
Office of the Child's Representative

Performance Plan



June 29, 2016

*OCR is an independent agency
within the Judicial Department*



Description of the major functions of the Office of the Child's Representative

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. OCR's Denver Executive Office is located in the Ralph Carr Judicial Center, 1300 Broadway, Ste. 320, Denver, CO 80203. The OCR's Executive Director, three staff attorneys, and five staff members (8.5 FTE) are charged with improving legal services for children and addressing the unique needs of legal representation of children in Colorado.

At the time of the OCR's creation, the General Assembly had serious concerns about the subpar quality of representation provided to children in Colorado, including: 1) financial barriers to the necessary frontloading of services or ongoing dedication of the proper amount of time to cases; 2) caseloads impairing appropriate case preparation and investigation; 3) insufficient meaningful interaction by attorneys with children in their environment; and 4) a lack of participation by attorneys in court.

The statute creating the OCR sets forth its comprehensive mandate to ensure enhanced best interests legal representation of children who come into contact with Colorado's court system, as well as a list of specific mandates necessary to the accomplishment of this goal. The OCR's statutory mandates include:

- Improve quality of best interests attorney services and maintain consistency of best interests representation statewide.
- Provide accessible training statewide for attorneys.
- Provide statewide training to judges and magistrates.
- Establish minimum training requirements for all attorneys representing the best interests of children.
- Establish minimum practice standards for all attorneys representing the best interests of children.

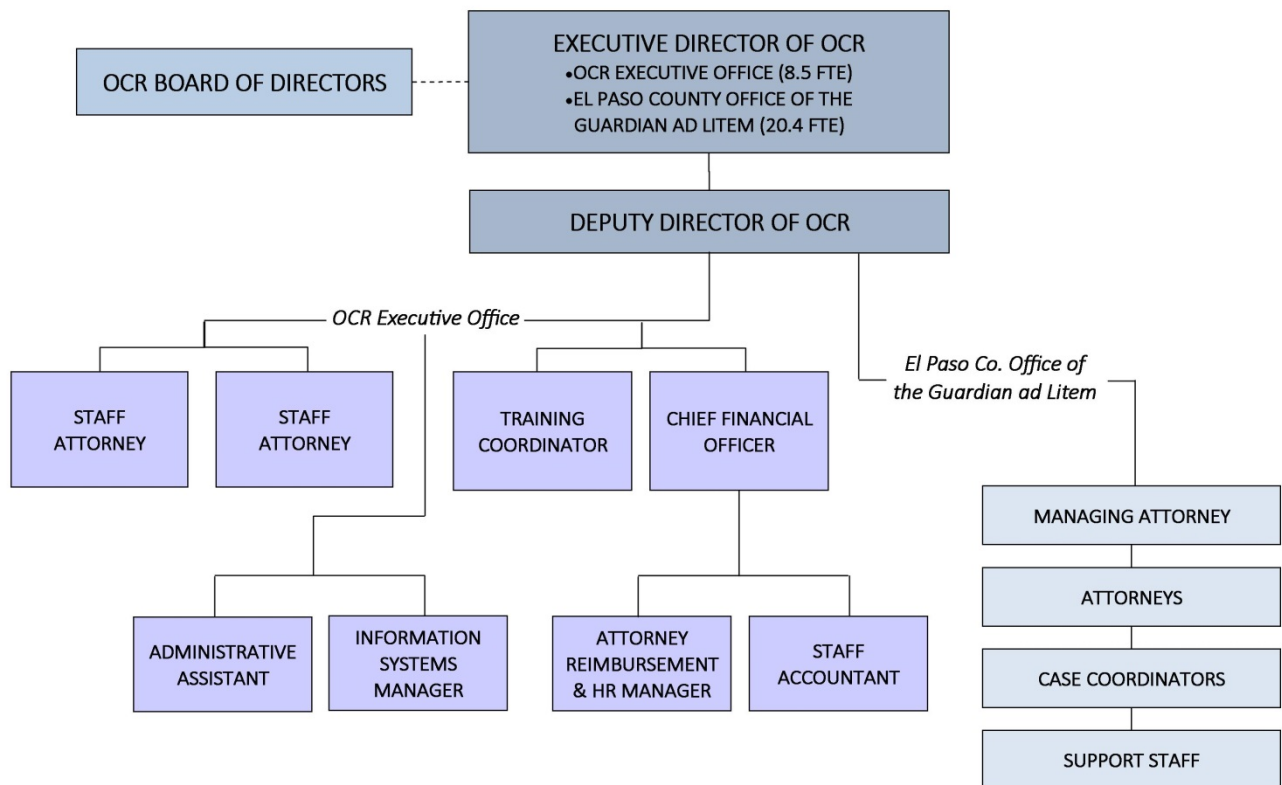
The mission of the Office of the Child's Representative (OCR) is to provide competent and effective legal representation to Colorado's children involved in the court system because they have been abused and neglected, charged with delinquent acts and without a parent available to protect their best interests during the proceedings, or impacted by high conflict parenting time disputes. 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 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.

- Provide oversight of the practice of attorneys to ensure compliance with the established minimum standards.
- Create local oversight entities in each of Colorado’s 22 judicial districts to oversee the provision of services and to report to the OCR director concerning attorney practice.
- Establish fair and realistic compensation for state-appointed GALs sufficient to retain high-quality, experienced attorneys.
- Work with Court-Appointed Special Advocates (CASA) to develop local CASAs in each of the 64 counties statewide.
- Enhance funding resources for CASA.
- Work cooperatively with CASA to provide statewide CASA training.
- Serve as a resource for attorneys.
- Develop measurement instruments to assess and document the effectiveness of various models of representation.

See § 13-91-101 *et seq.*, C.R.S. The OCR’s paramount mandate is to provide competent attorney services through a comprehensive and properly funded program.

Colorado Office of the Child’s Representative (OCR) Organizational Chart

October 31, 2015



Attorney Services Provided By the OCR

Court-appointed attorney guardian *ad litem* (GAL) legal service is a mandated service that must be provided to children who have been abused and neglected. Section 19-3-203, C.R.S. (2015), states the court shall appoint a GAL in every dependency and neglect (D&N) case. Courts have the discretion to appoint GALs in delinquency (JD), truancy, paternity, probate, relinquishment, mental health, and other proceedings when best interests representation is deemed necessary. While the statutory roles and responsibilities vary slightly by proceeding, in all case types, the GAL's

OCR's Vision:

Each Colorado child in need of an OCR attorney will receive comprehensive legal advocacy from an attorney who has expertise in juvenile law and will diligently and effectively represent the child's legal interests in a cost-effective manner.

professional duties flow solely to the best interests of the child. The GAL is appointed to independently investigate, make recommendations that are in the best interests of the child, and advocate on that child's behalf through all stages of the proceedings.

Attorneys may also be appointed as Child's Legal Representative (CLR) and Child and Family Investigators (CFI) in domestic relations (DR) proceedings. Sections 14-10-116 and 116.5, C.R.S. (2014), require the state to bear all costs in a parental responsibility case of a CLR or CFI appointment if the parties are indigent. The OCR serves as the oversight and payment entity for state-paid attorney CLR appointments and prior to January 1, 2016, CFI state-paid attorney services.¹

In Fiscal Year (FY) 12-13, the OCR assumed the responsibility for oversight and payment of attorneys appointed as counsel for children in D&N proceedings. The appointment of counsel for children is discretionary; the court may appoint counsel for the child subject to a D&N proceeding in addition to the GAL if the court finds that the appointment is in the best interests and welfare of the child.

OCR currently provides legal services through three models of representation:

1. ***Independent contractors:*** The OCR contracted with approximately 220 independent contractors throughout Colorado in FY 15-16. These contract entities are small businesses and include sole practitioners and law firms.

¹ Prior to January 1, 2016, the OCR and Office of the State Court Administrator (SCAO) shared CFI oversight; SCAO was responsible for only non-attorney and private-pay attorney CFI appointments and OCR was responsible for state-paid attorney CFI services. The Chief Justice, SCAO, and OCR worked with Joint Budget Committee staff to merge oversight of all CFI appointments to SCAO. Pursuant to HB 15-1153, OCR ended its oversight responsibility of state-paid attorney CFI appointments and SCAO assumed responsibility for all CFI appointments on January 1, 2016.

2. **OCR's El Paso County GAL Office:** A model of attorney services that falls under the jurisdiction of the OCR is the OCR's El Paso County GAL Office. The creation of the office as the Fourth Judicial District Pilot Project was in direct response to Senate Bill 99-215 (Long Appropriations Bill), Footnote 135, which directed the Judicial Department to pilot alternative methods of providing GAL services. This "staff multi-disciplinary" office is in its sixteenth year of operation. The El Paso County GAL Office is staffed by state employees (20.4 FTE): 12 attorneys, five case coordinators, one paralegal, and administrative staff. The case coordinators are social service professionals, and they supplement the attorney services by providing, for example, analyses of treatment needs, enhanced participation in case staffings, communication with treatment providers, and observation of parent/child visits. The use of such multidisciplinary staff services is recognized as a promising practice by the National Association of Counsel for Children (NACC). The OCR is evaluating the effectiveness of the OCR El Paso County GAL Office as part of its multidisciplinary law office pilot program.
3. **OCR's Multidisciplinary Law Office (MDLO) Pilot Program:** The OCR's multidisciplinary law office pilot program is an endeavor allowing the OCR to explore another model for providing efficient and effective GAL services. This program was developed after many years of analysis regarding a fiscally responsible manner to implement SB 03-258, Footnote 118, which requested that the OCR study alternative methods of providing GAL services in D&N cases by exploring whether it could implement a multidisciplinary office in Denver similar to the OCR El Paso County GAL Office.

Through a Request for Proposal (RFP) process, the OCR contracted with three law offices to provide multidisciplinary GAL services in Denver and Arapahoe Counties. Subject to caseload limits and conflict of interest prohibitions on handling specific cases, the office practicing in Arapahoe County provides representation in D&N, JD and truancy cases, while the two offices in Denver are responsible for providing representation in D&N cases in specific divisions of the Denver Juvenile court. Social work staff is assigned to cases as appropriate. The OCR's contracts with the offices require more frequent contact with children than the standards set by Chief Justice Directive (CJD) 04-06.

In FY 12-13, 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 focused on understanding how the multidisciplinary law offices function and whether the model has enhanced GAL practice in Arapahoe, Denver, and El Paso counties. OCR data indicates that MDLOs spend more time per case on average and engage in more contact with children than independent contractors. While the multidisciplinary approach allows the dedication of additional hours at a lower cost

than would be incurred if all activities had been billed at the attorney rate, the increased investment of time does result in a higher average cost per case than the amount billed by independent contractors. A key question for the OCR is whether and how this increased investment of time and dollars impacts outcomes for children. Few conclusions could be drawn from the DU study, and the OCR has extended the pilot in order to further evaluate the multidisciplinary law office model of representation. The OCR is developing additional measures and conducting cost analyses to complete its assessment of the MDLO model in FY 16-17.

Regardless of what service delivery model attorneys operate under, all OCR attorneys are held to high practice expectations and specially trained on the law, social science research, and best practices relating to issues impacting children involved in court proceedings.

OCR PERFORMANCE GOALS & STRATEGIES	
GOALS	STRATEGIES
<p>1: The OCR will provide effective attorney services to children through skilled and qualified attorneys.</p>	<ul style="list-style-type: none"> 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
<p>2: The OCR will establish efficiencies in attorney practice and billing.</p>	<ul style="list-style-type: none"> 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
<p>3: The OCR will ensure attorneys remain current in state and federal law and regulations, social science research, and evidence-based services.</p>	<ul style="list-style-type: none"> 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

Key OCR Activities, Operations, Strategies, and Performance Measures

OCR's Denver Executive Office staff engages in a number of activities and strategies to meet the OCR's legislative mandate.

- ✓ Establish attorney qualifications and practice standards
- ✓ Evaluate and provide support of attorney practice
- ✓ Contract with attorneys according to district needs
- ✓ Establish fair compensation rates
- ✓ Consider attorneys' requests for fees in excess of OCR's set case maximums and litigation support expenses
- ✓ Provide statewide training of and support for attorneys
- ✓ Investigate alternative models of providing legal representation
- ✓ Engage with community stakeholders to ensure appropriate attorney involvement
- ✓ Investigate complaints
- ✓ Maximize use and effectiveness of OCR's electronic case management/billing system
- ✓ Maintain billing policies and procedures which promote competent, efficient, and appropriate legal representation
- ✓ Process, manage, and evaluate attorney billings
- ✓ Manage appropriations and assess program needs

OCR's Data Collection Efforts

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 compliance with practice standards to assess the effectiveness of representation. The OCR's efforts in practice assessment and data collection have received state and national attention.

OCR's Online Case Management and Billing System

The OCR utilized a paper billing system at its creation and, over the years, transitioned to an electronic billing system. In 2011, with the support of grant funding, OCR implemented an online case billing and management system through a contract with KidsVoice, a non-profit legal entity providing GAL services in Pennsylvania. The KidsVoice System allowed for limited data retrieval regarding attorney practice. In FY 12-13, the OCR acquired the source code to the KidsVoice System, renamed the system "OCR Colorado Attorney Reimbursement Electronic System" (C.A.R.E.S.), and began its work with contract

programmers to tailor C.A.R.E.S. to the OCR's unique oversight needs and specifics of attorney practice in Colorado.

C.A.R.E.S. allows attorneys to maintain a comprehensive electronic file for each child they serve. Attorneys can record details about placement, visits with children, contacts with other parties and professionals, outcomes of court appearances, school and treatment provider information, and duration of placements. Attorneys can quickly access relevant information for each child. Attorney feedback indicated that billing categories needed simplification and system navigations enhanced to improve user experience. In January, 2015, OCR simplified billing categories not only to improve user experience, but also data collection as data it assesses from C.A.R.E.S. is completely dependent upon user entry. In FY 14-15, OCR made several reports available to attorneys so they can also track performance indicators.

The OCR utilizes its billing and case management system and other controls to ensure the efficient and appropriate use of taxpayer dollars. OCR staff reviews attorney billing submittals in order to ensure that the work done meets minimum standards and that state dollars are efficiently spent and used for only allowable expenditures. Attorneys have 30 days in which to enter billing activities and respond to staff disputes of billing submittals. OCR maintains presumptive maximum fees for each case type and OCR staff must approve requests to exceed those fees within set parameters. OCR attorney staff reviews requests for expert witness testimony, travel expenses, interpreters, and other forms of litigation support. OCR staff also conducts audits of attorney billing throughout the year using reports generated by C.A.R.E.S.

C.A.R.E.S. improved the OCR's ability to perform systemic monitoring of attorney performance and progress towards meeting its vision and goals. The data currently available through C.A.R.E.S. allows the OCR to run individual attorney reports on key indicators of attorney performance, such as in-placement contact with children, other contacts with children and other parties, and youth involvement in court proceedings. OCR staff reviews the C.A.R.E.S. reports with attorneys during its evaluation process described below to ensure the data reflect practice and address identified practice issues. The OCR's ability to consistently compile relevant data from C.A.R.E.S. has been a significant challenge, as the queries are quite complex and dependent on users entering complete and accurate information. Further improvements to OCR's billing and case management system are critical in order for OCR to establish benchmarks and increase staff and user efficiencies.

In spring 2015, OCR issued a RFP seeking a new customized case management and billing system supportive of OCR's essential functions. The RFP did not result in a cost-effective alternative to C.A.R.E.S. In FY 15-16, OCR continued investigating whether further improvements to an aging C.A.R.E.S. were feasible and determined they were not. The development of a new billing and case management system is necessary in order to improve functions for contractors and OCR staff, reduce support and operating costs and improve OCR's data collection. OCR is evaluating costs of a new system.

I. Identification and Development of Practice Standards

Expectations for attorneys under contract with the OCR are set forth in statute, Chief Justice Directives (CJD), and the OCR's contract. CJD 04-06 sets forth standards for OCR contract attorneys on all case types subject to OCR's oversight.² Pursuant to its statutory mandate, the OCR makes recommendations to the Chief Justice of the Colorado Supreme Court on the standards embodied in the CJD.

The OCR continues to refine its expectations through its contracts with attorneys and by recommending revisions to applicable CJDs. For example, the OCR's contracts augment the three-year training requirement set forth by CJD 04-06 by requiring annual participation in 10 hours of OCR-sponsored trainings. In response to the Colorado Supreme Court decision in *People v. Gabriesheski* (October 24, 2011), the OCR made recommendations to the Chief Justice to revise CJD 04-06 to define the client of the GAL/CLR as the best interests of the child, formalize the requirement that the GAL/CLR assess the child's position on relevant issues in determining what is in the child's best interests, and explicitly set forth the mandate that the GAL inform the court of each child's position as developmentally appropriate and consistent with the child's consent to such disclosure. In December 2015, the OCR made recommendations to the Chief Justice to further clarify GAL practice in D&N cases and establish comprehensive standards of practice in juvenile delinquency matters. The Chief Justice amendments to CJD 04-06 on January 1, 2016, reflect OCR's recommendations.

II. OCR's Contract Process and Ongoing Evaluation and Assessment of Attorney Services

Each year, the OCR establishes lists of attorneys eligible for OCR appointments in each judicial district. The OCR compiles district lists through a comprehensive evaluation strategy, which consists of a statewide annual appraisal of existing attorney services, a tri-annual extensive contract application process, ongoing assessment and periodic audits of attorney activity, and a formalized complaint process. OCR does not automatically continue attorney eligibility for appointments.

A. Statewide Annual Appraisal Process.

Every year, the OCR distributes an evaluation survey to gather feedback on all attorneys who are providing GAL services. OCR sends the surveys to judicial officers, court administrators, court facilitators, departments of human/social services staff, CASA agencies, probation officers, and attorneys representing other parties in D&N

² CJD 04-08 sets forth standards for CFIs in Colorado, which included attorneys under contract with the OCR to provide state-paid CFI services prior to January 1, 2016. All attorneys subject to CJD 04-08 are no longer under OCR oversight and solely the responsibility of SCAO.

and JD cases in each of Colorado's 22 judicial districts. This instrument measures perception and is voluntary. Responses from some stakeholder groups however indicate a lack of understanding of the GAL's independent role. Combined with other objective information, the survey does help OCR identify potential training needs and practice issues to be addressed with individual attorneys. The OCR continually reviews the validity of the survey instrument and the questions posed as a mechanism for obtaining stakeholder feedback.

In FY 14-15, the OCR received 1294 survey responses concerning 207 attorneys; 378 responses were from judicial officers.

Key Measures Strongly Agree/Agree <i>(respondents were allowed to answer "I don't know")</i>		FY12-13 N = 191 Attorneys	FY13-14 N = 227 Attorneys	FY14-15 N = 221 Attorneys	FY15-16 N= 207 Attorneys	FY16-17	FY17-18	FY 18-19
1. A. Attorney possesses relevant advocacy skills	Target	86%	89%	90%	90%	90%	90%	90%
	Actual	91%	90%	92%	88%			
1. B. Attorney possesses requisite knowledge	Target	84%	87%	90%	90%	90%	92%	92%
	Actual	90%	90%	93%	88%			
1. C. Attorney familiar with community services	Target	84%	87%	90%	90%	90%	92%	92%
	Actual	89%	90%	91%	86%			
1. D. Attorney attends all court hearings	Target	91%	93%	93%	93%	93%	95%	92%
	Actual	93%	94%	95%	95%			
1. E. Attorney critically assesses department case & permanency plans	Target	72%	75%	80%	80%	80%	82%	84%
	Actual	90%	83%	83%	76%			
1. F. GAL is respectful of others involved in the case	Target	82%	85%	85%	85%	85%	85%	85%
	Actual	87%	88%	85%	79%			

The OCR requires all attorneys to confirm compliance with CJD 04-06, disclose professional disciplinary history, and verify fulfillment of OCR training and malpractice

insurance requirements. OCR staff manually reviews all attorney submissions for compliance and follows up with individual attorneys as needed.

OCR staff also reviews C.A.R.E.S. reports and billing averages to identify outliers in the amount of time spent on cases and key attorney activities such as contacts with children. OCR attorney staff contacts attorneys as indicated by the C.A.R.E.S. reports to discuss potential issues and determine whether further action is necessary.

Finally, the OCR staff attorney assigned to the judicial district also personally contacts key judicial officers and court staff to identify any issues with the sufficiency or quality of the lists of attorneys identified as eligible for appointment and conducts in-person meetings with stakeholders on an as-needed basis.

B. OCR's Tri-Annual Extensive Contract Application Process.

In FY 2012-13, OCR instituted a tri-annual extensive contract evaluation process. Each year, the OCR evaluates attorneys in one-third of Colorado's 22 judicial districts. OCR's extensive evaluation consists of attorney application and appraisal information detailed above; interviews of children/youth, parents, and caregivers; structured court observations; review of a writing sample; expanded stakeholder feedback; and analysis of selected reports from C.A.R.E.S. Additionally, the OCR staff attorney assigned to the judicial district conducts meetings with key stakeholder groups in each of the districts scheduled for evaluation. Typically, the OCR meets with judicial officers and staff, CASA programs, and attorneys with existing contracts. The majority of these meetings are conducted in person. The OCR staff attorney assigned to the district meets with each existing contractor under evaluation to review the data collected during the evaluation, discuss any identified practice issues, and assess ongoing suitability for an OCR contract.

Court Observations

In FY 12-13, the OCR began conducting court observations in D&N cases in order to obtain first-hand knowledge regarding attorney courtroom performance. The OCR developed an instrument and trained OCR staff and interns to standardize documentation and data collection. The OCR capitalized on the opportunity to obtain data regarding youth participation in D&N cases. Youth participation data is relevant to the attorney evaluation, but is not a performance measure because of the individualized judgment and circumstances informing the child's level of participation at court hearings. The OCR expanded the observations in FY 13-14 to include JD 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.

In FY 14-15, attorneys practicing in seven rural districts were subject to the extensive evaluation process detailed above. These rural districts have few case filings and provided the OCR with fewer opportunities to conduct courtroom observations. OCR attorney staff, interns, and volunteers conducted 158 courtroom observations concerning 47 attorneys under evaluation. The OCR also conducted courtroom observations in judicial districts not subject to the extensive evaluation process in order to augment its data and better track trends. In all, OCR conducted 366 court observations involving 611 children/juveniles in FY 14-15.

In FY 15-16, OCR's extensive evaluation concerned the jurisdictions first evaluated in FY 12-13 and enabled OCR staff to analyze data from the two fiscal years. OCR conducted nearly 500 courtroom observations involving 74 attorneys and 813 children/youth in FY 15-16.

Goal 1: The OCR will provide effective attorney services to children through skilled and qualified attorneys.								
Key Measures		FY12-13	FY13-14	FY14-15	FY15-16	FY16-17	FY17-18	FY18-19
Number of Court Observations		N = 287	N = 426	N = 366	N = 498			
1. G. 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			
1. H. Appointed attorney appeared	Target	Establish baseline	90%	92%	92%	92%	94%	95%
	Actual	91%	94.6%	89.9%	95%			
1. I. Attorney provided current, independent information	Target	Establish baseline	70%	75%	80%	85%	87%	89%
	Actual	64%	81%	81.1%	81%			
1. J. Clearly stated a position	Target	Establish baseline	85%	87%	90%	90%	92%	94%
	Actual	82%	91%	90.9%	85%			
1. K. Attorney stated child's position <i>(observers are not able to determine whether developmentally appropriate and according to child's wishes)</i>	Target	Establish baseline	30%	40%	40%	40%	42%	44%
	Actual	24%	43.75%	51.23%	51.16%			

C. Ongoing Monitoring and Periodic Audits of Attorney Activity.

Through OCR C.A.R.E.S., OCR runs periodic reports of attorney activity on key performance indicators, such as timely visits with children and children's appearance at Permanency Planning hearings. Any issues identified through these initial reports leads to a more in-depth examination of an attorney's activities in cases in order to determine whether the report accurately reflects the attorney's practice. OCR's follow-up indicates that the C.A.R.E.S.'s report must be revised due to placement of the child more than 100 miles outside of the jurisdiction of the court and user's lack of data entry and inputting errors. For example, in FY 13-14, the C.A.R.E.S. data initially indicated that attorneys visited children 83% of the time within 30 days of the attorney's appointment. OCR staff reviewed certifications of compliance and contacted individual attorneys to identify potential practice issues and updated the C.A.R.E.S. data to reflect practice standards. In FY 15-16, OCR completed a 30-day visit report and 45-day activity report of attorneys subject to the triannual extensive evaluation and discussed any practice concerns with each attorney.

D. Recruitment and Retention of Qualified Attorneys

OCR struggles to meet the needs of several judicial districts, particularly in rural areas. In some districts, the loss of just one attorney would result in a severe attorney shortage leaving the OCR without an attorney to pick up anywhere from one-third to three-fourths of the appointments; some of the attorneys on the OCR's current lists in these districts are nearing the age of retirement and have indicated an intent to retire in the near future. The OCR actively recruits attorneys in a number of ways, including holding trainings in rural districts which are open to members of the local bar and obtaining names of potential contractors from local judiciary and stakeholders. Despite recruiting efforts, the OCR is, at times, unable to find qualified practicing attorneys living in the district in order to augment the number of attorneys available for appointments in these complex and specialized cases. As an example, in the 13th Judicial District, the OCR contracts with attorneys in neighboring districts which requires travel at an increased cost to the state. The OCR is investigating alternative models of representation, including a formal fellowship program, to address the shortfall in some judicial districts.

In FY 15-16, the OCR received submissions from 200 attorneys interested in contracting with the OCR during FY 16-17. Fifty-four of the attorneys were new applicants who had not previously contracted with the OCR.

E. OCR's Formalized Complaint Process

One of the OCR's first activities was to establish a formal complaint process. This process remains in existence and serves as another mechanism for ensuring that attorneys under contract with the OCR are meeting performance expectations. Complaint forms are available on the OCR's website and paper copies are available upon request. While the specifics of each investigation vary depending on the nature of the complaint, the investigation typically involves a review of the court's on-line file, C.A.R.E.S. file and other relevant documents; interviews of the attorney and the complainant; and interviews of other stakeholders and/or witnesses, including foster parents, judicial staff, county attorneys, parents' counsel, and caseworkers, as appropriate.

Founded complaints lead to further investigation of the attorney's performance. While each circumstance is unique, the OCR typically engages in an audit of the attorney's work in order to determine whether the founded complaint was an anomaly or indicative of a pattern of poor performance. When warranted, the OCR places the attorney on a corrective action plan or terminates the attorney's contract. The OCR also determines whether it is necessary to remove the attorney from existing appointments and consults with the court in such circumstances. The OCR closes each complaint by providing a formal resolution of the investigation to the complaining party and the attorney.

In FY 15-16, OCR received 33 complaints. Two complaints received in mid-June remain under investigation. One investigation revealed a practice concern rather than a violation of practice standards and was addressed through training. The OCR founded three complaints.

III. *OCR's Litigation Support Services and Training Program*

OCR's litigation support and training programs serve two key functions. First, litigation support and training ensure continuous quality improvement of attorney services provided to Colorado's children. When representing children's interests, lawyers must, in addition to their 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. Second, well-supported and well-trained attorneys are efficient attorneys. OCR's litigation support and training programs save attorneys considerable time in actual cases.

A. Litigation Support Services

OCR's litigation support program includes a listserv, a motions bank, quarterly newsletters containing summaries of recent cases and other developments in juvenile law, and timely outreach and communication to attorneys. OCR attorney staff developed and will continue to update the Guided Reference in Dependency (GRID), Colorado's first comprehensive advocacy guide for attorneys in D&N proceedings. OCR attorney staff also serves as a resource to attorneys; assisting them with questions on individual cases and linking them to other attorneys with expertise in particular subject areas. In addition, OCR provides attorneys with necessary independent experts and other resources as justified in individual cases. OCR is developing performance measurements relating to attorney use and effectiveness of its motions bank and listserv.

OCR's listserv provides a robust forum for attorneys to pose questions about any aspect of a case, from information about a particular child placement agency or service provider to technical legal issues pending before the court. OCR also uses the listserv to communicate new case processes and inform contractors of developments in the field. Every attorney is required to be a member of the OCR listserv. In FY 15-16, OCR launched an enhanced listserv service which improves security, eases maintenance, and customizes options for users. The improved listserv features a searchable archive of messages and separates general discussion topics from OCR announcements. Between November, 2015 and mid-June 2016, attorney users have exchanged over 400 messages on the discussion forum.

OCR's website contains information about OCR, an Attorney Center that maintains a password-protected motions bank for attorneys, and a resource center. The OCR has not yet implemented an objective measurement of motions bank usage. Answers to its 2014 survey of contract attorneys reveal that 40.54% of respondents sometimes or frequently used the motions bank. In FY 15-16, OCR conducted a comprehensive review of its motions bank and began updating the materials in the motions bank. OCR plans to complete the motions bank upgrade in FY 16-17. OCR contractors may easily access OCR's billing policies and procedures on its website. The website also provides links to state and national organizations and resources for use by the general public.

Goal 2: The OCR will establish 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 per year	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	Secure funding
	Actual	NA	Began drafting & sought funding	Published pocket part with updates	Completed FY 15-16		
2. C. Measure listserv usage	Target	NA	Investigate means for measuring	Enhance listserv	Investigate means for measuring	Develop metrics	Report data
	Actual	NA	Google Analytics appears promising	Enhanced listserv			
2. D. Measure motions bank usage	Target	NA	Investigate means for measuring	Develop & implement measuring plan	Update materials & improve attorney access	Investigate means for measuring	Develop metrics
	Actual	NA	Investigation under way	Review & Update materials			

B. Training Program

Through its training program, the OCR provides ongoing, meaningful training tailored to the specialized needs of attorneys representing children. This program is not only mandated by OCR's enabling legislation, but also by federal law requiring states receiving child welfare funds to certify that each GAL appointed in a D&N proceeding has received training appropriate to the role. Each year, the OCR sponsors at least two statewide conferences for its attorneys and other stakeholders, provides ongoing training through brown bag sessions and webinars, and collaborates with other entities to maximize cross-systems training opportunities. The OCR's training program is structured yet flexible; while a key number of target trainings take place each year covering attorney core competencies, OCR offers increased training opportunities when important legal, social science, or other developments warrant timely dissemination of information.

OCR requires attorneys eligible for appointment in D&N cases to complete 10 hours of OCR sponsored trainings annually. Attorneys must report compliance with the training requirement in March of each year. In March 2016, 77.5% of attorneys reported they met or exceeded OCR's training requirement. OCR staff contacted the remaining attorneys to discuss the current status of their compliance with OCR's training requirements, identify barriers to the attorney's compliance, review means of insuring compliance, and, if necessary, provide a deadline for the attorney to comply.

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			
3. B. Training Hours available online	Target	Establish Baseline	120	150	250	250	250
	Actual	91	164	235			
3. D. Attendee survey: rated spring conference “Excellent/Good”	Target	Establish baseline	85%	85%	85%	87%	88%
	Actual	87.87%	89.19%	94.44% (joint w/ ADC)			
3. E. Attendee survey: “Satisfied/Very Satisfied” with spring conf. materials	Target	Establish baseline	90%	90%	90%	92%	93%
	Actual	96.92%	86.84%	97.22% (joint w/ ADC)			
3. F. Attendee survey: “Satisfied/Very Satisfied” with spring conf. information	Target	Establish baseline	90%	90%	90%	92%	93%
	Actual	92.43%	86.84%	94.45 (joint w/ ADC)			
3. G. Attendee survey: Rated summer/fall conference “Excellent/Good”	Target	Establish baseline	85%	87%	88%	90%	90%
	Actual	92.2%	No data available for NACC conference	94.45%			
3. H. Attendee survey: “Satisfied/Very Satisfied” with summer/fall conference materials	Target	Establish baseline	85%	87%	88%	90%	90%
	Actual	96.1%	No data available for NACC conference	98.87%			
3. F. Attendee survey: “Satisfied/Very Satisfied” with summer/fall conference information	Target	Establish baseline	90%	92%	92%	94%	95%
	Actual	92.3%	No data available for NACC conference	97.78%			

IV. *Establishment of Fair and Realistic Compensation Rates for Attorney Services*

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 time for effective case investigation and legal advocacy. The OCR has worked with the General Assembly and Joint Budget Committee to achieve this goal by: eliminating the flat fee payment structure and converting to a statewide hourly payment structure; eliminating the discrepancy between in-court and out-of-court rates; and bringing the rate of compensation closer to a fair and realistic rate. The OCR’s hourly rate stood stagnant at \$65/hour for several years after it went into effect in FY 08-09. The OCR requested and received a rate increase for contract attorneys in its FY 14-15 budget request.

The OCR has long recognized that its El Paso County GAL Office staff are not paid as much as others in the public sector. The OCR participated in an attorney salary survey to assess the parity of the State’s compensation of the El Paso GAL Office attorney staff as compared with other public sector attorney jobs as of FY 12-13. The study found that OCR attorney staff salary ranges and actual salaries are significantly misaligned with the market. The OCR compared non-attorney salaries to those within the state system and discovered support staff salaries were also misaligned with the market. The OCR requested and received a salary adjustment in its FY 14-15 budget request.

The OCR appreciates the Joint Budge Committee and General Assembly’s support.

Goal 1: The OCR will provide effective attorney services to children through skilled and qualified attorneys.							
Key Measures		FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19
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	Assess feasibility of further adjustment	Assess feasibility of further adjustment
	Actual	\$65/hr	\$75/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	Determine whether further adjustments are required
	Actual	Salaries “significantly misaligned”	General Assembly approved	No adjustments			