

OFFICE OF THE CHILD'S REPRESENTATIVE



FISCAL YEAR 2024 BUDGET REQUEST

Chris Henderson, Executive Director

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TABLE OF CONTENTS

| | |
|---|----|
| Letter from the Executive Director | i |
| Agency Overview..... | 1 |
| OCR Mission, Vision, and Values | 1 |
| Background..... | 1 |
| OCR's Mandates | 2 |
| Attorney Services Provided by the OCR | 3 |
| Models of Representation..... | 3 |
| OCR Attorney Role..... | 3 |
| Multidisciplinary Legal Representation..... | 7 |
| Case Types..... | 9 |
| Organizational Chart..... | 15 |
| Key OCR Activities..... | 16 |
| Compensation and Funding | 16 |
| Identification and Development of Practice Standards | 18 |
| Engaging and Empowering Youth | 18 |
| Online Case Management and Billing System..... | 19 |
| Contract Process & Ongoing Evaluation and Assessment of Attorney Services | 19 |
| Training Program and Litigation Support Services | 21 |
| Committee and Task Force Participation | 24 |
| Title IV-E Funding | 24 |
| Diversity, Equity, Inclusion, and Justice..... | 25 |
| OCR's FY 2024 Budget Priorities | 26 |
| OCR Performance Goals and Strategies | 27 |
| Budget Change Summary | 29 |
| Schedule 2 Summary by Long Bill Group..... | 31 |
| Schedule 3 Line Item by Year | 33 |
| Schedule 14 Position and Object Code Detail..... | 41 |
| Schedule 4 Fund Source Detail | 43 |
| Schedule 5 Line Item to Statute | 45 |
| Schedule 6 Special Bills Summary..... | 47 |
| Schedule 7 Supplemental Bills Summary..... | 49 |
| Schedule 8 Common Policy Summary | 51 |
| Budget Transfers (Summary)..... | 53 |
| Schedule 10 Summary of Change Requests..... | 55 |
| R-1: Contractor (Attorney) Rate Increase | 57 |
| Schedule 13 R-1..... | 65 |
| R-2: Caseload/Workload Adjustment..... | 67 |
| Schedule 13 R-2..... | 75 |
| R-3: Authorize and Fund 1 FTE Staff Attorney Position | 77 |
| Schedule 13 R-3..... | 82 |
| R-4: Contractor (Case Consultant and Paralegal) Rate Increase | 85 |

| | |
|--|-----|
| Schedule 13 R-4 | 88 |
| R-5: Administrative Staffing Adjustments | 89 |
| Schedule 13 R-5 | 91 |
| R-6: Common Compensation Plan..... | 93 |
| Schedule 13 R-6..... | 97 |
| R-7: Increase Training Appropriation | 99 |
| Schedule 13 R-7..... | 101 |
| Budget Summary..... | 103 |
| Budget Reconciliation | 105 |
| Long-Range Financial Plan..... | 109 |
| Exhibit A | 111 |
| Exhibit B | 113 |
| Exhibit C | 115 |



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Chris Henderson
Executive Director

November 1, 2022

To the Members of the Joint Budget Committee:

Thank you in advance for your consideration of the Office of the Child's Representative's (OCR) Fiscal Year 2023-24 Budget Request. I am proud of the mission of the OCR and the work my agency and our 270+ attorneys do day in and day out to represent Colorado's most vulnerable constituents. The funds the OCR receives and administers constitute an investment in Colorado's children and youth and, ultimately, Colorado's future. OCR's Fiscal Year 2023-24 Budget Request represents my agency's assessment of its minimum, essential budgetary needs.

The OCR provides legal representation for children and youth involved in dependency and neglect, delinquency, truancy, and over eight other case types. The children and youth on our caseload are involved in complex legal proceedings. In dependency and neglect (D&N) proceedings, they have been removed from their homes or face the risk of removal due to allegations of child abuse or neglect. In delinquency proceedings, they present complex trauma histories, come from challenging home and life circumstances, and face significant risks associated with detention, out-of-home placement, and long-term consequences of justice system involvement for mistakes made during formative developmental years. In the past year, we have staffed more and more cases involving substance use by children and youth, a serious deficit in services and placements to address their treatment needs, and, devastatingly, serious harm and fatalities. Issues of equity, access, and disproportionality overshadow all the OCR's case types.

In creating the OCR in 2000, the General Assembly recognized the critical role of OCR attorneys in giving children and youth a voice:

The general assembly hereby finds 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.

§ 13-91-102(1)(a), C.R.S.

OCR's mission of giving "children and youth a voice in Colorado legal proceedings through high-quality legal representation that protects and promotes their safety, interests and rights" and vision of "justice, opportunity, and healthy families for all court-involved children and youth" solidify this legislative goal and ground OCR's policies, strategies, and daily activities.

Recent legislation further advances the goal of giving children and youth a voice in the Colorado court system by changing Colorado's longstanding best interests model of representation to a client-directed model for youth 12 and older in D&N proceedings (HB 22-1038) and all youth participating in Colorado's Foster Youth in Transition

Program (HB 21-1094). While GALs have provided independent, zealous, thorough, and informed advocacy by investigating and representing children’s best interests in court, and a best interests model of representation continues as the appropriate attorney model for children under 12, the shift to client-directed representation effectuates an important and empowering practice change. As acknowledged in HB 22-1038’s legislative declaration, “[e]very child or youth has a liberty interest in [their] own health, safety, well-being and family relationships.” D&N proceedings have profound impacts on those interests. By providing an attorney who will give a youth legal advice and counsel in a confidential attorney-client relationship and who will zealously advocate for that youth’s expressed interests and objectives, the General Assembly has ensured that courts will receive direct and unfiltered information about what the youth thinks is best for them and why. This nationally endorsed model of representation will increase youth engagement in proceedings, give youth an authentic voice in those proceedings, enhance the information presented to the court, advance parity and procedural justice, and improve outcomes for many youth.

Regardless of case type or role, OCR attorneys enter the life of a child or youth during a critical time and play a crucial role in advocating for services, appropriate and safe placements, and judicial decisions that protect immediate safety, preserve family connections, and promote long-term success. Children and youth in OCR’s cases need a skilled and knowledgeable attorney to represent their interests and give them a voice in the legal proceedings that will profoundly impact their health, safety, and well-being.

OCR’s enabling legislation recognizes that “the representation of children necessitates significant expertise as well as a substantial investment in time and fiscal resources.” § 13-91-102(1)(a), C.R.S. As detailed in this budget request, OCR attorneys are among the lowest paid attorneys in not only the private but also the public sector. While the General Assembly has taken action to address salary and hourly rate inequities as recently as the current fiscal year and the OCR and its attorneys appreciate these efforts, the stark reality is that OCR’s rates of compensation fall well below what attorneys need in order to sustain their legal practice. The OCR has seen a significant decline in new attorney applications, and OCR attorneys increasingly report that they are considering leaving this area of practice because of financial hardship. Following are just some of the quotes from attorneys who responded to a recent OCR Attorney Satisfaction Survey; these quotes echo the sentiment of many attorneys who responded to the survey:

“Compensation has not kept up with cost of living in Colorado. My practice has remained steady over the last five plus years (in terms of number of clients, billable hours, etc.) yet due to the rising cost of living, I am struggling to make ends meets more than I did 5 or 10 years ago. I live paycheck to paycheck and have zero funds left to put toward retirement. Sadly, I have begun to consider alternative employment options.”

“The hourly rate is so low compared to private attorneys that attracting and retaining new attorneys is very difficult.”

“Compensation is an issue when attorneys that are skilled leave to do jobs where they make more money and then children are stuck with less skilled providers.”

My primary budget priority for FY 2023-24 is to increase OCR’s hourly rate to be able to provide fair and adequate compensation to attorneys for their work. This request is made in concert with the Office of Alternate Defense

Counsel and the Office of Respondent Parents' Counsel. Providing effective attorney services is the crux of the OCR's mission. If I cannot maintain a sufficient pool of qualified attorneys, children and youth will be harmed. As this budget request will detail, the OCR attorney role has become increasingly complex, challenging, and taxing. An investment in OCR attorneys is a necessary investment in Colorado's children and youth. Decision Items R-1, R-4, and R-6 request such investment through salary and hourly rate alignments. These requests are slightly offset by Decision Item R-2, which seeks to reduce the OCR's Court Appointed Counsel General Fund appropriation to account for a decreased caseload.

In addition to an investment in attorneys and their legal teams, OCR's FY 2023-24 Budget Request seeks funding for an Equity, Diversity, and Inclusion (EDI) Attorney (R-3), administrative staffing adjustments (R-5), and an increase in its Training Budget (R-7). This investment in OCR's infrastructure is essential to OCR's ability to continue to address systemic legal issues, support attorneys in providing effective legal advocacy, and sustain its operations. As I take pride in OCR's lean administrative structure and the fact that we spend less than nine percent of our budget on our Denver Executive Office, I have considered our request for an additional staff attorney very carefully. The years the OCR has tried to advance its EDI work with existing staff have made it clear that a staff attorney with expertise, experience, and time is necessary to make the changes we must make. I feel strongly that children and youth should not face disproportionate system involvement and disparate outcomes because of their race, ethnicity, culture, sexual orientation, gender identity, or disability and that a diverse and inclusive pool of attorneys and staff is essential to our mission.

I understand that this year presents many budgetary challenges and that you face difficult decisions as to where to allocate limited state funds. I assure you that OCR's FY 2023-24 Budget Request is the product of careful deliberation and planning. I appreciate your consideration of the OCR's request and look forward to speaking with you about our budgetary needs in the months ahead.

Respectfully,



Chris Henderson
Executive Director

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AGENCY OVERVIEW

MISSION

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

VISION

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

VALUES

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

BACKGROUND

HB 00-1371 established the Office of the Child’s Representative OCR as an independent agency within the Judicial Department and charged the office with providing effective attorney services to children and responding to the unique needs of legal representation of children. 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: financial barriers to the necessary frontloading of services and ongoing dedication of the proper amount of time to cases; high caseloads impairing appropriate case preparation and investigation; insufficient meaningful interaction with children in their environments; and a lack of participation by guardians *ad litem* (GALs) in court.

The General Assembly established the OCR to improve representation for Colorado’s most vulnerable children and youth by developing minimum practice standards, overseeing attorneys, providing training and supports, and establishing fair and realistic state rates sufficient to attract high-quality and experienced attorneys. The OCR has developed robust programming and oversight protocols to fulfill its legislative mandates and is recognized as a national leader in providing effective legal services to children.

While the OCR has historically overseen best interests legal representation for children in dependency and neglect (D&N), delinquency, truancy, and over eight other case types, it has also overseen client-directed representation for children and youth in D&N and Foster Youth in Transition (FYTP) proceedings, a model that House Bills 21-1094 and 22-1038 significantly expanded in Colorado.

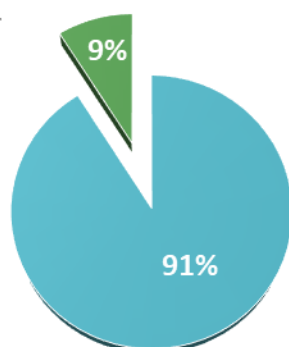
OCR'S MANDATES

The OCR's statutory mandates, outlined in § 13-91-101 *et seq.*, C.R.S., include:

- Improve quality of attorney services and maintain consistency of representation statewide.
- Establish minimum practice standards for attorneys representing children and youth as GALs, CFY, and state-paid Child's Legal Representatives (CLRs).
- Ensuring the provision and availability of high-quality accessible training throughout the state and establish minimum training requirements for GALs, CFY, and state-paid CLRs.
- Provide oversight of attorney practice to ensure compliance with relevant statutes, orders, rules, and practice standards.
- Work cooperatively with local judicial districts, attorneys, and children and youth impacted by the child welfare and judicial system.
- Establish fair and realistic compensation rates that take into consideration caseload limits and are sufficient to attract and retain high quality, experienced attorneys to serve as GALs or CFY.
- Seek to enhance existing funding sources and study the availability and potential development of new funding sources.
- Serve as a resource for attorneys.
- Assess and document the effectiveness of various models of representation.
- Provide support for the Court-Appointed Special Advocates (CASA) program in Colorado by contracting with the state CASA entity to enhance CASA programming in Colorado, allocating money appropriated to the Judicial Department for CASA programs, and receiving reports from the state CASA entity regarding its appropriation.

FY 22 Administrative Expenditures

- Legal services for children/youth
- Admin. costs



The OCR's paramount mandate is to provide high-quality attorney services in the most cost-effective manner possible through a comprehensive and properly funded program. It does so by spending less than nine percent of its overall allocation on its lean administrative structure and with a small staff of 15.9 FTE in its Denver office.

MODELS OF REPRESENTATION

The OCR currently provides legal services through two models of representation.

INDEPENDENT CONTRACTORS

The OCR contracts with approximately 270 independent contractors throughout Colorado. These attorneys own small businesses and include both sole practitioners and law firms. They often live and work in the same communities as the children and youth they serve.

OCR'S EL PASO COUNTY GAL OFFICE

The creation of the El Paso County GAL office resulted from SB 99-215, Footnote 135, which directed the Judicial Department to pilot alternative methods of providing GAL services. This office is in its twenty-second year of operation. The model employs 12 FTE attorneys and five FTE case consultants. The case consultants are social service professionals who supplement attorney services in their independent investigation and case analysis.

Regardless of whether they are independent contractors or employees of the OCR El Paso County GAL Office, all OCR attorneys are held to high practice expectations and are specially trained on the law, social science research, and best practices relating to issues impacting children involved in court proceedings.

OCR ATTORNEY ROLE

The OCR provides both “best interests” and “client-directed” representation to children and youth.

BEST INTERESTS LEGAL REPRESENTATION:

GUARDIAN AD LITEM (GAL) AND CHILD'S LEGAL REPRESENTATIVE (CLR)

GALs are attorneys with a unique client: the best interests of the child. The GAL is appointed to conduct an independent investigation, make recommendations that serve the best interests of the child, and advocate for the child's best interests throughout all stages of the proceeding.

The GAL serves as an independent, loyal legal advocate who investigates and advances each child's best interests at each and every decision point. In all appointments, the GAL's professional duties flow solely to the best interests of the child. The GAL must consider the child's position as developmentally appropriate and share the child's position with the court.

In domestic relations proceedings, courts may appoint a CLR; like GALs, these attorneys represent the best interests of children.

CLIENT-DIRECTED LEGAL REPRESENTATION: COUNSEL FOR YOUTH (CFY)

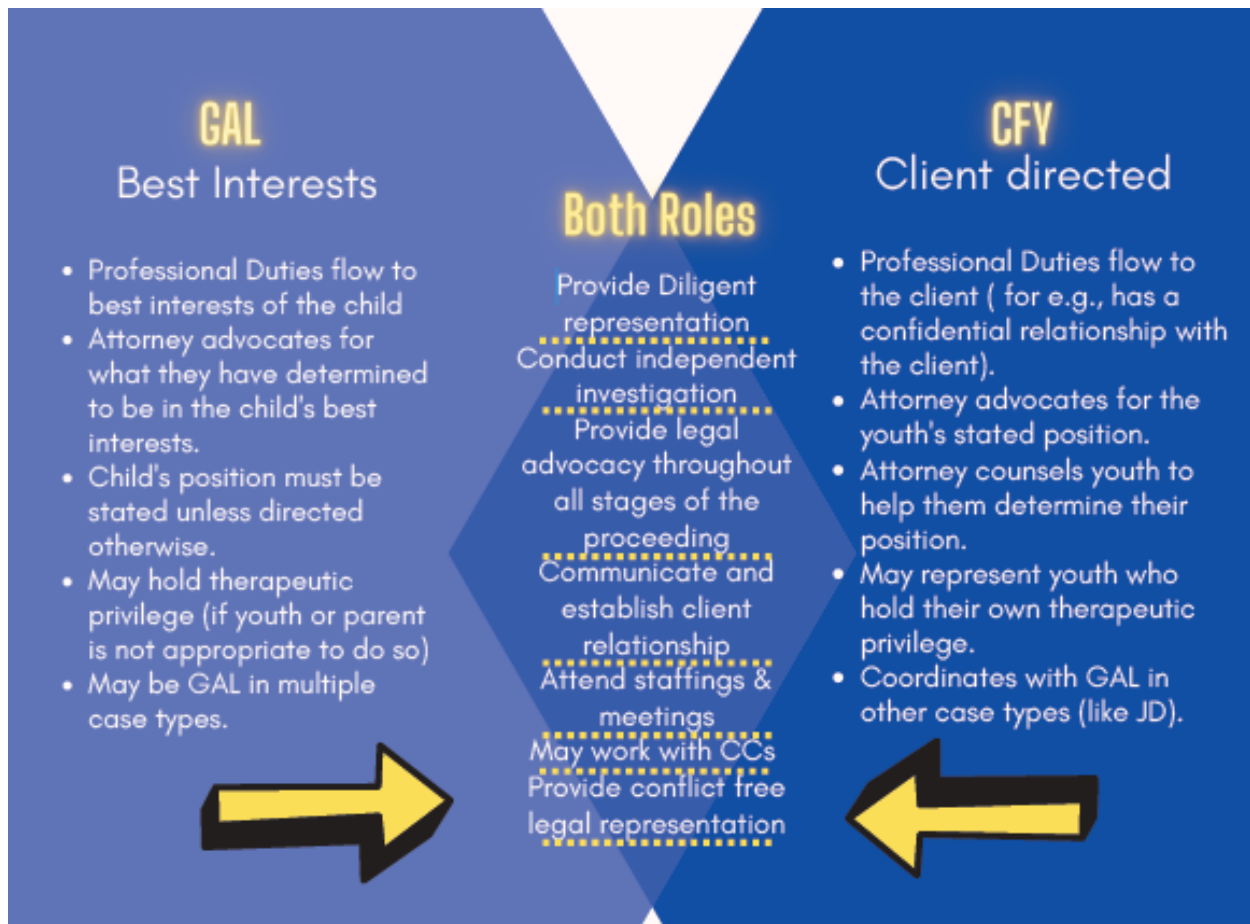
Attorneys appointed as CFY have a traditional client-directed role that allows youth to obtain confidential legal advice and to direct the objectives of their representation. Providing client-directed representation to youth in D&N proceedings is supported by national organizations such as the National Association of Counsel for Children and the American Bar Association, is grounded in the OCR's engaging and empowering youth work, and is consistent with OCR's efforts to enhance the legal representation of youth and elevate youth voice in D&N proceedings. While courts have historically had the discretion to appoint CFY in addition to GALs in D&N proceedings, courts rarely made such appointments.

Recent legislation has significantly expanded client-directed representation in D&N cases. First, House Bill 21-1094 created a Foster Youth in Transition Program, in which youth 18 and older who are currently or were previously in a D&N case can voluntarily receive support and services through a newly created Foster Youth in Transition proceeding. Consistent with the youth empowerment goals of this legislation, the bill changed the GAL model of representation to a client-directed model of representation for youth participating in the program.

Second, House Bill 22-1038 changed Colorado's model of representation for youth aged 12 and older in D&N cases from a best interests model of representation to a client-directed model of representation. Effective January 9, 2023, youth 12 and older in D&N proceedings will have a right to client-directed legal representation. On all new filings, the court will appoint a CFY rather than a GAL for youth 12 and older. In existing cases with youth over 12, the GAL role will transition to a CFY role. While the court will retain the discretion to appoint a GAL for youth 12 and older, the court's GAL appointment authority is limited to cases in which a GAL appointment is necessary due to the youth's diminished capacity. In those cases, the youth will have both a CFY and a GAL, as the youth's right to counsel cannot be waived.

Both House Bill 21-1094 and House Bill 22-1038 charge the OCR with payment and oversight of these CFY services, and the OCR has engaged in extensive preparation, planning, and training to support effective implementation of this important legislative change.


Regardless of their appointed role, OCR attorneys must spend extensive time developing a relationship with the children and youth they represent, demonstrate uncompromised loyalty to the child/youth, provide diligent representation and legal advocacy throughout all stages of the proceeding, conduct a robust and thorough independent investigation, and possess specialized skills and knowledge. The following visual demonstrates the similarities and differences between these roles.



For GALs and CFY, spending time with the child/youth is key. OCR attorneys must meet children and youth “where they are”—both literally and figuratively: visiting on nights and weekends and in many types of settings; engaging in a thorough, comprehensive, and informed investigation; and taking into account immediate and long-term needs. OCR attorneys must employ developmental- and trauma-informed approaches to engage with children and youth and to gain their trust. In all forms of youth feedback the OCR receives, children and youth consistently emphasize the importance of the time their OCR attorney spends getting to know them. Revisions to CJD 04-06, which will go into effect January 9, 2023, will provide additional guidance about the importance of frequent and youth-centered contact throughout the proceeding.

“He came to visit me a lot when I was detained. We would play games. That’s when I got closer to him and talked to him a lot. Since I’ve been released, we do checkup before court. We also share updates, things in my life. It’s a good connection.”

Youth quote about an OCR attorney, FY22



"Every single time I contact him he's very generous and aware. He puts me first. Even if he's doing something I'm his main priority. He always answers my questions and if he doesn't know he finds out the answer."

Youth quote about an OCR attorney, FY22

Uncompromised loyalty to the child/youth distinguishes the GAL/CFY from other parties to the proceeding. The independent legal representation provided by GALs and CFY serves as a critical safeguard for the child's/youth's interests and an important source of information to the court. Attorneys' legal advocacy on behalf of children and youth often challenges the status quo, assertions about funding restraints or limitations, and bureaucratic constraints. Whether they are advocating for a child's best interests as GAL or expressed interests as CFY, OCR attorneys play a critical role in giving children and youth a voice in the legal system, ensuring safety, preserving family connections and important relationships, maintaining sibling connections, supporting least-restrictive placements and placement stability, achieving timely and appropriate permanency, ensuring youth-driven case planning and access to developmentally appropriate and meaningful services and supports, and supporting children and youth in becoming responsible and productive members of society.

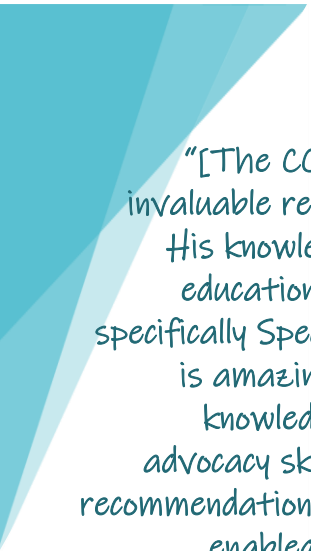
The legal representation of children and youth requires specialized skill and knowledge. Both GALs and CFY must understand the trauma histories, cultural and family background, case complexities, and ongoing vulnerabilities of the children and youth they represent. They must engage in a thorough, independent, and specialized investigation to inform their assessment of a child's best interests (GALs) and to advise their clients about available outcomes and viable objectives of the representation (CFY). GALs and CFY must then act as skilled attorneys both in and out of court, conducting holistic advocacy in increasingly complex legal proceedings. They must consistently recognize and address their own biases and assumptions to ensure the advocacy they provide is truly grounded in the best or expressed interests of the children and youth they represent. The federal Administration for Children and Families Children's Bureau recognizes the importance of specialized legal representation for parents and children in child welfare proceedings; see ACF-Children's Bureau, *High Quality Legal Representation for All Parties in Child Welfare Proceedings*, ACF-CB-IM-17-02 (available at <https://www.acf.hhs.gov/cb/policy-guidance/im-17-02>).



MULTIDISCIPLINARY LEGAL REPRESENTATION

Legal services programs have long explored teaming attorneys with professionals trained in social work principles to provide a multidisciplinary approach to advocacy; the OCR refers to these professionals as Case Consultants (CCs). The perspective offered by CCs enhances attorney practice, particularly for attorneys for children and youth who must make independent determinations based on an understanding of a child’s developmental and educational needs, trauma history, and family’s functioning. The National Association of Counsel for Children has recognized the use of social workers as a promising practice, the Family Justice Initiative endorses the use of multidisciplinary teams, and a growing body of national research points to the many benefits of multidisciplinary law practice. The use of CCs in legal advocacy also presents an opportunity to optimize efficiencies, as the CC may perform critical investigative activities at a significantly lower billable rate than the attorney rate.

Since the OCR’s inception, the OCR has implemented multidisciplinary practice through its El Paso County GAL Office and by allowing contract attorneys to employ or contract with multidisciplinary staff. From Fiscal Years 2010-11 through 2016-17, the OCR implemented a multidisciplinary law office (MDLO) pilot program in Denver and Arapahoe counties as a means of exploring another model for providing efficient



"[The CC] is an invaluable resource. His knowledge of educational law, specifically Special Ed, is amazing. His knowledge and advocacy skills and recommendations have enabled me to advocate for my clients at a level that I could not without him."

"[The CC] kept me informed, maintained appointments and helped connect me to resources in the Denver area. [The CC] was also very knowledgeable about the special needs of the child in this case and addressed issues or highlighted issues for me that I would have otherwise overlooked."

Attorney quotes about their Case Consultants, FY22

and effective GAL services. This program was developed 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. After six years of implementation and two comprehensive evaluations, the OCR determined that the MDLO structure as implemented through the pilot offices, while an effective model of representation, was not a financially sustainable model of providing GAL representation in Colorado. Although the OCR did not renew its MDLO contracts in FY 2017-18, it remained committed to supporting effective and efficient multidisciplinary law practice. Consistent with the recommendations of the MDLO evaluation, the OCR began exploring alternative strategies to make CCs accessible to more GALs and to promote effective use of CCs.

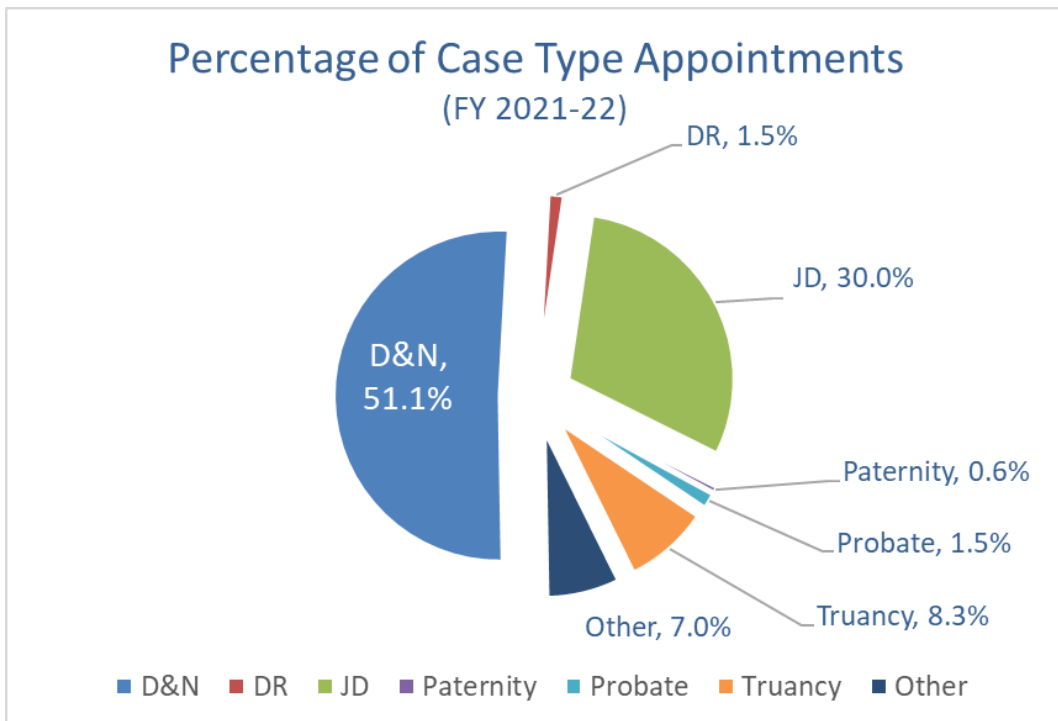
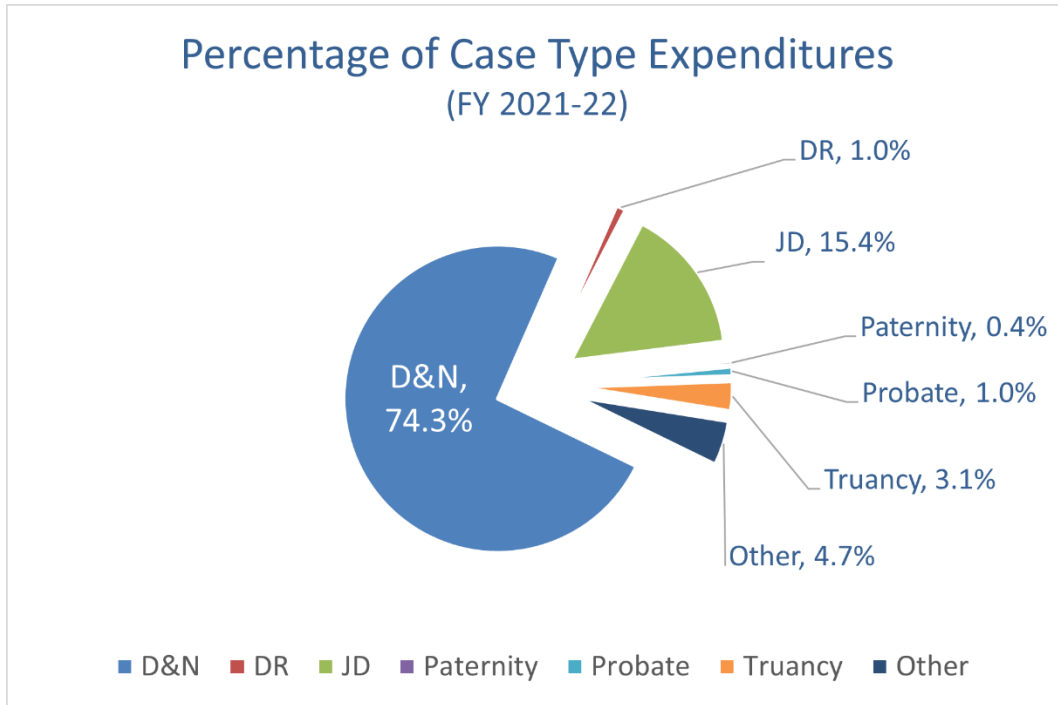
The OCR obtained funding to hire a CC Coordinator in FY 2018-19 to continue to build on the lessons learned from the MDLO evaluation and the OCR's FY 2017-18 efforts. In September 2020, the OCR launched a Contract CC Program. While the OCR's billing policies have historically permitted attorneys to independently contract with or hire CCs who can bill for their case-related work, this new program allows attorneys who do not have their own CC to use the services of a CC contracted directly through the OCR. Many OCR attorneys are sole practitioners who may not be able to sustain an employee CC due to business, caseload, or logistical reasons; through the contract CC program, they may now access CCs on a case-by-case basis. The OCR began this program with three contract CCs, expanded the program to seven CCs in July 2021, and currently contracts with 13 independent CCs. Since the program's inception, CCs have supported effective legal advocacy in over 235 cases covering 19 judicial districts. The use of CCs promotes many efficiencies in practice and this program utilizes Title IV-E funds to support enhanced investigation by CCs. The OCR continues to assess how best to expand and support continued use of CCs.

CASE TYPES

OCR oversees attorney services in the following case types.

| Case Type | OCR Responsibility |
|---|---|
| Dependency & Neglect (D&N) | All GAL and CFY appointments for children and youth. Effective 1/9/23, the Court must appoint a GAL for every child under age 12 and must appoint a CFY for every youth age 12 and older. The court may also appoint a GAL for minor parents and for youth 12 and older when necessary due to the youth's diminished capacity, and the Court may also appoint counsel for a child under 12. |
| Foster Youth in Transition | All GAL and CFY appointments for youth. The Court must appoint counsel for a youth in a Foster Youth in Transition case and may also appoint a GAL for a youth with diminished capacity. The OCR assigns counsel for youth participating in the Foster Youth in Transition program prior to the filing of a petition. The OCR pays for every appointment. |
| Underage Party seeking a Marriage License | All GAL appointments. Courts must appoint a GAL for all youth 16-17 years of age seeking a marriage license. |
| Domestic Relations | The Court may appoint an attorney to serve as the Child's Legal Representative, and the OCR pays when at least one party is indigent. |
| Delinquency (JD) & Direct File | GAL appointments are made at the discretion of the Court and the OCR pays for every appointment made by the Court. |
| Truancy | GAL appointments are made at the discretion of the Court and the OCR pays for every appointment made by the Court. |
| Parentage & Child Support | GAL appointments are made at the discretion of the Court and the OCR pays for appointments when the responsible party is indigent. |
| Probate | GAL appointments are made at the discretion of the Court and the OCR pays for appointments when the responsible party or minor's estate is deemed indigent. |
| Adoption & Relinquishment | GAL appointments are made at the discretion of the Court and the OCR pays for these appointments when at least one party is indigent. Effective 1/9/23, the Court must appoint a CFY for a youth 12 and older when that CFY represents the youth in a related D&N proceeding, and the OCR pays for that appointment. |
| Mental Health & Drug and Alcohol | Appointments are made at the discretion of the Court and the OCR pays for every appointment made by the Court. |
| Victim Witness | Appointments are made at the discretion of the Court and the OCR pays for every appointment made by the Court. |
| Other Appointments for Children | Appointments are made through the inherent authority of the Court. |

In FY 2021-22 OCR attorneys represented the interests of over 15,000 children and youth throughout Colorado in these case types. As illustrated below, D&N and delinquency (“JD”) appointments constitute the vast majority of the OCR’s court appointed counsel expenditures and appointments.



DEPENDENCY AND NEGLECT

In D&N cases, the court must make many determinations concerning not only the child's immediate safety but also the foundational facets of a child's life: where the child lives, who the child can see, what school the child attends, and whether the child can maintain relationships with their siblings, family, and kin. The circumstances that bring a child before a D&N court—allegations of serious neglect and abuse—necessitate independent legal representation for the child.

Chief Justice Directive (CJD) 04-06 establishes practice standards for GALs and CFY that require attorneys in D&N proceedings to, at a minimum:

- ✓ Immediately meet with all children and youth in the case (no later than 30 days) and maintain contact throughout the case
- ✓ Visit each placement (which could be different for each child and youth and could change several times during the life of the case)
- ✓ Consult with each child and youth in a developmentally appropriate manner
- ✓ Interview important people involved in the child's/youth's life, such as teachers, day care providers, therapists, and kin
- ✓ Review the case files from social services
- ✓ Confirm the department is diligently searching for relatives and kin
- ✓ Assess the safety of parents and placements
- ✓ Attend staffings and meetings
- ✓ File motions; subpoena witnesses; fully participate in court proceedings
- ✓ Notify children and youth of court proceedings in a developmentally appropriate manner
- ✓ Advocate for appropriate treatment for children, youth, and parents
- ✓ Litigate all phases of the case, including contested adjudicatory jury trials and termination of parental rights hearings
- ✓ Inform youth of services and benefits they are entitled to and that will support their long-term stability and success
- ✓ Actively participate in the case until a child or youth has attained permanency in a safe and appropriate home, either through return home, adoption, or some other arrangement

Revisions to CJD 04-06 that will go into effect January 9, 2023 provide further clarity and guidance regarding youth contact requirements. These changes respond to feedback from OCR's Lived Experts Action Panel (LEAP) and the youth surveys OCR administers as well as updates to the National Association of Counsel for Children Recommendations for Child Representation. Additionally, the revisions provide more specificity regarding the legal advocacy requirements for GALs and CFY by outlining the attorney's role regarding discovery, attendance at meetings, and advocacy regarding the psychotherapist-patient privilege.

Examples of GAL Advocacy in D&N Cases

- ▶ *“She’s very responsive and is very good at anticipating needs when things have come up. She filed motions promptly to help things move forward. She always got back to me right away and was very attentive.” -Caregiver*
- ▶ *“I would say [the GAL] is a wonderful advocate for children and for families, and really it was a pleasure to work with. Under difficult circumstances, again, but really a wonderful advocate for children and families. Our kids really, really enjoyed every time she came to see them and never felt there was anything but a good reason she was here to put their mind at ease. She made it easier for them.” -Caregiver*
- ▶ *“Yes. [E]ven though I had issues and I may not have agreed with everything in the moment, she was looking out for my daughter more than anything else.” -Parent*
- ▶ *“She would come over and ask me questions on things I wanted. She would hear me out and would say it in court.” -Youth*
- ▶ *“She helped me get into a safe environment. Somewhere I felt comfortable and safe being. She was someone I could talk to comfortably. She found me good placements. We would go out to eat, talk about the case, how I was doing in school, tell me what I should be saying in court.” -Youth*

GAL and CFY representation of children and youth continue throughout the D&N appellate process, as the decisions made by appellate courts will have serious implications for the child. OCR’s Appellate and Affirmative Litigation Strategies Attorney, funded through OCR’s FY 2020-21 Budget Request, supports effective appellate practice through programming, oversight, and resources. This staff attorney also ensures trial attorneys remain apprised of potential appellate issues in cases so that they can engage in sound advocacy resulting in strong records that support effective appellate advocacy to advance and preserve the rights and interests of children and youth on decisions that are appealed.

DELINQUENCY

The Colorado Children’s Code provides the court with discretion to appoint a GAL in a delinquency proceeding when a parent does not appear, a conflict of interests exists between the youth and the parent, or the court finds that the appointment is in the youth’s best interests. The life circumstances, familial issues, and trauma backgrounds of many children involved in the juvenile justice system, as well as the serious immediate and long-term potential consequences of the proceedings, warrant the appointment of an independent lawyer to investigate and advocate for the youth’s best interests. Courts also have the discretion to appoint a GAL for children charged as adults in criminal cases; these cases present some of the most serious circumstances and consequences for youth.

Pursuant to CJD 04-06, GALs on delinquency cases must, at a minimum:

- ✓ Meet with the youth promptly and on an ongoing basis (within 7 days if the youth is in detention)
- ✓ Interview parents, current and potential placement providers, school personnel, pretrial service staff, probation, and treatment providers
- ✓ Investigate and assess:
 - ✓ the youth's functioning and unique needs and circumstances
 - ✓ appointment and availability of defense counsel
 - ✓ whether the youth's current or proposed placement serves the youth's best interest and is consistent with the youth's due process rights and applicable statutory considerations
 - ✓ whether reasonable efforts have been provided to prevent out-of-home placement
 - ✓ whether less restrictive placement options exist
 - ✓ whether services and treatment provided address the unique issues faced by the youth; whether more appropriate and effective service and treatment options exist
 - ✓ whether there is reason to believe that a youth is incompetent to proceed
 - ✓ the youth's understanding of the proceeding and whether the immediate and long-term consequences are consistent with the youth's best interests
 - ✓ the need to seek court orders addressing family issues and parental accountability, including orders requiring the investigation or filing of a D&N proceeding

Examples of GAL Advocacy in Delinquency Cases

- ▶ *"She was able to get the best deals for me and was at bat for me when I was going through my mental health issues. She got me on house arrest during that time, which was helpful." -Youth*
- ▶ *"She has been so on top of things in her advocacy, case planning and service integration when DHS and PTS were not. She was able to put an integrated, culturally sensitive bond plan in place that got our client released from detention after 56 days and to overcome the presumption of dangerousness on a homicide." -Youth's Defense Attorney*
- ▶ *"He went above and beyond to assist my son in his best interests. I feel if more GALs were like him, the juvenile re-offending population would decrease and would help with future recidivism within the adult community." -Parent*

This specialized area of practice demands increasing attention and the OCR is grateful for the JBC's support of its FY 2021-22 request to fund a Youth Justice Attorney. The attorney that filled the position comes to the OCR with a delinquency and GAL background and has become immediately active on youth justice committees, held and continues to plan additional juvenile justice trainings,

staffed numerous cases with attorneys throughout Colorado, and begun to conduct a statewide assessment of GAL practice and needs.

FOSTER YOUTH IN TRANSITION

HB21-1094 established a process in which a young person with an open D&N case at age 18 decides whether to continue to receive services and support. If the youth decides they want continued services, the youth transitions into a new Foster Youth in Transition proceeding. If not, the court must hold an emancipation discharge hearing to ensure the youth has received all required documents and supports and that the youth understands their right to continue to leave and “reenter” the system up until at least age 21.

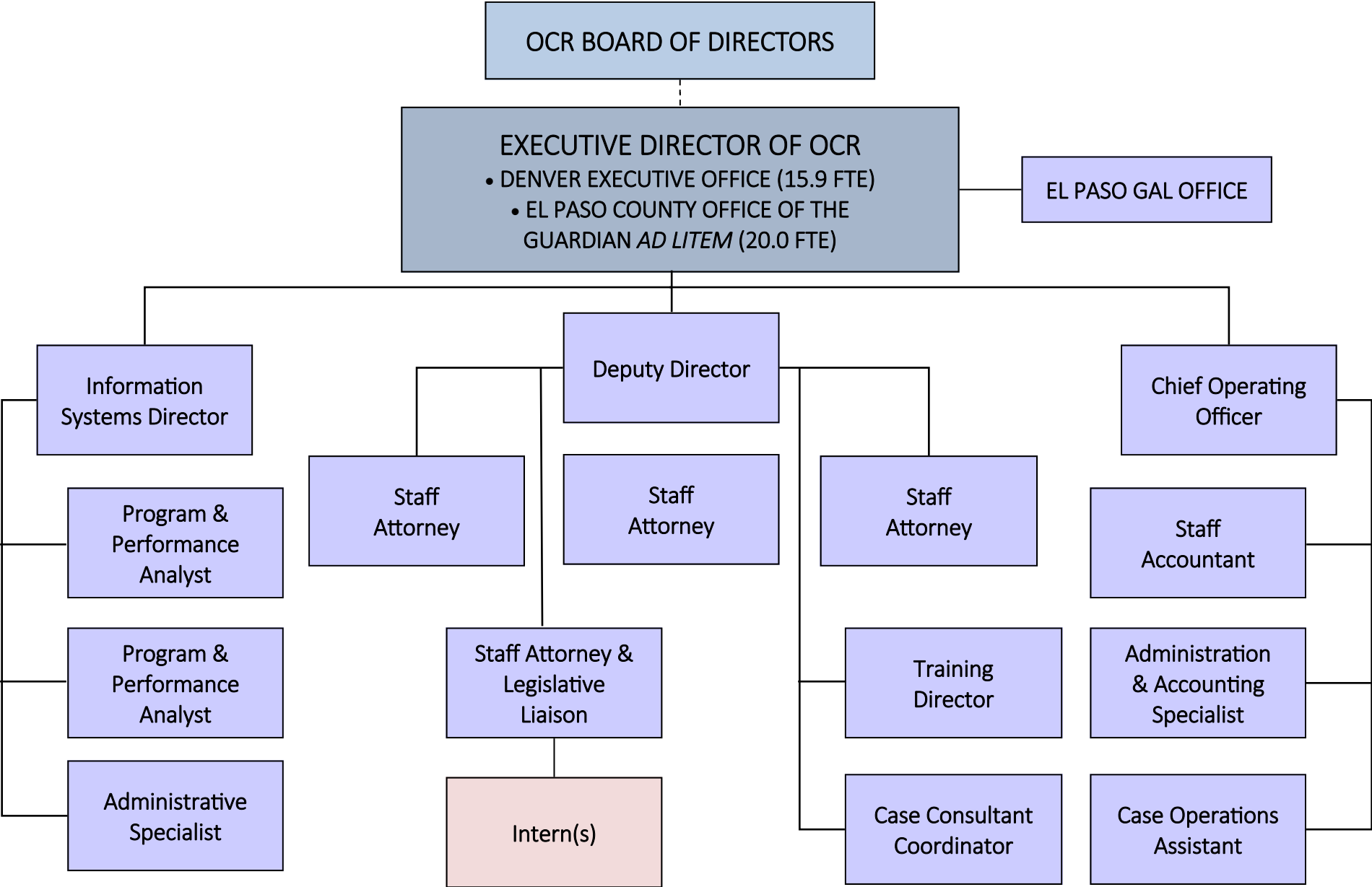
This youth-driven legislation, grounded in best practices and federal law, reflects the reality of young adulthood and supports youth in engaging in the “trial and error” process integral to attaining independence while still accessing the safety nets and supports often provided by parents and family to non-system-involved youth. Youth may continue to reenter the system by requesting services and assistance from county departments of social services. While counties may provide voluntary services for up to 90 days before filing a Foster Youth in Transition petition with the juvenile court, youth have a right to legal representation throughout their participation in the program and the OCR assigns counsel to youth who do not have an active court case.

Pursuant to HB 21-1094, the OCR recommended Foster Youth in Transition practice standards that will go into effect in January 2023. These standards require attorneys appointed or assigned as CFY to:

- ✓ Attend all court hearings and provide competent legal representation through motions, witness examination, and monitoring and seeking compliance with court orders.
- ✓ Exercise discovery.
- ✓ Notify youth of hearings and ensuring the youth’s right to attend and meaningfully participate.
- ✓ Attend meetings and staffings.
- ✓ Engage in formal and informal advocacy at the county and state level to ensure full access to services and supports provided by Colorado’s Foster Youth in Transition Program.
- ✓ Engage in timely, regular, and meaningful communication with youth.
- ✓ Conduct a timely initial investigation that assesses the youth’s rights to the services and supports provided by the program, including but not limited to public benefits and Medicaid enrollment; safe, affordable, and stable housing; employment and financial support; access to relevant records and state-issued identification; educational support and financial assistance; criminal record expungement and immigration support, and access to information about relatives, kin, and siblings.

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

November 1, 2022



KEY OCR ACTIVITIES

The OCR engages in numerous activities to achieve its statutory mandate and the performance goals it has set for itself pursuant to Colorado’s “SMART Government Act,” § 2-7-201 *et seq.*, C.R.S. The OCR’s *Performance Goals and Strategies* can be found behind Tab 2. This section details some of the OCR’s key activities:



Compensation and Funding



Identification and Development of Practice Standards



Engaging and Empowering Youth



Online Case Management and Billing System



Contract Process and Ongoing Evaluation and Assessment of Attorney Services



Training Program and Litigation Support Services



Committee and Task Force Participation



Title IV-E Funding

COMPENSATION AND FUNDING

The OCR’s statutory mandate recognizes the unique demands of the representation of children, noting that “the representation of children necessitates significant expertise as well as a substantial investment in time and fiscal resources,” and requires the OCR to make recommendations to “establish fair and realistic state rates by which to compensate state-appointed guardians *ad litem* or counsel for youth . . . that are sufficient to attract and retain high-quality, experienced attorneys to serve as guardians *ad litem* or counsel for youth.” §§ 13-91-102(1)(a), 105(1)(a)(VI), C.R.S.

The OCR has continuously monitored its attorney payment structure and has sought to modify it when financially feasible for the state and necessary to achieve the OCR’s statutory mandate. Early in the OCR’s existence, the JBC and Colorado General Assembly supported the OCR’s requests to eliminate an hourly pay differential between in-court and out-of-court work that inhibited necessary investigation and child contact, along with a flat-fee payment structure that prevented the appropriate investment of time in

cases and prevented accountability. Since that time, periodic rate increases have been approved, bringing OCR's attorney rate to \$85/hour.

During the FY 2022-23 Budget Request process, the OCR requested a rate increase of \$5/hour for its attorneys. This request sought to bring the attorney rate to the rate it had requested in its FY 2020-21 Budget Request, which had been approved by the JBC but ultimately postponed due to the financial impact of the COVID-19 pandemic. While very much appreciated by OCR and its attorneys, in the reality of today's economy, this increase did not bring OCR to a rate that is sufficient to continue to attract and retain the pool of high-quality, experienced attorneys necessary to provide consistent representation to children throughout Colorado.

In a recent survey of OCR's attorneys, 40% of attorneys who responded indicated that they are not reasonably compensated for their work. Following are just some of the statements attorneys made regarding the need for additional compensation:

- *"Being a solo [practitioner], I am having trouble making a decent living and breaking even."*
- *"The hourly rate is so low compared to private attorneys that attracting and retaining new attorneys is very difficult."*
- *"Compensation has not kept up with cost of living in Colorado. My practice has remained steady over the last five plus years (in terms of number of clients, billable hours, etc.) yet due to the rising cost of living, I am struggling to make ends [meet] more than I did 5 or 10 years ago. I live paycheck to paycheck and have zero funds left to put toward retirement. Sadly, I have begun to consider alternative employment options."*
- *"This year's raise feels mostly like a partial inflation offset."*
- *"Even with the increase, we are still underpaid as attorneys, especially given the emotional and traumatic cases that are involved."*

As detailed in R-1 and R-4, the OCR joins the Office of Alternate Defense Counsel and the Office of Respondent Parents' Counsel in a request for rate increases for its attorneys and other contractors.

As the OCR's El Paso County GAL Office staff have not been not paid as much as others in the public sector, the OCR has continued to analyze and adjust these salaries. The common compensation plan proposed by the OCR in its FY 2018-19 Budget Request and the increases approved by the Joint Budget Committee began to address this problem by aligning the office's salaries closer to comparable state positions. The OCR continues to track the salaries of comparable state positions and requests salary adjustments when necessary to maintain alignment. OCR's Common Compensation Plan, detailed in R-6, proposes adjustment of salaries to better align this office's positions with similarly-situated state employees.

IDENTIFICATION AND DEVELOPMENT OF PRACTICE STANDARDS

Expectations for attorneys under contract with the OCR are set forth in statute, the Chief Justice Directive 04-06 (CJD 04-06), and the OCR's contracts. CJD 04-06 sets standards for OCR attorneys on all case types. Pursuant to its statutory mandate, the OCR makes recommendations to the Chief Justice of the Colorado Supreme Court regarding the standards embodied in CJD 04-06. Since the CJD's initial promulgation, the OCR has continued to work with the Chief Justice to modify the CJD as necessary to reflect important practice developments and to clarify the responsibilities and role of the GAL.

As part of its HB 22-1038 and HB 21-1094 implementation efforts, the OCR engaged in extensive research and stakeholder engagement to propose CJD revisions to Chief Justice Boatright in August 2022. On October 12, 2022, Justice Boatright signed the revised CJD, which will go into effect January 9, 2023. As detailed in the Case Types section above, these revisions not only create practice standards for CFY but also update GAL practice standards to reflect recognized best practices regarding child and youth engagement, legal advocacy, and mitigation of bias.

ENGAGING AND EMPOWERING YOUTH

OCR's Engaging and Empowering Youth initiative focuses on obtaining direct feedback from children and youth involved in the court system and promoting youth voice and participation in court. This initiative, launched in FY 2016-17, built on several years of OCR's youth engagement and empowerment efforts; OCR restructured existing staff responsibilities to allow a staff attorney to take this work on as a primary responsibility of their position. Since OCR released its *Engaging and Empowering Youth* paper in 2020, the OCR has implemented many of the paper's recommendations for infusing youth voice into court proceedings and OCR's programming, policies, and oversight.

FY 2021-22 saw the completion of 140 youth surveys, OCR's hosting of 12 youth events, and the completion of the first year of OCR's Lived Experts Action Panel (LEAP). Twelve young adults with lived experience in D&N, Juvenile Delinquency, and/or truancy systems serve on OCR's LEAP. The OCR has just completed its second round of LEAP applications, with seven members returning from the previous year and five new members, three of whom are sentenced to DYS facilities. These lived experts meet with the OCR regularly to advise on programming and policies. They have provided invaluable input on OCR's recommended CJD revisions, OCR's youth survey, and the positions OCR has taken on legislative initiatives. They continue to provide training to OCR's attorneys and have taken on increasing leadership roles in training other stakeholders, helping plan and facilitate OCR's youth events, and informing youth-centered updates to Colorado's Foster Youth in Transition Program Voluntary Service Agreement.

House Bill 22-1038's client-directed representation provisions and articulation of a right to attend court for children and youth provide additional important tools for OCR's efforts to increase youth attendance at court and engagement in court proceedings. OCR continues to share its youth in court data, train judges and other stakeholders on the importance of youth participation, and implement strategies to increase youth attendance and participation in court.

ONLINE CASE MANAGEMENT AND BILLING SYSTEM

Since FY 2011-12, the OCR has relied on an online case management and billing system, *Colorado Attorney Reimbursement Electronic System* (“CARES”). CARES is a fully custom web application designed to support efficient attorney practice and invoicing for its approximately 600 active attorney, case consultant, and support staff users while allowing the OCR to monitor compliance with performance standards and policies. In addition to processing payments to contractors, CARES enables the OCR to observe indicators such as in-placement contact with children, time dedicated to initial investigation, and percentage of time spent on each activity type. In FY 2021-22, the OCR released a significant enhancement that streamlined and consolidated data entry by case consultants, mentors, and litigation support attorneys, allowing a more holistic evaluation of cost-per-case and other metrics. The enhancement also provided user-friendly funding request notifications, eliminated a cumbersome vendor-change process, and leveraged a custom rules-based engine to track Title IV-E spending.

The OCR is midway through a new, three-part CARES enhancement to support the passage of HB21-1094 and HB22-1038. The OCR deployed a significant redesign of its “audit log,” allowing faster queries of behind-the-scenes usage data, and a more versatile front-end screen for users to organize their appointments and see which ones may require requests for funding or other action. The next phase includes enhanced automation for attorneys and staff to regularly review, add, and remove office members from the system, as well as user-friendly updates to link related cases. These innovations all pave the way for the OCR’s most important CARES update of the year which will support attorneys as they shift models of representation starting in January 2023. The OCR is building age-based youth-focused reminders and required data entry prompts that will help attorneys identify their GAL appointments that need to be transitioned to client-directed representation and help OCR to verify that attorneys do transition when required. Behind the scenes, OCR will have flexibility to manage logic by case type and attorney role, preserving the integrity of case types and roles that are not impacted by the change.

CONTRACT PROCESS & ONGOING EVALUATION & ASSESSMENT OF ATTORNEY SERVICES

Since its inception, the OCR has made strides towards developing a data-driven practice for overseeing attorney services and managing its state dollars. Child welfare practice does not lend itself to simple outcome-based analysis, as results regarded as positive in one case may not be appropriate in another. The cases the OCR deals with involve individual lives at their most challenging moments, and what constitutes a positive outcome depends solely on the case, child, and family. 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 recognition.

Each year, the OCR establishes lists of attorneys eligible for OCR appointments in each of Colorado’s 22 judicial districts. The OCR compiles district lists through a comprehensive evaluation strategy, which consists of a statewide annual appraisal of existing attorney services, a triannual contract renewal process, ongoing assessment and periodic audits of attorney activity, and a formalized complaint process.

STATEWIDE ANNUAL APPRAISAL AND APPLICATION PROCESS

Each year the OCR conducts a verification process (for all attorneys) and triannual contract renewal process (for approximately one-third of its attorneys) which assesses judicial district needs and attorney compliance with CJD 04-06. The OCR's Executive Director, Deputy Director, and three staff attorneys are each assigned judicial districts for which they serve as the district liaison. Data sources reviewed include:

- D&N CJD Initial Visit Report (demonstrating compliance with the initial 30-day visit requirement in CJD 04-06)
- Caseload Report (count of active youth per attorney)
- Discipline Report
- Training Requirements Report
- Judicial Officer Survey Report
- Formal Complaints
- Outstanding issues form (indicating outstanding issues from founded complaints, quarterly reports, or previous applications/renewal cycles)
- *D&N Activities within the first 45 days of cases*
- *Court Observation Summary (at least three observations on each renewing attorney)*
- *Case Reference Summary (detailing structured interviews of parents, children/youth, and caregivers)*
- *Writing Sample*
- *One-on-One Interview*
- *Youth in Court report (explored during the FY 2021-22 contract renewal process)*
- *Youth Survey report (explored during the FY 2021-22 contract renewal process)*

(Bullets in italics above only apply to the tri-annual contract renewal process.)

Each staff attorney district liaison reviews all data sources carefully in light of established benchmarks to identify attorney strengths and potential practice issues. All staff attorneys meet throughout the process to discuss actions to address identified practice issues and benchmarks; this promotes consistency in the OCR's oversight. In addition to the one-on-one interviews that occur for all renewing attorneys, staff attorney district liaisons and the OCR's Executive Director meet with any other attorneys whose practice issues may require additional support or oversight actions. OCR district liaisons also personally contact judicial officers and court staff in each district to identify any issues with the sufficiency or quality of attorneys identified as eligible for appointment and conduct in-person meetings with stakeholders on an as-needed basis.

During its FY 2021-22 verifications/renewal/applications cycle, the OCR's five staff attorneys and two performance analysts reviewed 186 verifying attorneys, 60 renewing attorneys, and 52 new applicants.

ONGOING MONITORING AND PERIODIC AUDITS OF ATTORNEY ACTIVITY

Through CARES, OCR staff run periodic reports of attorney activity on key performance and billing indicators, such as timely initial visits with children, attorney child count, billing accuracy verification, and activity sampling of identified high billers. Identification of issues through these initial reports leads to a more in-depth examination of an attorney's activities and compliance with practice standards. OCR staff also engages in other forms of monitoring, such as periodic review of D&N appellate decisions, to ensure compliance with the appellate participation requirements in CJD 04-06.

OCR'S FORMALIZED COMPLAINT PROCESS

Complaint forms are available on the OCR's website, and hard copies are made available upon request. OCR attorney staff investigate every complaint that is submitted within one year of case closure unless the complainant withdraws the complaint. While the specifics of each investigation vary depending on the nature of the complaint, the investigation typically involves a review of the case file and other relevant documents; conversations with the attorney and the complainant; and interviews with other stakeholders and/or witnesses, including foster parents, judicial staff, county attorneys, parents' counsel, CASA staff and volunteers, and caseworkers. The OCR closes each complaint by providing a formal resolution of the investigation to the complainant and the attorney.

Findings of an attorney's noncompliance with CJD 04-06 lead to further investigation of the attorney's performance. Depending on the results of this investigation, the OCR may engage in ongoing monitoring, require further training, place the attorney on a modified contract, or terminate the attorney's contract. The OCR also determines whether it is necessary to seek court removal of the attorney from existing appointments. The OCR maintains a log of complaints and maintains relevant complaint information in its Attorneys Database.

TRAINING PROGRAM AND LITIGATION SUPPORT SERVICES

The OCR's litigation support and training programs serve two key functions. First, litigation support and training elevate the quality of attorney services provided to Colorado children. Children's lawyers must have strong legal skills and draw upon interdisciplinary knowledge from such pertinent fields as psychology, sociology, social work, and medicine. Through its litigation support and training, the OCR ensures that every child or youth who is appointed a GAL or CFY in Colorado is represented by an attorney who has considerable sophistication in the law and issues unique to the representation of children and youth. Second, well-supported and well-trained attorneys are efficient attorneys. The OCR's litigation support and training programs save attorneys considerable time in actual cases.

LITIGATION SUPPORT SERVICES

The OCR's litigation support program includes a searchable listserv, a searchable litigation toolkit containing motions and litigation resources, quarterly newsletters containing summaries of recent cases and other developments, and timely outreach and communication to attorneys. OCR attorney and case consultant staff also serve as a resource to attorneys, assisting them with questions on individual cases.

The OCR's website contains information about the OCR, an Attorney Center that maintains an active password-protected litigation toolkit with pleadings, practice tools, and social science resources; easy access to the OCR's billing policies and procedures; and an applications information center. The OCR developed and, with federal Children's Justice Act (CJA) funding, published the Guided Reference in Dependency (GRID), Colorado's first comprehensive advocacy guide for attorneys in D&N proceedings. The OCR also offers attorneys free access to Westlaw to use on their OCR appointments.

The OCR continues to maintain and improve these resources by engaging in ongoing updates and an annual comprehensive review of its litigation toolkit contents and an annual GRID update process. The transition to client-directed representation effectuated by HB 22-1038 requires significant updates to both resources, and the OCR has planned a comprehensive GRID rewrite for FY 2022-23 to infuse this practice change throughout the publication. Additionally, the OCR has identified a need to review each of these resources through an equity, diversity, and inclusion lens and plans to engage in this review along with its client-directed representation updates.

The OCR has also added several resources to its website to respond to recent issues and initiatives, including but not limited to: COVID-19 resources; equity, diversity, and inclusion resources; Foster Youth in Transition resources; and a dedicated Youth Center and Case Consultant Center. The OCR is in the process of redesigning its entire website and plans to make these resources increasingly user-friendly and accessible during this redesign.

The OCR also offers support by providing independent experts and other resources deemed necessary in individual cases. A Litigation Support List consisting of attorneys who specialize in areas such as education, immigration, and appeals promotes efficiencies and best practices. The OCR also uses a formalized mentoring program that partners new OCR attorneys with experienced OCR attorneys to assist them in navigating this complex area of law during their first year of practice.

TRAINING PROGRAM

Through its training program, the OCR provides training tailored to the specialized needs of attorneys representing children. This program is mandated by the OCR's enabling legislation and federal law requiring states to certify that each GAL appointed in a D&N proceeding has received training appropriate to the role. CJD 04-06 requires attorneys to complete 10 hours of OCR sponsored or approved training annually; the OCR requires that two of those hours consist of DEI training.

The OCR has defined core competencies for D&N and delinquency attorneys as well as a plan to implement the competencies through the cultivation of a learning and practice environment that not only provides accessible OCR training and supports but that also promotes opportunities for OCR attorneys to learn from and collaborate with one another. The OCR continues to innovate its training delivery and evaluation methods and to engage in partnerships and memoranda of understanding to maximize the impact of its training dollars. For example, to improve training delivery consistent with best practices in adult learning and to maximize training dollars, the OCR is developing e-learning

courses to allow for on-demand and accessible training across the state. The OCR has accessed, when available, federal funding through Title IV-E of the Social Security Act, the Children’s Justice Act, and the Court Improvement Program to support its training initiatives. With the renewed option of in-person training as pandemic restrictions have lifted and feedback from attorneys identifying the benefits of both in-person and remote training options, the OCR continues to strategize the optimization of various training delivery methods to best meet the varying needs of OCR’s contractors.

The OCR hosts an annual Fall Conference, new attorney trainings in the summer and winter, a spring skills-based training, and regular webinars throughout the year. OCR’s Training Director also actively monitors national and Colorado training opportunities and publishes a *Training Tuesdays* announcement to remind attorneys and CCs of scheduled OCR trainings and to allow them to easily identify non-OCR trainings that may be relevant to their practice. In FY 2021-22, the OCR provided 30 separate trainings, offering 83 Continuing Legal Education credits to its attorneys.

With the transition to client-directed representation and OCR’s increasing programming, the OCR has begun to implement its most ambitious training agenda ever for FY 2021-22. The OCR launched its client-directed training curriculum with a two-day conference this September. This conference featured five national speakers, four attorneys from other states with direct experience implementing client-directed representation, two of the lived experts who testified in support of HB 22-1038, and numerous Colorado experts. The OCR made Day 1 mandatory, provided multiple participation options (live attendance, live-streaming, and recordings for later viewing), and used federal IV-E dollars to provide travel support and limited reimbursement for attorneys who elected to attend in person. The OCR has almost weekly webinars scheduled through the end of the calendar year and has planned additional webinars and “office hours” case staffing opportunities once the legislation becomes effective January 9th, 2023. The JBC’s approval of the OCR’s requests for a Youth Justice Attorney and an Appellate and Affirmative Litigation Strategies Attorney allow OCR to continue to enhance and expand its programming, and the OCR is planning a specialized appellate training program and specialized delinquency and direct file training for the second half of FY 2021-23. OCR’s CC Coordinator has also identified and met additional training needs regarding community resources and social science issues relevant to this area of the law.



“OCR does a great job of providing relevant trainings.”

“The trainings are terrific !”

“I am using everything in the training right now to prepare for court.”

“OCR does a great job with providing a variety of important topics.”

“Thank you for making so many training opportunities available online.”

OCR Training Attendee Feedback, FY22

The OCR fully expects its robust programming and training to continue in FY 2023-24 and appreciates the support of the JBC in funding its FY 2022-23 request to better align the title and compensation of its *one* dedicated training staff member to reflect their many responsibilities and statewide leadership role. The OCR continues to assess the feasibility of providing its training through one staff member, strategize additional use of staff time to support its training program, and evaluate the job responsibilities and alignment of its Training Director. OCR's decision item R-7 requests \$80,000 to allow the OCR to use federal IV-E dollars to continue to make its robust training program available to attorneys and CCs throughout the state.

COMMITTEE AND TASK FORCE PARTICIPATION

Law, policy, and best practices continue to evolve in child welfare and juvenile justice, and the OCR participates in over 30 committees, taskforces, and workgroups to ensure that children's interests remain a paramount consideration in legal, policy, and practice developments in Colorado. As examples of just some of the OCR's committee work, OCR staff actively participate in the Behavioral Health Disorders in the Criminal and Juvenile Justice System Task Force and the Colorado Youth Detention Continuum Board, the Delivery of Child Welfare Services Taskforce, several interim legislative task forces and work groups such as the Pre-Adolescent Task Force, Domestic Abuse Statutory Definition Task Force, High-Quality Parenting Time Task Force, and judicial committees such as the Juvenile Rules Committee, Court Improvement Program, and the Child Welfare Appeals Workgroup. The OCR's participation in these committees not only advances children's interests but also promotes understanding and consideration of the unique role and responsibilities of OCR attorneys in policy and practice developments. The OCR has expanded its participation on various youth engagement and advisory committees, such as the Colorado Youth Leadership Network and the Systemic Family Engagement Steering Committee. As a national leader in child representation, the OCR also participates in the American Bar Association Children's Rights Litigation Committee Children's Lawyers Connect (Right to Counsel Strategy Group), was selected as an advisory member of the Judicial, Courts, and Attorney Performance Measures Project, and serves as Colorado's National Association of Counsel for Children State Level Coordinator.

TITLE IV-E FUNDING

In 2019, the Children's Bureau updated its Child Welfare Policy Manual to allow Title IV-E agencies to claim matching funds for independent attorneys representing children or parents. In response, the General Assembly passed SB 19-258 regarding the administration of these funds. In FY 2019-20, the OCR entered into an MOU with the Colorado Department of Human Services to formalize the processes for drawing down and spending these dollars, and the OCR began to draw down the federal dollars in FY 2020-21.

To date, the OCR has used IV-E dollars to enhance attorney services through its Contract CC program, support attorneys in attending its 2022 Fall Conference, and fund its Appellate and Affirmative Litigation Attorney and Youth Justice Attorney positions. The OCR has assessed the benefits of using IV-E dollars to expand its litigation support programming, operations, and information systems to better meet the needs of the children and youth involved in OCR cases and plans to expand its programming to support holistic representation on matters such as Social Security Benefits, juvenile records and expungement, and additional education matters in FY 2023-24. Such programming is supported by the National Association

of Counsel for Children’s Recommendation IX, which calls on attorneys to provide “360” advocacy and holistic representation to children and youth.

DIVERSITY, EQUITY, INCLUSION, AND JUSTICE

Disparity and disproportionality permeate nearly all of OCR’s case types. Youth of color, youth who have disabilities, and youth who identify as Lesbian, Gay, Bisexual, Transgender, or Questioning experience higher rates of child welfare and juvenile justice system involvement and disparate outcomes as compared to other youth. OCR must continuously strive to identify and address these issues and to support attorneys in advocating for equity and justice in their cases. Additionally, OCR is well aware that its attorney pool does not adequately reflect the racial, ethnic, and cultural backgrounds of the youth OCR attorneys represent.

Along with many other organizations in 2020, the OCR took a hard look at its efforts and programming to specifically target racial disparities in the child welfare, juvenile justice, truancy, and other systems. The OCR determined that a targeted, strategic approach is necessary to effectively address the issues of equity and justice and established a multidisciplinary DEI Committee consisting of its contractors and employees to help inform its efforts. Existing OCR staff took on the responsibility of coordinating the committee’s efforts. Informed by the work of this committee, the OCR has identified DEI pillars and strategies it must employ to address the disparities and injustices prevalent in so many of OCR’s case types and to create an OCR work force that better reflects the communities OCR attorneys represent. With each new staff attorney position hired, the OCR has identified responsibilities for addressing diversity, equity, inclusion, and justice in the case types in which that position specializes. The OCR has also required a minimum of two DEI training hours to fulfill its annual training requirements.

The OCR engaged the Equity Project to do an organizational assessment in 2021. During that process, the Equity Project conducted a statewide survey, a series of focus groups, and a review of internal data. The resulting report was shared with staff in late 2021 and is the impetus for an OCR retreat (slated to be held this fiscal year) where staff and the executive team, along with a local DEI expert facilitator, will engage in further planning to grow and improve as an agency. Meanwhile, the OCR DEI committee continues to meet on a regular basis to identify issues and resources impacting the agency, attorneys, and children and families.

While existing staff have invested time in attending and offering trainings; reviewing, updating, and disseminating materials; coordinating the work of the DEI committee; and strategizing and attempting to address the diversification of OCR’s workforce, it has become obvious that a full-time attorney with experience and expertise is essential to the advancement of this work. Decision Item R-3 requests funding for an Equity, Diversity, and Inclusion Attorney.

OCR'S FY 2023-24 BUDGET PRIORITIES

The OCR's FY 2023-24 Budget Request seeks additional funding related to seven decision items:

- R-1** Contractor Rate Increase—Attorneys
- R-2** Court Appointed Counsel Caseload/Workload Adjustment
- R-3** Equity, Diversity, and Inclusion Attorney
- R-4** Contractor Rate Increase—Paralegals and Case Consultants
- R-5** Administrative Staffing Adjustments
- R-6** Common Compensation Plan
- R-7** Increase Training Budget

These funding requests reflect OCR's assessment of its true, minimum budgetary needs to meet its statutory mandates.



Office of the Child's Representative

Wildly Important Goal (WIG)

OCR will successfully implement HB22-1038 and further infuse youth voice in the culture of OCR and related legal services.

OCR FY23 PRIORITIES AND STRATEGIES

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

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

Goal 2: OCR will optimize efficiencies in attorney practice and billing.

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

Goal 3: Ensure attorneys and case consultants remain current in state and federal law and regulations, social science research, best practices in diversity and inclusion and evidence-based services.

- A. Cultivate a learning & practice environment that supports excellence in legal representation
- B. Deliver high-quality accessible training to advance best practices, address emerging topics in relevant fields, and implement OCR Core Competencies
- C. Assess attorney and CC education and support needs
- D. Maintain and disseminate current and relevant resources for attorney and CC use regarding law, social science, and DEI (diversity, equity and inclusion) strategies.

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**Office of the Child's Representative
FY 2023-24 Budget Request
Budget Change Summary**

| | Total | GF | CF | Reapp. | Federal |
|--|---------------------|---------------------|------------|--------------------|------------|
| HB 22-1329- FY 2022-23 Appropriations Bill | \$33,940,024 | \$31,844,975 | \$0 | \$2,095,049 | \$0 |
| Total FY 2022-23 Appropriation | \$33,940,024 | \$31,844,975 | \$0 | \$2,095,049 | \$0 |
| <u>Prior Year One-time Requests and Adjustments</u> | | | | | |
| Computer, furniture, phone (Staff Attorney position) | (\$6,650) | \$0 | \$0 | (\$6,650) | \$0 |
| Website rebuild | (\$40,000) | (\$40,000) | \$0 | \$0 | \$0 |
| HB 22-1133 Family and Medical Leave Insurance adjust. | (\$7,385) | (\$6,666) | \$0 | (\$719) | \$0 |
| Total Prior Year One-time Requests and Adjustments | (\$54,035) | (\$46,666) | \$0 | (\$7,369) | \$0 |
| <u>Prior Year Annualizations</u> | | | | | |
| Total Prior Year Annualizations | \$0 | \$0 | \$0 | \$0 | \$0 |
| <u>FY 2023-24 Common Policy Adjustments</u> | | | | | |
| Health, Life, Dental | (\$17,676) | (\$19,810) | \$0 | \$2,134 | \$0 |
| Short-term Disability | (\$250) | (\$226) | \$0 | (\$24) | \$0 |
| AED | \$2,659 | \$2,419 | \$0 | \$240 | \$0 |
| SAED | \$2,659 | \$2,419 | \$0 | \$240 | \$0 |
| Paid Family and Medical Leave Insurance | \$0 | \$0 | \$0 | \$0 | \$0 |
| FY 2023-24 Salary Survey | \$110,415 | \$100,110 | \$0 | \$10,305 | \$0 |
| Leased Space Escalator | \$14,114 | \$14,114 | \$0 | \$0 | \$0 |
| <u>Incremental Adjustments - COWINS Agreement</u> | | | | | |
| Short-term Disability | \$97 | \$88 | \$0 | \$9 | \$0 |
| AED | \$3,255 | \$2,952 | \$0 | \$303 | \$0 |
| SAED | \$3,255 | \$2,952 | \$0 | \$303 | \$0 |
| FY 2023-24 Salary Survey | \$73,611 | \$66,742 | \$0 | \$6,869 | \$0 |
| Total Common Policy Adjustments | \$192,139 | \$171,760 | \$0 | \$20,379 | \$0 |
| FY 2023-24 Base Request | \$34,078,128 | \$31,970,069 | \$0 | \$2,108,059 | \$0 |
| <u>FY 2023-24 Funding Requests</u> | | | | | |
| R1 Rate Increase - Attorneys | \$3,769,013 | \$3,769,013 | \$0 | \$0 | \$0 |
| R4 Rate Increase - Other Contractors | \$366,844 | \$350,753 | \$0 | \$16,091 | \$0 |
| R2 Court-appointed Counsel Caseload/workload | (\$362,203) | (\$634,018) | \$0 | \$271,815 | \$0 |
| R3 Staff Attorney Position - Equity, Diversity and Inclusion | \$181,935 | \$181,935 | \$0 | \$0 | \$0 |
| R5 Administrative Staffing - Increase Part-time Positions to Full-time | \$109,291 | \$109,291 | \$0 | \$0 | \$0 |
| R6 Common Compensation Plan Adjustments | \$175,171 | \$152,851 | \$0 | \$22,320 | \$0 |
| R7 Training Increase | \$80,000 | \$0 | \$0 | \$80,000 | \$0 |
| Total FY 2022-23 Decision Items | \$4,320,051 | \$3,929,825 | \$0 | \$390,226 | \$0 |
| Total FY 2023-24 Budget Request | \$38,398,179 | \$35,899,894 | \$0 | \$2,498,285 | \$0 |
| <i>Change from FY 2022-23</i> | \$4,458,155 | \$4,054,919 | \$0 | \$403,236 | \$0 |
| <i>% Change</i> | 13.1% | 12.7% | 0.0% | 19.2% | 0.0% |

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Office of the Child's Representative
FY 2023-24 Budget Request
Schedule 2: Summary by Long Bill Group

| ITEM | FY 2020-21 Actuals | | FY 2021-22 Actuals | | FY 2022-23 Appropriation | | FY 2023-24 Request | |
|--|-----------------------|------|-----------------------|------|-----------------------------|------|-----------------------|------|
| | Total Funds | FTE | Total Funds | FTE | Total Funds | FTE | Total Funds | FTE |
| (1) Personal Services | | | | | | | | |
| Total Funds | \$2,886,270 | 32.4 | \$3,078,885 | 34.9 | \$3,791,932 | 35.9 | \$4,293,495 | 38.0 |
| General Fund | \$2,825,692 | 32.0 | \$2,937,037 | 33.5 | \$3,433,263 | 33.5 | \$3,908,438 | 35.6 |
| Reappropriated Funds | \$60,578 | 0.4 | \$141,848 | 1.4 | \$358,669 | 2.4 | \$385,057 | 2.4 |
| (2) Health, Life, and Dental | | | | | | | | |
| Total Funds | \$340,618 | | \$340,368 | | \$481,776 | | \$485,271 | |
| General Fund | \$337,727 | | \$328,713 | | \$446,768 | | \$448,129 | |
| Reappropriated Funds | \$2,891 | | \$11,655 | | \$35,008 | | \$37,142 | |
| (3) Short-term Disability | | | | | | | | |
| Total Funds | \$3,796 | | \$3,992 | | \$5,282 | | \$5,663 | |
| General Fund | \$3,715 | | \$3,819 | | \$4,788 | | \$5,156 | |
| Reappropriated Funds | \$81 | | \$173 | | \$494 | | \$507 | |
| (4) Other Employee Benefits | | | | | | | | |
| Total Funds | \$12,872 | | \$45,312 | | \$7,385 | | \$0 | |
| General Fund | \$12,872 | | \$45,312 | | \$6,666 | | \$0 | |
| Reappropriated Funds | \$0 | | \$0 | | \$719 | | \$0 | |
| (5) S.B. 04-257 Amortization Equalization Disbursement | | | | | | | | |
| Total Funds | \$123,942 | | \$135,066 | | \$165,053 | | \$188,716 | |
| General Fund | \$121,318 | | \$128,869 | | \$149,640 | | \$171,854 | |
| Reappropriated Funds | \$2,624 | | \$6,197 | | \$15,413 | | \$16,862 | |
| (6) S.B. 06-235 Supplemental Amortization Equalization Disbursement | | | | | | | | |
| Total Funds | \$123,942 | | \$135,066 | | \$165,053 | | \$188,716 | |
| General Fund | \$121,318 | | \$128,869 | | \$149,640 | | \$171,854 | |
| Reappropriated Funds | \$2,624 | | \$6,197 | | \$15,413 | | \$16,862 | |
| (7) Salary Survey | | | | | | | | |
| Total Funds | \$0 | | \$0 | | \$100,389 | | \$184,026 | |
| General Fund | \$0 | | \$0 | | \$94,481 | | \$166,852 | |
| Reappropriated Funds | \$0 | | \$0 | | \$5,908 | | \$17,174 | |
| (8) Merit Pay | | | | | | | | |
| Total Funds | \$0 | | \$0 | | \$0 | | \$0 | |
| General Fund | \$0 | | \$0 | | \$0 | | \$0 | |
| Reappropriated Funds | \$0 | | \$0 | | \$0 | | \$0 | |
| (9) Operating Expenses | | | | | | | | |
| Total Funds | \$349,213 | | \$341,720 | | \$440,900 | | \$402,270 | |
| General Fund | \$296,713 | | \$341,720 | | \$352,800 | | \$320,820 | |
| Reappropriated Funds | \$52,500 | | \$0 | | \$88,100 | | \$81,450 | |

Office of the Child's Representative
FY 2023-24 Budget Request
Schedule 2: Summary by Long Bill Group

| ITEM | FY 2020-21 Actuals | | FY 2021-22 Actuals | | FY 2022-23 Appropriation | | FY 2023-24 Request | |
|-------------------------------------|-----------------------|------|-----------------------|------|-----------------------------|------|-----------------------|-----|
| | Total Funds | FTE | Total Funds | FTE | Total Funds | FTE | Total Funds | FTE |
| (10) Leased Space | | | | | | | | |
| Total Funds | \$121,491 | | \$132,281 | | \$133,133 | | \$147,247 | |
| General Fund | \$121,491 | | \$132,281 | | \$133,133 | | \$147,247 | |
| Reappropriated Funds | \$0 | | \$0 | | \$0 | | \$0 | |
| (11) CASA Contracts | | | | | | | | |
| Total Funds | \$1,550,000 | | \$1,550,000 | | \$1,750,000 | | \$1,750,000 | |
| General Fund | \$1,550,000 | | \$1,550,000 | | \$1,750,000 | | \$1,750,000 | |
| Reappropriated Funds | \$0 | | \$0 | | \$0 | | \$0 | |
| (12) Training | | | | | | | | |
| Total Funds | \$34,121 | | \$34,699 | | \$78,000 | | \$158,000 | |
| General Fund | \$34,121 | | \$34,699 | | \$58,000 | | \$58,000 | |
| Reappropriated Funds | \$0 | | \$0 | | \$20,000 | | \$100,000 | |
| (13) Court Appointed Counsel | | | | | | | | |
| Total Funds | \$20,515,061 | | \$20,791,013 | | \$26,734,012 | | \$30,507,666 | |
| General Fund | \$20,479,617 | | \$20,688,661 | | \$25,205,596 | | \$28,691,344 | |
| Reappropriated Funds | \$35,444 | | \$102,352 | | \$1,528,416 | | \$1,816,322 | |
| (14) Mandated Costs | | | | | | | | |
| Total Funds | \$57,650 | | \$58,122 | | \$60,200 | | \$60,200 | |
| General Fund | \$57,650 | | \$58,122 | | \$60,200 | | \$60,200 | |
| Reappropriated Funds | \$0 | | \$0 | | \$0 | | \$0 | |
| (15) Grants | | | | | | | | |
| Total Funds | \$28,859 | | \$41,943 | | \$26,909 | | \$26,909 | |
| General Fund | \$0 | | \$0 | | \$0 | | \$0 | |
| Reappropriated Funds | \$28,859 | | \$41,943 | | \$26,909 | | \$26,909 | |
| Department Totals | | | | | | | | |
| Total Funds | \$26,147,835 | 32.4 | \$26,688,467 | 34.9 | \$33,940,024 | 35.9 | \$38,398,179 | 0.0 |
| General Fund | \$25,962,234 | 0.0 | \$26,378,102 | 33.5 | \$31,844,975 | 33.5 | \$35,899,894 | 0.0 |
| Reappropriated Funds | \$185,601 | 0.0 | \$310,365 | 1.4 | \$2,095,049 | 2.4 | \$2,498,285 | 0.0 |

**Office of the Child's Representative
FY 2023-24 Budget Request
Schedule 3: Line Item by Year**

| ITEM | FY 2020-21 Actuals | | FY 2021-22 Actuals | | FY 2022-23 Appropriation | | FY 2023-24 Request | |
|--|-----------------------|-------------|-----------------------|-------------|-----------------------------|-------------|-----------------------|-------------|
| | Total Funds | FTE | Total Funds | FTE | Total Funds | FTE | Total Funds | FTE |
| <u>Personal Services</u> | | | | | | | | |
| Position Detail: | | | | | | | | |
| Executive Director | \$173,248 | 1.0 | \$178,018 | 1.0 | \$178,445 | 1.0 | \$183,798 | 1.0 |
| Deputy Director | \$165,802 | 1.0 | \$170,362 | 1.0 | \$170,776 | 1.0 | \$178,440 | 1.0 |
| Staff Attorneys | \$235,412 | 2.0 | \$311,171 | 3.0 | \$501,480 | 4.0 | \$653,038 | 5.0 |
| Social Worker Accessibility Program Coord. | \$86,478 | 1.0 | \$88,856 | 1.0 | \$92,748 | 1.0 | \$95,530 | 1.0 |
| Budget/Billing/Office Administration | \$364,671 | 5.0 | \$437,293 | 5.9 | \$507,205 | 5.5 | \$564,259 | 6.0 |
| Programs and Compliance Analyst | \$116,245 | 2.0 | \$138,264 | 2.0 | \$127,432 | 2.0 | \$131,255 | 2.0 |
| Training Coordinator | \$87,344 | 1.0 | \$89,746 | 1.0 | \$94,462 | 1.0 | \$117,000 | 1.0 |
| Subtotal - Administration | \$1,229,200 | 13.0 | \$1,413,710 | 14.9 | \$1,672,548 | 15.5 | \$1,923,320 | 17.0 |
| El Paso County Office Attorneys | \$910,972 | 12.0 | \$880,849 | 12.0 | \$1,087,680 | 12.0 | \$1,197,561 | 12.0 |
| El Paso County Office Social Workers/Case Coordinators | \$249,030 | 4.0 | \$255,879 | 5.0 | \$313,869 | 5.0 | \$323,285 | 5.0 |
| El Paso County Office Administrative/Support Staff | \$147,658 | 3.4 | \$127,339 | 3.0 | \$121,204 | 3.4 | \$184,290 | 4.0 |
| Subtotal - El Paso County Office | \$1,307,660 | 19.4 | \$1,264,067 | 20.0 | \$1,522,753 | 20.4 | \$1,705,137 | 21.0 |
| TOTAL OCR SALARIES | \$2,536,860 | 32.4 | \$2,677,777 | 34.9 | \$3,195,301 | 35.9 | \$3,628,457 | 38.0 |
| Temporary Contract Services | \$0 | | \$0 | | \$0 | | \$0 | |
| Other Personal Services | \$18,618 | | \$0 | | \$75,549 | | \$114,278 | |
| Overtime | \$0 | | | | | | | |
| Sick and Annual Leave Payouts | \$23,440 | | \$50,299 | | | | | |
| Paid Family and Medical Leave Insurance | | | | | \$6,872 | | \$0 | |
| Unemployment Compensation | | | \$15,316 | | | | | |
| PERA | \$271,320 | | \$296,346 | | \$453,051 | | \$493,001 | |
| PERA Adjustment (SB 18-200) | | | | | \$14,827 | | | |
| Medicare | \$36,032 | | \$39,147 | | \$46,332 | | \$57,760 | |
| Personal Services Subtotal | \$2,886,270 | 32.4 | \$3,078,885 | 34.9 | \$3,791,932 | 35.9 | \$4,293,495 | 38.0 |
| | | | | | | | | |

**Office of the Child's Representative
FY 2023-24 Budget Request
Schedule 3: Line Item by Year**

| ITEM | FY 2020-21 Actuals | | FY 2021-22 Actuals | | FY 2022-23 Appropriation | | FY 2023-24 Request | |
|---|-----------------------|-------------|-----------------------|-------------|-----------------------------|-------------|-----------------------|-------------|
| | Total Funds | FTE | Total Funds | FTE | Total Funds | FTE | Total Funds | FTE |
| Pots Expenditures: | | | | | | | | |
| Health/Life/Dental | \$340,618 | | \$340,368 | | \$481,776 | | \$485,271 | |
| Short Term Disability | \$3,796 | | \$3,992 | | \$5,282 | | \$5,663 | |
| Salary Survey | | | | | \$100,389 | | \$184,026 | |
| Merit Pay | | | \$37,500 | | | | | |
| Paid Family and Medical Leave Insurance | | | | | \$7,385 | | | |
| Other Employee Benefits | \$12,872 | | \$7,812 | | | | | |
| AED | \$123,942 | | \$135,066 | | \$165,053 | | \$188,716 | |
| SAED | \$123,942 | | \$135,066 | | \$165,053 | | \$188,716 | |
| Total Personal Services | \$3,491,440 | 32.4 | \$3,738,689 | 34.9 | \$4,716,870 | 35.9 | \$5,345,887 | 38.0 |
| General Fund | \$3,422,642 | 32.0 | \$3,572,619 | 33.5 | \$4,285,246 | 33.5 | \$4,872,283 | 35.6 |
| Reappropriated Funds | \$68,798 | 0.4 | \$166,070 | 1.4 | \$431,624 | 2.4 | \$473,604 | 2.4 |
| | | | | | | | | |
| Personal Services Reconciliation | | | | | | | | |
| Long Bill Appropriation | \$3,378,737 | | \$3,391,206 | | | | | |
| HB 21-1094 Appropriation | | | \$38,017 | | | | | |
| Health, Life, and Dental | \$229,421 | | \$391,182 | | | | | |
| Short Term Disability | \$5,045 | | \$4,723 | | | | | |
| Salary Survey | | | \$99,620 | | | | | |
| AED | \$149,422 | | \$147,606 | | | | | |
| SAED | \$149,422 | | \$147,606 | | | | | |
| Transfer from (to) Leased Space | | | (\$4,000) | | | | | |
| Transfer from (to) Operating | (\$90,000) | | (\$80,000) | | | | | |
| Reversion to General Fund | (\$189,960) | | (\$314,422) | | | | | |
| Remaining Budget Authority (Reappropriated) | (\$140,647) | | (\$82,849) | | | | | |
| Total Personal Services Reconciliation | \$3,491,440 | | \$3,738,689 | | | | | |
| | | | | | | | | |

**Office of the Child's Representative
FY 2023-24 Budget Request
Schedule 3: Line Item by Year**

| ITEM | FY 2020-21 Actuals | | FY 2021-22 Actuals | | FY 2022-23 Appropriation | | FY 2023-24 Request | |
|---|-----------------------|-----|-----------------------|-----|-----------------------------|-----|-----------------------|-----|
| | Total Funds | FTE | Total Funds | FTE | Total Funds | FTE | Total Funds | FTE |
| | | | | | | | | |
| <u>Operating Expenses</u> | | | | | | | | |
| Contractual Employee - PERA/AED/SAED | \$100 | | \$880 | | | | | |
| Custodial Services | \$290 | | \$1,252 | | | | | |
| IT Maintenance | \$69,497 | | \$22,947 | | | | | |
| Rental/Lease Motor Vehicle | | | \$45 | | | | | |
| Rental of Equipment | \$9,482 | | \$7,655 | | | | | |
| Parking Fees | | | \$112 | | | | | |
| Parking Fee Reimbursement | \$5 | | \$76 | | | | | |
| In-State Travel | | | \$52 | | | | | |
| In-State Travel Per Diem | | | \$513 | | | | | |
| In-State Employee Mileage | \$21,168 | | \$22,573 | | | | | |
| Out-of-State Common Carrier Fares | | | \$4,047 | | | | | |
| Out-of-State Per Diem | | | \$1,693 | | | | | |
| Advertising | \$65 | | \$675 | | | | | |
| Communication Service - Outside Sources | \$14,605 | | \$21,882 | | | | | |
| Print/Reproduction Services | | | \$138 | | | | | |
| Freight | | | \$12 | | | | | |
| Other Purchased Services | \$477 | | \$28,795 | | | | | |
| Other Supplies & Materials | \$790 | | \$1,537 | | | | | |
| Food & Food Service | | | \$745 | | | | | |
| Books/Periodicals/Subscriptions | \$57,837 | | \$62,564 | | | | | |
| Office Supplies | \$3,211 | | \$4,827 | | | | | |
| Postage | \$463 | | \$674 | | | | | |
| Printing/Copies | \$160 | | | | | | | |
| Non-Capitalized Office Furniture | \$420 | | \$1,687 | | | | | |
| Non-Capitalized IT | \$49,580 | | \$35,254 | | | | | |
| Bank Card Fees | | | \$59 | | | | | |
| Dues & Memberships | \$1,992 | | \$7,185 | | | | | |
| Miscellaneous Fees and Fines | \$42 | | | | | | | |

Office of the Child's Representative
FY 2023-24 Budget Request
Schedule 3: Line Item by Year

| ITEM | FY 2020-21 Actuals | | FY 2021-22 Actuals | | FY 2022-23 Appropriation | | FY 2023-24 Request | |
|--|-----------------------|-----|-----------------------|-----|-----------------------------|-----|-----------------------|-----|
| | Total Funds | FTE | Total Funds | FTE | Total Funds | FTE | Total Funds | FTE |
| Registration Fees | \$5,505 | | \$3,985 | | | | | |
| Software License | \$47,476 | | \$17,845 | | | | | |
| Software Development | \$52,500 | | \$92,011 | | | | | |
| IT PC Software - Direct Purchase | \$13,548 | | | | | | | |
| Total Operating Expenses | \$349,213 | | \$341,720 | | \$440,900 | | \$402,270 | |
| General Fund | \$296,713 | | \$341,720 | | \$352,800 | | \$320,820 | |
| Reappropriated Funds | \$52,500 | | \$0 | | \$88,100 | | \$81,450 | |
| | | | | | | | | |
| <i>Operating Expenses Reconciliation</i> | | | | | | | | |
| Long Bill Appropriation | \$318,514 | | \$314,875 | | | | | |
| Appropriation - HB 21-1094 | | | \$14,375 | | | | | |
| Reversion to General Fund | (\$47,612) | | (\$26,980) | | | | | |
| Remaining Budget Authority (Reappropriated) | (\$11,689) | | (\$40,550) | | | | | |
| Transfer from Personal Services | \$70,000 | | \$80,000 | | | | | |
| Transfer from Personal Services (Reappropriated) | \$20,000 | | | | | | | |
| Total Operating Expenses Reconciliation | \$349,213 | | \$341,720 | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| <u>Leased Space</u> | | | | | | | | |
| Rental of Building | \$121,491 | | \$132,281 | | | | | |
| Total Lease Space Expenses | \$121,491 | | \$132,281 | | \$133,133 | | \$147,247 | |
| General Fund | \$121,491 | | \$132,281 | | \$133,133 | | \$147,247 | |
| | | | | | | | | |
| <i>Leased Space Reconciliation</i> | | | | | | | | |
| Long Bill Appropriation | \$128,952 | | \$128,952 | | | | | |
| Transfer from Personal Services | | | \$4,000 | | | | | |
| Reversion to General Fund | (\$7,461) | | (\$671) | | | | | |
| Total Leased Space Reconciliation | \$121,491 | | \$132,281 | | | | | |

**Office of the Child's Representative
FY 2023-24 Budget Request
Schedule 3: Line Item by Year**

| ITEM | FY 2020-21 Actuals | | FY 2021-22 Actuals | | FY 2022-23 Appropriation | | FY 2023-24 Request | |
|---|-----------------------|-----|-----------------------|-----|-----------------------------|-----|-----------------------|-----|
| | Total Funds | FTE | Total Funds | FTE | Total Funds | FTE | Total Funds | FTE |
| | | | | | | | | |
| <u>Training</u> | | | | | | | | |
| Professional Services | \$8,896 | | \$6,584 | | | | | |
| Honorarium | \$6,318 | | \$1,000 | | | | | |
| IT Software | \$5,755 | | \$11,022 | | | | | |
| Rental of Buildings | \$5,000 | | | | | | | |
| In-State Employee Mileage | | | \$46 | | | | | |
| In-State Non-Employee Mileage | | | \$329 | | | | | |
| Out-of-State Common Carrier | | | \$1,039 | | | | | |
| Out-of-State Travel Per Diem | | | \$709 | | | | | |
| Other Supplies & Materials | | | \$1,682 | | | | | |
| Food & Food Service | \$104 | | \$802 | | | | | |
| Books/Periodicals/Subscriptions | \$495 | | \$58 | | | | | |
| Office Supplies | \$2,887 | | \$220 | | | | | |
| Postage | \$141 | | \$62 | | | | | |
| Dues and Memberships | | | \$5,425 | | | | | |
| Registration Fees | \$4,525 | | \$5,721 | | | | | |
| Total Training | \$34,121 | | \$34,699 | | \$78,000 | | \$158,000 | |
| General Fund | \$34,121 | | \$34,699 | | \$58,000 | | \$58,000 | |
| Reappropriated Funds | | | \$0 | | \$20,000 | | \$100,000 | |
| | | | | | | | | |
| Training Reconciliation | | | | | | | | |
| Long Bill Appropriation | \$78,000 | | \$78,000 | | | | | |
| Remaining Budget Authority (Reappropriated) | (\$20,000) | | (\$20,000) | | | | | |
| Reversion to General Fund | (\$23,879) | | (\$23,301) | | | | | |
| Total Training Reconciliation | \$34,121 | | \$34,699 | | | | | |

**Office of the Child's Representative
FY 2023-24 Budget Request
Schedule 3: Line Item by Year**

| ITEM | FY 2020-21 Actuals | | FY 2021-22 Actuals | | FY 2022-23 Appropriation | | FY 2023-24 Request | |
|--|-----------------------|-----|-----------------------|-----|-----------------------------|-----|-----------------------|-----|
| | Total Funds | FTE | Total Funds | FTE | Total Funds | FTE | Total Funds | FTE |
| | | | | | | | | |
| | | | | | | | | |
| <u>CASA Contracts</u> | | | | | | | | |
| CASA Contracts | \$1,550,000 | | \$1,550,000 | | | | | |
| Total CASA Contracts | \$1,550,000 | | \$1,550,000 | | \$1,750,000 | | \$1,750,000 | |
| General Fund | \$1,550,000 | | \$1,550,000 | | \$1,750,000 | | \$1,750,000 | |
| | | | | | | | | |
| <i>CASA Contracts Reconciliation</i> | | | | | | | | |
| Long Bill Appropriation | \$1,550,000 | | \$1,550,000 | | | | | |
| Total CASA Contracts Reconciliation | \$1,550,000 | | \$1,550,000 | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| <u>Court Appointed Counsel</u> | | | | | | | | |
| Court Appointed Counsel | \$20,515,061 | | \$20,791,013 | | | | | |
| Total Court Appointed Counsel | \$20,515,061 | | \$20,791,013 | | \$26,734,012 | | \$30,507,666 | |
| General Fund | \$20,479,617 | | \$20,688,661 | | \$25,205,596 | | \$28,691,344 | |
| Reappropriated Funds | \$35,444 | | \$102,352 | | \$1,528,416 | | \$1,816,322 | |
| | | | | | | | | |
| <i>Court Appointed Counsel Reconciliation</i> | | | | | | | | |
| Long Bill Appropriation | \$26,782,445 | | \$25,220,766 | | | | | |
| Appropriation - HB19-1316 | | | | | | | | |
| Appropriation - SB20-162 | \$211,200 | | | | | | | |
| Remaining Budget Authority (Reappropriated) | (\$1,406,458) | | (\$1,339,550) | | | | | |
| Reversion to General Fund | (\$5,072,126) | | (\$3,090,203) | | | | | |
| Early reversion - COVID | | | | | | | | |
| Total Court Appointed Counsel Reconciliation | \$20,515,061 | | \$20,791,013 | | | | | |
| | | | | | | | | |

**Office of the Child's Representative
FY 2023-24 Budget Request
Schedule 3: Line Item by Year**

| ITEM | FY 2020-21 Actuals | | FY 2021-22 Actuals | | FY 2022-23 Appropriation | | FY 2023-24 Request | |
|---|-----------------------|-------------|-----------------------|-------------|-----------------------------|-------------|-----------------------|-------------|
| | Total Funds | FTE | Total Funds | FTE | Total Funds | FTE | Total Funds | FTE |
| | | | | | | | | |
| <u>Mandated Costs</u> | | | | | | | | |
| Mandated Costs | \$57,650 | | \$58,122 | | | | | |
| Total Mandated Costs | \$57,650 | | \$58,122 | | \$60,200 | | \$60,200 | |
| General Fund | \$57,650 | | \$58,122 | | \$60,200 | | \$60,200 | |
| Reappropriated Funds | | | | | | | | |
| | | | | | | | | |
| <i>Mandated Costs Reconciliation</i> | | | | | | | | |
| Long Bill Appropriation | \$60,200 | | \$60,200 | | | | | |
| Reversion to General Fund | (\$2,550) | | (\$2,078) | | | | | |
| Total Mandated Costs Reconciliation | \$57,650 | | \$58,122 | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| <u>Grants</u> | | | | | | | | |
| Grants | \$28,859 | | \$41,943 | | | | | |
| Total Grants | \$28,859 | | \$41,943 | | \$26,909 | | \$26,909 | |
| Reappropriated Funds | \$28,859 | | \$41,943 | | \$26,909 | | \$26,909 | |
| | | | | | | | | |
| | | | | | | | | |
| Grand Total | \$26,147,835 | 32.4 | \$26,688,467 | 34.9 | \$33,940,024 | 35.9 | \$38,398,179 | 38.0 |
| General Fund | \$25,962,234 | | \$26,378,102 | 33.5 | \$31,844,975 | 33.5 | \$35,899,894 | 35.6 |
| General Fund Exempt | | | | | | | | |
| Reappropriated Funds | \$185,601 | | \$310,365 | 1.4 | \$2,095,049 | 2.4 | \$2,498,285 | 2.4 |
| Cash Funds | | | | | | | | |
| Cash Funds Exempt | | | | | | | | |

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Office of the Child's Representative
FY 2023-24 Budget Request
Schedule 14: Position and Object Code Detail

| Long Bill Line Item | | FY 2020-21 Actuals | | FY 2021-22 Actuals | | FY 2022-23 Appropriation | | FY 2023-24 Request | |
|---|--|--------------------|-------------|--------------------|-------------|--------------------------|-------------|--------------------|-------------|
| Position Code | Position Type | Expenditures | FTE | Expenditures | FTE | Expenditures | FTE | Expenditures | FTE |
| R60000 | Executive Director | \$173,248 | 1.0 | \$178,018 | 1.0 | \$178,445 | 1.0 | \$183,798 | 1.0 |
| R60010 | Deputy Director | \$165,802 | 1.0 | \$170,362 | 1.0 | \$170,776 | 1.0 | \$178,440 | 1.0 |
| R60020 | Chief Operating Officer | \$112,264 | 1.0 | \$115,351 | 1.0 | \$124,883 | 1.0 | \$132,650 | 1.0 |
| R60030 | Accountant | \$81,369 | 1.0 | \$84,306 | 1.0 | \$83,810 | 1.0 | \$86,324 | 1.0 |
| R60040 | Staff Attorney & Legislative Liaison | \$120,488 | 1.0 | \$123,801 | 1.0 | \$124,103 | 1.0 | \$135,293 | 1.0 |
| R60060 | Senior Attorney | \$225,713 | 3.0 | \$214,639 | 3.0 | \$319,099 | 3.0 | \$329,829 | 3.0 |
| R60070 | Assistant Managing Attorney | \$102,667 | 1.0 | \$112,203 | 1.0 | \$100,940 | 1.0 | \$106,823 | 1.0 |
| R60080 | Supervising Caseworker | \$74,256 | 1.0 | \$76,298 | 1.0 | \$76,484 | 1.0 | \$78,779 | 1.0 |
| R60090 | Managing Attorney | \$129,121 | 1.0 | \$129,801 | 1.0 | \$132,995 | 1.0 | \$146,710 | 1.0 |
| R60100 | Administration and Accounting Specialist | \$66,311 | 1.0 | \$68,135 | 1.0 | \$68,300 | 1.0 | \$70,349 | 1.0 |
| R60110 | Staff Assistant/Acctg. Specialist | \$12,480 | 0.4 | | 0.0 | \$12,854 | 0.4 | \$72,690 | 1.0 |
| R60120 | Administrative Assistant | \$48,842 | 1.0 | \$50,185 | 1.0 | \$50,307 | 1.0 | \$51,816 | 1.0 |
| R60130 | Entry Level Caseworker | | | | 1.0 | \$0 | 0.0 | \$0 | 0.0 |
| R60140 | Legal Secretary | \$56,352 | 1.0 | \$46,345 | 1.0 | \$58,043 | 1.0 | \$59,784 | 1.0 |
| R60160 | Mid Level Caseworker | \$174,774 | 3.0 | \$179,581 | 3.0 | \$237,385 | 4.0 | \$244,507 | 4.0 |
| R60150 | Senior Caseworker | | | | 0.0 | \$0 | 0.0 | \$0 | 0.0 |
| R60170 | Mid Level Attorney | \$161,911 | 2.0 | \$235,017 | 2.0 | \$191,373 | 2.0 | \$218,864 | 2.0 |
| R60180 | Entry Level Attorney | \$291,560 | 5.0 | \$189,189 | 5.0 | \$343,273 | 5.0 | \$395,335 | 5.0 |
| R60200 | Information Systems Director | \$104,727 | 1.0 | \$109,855 | 1.0 | \$122,324 | 1.0 | \$134,530 | 1.0 |
| R60210 | Staff Attorney | \$114,924 | 1.0 | \$187,370 | 2.0 | \$377,377 | 3.0 | \$517,745 | 4.0 |
| R60300 | Training Director | \$87,344 | 1.0 | \$89,746 | 1.0 | \$94,462 | 1.0 | \$117,000 | 1.0 |
| R60165 | Case Consultant Coordinator | \$86,478 | 1.0 | \$88,856 | 1.0 | \$92,748 | 1.0 | \$95,530 | 1.0 |
| | Programs and Compliance Analyst | \$116,245 | 2.0 | \$138,264 | 2.0 | \$127,432 | 2.0 | \$131,255 | 2.0 |
| | Administrative Specialist | \$0 | 1.0 | \$53,932 | 1.0 | \$46,968 | 1.0 | \$48,377 | 1.0 |
| | Case Operations Assistant | | | \$5,714 | 0.9 | \$30,036 | 0.5 | \$60,218 | 1.0 |
| 460300 | Administrative Assistant | \$29,984 | 1.0 | \$30,809 | 1.0 | \$30,884 | 1.0 | \$31,811 | 1.0 |
| Total Full and Part-time Employee Expenditures | | \$2,536,860 | 32.4 | \$2,677,777 | 34.9 | \$3,195,301 | 35.9 | \$3,628,457 | 38.0 |

Office of the Child's Representative
FY 2023-24 Budget Request
Schedule 14: Position and Object Code Detail

| Long Bill Line Item | FY 2020-21 Actuals | | FY 2021-22 Actuals | | FY 2022-23 Appropriation | | FY 2023-24 Request | |
|--|-----------------------|-------------|-----------------------|-------------|-----------------------------|-------------|-----------------------|-------------|
| PERA Contributions | \$271,320 | | \$296,346 | | \$453,051 | | \$493,001 | |
| PERA Adjustment (SB 18-200) | | | | | \$14,827 | | | |
| Medicare | \$36,032 | | \$39,147 | | \$46,332 | | \$57,760 | |
| Overtime Wages | | | | | | | | |
| Shift Differential Wages | | | | | | | | |
| Paid Family and Medical Leave Insurance | | | | | \$6,872 | | | |
| State Temporary Employees | | | | | | | | |
| Sick and Annual Leave Payouts | \$23,440 | | \$50,299 | | | | | |
| Personal Services - IT | \$15,300 | | | | | | | |
| Unemployment Compensation | | | \$15,316 | | | | | |
| Other Expenditures (specify as necessary) | \$3,318 | | | | \$75,549 | | \$114,278 | |
| Total Temporary, Contract, and Other Expenditures | \$349,410 | 0.0 | \$401,108 | 0.0 | \$596,631 | 0.0 | \$665,039 | 0.0 |
| Pots Expenditures (excluding Salary Survey and Performance-based Pay already included above) | \$605,170 | | \$659,804 | | \$924,938 | | \$1,052,392 | |
| Roll Forwards | \$0 | | \$0 | | \$0 | | \$0 | |
| Total Expenditures for Line Item | \$3,491,440 | 32.4 | \$3,738,689 | 34.9 | \$4,716,870 | 35.9 | \$5,345,887 | 38.0 |
| Total Spending Authority for Line Item | \$3,822,047 | 32.4 | \$4,135,960 | 34.9 | \$4,716,870 | 35.9 | \$5,345,887 | 38.0 |
| Amount Under/(Over) Expended | \$330,607 | 0.0 | \$397,271 | 0.0 | \$0 | 0.0 | \$0 | 0.0 |

Actual amounts above reflect any salary adjustment and/or merit increases, as well as pay date shift

Office of the Child's Representative
FY 2023-24 Budget Request
Schedule 4: Fund Source Detail

| | Total | General Fund | Cash Funds | Reappropriated Funds | Federal Funds |
|--------------------------|--------------|---------------------|-------------------|-----------------------------|----------------------|
| FY 2020-21 Actuals | \$26,147,835 | \$25,962,234 | \$0 | \$185,601 | \$0 |
| FY 2021-22 Actuals | \$26,688,467 | \$26,378,102 | \$0 | \$310,365 | \$0 |
| FY 2022-23 Appropriation | \$33,940,024 | \$31,844,975 | \$0 | \$2,095,049 | \$0 |
| FY 2023-24 Request | \$38,398,179 | \$35,899,894 | \$0 | \$2,498,285 | \$0 |

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**Colorado Office of the Child's Representative
FY 2023-24 Budget Request
Schedule 5: Line Item to Statute**

| Line Item Name | Line Item Description | Statutory Citation |
|---|---|--|
| Personal Services | All salaries and wages to full-time, part-time, or temporary employees including professional services contracts, the State's contribution to the public employees retirement fund and the State's share of federal Medicare tax. | § 13-91-102, C.R.S. - legal representation and advocacy on behalf of children |
| Health, Life, Dental | This appropriation covers the cost of the State's share of the employee's health, life and dental insurance. | § 24-50-609, C.R.S. ; § 24-50-611, C.R.S. State Contributions and Employer Payments |
| S.B. 04-257 Amortization Equalization Disbursement | This appropriation reflects an increase to the effective PERA contribution rates beginning January 1, 2006 to bring the Department into compliance with 24-51-211 C.R.S. (2011). | § 24-51-411, C.R.S. Amortization equalization disbursement - repeal |
| S.B. 06-235 Supplemental Amortization Equalization Disbursement | This appropriation reflects an increase to the effective PERA contribution rates beginning January 1, 2008 to bring the Department into compliance with 24-51-211 C.R.S. (2011). | § 24-51-411, C.R.S. Amortization equalization disbursement - repeal |
| Salary Survey | This appropriation reflects the amounts appropriated to cover the cost of salary increases based on job and wage classification. | § 24-50-104 (1) (a) (I) and (II), C.R.S. Job evaluation and compensation, total |
| Merit Pay | This line item reflects the annual amount appropriated for periodic salary increases for State employees based on demonstrated ability for satisfactory quality and quantity of performance. | § 24-50-104, C.R.S. Job evaluation and compensation - state employee reserve fund - created - definitions. |
| Operating Expenses | General office supplies, including phone, hardware and software, equipment, printing costs, and travel for Executive office and El Paso GAL office. | §13-91-102, C.R.S. - legal representation and advocacy on behalf of children |
| Leased Space | Executive office space is leased and paid through the state Judicial Department. The El Paso GAL office in Colorado Springs leases private space. | §13-91-102, C.R.S. - legal representation and advocacy on behalf of children |
| CASA Contracts | Transfer payments to enhance the CASA program in Colorado by working cooperatively with local CASA programs. | § 13-91-105, C.R.S. - CASA programs |
| Training | Ensuring the provision and availability of high-quality, accessible training throughout the state for persons seeking to serve as guardians ad litem as well as to judges and magistrates who regularly hear matters involving children and families. | § 13-91-105(1)(a)(I), C.R.S. - improve legal representation and advocacy on behalf of children |
| Court Appointed Counsel | Payments to contract attorneys appointed by judicial officers. | §13-91-102, C.R.S. - legal representation and advocacy on behalf of children |
| Mandated Costs | Litigation support including experts, discovery, filing fees and subpoenas. | § 13-91-102, C.R.S. - legal representation and advocacy on behalf of children |

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**Colorado Office of the Child's Representative
FY 2023-24 Budget Request
Schedule 6: Special Bills Summary**

| Bill Number | Line Items | FTE | Total Funds | General Fund | General Fund Exempt | Cash Funds | Cash Funds Exempt/ Reappropriated Funds | Federal Funds |
|-------------------|---|------------|--------------------|--------------------|---------------------|------------|--|---------------|
| FY 2015-16 | | | | | | | | |
| HB 15-1153 | Office of the Child's Representative Court Appointed Counsel | 0.0 | (\$143,919) | (\$143,919) | \$0 | \$0 | \$0 | \$0 |
| | Total | 0.0 | (\$143,919) | (\$143,919) | \$0 | \$0 | \$0 | \$0 |
| | | 0.0 | (\$143,919) | (\$143,919) | \$0 | \$0 | \$0 | \$0 |
| FY 2019-20 | | | | | | | | |
| HB 19-1316 | Office of the Child's Representative Operating | 0.0 | \$2,250 | \$2,250 | \$0 | \$0 | \$0 | \$0 |
| | Court Appointed Counsel | 0.0 | \$57,600 | \$57,600 | \$0 | \$0 | \$0 | \$0 |
| | Total | 0.0 | \$59,850 | \$59,850 | \$0 | \$0 | \$0 | \$0 |
| | | 0.0 | \$59,850 | \$59,850 | \$0 | \$0 | \$0 | \$0 |
| FY 2020-21 | | | | | | | | |
| SB 20-162 | Office of the Child's Representative Court Appointed Counsel | 0.0 | \$211,200 | \$211,200 | \$0 | \$0 | \$0 | \$0 |
| | Total⁽¹⁾ | 0.0 | \$211,200 | \$211,200 | \$0 | \$0 | \$0 | \$0 |
| | | 0.0 | \$211,200 | \$211,200 | \$0 | \$0 | \$0 | \$0 |
| FY 2021-22 | | | | | | | | |
| SB 20-162 | Office of the Child's Representative Court Appointed Counsel | 0.0 | \$211,200 | \$211,200 | \$0 | \$0 | \$0 | \$0 |
| | Total⁽¹⁾ | 0.0 | \$211,200 | \$211,200 | \$0 | \$0 | \$0 | \$0 |
| | | 0.0 | \$211,200 | \$211,200 | \$0 | \$0 | \$0 | \$0 |
| HB21-1094 | Office of the Child's Representative Personal Svcs, HLD, AED, SAED | 0.5 | \$38,017 | \$38,017 | \$0 | \$0 | \$0 | \$0 |
| | Operating | 0.0 | \$14,375 | \$14,375 | \$0 | \$0 | \$0 | \$0 |
| | Total | 0.5 | \$52,392 | \$52,392 | \$0 | \$0 | \$0 | \$0 |
| | | 0.5 | \$52,392 | \$52,392 | \$0 | \$0 | \$0 | \$0 |

⁽¹⁾ 50% of estimated costs appropriated in FY 21, per fiscal note; remaining 50% included in FY 22

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Colorado Office of the Child's Representative
FY 2023-24 Budget Request
Schedule 7: Supplemental Bills Summary

| Bill Number | Line Items | FTE | Total Funds | General Fund | General Fund Exempt | Cash Funds | Cash Funds Exempt/ Reappropriated Funds | Federal Funds |
|-------------------|---|------------|----------------------|----------------------|---------------------|------------|---|---------------|
| FY 2011-12 | | | | | | | | |
| HB 12-1335 | Office of the Child's Representative Court Appointed Counsel | 0.0 | (\$1,000,662) | (\$1,000,662) | \$0 | \$0 | \$0 | \$0 |
| | Total | 0.0 | (\$1,000,662) | (\$1,000,662) | \$0 | \$0 | \$0 | \$0 |
| | Total HB 12-1335 | 0.0 | (\$1,000,662) | (\$1,000,662) | \$0 | \$0 | \$0 | \$0 |
| FY 2013-14 | | | | | | | | |
| HB 14-1239 | Office of the Child's Representative Court Appointed Counsel | 0.0 | \$887,013 | \$887,013 | \$0 | \$0 | \$0 | \$0 |
| | Total | 0.0 | \$887,013 | \$887,013 | \$0 | \$0 | \$0 | \$0 |
| | Total HB 14-1239 | 0.0 | \$887,013 | \$887,013 | \$0 | \$0 | \$0 | \$0 |
| FY 2014-15 | | | | | | | | |
| SB 15-150 | Office of the Child's Representative Court Appointed Counsel | 0.0 | \$1,508,778 | \$1,508,778 | \$0 | \$0 | \$0 | \$0 |
| | Total | 0.0 | \$1,508,778 | \$1,508,778 | \$0 | \$0 | \$0 | \$0 |
| | Total SB 15-150 | 0.0 | \$1,508,778 | \$1,508,778 | \$0 | \$0 | \$0 | \$0 |
| FY 2016-17 | | | | | | | | |
| SB 17-164 | Office of the Child's Representative Court Appointed Counsel | 0.0 | \$1,726,331 | \$1,726,331 | \$0 | \$0 | \$0 | \$0 |
| | Total | 0.0 | \$1,726,331 | \$1,726,331 | \$0 | \$0 | \$0 | \$0 |
| | Total SB 17-164 | 0.0 | \$1,726,331 | \$1,726,331 | \$0 | \$0 | \$0 | \$0 |
| FY 2018-19 | | | | | | | | |
| SB 19-115 | Office of the Child's Representative Court Appointed Counsel | 0.0 | \$1,087,661 | \$1,087,661 | \$0 | \$0 | \$0 | \$0 |
| | Total | 0.0 | \$1,087,661 | \$1,087,661 | \$0 | \$0 | \$0 | \$0 |
| | Total SB 19-115 | 0.0 | \$1,087,661 | \$1,087,661 | \$0 | \$0 | \$0 | \$0 |
| FY 2019-20 | | | | | | | | |
| HB 20-1360 | Office of the Child's Representative Personal Services | 0.0 | (\$140,000) | (\$140,000) | \$0 | \$0 | \$0 | \$0 |
| | Court Appointed Counsel | 0.0 | (\$1,400,000) | (\$1,400,000) | \$0 | \$0 | \$0 | \$0 |
| | Total | 0.0 | (\$1,540,000) | (\$1,540,000) | \$0 | \$0 | \$0 | \$0 |
| | Total HB 20-1360⁽¹⁾ | 0.0 | (\$1,540,000) | (\$1,540,000) | \$0 | \$0 | \$0 | \$0 |

(1) FY 20 appropriation reductions (i.e., early reversions) included in the FY 21 Long Bill

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Office of the Child's Representative
FY 2023-24 Budget Request
Schedule 8: Common Policy Summary

| | Total | General Fund | Cash Funds | Reappropriated Funds | Federal Funds |
|--------------------------------|--------------|---------------------|-------------------|-----------------------------|----------------------|
| Health, Life and Dental | | | | | |
| FY 2020-21 Appropriation | \$229,421 | \$211,177 | \$0 | \$18,244 | \$0 |
| FY 2021-22 Appropriation | \$391,182 | \$379,834 | \$0 | \$11,348 | \$0 |
| FY 2022-23 Appropriation | \$481,776 | \$446,768 | \$0 | \$35,008 | \$0 |
| FY 2023-24 Request | \$485,271 | \$448,129 | \$0 | \$37,142 | \$0 |
| Short-term Disability | | | | | |
| FY 2020-21 Appropriation | \$5,045 | \$4,754 | \$0 | \$291 | \$0 |
| FY 2021-22 Appropriation | \$4,723 | \$4,415 | \$0 | \$308 | \$0 |
| FY 2022-23 Appropriation | \$5,282 | \$4,788 | \$0 | \$494 | \$0 |
| FY 2023-24 Request | \$5,663 | \$5,156 | \$0 | \$507 | \$0 |
| AED | | | | | |
| FY 2020-21 Appropriation | \$149,422 | \$140,802 | \$0 | \$8,620 | \$0 |
| FY 2021-22 Appropriation | \$147,606 | \$137,967 | \$0 | \$9,639 | \$0 |
| FY 2022-23 Appropriation | \$165,053 | \$149,640 | \$0 | \$15,413 | \$0 |
| FY 2023-24 Request | \$188,716 | \$171,854 | \$0 | \$16,862 | \$0 |
| SAED | | | | | |
| FY 2020-21 Appropriation | \$149,422 | \$140,802 | \$0 | \$8,620 | \$0 |
| FY 2021-22 Appropriation | \$147,606 | \$137,967 | \$0 | \$9,639 | \$0 |
| FY 2022-23 Appropriation | \$165,053 | \$149,640 | \$0 | \$15,413 | \$0 |
| FY 2023-24 Request | \$188,716 | \$171,854 | \$0 | \$16,862 | \$0 |
| Salary Survey | | | | | |
| FY 2020-21 Appropriation | \$0 | \$0 | \$0 | \$0 | \$0 |
| FY 2021-22 Appropriation | \$99,620 | \$93,115 | \$0 | \$6,505 | \$0 |
| FY 2022-23 Appropriation | \$100,389 | \$94,481 | \$0 | \$5,908 | \$0 |
| FY 2023-24 Request | \$184,026 | \$166,852 | \$0 | \$17,174 | \$0 |
| Merit | | | | | |
| FY 2020-21 Appropriation | \$0 | \$0 | \$0 | \$0 | \$0 |
| FY 2021-22 Appropriation | \$0 | \$0 | \$0 | \$0 | \$0 |
| FY 2022-23 Appropriation | \$0 | \$0 | \$0 | \$0 | \$0 |
| FY 2023-24 Request | \$0 | \$0 | \$0 | \$0 | \$0 |

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**Colorado Office of the Child's Representative
FY 2021-22 Budget Transfers (Summary)**

| Appropriation Unit | Original Budget (SB 21-205) | Transfers | Adjusted Budget |
|--|--------------------------------|-------------------|---------------------|
| Personal Services | \$3,391,206 | \$706,737 | \$4,097,943 |
| Health, Life and Dental | \$391,182 | (\$391,182) | \$0 |
| Short-term Disability | \$4,723 | (\$4,723) | \$0 |
| Amortization Equalization Disbursement (AED) | \$147,606 | (\$147,606) | \$0 |
| Supplemental Amortization Equalization Disbursement (SAED) | \$147,606 | (\$147,606) | \$0 |
| Salary Survey | \$99,620 | (\$99,620) | \$0 |
| Merit Pay | \$0 | \$0 | \$0 |
| Subtotal Personal Services | \$4,181,943 | (\$84,000) | \$4,097,943 |
| Operating Expenses | \$314,875 | \$80,000 | \$394,875 |
| Leased Space | \$128,952 | \$4,000 | \$132,952 |
| CASA Contracts | \$1,550,000 | | \$1,550,000 |
| Training | \$78,000 | | \$78,000 |
| Court-appointed Counsel | \$25,220,766 | | \$25,220,766 |
| Mandated Costs | \$60,200 | | \$60,200 |
| Total | \$31,534,736 | \$0 | \$31,534,736 |

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**Office of the Child's Representative
 FY 2023-24 Budget Request
 Schedule 10: Summary of Change Requests**

Agency: Office of the Child's Representative

Submission date: November 1, 2022

Number of funding requests: 7

| Priority | IT Request | Long Bill Line Item | FTE | Total Funds | General Fund | Cash Funds | Reappropriated Funds | Federal Funds |
|---------------|--------------|---|------------|--------------------|--------------------|------------|----------------------|---------------|
| R1 | Not required | Rate Increase - Attorneys | 0.0 | \$3,769,013 | \$3,769,013 | \$0 | \$0 | \$0 |
| R2 | Not required | Court-appointed Counsel Caseload/workload | 0.0 | (\$362,203) | (\$634,018) | \$0 | \$271,815 | \$0 |
| R3 | Not required | Staff Attorney Position - Equity, Diversity and Inclusion | 1.0 | \$181,935 | \$181,935 | \$0 | \$0 | \$0 |
| R4 | Not required | Rate Increase - Other Contractors | 0.0 | \$366,844 | \$350,753 | \$0 | \$16,091 | \$0 |
| R5 | Not required | Administrative Staffing - Increase Part-time Positions to Full-time | 1.1 | \$109,291 | \$109,291 | \$0 | \$0 | \$0 |
| R6 | Not required | Common Compensation Plan Adjustments | 0.0 | \$175,171 | \$152,851 | \$0 | \$22,320 | \$0 |
| R7 | Not required | Training Increase | 0.0 | \$80,000 | \$0 | \$0 | \$80,000 | \$0 |
| Totals | | | 2.1 | \$4,320,051 | \$3,929,825 | \$0 | \$390,226 | \$0 |
| | | | | | | | | |

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R1: CONTRACTOR (ATTORNEY) RATE INCREASE

SUMMARY OF REQUEST

Together with the Office of the Alternate Defense Counsel (OADC) and the Office of Respondent Parents' Counsel (ORPC), the OCR requests \$3,769,013 General Fund to increase its attorney hourly contract rate.

PROBLEM AND OPPORTUNITY

The OCR's statutory mandate recognizes the unique demands of the representation of children, notes that "the representation of children necessitates significant expertise as well as a substantial investment in time and fiscal resources," and requires the OCR to make recommendations to "establish fair and realistic state rates . . . that are sufficient to attract and retain high-quality, experienced attorneys to serve as guardians ad litem or counsel for youth." §§ 13-91-102(1)(a), 105(1)(a)(VI), C.R.S.

BACKGROUND

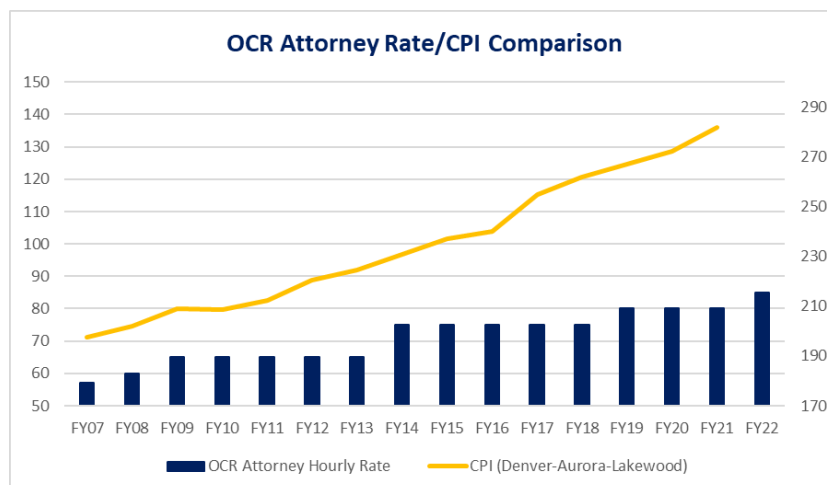
The OCR continuously monitors its attorney payment structure and seeks to modify it only when financially feasible for the state and necessary to achieve the OCR's statutory mandate. Since the OCR's inception, the JBC and General Assembly have approved the following rate increases for attorneys:

Table E: Historical Rate Increases

| Fiscal Year | Rate Approved |
|-------------|---------------|
| 2006-07 | \$57* |
| 2007-08 | \$60 |
| 2008-09 | \$65 |
| 2014-15 | \$75 |
| 2018-19 | \$80 |
| 2021-22 | \$85 |

**from \$45/hour for in-court activities and \$55/hour for out-of-court activities*

As demonstrated in the chart below, these rate increases have not kept up with inflation and costs of living (demonstrated by the CPI). The gap between the attorney rate and the market has continued to widen since 2006, despite efforts by the OCR and the General Assembly to provide consistent increases.



During the FY 2022-23 Budget Request process, the OCR requested a rate increase of \$5/hour for its attorneys. This request sought to bring the attorney rate to its requested rate for FY 2020-21, which had been approved by the JBC but ultimately withdrawn due to the financial impact of the COVID-19 pandemic. While very much appreciated by OCR and its attorneys, this year's \$5/hour rate increase did not bring OCR to an equivalent rate as FY 2018-19 considering the cost of living and inflation increases during that same time. Nor did it bring the rate to one that is sufficient to attract and retain high-quality, experienced attorneys across the state in the reality of today's economy.

OCR'S HOURLY RATE

The OCR's \$85 hourly rate is far below the hourly rate billed by attorneys in private practice. For example, the Colorado Bar Association's most recent Economics of Law Practice Survey (2017) reported \$254 as the median hourly rate for a solo practitioner and \$99 as the median hourly rate for a paralegal without any experience. Federal Criminal Justice Act attorneys can currently bill an hourly rate of \$158.

Other than in its El Paso County Office of the GAL, the OCR provides attorney services exclusively through independent contracts. The vast majority of OCR contract attorneys are small business owners running solo or small law practices. When considering compensation for attorneys contracting with OCR, it is important to note that an OCR attorney's hourly rate must cover:

- ✓ **Life, Dental, and Health Insurance:** As detailed in the ORPC's Budget Request, health, life, and dental insurance constitutes a significant business expense averaging about 31.2% of an attorney's total compensation package. These costs continue to rise.
- ✓ **Office Overhead:** While many OCR attorneys go to great lengths to minimize overhead, at the end of the day, practicing law requires an investment in a business infrastructure that supports effective communication and case preparation. Moreover, physical office space, which many OCR attorneys cannot afford, can provide an opportunity for informal support and consultation from coworkers and colleagues and an important separation between personal and professional life in this increasingly difficult area of practice.
- ✓ **Malpractice Insurance:** Not only is malpractice insurance a sound business practice, it is a requirement of OCR's contract. Attorneys must cover this cost through their hourly rate.
- ✓ **Retirement Savings:** Contract attorneys do not have the benefit of PERA or other company-funded pension or retirement plans and must rely on their hourly rate to plan and prepare for their retirement.
- ✓ **Time Off:** Unlike state or law firm employees, Paid Time Off (PTO) is not available to attorneys who are solo practitioners. Attorneys' hourly rate must cover the times they do not or cannot work due to illness, vacation, childcare obligations, or other matters. The small percentage of attorneys who work in a law firm that offers PTO must fund that PTO using their attorneys' hourly rate. The OCR has heard from some managing attorneys that they engage in other private practice areas simply to be able to offer PTO to the attorneys who work for them.

- ✓ **Student Loan Repayment:** As explained in detail in ORPC’s Decision Item R-1, many lawyers take on significant student debt to become an attorney. Due to their status as independent contractors, they are ineligible to participate in the Federal Public Service Loan Forgiveness Program despite the fact that they are performing the type of public interest work the program aims to incentivize. As detailed in ORPC’s Decision Item R-1, student debt causes attorneys not only to postpone major life decisions but also to question whether they can continue to do this work.
- ✓ **Administrative and Office Management Time:** An OCR contract attorney does not bill for every hour worked but must instead limit billing to those activities authorized by the OCR’s billing policies and procedures. As such, the OCR’s contract attorneys cannot bill for many of their administrative duties and efforts to run a solo practice or small law firm; they must absorb these expenses within their hourly rate.
- ✓ **Professional Development:** As solo practitioners, attorneys typically cannot bill for the training and professional development that is required by their professional responsibilities and CJD 04-06. Each hour spent attending or commuting to a training amounts to an hour that the attorney cannot work and bill. While the OCR was able to compensate a limited number of hours for attorneys who attended OCR’s recent Fall Conference in person, the OCR justified this one-time expenditure due to the unique demands of changing its model of representation and cannot implement this support for all training.

Whether large or small, each of the expenses outlined above is significant to an attorney, especially to an attorney billing at the low hourly rate paid by the OCR. As demonstrated by the list above, the hourly rate does not equate to salary or income and is significantly impacted by the many expenses integral to running a business. OCR contract attorneys who choose this area of law make a financial sacrifice in that each of them could make significantly higher income at most other private and public sector legal jobs.

The hourly rate does not equate to salary and is significantly impacted by the many expenses integral to running a business.

IMPACT ON OCR’S ATTORNEYS

The failure to keep up with inflation and the CPI and the increasing disparities between the OCR rate and other private and public sector attorneys in Colorado makes practicing law at the OCR rate nearly financially untenable.

In a recent survey of OCR’s attorneys, 40% of attorneys who responded indicated that they are not reasonably compensated for their work. The following are just some of the many statements attorneys made regarding the need for additional compensation.

- *“I think that OCR (and every state-paid legal office) does their best to advocate for appropriately funded contract positions; however, the state rate simply isn't competitive with private pay. As a result, I see many attorneys leave contract work for more traditional firm environments.”*

- *“Being a solo practitioner, I am having trouble making a decent living and breaking even. Billable rate is reasonable if I had other expenses covered.”*
- *“This year's raise feels mostly like a partial inflation offset.”*
- *“Even with the increase, we are still underpaid as attorneys, especially given the emotional and traumatic cases that are involved.”*
- *“In light of the rising costs of, well, everything, and the inability of the OCR to offer group insurance or loan forgiveness like other public interest attorneys, it seems a fair rate would be closer to \$100/hour.”*
- *“Pay everyone more; more pay equals less burnout; you get what you pay for, and the state should pay the most for the kids.”*
- *“The hourly rate is laughably small. Most legal staff bill out at higher rates than OCR attorneys do.”*
- *“Travel reimbursement/hourly rate does help when serving in a rural district; however, the endgame with the physical and mental toll this takes (not to mention the risks of driving in rural areas) is daunting. Benefits such as health insurance and retirement, or access at a reduced rate (insurance) would be welcomed, understanding we are contractors.”*
- *“I relocated from another state. In the jurisdiction that I practiced in that other state, the hourly rate has been raised to \$125. . . . This work is very demanding and a lot of attorneys don't go into it for the money. However, most if not all have to provide their own insurance and have student loans to pay. Without that extra compensation I believe it is hard for a lot of the GALs, especially during these times of inflation.”*
- *“I think \$85 per hour is too low. My health insurance is \$830 per month and with other monthly expenses, [the rate] doesn't provide much room for a retirement account.”*
- *“Biggest complaint about OCR is lack of any benefits or even just a better group health care/retirement plan. The low hourly wage could be offset with some benefits. As a solo attorney it is hard to make it work with just the hourly rate.”*
- *“In the past I've always answered that compensation was fair, and I'm grateful for the recent raise, but my OCR rate is now less than a third of my private pay rate.”*
- *“I will note that I selected in the earlier question the option indicating I think we are paid fairly. I will also note that I come from a very modest background and am grateful to be making more money than basically anyone in my family ever made at this point in their life. Having said that, I can't help but feel like I am making legitimate poverty wages considering I had to pay \$150k+ to earn my credentials for this job. As an entry level attorney I was billing for 2x+ this amount at a private firm and the firm's billing rates were relatively low compared to what is charged in bigger cities or to folks who hire out-*

of-town counsel. I literally cannot even pay the interest in my student loans and will be paying them until I die or until they are forgiven through the 30-year forgiveness (in which case you the amount forgiven is a taxable event so I'll still be on the hook for tens of thousands of dollars well after the loans are 'forgiven,' if the program even still exists when I become eligible). Family members and/or close friends make arguably similar wages working in other do-gooder areas of law (nonprofits, government, etc.), but all of those folks have benefits like 401(k)/PERA, health insurance, etc. Obviously I choose to do this work and no one forces me, but I have to believe a person who works a reasonable amount of hours in this role and who is accurate in their billing has to be sub 5 percentile for attorney incomes."

- *"It seems like we should have received a higher raise considering the high inflation rate."*

IMPACT ON CHILDREN AND YOUTH

The case types in which OCR attorneys are appointed are complex and implicate important interests. They involve intense investigations and difficult decisions. The work attorneys perform on these cases advances children's rights, impacts children's immediate safety, and promotes children's family connections, ability to be placed in loving and permanent homes, connections to their cultural and family heritage, and future stability and success. This type of work requires experience, expertise, and skill. OCR attorneys must do more than comply with the Rules of Professional Conduct; heightened standards set forth by CJD 04-06 govern the work they do under their OCR contracts. Recent case developments and national and state reforms in child welfare and juvenile justice require OCR attorneys to be more adept than ever. The OCR cannot contract with inexperienced attorneys or with any attorney whose legal qualifications and skills do not meet the requirements of CJD 04-06.

While many factors impact the outcome of any given child welfare or juvenile justice case, legal representation matters. As detailed in the ORPC's Decision Item R-1, a recent qualitative and quantitative analysis by the American Bar Association found that increased funding had a positive impact on several factors associated with legal representation quality, including but not limited to recruitment and retention, fewer case delays, increased time meeting with clients, and greater consistency in representation. See *Effects of Funding Changes on Legal Representation Quality in California Dependency Cases: An Assessment* (available at https://www.americanbar.org/content/dam/aba/administrative/child_law/calrep-assessment.pdf). As stated by the Children's Bureau:

Numerous studies and reports point to the importance of competent legal representation for parents, children, and youth in ensuring that salient information is conveyed to the court, parties' legal rights are protected and that the wishes of the parties are effectively voiced. There is evidence to support that legal representation for children, parents, and youth contributes to or is associated with:

- *increases in party perceptions of fairness;*
- *increases in party engagement in case planning, services, and court hearings;*
- *more personally tailored and specific case plans and services;*
- *increases in visitation and parenting time;*
- *expedited permanency; and*

- *cost savings to state government due to reductions in time children and youth spend in care.*

Administration for Children and Families Children’s Bureau, Information Memorandum 17-02: High Quality Legal Representation for All Parties (January 17, 2017) (available at <https://www.acf.hhs.gov/cb/policy-guidance/im-17-02>).

Investing in attorney services constitutes an investment in Colorado’s children and youth. Children and youth represented by OCR attorneys are among Colorado’s most vulnerable children and deserve a skilled, knowledgeable, and experienced attorney who will advocate for them with the utmost diligence and professionalism demonstrated by any lawyer.

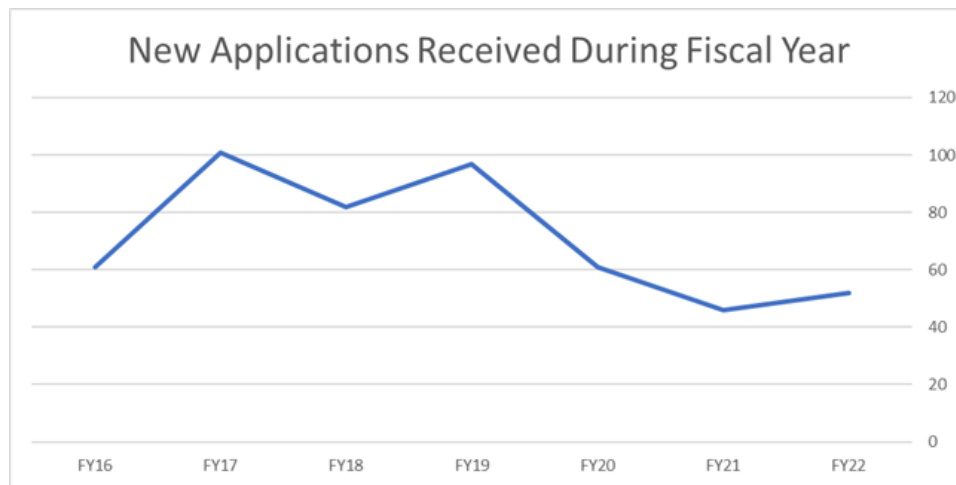
IMPACT ON OCR’S ABILITY TO RECRUIT AND RETAIN QUALIFIED ATTORNEYS THROUGHOUT COLORADO

Increased case complexity, the emotional toll and practical challenges inherent in GAL and CFY work, and the business realities for OCR contractors have made this work more challenging than ever. As demonstrated by the quotes below, attorneys feel increasingly forced to leave the practice because of low hourly rates.

- *“Compensation has not kept up with cost of living in Colorado. My practice has remained steady over the last five plus years (in terms of number of clients, billable hours, etc.) yet due to the rising cost of living, I am struggling to make ends meets more than I did 5 or 10 years ago. I live paycheck to paycheck and have zero funds left to put toward retirement. Sadly, I have begun to consider alternative employment options.”*
- *“The hourly rate is so low compared to private attorneys that attracting and retaining new attorneys is very difficult.”*
- *“The compensation is quite low when you take into consideration that we are without healthcare, other benefits, retirement, paid time off, parental leave, etc. It sadly seems an untenable long-term career option with inflation, having a family myself, needing to care for my own children. It is such time-intensive and high stress work that we are often needed/expected to work outside of normal business hours. The time it requires to do this job well also makes it seemingly impossible to supplement income with another type of law/private practice.”*
- *“Compensation is an issue when attorneys that are skilled leave to do jobs where they make more money and then children are stuck with less skilled providers.”*
- *“While I know comparing this work to private practice is not an ‘apples to apples’ comparison, we have lost several good GALs in our district due to the combination of high-stress and low compensation. It would be nice to have some benefit options as well.”*

The OCR is on the brink of an attorney shortage in several judicial districts, has exhausted all available applicants to fill the needs in some districts, and is increasingly relying on less experienced and out-of-

district attorneys to fill district needs in several rural and front range jurisdictions. The following chart demonstrates the decline in new applications the OCR has experienced since its last major rate increase in Fiscal Year 2014-15. This decline has occurred despite augmented efforts by the OCR to recruit new attorneys.



While the OCR does not gather data on reasons why attorneys leave the practice, it can think of several independent contractors who have ended their OCR contracts in order to take a government or law firm position. Several attorneys in OCR’s recent Attorney Satisfaction Survey indicated that they were considering leaving the practice, with at least one attorney contemplating leaving after over 10 years of working as a GAL. Although the proposed hourly rate increase will not address all the OCR’s recruitment and retention concerns, it is an important step to ensure the OCR can continue to fulfill its statutory mandate.

PROPOSED SOLUTION

OCR recommends an increase in the OCR’s CAC appropriation for FY 2023-24 by \$3,769,013 to allow the OCR to increase its attorney rate to \$100/hour.

ALTERNATIVES

Maintain current rates. Note that this action is likely to result in an attorney shortage in both metro and rural judicial districts, as well as a need for the OCR to increasingly rely on inexperienced attorneys to provide highly specialized representation. An attorney shortage in any judicial district will increase caseloads and pressures on remaining attorneys, compounding burnout and retention issues. Additionally, OCR contractors may need to increasingly rely on other sources of income, causing them to take on private sector case types to the detriment of the time they currently dedicate to OCR appointments.

ANTICIPATED OUTCOMES AND IMPACT ON THE OCR’S PERFORMANCE PLAN

The proposed rate increases are consistent with the OCR’s statutory mandate and will support the OCR’s efforts to attain its goals of providing and maintaining a pool of qualified attorneys to ensure children’s voice and interests remain paramount throughout proceedings (*Goal 1.A*) and establishing fair and

realistic rates of compensation (*Goal 1.D*). These rates will allow attorneys to dedicate the requisite amount of time to this increasingly complex and demanding area of law.

The investment of state dollars in attorney services for children is expected to result in long-term cost savings. Legal representation from qualified attorneys able to invest sufficient time in cases will mitigate the risk of harm to the extremely vulnerable children served through OCR and improve their chances of long-term success.

ASSUMPTIONS AND CALCULATIONS

The OCR is requesting an increase in the hourly rate paid to contract attorneys from \$85 to \$100 per hour.

| | |
|---|---------------------|
| | <u>General Fund</u> |
| FY 24 Estimated Court-appointed Counsel (CAC) Expenditures (Attorney) After Rate Increase | \$25,126,756 |
| FY 24 Estimated CAC Expenditures (Attorney) Prior to Rate Increase | \$21,357,743 |
| | <hr/> |
| Increase in CAC Expenditures (Attorney) | <u>\$3,769,013</u> |
| | <hr/> |
| Percentage increase | <u>18%</u> |

OTHER INFORMATION


| | |
|---|-----|
| Is the request driven by a new statutory mandate? | No |
| Will the request require a statutory change? | No |
| Is this a one-time request? | No |
| Will this request involve IT components? | No |
| Does this request involve other state agencies? | Yes |
| Is there sufficient revenue to support the requested cash fund expenditure? | N/A |
| Does the request link to the Department's Performance Plan? | Yes |

Schedule 13 Funding Request for the 2023-24 Budget Cycle

Department: Judicial - Office of the Child's Representative

Request Title: Rate Increase - Attorneys

Priority Number: R1

Dept. Approval by:  11/1/2022
Date

OSPB Approval by: _____
Date

| |
|--|
| <input checked="" type="checkbox"/> Decision Item FY 2023-24 |
| <input type="checkbox"/> Base Reduction Item FY 2023-24 |
| <input type="checkbox"/> Supplemental FY 2022-23 |
| <input type="checkbox"/> Budget Amendment FY 2023-24 |

| Line Item Information | | FY 2022-23 | | FY 2023-24 | | FY 2024-25 |
|----------------------------------|-------|-----------------------------|---------------------------------------|----------------------------|--|--------------------------------------|
| | | 1 | 2 | 3 | 4 | 5 |
| | Fund | Appropriation FY 2022-23 | Supplemental Request FY 2022-23 | Base Request FY 2023-24 | Funding Change Request FY 2023-24 | Continuation Amount FY 2024-25 |
| Total of All Line Items | Total | 26,734,012 | - | 26,734,012 | 3,769,013 | 30,503,025 |
| | FTE | - | - | - | - | - |
| | GF | 25,205,596 | - | 25,205,596 | 3,769,013 | 28,974,609 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 1,528,416 | - | 1,528,416 | - | 1,528,416 |
| | FF | - | - | - | - | - |
| (JGA) Court-appointed Counsel | Total | 26,734,012 | - | 26,734,012 | 3,769,013 | 30,503,025 |
| | FTE | - | - | - | - | - |
| | GF | 25,205,596 | - | 25,205,596 | 3,769,013 | 28,974,609 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 1,528,416 | - | 1,528,416 | - | 1,528,416 |
| | FF | - | - | - | - | - |

Letternote Text Revision Required? Yes: No: X If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and CORE Fund Number: N/A N/A

Reappropriated Funds Source, by Department and Line Item Name: N/A

Approval by OIT? Yes: No: Not Required: X

Schedule 13s from Affected Departments: None

Other Information: None

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R2: CASELOAD/WORKLOAD ADJUSTMENT

SUMMARY OF REQUEST

The OCR requests a reduction of \$634,018 in its Court Appointed Counsel (CAC) General Fund appropriation to account for a projected decrease in its attorney caseload and a \$271,815 increase in spending authority of its reappropriated federal IV-E dollars to provide holistic representation to children and youth in legal matters related to their OCR appointments.

PROBLEM AND OPPORTUNITY

The OCR's CAC appropriation is driven by attorney caseload and workload. Court mandatory and discretionary appointments determine the OCR's caseload, while attorneys' professional and ethical responsibilities determine workload. As the OCR does not have control over these two main drivers of its agency budgetary needs, the OCR relies on analysis of historical trends, current appointment information and case demands, and assessment of impactful legal and practice developments to inform its caseload and workload projections. OCR's historical trends and recent appointment data lead it to project a decreased caseload for FY 2023-24 as compared to its current year budget.

In 2019, the federal Children's Bureau Administration for Children and Families released new guidance allowing states to draw down federal IV-E dollars for the money spent on providing legal services to children and youth in or at risk of foster care placement. Colorado's General Assembly passed SB 19-258, creating a cash fund for these dollars. In FY 2019-20, the OCR entered into an MOU with the Colorado Department of Human Services to formalize the processes for drawing down and spending these dollars, and the OCR began to draw down the federal dollars in FY 2020-21. The OCR intends to expand programming to provide legal representation to children on matters related to their OCR cases, such as education, housing, public benefits, and expungement and deregistration. This provision of holistic representation is recommended by the National Association of Counsel for Children and the American Bar Association and will contribute to better outcomes for children and youth.

OCR'S CASELOAD TRENDS

OCR's caseload count includes any open and active appointment on which the OCR has been billed, whether it is a new filing in the most recent fiscal year or an open active appointment that is several years old. The agency is responsible for services and payment in all active appointments, which, in D&N proceedings, often include multiple children. When an appointment is closed because all issues affecting the child's safety and best interests have been successfully resolved, it no longer impacts the OCR budget and falls off the OCR's caseload count.

Judicial appointments of GALs and the length of those appointments determine the OCR's caseload. The OCR does not have any control over these main drivers of its budgetary needs.

Table 1 illustrates the OCR's caseload trends since the agency's inception.

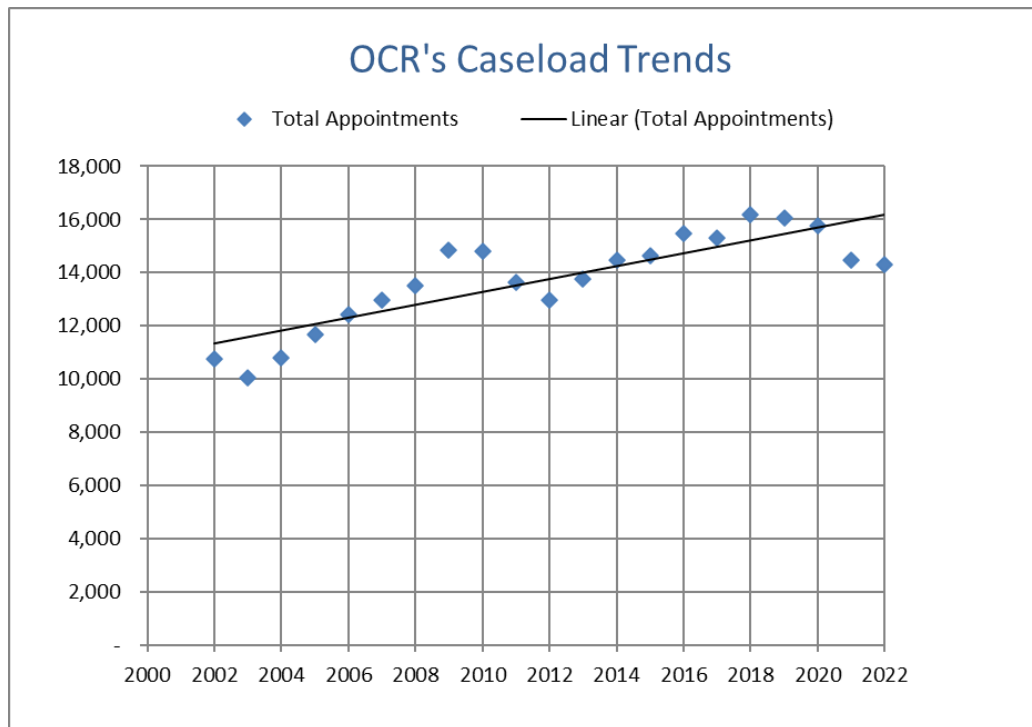


Table 1

As Table 2 and Table 3 demonstrate, D&N and delinquency appointments constitute the overwhelming majority of OCR's CAC expenditures (89.7%) and appointments (81.1%).

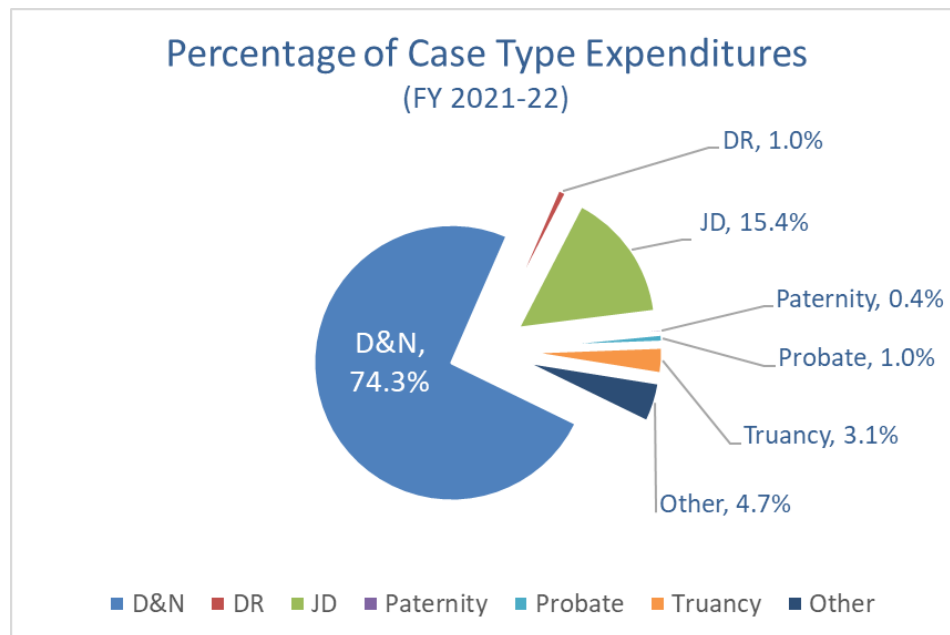


Table 2

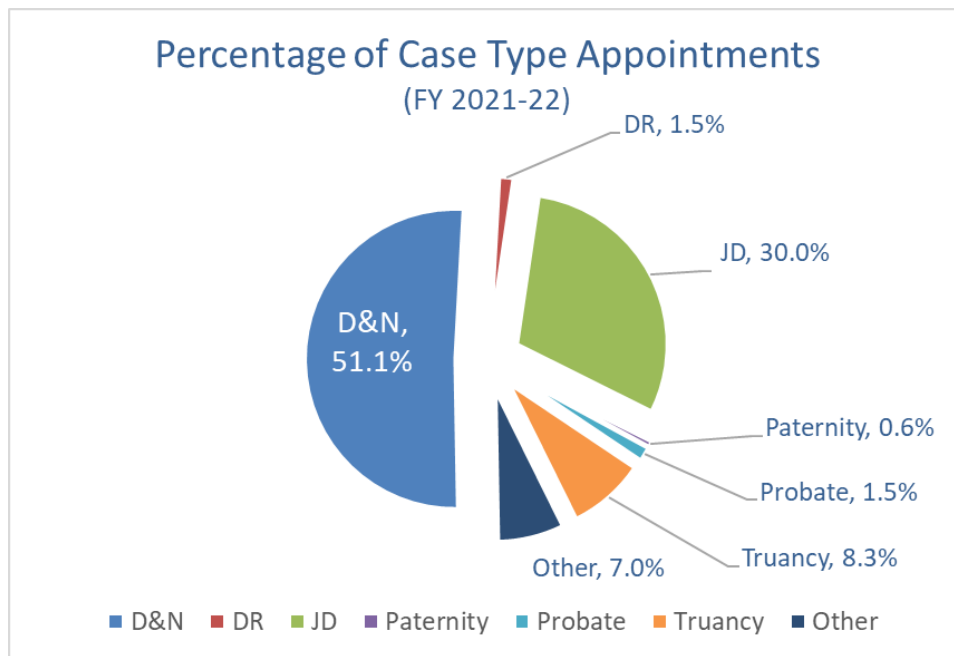


Table 3

D&N CASELOAD

Exhibit A shows OCR’s caseload trends over time. The OCR has experienced an overall decline in its D&N appointments since Fiscal Year 2017-18.

Two main factors impact the OCR’s D&N caseload:

- Filings:** The Colorado Children’s Code mandates the appointment of a GAL for each child subject to a D&N proceeding; when HB 22-1038 takes effect January 9, 2023, the role of CFY will take on the mandatory appointment for youth 12 and older. As D&N cases concern allegations of serious child maltreatment and neglect and present significant risks associated with out-of-home placement, the attorney for the child or youth (whether GAL or CFY) serves as an independent, loyal legal advocate who diligently and zealously must represent the interests of the child or youth throughout the entire proceeding. *Table 4* illustrates Colorado’s D&N filings data over time.

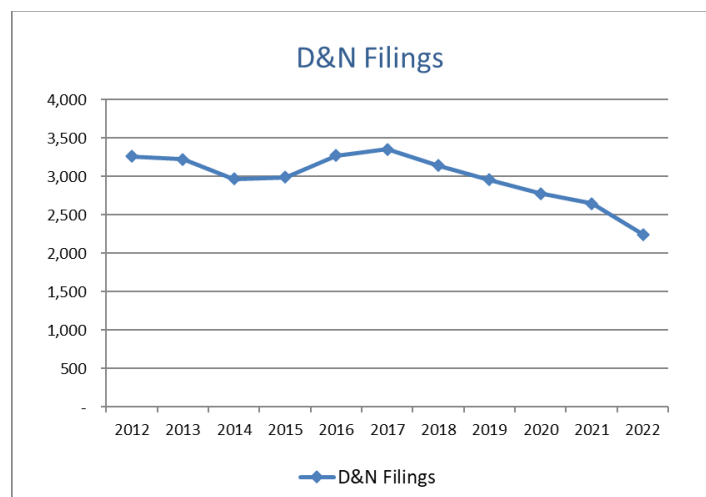


Table 4

- **Case length:** Because the OCR counts an appointment as any appointment paid during the fiscal year (including appointments that have remained open from previous years), length of case also impacts OCR’s caseload count. D&N cases remain open until a child can be safely reunified with a parent without court oversight or the child achieves another form of permanency; these cases often span multiple fiscal years. Advocacy by OCR attorneys plays an important role in protecting against premature case closure and ensuring that D&N cases remain open until the court’s jurisdiction is no longer necessary to protect the safety and interests of the child or youth. Other factors, such as protracted litigation and requests for continuances, may result in delays to case closure and permanency, even when OCR attorneys advocate against such delays.

The OCR projects that D&N appointments will increase slightly in Fiscal Years 2022-23 (1%) and 2023-24 (2%) as compared to FY 2021-22 actuals, due primarily to an increase in case length. With many efforts to keep families out of D&N proceedings resulting from the Family First Prevention Services Act and other child welfare initiatives, only the most serious and complex cases are filed. These cases take longer to resolve, and sustained increases in litigation at both the trial and appellate level will continue to drive case length. The OCR also projects that, at some point, the decline in new case filings and appointments will level out as judicial oversight continues to play an important role in ensuring children’s safety and holding all parties accountable to providing and participating in necessary treatment and services.

With many efforts to keep families out of D&N proceedings resulting from the Family First Prevention Services Act and other child welfare initiatives, only the most serious and complex cases are filed.

A slight increase in D&N appointments due to the need for conflict counsel also informs the OCR’s FY 2023-24 caseload projections. In the overwhelming majority of D&N cases involving sibling groups, one attorney is appointed as GAL to represent all of the children the sibling group. While the OCR has worked with the Chief Justice to promulgate practice standards that help attorneys analyze conflicts in a way that promotes continuity of representation (a practice that HB 22-1038 explicitly supports) and other client-directed states have confirmed that they do not experience more sibling conflicts than the conflicts that present under Colorado’s best interests model of representation, the OCR understands that, in an abundance of caution, some attorneys will conflict off joint representation of sibling groups. The OCR expects the increase in caseload resulting from such conflict determinations to peak in late FY 2022-23 and early FY 2023-24 as attorneys make the transition to client-directed representation for all children over 12 on their caseloads, and then to level out in future fiscal years as attorneys will only make the transition to client-directed representation for children turning 12 on their caseload and become more accustomed to this model of representation. As indicated in OCR’s fiscal note for HB 22-1038, any costs associated with an increased caseload due to conflicts will be absorbable, as OCR continues to project an overall decreased D&N caseload in FY 2023-24 as compared to its FY 2022-23 budgeted caseload.

DELINQUENCY CASELOAD

Judicial appointment decisions constitute the main factor impacting the caseload in delinquency cases. Courts appoint GALs in delinquency cases when a conflict of interest exists between the parent and the child, a parent does not appear in court, or the court otherwise finds that the appointment of a GAL is necessary to serve the best interests of the child.

As illustrated in *Table 5*, delinquency appointments are discretionary and do not necessarily compare to filings. After several years of increased delinquency appointments, the OCR saw a significant decline in its FY 2020-21 appointments. It remains to be seen whether the subsequent slight decrease in FY 2021-22 appointments will represent a leveling out of the FY 2020-21 decline or a continued downward trend.

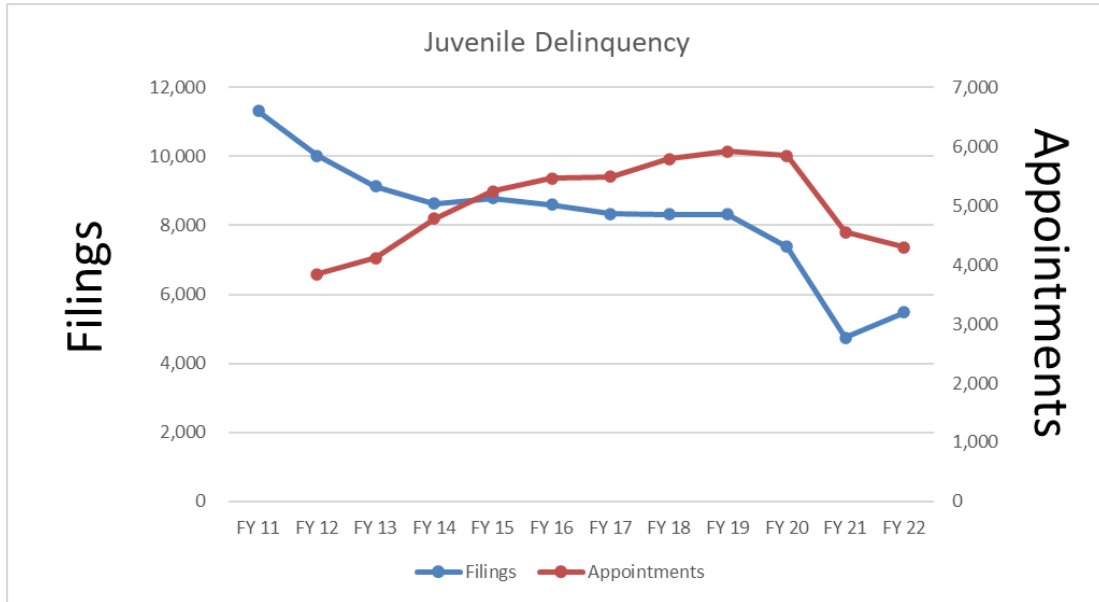


Table 5

While the OCR cannot track specific findings for delinquency appointments, it consistently hears from judicial officers and attorneys that the “appointment necessary to serve the child’s best interests” finding drives many of these discretionary judicial appointments. Over the years, judicial officers and attorneys have reported an increased prevalence of D&N-like issues in delinquency cases. Additionally, an increased understanding of adolescent brain development, the trauma histories of many children charged with delinquent acts, and the immediate and long-term consequences of delinquency cases has likely impacted the appointment of GALs to ensure that detention, placement, and sentencing decisions not only protect community safety but also take into account the best interests of the child as required by the Children’s Code.

At this time, the OCR believes that a projection of decreased delinquency appointments for FY 2023-24 would be premature. The OCR continues to hear from judicial officers and other stakeholders that they depend on the GAL role in delinquency cases, and the OCR does not believe that the factors driving delinquency GAL appointments have resolved. The OCR continues to hear of more and more complex placement, treatment, substance use, and trauma issues in delinquency cases. The OCR believes judicial officers will continue to appoint GALs as an important protection and valuable resource for youth and an important source of information for courts. The OCR therefore projects no growth in its FY 2022-23 appointments and a slight increase (2%) in its FY 2023-24 JD appointments as compared to its FY 2021-22 actuals. This projection remains below the OCR’s FY 2022-23 budgeted caseload for delinquency cases.

FACTORS IMPACTING THE OCR'S WORKLOAD

The OCR measures workload by the number of hours billed during a fiscal year. Workload is driven not only by any increase in appointments or open cases, but also by the amount of time each case requires. Attorneys have an ethical responsibility to provide zealous and competent representation, and they must dedicate the appropriate amount of time to each case on which they are appointed.

Exhibit C details the OCR's workload trends. Notably, D&N appointments impose a significantly greater workload than other case types due to the complexity of the cases, the number of children involved in many cases, and the intensive role of GALs and CFY established by statute, case law, and practice standards. D&N and delinquency costs per appointment increased by 1.43% and 8.35% respectively in FY 2021-22.

Across the board, in all case types, the OCR continues to hear from attorneys that case complexity and demands continue to increase. Efforts to keep families and children outside of formal D&N filings means that only the most complicated and involved D&N cases are filed, and OCR attorneys continue to report pervasive and complex issues on their D&N cases. Longstanding familial mental health and substance use issues, children's mental health issues and an increase in youth Fentanyl use, gaps in the placement array in many districts, and increasing challenges accessing appropriate services and supports given Colorado's workforce shortages place increasing investigative and advocacy demands on attorneys. Recent updates to CJD 04-06 provide greater clarity about attorney requirements for maintaining child/youth contact, independent investigation responsibilities, and legal advocacy expectations. These practice standard updates are consistent with national recommendations, will promote consistent, high-quality representation among all attorneys, and may increase the existing workload for some attorneys.

*Longstanding familial mental health and substance use issues, children's mental health issues and an increase in youth Fentanyl use, gaps in the placement array in many districts, and increasing challenges accessing appropriate services and supports given Colorado's workforce shortages place **increasing investigative and advocacy demands on attorneys.***

Attorneys continue to report increases in jury trials and contested hearings in D&N cases. The OCR has supported attorneys in litigating both novel legal issues and foundational aspects of their role, such as their ability to observe interactions between parents and children. While Colorado, along with the rest of the nation, awaits a decision from the United States Supreme Court ICWA's placement preferences in *Brackeen v. Haaland*, Colorado's Supreme Court has grappled with an increasingly complex array of child welfare and juvenile justice issues including but not limited to ICWA notice, inquiry, and active efforts provisions, sibling visitation, vaccines, competency, the Uniform Child Custody Jurisdiction and Enforcement Act, finality of judicial decisions, judicial conduct questions, and procedural due process rights in remote hearings. Such issues result not only in increased trial and appellate workload, but also in an increasingly nuanced body of caselaw that an attorney must analyze and understand to provide competent representation. Efforts to address racial disparities in child welfare cases and to advocate for culturally diverse and competent services for children and families also demand more attorney time.

OCR attorneys on other case types, including but not limited to truancy, delinquency, domestic relations, paternity, and guardianship cases, continue to report increased complexity in those cases and that they are dealing with issues that are no longer addressed in D&N cases. While the same child, family, and service needs that appear in D&N cases often present in OCR's other case types, the lack of formal county department involvement creates additional challenges for the families, court, and attorneys. As a result, the attorneys appointed to represent the best interests of children in these other case types often find themselves engaging in an intensive factual, legal, services, and support investigation to promote the safety and well-being of the children involved. These OCR attorneys report having to spend additional time navigating "voluntary" county involvement, investigating unfounded and diverted reports of child abuse and neglect, and finding accessible and appropriate services and supports for families and children.

IV-E

In 2019, the federal Children's Bureau Administration for Children and Families released new guidance allowing states to draw down federal IV-E dollars for the money spent on providing legal services to children in or at risk of foster care placement. The guidance makes clear that these dollars should be used to enhance existing attorney services. Colorado's General Assembly passed SB 19-258, creating a cash fund for these dollars. In FY 2019-20, the OCR entered into an MOU with the Colorado Department of Human Services to formalize the processes for drawing down and spending these legal services IV-E dollars. The OCR has drawn down dollars since FY 2020-21.

With these dollars and the shift to client-directed representation, the OCR is well-positioned to begin programming to provide legal representation to children on legal matters related to their OCR cases. These matters may include but are not limited to education, housing, public benefits, and expungement and deregistration. Legal representation on these cases is consistent with NACC Recommendations and the ABA Practice Standards and will promote positive outcomes for children and youth in OCR cases. The Children's Bureau encourages the use of state, local, tribal, and federal IV-E dollars to expand representation to such matters. See ACF – Children's Bureau, *Utilizing Title IV-E Funding to Support high Quality Legal Representation for Children and Youth who are in Foster Care, Candidates for Foster Care and their Parents and to Promote Child and Family Well-being*, ACYF-CB-IM-21-06 (January 14, 2021), [Log No: ACYF-CB-IM-21-06](#). By using its federal IV-E dollars rather than requesting state general funds for such legal representation, the OCR is following relevant federal guidance and making appropriate use of limited federal and state dollars. Revisions to CJD 04-06 further endorse OCR's authority to provide and oversee these legal services.

The OCR has identified case types on which children and youth would benefit from holistic legal representation and has begun to engage with community partners who could provide and support effective legal representation in those cases. The OCR plans to begin limited programming during the second half of FY 2022-23 and expand its programming in FY 2023-24.

PROPOSED SOLUTION

Decrease OCR's CAC appropriation for FY 2023-24 by \$634,108. Increase OCR's spending authority of its reappropriated federal IV-E dollars by \$271,815.

ALTERNATIVES

None. OCR has taken a conservative and thoughtful approach to analyzing its FY 2023-24 budgetary needs and believes the decrease in its appropriation will allow it to continue to provide effective attorney representation in accordance with its legislative mandates. OCR’s request to spend its reappropriated federal IV-E dollars is not only consistent with its enabling legislation, the intent of SB 19-258, and federal guidance it has received, but is also a sound investment in some of Colorado’s most vulnerable children and youth.

The analysis, assumptions, and calculations detailed below represent the OCR’s best attempt to project its CAC needs for FY 2023-24. The OCR will continue to monitor its caseload and workload trends closely and assess the need for budget amendments or supplementals.

ANTICIPATED OUTCOMES AND IMPACT ON THE OCR’S PERFORMANCE PLAN

A sufficiently funded CAC appropriation will allow the OCR to provide diligent and competent representation to children whose safety, permanency, and well-being depend on it.

The OCR will be able to continue to fulfill its mission to provide competent and effective legal representation to Colorado’s children in a cost-effective manner that does not compromise the integrity of services or the well-being of children. An adequate CAC line will allow the OCR to ensure children’s voices and interests are paramount in legal proceedings (*Goal 1.A*), to establish fair and reasonable compensation for its attorneys (*Goal 1.B*), to manage its appropriations and assess program and district needs (*Goal 2.A*).

ASSUMPTIONS AND CALCULATIONS

Exhibits A through C detail the OCR’s assumptions and calculations. The D&N cost per appointment in FY 2023-24 represents slightly more than one hour of attorney time over the estimated FY 2022-23 cost, whereas the JD cost per appointment is the equivalent of slightly more than one-half hour of attorney time over the FY 2022-23 cost. Caseload increases for both D&N and delinquency case types are very modest: 2% or less in FY 2022-23 and FY 2023-24. The OCR is projecting more significant growth in Truancy caseload (5% in both FY 2022-23 and FY 2023-24) as well as a 10% increase in the cost per appointment in both years.

OTHER INFORMATION


| | |
|---|-----|
| Is the request driven by a new statutory mandate? | No |
| Will the request require a statutory change? | No |
| Is this a one-time request? | No |
| Will this request involve IT components? | No |
| Does this request involve other state agencies? | No |
| Is there sufficient revenue to support the requested cash fund expenditure? | N/A |
| Does the request link to the Department’s Performance Plan? | Yes |

Schedule 13 Funding Request for the 2023-24 Budget Cycle

Department: Judicial - Office of the Child's Representative

Request Title: Court-appointed Counsel Caseload/workload

Priority Number: R2

Dept. Approval by:  11/1/2022
Date

OSPB Approval by: _____
Date

| |
|--|
| <input checked="" type="checkbox"/> Decision Item FY 2023-24 |
| <input type="checkbox"/> Base Reduction Item FY 2023-24 |
| <input type="checkbox"/> Supplemental FY 2022-23 |
| <input type="checkbox"/> Budget Amendment FY 2023-24 |

| Line Item Information | | FY 2022-23 | | FY 2023-24 | | FY 2024-25 |
|----------------------------------|-------|-----------------------------|---------------------------------------|----------------------------|--|--------------------------------------|
| | | 1 | 2 | 3 | 4 | 5 |
| | Fund | Appropriation FY 2022-23 | Supplemental Request FY 2022-23 | Base Request FY 2023-24 | Funding Change Request FY 2023-24 | Continuation Amount FY 2024-25 |
| Total of All Line Items | Total | 26,734,012 | - | 26,734,012 | (362,203) | 26,371,809 |
| | FTE | - | - | - | - | - |
| | GF | 25,205,596 | - | 25,205,596 | (634,018) | 24,571,578 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 1,528,416 | - | 1,528,416 | 271,815 | 1,800,231 |
| | FF | - | - | - | - | - |
| (JGA) Court-appointed Counsel | Total | 26,734,012 | - | 26,734,012 | (362,203) | 26,371,809 |
| | FTE | - | - | - | - | - |
| | GF | 25,205,596 | - | 25,205,596 | (634,018) | 24,571,578 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 1,528,416 | - | 1,528,416 | 271,815 | 1,800,231 |
| | FF | - | - | - | - | - |

Letternote Text Revision Required? Yes: No: X If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and CORE Fund Number: N/A N/A

Reappropriated Funds Source, by Department and Line Item Name: N/A

Approval by OIT? Yes: No: Not Required: X

Schedule 13s from Affected Departments: None

Other Information: None

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R3: AUTHORIZE AND FUND 1 FTE STAFF ATTORNEY POSITION

SUMMARY OF REQUEST

The OCR requests \$181,935 in general funds for one new Staff Attorney position to promote and increase equity, diversity, and inclusion in the agency, in the legal advocacy provided by its attorneys, and in the child welfare and juvenile justice systems.

PROBLEM AND OPPORTUNITY

BACKGROUND

Disparity and disproportionality permeate nearly all of OCR's case types. As noted by the National Conference of State Legislatures (NCSL), families of color experience disproportionate representation in the child welfare system and more negative outcomes than white families. *See* NCSL, *Disproportionality and Race Equity in Child Welfare* (available at <https://www.ncsl.org/research/human-services/disproportionality-and-race-equity-in-child-welfare.aspx>). Children of color face an increased likelihood of multiple placements, congregate care, poor educational and behavioral outcomes, and they are less likely to be reunified or to find a permanent placement. *Id.* Numerous studies document racial disproportionality in arrest, incarceration, and school discipline. *See, e.g.,* Office of Juvenile Justice and Delinquency Prevention, *Statistical Briefing Book* (available at https://www.ojjdp.gov/ojstatbb/special_topics/qa11502.asp?qaDate=2020); The Sentencing Project, *Black Disparities in Youth Incarceration* (available at <http://www.sentencingproject.org/publications/black-disparities-youth-incarceration>); The Sentencing Project, *Latinx Disparities in Youth Incarceration* (available at <http://www.sentencingproject.org/publications/latino-disparities-youth-incarceration/>); Georgetown Law Center on Poverty and Inequality, *Data Snapshot 2017-2018: National Data on School Discipline by Race and Gender* (available at <https://genderjusticeandopportunity.georgetown.edu/wp-content/uploads/2021/04/National-Data-on-School-Discipline-by-Race-and-Gender.pdf>).

Lesbian, gay, bisexual, transgender, and questioning (LGBTQ) children and youth face over-representation in juvenile justice and child welfare systems; once in these systems, they "face the prospect of neglect, discrimination, and abuse," along with the risk of violence, substance abuse and suicide. *See* Lambda Legal *Youth in Out-of-Home Care* (available at <https://www.lambdalegal.org/issues/youth-in-out-of-home-care>). Similarly, youth with disabilities face increased likelihood of victimization and involvement in the child welfare and juvenile justice systems. *See* Office of Juvenile Justice and Delinquency Prevention, *Literature Review: Youths with Intellectual and Developmental Disabilities in the Juvenile Justice System* (last updated May 2017) (available at <https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/youths-with-intellectual-and-developmental-disabilities-in-the-juvenile-justice-system.pdf>);

In a recent resolution, the American Bar Association echoes what numerous studies and reports have found, that "racial disparity occurs at every decision point along the child welfare continuum," and calls on the legal profession to:

recognize the inherent strength of Black families, to value Black cultural and ethnic identity tied to race, and to follow the lead of Black parents, children, and kin with lived experience in child welfare in taking constructive steps to end the legacy of family separation and design a public approach to family support that best meets children and parents' needs in the future.

American Bar Association Resolution 606: *Race and Child Welfare* (available at <https://www.americanbar.org/content/dam/aba/administrative/news/2022/08/hod-resolutions/606.pdf>).

Colorado's children and families are not exempt from this harsh reality. For example, Colorado data shows that Black children are overrepresented in all levels of the child welfare system, and that the disparities increase at each level. See Jennifer Brown, *Colorado Begins to Reckon with Racial Bias in Child Welfare, Where Black Kids are Way Overrepresented*, The Colorado Sun, October 19, 2021 (available at <https://coloradosun.com/2021/10/19/cps-racial-bias-black-kids-overrepresented-colorado/>). Moreover, while children and youth benefit from legal representation by attorneys who reflect their race, ethnicity, and culture, "long-standing barriers . . . have prevented diverse attorneys from entering and succeeding in the legal profession." Colorado Bar Association, *Diversity in the Legal Profession* (available at <https://www.cobar.org/For-Members/Committees/Diversity-in-the-Legal-Profession-Committee>). In a recent voluntary demographic survey, only 3.15% of attorneys who responded indicated they were Black or African American, and only 6.94% of attorneys indicate they were of Hispanic, Latino or Spanish Origin. See Colorado Office of Attorney Regulation Counsel *2021 Annual Report* (available at <https://coloradosupremecourt.com/PDF/AboutUs/Annual%20Reports/2021%20Annual%20Report.pdf>).

Attorneys for children and youth must understand the historic and current factors that drive disproportionality and discrimination and that place children and youth at risk of family separation and harm because of their race, culture, disability, sexual orientation, and gender identity. OCR attorneys must continue to develop strong advocacy tools and skills to address these factors head on in their cases. They must also engage in culturally competent investigation, case planning, and advocacy and to continuously work to identify and address bias that may be impacting their own decisions or those of others on their cases. OCR has a responsibility to support attorneys in doing this case-level work, and it must also address these issues in its systemic and policy work and continue to identify ways to diversify its attorney pool to better reflect the communities its attorneys represent.

OCR EFFORTS

Along with many other organizations in 2020, the OCR took a hard look at its efforts and programming to specifically target racial disparities in the child welfare, juvenile justice, truancy, and other systems in which it provides attorney services. The OCR deemed a comprehensive and deliberate approach necessary to effectively address the issues of equity and justice, and it established a multidisciplinary DEI Committee consisting of its contractors and employees to help inform its efforts. Informed by the work of this committee, the OCR has identified principles and strategies it must employ to address the disparities and injustices prevalent in so many of OCR's case types and to create an OCR work force that better reflects the communities OCR's attorneys represent. The OCR has also required a minimum of two annual DEI training hours to fulfill its training requirements and has created a DEI page on its website. Revisions to

CJD 04-06 will require attorneys, effective January 9, 2023, to continually reflect on and strive to mitigate their own biases, engage in culturally responsive communication with children and youth, and explore children and youth's cultural and other identities as part of their independent investigation.

In 2021, the OCR engaged the Equity Project to do an organizational assessment. During that process, the Equity Project conducted a statewide survey, a series of focus groups, and a review of internal data. The resulting report was shared with staff in late 2021 and is the impetus for an OCR retreat slated to be held this fiscal year where staff, supported by a local DEI expert facilitator, will engage in further planning to implement the recommendations of the Equity Project report and its EDI committee. Meanwhile, the OCR EDI committee continues to meet on a regular basis to identify issues and resources impacting the agency, attorneys, and children and families.

Believing that it is every staff member's responsibility to address equity, diversity, and inclusion in their work and to promote justice for children and families, the OCR has attempted to advance its EDI principles and goals by assigning responsibilities to existing staff. For example, the OCR assigned coordination of the EDI committee's efforts to existing staff, and with each new staff attorney position hired, has identified responsibilities for addressing diversity, equity, inclusion, and justice in the case types in which they specialize. While existing staff have invested time in attending and offering trainings; reviewing, updating, and disseminating materials; coordinating the work of the EDI committee; and strategizing and attempting to address the diversification of OCR's work force, existing staff do not have the time or expertise to do justice to the strategic planning and coordination of efforts that these issues demand. It has become obvious that a full-time position filled by an attorney with experience and expertise is essential to the prioritization, coordination, and advancement of this work.

POSITION GOALS AND RESPONSIBILITIES

If funded, OCR's EDI Attorney would:

- ✓ Bring specialized knowledge necessary to infuse EDI principles and practices into all aspects of OCR's work.
- ✓ Engage in strategic planning regarding OCR's EDI efforts to promote equity, diversity, and inclusion in OCR's contractors and staff and to advance equity and justice in OCR's cases.
- ✓ Identify and implement effective strategies for recruiting, retaining, and supporting the professional development and career advancement of a diverse pool of attorneys, case consultants, and staff.
- ✓ Develop resources, materials, and training to support attorneys and CCs in advocating against discrimination and disproportionality, addressing bias, accessing culturally competent services and resources, and advocating for equity and justice in their cases.
- ✓ Engage in case staffings and consultations with contract attorneys, CCs, and OCR staff.

- ✓ Assess OCR's oversight procedures and sources to ensure that they are equitable to contractors and support OCR in identifying and addressing bias.
- ✓ Track child welfare, juvenile justice, truancy, and other EDI data to identify disparities and disproportionality.
- ✓ Inform OCR's policy and systemic advocacy efforts with data, research, and the perspective of children, youth, and families.

PROPOSED SOLUTION

OCR requests \$181,935 to fund a Staff Attorney (1 FTE) to inform and advance OCR's equity, diversity, and inclusion work.

ALTERNATIVES/CONSEQUENCES IF NOT FUNDED

Deny FTE and funding request. If this request is not approved, the OCR will continue to do its best to advance EDI principles, address disproportionality in its cases, and address the responsibilities identified for this new position. However, the OCR believes that it will be unable to fully realize these goals. As other state agencies, such as the Office of Respondent Parent Counsel and the Colorado Department of Human Services, have EDI positions, the OCR will be at a significant disadvantage in addressing these issues through its current attorney staff.

ANTICIPATED OUTCOMES AND IMPACT ON THE OCR'S PERFORMANCE PLAN

The position requested will directly support the following performance goals: ensure children's voice and interests are paramount throughout the proceedings and in the development of policy, law, and practice (Goal 1.A); provide and promote effective use of case consultant support to attorneys (Goal 1.B); provide oversight an evaluation of attorney practice (Goal 1.C); cultivate a learning and practice environment that supports excellence in legal representation (Goal 3.A); deliver high-quality accessible training to advance best practices, address emerging topics in relevant fields, and implement OCR Core Competencies (Goal 3.B); assess attorney and CC education and support needs (Goal 3.C); maintain and disseminate current and relevant resources for attorney and CC use regarding law, social science, and diversity, equity, and inclusion strategies (Goal 3.D).

The investment in this position will ultimately support positive outcomes for children and youth involved in all of OCR's case types, resulting in long-term cost savings as they mature into healthy and contributing members of society.

ASSUMPTIONS AND CALCULATIONS

| | |
|---|-------------|
| Personal Services | |
| Salary ⁽¹⁾ | \$124,009 |
| PERA | \$14,348 |
| Medicare | \$1,798 |
| | <hr/> |
| Subtotal Personal Svcs. | \$140,155 |
| | |
| AED | \$6,201 |
| SAED | \$6,201 |
| Disability insurance | \$187 |
| Health/life/dental insurance | \$21,171 |
| | <hr/> |
| Position costs adjusted for paydate shift | \$173,915 |
| | |
| Ongoing supplies (Operating) | \$500 |
| Ongoing software (Operating) | \$400 |
| Telephone (Operating, one-time) | \$450 |
| Computer (Operating, one-time) | \$1,670 |
| Furniture (Operating, one-time) | \$5,000 |
| | <hr/> |
| Grand total | \$181,935 |
| | <hr/> <hr/> |

(1) Salary est. at 85% of range maximum (\$159,168)
consistent with common comp adjustments for staff
attorneys (adjusted for pay date shift)


OTHER INFORMATION

| | |
|---|-----|
| Is the request driven by a new statutory mandate? | No |
| Will the request require a statutory change? | No |
| Is this a one-time request? | No |
| Will this request involve IT components? | No |
| Does this request involve other state agencies? | No |
| Is there sufficient revenue to support the requested cash fund expenditure? | N/A |
| Does the request link to the Department's Performance Plan? | Yes |

Schedule 13

Funding Request for the 2023-24 Budget Cycle

Department: Judicial - Office of the Child's Representative
 Request Title: Staff Attorney Position - Equity, Diversity and Inclusion
 Priority Number: R3

Dept. Approval by:  11/1/2022
 Date

OSPB Approval by: _____ Date _____

| |
|--|
| <input checked="" type="checkbox"/> Decision Item FY 2023-24 |
| <input type="checkbox"/> Base Reduction Item FY 2023-24 |
| <input type="checkbox"/> Supplemental FY 2022-23 |
| <input type="checkbox"/> Budget Amendment FY 2023-24 |

| Line Item Information | | FY 2022-23 | | FY 2023-24 | | FY 2024-25 |
|--------------------------------|--------------|-----------------------------|---------------------------------------|----------------------------|--|--------------------------------------|
| | | 1 | 2 | 3 | 4 | 5 |
| | Fund | Appropriation FY 2022-23 | Supplemental Request FY 2022-23 | Base Request FY 2023-24 | Funding Change Request FY 2023-24 | Continuation Amount FY 2024-25 |
| Total of All Line Items | Total | 5,049,996 | - | 5,049,996 | 181,935 | 5,231,931 |
| | FTE | 35.9 | - | 35.9 | 1.0 | 36.9 |
| | GF | 4,536,899 | - | 4,536,899 | 181,935 | 4,718,834 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 513,097 | - | 513,097 | - | 513,097 |
| | FF | - | - | - | - | - |
| | FF | - | - | - | - | - |
| (JGA) Personal Services | Total | 3,791,932 | - | 3,791,932 | 140,155 | 3,932,087 |
| | FTE | 35.9 | - | 35.9 | 1.0 | 36.9 |
| | GF | 3,433,263 | - | 3,433,263 | 140,155 | 3,573,418 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 358,669 | - | 358,669 | - | 358,669 |
| | FF | - | - | - | - | - |
| (JGA) AED | Total | 165,053 | - | 165,053 | 6,201 | 171,254 |
| | FTE | - | - | - | - | - |
| | GF | 149,640 | - | 149,640 | 6,201 | 155,841 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 15,413 | - | 15,413 | - | 15,413 |
| | FF | - | - | - | - | - |
| (JGA) SAED | Total | 165,053 | - | 165,053 | 6,201 | 171,254 |
| | FTE | - | - | - | - | - |
| | GF | 149,640 | - | 149,640 | 6,201 | 155,841 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 15,413 | - | 15,413 | - | 15,413 |
| | FF | - | - | - | - | - |

| | | | | | | |
|---|--------------|---------|---|---------|--------|---------|
| (JGA) Short-term Disability Insurance | Total | 5,282 | - | 5,282 | 187 | 5,469 |
| | FTE | - | - | - | - | - |
| | GF | 4,788 | - | 4,788 | 187 | 4,975 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 494 | - | 494 | - | 494 |
| | FF | - | - | - | - | - |
| (JGA) Health/Life/Dental Insurance | Total | 481,776 | - | 481,776 | 21,171 | 502,947 |
| | FTE | - | - | - | - | - |
| | GF | 446,768 | - | 446,768 | 21,171 | 467,939 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 35,008 | - | 35,008 | - | 35,008 |
| | FF | - | - | - | - | - |
| (JGA) Operating | Total | 440,900 | - | 440,900 | 8,020 | 448,920 |
| | FTE | - | - | - | - | - |
| | GF | 352,800 | - | 352,800 | 8,020 | 360,820 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 88,100 | - | 88,100 | - | 88,100 |
| | FF | - | - | - | - | - |
| <p>Letternote Text Revision Required? Yes: No: X If yes, describe the Letternote Text Revision:</p> <p>Cash or Federal Fund Name and CORE Fund Number: N/A N/A</p> <p>Reappropriated Funds Source, by Department and Line Item Name: N/A</p> <p>Approval by OIT? Yes: No: Not Required: X</p> <p>Schedule 13s from Affected Departments: None</p> <p>Other Information: None</p> | | | | | | |

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R4: CONTRACTOR (CASE CONSULTANT AND PARALEGAL) RATE INCREASE

SUMMARY OF REQUEST

Together with the Office of the Alternate Defense Counsel (OADC) and the Office of Respondent Parents' Counsel (ORPC), the OCR requests \$366,844 (\$350,753 General Fund and \$16,091 Reappropriated Funds) to increase its Case Consultant (CC) and paralegal hourly contract rate.

PROBLEM AND OPPORTUNITY

The OCR's statutory mandate recognizes the unique demands of the representation of children, noting that "the representation of children necessitates significant expertise as well as a substantial investment in time and fiscal resources," and requires the OCR to make recommendations to "establish fair and realistic state rates . . . that are sufficient to attract and retain high-quality, experienced attorneys to serve as guardians ad litem or counsel for youth." §§ 13-91-102(1)(a), 105(1)(a)(VI), C.R.S. CCs and paralegals serve as integral members of OCR attorney legal teams and are essential to high-quality legal representation.

BACKGROUND

The professionals compensated under OCR's paralegal and Case Consultant (CC) rates perform important functions and serve as integral members of the legal teams representing children and youth. Paralegals can assist with scheduling appointments and home visits, reviewing documents, and gathering relevant records. CCs include professionals with social work, education, and related degrees who lend specialized expertise to attorney decisions and perform interviews, observations, and ongoing placement visits. Research supports the use of multidisciplinary teams, and the Revised NACC *Recommendations for Legal Representation of Children and Youth in Neglect and Abuse Proceedings* identifies multidisciplinary models of representation as "a critical strategy to enhance legal representation for children and youth." See NACC Recommendation II (available at <https://naccchildlaw.app.box.com/s/vsg6w5g2i8je6jrut3ae0zjt2fvgltsn>). CJD 04-06 purposefully allows attorney investigative and child contact activities to be assigned to a qualified professional acting as a member of the attorney's legal team as an acknowledgment that these independent investigative activities may be more effectively and efficiently performed by a CC.

The use of CCs and paralegals creates efficiencies; without them, attorneys would need to perform the tasks themselves at the higher attorney rate. The billable tasks these professionals perform are not optional tasks but rather requisite components of effective advocacy. OCR supports multidisciplinary representation by allowing attorneys to contract with and hire CCs and paralegals within their offices and by directly contracting with CCs to help attorneys on an as-needed basis.

Like OCR's contract attorney hourly rate, *see* R-1, the hourly rates of these professionals have not kept up with inflation. This impacts OCR's ability to recruit and retain contract CCs and attorneys' ability to hire and retain CCs and paralegals in their office. The OCR has heard from some contractors that they continue

to hire or contract with CCs at a financial loss to their business, as they find these services so invaluable. Despite multiple postings for contract CCs and relaxed qualifications to support recruitment of Spanish-speaking CCs and CCs in rural districts, the OCR has not been able to find a sufficient pool of CCs to meet these identified needs. With inflation at over eight percent, the OCR expects growing challenges in recruiting and retaining CCs.

PROPOSED SOLUTION

Increase the OCR's CAC appropriation for FY 2023-24 by \$366,844 (\$350,753 General Funds and \$16,091 Reappropriated Funds) to allow OCR to increase its Case Consultant rate to \$55/hour, Licensed Cased Consultant rate to \$66/hour and paralegal rate to \$42/hour. This 18% increase in the hourly rates for these professionals is commensurate to the rate OCR requests for its attorneys in Decision Item R-1.

ALTERNATIVES

Maintain current rates. The OCR does not recommend this alternative, as it will likely result in difficulties in recruiting and retaining paralegals and CCs. As the tasks these professionals perform are essential tasks that must be performed by someone on the attorney's legal team, and they perform the tasks at a rate lower than the attorney rate, difficulties with recruitment and retention may ultimately increase OCR's overall costs by shifting the responsibility for performing these tasks to attorneys who will bill at a higher rate.

Fund an increase that is lower than the percentage requested for attorneys in Decision Item R-1. While this alternative will lessen the likelihood of retention and recruitment issues compared to maintaining the current rate, the possibility of such issues still exists. As the rate of these professionals is significantly lower than the attorney rate, increasing the rate for these professionals is a reasonable efficiency.

ANTICIPATED OUTCOMES AND IMPACT ON THE OCR'S PERFORMANCE PLAN

The proposed rate increases are consistent with the OCR's statutory mandate and will support the OCR's efforts to attain its goals of providing and maintaining a pool of qualified attorneys to ensure children's voice and interests remain paramount throughout proceedings (*Goal 1.A*) and establishing fair and realistic rates of compensation (*Goal 1.D*). These rates will allow attorneys to dedicate the requisite amount of time to this increasingly complex and demanding area of law. Additionally, the CC rate increase will allow OCR to provide and promote effective use of CCs (*Goal 1.B*).

The investment of state dollars in attorney services for children is expected to result in long-term cost savings. Legal representation from qualified attorneys who have the support of a multidisciplinary team will mitigate the risk of harm to the extremely vulnerable children served through OCR and improve their chances of long-term success.

ASSUMPTIONS AND CALCULATIONS

| | <u>General Fund</u> | <u>Reappropriated</u> | <u>Total</u> |
|---|---------------------|-----------------------|------------------|
| FY 24 Estimated Court-appointed Counsel (CAC) Expenditures (non-attorney) After Rate Increase | \$2,412,871 | \$108,325 | \$2,521,196 |
| FY 24 Estimated CAC Expenditures (non-attorney) Prior to Rate Increase | \$2,062,118 | \$92,234 | \$2,154,352 |
| Increase in CAC Expenditures (non-attorney) | <u>\$350,753</u> | <u>\$16,091</u> | <u>\$366,844</u> |
| Percentage increase (approx.) | <u>18%</u> | <u>18%</u> | <u>18%</u> |

OTHER INFORMATION


| | |
|---|-----|
| Is the request driven by a new statutory mandate? | No |
| Will the request require a statutory change? | No |
| Is this a one-time request? | No |
| Will this request involve IT components? | No |
| Does this request involve other state agencies? | Yes |
| Is there sufficient revenue to support the requested cash fund expenditure? | N/A |
| Does the request link to the Department's Performance Plan? | Yes |

Schedule 13 Funding Request for the 2023-24 Budget Cycle

Department: Judicial - Office of the Child's Representative

Request Title: Rate Increase - Other Contractors

Priority Number: R4

Dept. Approval by:  11/1/2022
Date

OSPB Approval by: _____
Date

| |
|--|
| <input checked="" type="checkbox"/> Decision Item FY 2023-24 |
| <input type="checkbox"/> Base Reduction Item FY 2023-24 |
| <input type="checkbox"/> Supplemental FY 2022-23 |
| <input type="checkbox"/> Budget Amendment FY 2023-24 |

| Line Item Information | | FY 2022-23 | | FY 2023-24 | | FY 2024-25 |
|--|--------------|----------------------------------|--|---------------------------------|---|---|
| | Fund | 1 Appropriation FY 2022-23 | 2 Supplemental Request FY 2022-23 | 3 Base Request FY 2023-24 | 4 Funding Change Request FY 2023-24 | 5 Continuation Amount FY 2024-25 |
| Total of All Line Items | Total | 26,734,012 | - | 26,734,012 | 366,844 | 27,100,856 |
| | FTE | - | - | - | - | - |
| | GF | 25,205,596 | - | 25,205,596 | 350,753 | 25,556,349 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 1,528,416 | - | 1,528,416 | 16,091 | 1,544,507 |
| | FF | - | - | - | - | - |
| (JGA) Court-appointed Counsel | Total | 26,734,012 | - | 26,734,012 | 366,844 | 27,100,856 |
| | FTE | - | - | - | - | - |
| | GF | 25,205,596 | - | 25,205,596 | 350,753 | 25,556,349 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 1,528,416 | - | 1,528,416 | 16,091 | 1,544,507 |
| | FF | - | - | - | - | - |

Letternote Text Revision Required? Yes: No: X If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and CORE Fund Number: N/A N/A

Reappropriated Funds Source, by Department and Line Item Name: N/A

Approval by OIT? Yes: No: Not Required: X

Schedule 13s from Affected Departments: None

Other Information: None

R5: ADMINISTRATIVE STAFFING ADJUSTMENTS

SUMMARY OF REQUEST

The OCR requests \$109,291 (General Fund) to increase one half-time position to full time and to reclassify and increase a 0.4 FTE position to full time.

PROBLEM AND OPPORTUNITY

With the passage of HB21-1094, the OCR received an appropriation for a 0.5 FTE **Case Operations Assistant** position to support the Foster Youth in Transition Program (FYTP). Generally, youth between the ages of 18 and 21 who have or had an open Dependency and Neglect (D&N) case are eligible to receive developmentally appropriate services as they transition into adulthood. The Assistant position is the first point of contact and receives inquiries from youth interested in the program, determines if they are eligible for the program, assigns an attorney to represent the youth, verifies accurate setup of the appointment in OCR's billing system, and follows up to ensure all interested and eligible youth are contacted and represented by their assigned attorney. The Assistant tracks all referrals to ensure every youth hears from the OCR.

Because of the FYTP's success, the OCR expects interest, participation, oversight, and support needs will continue to grow in FY 2023-24. While the OCR has engaged in targeted youth outreach and stakeholder training efforts, many eligible youth remain unfamiliar with the program. The OCR continues to strategize outreach and education to youth, legal and service organizations, community leaders, and other stakeholders. The Case Operations Assistant is a natural fit for additional community and youth outreach strategies to ensure that eligible Colorado youth know of the benefits available to them as they transition to adulthood. Additionally, the Case Operations Assistant is well-positioned to support additional case assignment and operations related to OCR's growing litigation support programs. The OCR requests a 0.5 FTE increase to make its Case Operations Assistant position full time.

The OCR is also requesting to increase an existing 0.4 FTE **Staff Assistant** position to full time. Along with the FTE increase, the OCR requests to reclassify the position to an **Accountant II** to support finance and operations functions. The OCR's budget has grown from \$23 million in FY 2014-15 to nearly \$34 million in FY 2022-23. Operational team support staff (budget, accounting, payroll, human resources, etc.) has not increased in over 10 years. Over those years, OCR has increased the number of staff and contract attorneys, has adapted to increasingly complex review requirements due to new case types and policies, and has expanded its review of contractor expenditures. The OCR's overall staffing has increased by over 30% since FY 2014-15, increasing the payroll and HR obligations. The new challenges of onboarding and HR in a hybrid work environment also necessitate additional time spent on HR setup and maintenance per employee. Since FY 2017-18, the OCR has significantly improved its review of court-appointed counsel expenditures by implementing a multi-level review process of contractor invoices. This process has improved compliance with the OCR's billing policies and procedures and overall billing accuracy. However, these improvements and OCR's overall growth over the last several years are straining its staff resources. As an example, the OCR's Chief Operating Officer routinely processes vendor payments during unpredictable high-volume weeks so accounts payable may remain current. The OCR has reached the point where a full-time position would be most efficient to maintain and improve these processes.

PROPOSED SOLUTION

OCR requests \$36,066 to increase the Case Operations Assistant position funded from HB21-1094 from 0.5 FTE to full time to provide additional program-related support. Additionally, the OCR requests \$73,225 to increase the 0.4 FTE Staff Assistant position to full time and reclassify it to an Accountant II.

ALTERNATIVES/CONSEQUENCES IF NOT FUNDED

Deny funding request. Keeping these positions as part time will likely result in less scrutiny and delayed reconciliation of contractor invoices and overall court-appointed counsel expenditures. Payments will likely be delayed, causing dissatisfaction among the OCR's contractors when finding and retaining contract attorneys can be a significant challenge.

ANTICIPATED OUTCOMES AND IMPACT ON THE OCR'S PERFORMANCE PLAN

Increasing existing part-time positions to full-time supports all aspects of the Performance Plan by providing underlying administrative and fiscal support to all OCR programs.

ASSUMPTIONS AND CALCULATIONS


| | |
|-------------------------|-----------|
| Personal Services | |
| Salary | \$88,731 |
| PERA | \$10,266 |
| Medicare | \$1,287 |
| Subtotal Personal Svcs. | \$100,284 |
| | |
| AED | \$4,437 |
| SAED | \$4,437 |
| Disability insurance | \$133 |
| Total cost | \$109,291 |

OTHER INFORMATION

| | |
|---|-----|
| Is the request driven by a new statutory mandate? | No |
| Will the request require a statutory change? | No |
| Is this a one-time request? | No |
| Will this request involve IT components? | No |
| Does this request involve other state agencies? | No |
| Is there sufficient revenue to support the requested cash fund expenditure? | N/A |
| Does the request link to the Department's Performance Plan? | Yes |

Schedule 13
Funding Request for the 2023-24 Budget Cycle

Department: Judicial - Office of the Child's Representative
 Request Title: Administrative Staffing - Increase Part-time Positions to Full-time
 Priority Number: R5

Dept. Approval by:  11/1/2022
 Date

- Decision Item FY 2023-24
- Base Reduction Item FY 2023-24
- Supplemental FY 2022-23
- Budget Amendment FY 2023-24

OSPB Approval by: _____
 Date

| Line Item Information | | FY 2022-23 | | FY 2023-24 | | FY 2024-25 |
|--|--------------|-----------------------------|---------------------------------------|----------------------------|--|--------------------------------------|
| | | 1 | 2 | 3 | 4 | 5 |
| | Fund | Appropriation FY 2022-23 | Supplemental Request FY 2022-23 | Base Request FY 2023-24 | Funding Change Request FY 2023-24 | Continuation Amount FY 2024-25 |
| Total of All Line Items | Total | 4,127,320 | - | 4,127,320 | 109,291 | 4,236,611 |
| | FTE | 35.9 | - | 35.9 | 1.1 | 37.0 |
| | GF | 3,737,331 | - | 3,737,331 | 109,291 | 3,846,622 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 389,989 | - | 389,989 | - | 389,989 |
| | FF | - | - | - | - | - |
| (JGA) Personal Services | Total | 3,791,932 | - | 3,791,932 | 100,284 | 3,892,216 |
| | FTE | 35.9 | - | 35.9 | 1.1 | 37.0 |
| | GF | 3,433,263 | - | 3,433,263 | 100,284 | 3,533,547 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 358,669 | - | 358,669 | - | 358,669 |
| | FF | - | - | - | - | - |
| (JGA) AED | Total | 165,053 | - | 165,053 | 4,437 | 169,490 |
| | FTE | - | - | - | - | - |
| | GF | 149,640 | - | 149,640 | 4,437 | 154,077 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 15,413 | - | 15,413 | - | 15,413 |
| | FF | - | - | - | - | - |
| (JGA) SAED | Total | 165,053 | - | 165,053 | 4,437 | 169,490 |
| | FTE | - | - | - | - | - |
| | GF | 149,640 | - | 149,640 | 4,437 | 154,077 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 15,413 | - | 15,413 | - | 15,413 |
| | FF | - | - | - | - | - |
| (JGA) Short-term Disability Insurance | Total | 5,282 | - | 5,282 | 133 | 5,415 |
| | FTE | - | - | - | - | - |
| | GF | 4,788 | - | 4,788 | 133 | 4,921 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 494 | - | 494 | - | 494 |
| | FF | - | - | - | - | - |

Letternote Text Revision Required? Yes: No: X If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and CORE Fund Number: N/A N/A

Reappropriated Funds Source, by Department and Line Item Name: N/A

Approval by OIT? Yes: No: Not Required: X

Schedule 13s from Affected Departments: None

Other Information: None

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R6: COMMON COMPENSATION PLAN

SUMMARY OF REQUEST

The OCR requests \$175,171 (\$152,851 General Fund, \$22,320 Reappropriated Funds) to continue implementation of the common compensation plan it developed with the Office of Respondent Parents' Counsel (ORPC) and the Office of Alternate Defense Counsel (OADC).

PROBLEM AND OPPORTUNITY

In response to a request made by JBC staff during the FY 2017-18 Judicial Branch Staff Budget Briefing, the OCR in concert with ORPC and OADC developed and proposed a common compensation plan in its FY 2019-20 Budget Request. This process involved intensive review of every position in each agency and the benchmarking of each position to similar positions in the Judicial Department, the Office of the State Public Defender (OSPD), and the Executive Branch based on the similarity of job duties. The OCR continually reviews the plan to ensure fair and reasonable compensation and has identified several misaligned positions within its Denver office. The OCR is requesting salary adjustments to ensure parity with other agencies, respond to inflation, and retain staff with specialized knowledge and experience.

When compared to OCR's common compensation partners, the OCR's **Denver Office Staff Attorney positions** have comparable expertise and responsibilities but considerably lower salaries. While the OCR does not seek to match the highest salaries of related agencies, it is imperative to remain competitive with its counterparts and to provide equitable compensation to staff with valuable expertise. OCR's Staff Attorneys must possess the specialized legal and social science knowledge required to support and oversee contract attorneys in more than eight case types throughout Colorado, staffing complex and difficult cases. They must ensure high-quality attorney services are available in the most cost-effective manner, regularly identifying and reinforcing performance standards to reflect legislative and practice developments. Each staff attorney at the OCR, regardless of their years of service at the agency, brings extensive years of experience in child welfare and/or juvenile justice law and associated expertise. In addition to their shared responsibilities of overseeing and supporting attorneys and serving as district liaisons, each staff attorney has assumed the responsibility for specialized and ambitious programs (e.g., OCR's Engaging and Empowering Youth Program, Legislative Liaison and internship supervision, law school outreach, appellate monitoring and programming, Youth Justice Advocacy program). Given the agency's lean administrative structure, the OCR depends on staff attorneys to produce legal work and to strategize, pioneer, and implement sustainable programs with minimal supervision. The OCR requests salary increases to fairly compensate the comparable duties and experience required of its Staff Attorneys.

The OCR requests increases to two management positions, the **Chief Operating Officer** and the **Information Systems Director**, to ensure parity with public and private sector salaries. Both positions require supervisory and strategic development duties as members of the management team for OCR; they supervise staff, manage the budget, and manage human resources, operations, and information technology in Denver and for the El Paso County Office. The OCR's Chief Operating Officer's salary is currently 3% below his counterpart at the OADC, though the positions have comparable fiscal duties, responsibilities, and years of experience. The OCR requires additional varied analyses when developing budget requests, evaluating legislative changes and fiscal notes, and monitoring expenditures and IV-E funding due to its 12 overall case types grouped into seven major categories. The OCR has also increased the number of staff and contract attorneys, has adapted

to increasingly complex review requirements due to new case types and policies, and has expanded its review of contractor expenditures. The OCR requests an adjustment of 3% to align the Chief Operating Officer's base salary with that of OADC's Chief Financial Officer.

In addition to supervising staff and advising the management team regarding agency strategy for information systems, the OCR's Information Systems (IS) Director is an engineer with special expertise in efficient workflow and data modeling. Thanks to this position, the OCR rapidly develops and deploys its own ad-hoc technology solutions to emergent issues that benefit from automation, keeping data integrity and administrative costs low and saving staff time for substantive critical thinking and analysis. The OCR's IS Director enforces exacting standards to develop business requirements; write acceptance criteria, test scripts, documentation, and help articles; code ad-hoc queries, online tools, and live-updating reports; direct the scope of enhancements and front/back-end design; conduct project management, code review, and quality assurance; and oversee engineers for all major technology projects, most notably OCR's custom billing and case management application "C.A.R.E.S." with 600 active users. For example, in response to the passage of recent legislation, the IS Director consulted OCR's Staff Attorneys to design efficient technical specifications for the C.A.R.E.S. data model and user experience (UX), and she is now overseeing implementation of this streamlined design at a faster pace than would be possible if the OCR outsourced business analysis, database/UX design, and technical writing. Similar professionals in public and private sectors receive salaries 30-50% higher than the incumbent; as reported by the *Denver Business Journal*, Denver's average tech salary is \$149,506 (up 10.6% compared to 2021) according to a 2022 analysis of more than 900,000 interview requests and 47,000 active positions through the *Hired* platform (see [Denver Business Journal](#), 9/13/22). The OCR's IS Director currently has ten years' experience with the OCR and is just under the midpoint of her salary range. The OCR requests an adjustment of 6.8% to remain equitable in light of the experience and technical expertise the OCR gains from this position.

The OCR also understands that the Office of the State Public Defender (OSPD) may request salary adjustments for many of its positions. The OCR had several productive conversations with OSPD staff regarding their salary adjustments. The OCR does not have specific figures from that upcoming request, but the OCR continues to face a significant turnover in **entry- and mid-level attorney positions at the OCR's El Paso County GAL Office**. To address the turnover issue and fairly compensate attorneys who practice in this specialized field, the OCR sought to align positions with similar positions at the OSPD in its FY 2019-20 budget request. In aligning attorney salaries to OSPD, the OCR took a conservative approach, as its El Paso County attorney salaries remain low as compared to other public sector attorneys, such as county attorneys, district attorneys, and attorneys who work for the Office of the Attorney General. The El Paso County GAL Office has experienced significant turnover in its non-management attorney staff over the last several years. Two separate attorney position postings resulted in a total of only 12 applicants; many of the applicants did not meet the minimum qualifications, resided out of state, or were not licensed to practice law in Colorado. The OCR had to repost one position a second time, and it remains open at the time of this writing in the hopes of attracting more qualified applicants.

Staff turnover and lengthy time to fill vacancies at the El Paso County GAL Office impact the caseload and workload of other attorneys in the office and the office's ability to accept new appointments; constitutes a loss from the perspective of the OCR's training and supervision investment; and negatively impacts continuity of representation for children. The inability to recruit and maintain qualified attorneys for these positions impairs the OCR's ability to fulfill its mandates and prevents the office from reaching its full potential. The

interests at stake and legal and factual complexity of the OCR's case types does not support disparate compensation for this group of attorneys. The OCR requests \$95,152 in light of these ongoing challenges.

The salary of OCR's **Training Director** remains approximately 30% lower than her counterparts at similar agencies. The OCR does not seek to match those salaries; unlike the other agencies, the Training Director position is anchored to an Executive Branch training-related position rather than an attorney position. However, the OCR's Training Director has an MSW and JD degree, five years of experience at the OCR, and relevant professional experience and training prior to her work at the OCR. She directs equivalent training for OCR contract attorneys and caseworkers, judicial officers, and others involved in the OCR's many case types. OCR's robust and comprehensive training program provides accessible training to all OCR attorneys and case consultants regarding 12 case types targeted to the various competencies of new, experienced, and advanced contractors. With the implementation of new legislation, case types, and OCR's expansion of multidisciplinary representation and other best practices in Colorado, OCR's training demands continue to increase. In FY 2021-22 alone, the OCR offered 83 continuing legal education credits. In addition to a two-part Core Competencies Training for new attorneys, the Training Director develops the content and hosts an annual statewide conference with accessible virtual and in-person attendance options, an annual skills-based training, and numerous webinars to address the increasingly complex needs of OCR's contractors and case-carrying staff. With the expansion of OCR's programming and attorney supports, OCR's recent DEI training requirements and focus, and the increasing specialization of appellate and delinquency practice as a result of the OCR's two recent staff attorney additions, the Training Director's responsibilities have and will continue to grow. The Training Director must continually assess and address the need for enhancements to OCR's training program including online curricula and DEI training. The OCR asks to adjust the salary for this position by 16.7% to reflect the specialized knowledge and scope of responsibilities that so closely mirror comparable positions at similar agencies.

PROPOSED SOLUTION

Provide the OCR with \$175,171 to align current staff with existing OSPD, Judicial, and Executive Branch Compensation Plan positions and to ensure salaries for all positions at or above the minimum of the adjusted salary ranges.

ALTERNATIVES/CONSEQUENCES IF NOT FUNDED

Deny funding request. Misaligned salaries at the OCR's Denver Executive Office present a risk of turnover, and the OCR does not believe it would be able to find qualified replacement staff at existing salaries. Turnover and vacancies at OCR's El Paso County GAL Office have a direct impact on children, who depend on attorneys to represent their interests in proceedings and who need continuity of representation

ANTICIPATED OUTCOMES AND IMPACT ON THE OCR'S PERFORMANCE PLAN

This salary alignment plan supports all aspects of the OCR's Performance Plan, as the ability to recruit and retain qualified employees bolsters effective and efficient implementation of all strategies detailed in the plan.

ASSUMPTIONS AND CALCULATIONS


| | General Fund | Reappropriated Funds | Total |
|-------------------------|------------------|-------------------------|------------------|
| Personal Services | | | |
| Salary | \$124,099 | \$18,120 | \$142,219 |
| PERA | \$14,358 | \$2,097 | \$16,455 |
| Medicare | \$1,798 | \$263 | \$2,061 |
| Subtotal Personal Svcs. | \$140,255 | \$20,480 | \$160,735 |
| AED | \$6,205 | \$906 | \$7,111 |
| SAED | \$6,205 | \$906 | \$7,111 |
| Disability insurance | \$186 | \$28 | \$214 |
| Total cost | <u>\$152,851</u> | <u>\$22,320</u> | <u>\$175,171</u> |

OTHER INFORMATION

| | |
|---|-----|
| Is the request driven by a new statutory mandate? | No |
| Will the request require a statutory change? | No |
| Is this a one-time request? | No |
| Will this request involve IT components? | No |
| Does this request involve other state agencies? | No |
| Is there sufficient revenue to support the requested cash fund expenditure? | N/A |
| Does the request link to the Department's Performance Plan? | Yes |

Schedule 13
Funding Request for the 2023-24 Budget Cycle

Department: Judicial - Office of the Child's Representative
 Request Title: Common Compensation Plan Adjustments
 Priority Number: R6

Dept. Approval by:  11/1/2022
 Date

- Decision Item FY 2023-24
- Base Reduction Item FY 2023-24
- Supplemental FY 2022-23
- Budget Amendment FY 2023-24

OSPB Approval by: _____
 Date

| Line Item Information | | FY 2022-23 | | FY 2023-24 | | FY 2024-25 |
|--|--------------|----------------------------------|--|---------------------------------|---|---|
| | Fund | 1 Appropriation FY 2022-23 | 2 Supplemental Request FY 2022-23 | 3 Base Request FY 2023-24 | 4 Funding Change Request FY 2023-24 | 5 Continuation Amount FY 2024-25 |
| Total of All Line Items | Total | 4,127,320 | - | 4,127,320 | 175,171 | 4,302,491 |
| | FTE | 35.9 | - | 35.9 | - | 35.9 |
| | GF | 3,737,331 | - | 3,737,331 | 152,851 | 3,890,182 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 389,989 | - | 389,989 | 22,320 | 412,309 |
| | FF | - | - | - | - | - |
| (JGA) Personal Services | Total | 3,791,932 | - | 3,791,932 | 160,735 | 3,952,667 |
| | FTE | 35.9 | - | 35.9 | - | 35.9 |
| | GF | 3,433,263 | - | 3,433,263 | 140,255 | 3,573,518 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 358,669 | - | 358,669 | 20,480 | 379,149 |
| | FF | - | - | - | - | - |
| (JGA) AED | Total | 165,053 | - | 165,053 | 7,111 | 172,164 |
| | FTE | - | - | - | - | - |
| | GF | 149,640 | - | 149,640 | 6,205 | 155,845 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 15,413 | - | 15,413 | 906 | 16,319 |
| | FF | - | - | - | - | - |
| (JGA) SAED | Total | 165,053 | - | 165,053 | 7,111 | 172,164 |
| | FTE | - | - | - | - | - |
| | GF | 149,640 | - | 149,640 | 6,205 | 155,845 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 15,413 | - | 15,413 | 906 | 16,319 |
| | FF | - | - | - | - | - |
| (JGA) Short-term Disability Insurance | Total | 5,282 | - | 5,282 | 214 | 5,496 |
| | FTE | - | - | - | - | - |
| | GF | 4,788 | - | 4,788 | 186 | 4,974 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 494 | - | 494 | 28 | 522 |
| | FF | - | - | - | - | - |

Letternote Text Revision Required? Yes: No: X If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and CORE Fund Number: N/A N/A

Reappropriated Funds Source, by Department and Line Item Name: N/A

Approval by OIT? Yes: No: Not Required: X

Schedule 13s from Affected Departments: None

Other Information: None

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R7: INCREASE TRAINING APPROPRIATION

SUMMARY OF REQUEST

The OCR requests an \$80,000 increase in its Training Appropriation (Reappropriated, IV-E funds) to provide sufficient funding for technical and organizational support for its annual Fall Conference and other training events.

PROBLEM AND OPPORTUNITY

The OCR's training program is mandated by the OCR's enabling legislation and federal law requiring states to certify that each GAL appointed in a D&N proceeding has received training appropriate to the role. CJD 04-06 requires attorneys who contract with the OCR to attend 10 Continuing Legal Education credits for trainings approved or sponsored by the OCR each year, two of which must be qualified as DEI credits.

The OCR has developed a robust training program centered on core competencies and the goal of cultivating a learning and practice environment that not only provides statewide accessible training and supports but that also promotes opportunities for OCR attorneys to learn from and support one another in integrating best practices in their day-to-day legal representation. Over several years, the OCR has enhanced and expanded its training program significantly.

The OCR's 2020 and 2021 Fall Conferences were entirely online events with no in-person option. The OCR made its 2022 Fall Conference a hybrid event to allow participants to attend in-person, attend via livestream, or view recordings after the event. This was the most effective and inclusive way to reach most participants—in-person attendance offers interactive opportunities that many participants and the OCR would not want to forego, and yet many participants are not able to attend due to personal circumstances but still require the training. In OCR's recent Attorney Satisfaction Survey, attorneys indicated the benefits of both in-person and remote learning, with many attorneys commenting on the learning benefits of live training and others commenting on the accessibility and efficiency of remote options.

Therefore, in order to maximize attendance, participation, and accessibility, the OCR will provide most future trainings using a hybrid format with both in-person and virtual options. The OCR benefits from offering multiple formats not only for inclusive live participation but also because the OCR can extend the return on investment with high-quality recordings available online. However, the OCR does not have the staff or audio-visual (AV) expertise to provide livestreaming and professional recordings (including user-friendly cuts between speaker and slide and recording simultaneous breakout sessions). The OCR contracted with a professional AV company to record and livestream sessions during the recent Fall Conference, and this will be necessary in the future.

While they were one of the highest costs from the 2022 Fall Conference, AV services were necessary because of the technical expertise and staffing involved. OCR's Fall Conference was the most successful and well-attended training event in recent years. By contracting with subject matter experts in the AV and event planning/organizing field, the OCR can concentrate its resources and expertise on providing high quality, relevant content for attendees. An investment in AV services ensures all attorneys will be able to view this important content, which will remain relevant for several years and provide the foundation for future trainings, and to revisit content when applicable to specific situations in their cases. Furthermore, by

contracting for these services, the OCR will remain current with emerging technologies and provide the most meaningful, substantive events.

PROPOSED SOLUTION

Increase OCR’s Training Appropriation by \$80,000 to provide sufficient funding for its training program.

ANTICIPATED OUTCOMES AND IMPACT ON THE OCR’S PERFORMANCE PLAN

As training elevates the quality of attorney services provided to Colorado children and supports efficient attorney practice, this request spans all aspects of the OCR’s Performance Plan. Specifically, well-trained attorneys are able to effectively provide children a voice in the legal system through effective advocacy and comply with established practice standards (*Goals 1.A, 1.B*), engage in efficient practices (*Goal 2*), and remain current in state and federal law, social science research, and evidence-based services (*Goal 3*). Furthermore, this increase will make training more accessible to all OCR stakeholders.

ASSUMPTIONS AND CALCULATIONS

In projecting an increased need of \$80,000 for its Training line item, the OCR considered its past training budget, its training targets and goals for FY 2023-24 based on anticipated FY 2022-23 expenditures.

OTHER INFORMATION


| | |
|---|-----|
| Is the request driven by a new statutory mandate? | No |
| Will the request require a statutory change? | No |
| Is this a one-time request? | No |
| Will this request involve IT components? | No |
| Does this request involve other state agencies? | No |
| Is there sufficient revenue to support the requested cash fund expenditure? | N/A |
| Does the request link to the Department’s Performance Plan? | Yes |

Schedule 13 Funding Request for the 2023-24 Budget Cycle

Department: Judicial - Office of the Child's Representative

Request Title: Training Increase

Priority Number: R7

Dept. Approval by:  11/1/2022
Date

OSPB Approval by: _____
Date

- Decision Item FY 2023-24
- Base Reduction Item FY 2023-24
- Supplemental FY 2022-23
- Budget Amendment FY 2023-24

| Line Item Information | | FY 2022-23 | | FY 2023-24 | | FY 2024-25 |
|--------------------------------|------|-----------------------------|---------------------------------------|----------------------------|--|--------------------------------------|
| | | 1 | 2 | 3 | 4 | 5 |
| | Fund | Appropriation FY 2022-23 | Supplemental Request FY 2022-23 | Base Request FY 2023-24 | Funding Change Request FY 2023-24 | Continuation Amount FY 2024-25 |
| Total of All Line Items | | 78,000 | - | 78,000 | 80,000 | 158,000 |
| | FTE | - | - | - | - | - |
| | GF | 58,000 | - | 58,000 | - | 58,000 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 20,000 | - | 20,000 | 80,000 | 100,000 |
| | FF | - | - | - | - | - |
| (JGA) Training | | 78,000 | - | 78,000 | 80,000 | 158,000 |
| | FTE | - | - | - | - | - |
| | GF | 58,000 | - | 58,000 | - | 58,000 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 20,000 | - | 20,000 | 80,000 | 100,000 |
| | FF | - | - | - | - | - |

Letternote Text Revision Required? Yes: No: X If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and CORE Fund Number: N/A N/A

Reappropriated Funds Source, by Department and Line Item Name: N/A

Approval by OIT? Yes: No: Not Required: X

Schedule 13s from Affected Departments: None

Other Information: None

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Colorado Office of the Child's Representative
FY 2023-24 Budget Summary

Total Funds

| Appropriation Unit | FY 2022-23 Budget (HB 22-1329) | HB22-1133 Family and Medical Insurance Adjustment | Base Adjustments | | | Decision Items | | | | | | | FY 2023-24 Budget Request |
|---|--------------------------------|---|-----------------------------|---|---------------------------|---------------------------|---|---|-----------------------------------|---|--------------------------------------|-------------------|---------------------------|
| | | | FY 23 One-Time Expenditures | Allocate FY 23 Salary Survey to Pers. Svcs. | Common Policy Adjustments | R1 | R2 | R3 | R4 | R5 | R6 | R7 | |
| | | | | | | Rate Increase - Attorneys | Court-appointed Counsel Caseload/workload | Staff Attorney Position - Justice, Equity, Diversity and Inclusion (JEDI) | Rate Increase - Other Contractors | Administrative Staffing - Increase Part-time Positions to Full-time | Common Compensation Plan Adjustments | Training Increase | |
| Personal Services | \$3,791,932 | | | \$100,389 | | | | \$140,155 | | \$100,284 | \$160,735 | | \$4,293,495 |
| Health, Life and Dental | \$481,776 | | | | (\$17,676) | | | \$21,171 | | | | | \$485,271 |
| Short-term Disability | \$5,282 | | | | (\$153) | | | \$187 | | \$133 | \$214 | | \$5,663 |
| Paid Fam & Med Leave | \$7,385 | (\$7,385) | | | | | | | | | | | \$0 |
| Amort. Equal. Disb. (AED) | \$165,053 | | | | \$5,914 | | | \$6,201 | | \$4,437 | \$7,111 | | \$188,716 |
| Supplemental Amort. Equal. Disb. (SAED) | \$165,053 | | | | \$5,914 | | | \$6,201 | | \$4,437 | \$7,111 | | \$188,716 |
| Salary Survey | \$100,389 | | | (\$100,389) | \$184,026 | | | | | | | | \$184,026 |
| Operating Expenses | \$440,900 | | (\$46,650) | | | | | \$8,020 | | | | | \$402,270 |
| Leased Space | \$133,133 | | | | \$14,114 | | | | | | | | \$147,247 |
| CASA Contracts | \$1,750,000 | | | | | | | | | | | | \$1,750,000 |
| Training | \$78,000 | | | | | | | | | | | \$80,000 | \$158,000 |
| Court-appointed Counsel | \$26,734,012 | | | | | \$3,769,013 | (\$362,203) | | \$366,844 | | | | \$30,507,666 |
| Mandated Costs | \$60,200 | | | | | | | | | | | | \$60,200 |
| Grants | \$26,909 | | | | | | | | | | | | \$26,909 |
| Total | \$33,940,024 | (\$7,385) | (\$46,650) | \$0 | \$192,139 | \$3,769,013 | (\$362,203) | \$181,935 | \$366,844 | \$109,291 | \$175,171 | \$80,000 | \$38,398,179 |

General Fund

| Appropriation Unit | FY 2022-23 Budget (HB 22-1329) | HB22-1133 Family and Medical Insurance Adjustment | Base Adjustments | | | Decision Items | | | | | | | FY 2023-24 Budget Request |
|---|--------------------------------|---|-----------------------------|---|---------------------------|---------------------------|---|---|-----------------------------------|---|--------------------------------------|-------------------|---------------------------|
| | | | FY 23 One-Time Expenditures | Allocate FY 23 Salary Survey to Pers. Svcs. | Common Policy Adjustments | R1 | R2 | R3 | R4 | R5 | R6 | R7 | |
| | | | | | | Rate Increase - Attorneys | Court-appointed Counsel Caseload/workload | Staff Attorney Position - Justice, Equity, Diversity and Inclusion (JEDI) | Rate Increase - Other Contractors | Administrative Staffing - Increase Part-time Positions to Full-time | Common Compensation Plan Adjustments | Training Increase | |
| Personal Services | \$3,433,263 | | | \$94,481 | | | | \$140,155 | | \$100,284 | \$140,255 | | \$3,908,438 |
| Health, Life and Dental | \$446,768 | | | | (\$19,810) | | | \$21,171 | | | | | \$448,129 |
| Short-term Disability | \$4,788 | | | | (\$138) | | | \$187 | | \$133 | \$186 | | \$5,156 |
| Paid Fam & Med Leave | \$6,666 | (\$6,666) | | | | | | | | | | | \$0 |
| Amort. Equal. Disb. (AED) | \$149,640 | | | | \$5,371 | | | \$6,201 | | \$4,437 | \$6,205 | | \$171,854 |
| Supplemental Amort. Equal. Disb. (SAED) | \$149,640 | | | | \$5,371 | | | \$6,201 | | \$4,437 | \$6,205 | | \$171,854 |
| Salary Survey | \$94,481 | | | (\$94,481) | \$166,852 | | | | | | | | \$166,852 |
| Operating Expenses | \$352,800 | | (\$40,000) | | | | | \$8,020 | | | | | \$320,820 |
| Leased Space | \$133,133 | | | | \$14,114 | | | | | | | | \$147,247 |
| CASA Contracts | \$1,750,000 | | | | | | | | | | | | \$1,750,000 |
| Training | \$58,000 | | | | | | | | | | | | \$58,000 |
| Court-appointed Counsel | \$25,205,596 | | | | | \$3,769,013 | (\$634,018) | | \$350,753 | | | | \$28,691,344 |
| Mandated Costs | \$60,200 | | | | | | | | | | | | \$60,200 |
| Grants | | | | | | | | | | | | | \$0 |

Colorado Office of the Child's Representative

FY 2023-24 Budget Summary

| | | | | | | | | | | | | | |
|--------------|--------------|-----------|------------|-----|-----------|-------------|-------------|-----------|-----------|-----------|-----------|-----|--------------|
| Total | \$31,844,975 | (\$6,666) | (\$40,000) | \$0 | \$171,760 | \$3,769,013 | (\$634,018) | \$181,935 | \$350,753 | \$109,291 | \$152,851 | \$0 | \$35,899,894 |
|--------------|--------------|-----------|------------|-----|-----------|-------------|-------------|-----------|-----------|-----------|-----------|-----|--------------|

Reappropriated Funds

| Appropriation Unit | FY 2022-23 Budget (HB 22-1329) | HB22-1133 Family and Medical Insurance Adjustment | Base Adjustments | | | Decision Items | | | | | | | FY 2023-24 Budget Request |
|---|--------------------------------|---|-----------------------------|---|---------------------------|---------------------------|---|---|-----------------------------------|---|--------------------------------------|-------------------|---------------------------|
| | | | FY 23 One-Time Expenditures | Allocate FY 23 Salary Survey to Pers. Svcs. | Common Policy Adjustments | R1 | R2 | R3 | R4 | R5 | R6 | R7 | |
| | | | | | | Rate Increase - Attorneys | Court-appointed Counsel Caseload/workload | Staff Attorney Position - Justice, Equity, Diversity and Inclusion (JEDI) | Rate Increase - Other Contractors | Administrative Staffing - Increase Part-time Positions to Full-time | Common Compensation Plan Adjustments | Training Increase | |
| Personal Services | \$358,669 | | | \$5,908 | | | | | | | \$20,480 | | \$385,057 |
| Health, Life and Dental | \$35,008 | | | | \$2,134 | | | | | | | | \$37,142 |
| Short-term Disability | \$494 | | | | (\$15) | | | | | | \$28 | | \$507 |
| Paid Fam & Med Leave | \$719 | (\$719) | | | | | | | | | | | \$0 |
| Amort. Equal. Disb. (AED) | \$15,413 | | | | \$543 | | | | | | \$906 | | \$16,862 |
| Supplemental Amort. Equal. Disb. (SAED) | \$15,413 | | | | \$543 | | | | | | \$906 | | \$16,862 |
| Salary Survey | \$5,908 | | | (\$5,908) | \$17,174 | | | | | | | | \$17,174 |
| Operating Expenses | \$88,100 | | (\$6,650) | | | | | | | | | | \$81,450 |
| Leased Space | | | | | | | | | | | | | \$0 |
| CASA Contracts | | | | | | | | | | | | | \$0 |
| Training | \$20,000 | | | | | | | | | | | \$80,000 | \$100,000 |
| Court-appointed Counsel | \$1,528,416 | | | | | \$0 | \$271,815 | | \$16,091 | | | | \$1,816,322 |
| Mandated Costs | | | | | | | | | | | | | \$0 |
| Grants | \$26,909 | | | | | | | | | | | | \$26,909 |
| Total | \$2,095,049 | (\$719) | (\$6,650) | \$0 | \$20,379 | \$0 | \$271,815 | \$0 | \$16,091 | \$0 | \$22,320 | \$80,000 | \$2,498,285 |

Office of the Child's Representative
FY 2023-24 Budget Request
Budget Reconciliation from Prior Year

| Long Bill Line Item | Total Funds | FTE | General Fund | General Fund Exempt | Cash Funds | Reappropriated Funds | Federal Funds |
|--|---------------------------|--------------------|---------------------------|---------------------|-------------------|-------------------------|-------------------|
| Personal Services | | | | | | | |
| FY 2022-23 Long Bill Appropriation (HB 22-1329) | \$3,791,932 | 35.9 | \$3,433,263 | \$0 | \$0 | \$358,669 | \$0 |
| FY 2022-23 Total Appropriation | \$3,791,932 | 35.9 | \$3,433,263 | \$0 | \$0 | \$358,669 | \$0 |
| FY 2022-23 Salary Survey allocated to Personal Services | \$100,389 | 0.0 | \$94,481 | \$0 | \$0 | \$5,908 | \$0 |
| FY 2020-21 Merit allocated to Personal Services | \$0 | 0.0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FY 2023-24 Base Request | \$3,892,321 | 35.9 | \$3,527,744 | \$0 | \$0 | \$364,577 | \$0 |
| R3 Staff Attorney Position - Equity, Diversity and Inclusion | \$140,155 | 1.0 | \$140,155 | \$0 | \$0 | \$0 | \$0 |
| R5 Administrative Staffing - Increase Part-time Positions to Full-time | \$100,284 | 1.1 | \$100,284 | \$0 | \$0 | \$0 | \$0 |
| R6 Common Compensation Plan Adjustments | \$160,735 | 0.0 | \$140,255 | \$0 | \$0 | \$20,480 | \$0 |
| <i>FY 2023-24 November Request</i> | <i>\$4,293,495</i> | <i>38.0</i> | <i>\$3,908,438</i> | <i>\$0</i> | <i>\$0</i> | <i>\$385,057</i> | <i>\$0</i> |
| Health, Life, and Dental | | | | | | | |
| FY 2022-23 Long Bill Appropriation (HB 22-1329) | \$481,776 | 0.0 | \$446,768 | \$0 | \$0 | \$35,008 | \$0 |
| FY 2022-23 Total Appropriation | \$481,776 | 0.0 | \$446,768 | \$0 | \$0 | \$35,008 | \$0 |
| FY 2023-24 Common Policy Adjustments | (\$17,676) | 0.0 | (\$19,810) | \$0 | \$0 | \$2,134 | \$0 |
| Annualize new position (HB21-1094) | \$0 | 0.0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FY 2023-24 Base Request | \$464,100 | 0.0 | \$426,958 | \$0 | \$0 | \$37,142 | \$0 |
| R3 Staff Attorney Position - Equity, Diversity and Inclusion | \$21,171 | 0.0 | \$21,171 | \$0 | \$0 | \$0 | \$0 |
| <i>FY 2023-24 November Request</i> | <i>\$485,271</i> | <i>0.0</i> | <i>\$448,129</i> | <i>\$0</i> | <i>\$0</i> | <i>\$37,142</i> | <i>\$0</i> |
| Paid Family and Medical Leave Insurance | | | | | | | |
| FY 2022-23 Long Bill Appropriation (HB 22-1329) | \$7,385 | 0.0 | \$6,666 | \$0 | \$0 | \$719 | \$0 |
| FY 2022-23 Total Appropriation | \$7,385 | 0.0 | \$6,666 | \$0 | \$0 | \$719 | \$0 |
| FY 2023-24 Common Policy Adjustments | \$0 | 0.0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Paid Family and Medical Leave Insurance | (\$7,385) | 0.0 | (\$6,666) | \$0 | \$0 | (\$719) | \$0 |
| FY 2023-24 Base Request | \$0 | 0.0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| <i>FY 2023-24 November Request</i> | <i>\$0</i> | <i>0.0</i> | <i>\$0</i> | <i>\$0</i> | <i>\$0</i> | <i>\$0</i> | <i>\$0</i> |
| Short-term Disability | | | | | | | |
| FY 2022-23 Long Bill Appropriation (HB 22-1329) | \$5,282 | 0.0 | \$4,788 | \$0 | \$0 | \$494 | \$0 |
| FY 2022-23 Total Appropriation | \$5,282 | 0.0 | \$4,788 | \$0 | \$0 | \$494 | \$0 |
| FY 2023-24 Common Policy Adjustments | (\$250) | 0.0 | (\$226) | \$0 | \$0 | (\$24) | \$0 |
| Incremental Adjustments - COWINS Agreement | \$97 | 0.0 | \$88 | \$0 | \$0 | \$9 | \$0 |
| Annualize new position (HB21-1094) | \$0 | 0.0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FY 2023-24 Base Request | \$5,129 | 0.0 | \$4,650 | \$0 | \$0 | \$479 | \$0 |
| R3 Staff Attorney Position - Equity, Diversity and Inclusion | \$187 | 0.0 | \$187 | \$0 | \$0 | \$0 | \$0 |
| R5 Administrative Staffing - Increase Part-time Positions to Full-time | \$133 | 0.0 | \$133 | \$0 | \$0 | \$0 | \$0 |
| R6 Common Compensation Plan Adjustments | \$214 | 0.0 | \$186 | \$0 | \$0 | \$28 | \$0 |
| <i>FY 2023-24 November Request</i> | <i>\$5,663</i> | <i>0.0</i> | <i>\$5,156</i> | <i>\$0</i> | <i>\$0</i> | <i>\$507</i> | <i>\$0</i> |

| Long Bill Line Item | Total Funds | FTE | General Fund | General Fund Exempt | Cash Funds | Reappropriated Funds | Federal Funds |
|--|-------------------------|-------------------|-------------------------|---------------------|-------------------|------------------------|-------------------|
| S.B. 04-257 Amortization Equalization Disbursement | | | | | | | |
| FY 2022-23 Long Bill Appropriation (HB 22-1329) | \$165,053 | 0.0 | \$149,640 | \$0 | \$0 | \$15,413 | \$0 |
| FY 2022-23 Total Appropriation | \$165,053 | 0.0 | \$149,640 | \$0 | \$0 | \$15,413 | \$0 |
| FY 2023-24 Common Policy Adjustments | \$2,659 | 0.0 | \$2,419 | \$0 | \$0 | \$240 | \$0 |
| Incremental Adjustments - COWINS Agreement | \$3,255 | 0.0 | \$2,952 | \$0 | \$0 | \$303 | \$0 |
| Annualize new position (HB21-1094) | \$0 | 0.0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FY 2023-24 Base Request | \$170,967 | 0.0 | \$155,011 | \$0 | \$0 | \$15,956 | \$0 |
| R3 Staff Attorney Position - Equity, Diversity and Inclusion | \$6,201 | 0.0 | \$6,201 | \$0 | \$0 | \$0 | \$0 |
| R5 Administrative Staffing - Increase Part-time Positions to Full-time | \$4,437 | 0.0 | \$4,437 | \$0 | \$0 | \$0 | \$0 |
| R6 Common Compensation Plan Adjustments | \$7,111 | 0.0 | \$6,205 | \$0 | \$0 | \$906 | \$0 |
| <i>FY 2023-24 November Request</i> | <i>\$188,716</i> | <i>0.0</i> | <i>\$171,854</i> | <i>\$0</i> | <i>\$0</i> | <i>\$16,862</i> | <i>\$0</i> |
| S.B. 06-235 Supplemental Amortization Equalization Disbursement | | | | | | | |
| FY 2022-23 Long Bill Appropriation (HB 22-1329) | \$165,053 | 0.0 | \$149,640 | \$0 | \$0 | \$15,413 | \$0 |
| FY 2022-23 Total Appropriation | \$165,053 | 0.0 | \$149,640 | \$0 | \$0 | \$15,413 | \$0 |
| FY 2023-24 Common Policy Adjustments | \$2,659 | 0.0 | \$2,419 | \$0 | \$0 | \$240 | \$0 |
| Incremental Adjustments - COWINS Agreement | \$3,255 | 0.0 | \$2,952 | \$0 | \$0 | \$303 | \$0 |
| Annualize new position (HB21-1094) | \$0 | 0.0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FY 2023-24 Base Request | \$170,967 | 0.0 | \$155,011 | \$0 | \$0 | \$15,956 | \$0 |
| R3 Staff Attorney Position - Equity, Diversity and Inclusion | \$6,201 | 0.0 | \$6,201 | \$0 | \$0 | \$0 | \$0 |
| R5 Administrative Staffing - Increase Part-time Positions to Full-time | \$4,437 | 0.0 | \$4,437 | \$0 | \$0 | \$0 | \$0 |
| R6 Common Compensation Plan Adjustments | \$7,111 | 0.0 | \$6,205 | \$0 | \$0 | \$906 | \$0 |
| <i>FY 2023-24 November Request</i> | <i>\$188,716</i> | <i>0.0</i> | <i>\$171,854</i> | <i>\$0</i> | <i>\$0</i> | <i>\$16,862</i> | <i>\$0</i> |
| Salary Survey | | | | | | | |
| FY 2022-23 Long Bill Appropriation (HB 22-1329) | \$100,389 | 0.0 | \$94,481 | \$0 | \$0 | \$5,908 | \$0 |
| FY 2022-23 Total Appropriation | \$100,389 | 0.0 | \$94,481 | \$0 | \$0 | \$5,908 | \$0 |
| Salary Survey allocated to Personal Services | (\$100,389) | 0.0 | (\$94,481) | \$0 | \$0 | (\$5,908) | \$0 |
| FY 2023-24 Common Policy Adjustments | \$110,415 | 0.0 | \$100,110 | \$0 | \$0 | \$10,305 | \$0 |
| Incremental Adjustments - COWINS Agreement | \$73,611 | 0.0 | \$66,742 | \$0 | \$0 | \$6,869 | \$0 |
| FY 2023-24 Base Request | \$184,026 | 0.0 | \$166,852 | \$0 | \$0 | \$17,174 | \$0 |
| <i>FY 2023-24 November Request</i> | <i>\$184,026</i> | <i>0.0</i> | <i>\$166,852</i> | <i>\$0</i> | <i>\$0</i> | <i>\$17,174</i> | <i>\$0</i> |
| Merit Pay | | | | | | | |
| FY 2022-23 Long Bill Appropriation (HB 22-1329) | \$0 | 0.0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FY 2022-23 Total Appropriation | \$0 | 0.0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Merit allocated to Personal Services | \$0 | 0.0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FY 2023-24 Common Policy Adjustments | \$0 | 0.0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FY 2023-24 Base Request | \$0 | 0.0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| <i>FY 2023-24 November Request</i> | <i>\$0</i> | <i>0.0</i> | <i>\$0</i> | <i>\$0</i> | <i>\$0</i> | <i>\$0</i> | <i>\$0</i> |

| Long Bill Line Item | Total Funds | FTE | General Fund | General Fund Exempt | Cash Funds | Reappropriated Funds | Federal Funds |
|--|----------------------------|-------------------|----------------------------|---------------------|-------------------|---------------------------|-------------------|
| Operating Expenses | | | | | | | |
| FY 2022-23 Long Bill Appropriation (HB 22-1329) | \$440,900 | 0.0 | \$352,800 | \$0 | \$0 | \$88,100 | \$0 |
| FY 2022-23 Total Appropriation | \$440,900 | 0.0 | \$352,800 | \$0 | \$0 | \$88,100 | \$0 |
| Computer equipment (Staff Attorney) - one-time expenditure | (\$1,200) | 0.0 | \$0 | \$0 | \$0 | (\$1,200) | \$0 |
| Furniture/Telephone (Staff Attorney) - one-time expenditure | (\$5,450) | 0.0 | \$0 | \$0 | \$0 | (\$5,450) | \$0 |
| Website rebuild - one-time expenditure | (\$40,000) | 0.0 | (\$40,000) | \$0 | \$0 | \$0 | \$0 |
| FY 2023-24 Base Request | \$394,250 | 0.0 | \$312,800 | \$0 | \$0 | \$81,450 | \$0 |
| R3 Staff Attorney Position - Equity, Diversity and Inclusion | \$8,020 | 0.0 | \$8,020 | \$0 | \$0 | \$0 | \$0 |
| <i>FY 2023-24 November Request</i> | <i>\$402,270</i> | <i>0.0</i> | <i>\$320,820</i> | <i>\$0</i> | <i>\$0</i> | <i>\$81,450</i> | <i>\$0</i> |
| Leased Space | | | | | | | |
| FY 2022-23 Long Bill Appropriation (HB 22-1329) | \$133,133 | 0.0 | \$133,133 | \$0 | \$0 | \$0 | \$0 |
| FY 2022-23 Total Appropriation | \$133,133 | 0.0 | \$133,133 | \$0 | \$0 | \$0 | \$0 |
| Leased Space Escalator | \$14,114 | 0.0 | \$14,114 | \$0 | \$0 | \$0 | \$0 |
| FY 2023-24 Base Request | \$147,247 | 0.0 | \$147,247 | \$0 | \$0 | \$0 | \$0 |
| <i>FY 2023-24 November Request</i> | <i>\$147,247</i> | <i>0.0</i> | <i>\$147,247</i> | <i>\$0</i> | <i>\$0</i> | <i>\$0</i> | <i>\$0</i> |
| CASA Contracts | | | | | | | |
| FY 2022-23 Long Bill Appropriation (HB 22-1329) | \$1,750,000 | 0.0 | \$1,750,000 | \$0 | \$0 | \$0 | \$0 |
| FY 2022-23 Total Appropriation | \$1,750,000 | 0.0 | \$1,750,000 | \$0 | \$0 | \$0 | \$0 |
| FY 2023-24 Base Request | \$1,750,000 | 0.0 | \$1,750,000 | \$0 | \$0 | \$0 | \$0 |
| <i>FY 2023-24 November Request</i> | <i>\$1,750,000</i> | <i>0.0</i> | <i>\$1,750,000</i> | <i>\$0</i> | <i>\$0</i> | <i>\$0</i> | <i>\$0</i> |
| Training | | | | | | | |
| FY 2022-23 Long Bill Appropriation (HB 22-1329) | \$78,000 | 0.0 | \$58,000 | \$0 | \$0 | \$20,000 | \$0 |
| FY 2022-23 Total Appropriation | \$78,000 | 0.0 | \$58,000 | \$0 | \$0 | \$20,000 | \$0 |
| FY 2023-24 Base Request | \$78,000 | 0.0 | \$58,000 | \$0 | \$0 | \$20,000 | \$0 |
| R7 Training Increase | \$80,000 | 0.0 | \$0 | \$0 | \$0 | \$80,000 | \$0 |
| <i>FY 2023-24 November Request</i> | <i>\$158,000</i> | <i>0.0</i> | <i>\$58,000</i> | <i>\$0</i> | <i>\$0</i> | <i>\$100,000</i> | <i>\$0</i> |
| Court-Appointed Counsel | | | | | | | |
| FY 2022-23 Long Bill Appropriation (HB 22-1329) | \$26,734,012 | 0.0 | \$25,205,596 | \$0 | \$0 | \$1,528,416 | \$0 |
| FY 2022-23 Total Appropriation | \$26,734,012 | 0.0 | \$25,205,596 | \$0 | \$0 | \$1,528,416 | \$0 |
| FY 2023-24 Base Request | \$26,734,012 | 0.0 | \$25,205,596 | \$0 | \$0 | \$1,528,416 | \$0 |
| R1 Rate Increase - Attorneys | \$3,769,013 | 0.0 | \$3,769,013 | \$0 | \$0 | \$0 | \$0 |
| R4 Rate Increase - Other Contractors | \$366,844 | 0.0 | \$350,753 | \$0 | \$0 | \$16,091 | \$0 |
| R2 Court-appointed Counsel Caseload/workload | (\$362,203) | 0.0 | (\$634,018) | \$0 | \$0 | \$271,815 | \$0 |
| <i>FY 2023-24 November Request</i> | <i>\$30,507,666</i> | <i>0.0</i> | <i>\$28,691,344</i> | <i>\$0</i> | <i>\$0</i> | <i>\$1,816,322</i> | <i>\$0</i> |
| Mandated Costs | | | | | | | |
| FY 2022-23 Long Bill Appropriation (HB 22-1329) | \$60,200 | 0.0 | \$60,200 | \$0 | \$0 | \$0 | \$0 |
| FY 2022-23 Total Appropriation | \$60,200 | 0.0 | \$60,200 | \$0 | \$0 | \$0 | \$0 |
| FY 2023-24 Base Request | \$60,200 | 0.0 | \$60,200 | \$0 | \$0 | \$0 | \$0 |
| <i>FY 2023-24 November Request</i> | <i>\$60,200</i> | <i>0.0</i> | <i>\$60,200</i> | <i>\$0</i> | <i>\$0</i> | <i>\$0</i> | <i>\$0</i> |

| Long Bill Line Item | Total Funds | FTE | General Fund | General Fund Exempt | Cash Funds | Reappropriated Funds | Federal Funds |
|---|-----------------|------------|--------------|---------------------|------------|----------------------|---------------|
| Grants | | | | | | | |
| FY 2022-23 Long Bill Appropriation (HB 22-1329) | \$26,909 | 0.0 | \$0 | \$0 | \$0 | \$26,909 | \$0 |
| FY 2022-23 Total Appropriation | \$26,909 | 0.0 | \$0 | \$0 | \$0 | \$26,909 | \$0 |
| Total base adjustment | \$0 | 0.0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FY 2023-24 Base Request | \$26,909 | 0.0 | \$0 | \$0 | \$0 | \$26,909 | \$0 |
| <i>FY 2023-24 November Request</i> | <i>\$26,909</i> | <i>0.0</i> | <i>\$0</i> | <i>\$0</i> | <i>\$0</i> | <i>\$26,909</i> | <i>\$0</i> |

| | | | | | | | |
|---------------------------------------|---------------------|-------------|---------------------|------------|------------|--------------------|------------|
| FY 2022-23 Total Appropriation | \$33,940,024 | 35.9 | \$31,844,975 | \$0 | \$0 | \$2,095,049 | \$0 |
| FY 2023-24 Base Request | \$34,078,128 | 35.9 | \$31,970,069 | \$0 | \$0 | \$2,108,059 | \$0 |
| <i>FY 2023-24 November Request</i> | <i>\$38,398,179</i> | <i>38.0</i> | <i>\$35,899,894</i> | <i>\$0</i> | <i>\$0</i> | <i>\$2,498,285</i> | <i>\$0</i> |

| | | | | | | | |
|---|-------------|------|-------------|------|------|-----------|------|
| Change FY 2022-23 Appropriation to FY 2023-24 Base Request | \$138,104 | 0.0 | \$125,094 | \$0 | \$0 | \$13,010 | \$0 |
| Percent Changes | 0.4% | 0.0% | 0.4% | 0.0% | 0.0% | 0.6% | 0.0% |
| Change FY 2022-23 Base Request to FY 2023-24 Nov Request | \$4,320,051 | 2.1 | \$3,929,825 | \$0 | \$0 | \$390,226 | \$0 |
| Percent Changes | 12.7% | 5.8% | 12.3% | 0.0% | 0.0% | 18.5% | 0.0% |

| Description | by line | by subtotals | by totals |
|--|---------------------|---------------------|---------------------|
| FY 2022-23 Long Bill Appropriation (HB 22-1329) | \$33,940,024 | | |
| FY 2022-23 Total Appropriation | \$33,940,024 | \$33,940,024 | \$33,940,024 |
| Prior Year One-time Requests and Adjustments | (\$54,035) | | |
| Common Policies (including lease) and base adjustments | \$192,139 | | |
| FY 2022-23 Base Request | \$34,078,128 | \$34,078,128 | \$34,078,128 |
| R1 Rate Increase - Attorneys | \$3,769,013 | | |
| R4 Rate Increase - Other Contractors | \$366,844 | | |
| R2 Court-appointed Counsel Caseload/workload | (\$362,203) | | |
| R3 Staff Attorney Position - Equity, Diversity and Inclusion | \$181,935 | | |
| R5 Administrative Staffing - Increase Part-time Positions to Full-time | \$109,291 | | |
| R6 Common Compensation Plan Adjustments | \$175,171 | | |
| R7 Training Increase | \$80,000 | | |
| FY 2022-23 November Request | \$38,398,179 | \$38,398,179 | \$38,398,179 |

**Colorado Office of the Child's Representative
Long-Range Financial Plan**

| Appropriation Unit | FY 2023-24 Budget Request | | | FY 2024-25 Budget Projection | | |
|--|---------------------------|--------------------|---------------------|------------------------------|--------------------|---------------------|
| | General Fund | Reappropriated | Total | General Fund | Reappropriated | Total |
| Personal Services | \$3,908,438 | \$385,057 | \$4,293,495 | \$3,998,854 | \$385,057 | \$4,383,911 |
| Health, Life and Dental | \$448,129 | \$37,142 | \$485,271 | \$469,943 | \$37,142 | \$507,085 |
| Short-term Disability | \$5,156 | \$507 | \$5,663 | \$5,290 | \$507 | \$5,797 |
| Amortization Equalization Disbursement (AED) | \$171,854 | \$16,862 | \$188,716 | \$175,854 | \$16,862 | \$192,716 |
| Supplemental Amortization Equalization Disbursement (SAED) | \$171,854 | \$16,862 | \$188,716 | \$175,854 | \$16,862 | \$192,716 |
| Salary Survey | \$166,852 | \$17,174 | \$184,026 | \$166,852 | \$17,174 | \$184,026 |
| Merit Pay | | | \$0 | | | \$0 |
| Operating Expenses | \$320,820 | \$81,450 | \$402,270 | \$352,902 | \$89,595 | \$442,497 |
| Leased Space | \$147,247 | | \$147,247 | \$157,554 | | \$157,554 |
| CASA Contracts | \$1,750,000 | | \$1,750,000 | \$1,750,000 | | \$1,750,000 |
| Training | \$58,000 | \$100,000 | \$158,000 | \$58,000 | \$100,000 | \$158,000 |
| Court-appointed Counsel | \$28,691,344 | \$1,816,322 | \$30,507,666 | \$29,632,684 | \$1,861,730 | \$31,494,414 |
| Mandated Costs | \$60,200 | | \$60,200 | \$60,200 | | \$60,200 |
| Grants | | \$26,909 | \$26,909 | | \$26,909 | \$26,909 |
| Total | \$35,899,894 | \$2,498,285 | \$38,398,179 | \$37,003,987 | \$2,551,838 | \$39,555,824 |

| Appropriation Unit | FY 2025-26 Budget Projection | | | FY 2026-27 Budget Projection | | |
|--|------------------------------|--------------------|---------------------|------------------------------|--------------------|---------------------|
| | General Fund | Reappropriated | Total | General Fund | Reappropriated | Total |
| Personal Services | \$3,998,854 | \$385,057 | \$4,383,911 | \$3,998,854 | \$385,057 | \$4,383,911 |
| Health, Life and Dental | \$469,943 | \$37,142 | \$507,085 | \$469,943 | \$37,142 | \$507,085 |
| Short-term Disability | \$5,290 | \$507 | \$5,797 | \$5,290 | \$507 | \$5,797 |
| Amortization Equalization Disbursement (AED) | \$175,854 | \$16,862 | \$192,716 | \$175,854 | \$16,862 | \$192,716 |
| Supplemental Amortization Equalization Disbursement (SAED) | \$175,854 | \$16,862 | \$192,716 | \$175,854 | \$16,862 | \$192,716 |
| Salary Survey | \$166,852 | \$17,174 | \$184,026 | \$166,852 | \$17,174 | \$184,026 |
| Merit Pay | | | \$0 | | | \$0 |
| Operating Expenses | \$388,192 | \$98,555 | \$486,747 | \$427,011 | \$108,411 | \$535,422 |
| Leased Space | \$168,583 | | \$168,583 | \$180,384 | | \$180,384 |
| CASA Contracts | \$1,750,000 | | \$1,750,000 | \$1,750,000 | | \$1,750,000 |
| Training | \$58,000 | \$100,000 | \$158,000 | \$58,000 | \$100,000 | \$158,000 |
| Court-appointed Counsel | \$30,403,185 | \$1,908,273 | \$32,311,458 | \$31,194,724 | \$1,955,980 | \$33,150,704 |
| Mandated Costs | \$60,200 | | \$60,200 | \$60,200 | | \$60,200 |
| Grants | | \$26,909 | \$26,909 | | \$26,909 | \$26,909 |
| Total | \$37,820,807 | \$2,607,341 | \$40,428,147 | \$38,662,966 | \$2,664,904 | \$41,327,869 |

(See additional information on the following page)

**Colorado Office of the Child's Representative
Long-Range Financial Plan**

Assumptions

- > **Personal Services and related costs (PERA, Medicare, HLD, AED, SAED, Disability)**
 - > No salary survey or merit increases are projected as OCR aligns its requested increases with OSPB and JBC recommendations during the annual budget process
 - > Addition of 1.0 FTE in FY 24-25 - Training support
- > **Operating**
 - > Operating expenditures are projected to increase 10% per year
- > **Leased Space**
 - > Lease expenditures are projected to increase 7% per year, based on the maximum escalation included in the current lease
 - > Current lease for OCR's El Paso office expires June 30, 2027
- > **Court-appointed Counsel (General Fund)**
 - > Projections reflect cost increases in all case types
 - > Projections reflect FY 24 18% rate increases requested in R1 and R2
 - > Specific cost increases (annual) are projected as follows:
 - Dependency and Neglect: 2.5%
 - Domestic Relations: 1%
 - Juvenile Delinquency: 2.5%
 - Paternity: 1%
 - Probate: 1%
 - Truancy: 3%
 - Other (including appeals): 5%
- > **Court-appointed Counsel (Title IV-E Reappropriated Funds)**
 - > Reappropriated funds from the associated CDHS cash fund are projected to increase 2.5% annually for court-appointed counsel costs
- > **Grants**
 - > Grant funding is projected to remain constant through FY 25-26

OFFICE OF THE CHILD'S REPRESENTATIVE

Exhibit A

Caseload History and Forecast

| Number of Cases | Dependency & Neglect | Domestic Relations | Juvenile Delinquency | Paternity | Probate | Truancy | Other | TOTAL |
|---------------------------------|---------------------------------|---------------------------|-----------------------------|------------------|----------------|----------------|--------------|--------------|
| FY 01-02 Actuals | 5,775 | 568 | 3,187 | 162 | 334 | 620 | 110 | 10,756 |
| FY 02-03 Actuals | 5,630 | 717 | 2,887 | 142 | 108 | 505 | 48 | 10,037 |
| % Change from FY 01-02 | -2.51% | 26.23% | -9.41% | -12.35% | -67.66% | -18.55% | -56.36% | -6.68% |
| FY 03-04 Actuals | 6,494 | 963 | 2,684 | 123 | 112 | 369 | 48 | 10,793 |
| % Change from FY 02-03 | 15.35% | 34.31% | -7.03% | -13.38% | 3.70% | -26.93% | 0.00% | 7.53% |
| FY 04-05 Actuals | 6,975 | 762 | 3,371 | 86 | 149 | 280 | 36 | 11,659 |
| % Change from FY 03-04 | 7.41% | -20.87% | 25.60% | -30.08% | 33.04% | -24.12% | -25.00% | 8.02% |
| FY 05-06 Actuals | 7,619 | 673 | 3,458 | 107 | 137 | 374 | 39 | 12,407 |
| % Change from FY 04-05 | 9.23% | -11.68% | 2.58% | 24.42% | -8.05% | 33.57% | 8.33% | 6.42% |
| FY 06-07 Actuals | 8,012 | 624 | 3,594 | 126 | 105 | 458 | 44 | 12,963 |
| % Change from FY 05-06 | 5.16% | -7.28% | 3.93% | 17.76% | -23.36% | 22.46% | 12.82% | 4.48% |
| FY 07-08 Actuals | 8,269 | 606 | 3,874 | 108 | 73 | 514 | 56 | 13,500 |
| % Change from FY 06-07 | 3.21% | -2.88% | 7.79% | -14.29% | -30.48% | 12.23% | 27.27% | 4.14% |
| FY 08-09 Actuals | 8,906 | 760 | 4,423 | 138 | 71 | 475 | 70 | 14,843 |
| % Change from FY 07-08 | 7.70% | 25.41% | 14.17% | 27.78% | -2.74% | -7.59% | 25.00% | 9.95% |
| FY 09-10 Actuals | 9,038 | 690 | 4,299 | 198 | 64 | 406 | 99 | 14,794 |
| % Change from FY 08-09 | 1.48% | -9.21% | -2.80% | 43.48% | -9.86% | -14.53% | 41.43% | -0.33% |
| FY 10-11 Actuals | 8,594 | 450 | 3,903 | 146 | 79 | 416 | 68 | 13,656 |
| % Change from FY 09-10 | -4.91% | -34.78% | -9.21% | -26.26% | 23.44% | 2.46% | -31.31% | -7.69% |
| FY 11-12 Actuals ⁽¹⁾ | 7,817 | 494 | 3,846 | 159 | 61 | 426 | 184 | 12,987 |
| % Change from FY 10-11 | -9.04% | 9.78% | -1.46% | 8.90% | -22.78% | 2.40% | 170.59% | -4.90% |
| FY 12-13 Actuals | 7,890 | 631 | 4,118 | 187 | 62 | 697 | 193 | 13,778 |
| % Change from FY 11-12 | 0.93% | 27.73% | 7.07% | 17.61% | 1.64% | 63.62% | 4.89% | 6.09% |
| FY 13-14 Actuals | 7,750 | 575 | 4,783 | 213 | 55 | 856 | 239 | 14,471 |
| % Change from FY 12-13 | -1.77% | -8.87% | 16.15% | 13.90% | -11.29% | 22.81% | 23.83% | 5.03% |
| FY 14-15 Actuals | 7,347 | 540 | 5,241 | 199 | 75 | 995 | 256 | 14,653 |
| % Change from FY 13-14 | -5.20% | -6.09% | 9.58% | -6.57% | 36.36% | 16.24% | 7.11% | 1.26% |
| FY 15-16 Actuals | 7,814 | 500 | 5,458 | 239 | 126 | 1,076 | 257 | 15,470 |
| % Change from FY 14-15 | 6.36% | -7.41% | 4.14% | 20.10% | 68.00% | 8.14% | 0.39% | 5.58% |
| FY 16-17 Actuals | 7,904 | 243 | 5,492 | 251 | 140 | 922 | 341 | 15,293 |
| % Change from FY 15-16 | 1.15% | -51.40% | 0.62% | 5.02% | 11.11% | -14.31% | 32.68% | -1.14% |
| FY 17-18 Actuals | 8,308 | 244 | 5,787 | 171 | 156 | 899 | 604 | 16,169 |
| % Change from FY 16-17 | 5.11% | 0.41% | 5.37% | -31.87% | 11.43% | -2.49% | 77.13% | 5.73% |
| FY 18-19 Actuals | 8,026 | 170 | 5,920 | 145 | 154 | 971 | 671 | 16,057 |
| % Change from FY 17-18 | -3.39% | -30.33% | 2.30% | -15.20% | -1.28% | 8.01% | 11.09% | -0.69% |
| FY 19-20 Actuals | 7,829 | 155 | 5,844 | 113 | 151 | 891 | 763 | 15,746 |
| % Change from FY 18-19 | -2.45% | -8.82% | -1.28% | -22.07% | -1.95% | -8.24% | 13.71% | -1.94% |
| FY 20-21 Actuals | 7,618 | 179 | 4,548 | 111 | 178 | 1,112 | 728 | 14,474 |
| % Change from FY 19-20 | -2.70% | 15.48% | -22.18% | -1.77% | 17.88% | 24.80% | -4.59% | -8.08% |
| FY 21-22 Actuals | 7,320 | 209 | 4,299 | 81 | 211 | 1,184 | 1,008 | 14,312 |
| % Change from FY 20-21 | -3.91% | 16.76% | -5.47% | -27.03% | 18.54% | 6.47% | 38.46% | -1.12% |
| FY 22-23 Budget | 8,105 | 155 | 6,050 | 145 | 151 | 971 | 922 | 16,499 |
| % Change from FY 21-22 Actuals | 10.72% | -25.84% | 40.73% | 79.01% | -28.44% | -17.99% | -8.53% | 15.28% |
| FY 23-24 Request | 7,541 | 213 | 4,385 | 81 | 219 | 1,305 | 1,049 | 14,793 |
| % Change from FY 22-23 Budget | -6.96% | 37.42% | -27.52% | -44.14% | 45.03% | 34.40% | 13.77% | -10.34% |

(1) FY 11-12 Changes:

Other category includes appellate cases (137 appointments) which were included in other case types in previous years

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OFFICE OF THE CHILD'S REPRESENTATIVE

Exhibit B

History of OCR Expenditures

| Number of Case Hours | Dependency & Neglect | Domestic Relations | Juvenile Delinquency | Paternity | Probate | Truancy | Other | TOTAL |
|---------------------------------|---------------------------------|---------------------------|-----------------------------|------------------|----------------|----------------|--------------|--------------|
| FY 01-02 Actuals | \$4,317,441 | \$424,682 | \$1,203,240 | \$78,507 | \$89,000 | \$172,982 | \$27,001 | \$6,312,853 |
| FY 02-03 Actuals | \$4,509,277 | \$488,916 | \$981,246 | \$57,974 | \$51,559 | \$113,082 | \$14,600 | \$6,216,655 |
| % Change from FY 01-02 | 4.44% | 15.13% | -18.45% | -26.15% | -42.07% | -34.63% | -45.93% | -1.52% |
| FY 03-04 Actuals | \$5,186,898 | \$623,407 | \$842,540 | \$58,007 | \$66,707 | \$84,480 | \$16,084 | \$6,878,123 |
| % Change from FY 02-03 | 15.03% | 27.51% | -14.14% | 0.06% | 29.38% | -25.29% | 10.17% | 10.64% |
| FY 04-05 Actuals | \$5,290,761 | \$426,186 | \$1,338,555 | \$27,126 | \$87,839 | \$68,983 | \$19,787 | \$7,259,237 |
| % Change from FY 03-04 | 2.00% | -31.64% | 58.87% | -53.24% | 31.68% | -18.34% | 23.02% | 5.54% |
| FY 05-06 Actuals | \$5,384,490 | \$435,775 | \$1,333,673 | \$64,278 | \$102,735 | \$65,431 | \$28,987 | \$7,415,368 |
| % Change from FY 04-05 | 1.77% | 2.25% | -0.36% | 136.96% | 16.96% | -5.15% | 46.50% | 2.15% |
| FY 06-07 Actuals ⁽¹⁾ | \$7,778,371 | \$525,290 | \$2,001,483 | \$73,517 | \$59,298 | \$151,299 | \$28,503 | \$10,617,761 |
| % Change from FY 05-06 | 44.46% | 20.54% | 50.07% | 14.37% | -42.28% | 131.23% | -1.67% | 43.19% |
| FY 07-08 Actuals ⁽¹⁾ | \$8,955,479 | \$546,087 | \$2,542,716 | \$68,343 | \$89,856 | \$169,856 | \$55,869 | \$12,428,206 |
| % Change from FY 06-07 | 15.13% | 3.96% | 27.04% | -7.04% | 51.53% | 12.27% | 96.01% | 17.05% |
| FY 08-09 Actuals ⁽¹⁾ | \$11,578,224 | \$801,945 | \$2,779,458 | \$100,001 | \$79,272 | \$221,920 | \$46,471 | \$15,607,291 |
| % Change from FY 07-08 | 29.29% | 46.85% | 9.31% | 46.32% | -11.78% | 30.65% | -16.82% | 25.58% |
| FY 09-10 Actuals | \$12,815,428 | \$402,210 | \$2,201,105 | \$130,359 | \$40,748 | \$177,414 | \$86,052 | \$15,853,316 |
| % Change from FY 08-09 | 10.69% | -49.85% | -20.81% | 30.36% | 51.40% | -20.06% | 85.17% | 1.58% |
| FY 10-11 Actuals | \$13,448,501 | \$352,768 | \$1,851,671 | \$108,132 | \$49,601 | \$154,930 | \$56,297 | \$16,021,900 |
| % Change from FY 09-10 | 4.94% | -12.29% | -15.88% | -17.05% | 21.72% | -12.67% | -34.58% | 1.06% |
| FY 11-12 Actuals | \$12,003,497 | \$408,037 | \$1,931,335 | \$145,989 | \$29,653 | \$133,341 | \$131,214 | \$14,783,068 |
| % Change from FY 10-11 | -10.74% | 15.67% | 4.30% | 35.01% | -40.22% | -13.93% | 133.08% | -7.73% |
| FY 12-13 Actuals | \$12,836,142 | \$478,766 | \$2,192,888 | \$125,998 | \$30,730 | \$220,342 | \$131,090 | \$16,015,956 |
| % Change from FY 11-12 | 6.94% | 17.33% | 13.54% | -13.69% | 3.63% | 65.25% | -0.09% | 8.34% |
| FY 13-14 Actuals | \$14,038,393 | \$385,422 | \$2,557,264 | \$139,028 | \$39,272 | \$293,163 | \$172,475 | \$17,625,017 |
| % Change from FY 12-13 | 9.37% | -19.50% | 16.62% | 10.34% | 27.80% | 33.05% | 31.57% | 10.05% |
| FY 14-15 Actuals | \$14,751,647 | \$472,495 | \$3,051,975 | \$141,799 | \$65,472 | \$321,818 | \$198,260 | \$19,003,466 |
| % Change from FY 13-14 | 5.08% | 22.59% | 19.35% | 1.99% | 66.71% | 9.77% | 14.95% | 7.82% |
| FY 15-16 Actuals | \$14,698,141 | \$341,641 | \$3,046,658 | \$188,492 | \$97,617 | \$297,915 | \$208,355 | \$18,878,819 |
| % Change from FY 14-15 | -0.36% | -27.69% | -0.17% | 32.93% | 49.10% | -7.43% | 5.09% | -0.66% |
| FY 16-17 Actuals | \$16,053,071 | \$198,436 | \$3,127,460 | \$232,426 | \$103,117 | \$248,356 | \$290,078 | \$20,252,944 |
| % Change from FY 15-16 | 9.22% | -41.92% | 2.65% | 23.31% | 5.63% | -16.64% | 39.22% | 7.28% |
| FY 17-18 Actuals | \$16,159,870 | \$178,324 | \$3,585,829 | \$145,202 | \$97,063 | \$355,454 | \$462,180 | \$20,983,922 |
| % Change from FY 16-17 | 0.67% | -10.14% | 14.66% | -37.53% | -5.87% | 43.12% | 59.33% | 3.61% |
| FY 18-19 Actuals | \$17,555,433 | \$140,175 | \$4,330,576 | \$137,834 | \$115,817 | \$489,158 | \$545,231 | \$23,314,224 |
| % Change from FY 17-18 | 8.64% | -21.39% | 20.77% | -5.07% | 19.32% | 37.61% | 17.97% | 11.11% |
| FY 19-20 Actuals | \$16,446,839 | \$130,262 | \$4,152,022 | \$117,568 | \$136,127 | \$454,058 | \$605,915 | \$22,042,791 |
| % Change from FY 18-19 | -6.31% | -7.07% | -4.12% | -14.70% | 17.54% | -7.18% | 11.13% | -5.45% |
| FY 20-21 Actuals | \$15,779,177 | \$164,474 | \$3,116,307 | \$131,576 | \$158,795 | \$486,066 | \$678,666 | \$20,515,061 |
| % Change from FY 19-20 | -4.06% | 26.26% | -24.94% | 11.91% | 16.65% | 7.05% | 12.01% | -6.93% |
| FY 21-22 Actuals ⁽³⁾ | \$15,378,774 | \$213,909 | \$3,191,512 | \$89,684 | \$199,003 | \$644,497 | \$971,282 | \$20,688,661 |
| % Change from FY 20-21 | -2.54% | 30.06% | 2.41% | -31.84% | 25.32% | 32.59% | 43.12% | 0.85% |
| FY 22-23 Budget ⁽³⁾ | \$18,633,084 | \$138,078 | \$4,829,660 | \$159,914 | \$144,295 | \$524,516 | \$776,050 | \$25,205,596 |
| % Change from FY 21-22 | 21.16% | -35.45% | 51.33% | 78.31% | -27.49% | -18.62% | -20.10% | 21.83% |
| FY 23-24 Request ⁽³⁾ | \$18,124,457 | \$231,083 | \$3,864,784 | \$95,065 | \$236,291 | \$906,412 | \$1,113,486 | \$24,571,578 |
| % Change from FY 22-23 | -2.73% | 67.36% | -19.98% | -40.55% | 63.76% | 72.81% | 43.48% | -2.52% |

- (1) The court-appointed counsel hourly rate was increased to \$57/ hour for FY 06-07, \$60/hour for FY 07-08, \$65/hour for FY 08-09, and \$75/hour for FY 14-15. The current rate of \$80 for attorneys, \$44 for social services professionals, and \$32 for paralegals increased for the FY 18-19 year.
- (2) FY 21-22 Budget amount reflects the appropriation from HB 20-1360 (Long Bill) AND an additional appropriation of \$211,200 due to the fiscal impact of SB 20-162 (Changes Related to Federal Family First Policy).
- (3) FY 21-22 Actuals, FY 22-23 budget and FY 23-24 Request amounts do NOT reflect reappropriated funds (Title IV-E).

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OFFICE OF THE CHILD'S REPRESENTATIVE
Exhibit C
Court-Appointed Counsel Cost Per Appointment

| | Dependency & Neglect | Domestic Relations | Juvenile Delinquency | Paternity | Probate | Truancy | Other | TOTAL |
|-------------------------------|---------------------------------|---------------------------|-----------------------------|------------------|----------------|----------------|--------------|--------------|
| Total Appointments (FY 01-02) | 5,775 | 568 | 3,187 | 162 | 334 | 620 | 110 | 10,756 |
| Per Capita Cost | \$748 | \$748 | \$378 | \$485 | \$266 | \$279 | \$245 | \$587 |
| Total Appointments (FY 02-03) | 5,630 | 717 | 2,887 | 142 | 108 | 505 | 48 | 10,037 |
| Per Capita Cost | \$801 | \$682 | \$340 | \$408 | \$477 | \$224 | \$304 | \$619 |
| % Change | 7.13% | -8.80% | -9.98% | -15.75% | 79.16% | -19.74% | 23.91% | 5.53% |
| Total Appointments (FY 03-04) | 6,494 | 963 | 2,684 | 123 | 112 | 369 | 48 | 10,793 |
| Per Capita Cost | \$799 | \$647 | \$314 | \$472 | \$596 | \$229 | \$335 | \$637 |
| % Change | -0.28% | -5.06% | -7.64% | 15.51% | 24.76% | 2.24% | 10.17% | 2.89% |
| Total Appointments (FY 04-05) | 6,975 | 762 | 3,371 | 86 | 149 | 280 | 36 | 11,659 |
| Per Capita Cost | \$759 | \$559 | \$397 | \$315 | \$590 | \$246 | \$550 | \$623 |
| % Change | -5.03% | -13.60% | 26.49% | -33.12% | -1.02% | 7.61% | 64.03% | -2.30% |
| Total Appointments (FY 05-06) | 7,619 | 673 | 3,458 | 107 | 137 | 374 | 39 | 12,407 |
| Per Capita Cost | \$707 | \$648 | \$386 | \$601 | \$750 | \$175 | \$743 | \$598 |
| % Change | -6.83% | 15.77% | -2.87% | 90.46% | 27.20% | -28.99% | 35.23% | -4.01% |
| Total Appointments (FY 06-07) | 8,012 | 624 | 3,594 | 126 | 105 | 458 | 44 | 12,963 |
| Per Capita Cost | \$971 | \$842 | \$557 | \$583 | \$565 | \$330 | \$648 | \$819 |
| % Change | 37.37% | 30.01% | 44.39% | -2.87% | -24.69% | 88.82% | -12.84% | 37.04% |
| Total Appointments (FY 07-08) | 8,269 | 606 | 3,874 | 108 | 73 | 514 | 56 | 13,500 |
| Per Capita Cost | \$1,083 | \$901 | \$656 | \$633 | \$1,231 | \$330 | \$998 | \$921 |
| % Change | 11.55% | 7.05% | 17.86% | 8.46% | 117.96% | 0.03% | 54.01% | 12.40% |
| Total Appointments (FY 08-09) | 8,906 | 760 | 4,423 | 138 | 71 | 475 | 70 | 14,843 |
| Per Capita Cost | \$1,300 | \$1,055 | \$628 | \$725 | \$1,117 | \$467 | \$664 | \$1,051 |
| % Change | 20.04% | 17.10% | -4.32% | 14.57% | -9.25% | 41.32% | -33.46% | 14.22% |
| Total Appointments (FY 09-10) | 9,038 | 690 | 4,299 | 198 | 64 | 406 | 99 | 14,794 |
| Per Capita Cost | \$1,418 | \$583 | \$512 | \$658 | \$637 | \$437 | \$869 | \$1,072 |
| % Change | 9.07% | -44.76% | -18.47% | -9.19% | -43.00% | -6.43% | 30.93% | 1.95% |
| Total Appointments (FY 10-11) | 8,594 | 450 | 3,903 | 146 | 79 | 416 | 68 | 13,656 |
| Per Capita Cost | \$1,565 | \$784 | \$474 | \$741 | \$628 | \$372 | \$828 | \$1,173 |
| % Change | 10.37% | 34.50% | -7.42% | 12.55% | -1.36% | -14.87% | -4.74% | 9.42% |
| Total Appointments (FY 11-12) | 7,817 | 494 | 3,846 | 159 | 61 | 426 | 184 | 12,987 |
| Per Capita Cost | \$1,536 | \$826 | \$502 | \$918 | \$486 | \$313 | \$713 | \$1,138 |
| % Change | -1.85% | 5.36% | 5.91% | 23.89% | -22.61% | -15.86% | -13.89% | -2.98% |
| Total Appointments (FY 12-13) | 7,890 | 631 | 4,118 | 187 | 62 | 697 | 193 | 13,778 |
| Per Capita Cost | \$1,627 | \$759 | \$533 | \$674 | \$496 | \$316 | \$679 | \$1,162 |
| % Change | 5.92% | -8.11% | 6.18% | -26.58% | 2.06% | 0.96% | -4.77% | 2.11% |
| Total Appointments (FY 13-14) | 7,750 | 575 | 4,783 | 213 | 55 | 856 | 239 | 14,471 |
| Per Capita Cost | \$1,811 | \$670 | \$535 | \$653 | \$714 | \$342 | \$722 | \$1,218 |
| % Change | 11.31% | -11.73% | 0.38% | -3.12% | 43.95% | 8.23% | 6.33% | 4.82% |
| Total Appointments (FY 14-15) | 7,347 | 540 | 5,241 | 199 | 75 | 995 | 256 | 14,653 |
| Per Capita Cost | \$2,008 | \$875 | \$582 | \$713 | \$873 | \$323 | \$774 | \$1,297 |
| % Change | 10.88% | 30.60% | 8.79% | 9.19% | 22.27% | -5.56% | 7.20% | 6.49% |
| Total Appointments (FY 15-16) | 7,814 | 500 | 5,458 | 239 | 126 | 1,076 | 257 | 15,470 |
| Per Capita Cost | \$1,881 | \$683 | \$558 | \$789 | \$775 | \$277 | \$811 | \$1,220 |
| % Change | -6.32% | -21.94% | -4.12% | 10.66% | -11.23% | -14.24% | 4.78% | -5.94% |
| Total Appointments (FY 16-17) | 7,904 | 243 | 5,492 | 251 | 140 | 922 | 341 | 15,293 |
| Per Capita Cost | \$2,031 | \$817 | \$569 | \$926 | \$737 | \$269 | \$851 | \$1,324 |
| % Change | 7.97% | 19.56% | 2.05% | 17.36% | -4.96% | -2.76% | 4.89% | 8.55% |
| Total Appointments (FY 17-18) | 8,308 | 244 | 5,787 | 171 | 156 | 899 | 604 | 16,169 |
| Per Capita Cost | \$1,945 | \$731 | \$620 | \$849 | \$622 | \$395 | \$765 | \$1,298 |
| % Change | -4.23% | -10.50% | 8.81% | -8.30% | -15.53% | 46.78% | -10.05% | -2.00% |
| Total Appointments (FY 18-19) | 8,026 | 170 | 5,920 | 145 | 154 | 971 | 671 | 16,057 |
| Per Capita Cost | \$2,187 | \$825 | \$732 | \$951 | \$752 | \$504 | \$813 | \$1,452 |
| % Change | 12.45% | 12.82% | 18.06% | 11.95% | 20.87% | 27.41% | 6.19% | 11.88% |
| Total Appointments (FY 19-20) | 7,829 | 155 | 5,844 | 113 | 151 | 891 | 763 | 15,746 |
| Per Capita Cost | \$2,101 | \$840 | \$710 | \$1,040 | \$902 | \$510 | \$794 | \$1,400 |
| % Change | -3.96% | 1.92% | -2.88% | 9.45% | 19.87% | 1.16% | -2.27% | -3.59% |
| Total Appointments (FY 20-21) | 7,618 | 179 | 4,548 | 111 | 178 | 1,112 | 728 | 14,474 |
| Per Capita Cost | \$2,071 | \$919 | \$685 | \$1,185 | \$892 | \$437 | \$932 | \$1,417 |
| % Change | -1.40% | 9.33% | -3.56% | 13.93% | -1.04% | -14.23% | 17.39% | 1.25% |

OFFICE OF THE CHILD'S REPRESENTATIVE
Exhibit C
Court-Appointed Counsel Cost Per Appointment

| | Dependency & Neglect | Domestic Relations | Juvenile Delinquency | Paternity | Probate | Truancy | Other | TOTAL |
|---|---------------------------------|---------------------------|-----------------------------|------------------|------------------|------------------|--------------------|---------------------|
| Total Appointments (FY 21-22) | 7,320 | 209 | 4,299 | 81 | 211 | 1,184 | 1,008 | 14,312 |
| Per Capita Cost | \$2,101 | \$1,023 | \$742 | \$1,107 | \$943 | \$544 | \$964 | \$1,446 |
| % Change | 1.43% | 11.39% | 8.35% | -6.59% | 5.72% | 24.53% | 3.36% | 1.99% |
| Current Year Budget | | | | | | | | |
| Actual FY 21-22 Base Per Capita Cost | \$2,101 | \$1,023 | \$742 | \$1,107 | \$943 | \$544 | \$964 | \$1,446 |
| Percentage Change in Per Capita Cost | 9.43% | -12.96% | 7.53% | -0.39% | 1.32% | -0.76% | -12.65% | -15.39% |
| Estimated FY 22-23 Base Per Capita Cost | \$2,299 | \$891 | \$798 | \$1,103 | \$956 | \$540 | \$842 | \$1,223 |
| Estimated FY 22-23 Appointments | 8,105 | 155 | 6,050 | 145 | 151 | 971 | 922 | 16,499 |
| Total FY 22-23 Budget ⁽¹⁾ | \$18,633,084 | \$138,078 | \$4,829,660 | \$159,914 | \$144,295 | \$524,516 | \$776,050 | \$25,205,596 |
| Request Year Projection | | | | | | | | |
| Est. FY 22-23 Base Per Capita Cost | \$2,299 | \$891 | \$798 | \$1,103 | \$956 | \$540 | \$842 | \$1,223 |
| Est. Change in Per Capita Cost | 4.55% | 21.79% | 10.41% | 6.42% | 12.91% | 28.58% | 26.11% | 35.81% |
| Requested FY 23-24 Base Per Capita Cost | \$2,403 | \$1,085 | \$881 | \$1,174 | \$1,079 | \$695 | \$1,061 | \$1,661 |
| Requested FY 23-24 Appointments | 7,541 | 213 | 4,385 | 81 | 219 | 1,305 | 1,049 | 14,793 |
| Requested FY 23-24 Base Expenditures⁽¹⁾ | \$18,124,457 | \$231,083 | \$3,864,784 | \$95,065 | \$236,291 | \$906,412 | \$1,113,486 | \$24,571,578 |

(1) FY 21-22, FY 22-23 and FY 23-24 do NOT reflect reappropriated funds (Title IV-E); FY 23-24 does not reflect rate increase requested in Decision Item R2.