



# Colorado Office of the Child's Representative

## 2015 Annual Report to the General Assembly

September 2015



*The Office of the Child's Representative (OCR) provides competent and effective best interests legal representation to children who have been abused, neglected or abandoned, impacted by high conflict parenting time disputes or charged with delinquent acts and without a parent or guardian able to protect their best interests during the proceedings. OCR contracts with attorneys throughout the state to be eligible for appointment as the child's guardian ad litem (GAL) or, in domestic relations cases, as the legal representative of the child (CLR). The GAL or CLR does not work in the traditional attorney-client role with the child where the attorney must advocate for the child's expressed wishes. Rather, the GAL/CLR client is the best interests of the child where the attorney advocates on behalf of the child's health, safety, and well-being by independently assessing and making recommendations to the court concerning the best interests of the child. When making a determination about the child's best interests, the attorney is required to independently investigate the issues presented in the case, consult with the child in a developmentally appropriate manner, and to consider the child's position regarding the matter before the court.*

OCR spends **4.5% of its budget on central administration. Seventy-eight percent (77.6%)** of OCR's attorney services budget is expended in dependency and neglect cases. OCR contracts with approximately 230 attorneys skilled in juvenile law throughout the state and in every judicial district to provide mandated legal services. The contract entities are small businesses, including sole practitioners, law firms, and a non-profit organization.

### HIGHLIGHTS:

- **OCR's Data Management and Billing system** known as the Colorado Attorney Reimbursement Electronic System (C.A.R.E.S.) continues to be a source of financial and practice data. OCR continued its efforts to enhance C.A.R.E.S. to meet the agency's unique oversight needs. The OCR created several reports in FY 14-15 (FY 15) to track attorney practice regarding contact with children/youth, attorney frontloading of investigation, presence of youth at court hearings, and visits with children/youth within 30-days following the attorney's appointment.
- **OCR finalized its Core Competencies Training Curriculum** during FY 14-15. OCR used Bloom's Taxonomy of Learning Domains in designing its curriculum to ensure all OCR trainings are relevant across attorney expertise levels and account for various learning styles and laying the groundwork for establishing application metrics. OCR's training program remains flexible and responsive in this dynamic legal field.
- **OCR continued its assessment of the Multi-Disciplinary Law Office model of representation.** After the initial three-year pilot period of the MDLO assessment, the OCR extended the MDLO contracts for an additional three-year period beginning in FY 15. Using active research methodology, the OCR continues to assess whether the model ameliorates inconsistencies in GAL practice and variation and unpredictability of costs. Additionally, OCR is gathering and analyzing data to assess the effectiveness of the MDLO model for delivering best interests representation through a logic model OCR developed after the initial assessment in FY 12-13.



# STATE OF COLORADO

---

## Office of the Child's Representative

1300 Broadway, Suite 320  
Denver, Colorado 80203  
Phone: (303) 860-1517  
Fax: (303) 860-1735  
www.coloradochildrep.org



---

Linda Weinerman  
Executive Director

Members of the 71<sup>st</sup> General Assembly:

It is my pleasure to introduce the Office of the Child's Representative (OCR) report to the General Assembly for 2015. It is an honor to highlight the work our attorneys do in your communities day in and day out for the absolutely most vulnerable; children who find themselves in complex legal proceedings.

The General Assembly created the OCR in 2000 to accomplish a singular mission: improve the quality of attorney best interests representation for children involved in the Colorado court system. The children with whom we work range in age from newborn to twenty one and are involved in a variety of case types including child abuse, delinquency, truancy, paternity and high conflict divorce. While each case and child is unique, these children have one thing in common: they are involved in the court system without the benefit of a parent to protect them. Instead they rely upon our attorneys known as guardians *ad litem* (GALs) to advocate for them.

GALs act as a critical check and balance in the complex child welfare and juvenile justice systems ensuring that the focus of each case is the child. Our attorneys visit children in every placement and conduct a thorough and independent investigation into each child's circumstances. This requires expertise in a wide array of issues including child development, the impact of trauma on development, mental health, substance abuse, domestic violence and the services available to effectively address those issues. Additionally, our attorneys must be experts in pediatric law which is constantly evolving.

As an agency we are committed to providing best interest representation in the most cost effective manner possible. A full 95% of OCR's budget is spent directly on attorney services. Much of our work is focused on creating efficiencies through our attorney selection and evaluation process as well as in our trainings and support for our attorneys. Our training program is increasingly sophisticated and readily accessible. Our web-based case management system has enabled us to access real time data on attorney activity and case progress. We are able to track results by jurisdiction, courtroom and individual attorney. Our evaluation process for attorneys is rigorous and ensures that each attorney with whom we contract is someone you would want representing your own children if you were unavailable to them.

While we have made great strides over the years, our work would not be possible without your support. In fiscal year 2014, the General Assembly approved a rate increase for our attorneys to \$75 per hour. While that rate is significantly below market rate, it has positively impacted our ability to attract and retain high quality attorneys to do this incredibly difficult work. Thank you to each and every one of our dedicated attorneys for providing a strong voice to Colorado's most vulnerable children and to the members of the legislature for recognizing the importance of this work.

Sincerely,

A handwritten signature in purple ink that reads "Linda Weinerman".

Linda Weinerman  
Executive Director

## Table of Contents

From the Executive Director Linda Weirnerman .....	2
Table of Contents .....	3
Board of Directors .....	4
OCR Staff .....	5
Overview .....	6
OCR’s Legislative Mandates .....	10
FY 2014-15 Innovations to OCR Provision of Legal Services .....	24
Overview of OCR Budget.....	26
Appendix A: OCR Legislative Review .....	31
Appendix B: OCR Committee Work .....	32

## CHILD'S REPRESENTATIVE BOARD

The Colorado Supreme Court appoints the nine-member child's representative board (Board) in accordance with the requirements and qualifications found in Colorado Revised Statutes § 13-91-104(2). The Board membership must include three attorneys, three advocates for children in the court system, and three citizens; no more than five members from one political party may serve; and each of the seven congressional districts must be represented on the Board. The Board serves without compensation and advises the OCR's Executive Director regarding fiscal matters, policy and funding decisions, and GAL and CASA training, as needed. The diverse and experienced Board represents all seven congressional districts and has a balance of Republican and Democratic party members.

- **Terraine Bailey**, Democrat, Sixth Congressional District, *GAL Attorney, Denver County, Attorney*
- **Mark Ferrandino**, Democrat, First Congressional District, *Chief Financial Officer, Denver Public Schools, Citizen*
- **Lynne Hufnagel**, Co-Chair, Democrat, First Congressional District, *Retired Denver District Court Judge, Attorney*
- **Senator Cheri Jahn**, Democrat, Seventh Congressional District, *Owner, Colorado Housekeeping & Home Care Services, Citizen*
- **Peggy Rudden**, Republican, Sixth Congressional District, *Executive Director, CASA Advocates for Children, Advocate*
- **Gwen Schooley**, Republican, Fourth Congressional District, *Executive Director A Kids Place, Advocate*
- **Joseph Wallis**, Republican, Fifth Congressional District, *GAL Attorney, El Paso County, Attorney*
- **Al White**, Co-chair, Republican, Third Congressional District, *Director, Colorado Tourism Office, Citizen*
- **Marc Winokur**, Democrat, Second Congressional District, *Director, Social Work Research Center of CSU, Advocate*
- **Ms. Victoria Black**, non-voting Youth Advisory member. Although not statutorily required, the Board includes a non-voting youth advisory member. The youth advisory member is a former beneficiary of GAL services.

## OCR STAFF (8.05 FTE)

**Linda Weirnerman**, Executive Director

**Sheri Danz**, Deputy Director

**Amanda Donnelly**, Staff Attorney

**Ashlee Jones**, Staff Attorney/Training Coordinator

**Dorothy Macias**, Staff Attorney/Legislative Liaison

**Mark Teska**, Chief Financial Officer

**Katie Irwin**, Staff Accountant

**Melanie Jannicelli**, Attorney Reimbursement & Human Resources Manager

**Rebecca Garrison**, Interactive Systems Administrator



## OVERVIEW

**The Office of the Child’s Representative (OCR)** is the state agency mandated to provide competent and effective legal best interests representation to children involved in the Colorado court system. OCR was created by the General Assembly in 2000 to improve representation for Colorado’s most vulnerable children by establishing minimum practice standards and providing litigation support, accessible high-quality statewide training, and oversight of the practice. At the time of the OCR’s creation, the General Assembly had serious concerns about the subpar quality of representation provided to children in Colorado, including: 1) financial barriers to the necessary frontloading of services or ongoing dedication of the proper amount of time to cases; 2) GAL caseloads impairing appropriate case preparation and investigation; 3) insufficient meaningful interaction by GALs with children in their environment; and 4) a lack of participation by GALs in court.

**OCR serves children** who have been abused and neglected, impacted by high-conflict parenting time disputes, and/or charged with delinquent acts and without a parent or guardian able to protect the children’s best interests during the proceedings. In Fiscal Year 2014-15 (FY 14-15), the OCR served nearly 17,000<sup>1</sup> children involved in dependency and neglect, delinquency, truancy, probate, and high conflict divorce cases. More than a majority of these children has suffered serious child maltreatment or egregious physical abuse and neglect, and requires representation throughout the duration of their complex child welfare legal proceedings. Many of these children have been removed from their family home and spend time in foster care.

**OCR’s Denver Executive Office** is located in the Ralph Carr Judicial Center, 1300 Broadway, Ste. 320, Denver, CO 80203. The OCR’s Executive Director, four staff attorneys, and four support staff (Budgeted 8.05 FTE) are charged with improving legal services for children and addressing the unique needs of legal representation of children in Colorado.

**OCR attorneys are skilled** in pediatric and juvenile law, knowledgeable of reliable social science research, and trained in child welfare representation best practices. Depending upon the case to which the attorney is appointed, the attorneys are known as Guardians *ad litem* (GALs), Counsel for Children in D&N proceedings, Child Legal Representatives (CLRs), or Child and Family Investigators (CFIs). They provide attorney services at a reduced rate of \$75 per hour. The average cost of an OCR case in FY 14-15 was \$1,296.90; a \$78.95 cost per case increase from FY 13-14.

Court-appointed attorney GAL legal representation is a mandated service that must be provided to children who have been abused and neglected. Section 19-3-203, C.R.S. (2014),

---

<sup>1</sup> OCR relies on the attorney user to designate the child party-type in OCR’s case management and billing system. In FY 14-15, there were 6804 individuals entered into the system without a party-type designation, therefore the number of children receiving legal services provided by the OCR is likely more than the number reported.

requires the court to appoint a GAL in every dependency and neglect (D&N) case. Courts have the discretion to appoint GALs in delinquency (JD), truancy, paternity, probate, relinquishment, mental health, and other proceedings when best interests representation is deemed necessary. While the statutory roles and responsibilities vary slightly by proceeding, in all case types, the GAL's professional duties flow solely to the best interests of the child. The GAL is appointed to independently investigate the matter, make recommendations that are in the best interests of the child, and advocate for the child's best interests through all stages of the proceedings.

*“The kids are thriving because of the work she does.”*

*- A caregiver's feedback about an OCR attorney*

Attorneys may also be appointed as Child's Legal Representative (CLR) or Child and Family Investigator (CFI) in domestic relations (DR) proceedings. Section 14-10-116, C.R.S. (2014), requires the state to bear all costs in a parental responsibility case of a CLR or CFI appointment if the parties are indigent. The OCR serves as the oversight and payment entity for attorney CLR and attorney CFI state-paid services; the Office of the State Court Administrator (SCAO) oversees non-attorney and private-pay attorney CFI appointments.

In FY 12-13, the OCR assumed the responsibility for oversight and payment of attorneys appointed as Counsel for Children in D&N proceedings. The appointment of counsel for children is discretionary; the court may appoint counsel for the child facing potential or actual contempt citations and the child who holds his/her evidentiary therapeutic privilege.

OCR provides attorney services to Colorado's children by employing three models of representation:

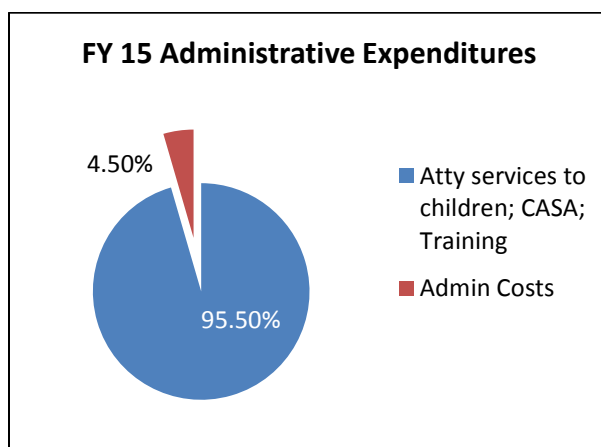
1. **Independent contractors:** The OCR contracts with over 230 independent contractors throughout Colorado. These contract entities are small businesses and include sole practitioners and law firms. Contractors often live and work in the same communities as the children and youth they serve.
2. **OCR's El Paso County Guardian Ad Litem Office:** A model of attorney services that falls under the jurisdiction of the OCR is the OCR's El Paso County GAL Office. The creation of the office as the Fourth Judicial District Pilot Project was in direct response to Senate Bill 99-215 (Long Appropriations Bill), Footnote 135, which directed the Judicial Department to pilot alternative methods of providing GAL services. This multidisciplinary office is in its fifteenth year of operation. The OCR El Paso GAL Office employees 13 attorneys, five case workers/coordinators, one paralegal, and an administrative support staff (Budgeted 19.375 FTE). The case coordinators are social service professionals that supplement attorney services by providing, for example, analyses of treatment needs, meaningful participation in case staffings, communication

with treatment providers, and observation of parent/child visits. The use of such multidisciplinary staff services is recognized as a promising practice by the National Association of Counsel for Children.

3. **OCR's Multidisciplinary Law Office Pilot Program:** The OCR's multidisciplinary law office (MDLO) program is an endeavor allowing the OCR to explore another model for providing efficient and effective GAL services. This program was developed after many years of analysis regarding a fiscally responsible manner to implement SB 03-258, Footnote 118, which requested that the OCR study alternative methods of providing GAL services in D&N cases by exploring whether it could implement a multidisciplinary office in Denver similar to the OCR El Paso County GAL Office. The MDLO Pilot Program serves children in the 2<sup>nd</sup> and 18<sup>th</sup> judicial districts.

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

**OCR spends 95.5% of its budget on meeting its statutory mandates, primarily on attorney services for children** provided by state employees in OCR's El Paso GAL Office and independent contractors throughout the state. Independent contractors provide attorney services at a reduced rate of \$75 per hour. The average cost of an OCR case in FY 15 was \$1,296.90; a \$78.95 increase over FY 13-14. The remaining **4.5%** of its budget is used to administer the agency.



OCR maintains high expectations of its independent contractors and OCR El Paso GAL Office state employees. In addition to the professional standards governing all attorneys, OCR attorneys are held to standards set by Chief Justice Directive (CJD) 04-06 or CJD 04-08, as applicable, their contract with OCR, and the practice standards set by OCR. GALs must independently investigate the matters to which they are appointed, make recommendations



that are in the best interests of the child, and advocate on behalf of the child's best interests. GALs in D&N cases must timely meet with each child in every placement and continue to communicate with the child throughout the case. Although the unique statutory responsibilities of a GAL/CLR do not set forth a traditional attorney-client relationship between the appointed attorney and the child, the client of the GAL/CLR is the best interests of the child and the attorney's professional responsibilities flow to the child's best interests. The GAL's/CLR's determination of the child's best interests must include consultation with the child in a developmentally appropriate manner and protect the child's health, safety, and well-being.

**OCR monitors attorney services** throughout the year in a number of ways. The OCR sends annual electronic surveys aimed at assessing GAL performance to stakeholders in all 22 judicial districts. The stakeholders include judicial officers, court facilitators, court administrators, and active CASA agencies. OCR also distributes a survey to department caseworkers, respondent parent counsel, department attorneys, and probation officers. Each year, the OCR Executive Director and attorney staff personally meet or contact stakeholders in each of the 22 judicial districts to assess attorney services. The OCR monitors hourly billing statements submitted 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. The OCR conducts random audits of attorney work. Every complaint received by the OCR is thoroughly investigated. The OCR has implemented corrective action, including termination of or not renewing attorney contracts with GALs who have displayed a pattern of failing to meet OCR practice standards, the requirements of CJD 04-06, and contractual obligations.

*"[The GAL] was honest and reliable. He was the only one looking out for the best interest of my daughter."*

*- A parent's feedback about an OCR attorney*

**OCR is a resource to legislators** by providing expert information and answering questions concerning children's issues. OCR welcomes comments and questions from legislators regarding GALs, legislation, or specific issues concerning children or GALs in a legislator's community.

**OCR Mission Statement:** The mission of the Office of the Child's Representative (OCR) is to provide competent and effective legal representation to Colorado's children involved in the court system because they have been abused and neglected, charged with delinquent acts and without a parent available to protect their best interests during the proceedings, or impacted by high conflict parenting time disputes. As a state agency, the OCR is accountable to the State of Colorado to achieve this mission in the most cost-efficient manner without compromising the integrity of services or the safety and well-being of children. The OCR is committed to ensuring that children whose interests are represented by its contract attorneys, Colorado's

most vulnerable and marginalized population in the courts, receive the best legal services available to protect and promote their safety and well-being and to have their voice heard throughout all aspects of a case.

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

## **OCR's LEGISLATIVE MANDATES**

OCR's legislative mandates are set forth in C.R.S. § 13-91-101, *et seq.* The mandates include:

- I. Provide oversight and improve quality of best interests attorney services and maintain consistency of best interests representation statewide.
  - II. Establish minimum practice standards, duties and responsibilities for all attorneys representing children in judicial proceedings, including the investigation of maximum-caseload limitations for GALs.
  - III. Provide litigation support to OCR attorneys.
  - IV. Establish minimum training requirements and accessible high-quality training statewide for attorneys, judges, magistrates and Court Appointed Special Advocates (CASA) volunteers.
  - V. Establish fair and realistic compensation for state-appointed children's attorneys sufficient to retain high-quality, experience pediatric attorneys.
  - VI. Assess and document the effectiveness of various models of representation.
  - VII. Work with CASA to develop CASA offices in each county and enhance funding resources for CASA.
- 
- I. **Provide oversight and improve quality of best interests attorney services and maintain consistency of best interests representation statewide.**

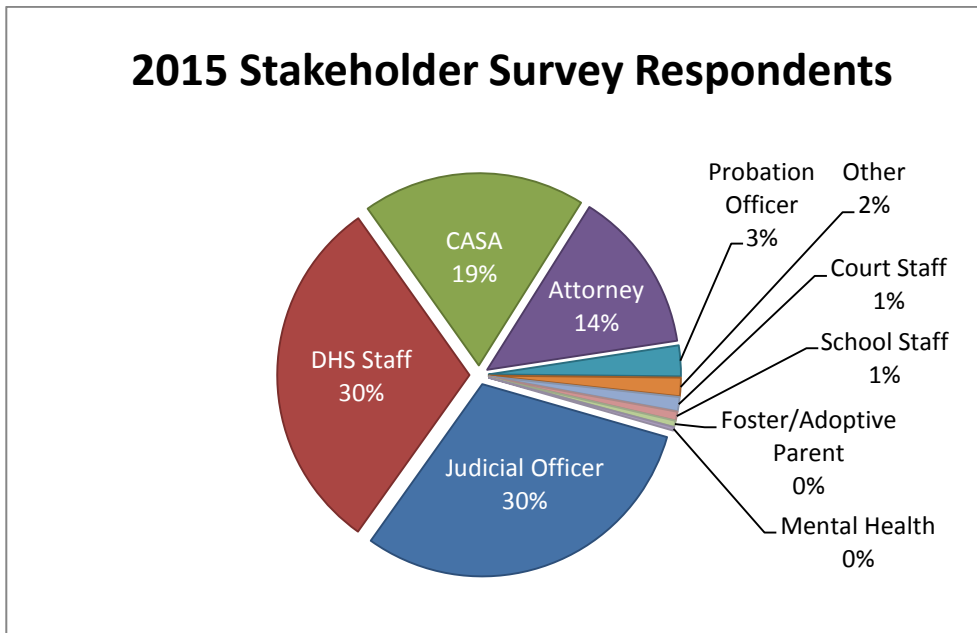
The Executive Director, Deputy Director, staff attorneys, and office staff monitor attorney services in a number of ways. Each year, the OCR Executive Director and attorney staff meet or communicate with stakeholders in each of the 22 judicial districts to assess attorney services. In addition, OCR staff monitors contract attorney services by scrutinizing billing submittals,

reviewing appellate briefs, conducting an annual contract/evaluation process, investigating complaints, and assessing compliments and other feedback on attorney’s work.

*“She absolutely had my daughter’s best interest at heart at all times.”*

*- A parent’s feedback about an OCR attorney*

**Annual Surveys.** Every year, the OCR distributes an objective evaluation survey to gather feedback on all attorneys who are providing GAL services. OCR sends electronic surveys to judicial officers, court administrators, court facilitators, department of human services staff, CASA agencies, probation officers, and attorneys representing other parties in D&N and JD cases throughout Colorado’s 22 judicial districts.<sup>2</sup> The survey seeks feedback on GAL knowledge, performance, participation in case conferencing, and general practice. While this instrument measures perception and is voluntary, combined with other information the survey helps OCR identify potential training needs and practice issues to be addressed with individual attorneys. In FY 14-15, OCR modified the survey it sends to judicial officers in order to increase participation by the judiciary. The OCR received 1355 survey responses concerning 221 attorneys in FY 14-15; 412 of the surveys were submitted by judicial officers, a 142% increase in the judicial officer responses from FY 13-14 survey responses.



<sup>2</sup> The OCR recognizes foster parents, respondent parents, and youth are vital stakeholders in juvenile court proceedings, however, it has not been feasible to include them in this evaluation component. The OCR plans to include these additional groups in the Multidisciplinary Law Office evaluation.

Stakeholder feedback is an important component of OCR’s assessment of GAL services and training needs. Highlights of the FY 14-15 electronic survey responses are shown below:

Question answered (respondents were allowed to answer “Do Not Know”)	Strongly Agree or Agree
GAL Possesses relevant advocacy skills	92%
GAL possesses requisite knowledge	93%
GAL familiar with community services	91%
GAL personally attends all court hearings	95%
GAL critically assesses department case plans & permanency plans	83%
GAL is respectful of others involved in the case	85%

**OCR’s annual contract process** serves as an effective method of monitoring attorney services and ensures that qualified attorneys provide consistent best interests legal representation for children throughout Colorado. At the completion contract process, OCR compiles its annual list of attorneys eligible for appointment in each judicial district, distributes it to judges and court staff within each judicial district by July 1st of each year, and subsequently prepares yearly contracts for attorneys on its list. The OCR compiles district lists through a comprehensive evaluation strategy, which consists of a statewide annual appraisal of existing attorney services, a tri-annual extensive contract application process, ongoing assessment and periodic audits of attorney activity, and a formalized complaint process. OCR does not automatically continue attorney eligibility for appointments. The contract process also provides OCR with the ability to address systemic needs within each jurisdictional district, such as the need for additional or fewer attorneys, training requirements on specific issue(s), or general concerns within the child welfare system.

The OCR’s current contract process contains many components, including assessment of the stakeholder surveys detailed above. OCR requires new applicants and all attorneys under evaluation to complete an application. Attorneys under contract with the OCR but not subject to the extensive evaluation must complete practice verification documentation. Selected new applicants are contacted and interviewed. Every application is considered as contracts are not automatically renewed. In FY 14-15, OCR received 210 renewal applications/attorney verifications and 54 new applications.

In FY 12-13, OCR instituted a tri-annual extensive contract/evaluation process. Each year, the OCR evaluates attorneys in one-third of Colorado's 22 judicial districts. OCR's extensive evaluation consists of attorney application and appraisal information detailed above; interviews of children/youth, parents, and caregivers; structured court observations; submission of a writing sample; expanded stakeholder feedback; and selected reports from C.A.R.E.S. Additionally, the OCR conducts meetings with key stakeholder groups in each of the districts scheduled for evaluation. Typically, the OCR meets with judicial officers and staff, Court Appointed Special Advocate (CASA) volunteer programs, and attorneys with existing contracts. OCR attorney staff conducts the majority of these meetings in person. The OCR staff attorney assigned to the district meets with each existing contractor under evaluation to discuss the data collected during the evaluation, discuss any identified practice issues, and assess ongoing suitability for an OCR contract.

### Court Observations

In FY 12-13, the OCR began conducting court observations in D&N cases in order to obtain first-hand knowledge regarding attorney courtroom performance. The OCR developed an instrument and trained OCR staff and interns to standardize documentation and data collection. OCR utilizes court observations to assess whether the GAL is providing current and independent information concerning the child. The OCR capitalized on the opportunity to obtain data regarding youth participation in D&N cases. The OCR expanded the observations in FY 13-14 to include JD cases in order to help refine OCR's expectations of attorneys serving in delinquency matters.

*"[The GAL] had a great way of explaining the legal process and what was happening in the case. She could break down complex processes."*

*- A caregiver's feedback about an OCR attorney*

In FY 14-15, attorneys practicing in seven rural districts were subject to the tri-annual extensive evaluation detailed above. These rural districts have fewer case filings and provided the OCR with fewer opportunities to conduct courtroom observations than previous years. OCR attorney staff, interns, and volunteers conducted 158 courtroom observations concerning 47 attorneys under evaluation in these rural districts. The OCR also conducted courtroom observations in judicial districts not subject to the extensive evaluation process in order to augment its data and better track trends. In total, OCR conducted 366 courtroom observations on 113 OCR attorneys involving 611 children/juveniles in FY 14-15.

## Interviews of stakeholders, youth, parents, and caregivers

Each attorney participating in the tri-annual evaluation submits contact information for three youth, parents and caregivers involved in their case(s). OCR interns and staff contact the references in order to obtain information from at least one individual from each category of participant and conduct a structured interview regarding the attorney's services. In FY 14-15, OCR conducted 128 reference interviews concerning 44 attorneys.

OCR Executive Director and attorney staff meet personally or by teleconference with contract attorneys, new applicants as necessary, judicial officers, court personnel, and CASA directors each year. In some instances, OCR attorney staff contacts county attorneys and county department of human/social services directors, as well as other community agencies involved in the protection of children in order to discuss attorney performance, judicial concerns, jurisdictional trends, and potential training needs.

**Attorney billing submittals are scrutinized** by OCR staff, controller, and, as needed, staff attorneys in order to ensure that the work done meets minimum standards and that state dollars are efficiently used for only allowable expenditures. OCR staff also conducts random audits of attorney billing throughout the year.

**OCR attorney staff investigates complaints** of contract attorney's work throughout the year. One of OCR's first activities was to establish a formal complaint process as recommended by the 1996 State Auditor's Performance Audit of GAL services. The OCR requires complaints be in writing. The staff attorney assigned to the judicial district investigates whether the GAL complied with standards of practice as established by this agency, applicable CJDs, and state statutes. The OCR does not second guess attorney recommendations or opine on the child's best interests but rather focuses its investigation on the investigative process employed by and legal support relied upon by the attorney.

OCR attorney staff received 41 complaints in FY 14-15. The OCR did not investigate two of the complaints because the appointments were not subject to the agency's oversight. Each of the remaining 39 complaints were thoroughly investigated by contacting the complainant and attorney, reviewing the court

*"[My GAL] is a positive person in the community, and is always willing to help. Those kinds of people make a huge difference in the world. Even though [my GAL] might not be able to move mountains she is able to move people's hearts. She is an angel walking among men... In all my years of being in court and DHS, I've never had someone that vouches for me like [my GAL] does."*

*- A youth's feedback about an OCR attorney*

record of action and attorney billing submittals, and interviewing witnesses identified by both the complainant and the attorney. Two complaints remain under investigation. Six complaints were deemed “founded”; giving rise to an audit of the attorney’s work to determine whether the behavior was an anomaly in practice or part of a pattern of conduct. Failure to complete a timely visit with the child in placement and conduct an independent investigation and lack of professionalism are examples of “founded” complaints. OCR has implemented corrective action, including terminating or not renewing attorney contracts with GALs who have displayed a pattern of failing to meet OCR expectations, the requirements of CJD 04-06, and contractual obligations.

**II. Establish minimum practice standards, duties and responsibilities for all attorneys representing children in judicial proceedings, including the investigation of maximum-caseload limitations for GALs.**

OCR maintains high expectations of its attorneys. In addition to the professional standards governing all attorneys, OCR attorneys are held to standards set by CJD 04-06 and their contract with OCR. An OCR attorney must independently investigate matters, make recommendations that are in the best interests of the child, and advocate on the child’s behalf. The attorney must meet each child client in every placement and continue to communicate with the child throughout the case. Usually, there is more than one child per case and the children are often placed in different homes or treatment facilities. The attorney must consult with each child in a developmentally appropriate manner and consider the child’s position in formulating his/her determination of the child’s best interests. The attorney must appear at all court hearings; attend ancillary hearings such as special education hearings or child support hearings and provide current information about the child; prepare for and litigate contested matters; and participate in out-of-court meetings concerning appropriate placement, treatment, and long-term planning for the child. The GAL must interview and maintain contact with other people involved in the child’s life, including the Court Appointed Special Advocate (CASA) volunteer if one is assigned to the case. The GAL is responsible for promoting the child’s safety and well-being throughout the case and ensuring that the child is successfully placed in a safe, appropriate, and permanent home.

*"She wasn't really my lawyer, just my kid's lawyer, but she went above and beyond for me and my son. She did more than look out for my son; she did a lot for me. [The GAL] is a caring person.... She was the strongest person in my corner."*

*- A parent's feedback about an OCR attorney*

**OCR’s Cornerstone Advocacy initiative**, a modified version of New York’s Center for Family

Representation's Cornerstone Advocacy program, emphasizes proactive and intensive advocacy in D&N cases focused on four cornerstones:

- Frequent and meaningful visits,
- Placement arrangements supportive of family connections,
- Services tailored to the strengths and needs of children and parents,
- Education and transition planning supportive of academic and life success.

Cornerstone Advocacy provides a framework for a GAL's investigation and advocacy and is consistent with the Colorado Children's Code stated preference for in-home placement, preserving and strengthening family ties whenever possible, and timely resolution of cases in the best interests of children. See C.R.S. § 19-1.102(1), (2015). An assessment of Cornerstone Advocacy as implemented in New York City demonstrated that this model has resulted in significantly more children remaining in in-home placements, reduced time in foster care, and lower foster care reentry rates.

Implemented in FY 10, OCR has continued trainings informed by the initiative throughout FY 14-15.

**OCR continues to assess the establishment of caseload limitations.** OCR's pilot multidisciplinary law office program, which implemented caseload limits, and data management system will further inform its assessment of establishing caseload limitations. OCR is able to monitor individual attorney caseloads through the use of OCR C.A.R.E.S and plans to develop a formalized process of determining whether to implement caseload limitations of all independent contractors.

### III. Provide litigation support to the practice of OCR attorneys.

The OCR believes serving as a resource to attorneys is a critical part of its mission to improve the quality of best interests representation. Attorneys are welcome to contact the Executive Director and attorney staff for legal assistance. The OCR serves as a resource and offers support to its contract attorneys on a daily basis in a number of ways.

**Response to individual inquiries by contract attorneys.** Attorneys contact the Executive Director, staff attorneys and support staff for assistance each day. OCR provides litigation support, legal references and

*"I trust her because she really knew what she was doing. She got the chance to get to know me. She didn't just tell me what she thought; she really took into consideration what I wanted."*

*- A youth's feedback about an OCR attorney*



research, and expert resources to attorneys. The Executive Director and attorney staff assist contract attorneys by providing legal information and guiding them to relevant statutes, regulations and case law, appropriate professionals, written materials, and other resources in both trial and appellate courts.

**OCR updates.** OCR provides timely electronic notices of recent federal and state court decisions and legislative changes that pertain to the representation of the best interests of children, trainings, and current events involving child welfare issues.

**OCR Newsletter.** OCR publishes a quarterly newsletter containing a review of case law and legislation, policy updates, training resources, and a variety of hot topics in the legal and child welfare arena.

**OCR Guided Reference in Dependency (GRID).** In FY 12-13, the OCR secured Children’s Justice Act funds to publish a comprehensive advocacy for GAL in D&N proceedings. The OCR collaborated with the Colorado’s Court Improvement Program to include parent’s counsel in the group of attorneys to whom this guide applies. OCR attorney staff coordinated the writing, editing, and publishing of the GRID and the Deputy Director served as primary content editor. In FY 14-15, the OCR sought additional grant funding to update the GRID and anticipates that the update will become available in fall 2015.

*"She definitely knows me well enough to know what's best for me. [The GAL] has vouched for me in any way that she can. [My GAL] always does what's in my best interest. It's really special; she goes beyond just doing her job."*

*- A youth's feedback about an OCR attorney*

**The OCR listserv.** OCR requires its contract attorneys to subscribe to the OCR listserv. The listserv is a forum for contract attorneys to ask questions about any aspect of their case, from information about a particular child placement agency or service provider to technical legal issues pending before the court. OCR also uses the listserv to communicate new case processes and inform contractors of developments in the field. The listserv is limited to attorneys who contract with OCR.

**The OCR website.** OCR’s website provides information for the public, child welfare stakeholders and attorney contractors. OCR attorneys may access an Attorney Center containing billing procedures and policies, local and national resources, and the OCR motions bank. The website also publishes links to OCR Newsletters, seminal and relevant cases, national and local organizations, and resources for use by the general public. In FY 13-14, OCR upgraded its website and plans to further enhance its ease of use in FY 15-16.

**IV. Establish minimum training requirements and provide accessible training statewide for attorneys, judges, magistrates, and Court Appointed Special Advocates (CASA) volunteers.**

OCR recognizes that training of attorneys is a critical component of 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. Attorneys representing children must draw upon interdisciplinary knowledge from such pertinent fields as psychology, sociology, social work, and medicine. Children are best served by legal practitioners in the child welfare system when judges and attorneys understand the social and psychological implications of a case, as well the impact of the developmental level and unique needs of each child.

OCR maintains stringent training requirements. OCR attorneys are contractually obligated to participate in a minimum of 10 Continuing Legal Education (CLE) hours of OCR sponsored/approved training each year. OCR attorneys must list applicable CLE hourly credits on their annual attorney verifications or evaluation application. During FY 14-15, OCR offered 103 CLE training hours through a spring state-wide conference, single-subject trainings, brown-bag webinars, and collaboration with the National Association of Counsel for Children (NACC) in August 2014. Following are some of the trainings that the OCR sponsored, organized or participated in over the last year.

- OCR Legislative & Case Law Update (7/8/14)
- OCR New Attorney Orientation (7/14/14)
- L.A.N. v. L.M.B. Presentation to 6<sup>th</sup> Judicial District GALs & Stakeholder (7/31/14)
- OCR and CJDC Juvenile Delinquency Training (8/14/14)
- OCR Mentoring Orientation (9/17/14)
- OCR Educational Outcomes Webinar (10/1//14)
- CFI Brown Bag (10/10/14)
- L.A.N. v. L.M.B. Presentation to 14<sup>th</sup> Judicial District (11/19/14)
- L.A.N. v. L.M.B. Presentation to 6<sup>th</sup> J.D. Best Practices Court Training (11/19/14)
- Compassion Fatigue Training (11/20/14)
- Evaluation of Sexual Behaviors in Children for Guardian *ad litem* Attorneys (12/3/14)
- Professionalism CLE for Child Welfare Attorneys (12/16/14)
- FY 16 Application Process Webinar (1/28/15)
- OCR & SCAO March 2015 Spring Conference (3/4 – 3/6/2015)
- Compassion Fatigue & Vicarious Trauma (4/29/15)
- C.A.R.E.S. Reports Webinar (6/12/15)
- Home Visit Safety and Verbal De-escalation Strategies (6/16/15)
- Cultural Competency co-sponsored with SCAO (6/26/15)

The conferences and webinars were recorded and posted to the OCR website to ensure that training could be easily accessed at any time thereafter by those attorneys who could not attend. By close of FY 14-15, the OCR website provides access to 164 CLE hours of archived trainings.

OCR Executive Director and attorney staff also trained other professionals, stakeholders, and court personnel throughout FY 14-15. OCR spoke at the following conferences/trainings and/or group meetings:

- Colorado Permanency Task Group, *Attitudes and Data re Youth in Court* (8/13/14)
- National Association of Counsel for Children, *What Can You Do to Ensure Meaningful Youth Participation in Court Proceedings* (8/18/14).
- Colorado Court Improvement Program, *Youth in Court* (8/22/14)
- University of Colorado Juvenile Law Clinic, *Role of the GAL* (11/3/14)
- Juvenile Law Section of Colorado Bar Association, *L.A.N. – The Intersection between Privilege and Limited Waivers* (11/19/14)
- 6<sup>th</sup> JD Best Practices Court Team, *2014 The Lay of the L.A.N.* (11/19/14)
- Colorado General Assembly's Children's Caucus, *Common Issues Facing Emancipating Youth* (2/9/15)
- Juvenile Law Section of Colorado Bar Association, *Comprehensive Legislative Update* (4/10/15)
- Colorado Best Practices Court Convening, *Children and Youth in Court* (4/29/15)
- Juvenile Law Section of Colorado Bar Association, *ICWA Revised Guidelines* (5/13/15)
- Mesa County Bar Association, *Role of the GAL* (1/26/15)

**V. Establish fair and realistic compensation for state-appointed children's attorneys sufficient to retain high-quality, experienced pediatric attorneys.**

OCR's legislative mandate includes establishing fair and realistic compensation for contract attorneys, with the goal of adequately paying attorneys for the work they perform. OCR inherited a flat rate pay system at its formation. With General Assembly support, OCR transitioned the payment structure to hourly billing. The hourly fee limit had been set at \$65/hour over the course of several legislative sessions and is the identical rate paid by the Office of Alternative Defense Counsel and the State Court Administrator's Office. The JBC historically supports this hourly rate and recognizes that the attorneys who are paid the state rate earn less than attorneys in the private sector. Due to the budget crisis, OCR delayed its request for an increase to the hourly rate until the budget cycle beginning in November 2013. The OCR thanks the General Assembly for supporting the hourly rate increase to \$75 per hour for FY 14-15.

**VI. Assess and document the effectiveness of various models of legal service provision.**

As indicated above, OCR provides attorney services to Colorado’s children by employing three models of representation. OCR provides legal services by contracting with independent contractors, hiring state employees in the Fourth Judicial District, and contracting with pilot multidisciplinary offices in two judicial districts.

1. **Independent contractors** continue to provide children legal services in each judicial district. In FY 14-15, OCR contracted with approximately 230 attorneys throughout the state. Contract attorneys are small business owners within their communities. Many lease office space and employ other members of the community in which they practice. This model is the historical means of providing best interests representation in Colorado.
2. **The OCR’s El Paso GAL Office** in the Fourth Judicial District is a multidisciplinary office staffed by state employees that falls under the oversight of the OCR. OCR’s El Paso GAL Office provides legal services in an approach similar to the manner in which a local Public Defender’s office provides attorney services. The OCR El Paso GAL Office operates as a multidisciplinary public law office and employs 13 attorneys, five case workers/coordinators, a paralegal, and support staff (19.375 FTE). The case coordinators have a social work or related background and make a significant contribution to the legal representation of children by assisting attorneys in their analyses of treatment needs, participating in case meetings, communicating with treatment providers, reviewing psycho-social assessments, and observing visits between parents and their children.

The NACC 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 and the court system consistently comment on the significant improvements in GAL representation as a direct result of the OCR El Paso GAL office. The OCR El Paso GAL Office is included in the multidisciplinary law office evaluation underway, as detailed below.

3. **OCR’s Multidisciplinary law office pilot project.** In 2003, the General Assembly instructed OCR in SB 03-258 Footnote 118 to study alternative methods

*"I felt more supported by [my GAL] than anyone else on my team. [My GAL] wanted to make sure I knew what I was going to do when I emancipated. She wanted me to have my ducks in a line."*

*- A youth's feedback about an OCR attorney*

of providing GAL services in dependency and neglect cases, specifically whether OCR could implement a multidisciplinary office in Denver similar to the OCR El Paso GAL Office. Creating a state office in Denver appeared cost prohibited and so in May 2010, the OCR issued a Request for Proposals for the creation of multidisciplinary law offices in two of its high volume jurisdictions, Denver and Arapahoe counties. In January 2011, the OCR contracted with three such offices to implement a multidisciplinary approach to GAL services in those two counties.

OCR established the multidisciplinary law offices as a 30-month pilot project from January 1, 2011 through June 30, 2013. The offices are staffed by attorneys and social service professionals who supplement attorney services in a number of ways, including analyzing treatment needs, participating in treatment meetings, communicating with treatment providers, and augmenting attorney interactions with children and their families. In addition to implementing a multidisciplinary approach to cases, the offices are under contract with the OCR to operate under enhanced practice standards, supervision, and accountability expectations.

In FY 12-13, the OCR partnered with the University of Denver Graduate School of Social Work to assess the effectiveness of the multidisciplinary law office as a model of delivering legal services to children in juvenile court proceedings. The DU study focused on understanding how the multidisciplinary law offices function and whether this model has enhanced GAL practice in Arapahoe, Denver, and El Paso counties.

After the initial three-year pilot period the OCR extended the MDLO contracts for an additional 3-year period beginning in FY 14-15 and identified the following goals for the MDLO model of representation:

- Improve the delivery of best interests' representation to children
- Inform OCR's standards of practice
- Augment OCR's oversight capacity
- Identify efficiencies that promote quality representation

### Research Design

The OCR is evaluating the MDLO project through action research. Action research is a cyclical process that involves a process of interventions, evaluations, and reflection in an effort to improve work practices by implementing changes in practice and evaluating the impact of those changes.

This research design fits well with the project as OCR assesses the impact of practice change while also integrating evolving best/promising practice standards. The 3-year pilot project and evaluation conducted in FY11 – FY13 formed phase 1 of the research cycle. OCR then engaged in a process of reflection and analysis and worked with the MDLOs to refine the office processes and adopt a modified Statement of Work to incorporate the lessons learned during phase 1. July 1, 2014 marked the beginning of phase 2 of the research.

### Research Question

***How do a law office environment and multidisciplinary approach to case management contribute to improving delivery of best interests legal representation to children?***

The evaluation will focus on examining the relationship between the activities outlined in the MDLO Statement of Work and the following projected outcomes:

- ✓ Predictable costs
- ✓ Heightened oversight and accountability
- ✓ Institutional presence
- ✓ Improved case management
- ✓ Controlled caseloads
- ✓ Decreased wait time
- ✓ Consistent access to social worker / clinical consultant
- ✓ Delivery of consistent, high quality advocacy
- ✓ Consistent presentation to court
- ✓ Amplified child's voice
- ✓ Heightened engagement in case activity

### Data Collection and Analysis

During the three-year contract period beginning FY 14-15, OCR monitors compliance with contractual obligations and assess each office's adherence to the statement of work. OCR will collect data from several sources including MDLO quarterly reports, annual reports, employee evaluations, analysis of office activity in C.A.R.E.S., court observations, and financial reports OCR creates from C.A.R.E.S. and CORE.

OCR analyzes MDLO activities to examine whether there are correlations between the activities outlined in the statement of work and achieving the goals of the project and the projected outcomes. A Final Report will be prepared in early 2017 based on analysis of FY 14-15, FY 15-16, and the first 2 Quarters of FY 16-17 activity. The final report will provide an analysis of the office activities, whether those activities contribute to

achieving the projected outcomes, and a recommendation on whether to continue, dissolve or expand the model and the projected implications of that decision.

**4. Support Colorado Court Appointed Special Advocates in the development of programs in each county and enhance funding resources.**

While GALs are the child’s legal advocate and parties to D&N cases, community volunteers, known as CASAs, are appointed in 16 of Colorado’s 22 judicial districts by the court to serve as a support to children and their families and provide helpful information to the GAL and court. The different roles of and collaboration between GALs and CASAs are best illustrated by the following case:

Five children ages six to 10 were adjudicated dependent and neglected by their parents. The children were placed in separate foster homes in Pueblo, Payton, Denver metro, and Conifer due to their special needs. Each child informed his/her Gal that s/he wanted to remain in contact with his/her siblings. The GAL for the oldest child was able to overcome the department’s claim that sibling contact and visits were not appropriate due to the children’s “behaviors” and obtained a court order requiring contact and visits. The CASA implemented the court order by arranging sibling activities and coordinating transportation, often driving the children herself.

*“[My GAL] went out of her way to get me and brothers back together because she knew that it was so important to me.”*

*- A youth's feedback about an OCR attorney*

Although each local program is unique, similarities do exist. The CASA’s role is outlined in § 19-1-201, C.R.S . *et. seq.* CASA volunteers must meet minimum requirements, pass background checks, and successfully complete a mandatory 30 or 40-hour training program based on the curriculum created by the National CASA Association. Local CASA programs also require additional annual training for volunteers. Most CASA volunteers concentrate their valuable service on one case at a time. Typically, volunteers must commit to 18 months of service, but many volunteers serve throughout the life of a case. In addition, local programs require a minimum monthly time commitment from their volunteers.

OCR GALs and CASA volunteers work collaboratively to advance the best interests of children. CASA volunteers provide written reports to the court and parties and may participate in case events. CASAs also establish supportive relationships with children, parents, relatives, kin, and placements. In the 18<sup>th</sup> Judicial District, Advocates for Children, the program has developed a number of resources for youth and been instrumental in re-connecting youth with appropriate family members. CASA volunteers are able to bring joy

to the children they serve by participating in fun activities with them such as bowling, attending movies, and shopping; these activities are funded by the CASA volunteer.

*“I consider her family.”*

*- A youth's feedback about an OCR attorney*

In FY 14-15, Colorado CASA received \$1,020,000 from the State of Colorado as a pass-through line item in the OCR budget. The state office used a portion of the monies for general program support and the remaining funds supported the CASA programs across the state. Below are FY 14-15 highlights of CASA programs<sup>3</sup>:

- CASA of the Southwest began serving in the 22<sup>nd</sup> Judicial District and accepting appointments;
- CASA of Adams & Broomfield County accepted 124 new appointments for 230 children;
- CASA of the 9<sup>th</sup> Judicial District saw its eight volunteers expend nearly 500 volunteer hours;
- CASA of Pueblo volunteers spent 4,355 hours in service to 204 children;
- Heart of Colorado CASA in the 11<sup>th</sup> Judicial District trained an additional 28 volunteers and served 92 children;
- CASA of Weld County's 85 volunteers worked 4,746 hours in service to 188 children;
- CASA of the Continental Divide served 79 children through 56 volunteers; and
- CASA of Jefferson and Gilpin Counties' volunteers worked 16,924 hours in service to 405 children.

## **2014-15 INNOVATIONS TO OCR PROVISION OF LEGAL SERVICES**

### **I. OCR's Data Management and Billing System known as OCR C.A.R.E.S.**

OCR requires all attorneys, including members of the multidisciplinary law office program, to input case information and data for each appointment. Information includes home visits and other contacts with children, phone calls, meetings, document preparation, court hearing type and outcomes, and placement moves. OCR C.A.R.E.S. allows for information sharing between office staff. Additionally, OCR has access to case information, except attorney work product, in order to confirm compliance with the requirements set forth in CJD 04-06, provide enhanced oversight, and track trends for each jurisdiction and the state.

---

<sup>3</sup> CASA programs operate on a calendar-year basis, but half of the programs were able to supply OCR with fiscal year statistics.



In FY 12-13, OCR acquired the source code to the case management system in order to tailor its use as a billing system and oversight tool. In FY 13-14, OCR began enhancing the system to create efficiencies for both attorney users and OCR staff in processing attorney bills and providing oversight of the practice.

In FY 14-15, OCR developed additional reports to support and assess attorney practice. Many of the reports concern key attorney performance and practice measures and allow attorneys to collect statistics regarding their office appointments. OCR is able to gather statistics on individual attorney, judicial district, and state-wide performance. The new reports include Child Present at Hearing, timeliness of Initial Visit with Child in Placement, and attorney Activity During Timeframe. Additionally, new reports allow OCR and attorneys to identify billing per day information and track cases in which no billing has occurred during a specified time period.

## II. Monitoring and involvement in Court of Appeals and Supreme Court Cases

OCR attorney staff weekly monitors decisions published by the Colorado Court of Appeals and the Colorado Supreme Court and keeps GALs apprised of significant appellate decisions impacting their GAL/CLR practice. Additionally, OCR weighs in as *amicus curiae* on Colorado Supreme Court cases that may have significant implications for GALs. Participation as *amicus*, also referred to as “friend of the court,” allows a non-party to the case to weigh in on the case’s policy or other implications. The court must grant permission to participate as *amicus*. The cases on which the OCR has participated as *amicus* have significant policy implications for GALs and juvenile law practitioners. The OCR participated as *amicus* in three cases currently pending before the Colorado Supreme Court:

- *Ybanez v. People* (14 SC 190)(concerning the failure to appoint a GAL for a juvenile charged as an adult in a direct file case)
- *In the Interest of Baby A v. M.C.* (14 SC 1045)(concerning a biological father’s right to raise his children when the default termination of his parental rights was based on fraud and the children were adopted by a couple unaware of the fraud)
- *In the Interest of Minor Children, J.G. v. M.L.* (15 SC 57) (concerning adjudication of child as dependent or neglected “as to” each parent).

*“She was always there for me. I am very shy about talking in front of people, and at court she would always ask what I wanted to happen, and she would tell everyone what I said so I didn't have to stand up and say it myself*

*- A youth's feedback about an OCR attorney*

**III. Core Competencies Training Curriculum.** OCR finalized its Core Competencies Training Curriculum during FY 14-15. OCR used Bloom’s Taxonomy of Learning Domains in designing its Curriculum to ensure all OCR trainings are relevant across attorney expertise levels and account for various learning styles, and set the groundwork for establishing application metrics. OCR’s Core Curriculum project includes curriculum development, a mentorship/coaching program, and development of training evaluations beyond satisfaction and reaction measurement. OCR continues to value its training program’s flexibility and responsiveness in this dynamic legal field.

*“My son doesn't hesitate to listen to her. I listen to her. I have always appreciated her insights. I just trusted [the GAL] more than any of the other professionals on his case.”*

*- A parent's feedback about an OCR attorney*

**IV. Placement Database.**

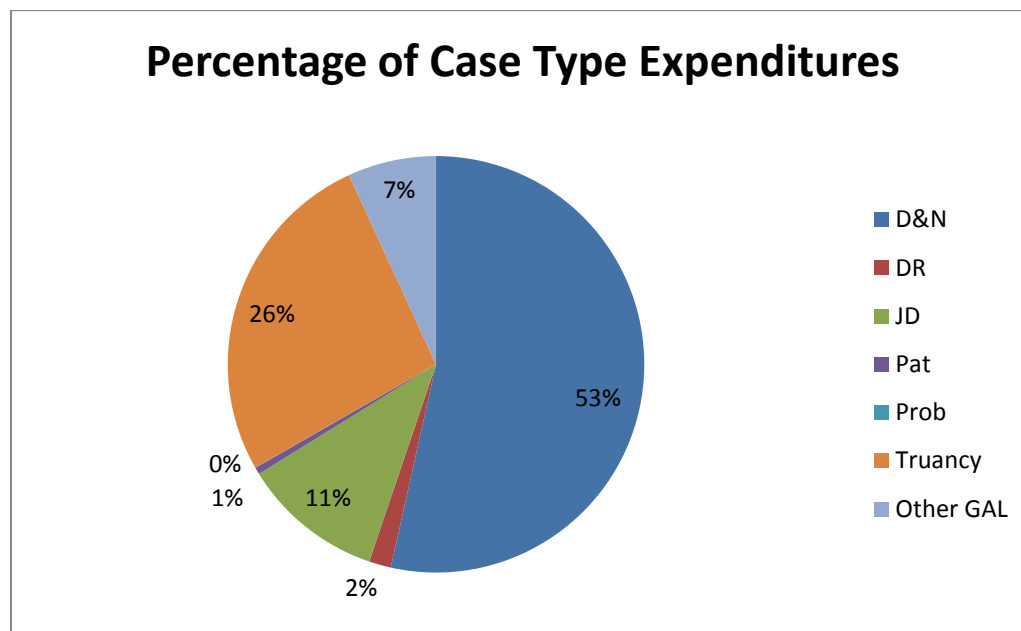
A long-standing goal of the OCR has been to develop a state-wide placement database for use by GALs. In FY 14-15, OCR began the process of compiling placement information for the database. OCR’s goal is to construct a searchable database that contains information such as populations served, treatment modality, and school information in order to assist the GAL’s placement investigation and recommendation.

## OVERVIEW OF OCR BUDGET

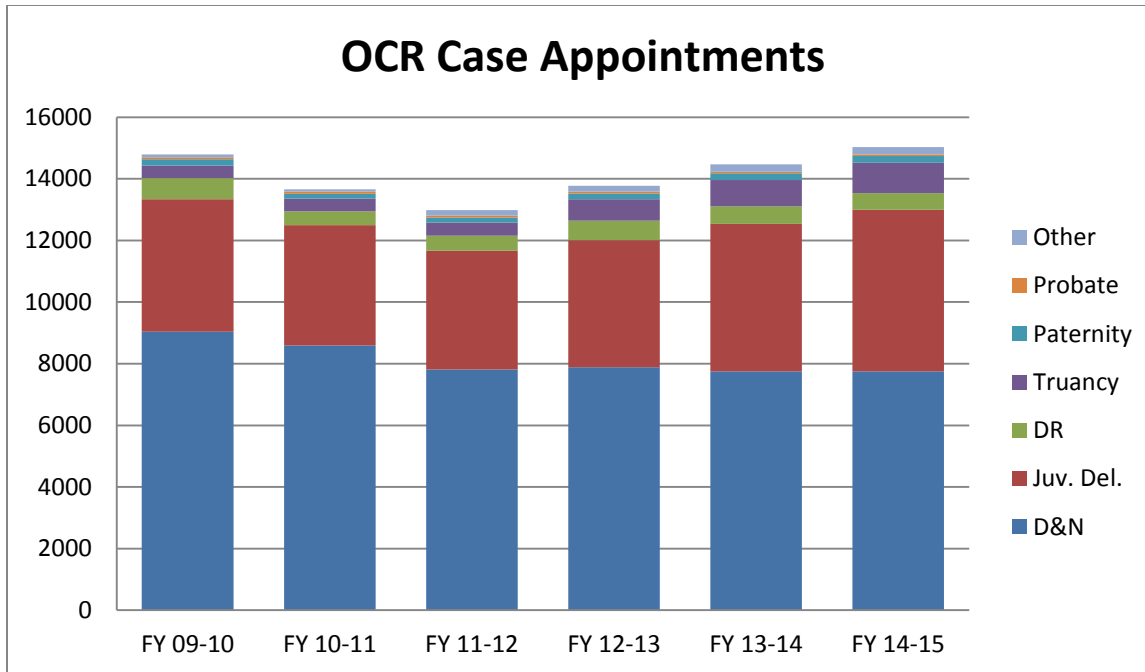
One of the OCR's mandates is to enhance funding to promote effective legal advocacy. In FY 14-15, the OCR continued its focus on creating efficiencies and securing basic funding to meet the need for attorney services. The following is an overview of the OCR budget and an outline of factors that contribute to the budget.

**Summary of Appropriations:** In FY 13-14, the OCR spent 4.5% of its budget on its central administrative office, which is dedicated to fulfilling OCR's statutory mandates. OCR expended \$19,003,466 on attorney services for children. OCR used \$69,103 of its budget to providing training to GALs and other stakeholders throughout Colorado. The General Assembly passed \$1,020,000 through OCR's budget to CASA of Colorado.

**Breakdown of the Mandated Attorney Services Provided by OCR:** OCR attorneys represent the best interests of children in dependency and neglect, delinquency, domestic relations, truancy, paternity and probate. In FY 14-15, the OCR paid attorney services in 14,653 case appointments; a 182 appointment increase than the previous fiscal year. The average cost of an OCR case was \$1,297 in FY 14-15. The appointments in dependency and neglect cases account for 78% of attorney services expenditures. The breakdown of expenditures by case type is in the chart below.



The OCR saw an overall increase in appointments in FY 14-15 from the previous three fiscal years. This fiscal year's appointments amount to a 13% increase over FY 11-12 and a 1% increase over FY 13-14 case appointments. The breakdown of appointments for each case type over the last five fiscal years is shown in the chart below.



**Dependency and Neglect and Juvenile Delinquency** appointments account for 89% of the OCR’s appointments. These two case types present similar issues concerning family dynamics, placements, and treatment. Dependency and Neglect (D&N) GAL appointments are mandatory when the local department of human/social services allege the child has suffered abuse and neglect. Juvenile delinquency (JD) appointments are necessary when the parent is unwilling or unable to perform basic parental duties in the case. OCR attorneys continue to report that children served in the juvenile delinquency system in FY 14-15 frequently present issues previously served in D&N matters. Judicial officers and OCR’s courtroom observations confirm attorney reports.

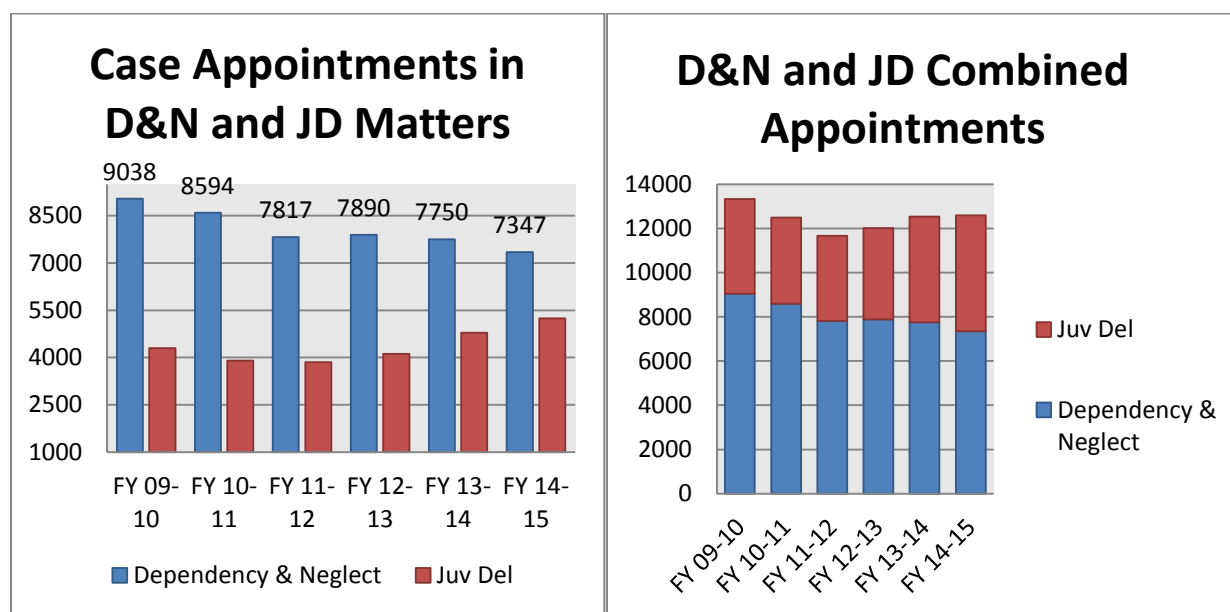
The OCR experienced a slight decrease in D&N case appointments and hours billed in D&N cases. The average cost per dependency and neglect case was \$2,008 in FY 14-15. D&N expenditures, including the appeals in those matters, account for 78% of attorney expenditures. OCR continues to stress the attorney’s need to make efficient use of attorney and staff time; but the issues presented in each case is unique and beyond OCR and the attorney’s control.

Fiscal Year 14-15 continued the trend of increased GAL appointments in Juvenile Delinquency (JD) matters and a

*“[The GAL] is just really understanding; he will take the children aside and talk to them in a way a friend could. The kids have all taken quite a liking to [the GAL].”*

*- A caregiver's feedback about an OCR attorney*

slight increase in costs per case. In FY 14-15, JD appointments rose 9.8% and the average cost per JD matter increased by \$47 to \$582. The OCR continues to train judicial staff and contract attorneys on the requirements of SB 09-268, which amended C.R.S. § 19-1-111 to clarify that GALs are only appointed in certain instances in delinquency matters: if a parent is not present, if there is a conflict of interest between the child and parent, and if the appointment is shown to be in the best interests of the child. The OCR also continues to emphasize that the GAL must not remain on the case indefinitely and the GAL’s appointment terminates upon sentencing when the child is returned home. Contract attorneys and judicial officers report an increased prevalence of abuse and neglect issues in delinquency cases.



**Domestic Relations Cases.** Indigent parties in domestic relations (DR) matter may seek court appointment of a state-paid Child’s Legal Representative (CLR) or attorney Child and Family Investigator (CFI). A CLR is appointed to represent the child(ren)’s best interests. The CFI is appointed to investigate a matter pending before the court, provides a report to the court, and may be called as a witness. The state-paid attorneys appointed in either role are subject to OCR oversight and comprise the OCR DR appointments. Domestic relations appointments of OCR attorneys decreased by 6% in FY 14-15, to 540 appointments compared to 575 appointments in FY 13-14. OCR saw an increase in the average cost of appointments this fiscal year from \$670.00 average cost per case in FY 13-14 to an 875.00 average cost per case in FY 14-15.

The Early Neutral Assessment (ENA) programs in Adams County and the City and County of Denver have proven to be a cost-effective measure of addressing issues in DR proceedings. The ENA program is similar to mediation in that parties work with an attorney and a therapist prior

to court in order to work out any differences in such matters as parenting time and decision-making responsibilities. In FY 14-15, 12 Adams County cases and 28 Denver cases qualified for participation in the ENA program at a total cost of \$14,700 or an average of \$367.50 expended per case. The cost of traditional appointments of CLR and CFI was \$875.00.

*"[The GAL] is a very strong advocate for our child. She takes a strong stand for his needs."*

*- A caregiver's feedback about an OCR attorney*

## Appendix A

### OCR Legislative Review

1. **SB 15-087 Concerning the Safe Placement of Children in Foster Care Homes.** SB 087 addresses inconsistencies in the background checks performed by local departments of human/social services by clarifying the need for criminal background checks performed during an emergency placement of a child, mandating five extensive checks are completed for ongoing placement, and granting GAL's access to finger-print criminal history checks.
2. **HB 15-1248 Limited Access by Private CPA to Child Abuse/Neglect Records.** Amends §19-1-307(2) to allow private child placement agencies limited access to child abuse and neglect records in the Colorado Department of Human Services (DHS) database currently known as TRAILS.
3. **HB 15-1337 Concerning Placement Stability for Children.** Amends the legislative declaration found in §19-3-100.5 and requires the court to consider formerly discretionary factors in approving a placement change.
4. **SB 15-004 CASA Appointment in Truancy Proceedings.** Amends CASA appointment statutes, §19-2-201, *et seq.*, to authorize the court to appoint CASA volunteers in truancy proceedings and require volunteers receive training in education standards.
5. **HB 15-1022 Juvenile Petty Offense Contracts.** Allows a peace officer to issue a petty ticket requiring the juvenile to appear before a law enforcement officer, an assessment officer, or a screening team with the goal of entering into a "diversion-like" contract. If the juvenile is satisfies the conditions of the contract, the prosecutor shall not file charges.
6. **HB 15-1078 Reporting Missing Youth in State's Legal Custody.** Requires immediate reporting to law enforcement and the National Center for Missing and Exploited Children that child or youth in DHS or local department of human/social services has disappeared from placement.
7. **HB 15-1149 Office of Respondent Parent Counsel.** Creates a 9-member governing RPC commission and transfers existing RPC appointments to the Office of Respondent Parent Counsel on 7/1/16 in order to improve legal representation of parents in a dependency and neglect case.
8. **SB 15-204 Autonomy of Child Protection Ombudsman.** Establishes the Child Protection Ombudsman as an independent, nonpartisan agency in the judicial department and creates a governing board to appoint the Child Protection Ombudsman and provide fiscal oversight of the office.

## **APPENDIX B**

### **OCR COMMITTEE WORK**

Successful advocacy for children is often the result of collaboration and the sharing of resources among many state agencies and child advocate organizations. The following is a list of OCR committee involvement either as member or chairperson.

**Supreme Court Family Issues Committee and Other Professionals Standing Subcommittee:** This committee was established by the Supreme Court, as a result of the recommendations of the Colorado Supreme Court Commission on Families. The Executive Director serves on this committee.

**Colorado’s Dependency and Neglect System Reform Program (DANSR) Executive Oversight Committee:** In October 2014, Colorado became one of five states to win an Office of Juvenile Justice and Delinquency Prevention Statewide System Reform Program (SSRP) award. Now known as Colorado’s Dependency and Neglect System Reform Program [DANSR}, this brand-new federal initiative (two-years of planning with a subsequent three year implementation phase) is intended to infuse effective drug court practices into our dependency and neglect cases across the state. This effort will involve “systems change” for Colorado’s Judicial Department, CDHS-Division of Child Welfare, and CDHS-Office of Behavioral Health, supported by a nationally-recognized substance abuse and child welfare research agency, Children and Family Futures. The Executive Director serves on this committee.

**The Child Welfare Training Steering Committee:** A committee of the Colorado Department of Human Services (CDHS), county departments, and stakeholders working to redesign Colorado state training models for social workers and supervisors to help improve outcomes for children and families. The Executive Director and Training Coordinator serve on this committee.

#### **Colorado Department of Human Services**

**Child Welfare Executive Leadership Council.** CDHS formed the council to bring together executive leaders in child abuse prevention and protective services from across Colorado to provide advice and counsel to CDHS on matters related to protecting vulnerable children and advancing our child protective services system. The Executive Director serves on the council.

**Title IV-E Waiver Steering Committee.** This steering committee is a part of the Child Welfare Executive Leadership Council community engagement structure.

**Pathways to Success Steering Committee.** A subcommittee of the Executive Leadership Council tasked with developing a plan to align services and systems for transition age



youth and young adults in order to improve outcomes and lessen experiences of homelessness, survival crime and human trafficking among youth exiting care.

**Educational Outcomes Steering Committee.** A subcommittee of the Executive Leadership Council tasked with developing and guiding a shared work plan toward meeting the goals and corresponding benchmarks outlined in the *Blueprint for Change: Education Success for Children in Foster Care*, a publication of the Legal Center for Foster Care and Education.

**Children’s Justice Act Task Force.** Reviews and evaluates State investigative, administrative and judicial handling of cases of child abuse and neglect, including child sexual abuse and exploitation, cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as intrastate, interstate, Federal-State, and State-Tribal. The Task Force makes policy and training recommendations to child welfare agencies and the judiciary.

**The Child Welfare Strategy Group:** This group is sponsored by the Annie E. Casey Foundation’s Center for Effective Services and System. The group is working on identifying and implementing strategies to advance permanency for older youth in Colorado. The Executive Director is a member of the Sponsor Group.

**Colorado Child Fatality Prevention Review Team:** The Colorado Department of Public Health and Environment’s state-wide multidisciplinary team examines every child death in Colorado. The committee is charged with compiling statistical analysis, trends and recommendations to reduce child fatalities. The Deputy Director serves on this committee.

**Court Improvement Committee:** OCR is an ex-officio member of the Colorado Court Improvement Committee (CIC) without voting rights. The CIC focuses on improving the justice system for children, especially children in dependency and neglect cases. Specifically, the CIC oversees the federal grant given to each state that is to be utilized to improve the Dependency Court System. OCR attorney staff serve on the following subcommittees:

**Training Subcommittee of the Court Improvement Committee:** CIC formed the training subcommittee for the purpose of developing a multi-disciplinary training curriculum with CDHS, judges, county attorneys, GALs, Respondent Parent’s Counsel and other stakeholders.

**Permanent Home Workgroup:** The Executive Committee of the CIC appointed the Permanent Home Workgroup to examine and issue recommendations regarding practices and procedures for determining when children in Dependency and Neglect proceedings have been placed in a permanent home.

**Court Improvement Plan (CIP)/ICWA Sub-Committee:** CIC formed the ICWA sub-committee for the purpose of developing an Indian Child Welfare Act (ICWA) compliance action plan.

**Best Practice Court Team & Family Treatment Drug Court Convening Planning**

**Committee:** A multidisciplinary committee convened by the State Court Administrator's Office for the purpose of planning the annual BPCT/FTDC Convening for judicial district teams.

**Colorado Dependency & Neglect Judicial Institute Planning Committee:**

A multidisciplinary committee convened by the State Court Administrator's Office and Dean for the purpose of planning the annual D&N Judicial Institute for judicial officers in dependency court.

**Juvenile Justice Delinquency Prevention Council on Professional Development Committee:** A committee tasked with developing a set of core competencies and an action plan for youth serving professionals to establish standard training and a uniform understanding of core principles needed to work with youth. The committee also works to increase training capacity and identify the various professionals and stakeholders that should participate in the trainings.

**Colorado CASA**

**Board:** The OCR's Executive Director serves as a community member of the Colorado CASA Board.

**Legislative Committee:** OCR Staff Attorney/Legislative Liaison is a member of the CASA legislative committee.

**Collaboration in 2015 and Beyond:** County, state, agency and provider stakeholders meet to discuss relevant issues, initiatives, and potential legislative agendas concerning child welfare.

**Colorado Bar Association**

**Juvenile Law Section:** The JLS "[p]rovides an organization available for all lawyers whose practice brings them in contact with matters affecting young people. Though a major focus concerns practice under the Children's Code, the committee is also concerned with relevant aspects of education law, domestic relations, agency/administrative law, and disability law." The OCR Deputy Director is a co-editor for the Juvenile Law section of the Colorado Lawyer which involves obtaining article submissions and editing them for publication in the Colorado Lawyer. The OCR Legislative Liaison is a member of the JLS Public Policy Committee.

**Colorado Women's Bar Association Public Policy Committee:** OCR's legislative Liaison is a member.

**Legislative Committees:** Legislation passed by the General Assembly requires implementation by the Executive and Judicial Branches. OCR attorney staff participate in multi-disciplinary committees in order to affect the General Assembly's intent in the area of child and juvenile law.

**Respondent Parents' Counsel Work Group (SB 14-203)**

**Child Protections Ombudsman Advisory Work Group (SB 14-201)**

**Mental Illness in Criminal and Juvenile Justice Systems Task Force Juvenile Justice and Mental Health Subcommittee of the Legislative Task Force on the Mentally Ill in Criminal Justice (SB 14-021):** This subcommittee focuses on obtaining consistent screening for those in the juvenile justice system and working with family advocates to assist families with mental health or juvenile justice problems.

**Juvenile Justice Delinquency Prevention Council on Professional Development**

**Committee:** A committee tasked with developing a set of core competencies and an action plan for youth serving professionals to establish standard training and a uniform understanding of core principles needed to work with youth. The committee will also work to increase training capacity and identify the various professionals and stakeholders that should participate in the trainings.

**American Bar Association Section of Litigation Children's Rights Litigation Committee – Right to Counsel Strategy Committee.** The group works to promote the importance of lawyers for children in dependency cases.

**Colorado Juvenile Defender Coalition.** The Colorado Juvenile Defender Center is a non-profit organization dedicated to ensuring excellence in juvenile defense and justice for all children in Colorado. The OCR Deputy Director serves as a member of the CJDC board.