
Office of the Child's Representative



Performance Plan

June 2021

*OCR is an
independent
agency within the
Judicial Department*



Mission and Values

OCR Mission

OCR gives children and youth a voice in Colorado legal proceedings through high-quality legal representation that protects and promotes their safety, interests, and rights.

OCR Vision

Justice, opportunity, and healthy families for all court-involved children and youth.

OCR Values

Accountability: Colorado's children, attorneys, families, and communities can count on OCR to ensure that each decision we make and action we take advances our mission in a fair, inclusive and transparent manner.

Efficiency: OCR strives to accomplish its mission and conserve resources by streamlining efforts, adhering to deadlines, resolving conflict constructively, and honoring well-defined projects, processes, and roles. We balance our drive to achieve with thoughtful planning and implementation.

Empowerment: OCR cultivates an environment of respect and honesty. We value the diverse experiences and expertise of the children we serve, our attorneys, and our staff. We invest time to reflect and connect, focus on strengths, value feedback, and recognize success. We stand for justice and support each other in our mission to empower children.

Overview

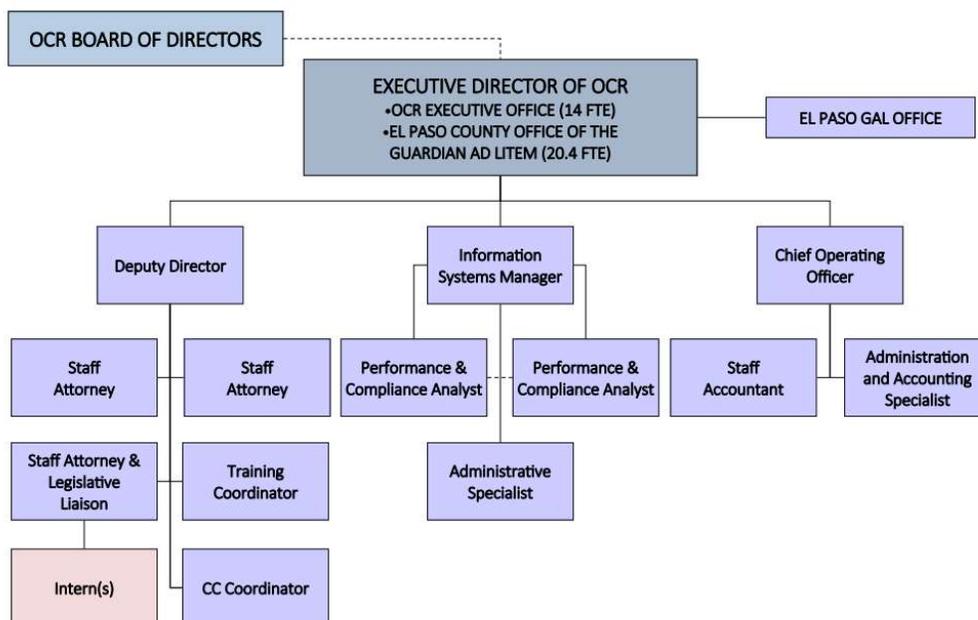
The OCR was created in 2000 to address the General Assembly’s concerns about the quality of representation provided to Colorado children. Colorado Revised Statute §13-91-101 et seq. mandates that the OCR:

- Improve the quality of attorney services and maintain consistency of representation statewide.
- Provide accessible training statewide for attorneys.
- Establish minimum practice standards for all attorneys representing the best interests of children or acting as counsel for youth.
- Provide oversight of the practice of attorneys to ensure compliance with the established minimum standards.
- Establish fair and realistic compensation for state-appointed GALs and Counsel for Youth sufficient to retain high-quality, experienced attorneys.
- Serve as a resource for attorneys.
- Develop measurement instruments to assess and document the effectiveness of various models of representation.

OCR has been working diligently and successfully to fulfill these mandates and improve the quality of legal services and representation of children in Colorado. Currently the OCR contracts with approximately 265 attorneys who serve children in all 22 judicial districts across the state. Our Executive Office, located in the Ralph Carr Judicial Center at 1300 Broadway, Suite 320, houses our Executive Director, Deputy Director, Chief Operating Officer, Information Systems Manager and 10 staff members:

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

November 1, 2021



Attorney Services Provided by the OCR

OCR oversees approximately 265 attorneys who serve as Guardians *ad Litem* (GAL) or Counsel for Youth (CFY) in Colorado. A GAL or CFY is appointed by the Court for every child/youth named in a dependency and neglect case (as mandated in §19-3-203 and §19-7-308 C.R.S.) and the OCR is responsible for oversight and payment of all these appointments including any applicable appeal. OCR is also responsible for appointments for every minor parent facing termination of their parental rights (TPR) and for every youth aged 16 or 17 seeking a marriage license.

Case Type	OCR Responsibility
Dependency & Neglect	All GAL appointments (GAL appointed for each named child/youth in every case in Colorado and for any minor parent facing TPR) and Counsel for Youth appointments for youth aged 18 and older
Underage Party seeking a Marriage License	All GAL appointments (GAL appointed for all youth 16-17 seeking a marriage license)

The Court has discretion to appoint an attorney in the following proceedings and the OCR is responsible for the appointment as follows:

Case Type	OCR Responsibility
Delinquency & Direct File	All GAL appointments
Truancy	All GAL appointments
Paternity & Support	GAL appointments where at least one party is indigent
Probate	GAL appointments where at least one party is indigent
Adoption & Relinquishment	All GAL appointments
Mental Health	All GAL appointments
Victim Witness	All GAL appointments
Domestic Relations	Child's Legal Representative ("CLR") appointments when one or both parties are indigent

In addition, the OCR may be responsible for appointments in other proceedings when representation of a child's best interests is deemed necessary or when the Court appoints Counsel for a minor child in a Dependency and Neglect proceeding.

The statutory roles and responsibilities vary slightly by proceeding; however, the GAL or CLR's 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.

In FY22, OCR attorneys will also be providing client-directed legal representation to youth once they reach the age of 18 pursuant to newly enacted legislation, HB21-1094. This legislation accomplishes a necessary step in advancing youth rights and further promoting youth voice in D&N proceedings. Counsel for Youth appointed pursuant to this legislation will advocate for the youth's stated position as they access services and resources to support them in the successful transition to adulthood.

In FY21 the OCR provided legal services through both independent contracts and employees:

Independent contractors: OCR contracted with approximately 265 independent contractors throughout Colorado. These contract entities are small businesses and include solo practitioners and law firms.

OCR's El Paso County GAL Office: OCR's El Paso County GAL Office (OGAL) is a model of attorney services that falls under the jurisdiction of the OCR. 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 office is entering its twenty-first year of operation and employs twelve attorneys (including a managing attorney and an assistant managing attorney), five case coordinators, and support staff, totaling 20.4 FTE. The case coordinators are social service professionals who enhance representation in a case.

Regardless of employee or contractor status, all OCR attorneys are held to high practice expectations and are specially trained on the law, social science research, and best practices relating to issues impacting children involved in court proceedings. The legal advocacy provided by OCR attorneys plays a critical role in protecting and promoting the child's safety and well-being and ensures each child and youth has a voice throughout all aspects of their case.

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.

Colorado has a long history of providing high-quality legal representation for children/youth and has done so through a best interests representation model. After years of gathering youth feedback, reviewing emerging national practice standards, and observing a growing trend as other states secure the right to counsel for children/youth, the OCR believes it is time for Colorado to consider changing its model of representation to client-directed for youth in D&N proceedings who are of sufficient age and maturity. The passage of HB21-1094 jump-started this change to Colorado's representation model by requiring client-directed counsel for youth age 18 and older, providing the OCR with a unique opportunity to lay the groundwork for advancing this important goal.

Strategies

- A. Ensure all eligible youth benefit from the services and protections provided by HB 21-1094.
 - 1) Prepare OCR attorneys to provide effective client-directed representation to eligible youth through communication, training, and supports.
 - 2) Design a case assignment system and outreach strategies that ensure all eligible youth receive attorney services through OCR.
- B. Further elevate youth voice in Colorado legal proceedings by advancing legislation that transitions best interest representation to client-directed representation for youth aged 12 or older.
- C. Gather feedback from OCR attorneys, youth, and other stakeholders to inform the development of legislation and policy in making this change.
- D. Develop implementation supports including training, resources, and practice standards.
- E. Design a data/oversight/evaluation strategy to:
 - 1) Track the number of eligible youth represented by OCR attorneys.
 - 2) Ensure that courts order and attorneys provide client-directed representation at the eligible age.
 - 3) Enhance OCR's online case management and billing system to optimize billing efficiencies and oversight reporting features for cases involving eligible youth.
 - 4) Ensure compliance with practice standards established for client-directed representation, to include contact and communication with children and youth, diligent investigation, and effective courtroom advocacy.
 - 5) Assess youth's satisfaction with counsel.

OCR Performance Goals and Strategies

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

Strategies:

- A. *Ensure children's voice & interests are paramount throughout the proceedings and in the development of policy, law & practice*
- B. *Provide and promote effective use of case consultant (CC) support to attorneys*
- C. *Provide oversight & evaluation of attorney practice*
- D. *Establish fair and reasonable compensation for OCR attorneys*

GOAL 2: OCR will optimize efficiencies in attorney practice and billing

Strategies:

- A. *Manage appropriations and assess program and district needs*
- B. *Optimize use and effectiveness of C.A.R.E.S. (OCR's online case management and billing system)*
- C. *Process, manage, and evaluate attorney billings*

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.

Strategies:

- A. *Cultivate a learning & practice environment that supports excellence in legal representation*
- B. *Deliver high-quality accessible training to advance best practices, address emerging topics in relevant fields, and implement OCR Core Competencies*
- C. *Assess attorney and case consultant education and support needs*
- D. *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*

Goal 1 Process and Metrics

Ensure children's voice & interests are paramount throughout the proceedings and in the development of policy, law & practice

OCR released an Engaging and Empowering Youth ("E&EY") Report in November of 2020, available at <https://coloradochildrep.org/wp-content/uploads/2020/11/Engaging-and-Empowering-Youth-Paper.pdf>. This comprehensive report delves into over 300 youth surveys collected over a three-year period and numerous other data sources measuring youth engagement. This data and review lead to a set of recommendations detailed in the report.

Implementation of these recommendations has begun and will continue through FY22. The recommendations urge continuation of dedicated attorney time to the E&EY program and collection of youth feedback as well as:

- Increase youth attendance in court,
- Further incorporate youth feedback and youth voice into OCR policies and programming,
- Explore strategies to use youth surveys in the OCR attorney oversight processes (OCR explored use of the youth survey with renewing attorneys in 2021).

To further incorporate youth voice and perspective into OCR's policies and programming, the OCR has formed a Young Adults Council (YAC) comprised of 12 young adults with lived experience in D&N, Juvenile Delinquency, and/or truancy systems. These young experts are meeting with the OCR regularly to inform the representation and services OCR attorneys provide to Colorado children/youth. During the initial meeting, YAC members indicated they joined the YAC because they want to use their voice, make positive change, help other children/youth, and share their insight and experiences with OCR attorneys and case consultants. Many council members also expressed an interest in legal careers.

One component of ensuring youth voice is ensuring GALs spend time with youth, establishing rapport and trust, and getting to know the youth and their positions. Correlations regarding time spent with youth and their level of trust or desire to attend court were identified in the E&EY report. The CJD 04-06 requires an attorney to conduct an initial placement visit with a youth in the first 30 days of a D&N appointment. OCR uses reports generated from C.A.R.E.S. to monitor timely initial visits with children in D&N cases and attorney caseloads. This data is used as one measure of attorney effectiveness and advocacy.

OCR has added a goal to report on children in court and plans to review and disseminate this data on a quarterly basis. These quarterly reports will include:

- Youth over the age of 5 who attend permanency planning, benchmark, and review hearings.
- Youth who utilize an *in-camera* interview with the judicial officer. (An *in-camera* interview allows a youth to meet more privately with the judicial officer, rather than attending the public court hearing where parents and others may be in attendance).

According to OCR data from CARES, youth met with their judicial officer between July 1, 2020, and Feb 28, 2021, a total of 188 times through an *in-camera* interview. Youth attendance at court, reflected in the chart below, is a complicated measure for the OCR to impact in that it is only partly in the control of the agency and attorneys. Judicial officers and other parties play important roles in allowing/encouraging youth to attend court. However, the OCR believes that the agency and the child's GAL are in a strong position to push this policy and effectuate change across the system using strategies identified in the E&EY 2020 Report.

To promote youth attendance in court, the OCR developed district-specific reports and began training on the subject both on a national stage and throughout Colorado. District-specific E&EY presentations focused on showcasing district data and seeking further information about the barriers around getting youth to court. OCR considered baseline data from the past two and a half years, showing a fairly low state average of around 12%. Some judicial districts, such as the 9th (Garfield, Pitkin, Rio Blanco counties) and the 2nd (Denver county), show higher rates of attendance, demonstrating that increased youth attendance is possible. OCR hopes to use their successes as examples for other districts throughout the state.

OCR conducts youth reference interviews as a part of its renewal procedure for one third of Colorado's Judicial Districts each year, providing another important method of seeking direct youth feedback. In FY21, OCR conducted 86 youth reference interviews regarding the 73 attorneys up for renewal. This feedback is used in evaluating attorney compliance with OCR practice standards and is discussed with each attorney during their renewal interview.

To highlight the importance of the child's voice throughout proceedings, OCR has included some measures from its Court Observation Forms, Stakeholder Feedback Surveys and youth outreach efforts in the chart below (see Oversight and Evaluation of Attorney Practice section for more information).

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

<i>Ensure children's voice & interests are paramount throughout the proceedings</i>	FY19		FY20		FY21		FY22		FY23		FY24	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
# of youth events attended or sponsored	5	8	5	8	5	4	5		5		5	
# of youth surveys received	50	108	75	85	100	18	100		100		100	
% of renewing attorneys w/ at least 1 youth reference interview	60%	77%	65%	92%	95%	88%	95%		95%		95%	
% of attorneys stated child's position in court observations ¹	70%	87%	80%	65%	85%	33%	85%		90%		90%	
% of attorneys who indicated efforts to get child to attend in court observations ²	20%	13%	30%	12%	30%	8%	30%		35%		40%	
Judicial Officers indicate attorney always/usually advises the Court of the child's position ³	95%	87%	95%	90%	95%	99%	95%		95%		95%	
% of youth report GAL told the Judge what they wanted always/usually in youth survey	-	-	Est. Base line	74%	80%	63%	85%		85%		90%	
% of youth over 5 who attended a benchmark, permanency, or review hearing	-	-	-	-	Est. Base line	12%	20%		25%		30%	

¹ 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.

² For youth who were not already present in court and are over 5 years of age.

³ Prior to FY19 this question was answered by all stakeholder participants (regardless of whether they regularly attended court) and beginning in FY19 only Judicial Officers answered this question.

% of youth report GAL asked them about going to court always/usually (D&N)	-	-	Est. Base line	62%	70%	63%	70%		75%		80%	
% of initial 30 day visits completed	-	-	-	-	100%	97%	100%		100%		100%	

In FY21, the COVID-19 pandemic impacted a variety of factors, one of which was the availability and ability of the OCR to attend or sponsor youth events, which is reflected in the numbers above. This in turn impaired the OCR’s ability to obtain youth surveys despite substantial outreach efforts. The impact of COVID-19 on youth at court numbers will also be informative as the pandemic presented new challenges and opportunities for youth participation in court. Court appearance via WebEx removed some transportation barriers and timing issues (for example, not having to miss a large part of the school day), though many youth lacked access to appropriate technology and experienced technology issues or “online fatigue,” impairing their ability to participate.

OCR is concerned about the steady drop in percentages of attorneys stating the youth’s position in court. This is a measure that would be expected to increase if the OCR is successful in accomplishing its 2021 WIG.

Oversight and Evaluation of Attorney practice

The OCR strives to meet its goals in part by developing and using data-driven practices. However, child welfare practice does not lend itself to simple outcome-based analysis, as appropriate results for one child may not be appropriate for another child. OCR concentrates its data collection on compliance with practice standards. The OCR’s efforts in practice assessment and data collection have received state and national attention and were significantly updated as the OCR implemented recommendations from the 2019 Performance Audit.

Every year the OCR establishes lists of attorneys eligible for OCR appointments in each of the 22 judicial districts. OCR uses a comprehensive evaluation strategy and [benchmarks](#)

Attorney Qualifications & Practice Standards

Expectations for attorneys under contract with the OCR are set forth in statute, Chief Justice Directives (CJDs), OCR manuals and policies (available on our website) and in the OCR contract. CJD 04-06 sets forth practice standards and expectations for OCR attorneys; the OCR makes recommendations to the Chief Justice of the Colorado Supreme Court on necessary changes, updates, or modifications to those standards. With the passage of HB21-1094, OCR will develop practice standards and expectations for GALs who transition to client-directed attorneys when a youth turns 18 years of age.

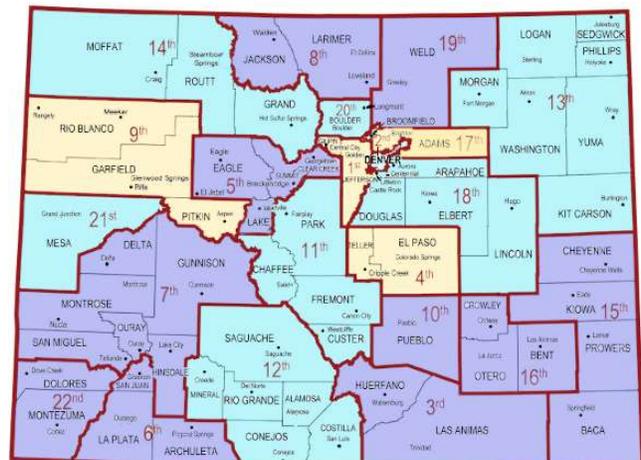
to ensure compliance with CJD and OCR practice standards as it establishes the eligibility lists. This evaluation strategy includes:

- Annual verification process
- Tri-annual renewal application process
- New attorney interviews
- Ongoing assessment, periodic reviews, and risk-based sampling of attorney activity

Each year, the OCR requires all existing attorneys to confirm compliance with CJD 04-06, disclose professional disciplinary history, verify fulfillment of OCR training by specifying which trainings were completed, and verify malpractice insurance requirements. Every three years, the OCR requires attorneys to undergo a more involved contract renewal process that also includes analysis of more qualitative data sources, such as court observations and interviews of child/youth, parent, and caregiver references. OCR accomplishes its more involved renewal process by staggering judicial districts on a three-year contract renewal cycle.

The Annual Verification and Tri-Annual Renewal processes require review of the following data sources (those in bold only apply to the Tri-Annual Renewal process, with those in italics being explored beginning in FY21):

- D&N CJD Visit Report (to show compliance with the initial 30-day visit requirement in the CJD)
- CJD Exceptions Report
- Activity Report (showing average cost per case data as well as how contractors use their time)
- Discipline Report
- Stakeholder Report
- Formal Complaints
- Outstanding Issues Form
- **Court Observation Summary**
- **Case Reference Summary (detailing results of reference interviews of parents, children, and caregivers)**
- **Writing Sample**
- **One on One Interview**
- ***Activity in Timeframe Report (showing a snapshot of the first 45 days of each D&N appointment)***
- ***Youth Surveys***



2021 2022 2023

Each verifying and renewing attorney is reviewed by a staff attorney who assesses any discrepancies between the data and the established [benchmarks](#). Attorneys falling outside of the benchmarks are staffed by the OCR. This process promotes consistency and transparency in OCR’s contract decisions.

Surveys and Case Reference Interviews

OCR seeks stakeholder feedback for each verifying and renewing attorney through an annual survey. Prior to FY21, this survey was sent to Judicial Officers and various court staff, departments of Human Services staff, CASA agencies, probation officers, and attorneys representing other parties in the cases. OCR attorney feedback indicated this was not helpful as most of the parties who received the survey were opposing parties with necessarily divergent roles. This also made the feedback difficult to use as a reliable measure. After careful consideration the OCR decided to pilot only seeking feedback from Judicial Officers in FY21. All responses to the survey are reviewed by the OCR and responses reported in the chart below reflect answers of *strongly agree* or *agree* and are noted as “SFS”. In FY21, the OCR received a total of 349 survey responses concerning 191 attorneys.

In addition, the OCR began using youth survey data to track progress on the goal of providing effective attorney services, as youth are the ultimate consumer of GAL services and the individuals whose immediate and long-term interests depend on effective attorney services.

OCR also communicates directly with youth, caregivers, and parents for each renewing attorney as mentioned previously. These case reference interviews are conducted with standardized scripts and provide meaningful feedback. In FY21, the OCR conducted 278 total reference interviews concerning the 73 attorneys under evaluation.

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	FY18		FY19		FY20		FY21		FY22		FY23		FY24	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
Attorney possesses relevant advocacy skills (SFS)	90%	91%	95%	90%	95%	92%	95%	99%	100%		100%		100%	
Attorney possesses requisite knowledge (SFS)	92%	90%	95%	90%	95%	92%	95%	99%	100%		100%		100%	

Attorney attends all court hearings ⁴ (SFS)	95%	97%	97%	96%	97%	96%	97%	99%	100%		100%		100%	
% of youth report GAL visited them in each placement in the youth survey (D&N)	-	-	-	-	Est. Base line	81%	90%	67%	85%		85%		90%	
% of youth report GAL knew what was best for them always/usually	-	-	-	-	Est. Base line	64%	75%	73%	75%		80%		80%	

Court Observations

Court observations, referenced above as part of the Tri-Annual Renewal process, employ separate standardized forms for dependency and neglect proceedings and juvenile delinquency proceedings. In FY21, the OCR conducted 194 observations involving 63 attorneys and 294 children/youth.

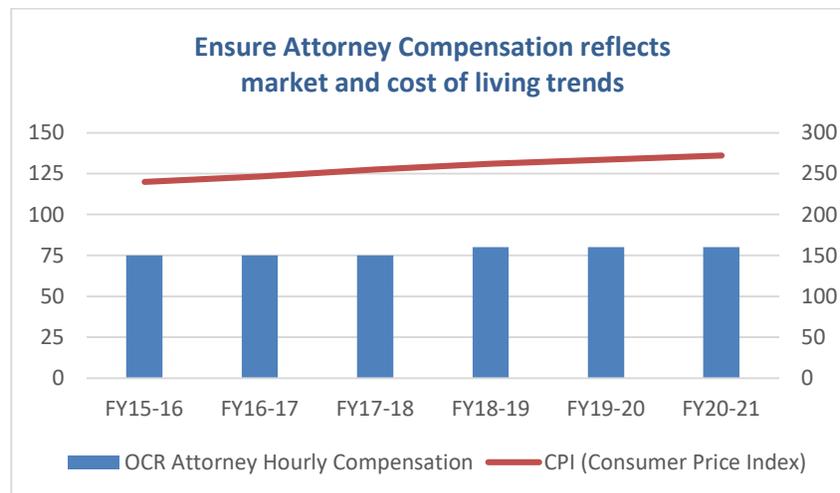
Goal 1: Provide children a voice in the Colorado legal system through effective attorney services and advocacy.

Provide oversight and evaluation of attorney practice.	FY18		FY19		FY20		FY21		FY22		FY23		FY24	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
Appointed Attorney Personally Appeared	95%	95%	95%	94%	95%	96%	95%	97%	98%		98%		98%	
Attorney provided current, independent information	85%	86%	90%	86%	90%	80%	90%	72%	90%		95%		95%	
Attorney Clearly Stated Position	90%	93%	95%	94%	95%	65%	95%	88%	95%		95%		95%	

⁴ Beginning in 2020 this question is only answered by Judicial Officers.

Fair and Reasonable compensation

OCR is statutorily mandated, in C.R.S. §13-91-105, to establish fair and realistic rates of compensation to enhance the legal representation of children. The hourly rate paid to OCR contract attorneys did not change between 2015-2018. OCR staff worked with the General Assembly and Joint Budget Committee to increase this rate to \$80 per hour beginning in July 2018. During that process, the JBC commented that these increases should be requested more frequently to allow for smaller overall amounts instead of waiting and having to ask for large increases. To that end, the OCR (along with the Office of Alternative Defense Counsel and the Office of Respondent Parent’s Counsel) requested a rate increase in 2020 to reflect cost of living increases over the previous two years. In early 2020 the JBC approved the requested rate increase. However, with the later impact of COVID and subsequent budget shortfall, the OCR worked with its JBC analyst to eliminate the proposed increase. The OCR will continue to monitor these rates and realistically assess the state budget in order to keep up with the cost of living increases and continue to attract high-quality attorneys.



Case Consultant (CC) Program

The CC pilot began in FY18 in response to information gathered from the OCR’s Multidisciplinary Law Office (MDLO) Pilot Program, in which the OCR evaluated this method of providing GAL services in D&N cases. While the pilot program was ultimately ended due to the high costs of the model, some recommendations came from the evaluation including exploring ways to make social workers accessible to more GALs and to utilize social workers to enhance best interest representation without duplicating efforts. The use of CCs allows additional work on cases at a lower hourly rate. OCR was granted (through the budget process) funding for a new CC coordinator who began work late in FY19 and in FY20, the number of CCs working with contract attorneys increased from approximately 60 to 90.

Additionally, the OCR launched a program to provide CCs to attorneys on a contract basis, managed through the CC coordinator. This allows contract attorneys to request assistance on a case-by-case basis. In FY21, the OCR contracted with three CCs who provided assistance in 39 cases covering 12 judicial districts. OCR recently completed a second round of CC contracts, which will replace one CC who left the initial cohort and add four more CCs to the program. OCR is working with the Colorado Evaluation and Action Lab to develop an evaluation plan for this program and upcoming CARES enhancements will allow the OCR to begin measuring the number of cases on which a CC has billed, as well as costs.

Goal 2: Process and Metrics

Manage Appropriations and Assess Program Needs

OCR strives to be efficient and effective in utilizing its annual appropriation. The OCR's budget is driven largely by attorney activity and caseloads. The court appointed counsel ("CAC") appropriation is driven strictly by case load and workload of contractor's billing. OCR does not control the number of appointments as these are made by the Court. In contrast, the OCR does control non-CAC expenditures and endeavors to ensure these stay within the annual allocation amount. In FY21 (through 3/31/2021), OCR used 92% of its expended

FY 21 Administrative Expenditures
(through 3/31/21)



funds for attorney services (including the CAC line item) and only 8% for administration. Through the first three quarters of the fiscal year, OCR has expended 61% of its appropriation and is **currently on track to be well within budget by the end of the fiscal year.**

Maximize use and effectiveness of OCR's on-line case management and billing system

The current C.A.R.E.S system launched on April 1st, 2018 to allow more streamlined billing, case management, and oversight through updated functions, better usability, new case alerts, better functioning on mobile devices, and built-in search technology. C.A.R.E.S groups billable activities by CJD requirements to facilitate case management and compliance. Contractors submit invoices through the new system on a monthly basis, allowing OCR to continually analyze costs and refine its budget projections to reflect ongoing expenditures and case trends. In FY20 and 21, the OCR developed a number of new reports and increased attorney access to on demand reports. For example, a newly developed "Defined Days Activity Report" allows OCR to engage in a

sophisticated analysis of attorney and case consultant activity during a defined timeframe in a case, such as the first 45 days. GALs can also now independently access a report allowing them to identify cases without any billed activities during a specified timeframe (i.e., the previous 30 days). Additionally, the planned C.A.R.E.S rollout in the summer of 2021 will allow OCR to enhance its analysis of efficiencies created through OCR litigation support and the use of CCs.

Periodic Review

In FY20, the OCR enhanced its periodic review of attorney activities by utilizing reports now available through the new C.A.R.E.S system. This includes a quarterly review of the child count report to monitor the child cap, a quarterly 30-day initial visit report to ensure compliance with this component of the CJD, and risk sampling of high-cost contractors/appointments for the quarter. Baseline data was established this year and the OCR added goals accordingly.

Goal 2: The OCR will optimize efficiencies in attorney practice & billing												
Process, manage and evaluate contractor billing	FY19		FY20		FY21		FY22		FY23		FY24	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
Non-CAC Expenditures stay within budgeted appropriation	Yes	Yes	Yes	Yes	Yes		Yes		Yes		Yes	
Avg. # days from invoice submission to payment in state financial system	20	8.6	20	8.3	10	9.8 ⁵	10		10		10	

Provide Litigation Support

Well supported and trained attorneys are more efficient and effective when representing a child's best interests. Many of the litigation supports provided by the OCR not only enhance the efficiency of OCR attorneys, but also ensures attorneys and CCs remain current in relevant subject matter areas as required by Goal 3. The OCR provides the following litigation supports to our attorneys:

- Guided Reference in Dependency (GRID) book
- Litigation Toolkit

⁵ Data from July 1, 2020 through March 31, 2021.

- Litigation Support List

Guided Reference in Dependency (GRID)

The GRID is Colorado’s first comprehensive advocacy guide for attorneys in dependency and neglect proceedings. First published by the OCR with grant funding from the Colorado Children’s Justice Task Force in 2012 and rewritten in 2018, this robust and up-to-date reference guide has been given to all OCR contract attorneys and is available online. The GRID features 8 hearings chapters, which include before, during and after checklists and blackletter law discussion and tips, and 36 comprehensive fact sheets covering a wide variety of topics. OCR continues to update the GRID annually to reflect legal and practice developments.

Litigation Toolkit

To support attorney efficiency and effectiveness, OCR has redesigned its motions bank and the Litigation Toolkit is now available to all OCR contractors on the OCR website. The Litigation Toolkit is comprised of pleadings, social science resources and practice tools to give attorneys a centralized resource when drafting motions, preparing for litigation, and researching the multitude of issues impacting cases. Currently, the Litigation Toolkit has 104 pleadings, 32 social science resources, and 70 practice tools available to contractors. The OCR added 68 new or updated documents to the Litigation Toolkit this year and will continue to update and add documents to ensure it remains current and comprehensive.

Litigation Support List

OCR maintains a list of attorneys with subject matter expertise who are approved to consult on cases in order to be efficient and effective when dealing with crossover issues like immigration, education, or appeals. Litigation support ensures attorneys have access to specialized knowledge and experience to assist in high-quality representation of the child’s best interests.

OCR monitors attorney satisfaction with litigation support and training, among other programming, in an annual satisfaction survey administered in August of each year. In FY21, 150 attorneys covering all 22 judicial districts completed the survey which is used for data below:

Goal 2: The OCR will optimize efficiencies in attorney practice and billing														
<i>Provide litigation support and facilitate practice innovations</i>	FY18		FY19		FY20		FY21		FY22		FY23		FY24	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
% attorneys indicated very satisfied/satisfied with GRID	Est. Base line	91%	95%	88%	95%	100%	95%	99%	95%		95%		95%	

% attorneys indicated very satisfied/satisfied with OCR Listserv	Est. Base line	74%	80%	84%	80%	96%	95%	96%	95%		95%		95%	
Litigation Tool Kit forms/resources available online	Est. Base line	42	60	109	120	160	190	206	220		250		280	
% attorneys indicated very satisfied/satisfied with OCR Litigation Toolkit	Est. Base line	64%	70%	72%	75%	93%	95%	95%	95%		95%		95%	

GOAL 3 Process and Metrics

Cultivate a learning and practice environment

In FY17, OCR formalized its approach to cultivating a learning and practice environment that focuses on three areas:

- Accessibility – through the OCR website improve accessibility and availability of resources.
- Community – provide a community for contract GALs to partner in shared learning and practice.
- Human Capital – use the collective competencies, expertise, and other intangible assets of our contract attorneys and other key partners in the child welfare and juvenile justice communities.

These areas of focus are the overarching umbrella that helps OCR staff craft and refine its litigation support and training. Many of these strategies are discussed in previous sections. The OCR has determined that the following four core competencies provide the foundation of high-quality representation for dependency and neglect and juvenile delinquency cases:

- Ethics/Role of GAL, CLR, and Counsel for Youth
- Substantive Knowledge
 - Federal and State Law
 - Social Science and Cultural Competency
- Skills
 - Out of Court Advocacy
 - In Court Advocacy
 - Effective Engagement with Youth and Professionals
 - Conducting a Meaningful Independent Investigation

- Law Practice Management

In FY22, the OCR will also offer a series of concentrated and comprehensive trainings covering four key core competencies that are likely to have the most positive impact on the outcomes of children, youth, and families, including:

- Placement advocacy
- Youth voice and youth rights
- Effective advocacy in delinquency cases
- Trial skills

Throughout all components of the training program, the OCR will infuse best practices in advocacy specific to the Family First Prevention Services Act requirements and Colorado's Juvenile Justice Reform implementation, as applicable. OCR's training program will also address equity, diversity, and inclusion in all practice areas and case types.

In addition, the OCR continues to offer a mentoring program to partner experienced GALs with new GALs to navigate this complex area of law in their first year of practice. In FY21, the OCR established 15 mentoring pairs covering 7 judicial districts. OCR has also continued offering Westlaw, a comprehensive legal research tool, at no cost to its attorneys.

Provide relevant, high-quality training in state and federal law and regulations, social science research, and evidence-based programs.

The General Assembly charged the OCR with providing high-quality and accessible training throughout the state. All OCR contract attorneys are required to complete at least 10 hours of OCR sponsored or approved training, including at least 2 hours of Diversity, Equity and Inclusion specific training. To meet these requirements, the OCR hosts an annual conference and provides periodic training throughout the year. In order to ensure this training is accessible state-wide, the OCR will continue providing webinars at least once a quarter on the four priority training areas or emerging topics related to child welfare practice. In addition, the OCR works with an audio/visual team to record the majority of OCR sponsored trainings. These videos are archived and available on OCR's website. OCR partners with other agencies to provide cross-systems training opportunities as well. In FY21, the OCR provided a total of 85 CLEs as follows:

- Core Competencies I: Orientation for New Attorneys
- Core Competencies II: Advanced Training for New Attorneys
- OCR Annual Fall Conference
- 9th Annual Excellence in Juvenile Defense, cohosted with the PD, OADC and CJDC
- OCR Trials Skills Training
- Supporting Educational Stability for Children and Youth in Foster Care
- Ethics & GAL Practice: Trending Topics 2020

- Engaging & Empowering Youth: Why Do We Do It & How To Do It Well
- Legal Advocacy & the Use of Psychotropic Medications for Youth in Foster Care
- Appellate Strategy Update
- QRTP Benchcard Training
- Best Practices in Visitation and Family Time
- GAL Safety Assessment Training
- School Discipline Representation
- Deconstructing Equity
- Finding Family: The Importance of Relative & Kin Placements
- The Role of the GAL in Probate & Guardianship Cases
- Parental Gatekeeping, Parental Alienation & Social Science in the Family Law Courtroom
- Challenges in Truancy Cases
- Compassion Fatigue & Stress Resiliency

At the end of FY21, OCR has a total of 378 hours of CLEs available online for easy accessibility to attorneys across Colorado. In addition to the state trainings offered, OCR paid registration fees for 23 delinquency contract GALs to attend the 9th Annual Excellence in Juvenile Defense Conference and 9 contract attorneys to attend the National Association of Counsel for Children annual conference.

Goal 3: The OCR will ensure attorneys remain current in state and federal law and regulations, social science research and evidence-based services.														
<i>Require attorneys to meet minimum training requirements.</i>	FY18		FY19		FY20		FY21		FY22		FY23		FY24	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
# of new CLE hours sponsored by OCR per year	Est. Base line	81	80	89	80	105.4	80	85	85		85		85	
OCR Attorneys Strongly Agree/Agree OCR training is tailored to meet the specialized needs of best interest attorneys	Est. Base line	93%	95%	96%	95%	95%	95%	98%	98%		98%		98%	

Maintain and disseminate updates on developments in law and social science

As outlined in Goal 2, the OCR uses a variety of strategies to ensure attorneys have the most up-to-date legal information and resources. In addition to the GRID and Litigation Toolkit detailed in Goal 2, the OCR Listserv and quarterly newsletters promote efficient and effective legal representation and ensure attorneys receive timely updates on new developments. OCR includes a case law and legislative update at least once a year at one of our sponsored trainings.

OCR Listserv

Each contract attorney is required to join the OCR listserv, which features a searchable archive and provides an excellent forum for attorneys to discuss difficult case issues, trends in the state, case law updates, and more. OCR also uses the listserv to communicate new case processes, inform contractors of recent developments, and provide case law and legislative updates. In FY21, attorneys sent a total of 437 emails discussing 170 topics.

Quarterly Newsletters

The OCR publishes a quarterly newsletter to ensure all contract attorneys have up-to-date information regarding case law updates, legislative updates, training announcements, and more. The newsletter is archived on the OCR website and provides links to new cases (which are then added to an online bank of cases) and a searchable link to access new statutes. In FY21, the OCR published 4 newsletters.

Conclusion

The OCR strives to be data driven in a complex and fluid field of law. However, the approximate 265 contractors who represent the best interests of Colorado’s children defy charts and graphs, touching the lives of hundreds of children, youth, and families every year. It is the voices of these children and youth that serve as the truest measure of performance:

“He’s probably the best person I’ve met on my team. He always wants to know how I’m feeling and he understands me a lot, and I really like that about him.”

“She is just a wonderful person. She fights for kids who are in abusive situations and fights tooth and nail. She really cares.”

*– quotes from youth about their GALs
from the 2021 case references interviews*
