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## Colorado Office of the Child's Representative

*Report to the General Assembly for Fiscal Year 2018-19*

*September 2, 2019*

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### OCR Mission

The mission of the Office of the Child's Representative (OCR) is to provide effective legal representation to Colorado's children involved in the court system because they have been abused and neglected, impacted by high-conflict parenting time disputes, or charged with delinquent acts and without a parent able to provide relevant information to the court or protect their best interests during the proceedings. 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 its attorneys provide these children, Colorado's most vulnerable and marginalized population in the courts, 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.

### OCR Values

1. **Accountability:** Colorado's children, attorneys, and taxpayers can count on OCR to ensure that each decision we make and action we take advances our mission in a fair and transparent manner.
2. **Efficiency:** OCR strives to accomplish its mission and conserve resources by streamlining efforts, adhering to deadlines, resolving conflict constructively, and honoring well-defined projects, processes, and roles. We balance our drive to achieve with thoughtful planning and implementation.
3. **Empowerment:** OCR cultivates an environment of respect and honesty. We value the experience and expertise of the children we serve, our contract attorneys, and our staff. We invest time to connect, focus on strengths, value feedback, and recognize success. We support each other in our mission to empower children.

## Highlights for Fiscal Year 2019

Fiscal Year 2019 was a year of change and improvement at the Office of the Child's Representative. Our new Executive Director, Chris Henderson, joined the OCR in August of 2018 and has led the agency through a legislative audit and implementation of the auditor's recommendations. In addition, Director Henderson traveled the state to connect with GALs and learn about statewide practices and issues and is cultivating a supportive and balanced culture at the OCR.

In addition to welcoming the new Director, the OCR welcomed our new Social Service Professional coordinator, Alex Wolff, who will continue to assess, support and improve the use of social services professionals across the state. Thanks to the support of the Joint Budget Committee and General Assembly, the OCR is preparing to hire two program analysts who will aid in continuing implementation of the legislative audit recommendations.

In response to the legislative audit recommendations, Director Henderson has worked tirelessly over the past year to improve practices and consistency at the OCR as detailed throughout this report. The Chief Justice Directive 04-06 was amended in May to include a caseload limit for full time attorneys of no more than 100 children (in accordance with national standards). At the July 30<sup>th</sup>, 2019 Legislative Audit Committee hearing the auditors reported that the OCR has implemented all recommendations.

The OCR did seek a statutory change related to Court Appointed Special Advocates (CASA) after analyzing the audit and current legislation related to CASA. The agency was able to work collaboratively with state CASA and other stakeholders to ensure appropriate oversight of CASA's allocation while ensuring their continued independence as shown in HB19-1282. The OCR appreciates the hard work of the sponsors (Rep. Michaelson-Jenet, Rep. Singer, Sen. Smallwood and Sen. Donovan) as well as the members of the Judicial committees and the General Assembly on this important legislation.

As previously reported, the OCR launched its new data management and billing system, known as OCR C.A.R.E.S., on April 2, 2018. Through its first year of operation the new system has been a large success with contract attorneys preferring the look and feel, entering of activities, ease of use and efficiency. In addition, the OCR has developed or improved reporting tools through C.A.R.E.S to ensure appropriate oversight of attorney services and billing.

These are just a few of the larger projects the OCR tackled this past year while continuing to run its day to day operations which include overseeing approximately 275 contract attorneys who represented the best interests of children in over 2,900 dependency and neglect cases covering all 22 judicial districts, providing extensive training, participating in one *amicus* brief, contracting with 36 new attorneys, conducting its robust renewal process for 83 attorneys in five judicial districts and completing the verifications process for over 180 OCR Attorneys. All of which was done by its wonderful staff of 10 people in the Denver Office.

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## Board of Directors

The Colorado Supreme Court appoints the OCR's nine-member board (Board) in accordance with C.R.S. § 13-91-104(2) which requires Board membership to 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. The OCR is fortunate to have a diverse and experienced Board as follows:

### **Al White (Chair)**

Republican, Third Congressional District, *Consultant to the Colorado Tourism Industry*, Citizen

### **Barbara Shaklee (Co-Chair)**

Vice Chair, Democrat, First Congressional District, *Retired Denver City Attorney Human Services Section Director*, Attorney

### **Mark Ferrandino**

Democrat, First Congressional District, *Chief Financial Officer, Denver Public Schools*, Citizen

### **Don Moseley**

Democrat, Seventh Congressional District, *Executive Director of a Child Advocacy Center*, Advocate

### **Kelvin Nicholson**

Republican, First Congressional District, *Psychotherapist and Former Foster Parent*, Citizen

### **Gwen Schooley**

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

### **Maria Valdez**

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

### **Mary Ann Liston**

Republican, Fifth Congressional District, *Retired attorney in El Paso Office of the Guardian ad Litem*, Attorney

### **Marc Winokur**

Democrat, Second Congressional District, *Director, Social Work Research Center of CSU*, Advocate

### **Victoria Shuler** (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 and the Denver Director of Fostering Great Ideas.

## OCR Staff

The OCR employs the following 10 people in the Denver Executive Office, located in the Ralph Carr Judicial Center at 1300 Broadway, Suite 320, Denver, CO 80203, for a total of 10.6 FTE currently:

### Executive Team

**Chris Henderson**  
Executive Director

**Sheri Danz**  
Deputy Director

**Mark Teska**  
Chief Operating Officer

### Staff

**Ashley Chase**  
Staff Attorney and Legislative Liaison

**Rebecca Garrison**  
Information Systems Manager

**Katie Irwin**  
Staff Accountant

**Michelle Jensen**  
Training Coordinator

**Brandy Lombardi**  
Administration and Accounting Specialist

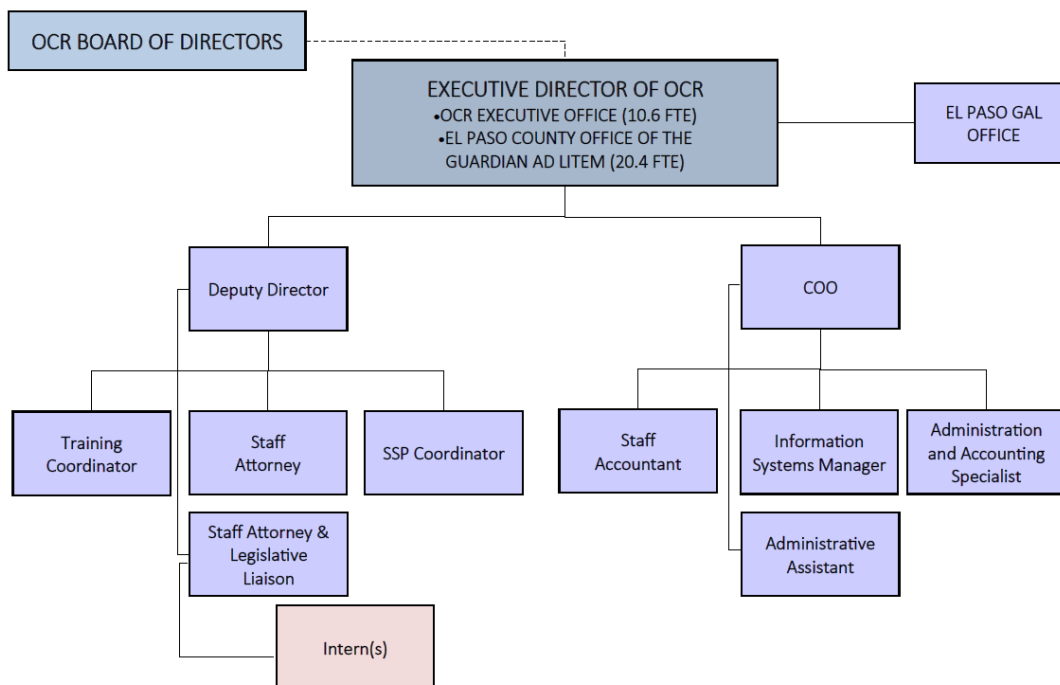
**Cara Nord**  
Staff Attorney

**Alex Wolff**  
Social Service Professional Coordinator

**TBD**  
Administrative Assistant

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

November 1, 2018



## Agency Overview

The OCR is an independent agency within the Judicial branch mandated to provide competent and effective legal best interests representation to children involved in the Colorado court system. The 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. As a result, OCR is mandated in C.R.S. § 13-91-101, *et seq.* to:

- 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 and magistrates.
- V. Establish fair and realistic compensation for state-appointed children’s attorneys sufficient to retain high-quality, experienced pediatric attorneys.
- VI. Assess and document the effectiveness of various models of representation.

*“I felt like I had a real voice in my case and she really made me feel heard. She’d run everything by me before anything was official and really kept me in the know with everything that was going on.”*

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

OCR contracts with approximately 275 attorneys, covering all 22 judicial districts across Colorado, to serve 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.

OCR attorneys are skilled in pediatric and juvenile law, knowledgeable of evidence-based 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 \$80 per hour in the following case types, including a new case type added by the General Assembly through HB19-1316:

Case Type	OCR Responsibility
Dependency & Neglect (D&N)	All GAL appointments ( <i>a GAL is appointed for each child/youth in every dependency and neglect case in Colorado</i> )
Underage Party seeking a Marriage License <i>*beginning 2019</i>	All GAL appointments (a GAL is appointed for all youth 16-17 years of age seeking a marriage license)
Delinquency (JD)	Appointments are made at the discretion of the Court and OCR pays for every appointment made by the Court.
Paternity	Appointments are made at the discretion of the Court and OCR pays for appointments when at least one party is indigent.
Probate	Appointments are made at the discretion of the Court and OCR pays for appointments when at least one party is indigent.
Relinquishment	Appointments are made at the discretion of the Court and OCR pays for every appointment made by the Court.
Mental Health	Appointments are made at the discretion of the Court and OCR pays for every appointment made by the Court.

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, to make recommendations that are in the best interests of the child, and to advocate for the child’s best interests through all stages of the proceedings.

The court also has discretion to appoint attorneys under contract with the OCR in domestic relations proceedings as a Child’s Legal Representative (CLR) under C.R.S. §14-10-116, which requires the state to bear all costs of such appointments if the court finds 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 and the court may appoint counsel for a child facing potential or actual contempt citations and/or a child who holds his/her evidentiary therapeutic privilege.

Currently, the OCR provides attorney services to Colorado’s children in one of two ways:

Independent Contractors: In FY18-19 the OCR contracted with 282 attorneys throughout Colorado. These attorneys often own small businesses and include both sole practitioners and

*“My GAL knows me entirely. He knows who I am and has my back in court. He has my back when people want to move me places I don’t want to go, like to live with different strangers and stuff. He has my back.”*

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

law firms. OCR attorneys often live and work in the same communities as the children and youth they serve.

The OCR's El Paso County Guardian Ad Litem Office (El Paso County GAL Office): The El Paso County GAL Office was created in 2001 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 eighteenth year of operation. The OCR El Paso GAL Office employs 12 attorneys, five case workers/coordinators, one paralegal, and administrative support staff (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).

The OCR maintains high expectations of its independent contractors and the OCR El Paso GAL Office state employees as set forth in the Attorney Qualifications and Standards section later in this report.

*“She was reasonable and respected what I had to say, my mindset, the things I wanted to do, wanted to get better at. She just never gave me a reason not to trust her. She showed every time that I talked to her or was with her that she was good people, understood her job and what she could and couldn't say. She'd always explain to me her reasoning about why she needed to say what she did if things popped up. I've never got that kind of respect before.”*

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

The OCR advocates on a statewide basis through participation in a variety of committees and taskforces related to child welfare law and services (see Appendix B). Staff from the OCR participate in the Court Improvement Program (CIP) and have been heavily involved in the work in Colorado around the Family First Prevention Services Act (FFPSA), including co-chairing the implementation committee. In addition, the OCR serves as a resource to legislators by providing subject matter expertise, answering questions and providing nonpartisan research concerning children and family issues. The OCR welcomes comments and questions from legislators regarding GALs, legislation, FFPSA or specific issues concerning children or GALs in a legislator's community.



## OCR 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 Performance Goals

The OCR has worked diligently to fulfill its statutory mandates and has been successful in many ways. To continue building on this success, the OCR has committed to three performance goals which encompass its statutory mandates and seeks to continuously improve in each area going forward.

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

#### Engaging and Empowering Youth

The OCR launched an Engaging and Empowering Youth Initiative (E&EY) in FY 17-18 with the goal of obtaining direct feedback from children and youth involved in the juvenile court system. The initiative builds on knowledge gained from the OCR's previous youth engagement effort, focusing on "meeting the youth where they are." In FY18-19, the OCR collected 108 surveys and conducted eight youth focus groups to gather important information from the youth perspective.

Another way the OCR seeks youth input is through its youth reference interviews which are conducted as part of the renewal process. In FY18-19, the OCR conducted 65 youth reference interviews regarding the 83 attorneys up for renewal. This feedback is used in evaluating attorney compliance with OCR practice standards and is discussed with each attorney during his/her renewal interview. ***(All quotes used throughout this report come directly from the reference interviews conducted in FY18-19).***

#### Attorney Qualifications and Standards

In addition to the professional standards governing all attorneys, OCR attorneys are held to standards set by Chief Justice Directive (CJD) 04-06, OCR manuals and policies and their contract with the OCR. As of May 2019, full time GALs may not have a caseload of more than 100 children. GALs frequently appear in court and must have quality litigation and motions practice skills. In addition to these more traditional attorney roles, 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. Currently CJD 04-06 standards require D&N GALs to meet in person with each child whose best interests they represent within the first 30 days and within 30 days of any placement change. The

*"Wonderful. With Respect. He didn't just believe things right away, he questioned and formed his own conclusion. He was professional in every way. The most exemplary member of the entire team. He listened very closely and was non-judgmental. He would offer resources and help. He was an advocate for the best interests of the child and even disagreed with colleagues sometimes. It was impressive."*

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

GAL is also required to interview parents, talk to the school if applicable, make diligent efforts to observe parent and child interactions and other duties necessary to complete an independent investigation regarding the best interests of the child. CJD 04-06 also requires JD attorneys to meet with a youth as soon as possible, for youth who are in custody within seven days of their appointment, and other activities to complete a thorough and independent investigation to promote and protect the juvenile's rights.

Although the unique statutory responsibilities of a 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 must protect the child's health, safety, and well-being.

#### Oversight and Evaluation of Attorney Practice

The OCR strives to meet its goals in part by developing and using data-driven practices. However, child welfare practice does not lend itself to simple outcome-based analysis, as appropriate results for one child may not be appropriate for another child. The OCR concentrates its data collection on compliance with practice standards to assess the effectiveness of representation. The OCR's efforts in practice assessment and data collection have received state and national attention.

Every year the OCR establishes lists of attorneys eligible for OCR appointments in each of the 22 judicial districts. The OCR uses a comprehensive evaluation strategy and benchmarks to ensure compliance with the CJD and OCR practice standards as it establishes and maintains the eligibility lists. This evaluation strategy includes:

- Annual verification process
- Tri-annual renewal applications
- New Attorney interviews
- Ongoing assessment and periodic review of attorney activity.
- Risk-based sampling (beginning in FY19-20).

The Annual Verification and Tri-Annual review processes were enhanced this year to include a more standardized review of data sources and improved documentation requirements. Current data sources reviewed include (those in bold only apply to the Tri-annual Renewal process):

*"She just really understands me. I don't know if she's ever been through the same stuff I went through and she always has advice and guides me. She tells me what I need to hear. She's a good support. If I'm in the wrong she tells me to get it together. She's really nice but when she needs to she can lay it down."*

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

- D&N CJD Visit Report (to show compliance with the initial 30-day visit requirement in the CJD)
- CJD Exceptions Report
- Activity Report (showing average cost per case data as well as how contractors use their time)
- Discipline Report
- Stakeholder Report
- Formal Complaints
- **Court Observation Summary**
- **Case Reference Summary**
- **Writing Sample**

The OCR created benchmarks to review each of these components to ensure consistency in application. These data points are used as measures to evaluate attorney effectiveness and advocacy.

As part of the FY18-19 evaluation strategy, the OCR sought Stakeholder Feedback for each attorney through an annual survey which was sent to Judicial Officers and various court staff, departments of Human Services staff, CASA agencies, probation officers and attorneys representing other parties in the cases. All 1,355 survey responses received this year were reviewed by the OCR. Those responses concerned 249 attorneys and included 280 responses from Judicial Officers.

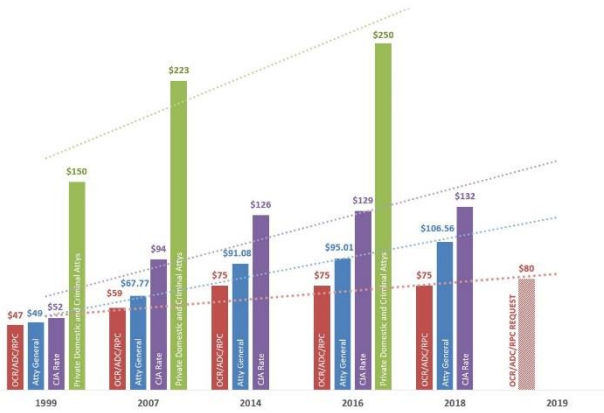
*“She’s the reason why after 10 years of fighting to protect my kids the boys are in a safe environment. The boys’ life is really good. Everyone’s life is really good now, even the mom. And we owe that all to her. She’s changed our lives through her work.”*

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

The OCR conducted 220 reference interviews with either youth, parents or caregivers, concerning the 83 attorneys under evaluation in FY18-19 and completed 471 Court observations involving 106 attorneys and concerning 723 children/youth. These observations utilize a standardized form for D&N proceedings and JD proceedings.

In addition to the measures listed above, the OCR has an established formalized complaint process which provides an additional mechanism to ensure OCR attorneys are meeting practice standards. For each complaint filed, regardless of the factual allegations, the OCR confirms attorney compliance with practice standards and reviews the court’s on-line file and CARES data. Founded complaints lead to further investigation of the attorney’s performance and typically includes an audit of additional case files/activities. In FY18-19, OCR received 41 complaints and investigated 37 of them (1 concerned a GAL who no longer had a contract; 1 pertained to a case that had been closed over 12 months prior, 1 complaining party failed to follow through and 1 withdrew the complaint). OCR closed 1 as founded, 26 as unfounded, and 10 remain pending at the time this report was written.

OCR/ADC/RPC Hourly Rates Compared to AGs, CJA, and Private Sector



### Fair and Reasonable Compensation

C.R.S. §13-91-105 requires OCR to establish fair and realistic rates of compensation to enhance the legal representation of children. The hourly rate paid to OCR contract attorneys remained stagnant between 2014-2018. The OCR, in conjunction with the ORPC and the OADC, worked with the General Assembly and Joint Budget Committee to increase the rate to \$80 beginning July 1, 2018. In 2018 the

Consumer Price Index (CPI) for Denver-Aurora-Lakewood showed an inflation rate of 2.7%. The OCR will continue to monitor these rates to keep pace with cost of living increases and to continue attracting and retaining high quality attorneys.

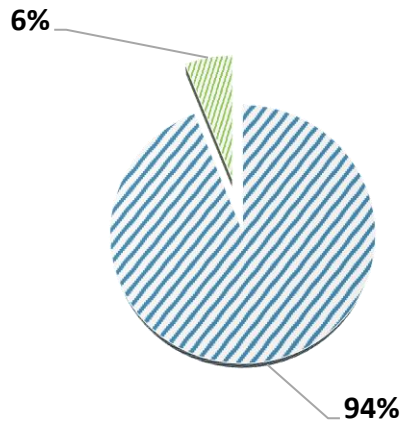
### Goal 2: Optimize efficiencies in attorney practice and billing.

#### Manage Appropriations

The OCR strives to be efficient and effective in utilizing its annual appropriation. The OCR's budget is driven largely by attorney activity and caseloads. In FY18-19, the OCR used 94% of expended funds for attorney services and only 6% for administration. For FY18-19 the OCR expended 97% of its appropriation.

### FY 19 ADMINISTRATIVE EXPENDITURES

Atty. services to children Admin. costs



### Overview of the OCR Budget

In FY 18-19, 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.

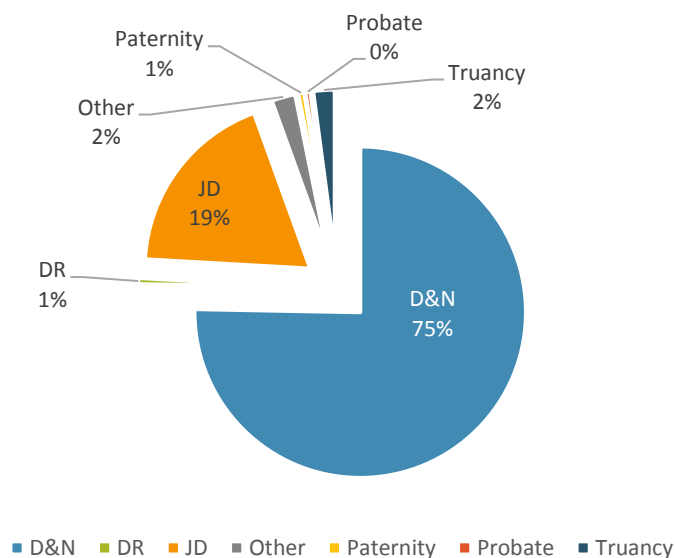
### Summary of Appropriations

In FY 18-19, the OCR spent 6% of its budget on its central administrative office, which is dedicated to fulfilling the OCR’s statutory mandates. The OCR expended \$23,314,224 on attorney services for children and \$127,230 (including grant funding received by the OCR) to providing high quality and accessible training to GALs and other stakeholders throughout Colorado. The general assembly passed \$1,550,000 through OCR’s budget to Colorado CASA for distribution to local CASA programs.

### Breakdown of the Mandated Attorney Services Provided by the OCR

OCR attorneys represent the best interests of children in D&N, JD, domestic relations, truancy, relinquishment, adoption, paternity, and appeals. The appointments in dependency and neglect cases account for 75% of attorney service expenditures. The breakdown of expenditures by case type is reflected in the chart below:

Percentage of Case Type Expenditures



Dependency and Neglect and Juvenile Delinquency case types present similar issues concerning family dynamics, placements, and treatment and OCR attorneys continue to report that children served in the juvenile delinquency system in FY18-19 frequently present

issues that were previously served in D&N case types. Judicial officers and OCR's courtroom observations confirm attorney reports.

The OCR experienced a 6.1% decrease in D&N case filings in FY18-19 as compared to the previous fiscal year. After taking into account a contractor rate increase that went into effect July 1, 2018, D&N expenditures increased slightly from the prior year.

Juvenile Delinquency filings were nearly the same as the prior year, however, expenditures increased by over 20%. A small part of this increase is due to the contractor rate increase. However, 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 or when the youth turns 18 (unless the court makes findings pursuant to C.R.S. 19-1-111 regarding developmental delay). Contract attorneys and judicial officers report an increased prevalence of abuse and neglect issues in delinquency cases.

*"I think she is really good at what she does. She makes us feel like we are part of the team and not just a foster parent off to the side who don't really matter. She treats us like what we say matters because we are with the child 24/7"*

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

In FY18-19, the OCR experienced the following expenditure variances from the prior year: 21% decrease for domestic relations (DR) appointments, a 38% increase for truancy appointments and an 18% increase in other appointments, primarily due to a continued increase in expenditures related to appeals.

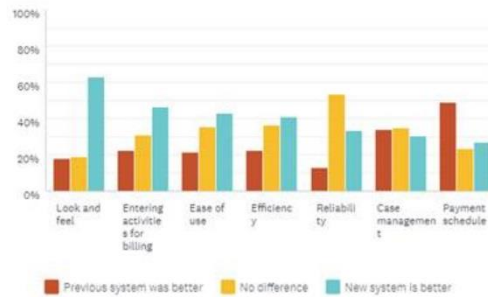
#### Maximize use and effectiveness of OCR's on-line case management and billing system

The OCR began using an electronic billing system in 2011 (OCR C.A.R.E.S) and has continued to assess and improve the functionality of the system and the quality of data it is able to retrieve to monitor attorney performance and progress. In FY 17-18 the OCR received funding through the budget process to replace C.A.R.E.S. The new C.A.R.E.S system was necessary to improve functions for contract attorneys and OCR staff, to reduce support and operating costs and to improve OCR's data collection. The new C.A.R.E.S system launched on April 1<sup>st</sup>, 2018 and is more streamlined with updated functions, better usability, new case alerts, better functioning on mobile devices and built-in search technology.

In addition, the new system groups billable activities by CJD requirements to facilitate case management and compliance review. Contractors now submit invoices through the new system on a monthly basis allowing greater control and clearer guidelines for contractors reconciling billing and predicting payments. Contract attorneys were overwhelmingly positive about the new system in the attorney satisfaction survey for every category except the monthly invoicing change (previously attorneys could be paid on a more frequent basis).

In your experience using both, how do you think the updated CARES software compares to the previous CARES software in the following areas?

Answered: 121 Skipped: 21



One feature of OCR C.A.R.E.S. is the enhanced reporting capability which is instrumental to the OCR’s improvement in periodic reviews of attorney activities. This includes a new child count report to monitor caseloads and a quarterly 30-day visit report to ensure compliance with this important component of the CJD.

### Provide Litigation Support

Well supported and trained attorneys are more efficient and effective when representing a child’s best interests. The OCR provides the following litigation supports to contract attorneys:

#### Guided Reference in Dependency (GRID)

The GRID is Colorado’s first comprehensive advocacy guide for attorneys in dependency and neglect proceedings. First published by OCR with grant funding from the Colorado CJA Task Force in 2012, this robust reference guide has been given to all OCR contract attorneys and is available online. The GRID features 8 hearings chapters, which include before, during and after checklists, blackletter law discussion, practice tips and 29 comprehensive fact sheets covering a wide variety of topics. OCR published a supplement to reflect legislation and case law changes in 2015 and in FY17-18 again received CJA funding allowing a comprehensive rewrite to ensure the GRID remains a high-quality resource for attorneys. The OCR collaborated with the ORPC and the Colorado Court Improvement Project to do the comprehensive GRID update which reflected changes in law, policy and best practices. In addition, the updated GRID added seven new factsheets to cover new legal developments and identified practice needs. The revised GRID was released online in July 2018 and the print version released in September 2018. New updates to the GRID will occur in August-September of 2019.

### OCR Listserv

Each contract attorney is required to join the OCR listserv, which provides an excellent forum for attorneys to discuss difficult case issues, trends in the state, case law updates and more. The OCR uses the listserv to communicate new case processes, inform contractors of recent developments and provide case law and legislative updates. In FY15-16 OCR launched an enhanced listserv which is now easier to use and features a searchable archive. In FY18-19 attorneys sent a total of 460 emails discussing 153 topics.

### Litigation Toolkit

To support attorney efficiency and effectiveness, the OCR has redesigned its motions bank. The OCR's Litigation Toolkit is now available to all OCR attorneys on the OCR website. The Litigation Toolkit is comprised of both litigation forms and litigation resources, giving attorneys a centralized resource when drafting motions, preparing for litigation and researching the multitude of issues impacting cases. Currently, the Litigation Toolkit has 33 litigation forms and 76 litigation resources available to attorneys. The OCR will continue to update resources and add additional litigation forms to ensure the Litigation Toolkit remains current and comprehensive.

### Quarterly Newsletters

OCR publishes a quarterly newsletter to ensure all contract attorneys have up to date information regarding case law updates, legislative updates, training announcements and other news relevant to their advocacy. In FY18-19 the newsletter was converted to an online platform in response to attorney feedback. This new format allows the OCR to provide links to new cases (which are then available in an online bank of cases) and a searchable link to access new statutes.

*“The first time we met I was very intimidated because the case was new and scary and he was very open and supportive which made me feel better about speaking with the Judge and social worker. He made me feel better about going through the whole thing.”*

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

### Litigation Support List

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



### Social Service Professional (SSP) Program

The SSP pilot program began in FY17-18 in response to information gathered from the OCR's Multidisciplinary Law Office (MDLO) Pilot Program (detailed in the OCR's FY17-18 General Assembly Report). While the MDLO pilot program was ultimately ended due to the high costs of the model, some recommendations came from the evaluation including exploring ways to make SSPs accessible to more GALs and to utilize SSPs to enhance best interest representation without duplicating efforts. The use of SSPs allows additional work on the case at a lower hourly rate. With funding received from the General Assembly the OCR was able to hire a new SSP Coordinator, Alex Wolff. Alex joins the OCR from the Legal Aid Society in Brooklyn, New York and brings a wealth of experience in multidisciplinary legal services and legal social work. Alex has been outreaching to attorneys throughout the state to get a clear picture of the needs in Colorado and will turn towards expansion, evaluation of effectiveness and how to best support this promising practice.

### Goal 3: Ensure attorneys remain current in state and federal law and regulations, social science research and evidence-based services.

In FY 16-17 the OCR formalized its approach to cultivating a learning and practice environment that focuses on three areas:

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

These areas of focus are the overarching umbrella that helps the OCR staff craft and refine its litigation support and training.

The General Assembly charged the OCR with providing high-quality and accessible training throughout the state. All OCR contract attorneys are required to do 10 hours of OCR sponsored or approved training. To support attorneys in meeting these requirements, the OCR hosts an annual conference and provides periodic training throughout the year. In addition, the OCR partners with other agencies to provide cross-systems training opportunities.

*“He gave me a voice when others were brushing me off. He bridges cultural differences impeccably and argues and fights for that.”*

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

*“She always treated me with the utmost respect but she wasn't a pushover either. She knew what questions to ask and was a good listener.”*

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

In FY18-19 the OCR provided a total of 96 CLEs as follows:

- Core Competencies I: Orientation for New Attorneys
- Core Competencies II: Advanced Training for New Attorneys
- OCR Annual Fall Conference
- 7<sup>th</sup> Annual Excellence in Juvenile Defense, cohosted with the ADC and CJDC
- The OCR partnered with the National Institute for Trial Advocacy to provide trial skills training for D&N GALs
- The OCR partnered with the Colorado Supreme Court, Colorado Court of Appeals, Court Improvement Program and other state agencies to provide an appellate advocacy training for attorneys state-wide.
- The OCR partnered with ORPC to provide a collaborative training on the impact vicarious trauma at the request of the 19 judicial district juvenile bench.
- Webinars on:
  - Working Effectively with Child Advocacy Centers
  - Updated OCR Billing Policies and Procedures
  - OCR Performance Audit Recommendations and New Application Procedures
  - Westlaw Tutorial: A Few Tips and Tricks
  - Families First Prevention Services Act: From a Colorado Perspective

By the end of FY18-19 the OCR had a total of 344 hours of CLEs available on the training website for easy accessibility to attorneys across Colorado. In addition, the OCR paid the fees for 21 JD GALs to attend the Juvenile Defense Conference, for 9 GALs to attend the NCJFCJ annual conference and 3 GALs to attend the NACC annual conference. Every month the OCR sends out a “Training Tuesdays” email with details about training opportunities across the state as well as reminders regarding OCR sponsored/approved trainings.

The OCR also began offering contract attorneys access to Westlaw, a comprehensive legal research tool, at no cost to the contractor. To ensure contractors get the most out of this resource, the OCR offered a webinar in FY18-19 to compliment those currently available on our website. Lastly, the OCR instituted a mentor program in FY17-18 to partner experienced GALs with new GALs to navigate this complex area of law in their first year of practice. Due to the positive reception, the OCR has continued the program and in FY18-19 with 21 mentoring pairs over 12 Judicial Districts.

*“Yeah, I have that safe feeling with her and I know she has good intentions and I think she likes what she does and cares about the kids she works with. I just felt like she really was there to help me. She was very reliable”*

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

## CASA Overview and Update

The OCR works with Colorado CASA to support Court Appointed Special Advocates (CASAs) as required in C.R.S. 13-91-105 and the provisions of HB19-1282 which established C.R.S. 19-1-213. While GALs are the child's legal advocate and parties to D&N cases, CASAs are appointed for a portion of the children in 18 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. The CASA role and expectations are set out in the Children's Code at §19-1-201 et seq.

Although each local program is unique, similarities do exist. 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.

While GALs and CASA volunteers work collaboratively to advance the best interests of children, their roles differ in significant ways and the Children's Code requires they each provide independent information to the court. Where the GAL is a licensed attorney, subject to the rules of the profession and ethical code of conduct and is an active party in all litigation related to the best interests of the child; CASA volunteers are non-attorney advocates subject to training and requirements of their local CASA program and the state CASA program. They provide written reports to the court and parties and establish supportive relationships with children, parents, relatives, kin, and placements.

The OCR supports CASA in Colorado in a number of ways including serving as the pass-through agency for general fund dollars and providing technical support and consultation to facilitate reimbursement of Title IV-E eligible training costs incurred by Colorado CASA. In FY 18-19, Colorado CASA received \$1,550,000 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

*"[The GAL] listened to all parties involved. I disagreed with her on a few instances but I firmly believe she had the best interests of my son at heart. I give her the highest marks I can, like 100%, even when we disagreed. She did her job very well."*

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

*"He's a great GAL. He's a go-getter. Always on time. Always working for his kids and their families. Very, very good. Outstanding at his job. Any time I know he's on the case I know we will get somewhere. Even if it's something I don't agree with he's very understanding. Definitely always works for the best interests of the child."*

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

remaining funds supported local CASA programs across the state. In FY 18-19, 1,888 citizens volunteered as CASAs in 2,616 D&N cases, expending 111,918 volunteer hours while serving 4,857 children and youth.

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*“She was like the first actual person in the system that actually helped me. I’ve had to deal with a lot of caseworkers but she was always there no matter what. If I needed something she was always the person on my team I could call. She was definitely the most reliable out of everyone on my team.”*

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

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## Appendix A

### OCR Legislative Review

The OCR continues to be a resource for state legislators by providing subject matter expertise, answering questions and providing nonpartisan research concerning the Children’s Code, child welfare law, juvenile delinquency law, FFPSA and other issues impacting children and families. The OCR participated through consultation, stakeholder meetings and/or testimony on the following bills in the 2019 legislative session:

**HB19-1023 Foster Children Driving Licenses (signed 5/20/19)**

*Rep. Saine, Rep. Jackson, Sen. Todd, Sen. Marble*

**HB19-1042 Extend Court Jurisdiction for Vulnerable Youth (signed 3/28/19)**

*Rep. Gonzales-Gutierrez*

**HB19-1063 At-risk Information Sharing between County Departments (signed 3/21/19)**

*Rep. Kraft-Tharp, Rep. Larson, Sen. Gardner, Sen. Lee*

**HB19-1092 Animal Ban for Cruelty to Animals Conviction (signed 5/1/19)**

*Rep. Valdez, Sen. Ginal*

**HB19-1104 Rights of Persons Office Respondent Parents’ Counsel (signed 3/7/19)**

*Rep. Ransom, Sen. Lee*

**HB19-1140 Live and Let Live Act (postponed indefinitely)**

*Rep. Humphrey, Sen. Marble*

**HB19-1142 Safe Family Option for Parents (signed 5/23/19)**

*Rep. Singer, Rep. Ransom*

**HB19-1155 Additions to Definition of Sexual Contact (signed 4/4/19)**

*Rep. Carver, Rep. Michaelson-Jenet*

**HB19-1194 School Discipline for Preschool through Second Grade (signed 5/13/19)**

*Rep. Larson, Rep. Lontine, Sen. Fields, Sen. Priola*

**HB19-1219 Child Welfare Permanency Planning (signed 5/20/19)**

*Rep. Gonzales-Gutierrez*

**HB19-1232 Aligning Indian Child Welfare Act Requirements (signed 5/28/19)**

*Rep. Catlin, Rep. Gonzales-Gutierrez, Sen. Coram, Sen. Rodriguez*

**HB19-1251 Age of Marriage and Emancipation Procedure (postponed indefinitely)**

*Rep. Hansen, Rep. Landgraf*

**HB19-1282 Court-Appointed Special Advocate Program Oversight (signed 5/28/19)**

*Rep. Singer, Rep. Michaelson-Jenet*

**HB19-1288 Foster Youth Sibling Bill of Rights (signed 5/20/19)**

*Rep. Singer, Rep. Duran*

**HB19-1308 Foster Care Prevention Services (signed 5/23/19)**

*Rep. Singer, Rep. Landgraf*

**HB19-1310 Interest on Orders of Restitution (signed 5/28/19)**

*Rep. Melton, Rep. Gonzalez-Gutierrez*

**HB19-1315 Admissibility of Statements by a Juvenile (signed 5/28/19)**

*Rep. Michaelson-Jenet, Rep. Gonzales-Gutierrez*

**HB19-1316 Modernizing Marriage Law for Minors (signed 5/31/19)**

*Rep. Landgraf, Rep. Hansen, Sen. Cooke, Sen. Winter*

**SB19-039 Interdistrict Transportation of Students (signed 3/7/19)**

*Sen. Zenzinger, Sen. Story, Rep. Michaelson-Jenet*

**SB19-043 Increasing Number of District Court Judges (signed 3/21/19)**

*Sen. Lee, Rep. Herod, Rep. Carver*

**SB19-071 Child Hearsay Exception (signed 3/21/19)**

*Sen. Fields, Sen. Roberts*

**SB19-108 Juvenile Justice Reform (signed 5/28/19)**

*Sen. Lee, Sen. Gardner, Rep. Michaelson-Jenet, Rep. Soper*

**SB19-258 Child Welfare Prevention and Intervention Funding (signed 5/23/19)**

*Sen. Rankin, Rep. Esgar*

## 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 OCR's 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 [DANSR], this 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 OCR's Executive Director serves on this committee.

**Jefferson County Joint DANSR/FIT Court Advisory Committee:** Jefferson County has been selected as a grant recipient of a Prevention and Family Recovery grant, an initiative undertaken by Children and Families Futures to work with established family treatment courts to integrate and institutionalize evidence-based services into their larger systems of care. The OCR's Deputy Director serves on the advisory 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 OCR's 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.

**Colorado Department of Human Services Time Limited Foster Care Group:** This Task Force is determining whether administrative rules are necessary based on the recommendations from a CDHS Foster Parent Steering Committee related to foster care and determining whether administrative rules are necessary. An OCR Staff Attorney sits as a non-voting member of the Task Force.

**Delivery of Child Welfare Services Taskforce:** This taskforce was created through SB18-254 to make recommendations regarding 12 areas of child welfare service, including implementation of the Families First Prevention Services Act (FFPSA). The OCR's Executive Director is a member of the taskforce.

**Department of Child Welfare/Division of Youth Services Transition Work Group:** This Task Force is a subcommittee of the Child Welfare SubPAC. This Task Force aims to address the process for

youth who transition from child welfare to youth services, and vice versa. An OCR staff attorney sits as a member.

**Family Services Prevention Act Implementation Team:** This team was created by the Child Welfare Services Delivery Taskforce to prepare Colorado for implementation of FFPSA and complete Colorado's prevention plan to submit to the Children's Bureau of the federal government. The OCR's Staff Attorney/Legislative Liaison is the co-chair of this committee.

**FFPSA Workgroups:** In addition to the implementation team, there are several workgroups that the OCR participates in. The Deputy Director sits on the statutory revision workgroup (previously known as the Children's Code Workgroup) and the OCR's Staff Attorney/Legislative Liaison participates in the QRTP workgroup.

**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 OCR's Training Coordinator serves on this task force.

**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 OCR Training Coordinator serves on this committee.

**Indian Child Welfare Act Task Force.** Discusses and recommends changes to forms, practices, policies, and trainings in order to increase compliance with the Act. OCR's Staff Attorney serves on this committee.

**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. OCR's 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 staff also serve on the following subcommittees:

**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. OCR's Staff Attorney/Legislative Liaison serves on the legislative subcommittee.

**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. OCR's Training Coordinator serves on this subcommittee.



**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. OCR's Training Coordinator serves on this committee.

**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. OCR's Executive Director is a member.

**Douglas County Detention Pilot Bed Committee:** This Committee is considering a temporary bed as a short-term alternative to detention.

**Minority Overrepresentation Subcommittee of the Fourth Judicial District's Juvenile Best Practices Committee.** This subcommittee provides trainings addressing minority youth overrepresentation in Colorado's child welfare, school disciplinary, and juvenile justice systems; conducts a study of minority youth overrepresentation in el Paso County's child welfare system; and recognizes El Paso County youth who have overcome adversity and inspired others to do the same through Inspire Awards. OCR's Staff Attorney is a Co-Chair.

**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. A Staff Attorney from OCR's El Paso County GAL Office serves on this 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. OCR's Deputy Director serves on this committee.

**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. The OCR Training Coordinator serves on this committee.

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

#### **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.

**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 Richard L. Gabriel. OCR's Deputy Director is a member

of this committee, and OCR staff also serve on drafting subcommittees for the following rules: Adjudication; Discovery; Indian Child Welfare Act; Termination.

**Colorado Judicial Department Child Welfare Appeals Workgroup:** Established pursuant to 19-1-109(3), this committee considers necessary changes to practices, rules, and statutes in order to ensure that appeals in dependency and neglect cases are resolved within six months of filing. OCR's Deputy Director serves on this workgroup, and OCR's Staff Attorney serves on a subcommittee addressing appellate issues related to the Indian Child Welfare Act.

**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.

**Treatment of Persons with Mental Health Disorders in the Criminal Justice System Taskforce (reauthorized pursuant to SB14-021):** Directed to examine the identification, diagnosis and treatment of persons with mental illness who are involved in the criminal and juvenile justice systems, including the examination of liability, safety and cost as they related to those issues. OCR's Deputy Director services as member of the taskforce.

**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. OCR's 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. OCR's Staff Attorney/Legislative Liaison is a member of the task force.

**Former Foster Care Youth Steering Committee (HB18-1319):** In 2018, the General Assembly passed legislation to allow county departments of human services to use some of their funding for youth aged 18-21 who left the child welfare system. In addition, the General Assembly mandated a committee look to how we can further help our foster care youth aged 18-21. OCR's Staff Attorney/Legislative Liaison was a member of this committee.

**Juvenile Justice Reform Committee (SB19-108):** The JJRC was created to fulfill the mandates of SB19-108 including adopting assessment tools, screening tools, selecting vendors to assist in implementation and training on the tools and developing plans to measure their effectiveness. OCR's Deputy Director is a member of the task force.

**American Bar Association Section of Litigation Children's Rights Litigation Committee – Right to Counsel Strategy Group.** The strategy group monitors developments impacting children's right to counsel and 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.