

**Office of
the Child's Representative
4th Annual Report**



**Presented to
the Colorado General Assembly
September 2004**

OCR 2004 General Assembly Report

The Office of the Child's Representative (OCR) is required by state statute, Section 13-91-105, C.R.S., to submit an annual report in September to the General Assembly. This report provides an update of the OCR's activities for the past year, including those conducted to meet the office's statutorily mandated responsibility to provide and oversee best interest legal representation for children in Colorado. The report also includes an overview of major accomplishments achieved this year, fiscal management of appropriations and the OCR's goals for the upcoming year.

Please Note: For informational purposes, this report often refers to "attorney representation" and "attorney services" in the broad sense. All attorney services that fall under the auspices of the OCR are "best interest" representation of children. The guardian ad litem, child's representative and attorney special advocate zealously advocate for, and/or make recommendations in the child's best interests.

OCR Staff

Theresa A. Spahn, Executive Director
Sheri Danz, Deputy Director
Linda Weinerman, Staff Counsel
Jerrod Cotosman, Financial Budget Officer
Sheree Coates, Office Administrator and Payment Processing Officer
Christina Gonzales, Office Administrator

Board of Directors for OCR

John Anthony Abeyta, citizen member, Democrat, First Congressional District
Kay Alexander, Republican, Third Congressional District
Karen Beye, citizen member, Democrat, Sixth Congressional District
Theodora Cox, advocate member, Republican, Fourth Congressional District
Jim Covino, attorney member, Democrat, Sixth Congressional District
Celeste Holder Kling, attorney member, Unaffiliated, Fourth Congressional District
Oneida Little, advocate member, Democrat, Seventh Congressional District
Claire Hicks, advocate member, Republican, Fifth Congressional District
Eric Weisman, attorney member, Democrat, Second Congressional District

Summary of Achievements And Challenges In Fiscal Year 03-04

The Office of the Child's Representative (OCR) is pleased to report to the General Assembly that it has made much progress in the improvement of best interest representation for children this year (September 2003 through September 2004). Of course, the achievements that the OCR will report absolutely could not have taken place without the efforts and dedication of the approximately 250 attorneys with whom the OCR contracts. These attorneys, who serve as GALs, Child's Legal Representatives and special advocates, have put in the thousands of hours necessary to zealously represent the best interests of children in Colorado. They labor to improve the quality of best interest representation in the state at a rate of compensation much lower than they could make as private attorneys. Their job has only become more difficult as the complexity of cases and workload have increased as a result of budget cuts in other programs. The OCR also wishes to acknowledge the many GALs who have made themselves available to the OCR at a moment's notice when the OCR has called on them for support in its training efforts, meetings with members of the legislature and many other activities. The OCR sends a sincere thank you to each and every one of these attorneys. The OCR has included contact information for some of these individuals in each legislative district at the end of the report to enable members of the General Assembly to contact them. *See Appendix A.*

Through the creation of the OCR during the 2000 legislative session, the General Assembly responded to concerns about the quality of best interests representation that children were then receiving. Since its inception, the OCR has made significant strides in the improvement of best interests representation, and this year is no exception. As detailed in this report, the OCR has accomplished almost every goal that it set out to accomplish in last year's report to the General Assembly, and it has continued to fulfill its legislative mandates. The highlights from this year's report to the General Assembly include the following:

- **This year, the OCR's contract attorneys represented over 10,000 children in proceedings across the state.** Approximately 79 percent of OCR's attorney services involve the representation of abused and neglected children. Unfortunately, the OCR tracked a significant increase in dependency and neglect case filings this year in many of the judicial districts in Colorado, much of which is likely attributable to the rising use of methamphetamine in Colorado.
- **Due in part to budget shortfalls that have impacted agencies serving children and families, the cases to which GALs are appointed have become increasingly complex.** GALs have had to engage in more advocacy and litigation to obtain services necessary to advancing children's best interests.
- **The Joint Budget Committee demonstrated its recognition of the trends in child abuse and neglect cases and the need for strong legal advocacy on behalf of children by approving a significant portion of OCR's FY 2004 budget request.** The OCR is extremely grateful to the members of the Joint Budget Committee for the opportunity to present information relevant to its budget request and to Stephanie Walsh, OCR's JBC analyst, who spent many hours learning about the provision of

GAL services, which included meeting with GALs and hearing from them about the work they do and the challenges they face, while putting in similar hours to fully understanding the needs of other state agencies.

- **Despite not having a training budget in FY 2003, the OCR conducted several trainings in various judicial districts, made other child-welfare related trainings accessible for GALs and produced a draft core-curriculum educational interactive CD-Rom series.** These trainings include two three-day conferences (February 2004 and September 2004), several brown bag lunch presentations and the sponsoring of CLE credits for relevant trainings hosted by other agencies. OCR trainings were made possible through donations of the Court Improvement Committee, the Family Law Bar, the National Council of Juvenile and Family Court Judges and the generous professionals who volunteered as trainers.
- **The OCR increased practice standards for GALs and defined practice standards for special advocates through its participation in the drafting of Chief Justice Directives 04-06 and 04-08.** Chief Justice Directive 04-06 now makes clear that GALs are to see every child in every placement in a timely manner, and it sets forth a number of initial investigation requirements designed to ensure quality upfront decisions about placement and services and to advance permanency for children and families early on in cases. Chief Justice Directive 04-08 clarifies the role, responsibilities and parameters of special advocate appointments.
- **Because children are generally voiceless, OCR has continued to seek feedback on GAL services through the OCR's annual assessment of attorney services and OCR's formal complaint process.** This year, the OCR again traveled to all 22 judicial districts to meet with judicial officers and community members, solicited feedback through evaluation forms, reviewed new and renewal applications and interviewed new candidates and some existing attorneys. The OCR also investigated 24 complaints against contract attorneys this year, and the OCR filed an amicus brief in a Supreme Court case explaining its role in the oversight of GALs under Section 13-91-105, C.R.S., and relevant Chief Justice Directives.
- **OCR actively participated in the legislative process this year.** In addition to the yearly budget process, the OCR was invited to speak to the Joint Judiciary Committee, and it tracked and provided input on a variety of child-related bills this year. OCR testified in support of HB04-1378 and assisted in the drafting of amendments to HB04-1370.
- **The OCR increased efficiencies in multiple judicial districts, including the 4th and the 18th, and it made significant improvements in GAL services in many judicial districts.** One judicial officer in the 19th Judicial District compared the positive changes made in GAL services by the OCR to a "blood transfusion."
- **The El Paso GAL Office continued to produce efficiencies and provide high quality GAL representation in the Fourth Judicial District this year.** Employees of this staff model office persisted in the face of rising caseloads and increasing complexity of cases. The JBC recognized the success and cost efficiencies of this model and the need for additional support by approving the addition of three attorneys to the staff of this office. The staff model continued to achieve efficiencies at the rate of \$36 per hour, as opposed to the hourly rate of \$45 for in-court work and \$55 for out-of-court work.

It is through the General Assembly's and Joint Budget Committee's commitment to children and recognition of the need for high quality legal representation of children that the OCR and its contract attorneys were able to accomplish these tasks. The OCR also wishes to recognize the many other individuals, agencies and entities that have supported the OCR's efforts this year, including, but certainly not limited to: Laurie McKager and the 17th Judicial District staff; Judge Randall Davis; the Colorado Family Law Bar; Colorado's Court Improvement Committee; Alternate Defense Counsel; the Kempe Center and the National Association of Counsel for Children; the National Council of Juvenile and Family Court Judges; the State Court Administrator's Office, particularly Melinda Taylor; the many court facilitators, judicial officers and CASA staff who participated in OCR's annual jurisdictional visits; the many presenters who so generously dedicated their time and expertise to OCR's training efforts; OCR's co-chairs and co-members on its various committees; Mark Caldwell from the National Institute for Trial Advocacy; OCR's JBC Analyst, Stephanie Walsh; the State Attorney General's Office, particularly Maurie Knaizer; Justice Kourlis for her leadership in family law issues; and, again, the many dedicated attorneys who work hard to provide exceptional best interest representation to the children of Colorado.

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I. RECOGNITION OF THE GENERAL ASSEMBLY'S CONTRIBUTION AND IMPACT ON EFFECTIVE LEGAL ADVOCACY FOR THE CHILDREN OF COLORADO

Patrick, age 20 and a severe paraplegic with no motor skills, was on the verge of becoming an adult and emancipating from foster care. Confined to his wheelchair and bed, he could breathe only with the aid of a ventilator. Viewing its responsibility towards Patrick as ending when he turned 21, the Department would not find resources to sustain him in his current living situation or another acceptable living situation upon his imminent emancipation from the child welfare system. Their proposed solution: dropping him off at the local hospital, effectively committing him to homelessness. Patrick was scared to death and did not know what was going on or what would happen to him.

Patrick's guardian ad litem (GAL), Doug Glover, 10th Judicial District (Pueblo), would not accept this fate for Patrick. Mr. Glover called up every agency he could find and every contact he knew trying to find an acceptable solution for Patrick. He discovered the option of a least restrictive environment through a new self-directed Medicaid program and worked to make this plan a reality for Patrick. He litigated motion after motion for services, support and continued placement for Patrick after the age of 21, to last until the establishment of a safe and appropriate long term plan for Patrick. Based on Mr. Glover's legal advocacy, the Court ultimately required the Department to maintain Patrick until the GAL, with the help of others, was able to secure the self-directed Medicaid plan for Patrick. During this time, the GAL created a special needs trust for Patrick to preserve some of his assets and helped him, with the aid of the trust, to get a computer system that would work with his disabilities.

This case had a happy ending. Under similar circumstances in another state, where Patrick may not have been appointed an attorney GAL or his GAL may not have been adequately compensated or supported, the outcome may very well have been tragically different. It is because the General Assembly has created an environment in which GALs like Doug Glover have the authority and financial support to aggressively advocate and achieve positive outcomes for Patrick and over 10,000 other children in Colorado.

The Office of the Child's Representative (OCR) wishes to use this first section of its report to recognize the General Assembly's commitment to the children of Colorado through the mandated provision of best interest attorney services, the creation of the OCR and the appropriations necessary to support and provide effective services. While the following sections of this report will detail the many accomplishments of the OCR and its contract attorneys on behalf of the children of Colorado, the OCR must emphasize that these could *not* have been realized without the support of the General Assembly. The OCR thanks the members of the General Assembly for creating an environment in this state in which children are entitled to effective legal counsel and for providing the oversight, support and appropriations to ensure consistent, quality representation to all children who are appointed a GAL.

Colorado has long been in the forefront of advocacy for children. In 1967, the Colorado General Assembly created the Colorado Children's Code, one of the most far-reaching and comprehensive codes in the country, which established that every child who is a victim of child abuse or neglect has the right to court appointed counsel to represent the child's best interests. A variety of other statutes also allow judicial officers to appoint attorneys to represent a child's best interests in certain delinquency, mental health, probate, adoption, paternity, substance abuse and divorce proceedings. However, the quality of children's representation and funding for the services remained an issue for many years.

In 2000, the General Assembly, through bipartisan support, renewed their commitment to children and established the OCR as an office specifically charged with providing oversight to children's representation, ensuring that children would have consistent and quality independent legal advocacy. Colorado's legislature made an unprecedented commitment to ensuring quality legal representation for children when it created the OCR under H.B. 00-1371, sponsored by Representative Kay Alexander and Senator Norma Anderson. Colorado is the only state in the country with an agency devoted exclusively to ensuring competent legal representation for children. Further, the legislature has continued its support and funding for the OCR since its creation, placing Colorado as a national leader in children's legal representation. Also important, the General Assembly supported compensating children's attorneys on an hourly basis of payment to provide fair payment for services rendered, which enables children's attorneys to properly investigate and participate in cases and to provide effective representation.

To allow the General Assembly to fully appreciate the impact of its creation of the OCR, this section lists the original concerns of the General Assembly when it created this office, which continue to be concerns nationally. This section will illustrate, by way of real life accounts, how those original concerns have been addressed through the many dedicated efforts of the attorneys and the ongoing support of the General Assembly. Although countless examples exist for each concern, the OCR has selected only one specific example to illustrate how the OCR has addressed these concerns.

Legislative concern prior to OCR	Example of concern's resolution.
GAL never met their client	<i>Sharon Plettner, an experienced GAL recently added to the list in the 19th JD (Weld County) in response to this concern, was appointed as Billy's GAL in 2003, on a case that originally began in 1999. When she visited Billy at his placement, he did not think that he had ever heard about a GAL, and he was sure that he had not met the person Ms. Plettner identified as his previous GAL, even though he had been in the system for four years at that time. Although his parents' rights had been terminated, he remained in the group home that served</i>

	<i>as his original placement—until Ms. Plettner's investigation and advocacy led to his placement in an adoptive home, where he is currently thriving and getting the attention he craved.</i>
GAL never went into the home where child resides	<i>Staff from the El Paso GAL Office (4th JD) visited a home that was serving as a placement for a number of teenage boys. Concerned about the boys' ability to escape in the event of a fire, given their basement sleeping arrangements, the staff member worked with the responsive foster parents to arrange a fire drill. Several weeks later, the home was destroyed by fire. Fortunately, all foster children in the home escaped the fire safely.</i>
GAL unable to attend and participate in all aspects of the case involving the child	<i>Many GALs believe that the new hourly compensation system is more fair and supportive of their many advocacy responsibilities. GALs are routinely called upon to attend out-of-court meetings, such as IEP staffings, school discipline meetings, residential treatment center case planning meetings, family group conferences and treatment plan staffings, all of which are integral to their legal representation of a child's best interests. Hourly compensation has allowed GALs to take fewer cases and spend more time providing this necessary holistic representation to children.</i>
Children are moved more frequently while in foster care than their counterparts nationally which is very disruptive to their ability to bond and attach	<i>Stephen Fredricksmeier, a GAL in the 17th JD (Adams County), recently fought extremely hard to keep his one-year old client, who had been born addicted to methamphetamine, in the receiving home where he had initially been placed and where he had already formed healthy attachments to his foster parents. Mr. Fredricksmeier faced opposition by the Department, who wanted to move the child to another placement simply for the sake of preserving the child's current placement as a temporary receiving home. Mr. Fredricksmeier filed motions, attended staffings, and ultimately succeeded in maintaining the child in his placement, where he is currently doing very well with foster parents who want to adopt him if parental rights are terminated.</i>
GALs not as competent as other attorneys	<i>While many attorneys who have long served as GALs have provided competent and effective services, the OCR, because of fairer compensation and its recruitment efforts, has been able for the first time to attract and contract with experienced trial attorneys who have strong litigation skills and who formerly served in the well-respected state public defender system and regional district attorneys' offices.</i>

Children unable to continue to reside and find permanency with families who have provided long term, loving care	<i>Mary McWilliams, a GAL in the 17th JD (Adams County), took on the Department of Social Services this year in a case in which the Department refused to consent to the adoption of a fourteen-month old child because of the adoptive family's financial circumstances. The Department had placed the child in the home at the age of two months, and the family had wanted to adopt the child from the start. However, after a year, when the child was ready for adoption, the Department wanted to move the child to a new adoptive home. The GAL actively opposed this move and supported the adoption by the only family that this child had ever known, and through the filing of a motion to show cause and the subpoenaing of the Director of the Department, succeeded in obtaining its consent to the adoption.</i>
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Many of the changes described above are a direct result of the OCR's efforts in recruiting, training and supporting qualified attorneys to represent children's best interests. The OCR also wishes to acknowledge, however, the many attorneys who have for years prior to the creation of the OCR done nothing but provide high quality representation to children despite a lack of resources. These attorneys have consistently acted simply out of their own professional integrity and dedication. Through the creation of the OCR, the General Assembly has also assisted these attorneys by establishing for them pediatric law specific trainings, supportive services, such as the OCR list serve, and adequate compensation, in addition to many other supports. These attorneys have on many occasions remarked on the improvements made by the OCR and stated that being associated with a child-specific state agency such as the OCR has contributed to their sense of professionalism and stability in their field.

II. INTRODUCTION AND GENERAL OVERVIEW: WHAT IS THE OCR, WHO DOES IT SERVE AND HOW CAN IT ASSIST YOU AS LEGISLATORS REPRESENTING YOUR CONSTITUENCY?

A. What is the OCR?

The OCR is a small state agency that provides and oversees attorney services rendered by Guardians Ad Litem (GALs), special advocates and child's legal representatives. The GAL is a licensed attorney who independently represents the best interests of the child in dependency and neglect, delinquency, probate, paternity and other matters, and special advocates and child's legal representatives are appointed to investigate and represent the best interests of children in domestic relations matters. This past year, the OCR provided representation to children in 10,794 cases. The OCR provides services in all 22 judicial districts and all 64 counties in the state. The agency operates with a staff of six. Over 94

percent of OCR's expenditures are used exclusively for attorney services, which directly benefit the children in your legislative district.

B. When was the OCR created?

The General Assembly created the OCR in the 2000 legislative session through House Bill 00-1371, sponsored by Representative Kay Alexander and Senator Norma Anderson. The legislative intent was to create an independent agency that would provide and monitor (GAL) quality attorney services for children.

C. Who are the OCR attorneys?

The OCR contracts with approximately 250 licensed attorneys throughout the state. These attorneys, also known as GALs, child's legal representatives and attorney special advocates, are professionals who live and work in your local communities and legislative districts. They are specially trained in the area of issues related to children who are abused and neglected, victims of high conflict divorce or involved in the delinquency system. The OCR also provides attorney services in El Paso County through an attorney staff model office, which is supervised by Director Debra Campeau.

D. Who are the children represented?

GALs represent the children who live in your communities—this year, over 10,000. Primarily, these children have been abused and neglected and are the subject of a dependency and neglect case; 79 percent of OCR's attorney services involve the representation of abused and neglected children. The OCR attorneys also represent children in domestic relations, paternity, adoption, probate, delinquency and mental health matters when best interest representation is deemed necessary by the judicial officer overseeing the proceedings.

E. Why are OCR attorneys appointed by the Court?

Recommendations made by parents, state agencies and other interested parties concerning children who are the subject of litigation may often serve a child's best interest. However, history has shown that even the best intentions may result in serious harm or trauma to a child that can last a lifetime. Moreover, attorneys for state agencies, parents and other parties in cases involving children are ethically obligated to zealously advocate for their clients' interests, which may not be aligned—and may, indeed, be contrary to—the best interests of the child who is the subject of the proceedings. Consequently, the child must have his or her own attorney or advocate to independently and zealously protect his or her unique interests. The state of Colorado requires that every child who has been abused and neglected be appointed an attorney to serve his or her best interests.

This report contains some anecdotes of cases in which a GAL positively impacted a child's life in a way that no one else in the case would have. See pages 8-10. These

exemplify just some of the countless ways in which GALs can and have positively impacted a child's life. It is impossible to capture the full impact of attorney services for children, however, without keeping in mind the small but significant things that GALs do for children on a daily basis. Peg Russell, a GAL from Alamosa (12th Judicial District), best describes the daily need for and impact of an independent advocate for children:

More than any other factor, it is the 1,000 little decisions and actions a GAL makes on a daily basis that make the difference. For example, it is inserting a vital component in a treatment plan that other interested parties or agencies did not consider; remaining focused on a child's best interests in the face of opposition by the other parties; ensuring that the department of social services calls just one more placement home to make the right placement fit for a child; having the knowledge and experience that younger, underpaid caseworkers may not; possessing the ability and authority to make a connection with a parent that the caseworker does not have; taking the initiative to go to the emergency room for a medical report that the department of social services is not aware of; remembering a key fact from five years ago that is not documented and the current caseworker cannot know; having credibility with the judge; preventing yet another move for a child; keeping siblings together; guaranteeing that safe permanency is provided to a child in a timely manner; and all of those things that we do throughout the course of the day and the life of a case to ensure that the needs of our clients will not be overlooked.

Ms. Russell's list could go on endlessly, and, as she so aptly articulates, "there are hundreds of bricks that GALs contribute to a children's well-being that would not occur but for the services of the GAL."

Finally, when understanding why attorneys must be appointed to represent children, it is helpful to ask: Would any of us want to appear in court without the best available legal representation? Would any of us completely trust decisions made by the other parties in a case? Even more poignant for children who are unable to articulate their legal needs, wouldn't any parent, grandparent or relative want an independent advocate for a child when a court is making critical decisions that will impact or change that child's life, development and relationships with others for a lifetime? As Marvin Ventrell, Executive Director of the National Association of Counsel for Children, states, "We recognize, for example, that the most competent, sophisticated corporate executive is not capable of going in to court to represent himself." Why, then, should we expect children to? As with any of us, it is critically important that a child be afforded an independent legal advocate zealously protecting their best interests in court—especially when it is their lives at stake.

F. OCR's Mission Statement

The mission of the Office of the Child's Representative is to provide Colorado's children with attorneys who will engage in competent and effective "best interest" representation and who will zealously advocate for their best interests. As a state agency, the OCR must

achieve this mission in the most cost-efficient manner that does not compromise attorney services, and it is accountable to the state of Colorado. The OCR is committed to ensuring that these children, Colorado's most vulnerable and voiceless population in the courts, receive the best attorney services available throughout the state.

G. What are OCR's legislative mandates?

Colorado state statute, Section 13-91-101, et seq., C.R.S., sets forth mandates that provide the necessary tools to create and maintain a consistent and high-quality best interest representation system for children.

The mandates listed in statute include the following:

- Improve the quality of children's best interest representation statewide by providing oversight of the practice of GALs to ensure compliance of standards and by serving as a resource for its attorneys;
- Establish fair and realistic compensation for state-appointed GALs which are sufficient to attract and retain high-quality, experienced attorneys to serve as GALs;
- Provide quality, accessible training statewide for attorneys, magistrates and judges;
- Recommend and establish minimum training requirements for all attorneys representing children;
- Recommend and establish minimum practice standards for all attorneys representing children;
- Create local oversight committees that assist with oversight of the provision of GAL services;
- Work with Court Appointed Special Advocates (CASA) to develop local CASAs in each of the 64 counties statewide, enhance funding resources for CASA and work with CASA to provide training;
- Develop measurement instruments to assess and document the effectiveness of various models of representation.

OCR's fulfillment of these mandates will be detailed in subsequent sections of this report.

H. What attorneys and professionals do NOT fall under the auspices and oversight of the OCR?

It is also important to distinguish attorneys who contract with the OCR from attorneys and mental health professionals who provide services in domestic relations cases but who do not fall under the auspices of the OCR and whom the OCR *does not* oversee or monitor. In Colorado, in domestic relations cases, the court may appoint a special advocate or child's legal representative in cases involving contested issues of parental responsibility (formerly known as custody disputes), Section 14-10-116, C.R.S. A GAL appointment no longer exists under Title 14, C.R.S.

In the majority of these case types, the court appoints a special advocate, as opposed to a child's legal representative, to investigate and make best interest recommendations

concerning parenting time and decision making. Most of these special advocates are either mental health professionals or private attorneys whose services are paid for by the parents. The OCR does not contract with or provide oversight for appointments in these cases, which constitute the majority of work performed in domestic relations cases. In a minority of cases, if the parents are indigent, then the state will pay for these services. If a finding of indigency is made and the court appoints a state-paid mental health professional, the State Court Administrator's Office compensates for their services. If a finding of indigency is made and the court appoints a state-paid attorney, those special advocates or child's legal representatives fall under the oversight of OCR.

Under no circumstances, whether indigency is found or not, does the OCR oversee, provide or pay for special advocate services by mental health professionals.

I. What can the OCR do for legislative delegates?

As a state agency, the OCR also serves as a resource to legislators by providing information and answering questions concerning children's issues and the attorneys who represent children. The OCR welcomes comments and questions from legislators regarding attorney issues and any other topics involving children or the office, including complaints, legislation or specific information concerning children or GALs in a legislator's community. Examples of legislator services available from the OCR include:

- ***The provision of information concerning the GALs who serve in a legislator's community.*** The OCR can arrange for legislators to meet with the GALs in their district to gain personal knowledge of the unique issues within their communities.
- ***The provision of child-specific information for a district.*** The OCR can provide legislators with data on the number of cases involving OCR-contract attorneys, the case types in which children are represented, the issues presented in those cases and how these statistics have changed over time.
- ***Assistance with constituent complaints, concerns or questions.***
- ***Legislative assistance.*** The OCR regularly reviews legislation, offers input and testimony and works with legislators on a wide variety of proposed legislative issues concerning children;
- ***The provision of statistics or information concerning trends in the community.*** Unique trends and specific issues concerning child abuse and the provision of child welfare and GAL services may exist in a legislator's particular community, as each community is distinct and presents its own set of issues concerning children. The OCR's oversight of attorneys and ongoing relationships with all entities and officers involved in the protection of children in each community enable it to provide pertinent information to legislators attempting to understand an issue in their community.
- ***Other data and resources pertaining to issues involving children.*** The office maintains a resource library with a significant amount of current information on children's issues from a variety of resources.

Please do not hesitate to contact the OCR with any requests for assistance, concerns or questions regarding the office or children's issues.

III. UPDATE AND STATUS OF OCR MANDATES AND ACTIVITIES

As previously listed on pages 12-13, Section II (G) of this report, Colorado state statute, Section 13-91-101, et seq., sets forth specific mandates that are necessary and critical components of the OCR's creation, provision and maintenance of the delivery of consistent and high quality best interest representation for children. Because of their importance, this section provides a detailed overview of how the OCR has fulfilled these mandates.

A. Improve quality of children's representation statewide:

(1.) Provide oversight

(a.) OCR's annual evaluation, jurisdictional assessment, and contract process.

By way of background, in the first year (2002) of the OCR's operations, the Director traveled to all 64 counties in the state to assess and investigate the quality of attorney services. Within that same year, the OCR staff then required every attorney, whether currently practicing as a GAL or interested in providing services in the upcoming year, to complete an application and interview process. At the conclusion of this process, the OCR contracted with approximately 250 attorneys and chose not to contract with many who were not meeting OCR's standards of practice. This attorney evaluation, application and interview process was repeated again in May and June of 2003 and 2004.

The OCR's current contract process includes a series of steps. The OCR first distributes an objective evaluation form (available in Appendix B of this Report) to gather feedback on all attorneys who are providing services. The surveys are sent to all CASA agencies, court facilitators, court administrators and judicial officers in all 22 judicial districts within the state. The survey results allow the OCR to review the competency and quality of attorney services as well as the validity of concerns raised. The office then requires all attorneys, regardless of whether they have existing contracts or are new applicants, to complete a 2004/2005 application. Every application is considered, as contracts are not automatically renewed.

In May and June preceding the upcoming fiscal year, the OCR Director and two attorney staff visit each of the 22 judicial districts to assess attorney services and to learn how the OCR can better serve its attorneys and each community. This assessment includes meeting with the attorneys who have been providing services; interviewing new applicants and any other attorney that the OCR has founded a complaint against or otherwise has concerns about his or her performance; meeting with court personnel, judicial officers, CASA directors and, in some instances, county attorneys and department of social services directors, as well as other community agencies involved in the protection of children. Taking the time to personally meet

with all judicial districts allows the OCR to learn about the existing provision of services, areas in need of improvement and ways in which it can serve as a better resource within that community. Upon collecting all of this information, the OCR compiles its annual list of attorneys eligible for appointment in each judicial district, distributes it to judges and court officers within each judicial district by July 1 of the upcoming fiscal year and prepares yearly contracts for attorneys on its list.

The OCR's annual appraisal process serves as an effective method of monitoring attorney services and ensures that only the most qualified attorneys provide legal representation for children. It also helps the OCR address systemic needs within each jurisdictional district, such as the need for additional or fewer attorneys, training on a specific issue or the facilitation of communication between local actors within the system. The OCR anticipates the annual completion of this process prior to the beginning of each fiscal year.

During the OCR's annual assessment process this year, it was able to make improvements in best interest representation by: not renewing contracts for some attorneys who had contracts the previous year but did not meet the expectations set forth by relevant rules, statutes and directives; bringing new qualified and dedicated attorneys into the field; and renewing contracts of the majority of attorneys who provide exceptional services. Below are just a few examples of changes made as a result of jurisdictional visits:

- In the 19th Judicial District (Weld County), the OCR learned on one of its first visits that there were concerns that attorneys were not seeing the children they represented and not visiting them in their placements. OCR has worked hard to incorporate new attorneys into this jurisdiction and to convert compensation to hourly so that attorneys can better serve the children in their cases. During its jurisdictional visit this May, the OCR met with many professionals on the visit who eagerly acknowledged that they have seen a significant change in services. Chris Dodd, director of the local CASA program, said, "We have seen such a change over the last few years and are so excited for the children. All the GALs see and know their children. They attend staffings regularly and are very effective in court. Court personnel, including judicial officers, said they never knew they could expect so much and very much appreciated the change in services." One of the judicial officers in the district analogized the positive changes made by the OCR to a "blood transfusion."
- In the 1st Judicial District (Jefferson County), judges shared that while they were satisfied with OCR contract attorney services, they felt that children and families could be better served if all attorneys in the system, including county attorneys and respondent parents' counsel, underwent training to improve their trial skills. As a result, the OCR has coordinated a three-day trial advocacy training from October 26-28, 2004, to be made available to and mandatory for all attorneys who appear in dependency and neglect cases in Jefferson County. The OCR managed to recruit some of the best instructors and trial attorneys in the state, as

well as the National Trial Advocacy Institute, to volunteer their time, expertise and materials to this training.

- In the 8th Judicial District (Ft. Collins-Loveland), the OCR met with all judicial officers who shared that they have suffered a huge increase in meth-related child abuse and felt they and their bar could use some additional training. OCR staff is currently coordinating with the president of that local bar association to calendar such a training.
- Feedback from the 2nd Judicial District (Denver) indicated that some of the GALs in that district needed to develop better skills in understanding adolescent development and communicating with adolescents. The OCR, in its September training, featured three presentations specific to working with adolescents: strength-based strategies for communicating with adolescents; adolescent development; and treatment for youth who have reacted to their own abuse by sexually perpetrating on other children. The OCR has also filmed a presentation on adolescent development by Dr. Jerry Yager from the Denver Children's Home to be featured in its upcoming core curriculum educational interactive CD-Rom series (see Section III(C), pg. 22).

(b.) Complaint process. In addition to the attorney application and interview process, the OCR also oversees the provision of attorney services on a continuous basis throughout the year. The OCR has instituted and follows a formal complaint process in which it investigates every complaint received concerning the representation provided by attorneys who have a contract with the OCR.

In fiscal year 2003-2004, the OCR received 24 formal complaints against attorneys performing GAL or special advocate representation. Each complaint was fully investigated by OCR staff. Investigations include, at a minimum, interviews with the complaining party, the GAL and other attorneys and professionals involved in the case, as well as a full review of the relevant record.

OCR's investigation into any complaint focuses on whether the attorney met their professional obligations pursuant to Chief Justice Directives 97-02 and 04-06, depending on which directive governed the attorney's conduct at the time that the complaint arose. At the conclusion of its investigation, OCR determines what action, if any, is necessary to remedy the complaint if the allegations in the complaint are founded. Founded complaints may result in a variety of remedies, including, but not limited to, training requirements, probationary status and the termination of the GAL's contract with OCR. Chief Justice Directive 04-06 issued this year gives the OCR the authority to remove an attorney from existing cases when determined necessary upon its investigation of a complaint.

A formal response to each complaint is prepared by OCR in every case. Copies of complaints and their resolution are maintained at OCR and reviewed annually as part of the attorney contracting process.

(c.) Monitoring hourly billing statements to assess quality of services. The OCR reviews hourly billing statements provided by GALs in order to ensure that the work done on a case is adequate and that state dollars are used for only allowable expenditures. This is the most effective way to monitor services on any given case. For example, this year the OCR was able to pull up attorney bills in its investigation of complaints and, through the routine review of bills, address a problem with one attorney's failure to appear in court.

As detailed in Section III(B), page 21, the Joint Budget Committee and General Assembly committed to an eventual transition to hourly pay for all attorneys with whom the OCR contracts. In Fiscal Year 2004, the OCR transitioned the 8th, 13th, 19th and 21st Judicial Districts to hourly payment. At this point, the transition to hourly payment is complete for delinquency and domestic cases in all jurisdictions and for dependency and neglect appointments in all rural jurisdictions. The OCR has begun the process of converting the Front Range jurisdictions to hourly pay for dependency and neglect over the next three fiscal years with the conversion of the 1st Judicial District on July 1, 2004.

(d.) Litigation efforts to preserve oversight authority. Through representation by the State Attorney General's Office, the OCR was successful in dismissing a state court complaint against it which sought to limit the OCR's ability to determine and select which attorneys are qualified to represent the best interests of children. The OCR also filed an amicus brief, under seal, in a separate Colorado Supreme Court case in which a judge's dismissal of a poorly performing GAL was at issue. Although the OCR was not itself a party in that case, the Court's decision could have had an impact on the OCR's oversight authority, and the OCR used its brief to educate the Court about its role in GAL oversight, the importance of high quality representation of children and oversight of such representation and the potential impact of its decision. This case was ultimately resolved in a manner that did not have any negative impact on the OCR's oversight authority.

(2). Serve as a resource.

The OCR views serving as a resource to attorneys as a critical part of its mission to improve the quality of best interests representation. Attorneys are free to contact the Director, Deputy Director, Staff Attorney and other staff for assistance. The OCR serves as a resource and offers technical support to its contract attorneys in the following ways:

(a.) Response to individual inquiries by GALs. On a routine basis, the OCR receives phone calls and emails from dedicated attorneys seeking assistance with one of their cases. Often, these phone calls involve the application of federal law, such as the Indian Child Welfare Act or Special Immigrant Juvenile Status, the need for additional information about psychological issues that are presenting in a case, or consultation on appropriate treatment or assessments that the attorney may believe a child needs. While OCR staff cannot give legal advice to contract attorneys, it assists

them in the resolution of their issues by guiding them to appropriate professionals, written materials and other resources.

(b.) OCR updates. This year, the OCR has begun to provide quarterly electronic updates to its attorneys, informing them of recent court decisions and legislative changes that pertain to the representation of the best interests of children, trainings and other events that are occurring throughout the state, current events involving child welfare issues and resources for attorneys and children of which the OCR has become aware. Judicial officers, child welfare professionals and members of the public are also free to subscribe to these electronic updates by emailing resourcecenter@qwest.net.

(c.) The OCR list serve. The OCR list serve has proven to be an invaluable resource for many attorneys representing the best interests of children. This list serve, to which all OCR-contract attorneys are required to subscribe, serves as a forum on which contract attorneys can ask questions about any aspect of their case, from information about a particular child placement agency or service provider to technical legal issues regarding a motion that the attorney is considering filing. The attorneys receive statewide responses from a variety of GALs, and, during OCR's visits throughout the state, many contract attorneys expressed that the list serve has significantly enhanced their representation of children.

(d.) The OCR website. Information is also provided on the OCR homepage, www.coloradochildrep.com. The OCR website provides technical support and information to attorneys in the field, particularly rural attorneys. Attorneys can access the website for most of their contract, billing and training information and forms. The website also includes links to specialty information such as psychological effects of sibling separation, conduct disorders, attachment disorders, developmental disabilities, brain development, adolescent adoption and parental alienation.

(e.) The OCR resource center. On its website, the OCR also created a centralized legal and professional resource center for attorneys in the field. The purpose of the OCR Resource Center is to serve as a one-stop shopping center of information concerning the representation of children. Information is provided at the OCR's homepage, www.coloradochildrep.com, which is continually updated for use by the public, judicial officers, GALs, child's representatives, attorney special advocates and anyone else interested in obtaining information in this area.

(f.) The OCR library. The OCR library contains a number of books, journals, articles, videotapes and audio tapes covering a variety of subjects related to the representation of children. Most of the OCR books are available for a two-week period for contracted attorneys and judicial officers only. The OCR library collection is designed to enhance knowledge and skills, facilitate legal research and advance the monitoring of legal and social welfare issues and reform impacting children. Further, the OCR has a limited number of continuing legal education (CLE) materials

currently available for attorneys, and it is in the process of increasing the number of relevant CLE materials available for attorneys.

(g.) Upcoming resource tools. The OCR is currently in the process of preparing a motions bank to be made available to contract attorneys through the OCR's website as well as a residential facilities "report card" containing information about each of the residential facilities in the state and comments from GALs on their experiences with the facilities to facilitate GALs' advocacy on behalf of children. The OCR anticipates the completion of this in the upcoming fiscal year.

B. Establish fair and realistic compensation for GALs.

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. Other attorneys who provide services for the state outside the OCR, such as criminal defense attorneys, are compensated by the state on an hourly basis of \$45 for out-of-court work and \$55 for in-court work (fee for services rendered). When the OCR was established, the agency inherited a payment system which was different from that for other state paid attorneys. Children's attorneys, who provide best interest representation in complicated abuse cases, were paid a flat fee of \$1,040 for two years of work on a case. Most of these cases typically involve several children, all of whom would be represented by the same attorney for the single flat fee. Often this flat fee was paid upfront before any services were likely to have been performed. The representation of children and the cases in which this occurs are extremely complicated and require a significant amount of attorney time and expertise. For instance, attorneys who represent children who are abused and neglected are expected to complete a number of tasks, such as: visiting each child in his or her placement; understanding the special psychological and social needs of each child; advocating for the child's needs, both informally and through motions and litigation; attending all court appearances and staffings; conducting an independent investigation; litigating all phases of the case; applying federal laws when implicated; and much more—all for \$1,040 over two years.

One of the top priorities of the OCR since its creation has been to fulfill its mandate of fair and realistic compensation by converting these state paid attorneys who represent the best interest of those abused and or neglected children to the state hourly rate which is still far below that which an attorney would be paid in private practice. The arguments that the OCR has consistently made in support of this conversion are detailed in Appendix C.

The Joint Budget Committee and General Assembly have recognized the benefits of the hourly payment system by, in the Fiscal Year 2003-2004 budget request session, granting OCR the authority to convert the flat fee payment to an hourly payment system. However, because the JBC had to take into consideration the state's challenges with the budget shortfall, it required the transition to occur over a four-year cycle. The result of this significant decision is that, effective July 1, 2003, the OCR transitioned all cases in all rural jurisdictions and all delinquency cases statewide to hourly payment. Over the

next two years, the OCR will complete the transition of the Front Range jurisdictions dependency and neglect cases to hourly pay, so that, by Fiscal Year 2007, all attorneys throughout the state with whom the OCR contracts will be receiving hourly pay for all forms of best interest representation that they provide.

The OCR again recognizes the JBC and all members of the General Assembly for approving this transition to an hourly payment system. This decision is a milestone for attorneys representing children in Colorado. It is a monumental step toward realizing the original vision set forth by the legislature in 2000, and it is indicative of the commitment of the State of Colorado to enhance and ensure competent legal representation for the children in Colorado.

C. Provide accessible training statewide.

Training serves as a critical component to enhancing the provision of legal services to children. A child-sensitive legal system depends upon a bench and bar of considerable sophistication and competence, in not only the law but on issues unique to children. When representing children, 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. Children are best served by a legal child welfare system when judges and attorneys understand the social and psychological implications of a case and what those mean developmentally for each child. In fiscal year 2003-2004, the OCR did not have a training budget. Nevertheless, the OCR fulfilled its mandate to provide training across the state in a variety of ways:

“Looking to the Future in Child Advocacy” training: In February 2004, the OCR held a three-day conference featuring national speakers and local experts on a variety of issues pertaining to the representation of children. The OCR was able to provide this training due to the receipt of State Court Improvement Funds and in-kind donations from the City of Steamboat Springs, the Colorado Family Law Bar and the National Council for Juvenile and Family Court Judges. In addition, OCR invited respondent parents’ counsel, county attorneys, judges, court facilitators and CASA volunteers, many of whom attended. Topics included in the training ranged from a national speaker on the effects of domestic violence on children to investigation and report writing skills for special advocates.

“GALs and CASA” trainings: The OCR traveled to a number of judicial districts to provide training on the respective roles of CASAs and GALs in dependency and neglect proceedings. These trainings provided insight on the special benefits that each person (CASA and GAL) brings to the case, effective methods for collaborating when appropriate, and professional methods of dealing with disagreement between CASAs and GALs.

Core Curriculum Educational Interactive CD-Rom series: In early August 2004, the OCR became aware of federal funds that were available if expended by August 31, 2004. OCR was able to quickly put together a grant proposal to develop a core curriculum

educational interactive CD-Rom series. The product, *Building Competency in Pediatric Law: Tools for Effective Advocacy*, will offer statewide accessibility to OCR's core curriculum to contract attorneys, respondent parents' counsel, and county attorneys throughout the state. The core curriculum for this training, created by the OCR, consists of a fundamental combination of legal and child welfare related topics that an attorney must have in his or her foundation of expertise in order to competently represent children who have been abused or neglected. A draft copy of OCR's core curriculum is attached as Appendix D. The ultimate product, a series of ten CD-Roms, features high-quality videos of experts speaking about a topic with a simultaneous written presentation featured on half of the computer screen. Computerized connections to a variety of resources, such as checklists and flow charts, are also included within sections. Although OCR was not awarded the grant until the second week of August, it was able to purchase the materials for this product, film a majority of the speakers, and produce a partial draft containing the majority of the core curriculum in compliance with the grant deadline of August 31, 2004. The OCR is in the process of editing the draft CD-Rom series and videotaping a few more speakers, and it anticipates the completion and distribution of this product before December 31, 2004. The final product will be distributed to all contract attorneys and made available to other attorneys and individuals involved in dependency and neglect cases upon its completion.

"Domestic Violence and Its Impact on Children" training: The OCR plans to make available statewide, through a one-day in service and the creation of an interactive CD-Rom, a training on the effects of domestic violence on children and implications for the legal representation of children in dependency and neglect and domestic relations cases. The OCR is in the process of applying for federal funding to contribute to this product and has begun working to secure the participation of national and international speakers on this topic. Domestic violence is often a significant factor in virtually all of the types of proceedings in which attorneys are appointed to represent the best interests of children. This training will improve attorneys' understanding of this significant issue, and, most importantly, it will benefit the many children who witness and experience domestic violence and who need their legal representative to make thoughtful and appropriate recommendations on their behalf. The OCR also plans to work collaboratively with the State Court Administrator's Office's Judicial Education Department on this project.

Attachment Issues in Suspending Visitation Trainings: The OCR hosted a brown-bag training featuring Diane Baird, M.S.W., on the issue of suspending visitation in dependency and neglect cases. This was held in response to questions that GALs had posed regarding the appropriateness of suspending visitation in a variety of circumstances. Diane Baird's clinical perspective improved the Adams County GALs' understanding of this issue and, ultimately, their recommendations made to the court. County attorneys, respondent parents counsel and the juvenile presiding judge were invited to this training.

Jefferson County Trial Advocacy Skills Training: The OCR, at the request of judicial officers when conducting an annual visit, scheduled and designed a Trial Advocacy Training for the First Judicial District attorneys providing all forms of representation in

dependency and neglect cases. This three-day training (October 26-28, 2004) will focus on improving and developing attorney skills at every stage of a dependency and neglect case, resulting in effective legal advocacy. The OCR partnered with the National Institute for Trial Advocacy and the Jefferson County Attorney's Office, and it is drawing on a number of talented attorneys and professionals who will be volunteering their time as instructors.

"Best Efforts and Practices in Pediatric Law" conference: This month, the OCR hosted a three-day conference in the Adams County Justice Center, featuring, among other topics, presentations on special advocacy investigations and standards; immigration issues; adolescent topics; treatment in methamphetamine cases; and adoption subsidies. Feedback on this conference was excellent, and almost 200 attorneys, CASA volunteer and staff and court personnel attended. The OCR collected a \$75 donation to CASA for registration to this conference, which received accreditation for 21.5 CLEs.

Making Existing Trainings More Available to OCR Contract Attorneys: To advance its mission of making training available to attorneys, the OCR actively identified trainings throughout the state pertaining to the representation of children. The OCR routinely publicized these many trainings on its list serve and website. In some instances in which a training appeared relevant to best interests representation of children but did not offer CLE credits, the OCR applied for CLE credits to make the training a more worthwhile activity for attorneys. For example, the OCR has partnered with the Kempe Center to advertise and make CLEs available for the Kempe Center trainings, which feature presentations by experts on a variety of important child welfare topics, such as using psychotropic medication for children and maternal substance abuse.

D. Recommend and establish minimum practice and training standards.

The OCR's enabling statutes, C.R.S., 13-91-101. et., seq., mandate it to establish minimum practice and training standards for attorneys who represent the best interests of children. Prior to the existence of the OCR, The Colorado Supreme Court, through Chief Justice Directive (CJD) 97-02, had set forth practice standards for children's attorneys. The OCR spent the first few years of its existence evaluating these standards in light of its visits to judicial districts, feedback from the local oversight committees and other community members, consideration of patterns and issues that present in founded complaints, collection of input from the attorneys themselves as to how they can better serve children and its research on national standards and standards in other states. One of the enumerated goals set by the OCR in last year's General Assembly Report was to revisit the practice standards of CJD 97-02.

This year, the OCR achieved its goal of revisiting and amending practice standards by drafting CJD 04-06 and co-drafting CJD 04-08. CJD 04-06 governs all attorney service appointments made through the OCR, and CJD 04-08 applies to all special advocates throughout the state, some of which provide services through the OCR. In drafting these directives, the OCR, in addition to the considerations listed above, also took into

consideration the paramount need of the child, its own mission statement and its increasing ability to more fairly compensate and more adequately train attorneys.

The new set of practice standards for OCR attorneys is titled CJD 04-06 and was approved by the Supreme Court on April 12, 2004. This new CJD bolsters training requirements by requiring OCR contract attorneys to continually obtain child representation related training through each CLE reporting period in addition to the initial pre-contract training requirements. Additionally, it raises practice standards by: clarifying that GALs in dependency and neglect cases must visit their client in each and every placement within specific time frames; setting forth additional independent and ongoing investigation requirements; and promoting permanency by mandating an active role for the GAL in the early assessment of the possibility of Native American tribal membership and potential relative placements. It also sets forth a more active role for judicial officers in the oversight of GALs and enabling of their compliance with this directive. These standards are necessary and significant because children's attorneys have the most powerless clients when it comes to holding them accountable to their duties. Children are uniquely powerless clients in that they do not appear in court in most instances, are pre verbal or without the resources to call Attorney Regulation Counsel or seek the removal of a poorly performing attorney, lack access to public or other forms of transportation to initiate contact with their attorneys and, unfortunately too often in dependency and neglect cases, lack the parental support to advocate for appropriate attorney services. Their uniquely vulnerable state warrants added protection through the establishment of CJD 04-06.

The OCR worked hard to establish new standards for special advocates in domestic relations cases. CRS 14-10-116 enacted in 1997, created the authority for courts to appoint special advocates as investigative arms of the court in domestic relations matters, but it did not clearly define or distinguish the role or responsibilities of special advocates. While the statute has served many families well, improvements were needed to clearly define the role of special advocates. Confusion over the special advocate role among attorneys and judges was evident in public hearings before the Commission on Families in the Colorado Courts, which recommended in its Final Report of August 2002 that standards be drafted to clarify the role and accountability of special advocates. As part of that process, the Supreme Court Standing Committee on Family Issues solicited comments from the public, judges, attorneys and Special Advocates, identified key problem areas and drafted standards to address these problems, recognizing the need for carefully drafted standards to serve families struggling with all the emotional issues in divorce. OCR's Director served on that committee and actively participated in the drafting of those new standards. Promulgated in CJD 04-08, these standards set forth best practices for special advocates, define their role as investigative arms of the court and clarify their professional responsibilities.

E. Create local oversight committees.

The OCR is also mandated to create local oversight committees, which were originally developed in Fiscal Year 2002 . These oversight committees played an instrumental role

in the first statewide attorney application and interview process. The local oversight committees did not participate in the last two years' attorney application and interview process due to the OCR's budget constraints and staff shortage, as well as difficulty locating original oversight committee members. However, the OCR appreciates the need for the committees and the benefit they provide to OCR's oversight and community assessment. Therefore, reinstituting these committees will be included as one of OCR's goals to be accomplished this upcoming year. OCR has already begun attempting to contact the members of these previously established committees. In the near future, the OCR will provide updates on attorney services within their community, the number of children represented and the outcomes of complaints, if any. The OCR will also again gather feedback on how the office can best meet the needs of their local community. Finally, the OCR will assess continuing interest among existing local oversight members and the need to recruit new members, and it will revisit how to best utilize the local oversight committees in each judicial district.

F. Work with Court Appointed Special Advocates (CASA) programs throughout the state.

The OCR is mandated to enhance CASA programs through the allocation of appropriated funds, enhancement of existing funding resources, exposure to training opportunities and support of the creation of local CASA programs. This year, the OCR worked on these mandates in a number of ways. In addition to its allocation of the \$20,000 in CASA monies appropriated by the Joint Budget Committee, the OCR raised money for CASA by requiring donations to CASA as a registration "fee" for its conferences.

Additionally, the OCR engaged in joint trainings with CASA programs in the 2nd, 17th, and 18th judicial districts, the focus of which was to develop better working relationships. OCR also presented to all CASA coordinators at the request of the state CASA office. OCR invited CASA volunteers and staff to its trainings and conferences throughout the year, and a significant number of CASA volunteers attended OCR's February and September conferences.

Finally, the OCR continues to meet with CASA programs in its visits to judicial districts and to solicit feedback from CASAs on its contract attorneys through its evaluation process, and it always responds to any of the local CASA requests and works collaboratively with them to continually evaluate the OCR attorney services in their jurisdiction. The local CASAs invested a significant amount of time in the completion of the OCR evaluation forms, which greatly assisted the OCR in ascertaining the quality of its attorney services.

G. Provide statewide training to judges and magistrates.

The mandated duties of the OCR also include providing high-quality training to judges and magistrates who regularly hear matters involving children and families. Any and all training sponsored by the OCR is designed not only to serve the needs of the attorneys who represent children, but also to provide information to the judges and magistrates who

hear these cases and make critical decisions in the lives of children and families. As such, the OCR provides notice to and invites all judges, magistrates and court facilitators to participate in the trainings at no cost. As a result, the OCR has had judges attend and participate in the OCR's continuing legal education.

This last year, the OCR Executive Director also provided training sessions specifically tailored to the needs of judges and magistrates on the new special advocate standards, presenting at the Family Institute in July. The OCR Executive Director also presented on the OCR and the services it can provide to judicial officers at the February Juvenile judges' training, and she was also videotaped for the Juvenile Court Judges' "Stepping Up" CD-Rom training series.

The OCR has worked collaboratively with the State Court Administrator's Office (SCAO) on its development of its core curriculum educational interactive CD-Rom series, sharing segments from various speakers and other materials. The OCR will continue to collaborate with the SCAO in its domestic violence training and other training efforts.

IV. El Paso County GAL Office.

4th Judicial District GAL Office. The creation of the 4th Judicial District Pilot Project resulted from Senate Bill 99-215 (Long Appropriations Bill), Footnote 135, which directed the Judicial Department to pilot alternative methods of providing GAL services. The goal was to determine if higher quality services could be provided through a staff model at the same or less cost as the existing attorney payment process (contract/hourly billing model). This staff model office is now in its fourth year of operation. As all provisions of GAL services rest with the OCR, the 4th Judicial District's GAL Office continues under the oversight of the OCR.

The staff model operates as a law firm and employs, in addition to attorneys, other professionals such as managing social workers and case coordinators. These professionals make an important contribution to the legal representation of children by assisting attorneys in their analyses of treatment needs, participation in case staffings, communication with treatment providers, review of psycho-social assessments and observation of parent/child visitation.

Since its inception, this model has proven to be one of the most effective and consistent methods of delivering GAL services. The effectiveness of this type of model has been recognized nationally by the National Association of Counsel for Children, which has endorsed dedicated children's law offices as one of the best models for delivery of high-quality legal services. Moreover, members of the El Paso child welfare community have commented on the significant improvements in GAL representation as a direct result of the El Paso GAL office. At a legislative reception that the El Paso GAL Office held this year, both Presiding Juvenile Court Judge Theresa Cisneros and CASA Director Trudi Strewler commended this office on its remarkable success in transforming a district riddled with best interest representation problems to a district where children are

consistently well-represented by high-quality attorneys. Such comments have been numerous and across the board in each of OCR's evaluations of this office.

In addition to the high degree of professionalism and expertise that this office provides, this office is cost-effective, as demonstrated by objective measurements. The cost per hour for GAL services coming from this office (including not only attorney services but staff and administrative costs as well) was \$36 per hour per case. This rate is well-below the hourly rate for GALs of \$45 per hour out-of-court and \$55 per hour for in-court time.

Since the office was created, it has represented over 4100 children. This year alone, the office successfully closed 807 cases with the placement of children in permanent homes. Currently the office has 861 open cases. These permanency and litigation statistics are some of the best in the state, and this office is to be highly commended. For much of this year, due to the budget crisis, the office had to absorb an increased caseload without additional staff. This hardship appeared to be at times overwhelming and unmanageable.

The Joint Budget Committee this recognized the success of the El Paso GAL Office upgrading it from a "pilot program" to an established office. Additionally, with the support of the Joint Budget Committee, the office was able to hire three additional attorneys to begin September 2004.

OCR would like to acknowledge the entire staff of the El Paso GAL office for maintaining their high level of professionalism. Particular credit needs to be given to Office Director and Supervising Attorney Debra Campeau for weathering the budget crisis with initiative and steadfast commitment. The OCR is extremely grateful and appreciative to the staff of this office for their efforts and dedication throughout this difficult time.

V. OCR BUDGET AND AUDIT OVERVIEW

A. 2004 Legislative Budget Process.

The OCR was extremely fortunate and pleased that the Joint Budget Committee approved a majority of the OCR's budget request this last legislative session. The process was especially difficult this past budget year because the OCR was forced to request additional funding to cover increased mandated costs. With hard work by the OCR and GALs meeting with the members and staff of the JBC, the OCR was able to explain that the OCR's budget is case driven, and that the increased number and complexity of cases were the reasons for the requested additional funding. The JBC staff was also very helpful in meeting with the OCR and GALs to understand the basis of the OCR budget and the budget request. The OCR is acutely cognizant of the state's budget needs and constraints, and it appreciates the fact that it was very fortunate that the JBC was receptive and supportive of its budget request, and just as important, appreciative of the necessity of the GALs services for the children of Colorado.

B. Trends and Efficiencies

Over the past year, the OCR has worked with various judicial districts to create efficiencies in the appointments of GALs for various types of cases. For example, Truancy cases have decreased by 60 percent in the 18th Judicial District and by almost 40 percent in the 4th Judicial District. Paternity cases have declined by over 30 percent in the 4th Judicial District as well. The OCR appreciates the efforts of the court personnel and the GALs within those districts in creating these efficiencies. As the state's budget crisis continues, the OCR will persist in seeking ways of improving processes and creating efficiencies to save money while keeping service levels constant.

OCR caseloads have continued to rise in response to a variety of factors. Dependency and neglect filings increased by over 15 percent since Fiscal Year 2003 and make up 79 percent of the OCR's expenditures on attorney services. Expenditures have increased by over 10 percent as cases become more complex and the OCR continues its conversion to hourly billing. The pernicious effect of crystal methamphetamine can be seen in the over 20 percent increase in cases in high-meth districts, including a 30 percent rise in dependency and neglect cases in the 1st Judicial District and an over 25 percent increase in the 17th Judicial District. Furthermore, the 17th Judicial District also saw a 280 percent increase in domestic relations cases and a 373 percent increase in related expenditures. Finally, the amount of hours spent by GALs in litigation is increasing. OCR data shows in-court hours billed increased by over 28 percent in Fiscal Year 2004, which drives increased expenditures as these hours are billed at a higher rate than non-litigation time.

C. Fiscal Year 2004 Audit

The OCR prepares an annual audit report in compliance with Section 13-91-105 (1)(g), C.R.S., that requires an annual, independent financial audit to be performed on the financial aspects of the OCR by September 1, 2004.

This audit was conducted by the accounting firm of Gelfond Hochstadt Pangburn, P.C. in conjunction with the annual statewide financial audit performed by the Office of the State Auditor. Audit procedures performed by Gelfond Hochstadt Pangburn, P.C. included interviewing staff, reviewing internal controls, and examining documents. At the time of this report, the OCR had not received notice of any recommendations resulting from the audit.

D. OCR's General-Funded Expenditures for Fiscal Year 2004

The following schedule summarizes the OCRs general-funded expenditures for Fiscal Year 2004:

1. ATTORNEY SERVICES

Guardians ad litem, attorney special advocates and child's legal representatives are appointed by judges and magistrates to represent children's best interests in various types of legal proceedings. Expenditures by case type are as follows:

Type of Case	Amount Expended in Fiscal Year 2004
Dependency and Neglect	\$6,305,285
Juvenile Delinquency	842,540
Domestic Relations	623,407
Truancy	84,480
Paternity	58,007
Probate	66,707
Other	16,455
Counsel Expenses	12,029
TOTAL	\$8,008,910

2. ADMINISTRATIVE AND OPERATING COSTS

\$510,587 was spent on administrative and operating costs of the OCR. These dollars were used primarily to compensate staff, rent office space and pay for staff travel on judicial district visits.

3. TRAINING

The OCR was not appropriated training dollars in Fiscal Year 2004.

4. CASA

\$20,000 was contributed to Colorado CASA, which is a non-profit organization of volunteer court-appointed special advocates. This funding allowed the state CASA to provide training and technical assistance to local CASAs throughout the state.

The OCR is mandated to allocate appropriated moneys to local CASA programs under 13-91-105(b)(IV), a duty that was assumed from the State Court Administrator's Office in Fiscal Year 2002.

VI. OCR LEGISLATIVE PARTICIPATION

OCR activity at Colorado Legislature. The OCR is also significantly involved with the legislative process each session, tracking bills that affect not only the OCR and its contract attorneys, but also children and families in Colorado. The OCR monitors legislation, offers testimony on proposed legislation when appropriate or requested and is available as a source of information to legislators and advocates working on legislation addressing children and family issues. During the 2004 legislative session, several legislators specifically requested the OCR's involvement for information and testimony on proposed legislation. The OCR believes that the legislative process is critically important for the welfare of children and families, and it welcomes any opportunity to provide information to the legislative delegates or advocates working on legislative proposals.

The OCR was also pleased this legislative session to be invited by the Joint House and Senate Judiciary Committees to testify and provide information about the office to the Joint Committees. The OCR very much welcomed the opportunity to provide an overview of the office, its purposes, role as a state agency and an update on its activities. In addition to the OCR, GALs from each of the committee member's districts attended the hearing to provide information specific to their jurisdiction.

The OCR will again monitor legislation in the upcoming session and work on proposals as requested or needed. Legislation that the OCR worked on this last 2004 session included:

- H.B.04-1064, sponsored by Representative Lois Tochtrop. This proposal would have revised the Colorado Children's Code to remove those children that are beyond the control of the parent. The OCR was concerned that many truly abused and neglected children would not receive much-needed services if they were no longer defined as abused and neglected under the Children's Code. Fortunately, Rep. Tochtrop graciously decided not to pursue the bill and to instead continue to work with the interested parties on a more suitable solution. We look forward to working with Rep. Tochtrop during the next legislative session on this issue.
- H.B. 04-1108, sponsored by Representative Buffie McFadyen and Senator Ken Arnold. This bill, which was adopted by the legislature, allowed children in a Dependency and Neglect petition to participate in therapy without incriminating themselves. The OCR strongly supported the legislation and provided testimony from itself and some of its contract GALs in favor of the bill. The OCR thanks the sponsors for carrying the bill and affording this needed protection to children.
- H.B. 04-1186, sponsored by Representative Debbie Stafford. This bill would have limited the civil liability brought against child placement agencies and residential treatment centers while providing treatment for children in out-of-home placement. The OCR opposed the legislation. Rep. Stafford pulled the bill to continue to work

on the issue. Again, the OCR welcomes the opportunity to work with Rep. Stafford this coming legislative session if she chooses to propose another bill.

- H.B. 04-1370, sponsored by Representative Jerry Frangas and Senator Doug Lamborn. H.B. 04-1370 was adopted by the legislature and allows county departments to defer the first-time filing of a confirmed report of child abuse and neglect if the individual enters into a safety plan agreement and additional requirements for a deferment are met. The OCR worked with the sponsor of this bill to add an amendment that would ensure the entry of any such confirmed and deferred report on the Colorado Trails tracking system for future reference.

VII. OCR'S PARTICIPATION IN OTHER PROFESSIONAL COMMITTEES AND ORGANIZATIONS

To effectively set policy, advocate for and serve the best interests of children, the OCR office and staff must extend its activities and work beyond the prescribed list of mandates contained in statute. Successful advocacy for children requires collaboration and the sharing of resources among many state agencies, child advocate organizations and other interested professionals. There are many entities whose area of work impacts the mission of the OCR. As a result, the OCR is an active participant on many judicial, state and local government committees, special interest groups and other advocacy organizations. The following provides a sample of committees that the OCR staff chair, serve as members of or initiated in the office's efforts to continually better serve the children of Colorado:

- **Supreme Court Family Issues Committee:** This committee, established as a result of the recommendations of the Colorado Supreme Court Commission on Families, was instrumental in the establishment of Special Advocate standards through CJD 04-08. OCR's Executive Director dedicated a great deal of time to the creation of these standards and statewide training on the standards.
- **Colorado Bar Association, Domestic Violence and Children Committee:** The OCR Executive Director co-chairs this committee, which has developed best practice standards for cases involving children and domestic violence and which is currently in the process of creating a website that will make these standards and other legal information easily accessible to all attorneys in the state.
- **Colorado Drug Endangered Children (Colorado DEC).** This committee remains a state and national leader on the issue of methamphetamine addiction and manufacturing, which has been exerting a significant impact on children and families in Colorado. In addition to the continuation of its training and public awareness efforts within Colorado, Colorado DEC was involved in the organization of a national DEC conference, which was held in Denver. OCR's Executive Director presented at this conference.

- **Colorado Task Force on Unaccompanied Immigrant Children.** This task force, which the OCR co-chairs, has made significant strides this year on educating attorneys and judges about the immigration options available to children in the dependency and neglect system, particularly Special Immigrant Juvenile Status (SIJS). Historically, most children eligible for SIJS, an immigration status available to many children under the jurisdiction of the juvenile court, have rarely been identified and processed in Colorado. Obtaining legal status to stay in the country for an eligible child is a critical component of permanency planning for children in care. The OCR featured trainings on this topic in both its February and September conferences. The State Court Improvement Committee has agreed to have the task force write a chapter on Special Immigrant Juvenile Status for its upcoming judicial bench book, and the task force has also networked with a number of pro bono immigration attorneys who will be able to assist in the processing of SIJS applications.
- **Juvenile Justice and Mental Health Subcommittee of the Legislative Task Force on the Mentally Ill in Criminal Justice.** This subcommittee is in the final stages of drafting proposed legislation to deal with the issue of competency in delinquency cases. The bill, titled "Juvenile Competency," sets forth a process for ascertaining juvenile competency and a system for referral to restorative treatment for incompetent juveniles.
- **The Colorado Statewide Team Promoting Equity, formerly the Minority Overrepresentation Committee.** This committee continues to explore the issue of minority overrepresentation in dependency and neglect and delinquency cases. The committee is working on strategies to reduce disproportionate minority contact in the juvenile justice system and is focusing on comparing differences in outcomes, such as recidivism for different program types.
- **Strengthening Abuse and Neglect Courts Act (SANCA) Grant Steering Committee.** Colorado has received one of six federal grants under SANCA, through which the State Court Administrator's Office and Colorado Department of Human Services will be able to streamline their respective data systems to: allow for better tracking of children and families in the dependency and neglect system; better serve those children and families; monitor Colorado's progress on federally-required system improvement measures; and institute data-driven system reform strategies to improve Colorado's performance on federal audit measures. OCR is a member of the steering committee overseeing the creation of this program.
- **EPP Committee.** This committee continues to explore the difficult decisions that need to be made to expedite permanency for children. The committee includes professionals from the Department of Human Services, county attorneys, judicial officers and service providers in the community. The committee has focused on designing criteria for reunification and establishing services to support that goal.

- **Colorado Equal Care Coalition (LGBTQ Youth in Care Task Force).** As documented in national studies, foster care places even more severe risks on lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth than it does for other children. These youth are more likely than their counterparts to be abused in care, have their needs ignored and end up on the streets. The Colorado Equal Care Coalition was formed to bring various entities involved in child welfare together to ensure that the needs of LGBTQ youth in care in Colorado are being met. This year, the coalition was involved in the hosting of a listening forum, in which youth and professionals involved in the dependency and neglect system were able to express their concerns and experiences for a national study. The OCR also plans to train on this issue in the upcoming year.
- **Colorado Child Placement Advisory Group.** This committee consists of a number of professionals from a variety of entities involved in the child welfare system. The main goal of the group is to foster permanency for children in Colorado's foster care system. This year, the committee drafted proposed priorities for considering permanency from an adolescent's perspective, and it is currently working on best practice recommendations for upfront diligent search for potential relative and other placements as a way to promote permanency for children in the dependency and neglect system.

VIII. OCR GOALS LISTED IN 2003 GENERAL ASSEMBLY REPORT AND STATUS OF EACH GOAL

In its 2003 General Assembly Report, the OCR outlined specific goals for the upcoming year. Provided below are the listed goals and the measures achieved to complete each goal.

Goal	Status
Develop a new attorney core curriculum training program available on videotape and/or CD	OCR developed a core curriculum of subjects necessary for effective advocacy. Through the receipt of Federal Court Improvement funds, the OCR has completed a partial draft of an interactive educational CD-Rom series.
Monitoring billing and attorney services. With the new hourly conversion comes the responsibility to closely monitor the cost of attorney services, not only to confirm attorneys are competently providing representation, but to ensure the OCR is best utilizing its appropriated funds in a cost-effective manner.	The OCR has converted all of the rural judicial districts to hourly billing, and in this fiscal year has begun the process of converting the front range judicial districts to hourly billing. The OCR has used the hourly bills in its investigation of complaints and overall monitoring of GAL services.
Update website and make it more user-friendly with new information that can improve or assist the day-to-day practice of GALs.	The OCR has added several new sections to its website, and it has continuously updated the training and resource section of its website. It is currently in the process of developing a litigation support section, which will include a motions bank.

Goal	Status
Provide litigation support for attorneys.	The OCR has made available experienced trial attorneys to support and train attorneys who are less experienced in trial skills. The OCR has also sent attorneys in need of litigation skills to the National Institute of Trial Advocacy, and it has provided quarterly updates on relevant emerging caselaw to support attorneys in their litigation efforts. The OCR is in the process of developing a motions bank for its attorneys, and it has organized a NITA-style training for all dependency and neglect involved attorneys in the 1st Judicial District.
Closely monitor jurisdictions where concerns have been brought to the attention of the OCR and jurisdictions where we have attorneys on probationary status.	This year, the OCR had attorneys on probationary status in the 18th,. These attorneys successfully completed probation and are now receiving satisfactory evaluations. The OCR also made significant improvements in the 19th, by terminating contracts with poorly performing lawyers and hiring dedicated and skilled new attorneys; dramatic changes have been noted by many in the system. OCR continues to provide ongoing oversight to attorneys who have had complaints founded against them.
Continue to monitor recently implemented strategic plans to create cost-efficiencies in the two jurisdictions that consistently over spend.	Through the efforts of OCR and its contract attorneys, truancy cases have decreased by 60 percent in the 18 th Judicial District and by almost 40 percent in the 4 th Judicial District. Paternity cases have declined by over 30 percent in the 4 th Judicial District as well. The OCR appreciates the efforts of the court personnel and the GALs within those districts in creating these efficiencies.
Hire additional staff for 4 th Judicial District El Paso County GAL Office.	The JBC approved the hiring of three new attorneys for the El Paso GAL Office.
Investigate a possible staff model for the 2 nd Judicial District as requested by the Joint Budget Committee.	The OCR investigated such a model and proposed it to the JBC in is FY 2004-05 Budget Request. However, the JBC determined not to fund the creation of such an office in the current fiscal year. The OCR continues to believe that a staff model serves as a quality and cost-effective way to provide GAL services and, therefore, will continue to explore the opportunity to create such an office.
Develop a closer working relationship with and a better understanding of the differing roles of the local CASA, OCR and the GALs who provide services.	The OCR sponsored three trainings to foster better working relationships between GALs and CASAs, all of which were highly successful. The OCR continues to work to foster productive and professional relationships between CASAs and

Goal	Status
Better inform legislative delegates of the number of children represented in their district, the attorneys who provide representation in their district and the importance of their independent representation for the communities and children in their district.	GALs in all judicial districts. The OCR provided such information to the Joint Budget and Joint Judiciary Committees, as well as various individual legislators throughout the year. The OCR plans to continue the distribution of this information this upcoming year, particularly to new members of the General Assembly and Joint Budget Committee.
Consider the implementation of a Colorado certification program with the National Association of Counsel for Children.	OCR's Executive Director served on this board. Colorado was not chosen as a test site, but as national certification expands to other states, Colorado will continue to be considered.
Revise Chief Justice Directive 97-02 practice and training requirements for attorneys who represent the best interests of children.	The OCR drafted CJD 04-06 (OCR appointments) and co drafted CJD 04-08 (special advocate appointments). Through CJD 04-06, the OCR set standards that require GALs to see every child in every placement, conduct an intensive initial investigation and other activities critical to the quality representation of children's best interests.

IX. OCR GOALS FOR UPCOMING YEAR

The OCR is extremely encouraged with the progress achieved this third year of operation. However, the OCR is already developing strategies and goals for the upcoming year which will enable us to continue to advocate for children and enhance the quality of best interest legal representation for children. Future goals include the following:

- Complete and distribute core curriculum educational interactive CD-Rom series.
- Make available domestic violence training for attorneys specifically focused on effects of domestic violence on children and implications for investigation and advocacy on behalf of children's best interests.
- Consider augmentation of minimum training requirements for attorneys who represent best interests of children as OCR makes training increasingly available and accessible throughout the state.
- Continue monitoring of attorney services through hourly billing and investigation of complaints.
- Increase litigation support through trial advocacy training, creation of motions bank and continued availability of mentoring by experienced attorneys.
- Provide useful and directly relevant information to GALs to empower them in their advocacy, including creation of residential facilities "report card" to assist in advocacy for appropriate placement and continued distribution of OCR quarterly update of current legislation and caselaw, resources and trainings.
- Reinstate local oversight committees and explore foster care youth participation in local oversight committees and/or development of youth oversight committee.
- Investigate institution of staff office model in Second Judicial District.

- Continue updating of website and resource center.
- Continue to increase efficiencies in all judicial districts with particular emphasis on the Seventeenth Judicial District domestic relations expenses.
- Continue conversion to hourly billing for dependency and neglect cases in the front range judicial districts.
- Implement a web-based billing system for attorney payments.
- Maintain close working relationship with CASA and promote funding of CASA through use of donations as registration “fees” for OCR conferences.
- Participate in legislative process and continue to inform legislative delegates about children’s issues, GALs and trends in their communities.

X. APPENDICES

- A. OCR GAL PROFILE FOR EACH SENATE AND HOUSE DISTRICT—
GALS SERVING AND CHILDREN SERVED IN EACH DISTRICT**
- B. OCR’S ANNUAL EVALUATION INSTRUMENT**
- C. ARGUMENTS IN FAVOR OF CONVERSION TO HOURLY PAY**
- D. OCR’S CORE CURRICULUM FOR EDUCATIONAL INTERACTIVE CD
ROM SERIES (DRAFT VERSION)**

**Appendix A. OCR Profile for each Senate and House District –
GALs Serving and Children Served in Each District**

Senate/House District	Judicial District	D&N Cases In 2003-04	Contracted GAL's (Contact info available from OCR)
HD1 – Arapahoe, Denver, Jefferson	1 st , 2 nd , 18 th	2378	Gail Meinster, Stacey Nickolaus, Jenna Reubach; Ruth Buechler, Jamie Henderson, Nathifa Lewis; Alison Bettenberg; Hillary Lipton, Clarisse Gonzales
HD2 – Denver	2 nd	1059	Jamie Henderson, Ruth Buechler, Nathifa Lewis
HD3 – Arapahoe, Denver	2 nd , 18 th	1640	Jamie Henderson, Ruth Buechler, Nathifa Lewis; Alison Bettenberg; Hillary Lipton, Clarisse Gonzales
HD4, HD5 – Denver	2 nd	1059	Jamie Henderson, Ruth Buechler, Nathifa Lewis
HD6 – Arapahoe, Denver	2 nd , 18 th	1640	Jamie Henderson, Ruth Buechler, Nathifa Lewis; Alison Bettenberg; Hillary Lipton, Clarisse Gonzales
HD7, HD8 – Denver	2 nd	1059	Jamie Henderson, Ruth Buechler, Nathifa Lewis
HD9 – Arapahoe, Denver	2 nd , 18 th	1640	Jamie Henderson, Ruth Buechler, Nathifa Lewis; Alison Bettenberg; Hillary Lipton, Clarisse Gonzales
HD10, HD11, HD12 – Boulder	20 th	259	Stanlee West-Watt, Sharon Plettner, Timothy Kerns
HD13 – Boulder, Clear Creek, Gilpin	1 st , 5 th , 20 th	1053	Gail Meinster, Stacey Nickolaus, Jenna Reubach; Ann Parmley, Eileen Bisgard, Gina Bischofs, Allison Casias, Catherine Cheroutes, Inga Causey, Mary Lou Keller, Wayne Patton; Timothy Kerns, Sharon Plettner, Stanlee West-Watt
HD14, HD15, HD16, HD17, HD18, HD19, HD20 – El Paso	4 th	1238	Deb Campeau
HD21 – El Paso, Fremont	4 th , 11 th	1382	Deb Campeau; Jeanna Baitlon, Jolene DeVries, Jolein Harro, Grant Lewis, Anna Hall Owen, Brad Redmiles, Daniel Slater, Joanna Smith, Pamela Streng
HD22, HD23, HD24, HD25, HD26, HD27, HD28, HD29 – Jefferson	1 st	738	Stacey Nickolaus, Gail Meinster, Jenna Reubach
D30, HD31, HD32 – Adams	17 th	1000	Susan Street, Stefan Fredricksmeier, Mary McWilliams
HD33 – Adams, Boulder, Broomfield, Weld	17 th , 19 th , 20 th	1756	Susan Street, Stefan Fredricksmeier, Mary McWilliams; Sharon Plettner, Mary Camp, Debra Dodd, Barbara Edin, Kent Spangler; Timothy Kerns, Sharon Plettner, Stanlee West-Watt
HD34, HD35 – Adams	17 th	1000	Mary McWilliams, Susan Street, Stefan Fredricksmeier
HD36, HD37 – Arapahoe	18 th	581	Hillary Lipton, Alison Bettenberg, Clarisse Gonzales
HD38 – Arapahoe, Jefferson	1 st , 18 th	1319	Stacey Nickolaus, Gail Meinster, Jenna Reubach; Hillary Lipton, Alison Bettenberg, Clarisse Gonzales
HD39 – Arapahoe	18 th	581	Hillary Lipton, Alison Bettenberg, Clarisse Gonzales
HD40 – Arapahoe, Elbert	18 th	581	Hillary Lipton, Alison Bettenberg, Clarisse Gonzales
HD41 – Arapahoe, Denver	2 nd , 18 th	1640	Jamie Henderson, Ruth Buechler, Nathifa Lewis; Alison Bettenberg; Hillary Lipton, Clarisse Gonzales
HD42 – Arapahoe	18 th	581	Hillary Lipton, Alison Bettenberg, Clarisse Gonzales
HD43, HD44 – Douglas	18 th	581	Hillary Lipton, Alison Bettenberg, Clarisse Gonzales
HD45 – Douglas, Teller	4 th , 18 th	1819	Deb Campeau; Hillary Lipton, Alison Bettenberg, Clarisse Gonzales
HD46 – Pueblo	10 th	446	Douglas Haynes, Johnna Doyle, Douglas Glover, Lynn Hahn-Martinez, Michale Lajoie, Diana Cuneo, Melinda Badgley-Orendorff, Larry Schwartz
HD47 – Fremont, Pueblo	10 th , 11 th	590	Douglas Haynes, Johnna Doyle, Douglas Glover, Lynn Hahn-Martinez, Michael Lajoie, Diana Cuneo, Melinda Badgley-Orendorff, Larry Schwartz; Jeanna Baitlon, Jolene DeVries, Jolein Harro, Grant Lewis, Anna Hall Owen, Brad Redmiles, Daniel Slater, Joanna Smith,

Senate/House District	Judicial District	D&N Cases In 2003-04	Contracted GAL's (Contact info available from OCR)
			Pamela Streng
HD48 – Weld	19 th	497	Mary Camp, Debra Dodd, Barbara Edin, Sharon Plettner, Kent Spangler
HD49 – Larimer, Weld	8 th , 19 th	799	Carole Carnahan, Stephanie Hewitt, Gregory Miller, Dianne Peterson, John Vap; Mary Camp, Debra Dodd, Barbara Edin, Sharon Plettner, Kent Spangler
HD50 – Weld	19 th	497	Mary Camp, Debra Dodd, Barbara Edin, Sharon Plettner, Kent Spangler
HD51, HD52, HD53 – Larimer	8 th	302	Carole Carnahan, Stephanie Hewitt, Gregory Miller, Dianne Peterson, John Vap, Kent Spangler;
HD54 – Delta, Mesa	7 th , 21 st	322	Barb Remenga, Bob Tweedell, Andrew Allen, Karin Bagn, Peter Bogardus, Jim Delman, Alice Arnold Melnick; Melinda Guthrie, Kellie Starritt
HD55 – Mesa	21 st	182	Melinda Guthrie, Kellie Starritt
HD56 – Eagle, Lake, Summit	5 th	56	Gina Bischofs, Eileen Bisgard, Gail Meinster, Ann Parmley, Darcie Bolton, Allison Casias, Catherine Cheroutes, Inga Causey, Mary Lou Keller, Wayne Patton
HD57 – Garfield, Grand, Jackson, Moffat, Rio Blanco, Routt	8 th , 9 th , 14 th	457	Carole Carnahan, Stephanie Hewitt, Gregory Miller, Dianne Peterson, John Vap, Kent Spangler; Joseph Fennessy, Patrick Owen, Kathy Goudy, Melody Massih, Tom Silverman, Katherine Sullivan; Nancy Smith, Michele Desoer, Katrina Skinner, Mick Hale
HD58 – Delta, Dolores, Montezuma, Montrose, Ouray, San Miguel	7 th , 22 nd	184	Andrew Allen, Karin Bagn, Peter Bogardus, Jim Delman, Alice Arnold Melnick, Barb Remenga, Bob Tweedell; Nicki Green, Patrick Sheeran, Kim Shropshire, Diana Barber
HD59 – Archuleta, La Plata, Montezuma, San Juan	6 th , 22 nd	95	Paula Jakubanis; Nicki Green, Patrick Sheeran, Kim Shropshire, Diana Barber
HD60 – Chaffee, Custer, Fremont, Park, Pueblo, Saguache	10 th , 11 th , 12 th	710	Douglas Haynes, Johnna Doyle, Douglas Glover, Lynn Hahn-Martinez, Michael Lajoie, Diana Cuneo, Melinda Badgley-Orendorff, Larry Schwartz; Jeanna Baitlon, Jolene DeVries, Jolein Harro, Grant Lewis, Anna Hall Owen, Brad Redmiles, Daniel Slater, Joanna Smith, Pamela Streng; Peg Russell, Ruth Acheson
HD61 – Eagle, Garfield, Gunnison, Hinsdale, Pitkin	7 th , 9 th	264	Andrew Allen, Karin Bagn, Peter Bogardus, Jim Delman, Alice Arnold Melnick, Barb Remenga, Bob Tweedell; Joseph Fennessy, Patrick Owen, Kathy Goudy, Melody Massih, Tom Silverman, Katherine Sullivan
HD62 – Alamosa, Conejos, Costilla, Huerfano, Mineral, Pueblo, Rio Grande, Saguache	3 rd , 12 th	175	Devon McFarland, Rodolfo Reveles, Ellen Trujillo, Glenn Davis; Ruth Acheson, Peg Russell
HD63 – Adams, Cheyenne, Crowley, Kiowa, Kit Carson, Lincoln, Morgan, Washington, Yuma	13 th , 15 th , 16 th , 17 th , 18 th	1869	Clayton Farrell, Timothy Kerns, Stephanie Gagliano, Tricia Matuszczak, Thor Bauer, ; Kim Verhoeff, Mark Davis; Jim Bullock, Bruce Boreson, Elaine Lajoie, Michael Lajoie, Doug Manley; Susan Street, Mary McWilliams, Stefan Fredricksmeier; Alison Bettenberg, Hillary Lipton, Clarisse Gonzales
HD64 – Baca, Bent, Huerfano, Las Animas, Otero, Prowers	3 rd , 15 th , 16 th	140	Devon McFarland, Rodolfo Reveles, Ellen Trujillo, Glenn Davis; Kim Verhoeff, Mark Davis; Jim Bullock, Bruce Boreson, Elaine Lajoie, Michael Lajoie, Doug Manley
HD65 – Logan, Phillips, Sedgwick, Weld	13 th , 19 th	700	Clayton Farrell, Timothy Kerns, Stephanie Gagliano, Tricia Matuszczak, Thor Bauer, ; Mary Camp, Debra Dodd, Barbara Edin, Sharon Plettner, Kent Spangler

Senate/House District	Judicial District	D&N Cases In 2003-04	Contracted GAL's (Contact info available from OCR)
SD1 – Cheyenne, Elbert, Kiowa, Kit Carson, Lincoln, Logan, Morgan, Phillips, Prowers, Sedgwick, Washington, Yuma	13 th , 15 th , 18 th	818	Clayton Farrell, Timothy Kerns, Stephanie Gagliano, Tricia Matuszczak, Thor Bauer, ; Kim Verhoeff, Mark Davis; Alison Bettenberg, Hillary Lipton, Clarisse Gonzales
SD2 – Baca, Bent, Crowley, Custer, Fremont, Huerfano, Las Animas, Otero, Pueblo	3 rd , 10 th , 11 th , 15 th , 16 th	730	Devon McFarland, Rodolfo Reveles, Ellen Trujillo, Glenn Davis; Douglas Haynes, Johnna Doyle, Douglas Glover, Lynn Hahn-Martinez, Michael Lajoie, Diana Cuneo, Melinda Badgley-Orendorff, Larry Schwartz; Jeanna Baitlon, Jolene DeVries, Jolein Harro, Grant Lewis, Anna Hall Owen, Brad Redmiles, Daniel Slater, Joanna Smith, Pamela Streng; Kim Verhoeff, Mark Davis; Jim Bullock, Bruce Boreson, Elaine Lajoie, Doug Manley
SD3 – Pueblo	10 th	446	Douglas Haynes, Johnna Doyle, Douglas Glover, Lynn Hahn-Martinez, Michael Lajoie, Diana Cuneo, Melinda Badgley-Orendorff, Larry Schwartz
SD4 – Douglas, El Paso, Lake, Park, Teller	4 th , 5 th , 11 th , 18 th	2019	Deb Campeau; Gina Bischofs, Eileen Bisgard, Gail Meinster, Ann Parmley, Darcie Bolton, Allison Casias, Catherine Cheroutes, Inga Causey, Mary Lou Keller, Wayne Patton; Jeanna Baitlon, Jolene DeVries, Jolein Harro, Grant Lewis, Anna Hall Owen, Brad Redmiles, Daniel Slater, Joanna Smith, Pamela Streng; Hillary Lipton, Clarisse Gonzales; Alison Bettenberg
SD5 – Alamosa, Chaffee, Conejos, Costilla, Delta, Gunnison, Hinsdale, Mineral, Pitkin, Rio Grande, Saguache	7 th , 9 th , 11 th , 12 th	528	Andrew Allen, Karin Bagn, Peter Bogardus, Jim Delman, Alice Arnold Melnick, Barb Remenga, Bob Tweedell; Joseph Fennessy, Patrick Owen, Kathy Goudy, Melody Massih, Tom Silverman, Katherine Sullivan; Jeanna Baitlon, Jolene DeVries, Jolein Harro, Grant Lewis, Anna Hall Owen, Brad Redmiles, Daniel Slater, Joanna Smith, Pamela Streng; Peg Russell, Ruth Acheson
SD6 – Archuleta, Dolores, La Plata, Montezuma, Montrose, Ouray, San Juan, San Miguel	6 th , 7 th , 22 nd	235	Paula Jakubanis; Barb Remenga, Bob Tweedell, Andrew Allen, Karin Bagn, Peter Bogardus, Jim Delman, Alice Arnold Melnick; Nicki Green, Patrick Sheeran, Kim Shropshire, Diana Barber
SD7 – Garfield, Mesa	21 st	182	Melinda Guthrie, Kellie Starritt
SD8 – Eagle, Garfield, Jackson, Moffat, Rio Blanco, Routt	5 th , 8 th , 9 th , 14 th	513	Gina Bischofs, Eileen Bisgard, Gail Meinster, Ann Parmley, Darcie Bolton, Allison Casias, Catherine Cheroutes, Inga Causey, Mary Lou Keller, Wayne Patton; Carole Camahan, Stephanie Hewitt, Gregory Miller, Dianne Peterson, John Vap, Kent Spangler; Joseph Fennessy, Patrick Owen, Kathy Goudy, Melody Massih, Tom Silverman, Katherine Sullivan; Nancy Smith, Michele Desoer, Katrina Skinner, Mick Hale
SD9, SD10, SD11, SD12 – El Paso	4 th	1238	Deb Campeau
SD13 – Weld	19 th	497	Mary Camp, Debra Dodd, Barbara Edin, Sharon Plettner, Kent Spangler
SD14, SD15 – Larimer	8 th	302	Carole Camahan, Stephanie Hewitt, Gregory Miller, Dianne Peterson, John Vap, Kent Spangler
SD16 – Boulder, Clear Creek, Gilpin, Grand, Jefferson, Summit	1 st , 5 th , 14 th , 20 th	1084	Stacey Nickolaus, Gail Meinster, Jenna Reubach; Ann Parmley, Eileen Bisgard, Gina Bischofs, Darcie Bolton, Allison Casias, Catherine Cheroutes, Inga Causey, Mary Lou Keller, Wayne Patton; Nancy Smith, Michele Desoer, Katrina Skinner, Mick Hale; Timothy Kerns, Sharon Plettner, Stanlee West-Watt

Senate/House District	Judicial District	D&N Cases In 2003-04	Contracted GAL's (Contact info available from OCR)
SD17, SD18 – Boulder	20 th	259	Stanlee West-Watt, Sharon Plettner, Timothy Kerns
SD19, SD20, SD21, SD22 – Jefferson	1 st	738	Stacey Nickolaus, Gail Meinster, Jenna Reubach
SD23 – Adams, Broomfield, Weld	17 th , 19 th	1497	Mary McWilliams, Susan Street, Stefan Fredricksmeier; Mary Camp, Debra Dodd, Barbara Edin, Sharon Plettner, Kent Spangler
SD24, SD25 – Adams	17 th	1000	Mary McWilliams, Susan Street, Stefan Fredricksmeier
SD26 – Arapahoe, Jefferson	1 st , 18 th	1319	Stacey Nickolaus, Gail Meinster, Jenna Reubach; Hillary Lipton, Alison Bettenberg, Clarisse Gonzales
SD27 – Arapahoe	18 th	581	Hillary Lipton, Alison Bettenberg, Clarisse Gonzales
SD28 – Arapahoe, Denver	2 nd , 18 th	1640	Jamie Henderson, Ruth Buechler, Nathifa Lewis; Hillary Lipton, Alison Bettenberg, Clarisse Gonzales
SD29 – Arapahoe	18 th	581	Hillary Lipton, Alison Bettenberg, Clarisse Gonzales
SD30 – Douglas	18 th	581	Hillary Lipton, Alison Bettenberg, Clarisse Gonzales
SD31 – Adams, Denver	2 nd , 18 th	1640	Jamie Henderson, Ruth Buechler, Nathifa Lewis; Hillary Lipton, Alison Bettenberg, Clarisse Gonzales
SD32 – Denver, Jefferson	1 st , 2 nd	1797	Stacey Nickolaus, Gail Meinster, Jenna Reubach; Jamie Henderson, Ruth Buechler, Nathifa Lewis
SD33 – Adams, Denver	2 nd , 17 th	2059	Jamie Henderson, Ruth Buechler, Nathifa Lewis; Mary McWilliams, Susan Street, Stefan Fredricksmeier
SD34 – Denver	2 nd	1059	Jamie Henderson, Ruth Buechler, Nathifa Lewis
SD35 – Arapahoe, Denver	2 nd , 18 th	1640	Jamie Henderson, Ruth Buechler, Nathifa Lewis; Hillary Lipton, Alison Bettenberg, Clarisse Gonzales

Appendix B—OCR's Annual Evaluation Forms

OCR ATTORNEY EVALUATION FORM – CASA

The Office of the Child's Representative (OCR) requests that you or your staff solicit feedback from the CASA volunteers concerning the GAL services provided in your judicial district. Please return the evaluation form by Friday April 30, 2004, to the OCR, Attn: Theresa Spahn, 1650 Pennsylvania Street, Denver, CO 80203, or e-mail to resourcecenter@qwest.net.

_____ Judicial District _____ Name of GAL
_____ Date _____ CASA director/staff/volunteer

1. **Meet with child.** Does the GAL timely and personally always meet with the child in the relevant living environment?

_____ Exceeds expectations
_____ Meets expectations
_____ Below expectations

2. **Court appearance.** Does the GAL consistently attend all court hearings and/or send a qualified substitute?

_____ Exceeds expectations
_____ Meets expectations
_____ Below expectations

3. **Preparedness.** Is the GAL well prepared for court hearings?

_____ Exceeds expectations
_____ Meets expectations
_____ Below expectations

4. **Investigations.** Does the GAL complete an independent investigation?

_____ Exceeds expectations
_____ Meets expectations
_____ Below expectations

5. **Recommendations.** When parties do not concur with best interest recommendations, does the GAL present an independent recommendation?

_____ Exceeds expectations
_____ Meets expectations
_____ Below expectations

6. **Professionalism.** Does the GAL have a professional working relationship with the CASA volunteers?

_____ Exceeds expectations
_____ Meets expectations
_____ Below expectations

Comments: _____

OCR ATTORNEY EVALUATION FORM – JURISDICTIONAL

The Office of the Child's Representative (OCR) requests that you please complete this evaluation form for each attorney who provides juvenile contract GAL services in your judicial district. Please return the evaluation form by Friday, April 30, 2004, to the OCR, Attn: Theresa Spahn, 1650 Pennsylvania Street, Denver, CO 80203, or e-mail to resourcecenter@qwest.net.

Judicial District _____ Name of GAL

Date _____ Judge/District Administrator/Court Facilitator

1. **Meet with child.** Does the GAL timely and personally always meet with the child in the relevant living environment?

Exceeds expectations

Meets expectations

Below expectations
2. **Court appearance.** Does the GAL consistently attend all court hearings and/or send a qualified substitute?

Exceeds expectations

Meets expectations

Below expectations
3. **Preparedness.** Is the GAL well prepared for court hearings?

Exceeds expectations

Meets expectations

Below expectations
4. **Knowledge and application of law.** Does the GAL demonstrate a thorough knowledge and application of juvenile law and other psycho/social fields such as child development that impact best interest decisions involving children?

Exceeds expectations

Meets expectations

Below expectations
5. **Investigations.** Does the GAL complete an independent investigation?

Exceeds expectations

Meets expectations

Below expectations
6. **Recommendations.** When parties do not concur with best interest recommendations, does the GAL present an independent recommendation?

Exceeds expectations

Meets expectations

Below expectations
7. **Professionalism.** Does the GAL have a professional working relationship with all parties involved in a case (i.e., parents, CASA volunteers, caseworkers, etc.)?

Exceeds expectations

Meets expectations

Below expectations

Comments: _____

Appendix C: Detailed Arguments in Favor of Conversion to Hourly Pay (*excerpts from OCR's 2003 Report to the General Assembly*)

The reasons that the OCR so strongly advocated for converting to the hourly state rate include:

- **Accountability.** There is no accountability to the state and/or the taxpayer when one is compensated with an upfront lump sum payment. The attorney receives the \$1,040 at the beginning of the case on the promise that he or she will provide adequate services with no further billing required. The state has no idea what services are performed, if any; the quality of the services; or at what stage of the case the attorney involvement commenced. The state agency overseeing the attorney services has absolutely no way of tracking the work performed. An attorney could wait for months before seeing the child or conducting an investigation and the overseeing agency would have no way to monitor their services.

An hourly attorney is not compensated until he or she actually perform services and, therefore, has a natural incentive to commence work immediately and frontload services. Moreover, when an attorney is required to bill at an hourly fee, the OCR can pull an itemized bill in any case, at any given moment and ascertain exactly what work has been performed, within what time frame and whether it is reasonable or not.

The hourly fee creates accountability to the state, taxpayer and to the children who are served.

Another factor one must remember is that adults who qualify for state paid attorneys, such as defense counsel, are capable of complaining when their attorney is negligent in his or her representation. They can complain to the court, call the Attorney Regulation Office, call the agency or hire their own attorney. However, up to 60 percent of the children who are in the court system due to abuse and neglect are preverbal and are under the age of three. These children are unable to complain and have no control over their representation. **Children, because of their vulnerability, more than any other group should be guaranteed accountability through an hourly payment system.**

- **Ensure children's right to competent attorney representation.** Children have a right to the same quality and competent services as others who are able to utilize state paid attorneys. Inherent in the flat fee system of compensation are the abuses and challenges which the GAL system has struggled with for years and the reason the legislature created this office. Legitimate attorneys under the flat fee must take a high volume of cases in order to maintain a practice in which they can focus on and dedicate themselves to cases concerning abused and neglected children. This may cause attorneys to take a caseload that is not always manageable and puts one in a position where they are challenged to provide upfront services in a timely manner. However, under the hourly system, an attorney is free to take only that number of cases they can reasonably handle and are able to immediately and fully provide attorney services to each child in the case. An hourly paid attorney does not get paid

by the State until the performance of the services, which results in timely and meaningful outcomes for children. There is no incentive to take a caseload that is not manageable. The attorney who can only work a certain number of hours a week, whether it is 20, 30 or 40, can adjust his or her caseload according to his or her number of available hours.

- **Fair and equitable to state, attorney and child.** Finally, the complexity of each case varies, with some requiring extensive hours of work and others less attorney time. Payment for services should vary and be disbursed in accordance with the needs of the case rather than on a flat rate that is the same in every case regardless of how complicated or simple the case. Subsequently, hourly payment is the most fair and equitable method of compensation for both the attorney and the state with the children of Colorado benefiting.

Appendix D—Draft Core Curriculum

DEPENDENCY AND NEGLECT BASICS FOR GUARDIANS AD LITEM AND OTHER ATTORNEYS

**CD-Rom Training prepared by OCR with the Support of Colorado's State
Court Improvement Committee**

I. Introduction (15 minutes)

The introduction begins with Theresa Spahn's description of the OCR and the reason why it came into existence, the need for good GALs for children in D&N cases and the importance of good advocacy in general by all parties in a D&N case. The introduction details how the CD-Rom is designed, instructions for its use, and acknowledges the CIP for use of funds, with pictures of children flashing on some portion of the screen

II. Anatomy of a Dependency and Neglect Case (2 hours)

Judge Melonakis presents on the anatomy of a D&N case, pausing at each phase in the proceeding to explain decisions that the GAL must make at that point in the proceeding and the actions that GAL can take to advance the best interest of the child at that phase. Judge Melonakis stresses the importance of the GAL's role in a D&N case and how the Colorado legislature has long recognized the importance of this role by giving GALs broad powers in D&N proceedings. In addition, Judge Melonakis briefly covers GAL's responsibility to file notice of appeal within specific time frame. Interspersed in Judge Melonakis presentation are interviews with experienced GALs discussing how they approach a particular phase of the D&N proceeding.

On line "handouts":
a D&N case.

Flow Chart or Outline on the anatomy of

Chief Justice Directive 04-06
GAL appointment statute

III. Child Development

A. Infant, Early Childhood and Young Children (2 hours)

Christina Little of the Kempe Center and other child development specialists present on child development, ages 0 through late childhood, setting forth age appropriate expectations, developmental tasks that must be accomplished at each developmental phase in order for healthy progression on to next developmental phase, and environmental requirements for support of developmental tasks at each phase.

On line "handouts": Developmental Chart

**OCR's Educational Interactive Core Curriculum CD Rom Proposal
Attachment A**

Resource list of materials and websites helpful to understanding child development

B. Adolescent Development (2 hours)

Dr. Jerry Yeager of the Denver Children's Home and other adolescent development specialists present on adolescent development, describing the unique physiological, social, cognitive, emotional, and sexual changes that occur during adolescence, setting forth age-appropriate expectations for adolescents, and explaining what adults can do to best support adolescents' healthy development, including strength-based communication strategies. Adolescent sexual development and roles are discussed including the unique issues of LGBTQ youth, and the pressures that coming out or not coming out can exert on teens, especially teens in care. Ellen Rincon Pruitt and Nick Axas of the Denver Department of Human Services (e) present on issues unique to adolescents in and transitioning out of foster care and how the GAL can support the successful transition out of foster care by accessing Chaffee funds and positively and proactively include adolescents in the development of their treatment plans.

IV. Child Abuse (2 hours)

This presentation focuses on both the disruption that child abuse causes to the development of a child and the factors that lead parents to abuse children, empowering attorneys to be more active and educated participants in the creation of treatment plans that meaningfully serve children and families. A section on the medical diagnosis of child abuse will also be included.

V. Unintended Harms (45 minutes)

This presentation covers the unintended loss and harms to many children who become wards of the state, such as the loss of their primary caregiver, separation from siblings, multiple moves and attachment disruptions, and disruption in their educational settings. Attorneys will become sensitized to the potential for revictimization of the already vulnerable children who are brought into the system and will be better advocates for interventions that minimize potential harm.

VI. Attachment Considerations in Making Recommendations to the Court (1 hour)

Dioane Baird presents on the four styles of attachment, how to recognize the type of attachment that children have to various caretakers, and how healthy and unhealthy attachments can develop. She highlights the outcomes of certain attachment styles and what GALs should look out for when making visitation and placement recommendations to the court.

**OCR's Educational Interactive Core Curriculum CD Rom Proposal
Attachment A**

This presentation addresses cross cultural issues, such as attachments to multiple caregivers in some Native American tribes and other cultures as well as the significance of attachments to siblings and reasons to preserve sibling relationships and promote sibling bonding.

VII. Federal Laws to Consider in Dependency and Neglect Cases (1 hour)

This series of speakers present on the federal laws that potentially can have an impact on a child in placement, including the Indian Child Welfare Act, the Interstate Compact on the Placement of Children, the Adoption and Safe Families Act (including adoption subsidies), the Individuals with Disabilities Education Act, and immigration statutes Special Immigrant Juvenile Status and the Violence Against Women Act. Instead of delving into the details of these various statutes, the presentation provides an overview so that GALs can spot issues pertaining to these laws as they arise in cases. Following the presentation several "handouts" appear containing a checklist of issues for GALs and other attorneys to spot, as well as written resources, on-line references, and in-person referrals.

On line "Handouts":

Issue spotting checklist

Handout containing written resources, on-line references, and in-person referrals for each topic (immigration, ICWA, ICPC, ASFA, IDEA)

VIII. Mental Illness—Understanding Diagnoses and Psychological Reports (1 ½ hours)

This training will develop skills in navigating through psychological reports and explain the implications of different diagnoses, the testing that serves as the basis for reports, and how to use psychological reports to advocate for appropriate services and placements for children and families.

IX. Substance Abuse (1 ½ hours)

This presentation will focus on the addiction and abuse of illicit substances that is a factor in so many D&N cases, discussing the biology and psychology of addiction, highlighting the unique aspects of addictions to various substances, and pointing out best practices in the treatment of substance abuse. Parental substance abuse as well as adolescent substance abuse are covered. The unique challenges of treating dually diagnosed patients will also be addressed.

X. Domestic Violence and its Impact on Children (2 hours)

This section will be added at a later time, as the OCR is planning to contract with Dr. Peter Jaffe from the London Ontario Clinic and Billie Lee Dunford Jackson from the National Council for Juvenile and Family Court Judges to present on this issue for its domestic relations training CD-Rom. Dr. Jaffe and Ms. Dunford-Jackson will explain the conceptual framework

for understanding domestic violence and its impact on children, and they will provide practical tips for attorneys representing children in such cases, including: investigating cases that involve domestic violence and interviewing parties in such cases; making recommendations to the court about parenting time, placement, visitation, and appropriate services.

XI. Putting Your Knowledge Into Practice—What YOU as a GAL Can and Should Do to Advocate for Children in D&N Cases (1 ½ hours)

This section includes brief presentations from expert GALs on the variety of strategies that GALs can employ to effectively advocate for children in D&N cases, including, but not limited to, the following:

- Investigating, including interviewing kids and other people*
- What to look for in visits to kids' placement*
- Motions practice*
- Administrative advocacy*
- Collaboration with social services*
- Report writing*

Part of the discussion on these topics will include reference to CJD 04-06, with emphasis on theme that those requirements are floor, not limit to what effective GALs can do for children in D&N cases.

XII. Delinquency Basics (1 hour)

Eric Weisman, Jim Covino, Jaime Henderson trio on: anatomy of delinquency; role of GAL in delinquency; getting services from DSS in delinquency; interaction of D&N and delinquency cases. Rationale for this is that many D&N attorneys get put on as delinquency GALs in cases where they are representing children in D&N; need to be able to advocate for client effectively in both cases & understand the interaction between to cases.