



## Office of the Child's Representative

### Fact Sheet for Joint Judiciary Committee January 2012

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**The Office of the Child's Representative ("OCR"):** The OCR is an independent state agency within the Colorado Judicial Branch. The OCR is mandated to provide competent and effective best interest legal representation to Colorado's children involved in the court system. The children served by the OCR have been abused and neglected, impacted by high conflict parenting time disputes, or charged with delinquent acts and without a parent or guardian able to protect their best interests during the proceedings.

#### The OCR's mandate:

- Improve quality of best interest attorney services and maintain consistency of best interest representation statewide.
- Provide accessible training statewide for attorneys, judges, magistrates, and CASAs.
- Establish minimum practice standards for all attorneys representing the best interests of children
- Provide litigation support to and oversight of the practice of OCR attorneys

#### The children represented:

- **22,000 Colorado children** were served by the OCR in FY 2011. The vast majority of these children are victims of serious child/sexual abuse and neglect. Dependency and neglect (D&N) cases are filed in every county and require attorney services for the entire life of the case.
- Children also receive best interest attorney services in delinquency, adoption, probate, paternity, mental health matters, truancy, and high conflict divorce cases.

**OCR attorneys:** The OCR contracts with approximately 231 Colorado attorneys (aka GALs). The attorneys are skilled in pediatric and juvenile law and provide attorney services at a cost-effective hourly rate. The OCR also oversees the El Paso County GAL Office. In addition, the OCR is evaluating multi-disciplinary provision of GAL services through a pilot project in Denver and Arapahoe counties. Most OCR contract attorneys live and work in the same communities as the children they represent.

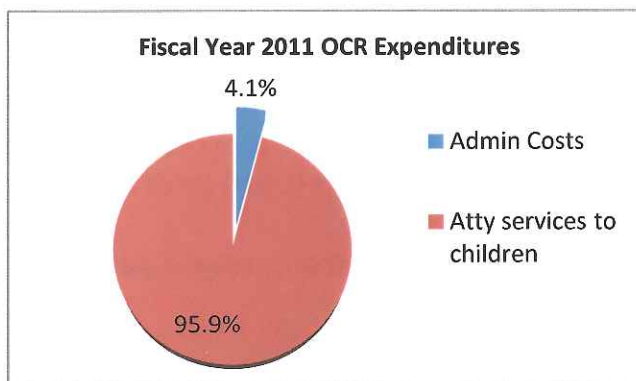
**OCR expectations of attorneys:** The attorney must independently investigate and provide legal advocacy in the best interest of the child. The attorney must meet each child in placement and continue to communicate with the child throughout the case. Usually, there is more than one child per case and the children are often placed in different homes or treatment facilities. The attorney must attend all court hearings; attend ancillary hearings such as special education hearings or child support hearings; prepare for and litigate contested hearings; and attend staffings. The GAL is responsible for locating a safe, appropriate, and permanent home for the child(ren) in order to close the case.

**OCR oversight of attorneys:** The OCR monitors attorney services throughout the year in a number of ways. The OCR annually surveys judicial officers, court facilitators, court administrators, and CASA agencies in all 22 judicial districts. Each year, the OCR Executive Director and attorney staff visit each of the 22 judicial districts to assess attorney services. The OCR monitors hourly billing statements and conducts random audits of attorney's work to ensure that GALs are meeting their obligations to children and the appropriate expenditures of state dollars. In addition, the OCR has a formal complaint process and thoroughly investigates every complaint. These processes ensure GAL compliance with all relevant statutes, orders, rules, directives, policies, and procedures.

## Overview of the OCR's Fiscal Year 2013 Budget Request

**Overview of the OCR's budget:** The OCR is appropriated funds to provide best interests legal representation to children in several different appointment types: dependency and neglect (D&N); juvenile delinquency; probate; domestic relations; mental health; truancy; and paternity. D&N cases comprise the largest percentage of the OCR's attorney services budget (84% in FY 2011); these cases involve allegations of abuse or neglect of children and require the appointment of a GAL. The appointment of a GAL in all other case types is discretionary.

96% of the OCR's entire budget is spent directly on statutorily-mandated attorney services. The oversight, training, support, and administration provided by the OCR represent only four percent of the OCR's budget. In FY 2011, 84% of the OCR's attorney service budget was spent on D&N cases.



**Summary of request:** The OCR's FY 2013 budget request amounts to \$19,617,019, which represents "continuation funding" to achieve its mission. The only decision item in the OCR's budget request is a request to restore the Court Appointed Special Advocate (CASA) Line Item to its FY 2011 Appropriation, a \$45,000 increase. The OCR is required by its enabling legislation to enhance funding sources for CASA programs. The OCR is not requesting any additional funding for the mandated oversight functions or the best interests attorney services it provides.

**Factors directly impacting the OCR's 2013 budget request:** Because 96% of the OCR's budget is spent directly on attorney services, the OCR's budget is primarily caseload and workload driven. Any increase in the number of open appointments in a fiscal year or time required by cases will impact the OCR's budget. In FY 2009 and FY 2010, the OCR saw both an increase in open D&N appointments and the amount of work required by each appointment. The OCR attributes these increases to the increased complexity of issues caused by the economic downturn and the resultant pressures placed on families and local departments of social services. Simply put, D&N cases are lasting longer and taking more time. The OCR believes, however, that it will begin to see a leveling out of its caseload and workload by FY 2013, and it has also instituted a long-range cost stabilization plan to absorb additional costs without compromising the safety or well-being of children.