83<sup>5</sup></b>
OCR Attorneys Strongly Agree/Agree OCR training is tailored to meet the specialized needs of best interest attorneys	95%	<b>96%</b>	95%	<b>95%</b>	95%	<b>98%</b>	98%	<b>94%</b>

<sup>5</sup> OCR offered 30 distinct trainings in FY22 (which includes the 83 CLEs reported and additional trainings that are not CLE eligible). At the end of FY22, OCR has a total of 424 hours of CLEs available online and accessible state-wide.