



Colorado Office of the Child's Representative

2016 Annual Report to the General Assembly

September 1, 2016



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), counsel for child subject to a dependency and neglect proceeding, and, in domestic relations cases, 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 or 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.

The Office of the Child's Representative (OCR) spends 5% of its budget on central administration. Seventy-eight percent (78%) of OCR's attorney services budget is expended in dependency and neglect cases. OCR contracts with approximately 220 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 and law firms.

Highlights:

Identification & Development of Practice Standards

The OCR continued to refine its expectations of attorney practice through its contracts, in its trainings, and by recommending revisions to Chief Justice Directive (CJD) 04-06. In January, 2016, the Chief Justice of the Colorado Supreme Court (Chief Justice) adopted changes suggest by OCR to CJD 04-06 to clarify standards for GALs in dependency and neglect and juvenile delinquency proceedings.

Enhanced Litigation Supports

The OCR conducted a comprehensive review of its motions bank and began updating its materials in October 2015. OCR launched an enhanced listserv service in November 2015 which features a searchable archive of attorney discussions and a separate OCR announcement forum. OCR updated its advocacy manual called the Guided Reference in Dependency.



STATE OF COLORADO



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Linda Weinerman
Executive Director

September 1, 2016

Once again, it is my honor to introduce the OCR's Annual Report to the General Assembly. OCR opened its doors in March of 2001, as the first state agency in the nation created exclusively to enhance and oversee attorney best interest representation for children involved in complex legal proceedings. In creating this agency, the legislature recognized

"That the legal representation of and non-legal advocacy on behalf of children is a critical element in giving children a voice in the Colorado court system. The general assembly further finds that the representation of children is unique in that children often have no resources with which to retain the services of an attorney or advocate, they are unable to efficiently provide or communicate to such an attorney or advocate the information needed to effectively serve the best interests or desires of that child, and they lack the ability and understanding to effectively evaluate and if necessary complain about the quality of representation they receive." Section 13-91-102 (1) Colorado Revised Statutes

Now in our fifteenth year of operations, our Agency has remained true to our core mission of providing competent, zealous attorneys to advocate for Colorado's most vulnerable citizens, children involved in complex legal proceedings with no resources or ability to independently access justice. Our 220 plus attorneys represented the interest of each child involved in Colorado's child welfare system at every stage of these proceedings. In addition, our attorneys represented children in juvenile justice, paternity, truancy and high conflict domestic relations cases.

We have committed to achieve our mission in the most cost efficient manner possible and are proud of the fact that 95% of our budget is spent directly on attorney services. As an agency, we work hard to continue to innovate to improve attorney services through our selection process, oversight, compensation, training and litigation support. We are making data driven decisions and tracking performance by jurisdiction, courtroom and individual attorney. OCR has worked with the bench and the bar to support a child sensitive legal system trained not only in the law but on issues unique to children.

The practice of representing the best interest of a child is very different today in our state than it was fifteen years ago. We have cultivated the highest quality legal representation possible for children, thanks to the commitment and vision of our legislature. Nationally, Colorado's model is being replicated in other states and recognized as best practice for effective representation of children. This would not be possible without the dedication of our amazing attorneys across Colorado. Representing the most vulnerable is hard work. Impacting the lives of individual children and families in such a fundamental way is however, a tremendous privilege. Thank you for your continued support of our efforts.

Sincerely,

Linda Weinerman, Executive Director

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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 who have experience in representing children as Guardians *ad litem* or as legal representatives of children, three members who are not attorneys but have experience advocating 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 Party and Democratic Party members.

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, Independent, Fourth Congressional District, *Executive Director, A Kids Place, Advocate*

Maria Valdez, Independent, Sixth Congressional District, *GAL Attorney in Arapahoe County, Attorney*

Joseph Wallis, Republican, Fifth Congressional District, *GAL Attorney in El Paso County, Attorney*

Al White, Co-chair, Republican, Third Congressional District, *Consultant to the Colorado Tourism Industry, 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 (8.5 FTE)

Linda Weinerman, Executive Director

Sheri Danz, Deputy Director

Amanda Donnelly, Staff Attorney

Dorothy Macias, Staff Attorney/Legislative Liaison

Melinda Taylor, Training Coordinator

Mark Teska, Chief Operating Officer

Rebecca Garrison, Information Systems Manager

Katie Irwin, Staff Accountant

Andrea Israel, Administrative Assistant

Melanie Jannicelli, Attorney Reimbursement & Human Resources Manager



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 2015-16 (FY 15-16), the OCR served approximately 17,000¹ children involved in dependency and neglect, delinquency, truancy, paternity, probate, relinquishment, adoption, mental health and high conflict divorce cases. More than a majority of these children have suffered serious child maltreatment or egregious physical abuse and neglect, and require 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 staff (8.5 FTE) is 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, and Child Legal Representatives (CLRs). They provide attorney services at a rate of \$75 per hour. The average cost of an OCR case in FY 15-16 was \$1,222.00, a \$75 cost per case decrease from the average cost in FY 14-15.

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., requires the court to appoint a GAL in every dependency and neglect (D&N) case. Courts have the discretion to appoint GALs in juvenile 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

¹ OCR relies on the attorney user to designate the child party-type in OCR’s case management and billing system. In FY 15-16, there were 4582 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.

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 court may also appoint attorneys under contract with OCR in domestic relations (DR) proceedings as Child’s Legal Representative (CLR) and prior to January 1, 2016, as Child and Family Investigator (CFI)². Section 14-10-116, C.R.S., requires the state to bear all costs of such appointments in a domestic relations matter if the court finds that the parties are indigent.

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 approximately 220 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 sixteenth year of operation. The OCR El Paso GAL Office employs 12 attorneys, five case workers/coordinators, one paralegal, and administrative support staff (budgeted 20.4 FTE). The case coordinators are social service professionals that supplement attorney services by providing, for example, analysis 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 (NACC).
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

“[Parent] is grateful that she had [her] as a GAL in her case. She did a great job. She was helpful in helping her become a better parent.”

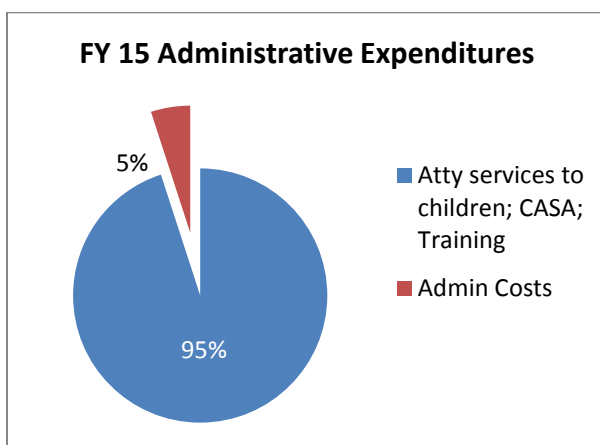
- A parent’s feedback about an OCR attorney

² Prior to January 1, 2016, the OCR and Office of the State Court Administrator (SCAO) shared CFI oversight; SCAO was responsible for non-attorney and private-pay attorney CFI appointments and OCR was responsibility for state-paid attorney CFI services. The Chief Justice, SCAO, and OCR worked with Joint Budget Committee staff to merge oversight of all CFI appointments to SCAO. Pursuant to HB 15-1153, OCR ended its oversight responsibility of state-paid attorney CFI appointments and SCAO assumed responsibility for all CFI appointments on January 1, 2016.

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 2nd and 18th judicial districts.

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

OCR spends 95% 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 rate of \$75 per hour. The average cost of an OCR case in FY 15-16 was \$1,222, a \$75 decrease from the average cost per case in FY 14-15. The remaining 5% of the OCR’s 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, 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. GALs in JD cases must conduct a timely in-person meeting with the juvenile and promote and protect the juvenile’s rights. Although the unique statutory responsibilities of a

“[Caregiver] likes how everything [GAL] did was based on the child’s best interests. [GAL] was always focused on the child every time! It was annoying at first, but [caregiver] recognized that [GAL] was doing everything in the best interests of the child.”

- A caregiver’s feedback about an OCR attorney

GAL and 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 solely 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 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 reviews hourly billing statements and fee requests 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 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.

OCR is a resource to legislators by providing subject matter expertise and answering questions and providing nonpartisan research concerning children and family 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

“Yes, she really got to know the child and her brother on a personal level and knew her better than anyone including the social worker. She was not just a case number and she said that made her feel nice.”

- A child's feedback about an OCR attorney

“She was a voice for her for such a long time when she did not have one. Ever since they started working together, she has not struggled as much.”

- A youth's feedback about an OCR attorney

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:

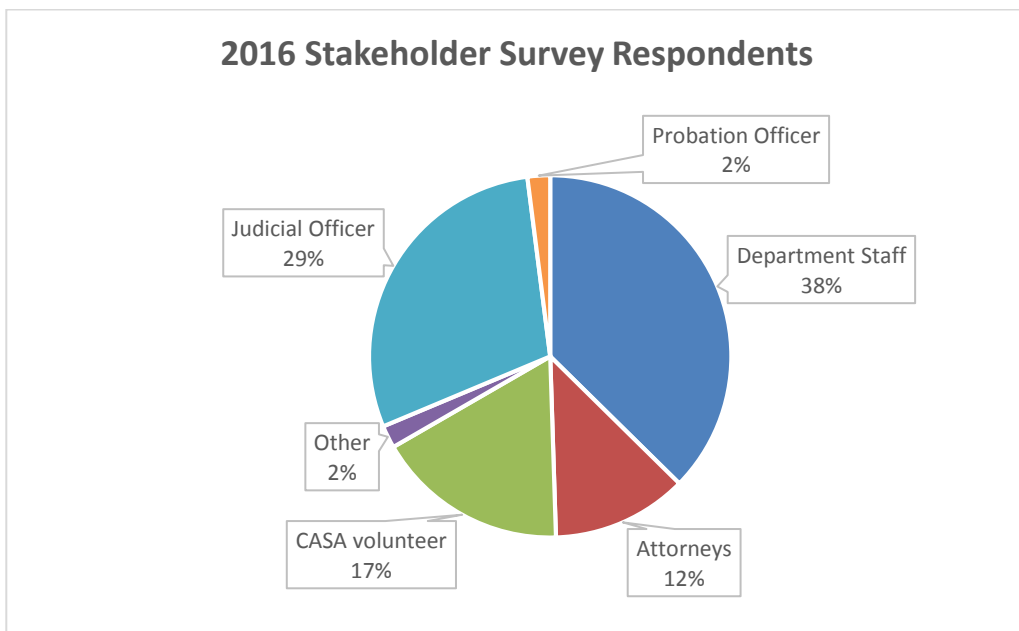
- I. Provide oversight and improve quality of best interests attorney services and maintain consistency of best interests representation statewide.
 - II. Establish minimum practice standards, duties and responsibilities for all attorneys representing children in judicial proceedings, including the investigation 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 operations 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.

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.³ The survey seeks feedback on GAL knowledge, performance, participation in case conferencing, and general practice. This instrument measures perception and is voluntary. Responses from some stakeholder groups however indicate a lack of understanding of the GAL's independent role. Combined with other objective information, the survey does help OCR identify potential training needs and practice issues to be addressed with individual attorneys. The OCR continually reviews the validity of the survey instrument and the questions posed as a mechanism for obtaining stakeholder feedback.

In FY 15-16, the OCR received 1294 survey responses concerning 207 attorneys; 378 responses were from judicial officers.



³ 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 hopes 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 15-16 electronic survey responses are shown below⁴:

Question answered (respondents were allowed to answer “Do Not Know”)	Strongly Agree or Agree
GAL Possesses relevant advocacy skills	88%
GAL possesses requisite knowledge	88%
GAL familiar with community services	86%
GAL personally attends all court hearings	95%
GAL critically assesses department case plans & permanency plans	76%
GAL is respectful of others involved in the case	79%

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 of its contracting 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 issues contracts to 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 assessed and interviewed. Every application is considered as contracts are not automatically renewed. In FY 15-16, OCR received 200 renewal applications/attorney verifications and 54 new applications.

In FY 12-13, OCR instituted a tri-annual extensive contract and 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

⁴ The data is raw data and has not been normalized.

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 structured 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, volunteers, 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.

In FY 15-16, OCR's tri-annual evaluation process concerned judicial districts extensively assessed in FY 12-13. OCR conducted nearly 500 courtroom observations involving 74 attorneys and 813 children/youth in FY 15-16.

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 15-16, OCR conducted 187 reference interviews concerning 72 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

“[The GAL] treated them very respectfully. It was a new process for them, they asked a lot of questions and she was patient and professional and answered them all. She was never dismissive of the caregivers. She handled the nuances of the case well.”

- A caregiver's feedback about an OCR attorney

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 operational staff 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 attorneys' 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; OCR staff assists complainants with disabilities with completion of the complaint form. 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. While the specifics of each investigation vary depending on the nature of the complaint, OCR's investigation typically involves a review of the court's on-line file, C.A.R.E.S. file and other relevant documents; interviews of the attorney and the complainant; and interviews of other stakeholders and/or witnesses, including foster parents, judicial staff, county attorneys, parents' counsel, and caseworkers, as appropriate.

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

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

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. 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.

An OCR attorney appointed in a D&N proceeding must meet each child 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 in 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; 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.

An OCR attorney representing the best interests of a juvenile in a delinquency or direct file proceeding must represent the juvenile's best interests throughout the appointment in a manner that promotes and protects the juvenile's rights. The GAL in JD matters must conduct a timely in-person meeting with the juvenile in a setting that promotes meaningful communication, attend all court hearings, and assess the juvenile's functioning, current and potential placements, services and treatment, family, and competency.

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 by the OCR in FY 09-10, OCR has continued trainings informed by the initiative throughout FY 15-16.

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 remains committed to developing a formalized process of determining whether to implement caseload limitations of all independent contractors.

“He is a really nice guy and if I ever need a lawyer in the future he will be my first call.”

- A youth’s feedback about an OCR attorney

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 and program staff for non-legal support. 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 program staff for assistance each day. OCR provides litigation support, legal references and 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. Operations staff assists attorneys with process and billing issues.

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 15-16, OCR used Children’s Justice Act grant monies to update the GRID.

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. In FY 15-16, the OCR launched an enhanced listserv which features a searchable archive of attorney discussions and separates OCR announcements from attorney discussions.

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 password protected OCR motions bank. In FY 15-16, the OCR began updating its motions bank and investigating an enhanced platform that will support interactive templates. The website also publishes links to OCR Newsletters, seminal and relevant cases, national and local organizations, and resources for use by the general public.

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.

In FY 15-16 the OCR further refined its core competencies for attorneys practicing in D&N proceedings and began to identify core competencies for attorneys representing juveniles in JD matters. These core competencies are reflected in OCR's training programs, contract evaluation, practice culture, and outreach programs with other agencies. The OCR's commitment to cultivate an inclusive learning and practice environment that supports excellence in legal representation has fostered successful partnerships with other agencies and nationally recognized faculty who share in the OCR's vision.

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 15-16, OCR offered 83.2 CLE training hours through spring and fall state-wide conferences, single-subject trainings, and brown-bag webinars. The OCR's trainings in FY 15-16 include:

- New Attorney Orientation & Core Competencies for Dependency Attorneys (7/16-17/15)
- GALs in Criminal Court: Protecting a Child's Right to Privacy (Denver) (8/14/15)
- GALs in Criminal Court: Protecting a Child's Right to Privacy (Ft. Morgan) (8/18/15)
- OCR Legislative & Case Law Update Webinar (9/15/15)
- OCR Fall Conference: Solution-Focused Advocacy: Applying Recent Legal Reforms to Improve Case Outcomes (10/21 – 22/15)
- MDLO Supervision: Best Practices, Challenges, and Dynamics of Supervising a Multidisciplinary Team (10/23/15)
- CFI Training (11/9/15)
- Pediatric Marijuana and Methamphetamine Exposure: Trends and Impact on Children (12/16/15)
- Engaging Fathers and Paternal Family Members: Strategies for Guardians ad Litem in Child Welfare Cases (1/8/16)
- Chief Justice Directive 04-06 revisions Effective January 1, 2016 (1/20/16)
- Core Competencies 2.0, New CJD Standards, Case Rounds, & Strength-Based Communication (2/4-5/16)
- Chief Justice Directive 04-06 Revisions & Reasonable Efforts Case Rounds (Colorado Springs) (2/16/16)
- OCR, ADC & CJDC: The New Paradigm of Collaborations: Excellence in Delinquency Representation (3/3-4/16)
- OCR & ORPC: Everything that's NEW about the Indian Child Welfare Act: What Lawyers & Judicial Officers NEED to Know about Current Practice in ICWA & the 2015 Guidelines (4/29/16)

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 attorneys who could not attend. By close of FY 15-16, the OCR website provides access to 235 CLE hours of archived trainings.

OCR Executive Director and attorney staff also trained other professionals, stakeholders, and court personnel throughout FY 15-16. OCR spoke at the following conferences/trainings and/or group meetings:

- 7th Judicial District Judicial Roundtable (Gunnison, CO)
- Promoting & Assessing Quality Legal Advocacy for Parents and Children, ABA Conference, (Washington DC)
- Sibling Relationships, NACC Conference, (Monterey, CA)
- Update on Colorado GRID, Colorado Court Improvement Program (Denver, CO)
- Sibling Relationships, Colorado Convening (Beaver Creek, CO)
- Youth Empowerment: Learning, Adapting, Progressing, BPCT Convening (Beaver Creek, CO)

- Judicial Focus Group Concerning Youth Participation, Colorado Convening (Beaver Creek, CO)
- Child Representation in Colorado, Denver CASA (Denver, CO)
- Achieving Good Outcomes for Colorado’s Children, Colorado State Foster Parent Association (Denver, CO)

“He’s a good guy. I would vote for him anytime. The parent looked forward to working with him. He appreciated the energy that Jeff brought. Anyone who gets to work with Jeff is lucky. He is able to do anything with his legal career and chooses to help kids because he wants to.”

- A parent’s feedback about an OCR attorney

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 was 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 recognized that the attorneys who are paid the state rate earn less than attorneys in the private sector. The OCR thanks the general assembly for supporting the attorney hourly rate increase to \$75 per hour in FY 14-15 and maintaining such rate in FY 15-16.

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 220 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.

“I just want her to know that I was really grateful to have her as my GAL.”

- A youth’s feedback about an OCR attorney

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 12 attorneys, five case workers/coordinators, a paralegal, and support staff (20.4 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 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 prohibitive 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 has monitored compliance with contractual obligations and assessed each office's adherence to the statement of work. OCR also collected 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.

OCR is partnering with the National Council of Juvenile and Family Court Judges (NCJFCJ) to conduct case file review and administer stakeholder surveys. Additionally, OCR entered into an interagency data sharing agreement with the Colorado Judicial Department to allow researchers to access cases closed during the study time frame and to provide outcome data. A Final Report will be prepared in December 2016 based on analysis of FY 14-15 and FY 15-16 case activities and data. 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 Court Appointed Special Advocates (CASAs), are appointed in 16 of Colorado's 22 judicial districts by the court to provide additional information and support children and their families. Each program operates under a memorandum of understanding between the program and chief judge of the district and serves to effect the general assembly's legislative intent in authorizing the CASA program, as established in statute:

(a) The general assembly hereby finds and declares that quality representation for children requires legal expertise and thorough case monitoring.

(b) The work of community volunteers has been proven to be effective in addressing the needs of children. Partnerships between guardians ad litem and community volunteers can enhance the quality of representation for children.

(c) The general assembly further finds and declares that the state should promote volunteerism and the exercise of responsible citizenship to enable members of local communities to become advocates for children.

§19-1-201(a)(1)-(3), C.R.S.

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, some 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. 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 may be funded by the CASA volunteer.

OCR supports CASA in Colorado in a number of ways. The OCR Executive Director serves a member of the CASA in Colorado Board. The OCR staff attorney & legislative liaison serves on the CASA Legislative Committee and informs the committee of pending legislation and its potential effects on the children of Colorado. OCR serves as the pass through agency and provides technical support and consultation to facilitate reimbursement of Title IV-E eligible training costs incurred by Colorado CASA.

“Yes, [the GAL] was one of the best people to work with during the nine months [parent] had to go to court. [The GAL] listened not only to the needs of the children, which were her primary concern, but she listened to the needs of the parent as well.”

- A parent’s feedback about an OCR attorney

In FY 15-16, 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. In FY 15-16, 1891 citizens volunteered as CASAs and expended 111,025 volunteer hours while serving 3,911 children and youth.

2013-14 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 notes and 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.

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.

“I was really impressed with her and so thankful that she was my son's GAL. She was fair and honest, but she wasn't a pushover. If she felt strongly about something she would state it in a kind but firm way. She's an awesome person. She has a lot of class and is very intelligent. She really knows what she is doing. I have nothing but positive things to say about her.”

- A parent's feedback about an OCR attorney

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.

In FY 15-16, OCR continued investigating whether further improvements to an aging C.A.R.E.S were feasible and determined they were not. The development of a new billing and case management system is necessary in order to improve functions for contractors and OCR staff, reduce support and operating costs, and improve OCR's data collection. OCR began evaluating costs of a new system in FY 15-16.

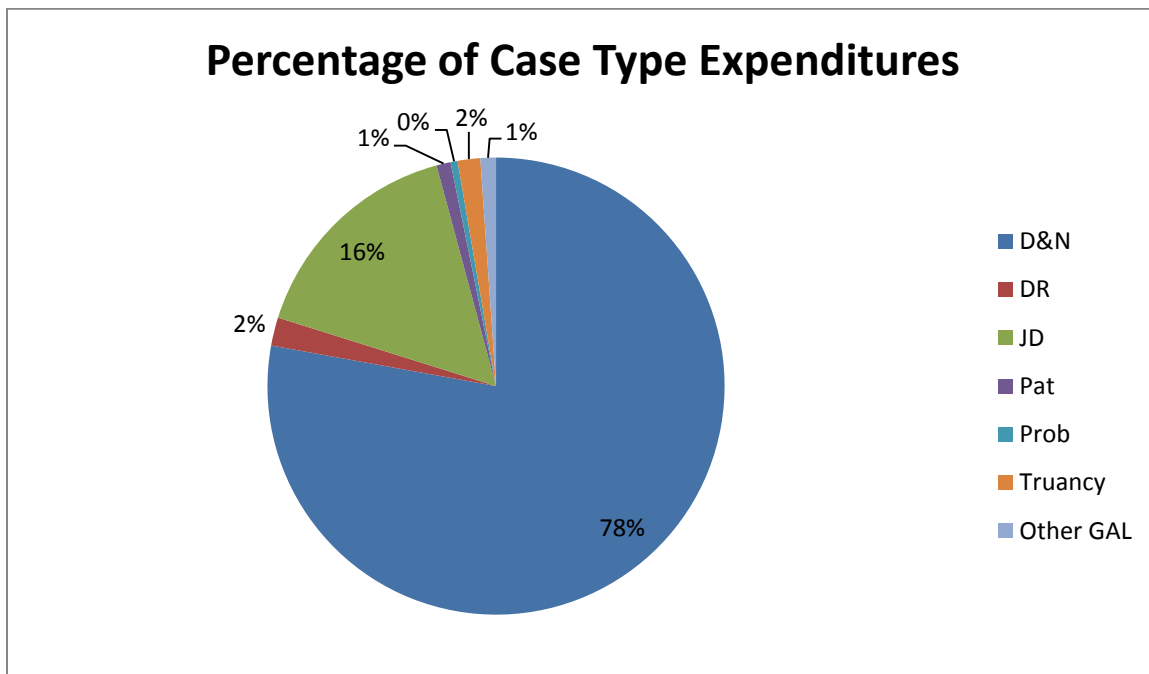
- II. **Core Competencies.** OCR finalized its D&N and began to identify JD Core Competencies during FY 15-16. OCR used Bloom's Taxonomy of Learning Domains in identifying core competencies and has worked to ensure all OCR trainings are relevant across attorney expertise levels and account for various learning styles. The Core Competencies also set the groundwork for establishing application and evaluation 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.

OVERVIEW OF OCR BUDGET

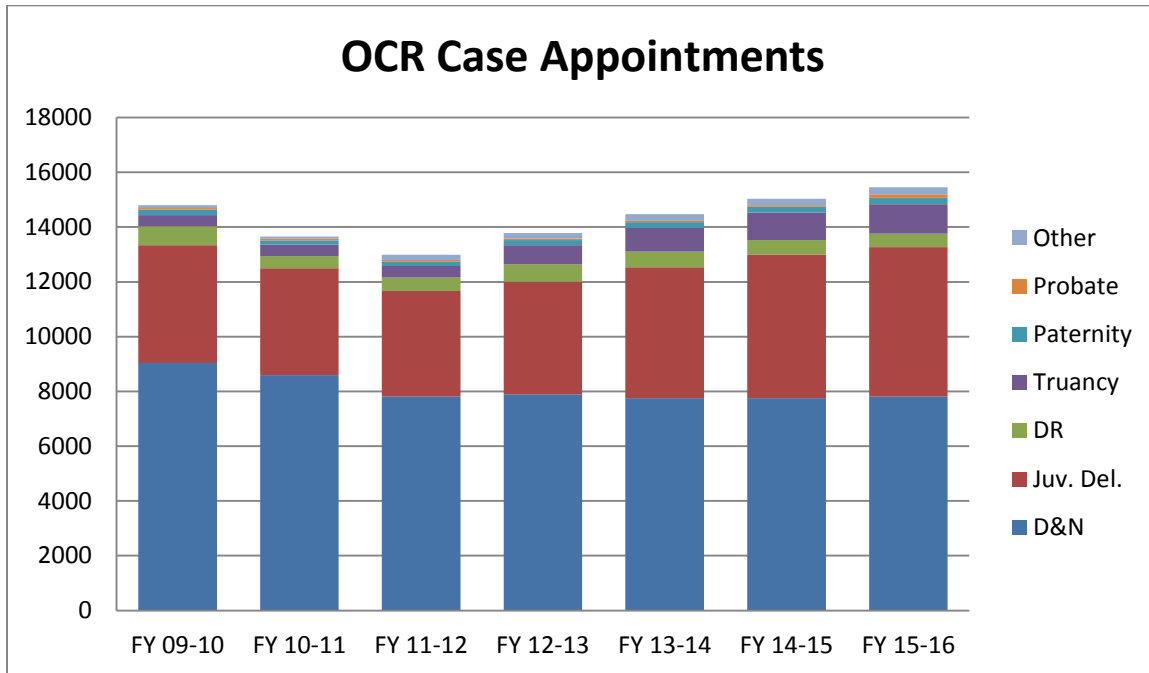
One of the OCR’s mandates is to enhance funding to promote effective legal advocacy. In FY 15-16, the OCR continued its focus on creating efficiencies and securing basic funding to meet the need for attorney services. In FY 15-16, OCR experienced an overall increase in the number of appointments for which it paid attorneys and a reduction in the average cost per case equivalent to one attorney billable hour. The following is an overview of the OCR budget and an outline of factors that contribute to the budget.

Summary of Appropriations: In FY 15-16, the OCR spent 5% of its budget on its central administrative office, which is dedicated to fulfilling OCR’s statutory mandates. OCR expended \$18,878,819 on attorney services for children. The OCR expended \$67,287 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, relinquishment, adoption, paternity, and appeals. In FY 15-16, the OCR paid attorney services in 15,454 case appointments; a 5.5% increase in appointments paid over the previous fiscal year. The average cost of an OCR case was \$1,222 in FY 15-16. 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 paid in FY 15-16 from the previous four fiscal years. This fiscal year's appointments amount to a 19% increase over FY 11-12 and a 2.8% increase over FY 14-15 case appointments. The breakdown of appointments for each case type over the last five fiscal years is shown in the chart below.

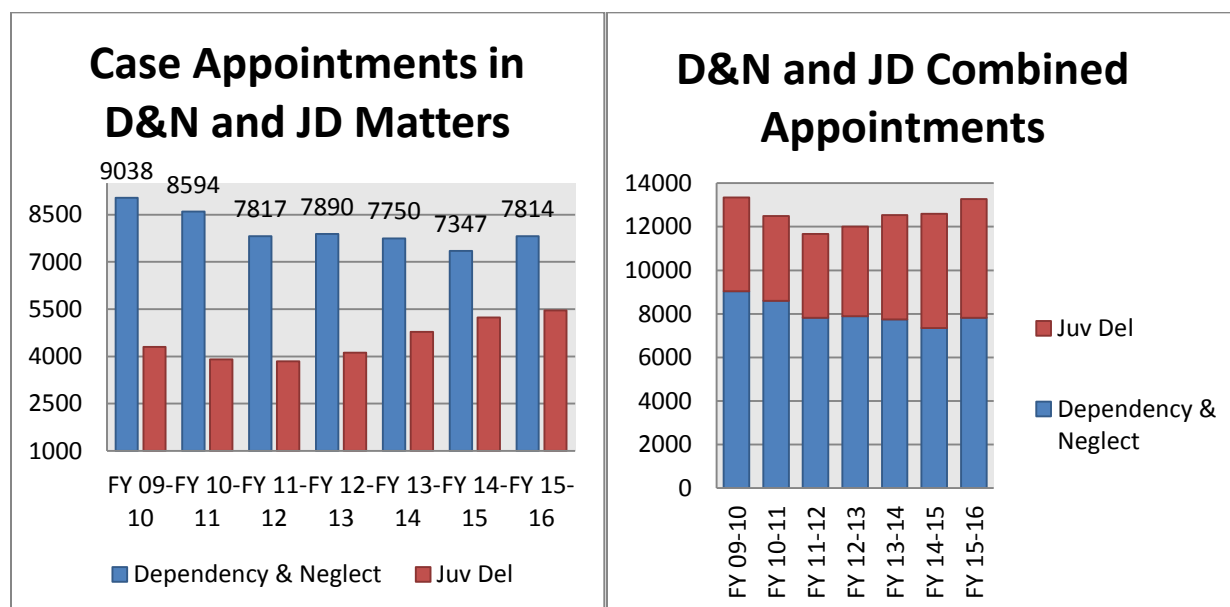


Dependency and Neglect and Juvenile Delinquency appointments account for 86% of the OCR's appointments. These two case types present similar issues concerning family dynamics, placements, and treatment. Dependency and Neglect (D&N) GAL appointments are mandatory when the local department of human/social services files a petition alleging the child(ren) has suffered abuse and neglect. Juvenile delinquency (JD) appointments are discretionary appointments usually made when deemed necessary because 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 15-16 frequently present issues previously served in D&N matters. Judicial officers and OCR's courtroom observations confirm attorney reports.

The OCR experienced a 6.4% increase in D&N case appointments and a slight decrease in hours billed in D&N cases in FY 15-16 as compared to the previous fiscal year. The average cost per dependency and neglect case was \$1,881 in FY 15-16. D&N expenditures account for 78% of attorney expenditures. OCR continues to stress the attorney's need to make efficient use of attorney and staff time; however, the issues presented in each case are unique and beyond OCR and the attorney's control.

Fiscal Year 15-16 continued the trend of increased GAL appointments in Juvenile Delinquency

(JD) matters. JD appointments rose 4.1% and the average cost per JD matter decreased by \$24 over FY 14-15 amounts to \$588. 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. OCR FY 15-16 DR appointments are comprised of state-paid attorney CLR and CFI appointments made prior to January 1, 2016. Domestic relations appointments of OCR attorneys decreased by 10% in FY 15-16 to 484 appointments compared to 540 appointments in FY 14-15. OCR saw a 27% decrease in expenditures as the average cost of DR appointments this fiscal year fell to \$706 average cost per case in FY 15-16 from \$875.00 average cost per case in FY 14-15.

Appendix A

OCR Legislative Review

HB 1057 Seven Day Court Interval (Monitor)

Sponsors: Representative Ransom and Senator Merrifield

The Act amends §19-1-108 to allow judicial review of magistrate orders in D&N proceedings 7 days following the order and non-D&N orders 14 days following the order.

Effective 7/1/16

HB 1100 Homeless Youth Verify In-state Status (Support)

Sponsors: Rep. Pedersen & Esgar and Sen. Cooke

Allows unaccompanied homeless youth to determine their own domicile for purposes of establishing in-state tuition eligibility rather than rely on their parents or guardians.

Effective 5/17/16

HB 1224 –Child Abuse or Neglect Involving Human Trafficking of Minors (Support)

Sponsors Rep. Lundeen and Sen. Woods.

The Act amends the statutory definition of child abuse or neglect under §19-1-103 to include any case in which a child is subjected to human trafficking for involuntary servitude or sexual servitude. The Act also requires the State Department of Human Services and each County Department to implement a uniform screening tool that includes questions designed to identify children who are victims of human trafficking for sexual servitude or commercial sexual exploitation of a child or at risk of being such victims. Effective 1/1/17

HB 1227 Exemptions from Child Support Enforcement Requirements as a Condition of Receipt of Child Care Assistance (Monitor)

Sponsors: Representatives Kagan & DelGrosso and Senators Hill and Crowder

The Act provides that Colorado teen parents who have not graduated from high school or have a GED qualify for child care assistance under § 26-2-805, C.R.S. (2015), without submitting an application for child support as a condition of receiving such assistance. The county can require the teen parent to attend informational sessions on the benefits of child support and two-parent engagement in a child's life. Counties can require the parent to seek child care assistance when the parent is no longer a teen, has graduated from high school or successfully completed a high school equivalency exam.

The Act further provides a process by which victims of domestic violence, a sexual offense, harassment or stalking may avoid child support cooperation requirements.

Effective 5/19/16.

HB 1309 Right to Counsel in Municipal Court (Monitor)

Sponsors: Representative Lontine and Senator Marble

Defendants in custody and facing possible incarceration due to a municipal charge are entitled to counsel at the initial appearance.

Effective May 1, 2017

HB 1316 Change of Venue in D&N Proceedings (Support)

Sponsors Rep. Rosenthal and Sen. Cooke

The Act sets forth procedures and delineates factors for the court's consideration of a change of venue motion in a D&N proceeding. The county seeking change of venue must notify the county it proposes has proper venue ("receiving county") of the motion and the receiving county has the right to be heard regarding the proposed change in venue. The Act lists factors the court must consider in determining whether change in venue should not occur, including the impact of a change in venue on the continuity of services.

Effective 8/10/16

HB 1328 Use of Restraint and Seclusion (Monitor)

Sponsors: Reps. Lee and McCann and Sens. Lambert and Lundberg

The Act strengthens the safety provisions for the use of restraint and seclusion on individuals, particularly youths, who are being detained by a state or local agency. The Act clarifies that restraint or seclusion must never be used as a punishment, sanction, part of a treatment plan, for retaliation, or for protection, except in the case of demonstrated emergencies. The Act defines conditions for use of restraint or seclusion and also establishes a study committee to report back to the legislature on the effects of restraint or seclusion on youth.

Effective 6/10/16.

HB 1373 Requiring School Districts to Adopt a Policy Permitting the Use of Medical Marijuana by Students Authorized to Use Medical Marijuana (Jack's Law") (Monitor)

Sponsors: Representative Singer and Senators Holbert & Marble

The Act allows a student's primary caregiver to administer medical marijuana in a nonsmokeable form to a student on school grounds, on a school bus or at a school activity unless the school or school district will lose federal funding if such use is allowed.

Effective: 6/6/16

HB 1377 Task Force on Collection & Security of Photographic Evidence of Child Abuse or Neglect (Support)

Sponsors: Rep. Primavera and Sen. Lambert

The Act creates a 21-member task force to study the existing system of and the best practices for collecting, documenting and securing digital images of evidence of suspected child abuse or neglect by government employees. The task force shall submit an initial report on its findings and progress on or before December 1, 2017 and its final report with findings and recommendations is due December 1, 2018.

Effective 6/08/16.

HB 1448 The Relative Guardianship Assistance Program (Support)

Sponsors: Rep. Singer and Senators Kefalas & Lundberg

The Act expands the Relative Guardianship Assistance Program to include Allocation of Parental Responsibilities under Title 14. The Act also authorizes assistance to certified foster parents not known to youth 12 years-old or older prior to placement in the child welfare system under limited circumstances and upon the D&N court making findings under § 19-3-702(5)(a)(III) and (5)(b).

Effective 10/1/16.

SB 013 Office of Child Protection Ombudsman (Monitor)

Sponsors: Sen. Newell and Rep. Singer

The Act clarifies the responsibilities of the Child Protection Board and the Office of the Child Protection Ombudsman. Effective 4/15/16.

SB 110 Child Victim Privacy Criminal Justice Records (Support)

Sponsors: Sen. Woods and Rep. Lundeen

The Act requires that child victim's names and other identifying information be redacted from a criminal justice record related to an expanded list of child-victim crimes prior to release of the record. The Act makes an exception for sharing child victim information between identified government entities and with OCR.

Effective 9/1/16

SB 180 DOC Specialized Program for Certain Juvenile Offenders Convicted as Adults (Support)

Sponsors Senators Woods & Jahn and Representatives Kagan & Ransom

The Act directs the Department of Corrections to develop and implement a specialized programs for certain offenders who were convicted as adults for offenses committed when they were juveniles. The new program – for those individuals who have served at least 20 or 25 years of a sentence, depending on the type of crime – will allow such individuals to further demonstrate rehabilitation and earn early release in a less secure setting. The goals of the program include fostering independent living and intensive supervision. Offenders must apply to be in the program and must be in the program for at least 3 years. Effective 8/10/16

SB 181 Sentencing Juveniles Convicted of Class 1 Felonies (Support)

Sponsors Senators Woods & Jahn and Representatives Kagan & Dore

The Act allows offenders who were sentenced to life without the possibility of parole for a class 1 felony committed as a juvenile between July 1, 1990 and July 1, 2006 to petition the court for a resentencing hearing. The Act also specifies the factors that the court can consider in such re-sentencing hearing, including mitigating circumstances, the offender’s age and maturity level at the time of the crime and the capacity for rehabilitation.

Effective 6/10/16

SB 212 Twelve Month Eligibility Requirement of the Colorado Child Care Assistance Program (Monitor)

Sponsors: Sen. Crowder and Rep. Buckner

The Act aligns the Colorado Child Care Assistance Program (CCCAP) with federal law changes requiring a child receiving CCCAP supports remain eligible for such assistance for an entire 12-month period before eligibility is re-determined.

Effective 6/1/16.

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:

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 receive 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 [DANSRO, 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.

DANSR Legal Subcommittee. Deputy Director serves on this committee

DANSR Training Workgroup. Training Coordinator serves on this committee

DANSR Data Workgroup. OCR Staff Attorney served 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.

CFSR Oversight Committee. The committee is charged with preparing for the upcoming federal review. The Executive Director is a member.

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. OCR Staff Attorney serves on this committee.

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 and makes recommendations regarding the distribution of federal CJA funds. The Deputy Director serves on this task force.

Permanency Task Group. The Permanency Task Group is a subcommittee of the Child Welfare SubPac. The Permanency Task group works on various permanency related issues including identifying barriers to permanency, possible solutions and financial needs, and focusing on disrupted/dissolving of adoptions. In addition, this task group helps draft rules regarding various permanency related issues, as assigned, including OPPLA and reinstatement of parental rights. The Executive Director is a member of this group.

Training Steering Committee. The Training Steering Committee is the decision making body for the Division of Child Welfare Training System Academy. The Steering Committee provides continuous evaluation of the training program, reviews the training needs of the state, provides direction for standardized training, creates and integrates statutes, policies, and practices into statewide training. The Training Coordinator serves on this committee.

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 Executive 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.

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 of the Institute for the purpose of planning the annual D&N Judicial Institute for judicial officers in dependency court.

Denver Children's Cabinet. On July 17, 2012, Denver Mayor Michael Hancock established the Cabinet as the policy making group to coordinate city-wide programs and services in order to create opportunities for Denver's children and youth to succeed. The Executive Director is a member.

Juvenile Justice Delinquency and Prevention Council. The Colorado Juvenile Justice and Delinquency Prevention (JJDP) Council is appointed by the Governor as the State Advisory Group pursuant to the federal Juvenile Justice and Delinquency Prevention Act and is charged under the Act to advise and make recommendations to the Governor and the Legislature on juvenile justice issues. The Council reviews and approves applications for federal grant funding through the JJDP Act, monitors and evaluates projects funded, and oversees compliance with the core requirements of the JJDP Act. OCR Staff Attorney & Legislative Liaison is the GAL appointment to the Council.

Code Review Committee: The committee is reviewing Article 2 of Title 19 to promote improvements to Article 2 of the Code, increasing the ease of use and clarity of laws regarding juvenile justice, ensuring the Code complies, or is consistent, with current research and evidence-based policies and practices.

Professional Development Committee: The committee is 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.

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.

Colorado Supreme Court Rules of Juvenile Procedure Committee: The Committee's purpose is to periodically review, correct, update, and improve the Colorado Rules of Juvenile Procedure. The Committee is chaired by the Honorable Karen M. Ashby of the Colorado Court of Appeals, and the Supreme Court Liaison to the Committee is Justice Allison H. Eid

ICWA Juvenile Rules Subcommittee

Adjudication Rules Subcommittee

Juvenile Justice Institute

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.

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. The Deputy Director is a member of the subcommittee.

Human Trafficking Council (HB 14-1273): The purpose of the council is to bring together leadership across various levels of government and the community a collaborative coalition to help combat human trafficking. The Council is expected to improve comprehensive services for victims and survivors of human trafficking, to assist in the successful prosecution of human traffickers, and to enhance human trafficking prevention efforts in Colorado. The Executive Director is a member of the council.

Substance Abuse Trend and Response Task Force (SB 13-244): In 2013, the General Assembly reauthorized the Colorado State Methamphetamine Task Force under the name “Substance Abuse Trend and Response Task Force” with representatives of state government, local governments, and the private sectors, including legislators, child advocates, public health officials, drug treatment providers, child welfare workers, law enforcement officers, judges, and prosecutors. The Staff Attorney & Legislative Liaison is a member of the task force.

School Safety and Youth in Crisis Committee (SB 15-214): The committee’s charge includes studying issues relating to school safety, evaluating programs for identifying students in crisis, developing criteria to assess potential threats, and recommending legislative changes. The Executive Director serves on the committee.

American Bar Association Section of Litigation Children’s Rights Litigation Committee – Right to Counsel Strategy Committee. The committee works to improve access to justice, engage pro bono lawyers, and improve outcomes for all children who come into contact with the legal system. The Deputy Director is a committee member.

Colorado Commission on Criminal and Juvenile Justice.

Juvenile Continuity of Care Task Force. The Juvenile Continuity of Care Task Force was seated by the Commission in 2016. This Task Force is expected to address the issues of continuum of care for juveniles

focusing on the transition of juveniles between systems: Youth Corrections, Probation and Child Welfare. The Deputy Director is a member.

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 Deputy Director serves as a member of the CJDC board.