
Office of the Child's Representative



Performance Plan

June 2020

*OCR is an
independent
agency within the
Judicial Department*



Mission and Values

The mission of the Office of the Child’s Representative (OCR) is to provide effective legal representation to Colorado’s children involved in the court system because they have been abused and neglected, impacted by high-conflict parenting time disputes, or charged with delinquent acts and without a parent able to provide relevant information to the court or protect their best interests during the proceedings. As a state agency, the OCR is accountable to the State of Colorado to achieve this mission in the most cost-efficient manner without compromising the integrity of services or the safety and well-being of children. The OCR is committed to ensuring that its attorneys provide these children, Colorado’s most vulnerable and marginalized population in the courts, the best legal services available to protect and promote their safety and well-being and to have their voice heard throughout all aspects of a case.

OCR Values

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, 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 and honesty. 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.

Overview

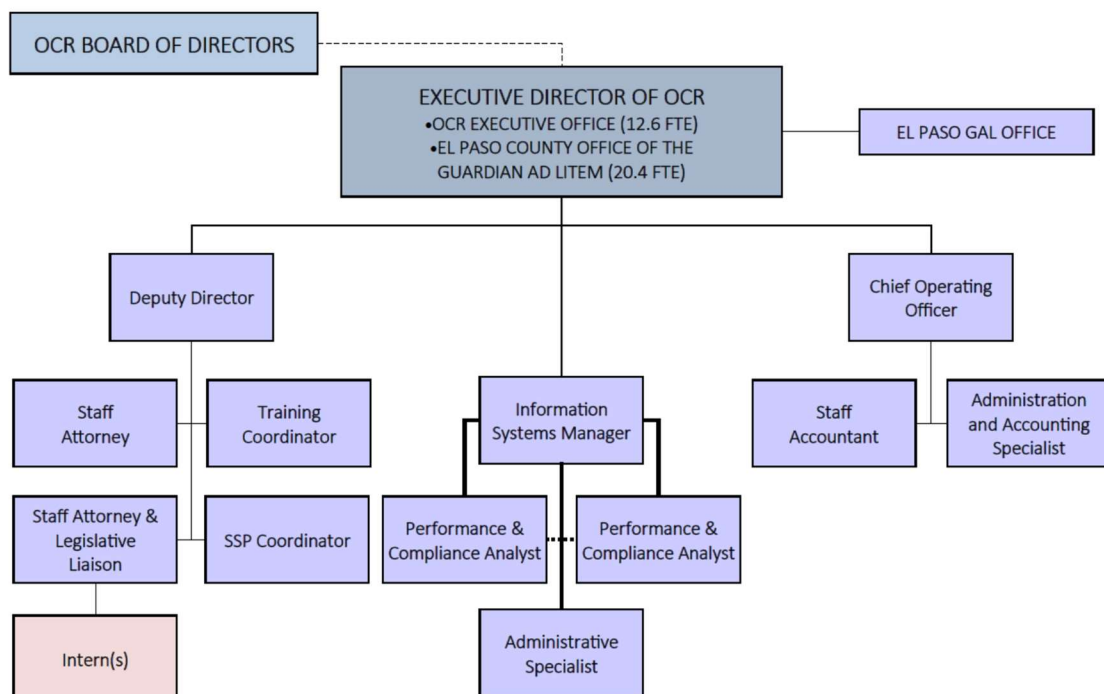
The OCR was created in 2000 to address the General Assembly's concerns about the quality of representation provided to Colorado children. Colorado Revised Statute §13-91-101 et seq. mandates that the OCR:

- Improve the quality of attorney services and maintain consistency of representation statewide.
- Provide accessible training statewide for attorneys.
- Establish minimum practice standards for all attorneys representing the best interests of children.
- Provide oversight of the practice of attorneys to ensure compliance with the established minimum standards.
- Establish fair and realistic compensation for state-appointed GALs sufficient to retain high-quality, experienced attorneys.
- Serve as a resource for attorneys.
- Develop measurement instruments to assess and document the effectiveness of various models of representation.

The OCR has been working diligently and successfully to fulfill these mandates and improve the quality of legal services and representation of children in Colorado. Currently the OCR contracts with approximately 275 attorneys who serve children in all 22 judicial districts across the state. Our Executive Office, located in the Ralph Carr Judicial Center at 1300 Broadway, Suite 320, houses our Executive Director, Deputy Director, Chief Operating Officer and 8 staff members.

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

November 1, 2019



Attorney Services Provided by the OCR

The OCR oversees approximately 275 attorneys who serve as Guardians *ad Litem* (GAL) in Colorado. A GAL is appointed by the Court for every child named in a dependency and neglect case (as mandated in §19-3-203 C.R.S.) and the OCR is responsible for oversight and payment of all these appointments including any applicable appeal. The OCR is also responsible for appointments for every minor parent facing termination of their parental rights (TPR). Another mandatory appointment, created with HB19-1316, requires a GAL be appointed for every youth aged 16 or 17 seeking a marriage license.

Case Type	OCR Responsibility
Dependency & Neglect	All GAL appointments (GAL appointed for each named child/youth in every case in Colorado and for any minor parent facing TPR)
Underage Party seeking a Marriage License	All GAL appointments (GAL appointed for all youth 16-17 seeking a marriage license)

The Court has discretion to appoint a GAL in the following proceedings and the OCR is responsible for the appointment of a GAL for minors as follows:

Case Type	OCR Responsibility
Delinquency & Direct File	All GAL appointments
Truancy	All GAL appointments
Paternity & Support	GAL appointments where at least one party is indigent.
Probate	GAL appointments where at least one party is indigent.
Adoption & Relinquishment	All GAL appointments
Mental Health	All GAL appointments
Victim Witness	All GAL appointments

In addition, the OCR may be responsible for appointments in other proceedings when representation of a child's best interests is deemed necessary or when the Court appoints Counsel for a minor child in a Dependency and Neglect proceeding.

The Court also has discretion to appoint a Child's Legal Representative (CLR) in domestic relations cases in accordance with §14-10-116. The OCR is responsible for oversight and payment of CLRs when the Court finds one or both parties indigent.

The statutory roles and responsibilities vary slightly by proceeding, however, the GAL or CLR's professional duties flow solely to the best interests of the child. The GAL is appointed to independently investigate, make recommendations that are in the best interests of the child, and advocate on that child's behalf through all stages of the proceedings.

In FY 19-20 the OCR provided legal services through two models of representation:

1. ***Independent contractors:*** The OCR contracted with approximately 275 independent contractors throughout Colorado in FY 19-20. These contract entities are small businesses and include solo practitioners and law firms.
2. ***OCR's El Paso County GAL Office:*** The OCR's El Paso County GAL Office (OGAL) is a model of attorney services that falls under the jurisdiction of the OCR. The creation of the office as the Fourth Judicial District Pilot Project was in direct response to Senate Bill 99-215 (Long Appropriations Bill), Footnote 135, which directed the Judicial Department to pilot alternative methods of providing GAL services. This "staff model" office is entering its twentieth year of operation and employs 12 attorneys (including a managing attorney and an assistant managing attorney) and five case coordinators (20.4 FTE). The case coordinators are social service professionals who supplement attorney services in a case. The use of multidisciplinary staff services is recognized as a promising practice by the National Association of Counsel for Children (NACC) and the OCR evaluated the effectiveness of additional multidisciplinary law office pilot programs in FY 16-17. While that pilot was ultimately discontinued, the OCR gained valuable information about additional services to create efficiencies and enhance representation.

Regardless of which model is utilized, 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. The legal advocacy provided by OCR attorneys plays a critical role in protecting and promoting the child's safety and well-being and ensures each child has a voice throughout all aspects of their case.

OCR Performance Goals and Strategies

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

Strategies:

- A. *Ensure children's voice & interests are paramount throughout the proceedings and in the development of policy, law & practice*
- B. *Establish attorney qualifications & practice standards*
- C. *Provide oversight & evaluation of attorney practice*
- D. *Contract with attorneys based on data illustrating compliance with CJD and OCR practice standards*
- E. *Ensure attorneys stay within the established child cap*
- F. *Establish fair and reasonable compensation for OCR attorneys*
- G. *Investigate alternative models of providing legal representation, including multidisciplinary representation*

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

Strategies:

- A. *Manage appropriations & assess program needs*
- B. *Assess judicial district needs*
- C. *Maximize use and effectiveness of OCR C.A.R.E.S. (OCR's on-line case management/billing system)*
- D. *Provide litigation support and facilitate practice innovations*
- E. *Provide case consultant (CC) support to attorneys*
- F. *Process, manage and evaluate contractor billings*

GOAL 3: The OCR will 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.

Strategies:

- A. *Cultivate a learning & practice environment that supports excellence in legal representation*
- B. *Review, update and implement OCR Core Competencies*
- C. *Assess attorney and case consultant education and support needs*
- D. *Require attorneys to meet minimum training requirements*
- E. *Disseminate updates on developments in law, social science and diversity and inclusion*
- F. *Maintain current and relevant resources for attorney and case consultant use*

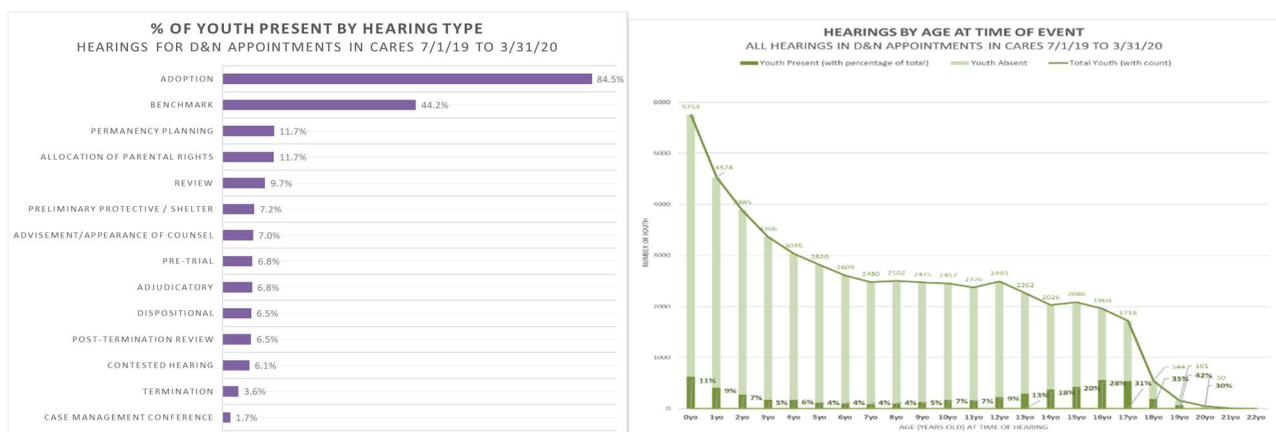
Goal 1 Process and Metrics

Ensure children's voice & interests are paramount throughout the proceedings and in the development of policy, law & practice

The OCR launched an Engaging and Empowering Youth Initiative (E&EY) in FY 17-18 with the goal of obtaining direct feedback from children and youth involved in the juvenile court system. E&EY focuses on “meeting the youth where they are” and the OCR collected feedback surveys, conducted youth focus groups to gather important information about the youth’s perspective and attended other youth events. In FY18-19 the OCR streamlined and improved our youth survey based on data collected and feedback received. The OCR conducted eight focus groups and has obtained 85 surveys this fiscal year. With these results the OCR has collected two years of data and is currently undertaking an effort to analyze this data and translate it into goals and programming to further advance child/youth voice in Colorado.

The OCR compiled the data into a comprehensive report that will be released in July of 2020 (E&EY Report 2020). Further analysis will be done through 2020 and the OCR hopes to engage a professional researcher to aid in these efforts. The OCR believes this analysis will result in additional targeted goals and data it can share in the next Performance Plan. Based on the current report the OCR has added a goal to report on children in court and plans to review and disseminate this data on a quarterly basis. This is a complicated measure for the OCR to impact in that it is only partly in the control of the agency and attorneys. Judicial officers and other parties play important roles in allowing/encouraging youth in court. However, the OCR believes that the agency and the child’s GAL are in a strong position to push this policy and effectuate change across the system using strategies identified in the E&EY 2020 Report.

The 2020 E&EY Report shows some interesting trends in child attendance in court when broken down by age and case type:



This data is helpful in understanding current attitudes and trends. The OCR hopes to be able to include overall youth participation in Court (accounting for all case types and in-camera interview of children/youth) in future performance plans. To ensure more accurate reporting

on this measure, the OCR plans to provide additional data entry training in its C.A.R.E.S. system. The OCR further plans to develop district specific reports to analyze district trends and practices and will share that information with key stakeholders in the district.

The OCR conducts youth reference interviews as a part of its renewal procedure for one third of Colorado's Judicial Districts each year (detailed more fully below) which is another important method of seeking direct youth feedback. In FY19-20 OCR conducted 81 youth reference interviews regarding the 83 attorneys up for renewal. This feedback is used in evaluating attorney compliance with OCR practice standards and is discussed with each attorney during his or her renewal interview.

To highlight the importance of the child's voice throughout their proceedings, OCR has included some measures on its Court Observation Forms and Stakeholder Feedback Surveys in the chart below (see Annual Verification Process and Triannual Renewal Section for more information) and beginning in FY20-21, the OCR has identified additional measures based on youth surveys.

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

<i>Ensure children's voice & interests are paramount throughout the proceedings</i>	Baseline Data Est. FY17-18	FY18-19		FY19-20		FY20-21	
		Goal	Actual	Goal	Actual	Goal	Actual
# of youth events attended or sponsored	5	5	8	5	8	5	
# of youth surveys received	114	50 ¹	108	75	85	100	
% of renewing attorneys with at least 1 youth reference interview completed	53%	60%	77%	65%	92%	95%	
% of attorneys stated child's (5 & over) position in court observations ²	63% ³	70%	87%	80%	65%	85%	
% of attorneys who indicated efforts to get child to attend in court observations ⁴	12%	20%	13%	30%	12%	30%	

¹ This number is low as compared to the baseline to allow OCR time to redesign the survey.

² This number cannot account for instances when a GAL may not state a position in accordance with the child's wishes.

³ OCR has tracked this measure since FY13-14 (43.75%) and it has steadily improved. The data point has been relocated to this new section which does not have data points going back as far which is why the historical data is not included.

⁴ For Juveniles who were not already present in court and are over 5 years of age.

Judicial Officers indicate attorney Always/Usually advises the Court of the child's position ⁵	90%	95%	87%	95%	90%	95%	
% of youth report GAL told the Judge what they wanted always/usually in youth survey.	–	–	–	Est. Baseline	74%	85%	
% of youth over 12 who attended a benchmark or permanency hearing	–	–	–	Est. Baseline	30%	40%	
% of youth report GAL asked them about going to court always/usually (D&N)	–	–	–	Est. Baseline	62%	75%	

Attorney Qualifications and Practice Standards

Expectations for attorneys under contract with the OCR are set forth in statute, Chief Justice Directives (CJDs), OCR manuals and policies (available on our website), in the new attorney welcome packet and in the OCR contract. CJD 04-06 sets forth practice standards and expectations for OCR attorneys and the OCR makes recommendations to the Chief Justice of the Colorado Supreme Court on necessary changes, updates or modifications to those standards. The OCR significantly enhanced its manuals and policies in response to the 2018 Legislative Audit findings in FY18-19 and worked with the Chief Justice to update CJD 04-06. This update included capping the number of children/youth a full time attorney may represent at 100 children/youth in accordance with national recommendations. It is important to note that this is the cap, not the ideal number of children on an attorney's caseload and the OCR has communicated clearly to contractors that 100 children/youth is not the expected caseload for a full-time contractor. Reports to ensure compliance with this standard were developed during FY19 and are now a routine part of the OCR's quarterly reviews with OCR staff following up with every attorney that is near or over the cap. Attorneys over the cap must stop taking new cases until their case load is at an appropriate level. For the purposes of reporting data in this plan, the OCR uses the child count report at the end of the fiscal year understanding that it is a point in time report and caseloads fluctuate throughout the year.

Oversight and Evaluation of Attorney practice

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

⁵ Prior to FY19 this question was answered by all stakeholder participants (regardless of whether they regularly attend court) and beginning in FY19 it is only answered by Judicial Officers.

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

- Annual verification process
- Tri-annual renewal application process
- New Attorney interviews
- Ongoing assessment and periodic review of attorney activity
- Risk-based sampling

The Annual Verification and Tri-Annual Renewal processes were enhanced in 2019 to include a more standardized review of data sources and improved documentation requirements. Current data sources reviewed include (those in bold only apply to the Tri-annual Renewal process):

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

The OCR created [benchmarks](#) to review each of these components to ensure consistency in application.

Annual Verification Process

Each year the OCR requires existing attorneys to confirm compliance with CJD 04-06, disclose professional disciplinary history, verify fulfillment of OCR training by specifying which trainings were completed and verify malpractice insurance requirements. The OCR compiles reports for each individual attorney to show his/her billing activity and average cost per case. Each verification is reviewed by a staff attorney who assesses any discrepancies between the data and the established benchmarks. Those falling outside of the benchmarks are staffed by the OCR. The OCR also seeks Stakeholder Feedback for each attorney through an annual survey which is sent to Judicial Officers and various court staff, departments of Human Services staff, CASA agencies, probation officers and attorneys representing other parties in the cases. All responses to the survey are reviewed by the OCR and responses reported in the chart below reflect answers of *strongly agree* or *agree* and are noted as "SFS". In FY19-20 the OCR received 1,844 survey responses concerning 247 attorneys; these included 361 responses from Judicial Officers. The OCR has made efforts to increase the participation of Judicial officers in the survey with positive effects. This is the largest number of responses we have received from Judicial Officers to date. The OCR has also changed which questions are asked of all survey participants and which are best suited to the Judicial Officer to ensure more accurate data from neutral sources. Beginning in FY20-21, the OCR also plans to use youth survey data to track progress on its goal of providing effective attorney services; as youth are the ultimate consumer of GAL services and the

individuals whose immediate and long-term interests depend on effective attorney services, the OCR is excited to include their feedback in this process. Additionally, the OCR uses reports generated from C.A.R.E.S. to monitor timely initial visits with children in D&N cases and attorney caseloads. This data is used as one measure of attorney effectiveness and advocacy:

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

Contract with attorneys based on data illustrating compliance with CJD and OCR practice standards	FY16-17		FY17-18		FY18-19		FY19-20		FY20-21	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
Attorney possesses relevant advocacy skills (SFS)	90%	91%	90%	91%	95%	90%	95%	92%	95%	
Attorney possesses requisite knowledge (SFS)	90%	91%	92%	90%	95%	90%	95%	92%	95%	
Attorney attends all court hearings ⁶ (SFS)	93%	94%	95%	97%	97%	96%	97%	96%	97%	
Attorney demonstrates a good understanding of the child's strengths and needs (SFS)	-	-	<i>Est. Baseline</i>	86%	90%	85%	90%	89%	90%	
Attorney appears to critically assesses department case & permanency plans ⁷ (SFS)	80%	88%	82%	89%	90%	85%	90%	97%	95%	

⁶ Beginning in 2020 this question is only answered by Judicial Officers.

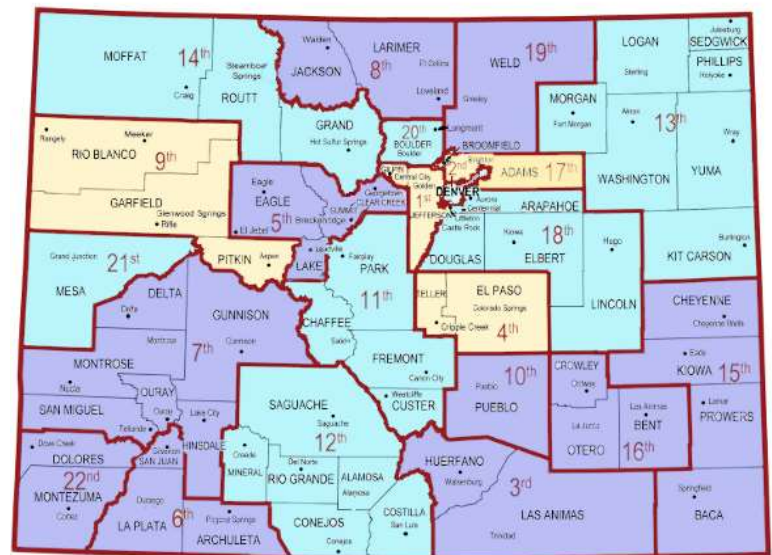
⁷ Beginning in 2020 this question is only answered by Judicial Officers.

% of youth report GAL visited them in each placement in the youth survey (D&N)	-	-	-	Est. Baseline	81%	90%				
% of youth report GAL knew what was best for them always/usually	-	-	-	Est. Baseline	64%	75%				
% of attorneys below child count cap	-	-	100%	99%	100%		100%			
% of initial 30 day visits completed	-	-	100%	TBD	100%		100%			

Tri-Annual renewal applications

Beginning in FY12-13 the OCR launched an extensive evaluation of attorneys in one-third of Colorado’s 22 Judicial Districts each year.

This extensive evaluation includes all items in the annual verifications process and an application, in addition to: reference interviews for each attorney with children/youth, parents and/or caregivers; structured court observations; review of a writing sample; and a one-on-one interview with an OCR staff attorney. Any discrepancies between the data and established benchmarks are addressed in the interview and staffed by the OCR.



2020 2021 2022

Court observations, referenced above, are done with a separate standardized form for

dependency and neglect proceedings and juvenile delinquency proceedings. In FY 19-20 OCR conducted 396 observations involving 100 attorneys and 626 children/youth. Another standardized form is used to conduct case reference interviews. In FY 19-20 the OCR conducted 252 reference interviews concerning the 86 attorneys under evaluation. Some of the data collected through these forms is used below:

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

Provide oversight and evaluation of attorney practice.	FY16-17		FY17-18		FY18-19		FY19-20		FY20-21	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
Average # of court observations per attorney per year	3	5.4	3	3.54	3	4.46	3	4.05	3	
Appointed Attorney Personally Appeared	92%	97%	95%	95%	95%	94%	95%	96%	95%	
Attorney provided current, independent information	85%	80%	85%	86%	90%	86%	90%	80%	90%	
Attorney Clearly Stated Position	90%	89%	90%	93%	95%	94%	95%	65%	95%	
% of attorneys with at least 1 reference interview with a child/youth, a parent and a caregiver	-	-	Est. Baseline	39%	45%	72%	55%	88%	90%	

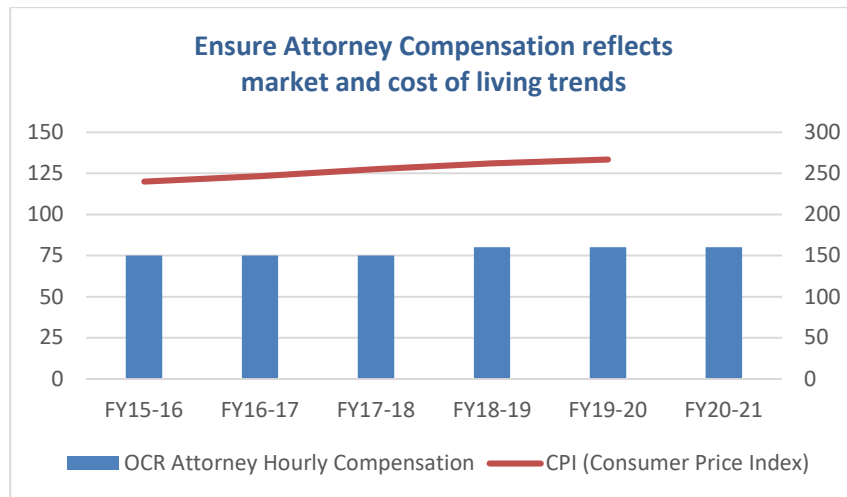
Compliance with CJD/Practice Standards

In addition to the tools listed in the above section, the OCR has an established formalized complaint process which provides an additional mechanism to ensure attorneys under contract with OCR are meeting practice standards. For each complaint filed, regardless of the factual allegations, the OCR confirms attorney compliance with practice standards, reviews the court's on-line file and C.A.R.E.S data. Founded complaints lead to further investigation of the attorney's performance and typically includes an audit of additional case files/activities. In FY19-20 OCR received 34 complaints and investigated 26 of them (two were for cases that had been closed over 12 months prior, in two the complainant did not follow through and four complaints were withdrawn). Of the 26 complaints investigated, 3 were founded, 5 were unfounded and 18 are still pending.

Fair and Reasonable compensation

The OCR is statutorily mandated to establish fair and realistic rates of compensation to enhance the legal representation of children by C.R.S. §13-91-105. The hourly rate paid to OCR contract attorneys had not been changed between 2015-2018. The OCR staff worked with the General Assembly and Joint Budget

Committee to increase this rate to \$80 per hour beginning on July 2018. During that process, the JBC commented that these increases should be requested more frequently to allow for smaller overall amounts instead of waiting and having to ask for large increases. To that end, the OCR (along with the Office of Alternative Defense Counsel and the Office of Respondent Parent’s Counsel) requested a rate increase to reflect cost of living increases over the past two years. Initially the JBC approved the requested rate increase. However, with the impact of COVID and subsequent budget shortfall, the OCR worked with its JBC analyst to eliminate the proposed increase. The OCR will continue to monitor these rates and realistically assess the state budget in order to keep up with the cost of living increases and continue to attract high quality attorneys.

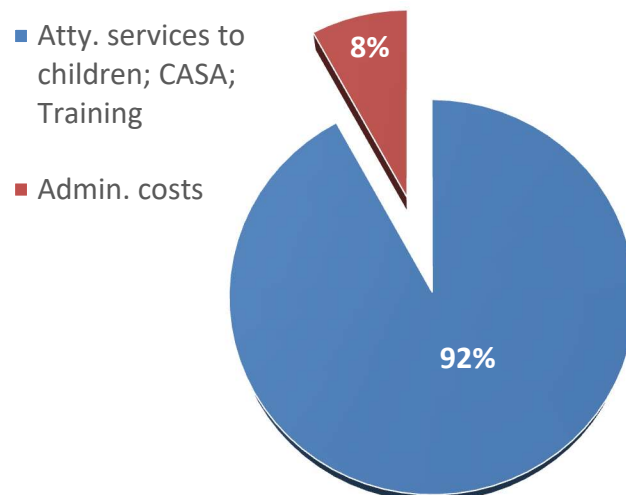


Goal 2: Process and Metrics

Manage Appropriations and Assess Program Needs

The OCR strives to be efficient and effective in utilizing its annual appropriation. The OCR’s budget is driven largely by attorney activity and caseloads. In FY19-20 (through 3/31/2020) the OCR used 92% of its expended funds for attorney services and only 8% for administration. Through the first three quarters of the fiscal year OCR has expended 71% of its appropriation and is **currently on track to be within budget by the end of the fiscal year.**

FY19-20 Administrative Expenditures (through 3/31/20)



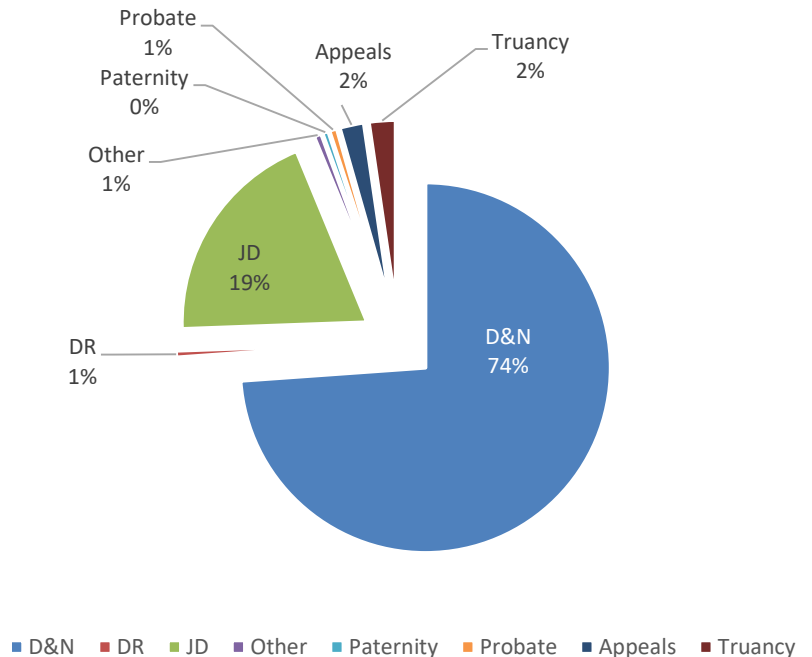
In addition, the OCR was able to offer approximately \$1.5 million of early reversions to assist with the state's financial challenges.

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

The OCR began using an electronic billing system in 2011 (OCR C.A.R.E.S) and has continued to assess and improve the functionality of the system and the quality of data we are able to retrieve in order to monitor attorney performance and progress. In FY 17-18 OCR was granted funding through the budget process to replace C.A.R.E.S. The new C.A.R.E.S system was necessary to improve functions for contract attorneys and OCR staff, to reduce support and operating costs and to improve OCR's data collection.

The new C.A.R.E.S system launched on April 1st, 2018 and is more streamlined with updated functions, better usability, new case alerts, better functioning on mobile devices and built in search technology. In addition, the new system groups billable activities by CJD requirements to facilitate case management and compliance. Lastly, contractors submit invoices through the new system on a monthly basis allowing greater control and clearer guidelines for contractors reconciling billing and predicting payments. This improved ability is key in allowing the OCR to analyze costs and make accurate predictions in a time of budget crisis across the state. The OCR continued to complete system enhancements through FY18-19 and gave users access to on demand reports in 2020. The annual applications process and Satisfaction Survey will help the OCR refine its goals for this project going forward.

Percentage of Case Type Expenditures
(through 3/31/20)



Periodic Review

In FY19-20 the OCR enhanced its periodic review of attorney activities by utilizing reports now available through the new C.A.R.E.S system. This includes a quarterly review of the child count report to monitor the child cap (as discussed previously) and a quarterly 30-day initial visit report to ensure compliance with this component of the CJD. Baseline data was established this year and the OCR added goals accordingly in previous sections.

Goal 2: The OCR will optimize efficiencies in attorney practice & billing								
Process, manage and evaluate contractor billing	FY18-19		FY19-20		FY20-21		FY21-22	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
Avg. # days from invoice submission to payment in state financial system	–	–	20	8.4 ⁸	10		10	
% of contractor invoices paid in the state financial system within 30 days of receipt	–	–	95%	99.5% ⁹	97%		99%	

Provide Litigation Support

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

- Guided Reference in Dependency (GRID) book
- OCR Listserv
- Litigation Toolkit
- Quarterly Newsletters
- Litigation Support List

Guided Reference in Dependency (GRID)

The GRID is Colorado’s first comprehensive advocacy guide for attorneys in dependency and neglect proceedings. First published by OCR with grant funding from the Colorado Children’s Justice Task Force in 2012, this robust reference guide has been given to all OCR contract attorneys and is available online. The GRID features 8 hearings chapters, which include before, during and after checklists and blackletter law discussion and tips and 36 comprehensive fact sheets covering a wide variety of topics. OCR published a supplement to reflect legislation and case law changes in 2015 and in FY17-18 undertook a massive rewrite to ensure the GRID remains a high-quality resource for attorneys and contains the most up to date information. The updated GRID was released online in July 2018 and distributed in print in September 2018. The OCR completed electronic updates in September 2019 and is committed to updating the GRID with new legislation and case law on an annual basis.

OCR Listserv

Each contract attorney is required to join the OCR listserv which provides an excellent forum for attorneys to discuss difficult case issues, trends in the state, case law updates and more. The OCR also uses the listserv to communicate new case processes, inform contractors of recent developments and

⁸ Data for invoices with date ranges from 7/1/2019 through 3/31/20.

⁹ Data for invoices with date ranges from 7/1/2019 through 3/31/20.

provide case law and legislative updates. In FY15-16 the OCR launched an enhanced listserv which is now easier to use and features a searchable archive. In FY19-20 attorneys sent a total of 321 emails discussing 134 topics.

Litigation Toolkit

To support attorney efficiency and effectiveness OCR has redesigned its motions bank and the Litigation Toolkit is now available to all OCR contractors on the OCR website. The Litigation toolkit is comprised of pleadings, social science resources and practice tools to give attorneys a centralized resource when drafting motions, preparing for litigation and researching the multitude of issues impacting cases. Currently the Litigation Toolkit has 45 pleadings, 49 social science resources and 66 practice tools available to contractors. The OCR added a substantial amount of documents to the litigation toolkit this year, updated 48 current documents and will continue to update resources and add additional litigation forms to ensure it remains current and comprehensive.

Quarterly Newsletters

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

Litigation Support List

The OCR maintains a list of attorneys with subject matter expertise who are approved to consult on cases in order to be efficient and effective when dealing with crossover issues like domestic relations, immigration, education or appeals. Litigation support ensures attorneys have access to specialized knowledge and experience to assist in high quality representation of the child's best interests. The OCR has begun expansion of this list and plans to evaluate next steps in the upcoming year.

Case Consultant (CC) Program

The SSP pilot program¹⁰ began in FY17-18 in response to information gathered from the OCR's Multidisciplinary Law Office (MDLO) Pilot Program in which the OCR evaluated this method of providing GAL services in D&N cases. While the pilot program was ultimately ended due to the high costs of the model, some recommendations came from the evaluation including exploring ways to make social workers accessible to more GALs and to utilize social workers to enhance best interest representation without duplicating efforts. The use of social workers allows additional work on cases at a lower hourly rate. The OCR was granted (through the budget process) funding for a new CC coordinator who began work late in FY18-19. The CC Coordinator spent much of this fiscal year assessing needs statewide. In FY19-20 the number of CCs working with contract attorneys has increased from approximately 60 to 80. The OCR has begun to develop and provide trainings specifically for CCs and has increased efforts to incorporate social science research and perspective throughout its training and support programs.

¹⁰ Going forward all social work professionals working with contractors in this multidisciplinary capacity will be referred to as Case Consultants (CCs). This change was instituted to better reflect common terminology/understanding and prevent confusion.

Additionally, the OCR is designing a program to provide CCs to attorneys on a contract basis, managed through the CC coordinator. This will allow contract attorneys to request assistance on a case by case basis. Initially, the OCR plans to contract with three CCs in FY20 and engage in meaningful data analysis. As this program is launched the OCR will identify goals related to the new programming, taking into account what the data shows throughout the year.

The OCR monitors attorney satisfaction with litigation support and training, among other programming, in an annual satisfaction survey administered in August of each year. In FY19-20, 150 attorneys covering all 22 judicial districts completed the survey which is used for data below:

Goal 2: The OCR will optimize efficiencies in attorney practice and billing								
Provide litigation support and facilitate practice innovations	FY17-18		FY18-19		FY19-20		FY20-21	
	<i>Goal</i>	Actual	<i>Goal</i>	Actual	<i>Goal</i>	Actual	<i>Goal</i>	Actual
Newsletters published per year	4	4	4	4	4	4	4	
Update the GRID	<i>Annual</i>	Yes	<i>Annual</i>	Yes	<i>Annual</i>	Yes	<i>Annual</i>	
% attorneys indicated very satisfied/satisfied with GRID	<i>Est. Baseline</i>	91%	95%	88%	95%	100%	95%	
% attorneys indicated very satisfied/satisfied with OCR Listserv	<i>Est. Baseline</i>	74%	80%	84%	80%	96%	95%	
Litigation Tool Kit forms/resources available online	<i>Est. Baseline</i>	42	60	109	120	160	190	
% attorneys indicated very satisfied/satisfied with OCR Litigation Toolkit	<i>Est. Baseline</i>	64%	70%	72%	75%	93%	95%	

GOAL 3 Process and Metrics

Cultivate a learning and practice environment

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

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

These areas of focus are the overarching umbrella that helps OCR staff craft and refine its litigation support and training. Many of these are discussed in previous sections. Over the course of the next year, the OCR will add training components to support the new CC program as it develops. In addition, OCR continues to offer a mentoring program to partner experienced GALs with new GALs to navigate this complex area of law in their first year of practice. In FY 19-20 there were 22 mentoring pairs covering 11 judicial districts. The OCR has also continued offering Westlaw, a comprehensive legal research tool, at no cost to the contractor and related training.

Implement OCR Core Competencies

The OCR has determined that the following four core competencies are the foundation of high-quality representation for dependency and neglect and juvenile delinquency cases:

- **Ethics “What is my role as a GAL”**
- **Substantive Knowledge**
 - Federal and State Law
 - Social Science and Cultural Competency
- **Skills**
 - Out of Court Advocacy
 - In Court Advocacy
 - Effective Engagement with Youth and Professionals
 - Conducting a Meaningful Independent Investigation
- **Law Practice Management**

The OCR strives to cover all core competencies throughout its annual training program. In addition, the OCR requires new attorneys entering into contracts for dependency and neglect and juvenile delinquency cases to attend two trainings specifically addressing core competencies and practice standards. In FY19-20 (through May 31) the OCR added 24 new attorneys across the state.

Goal 3: The OCR will ensure attorneys remain current in state and federal law and regulations, social science research and evidence based services.

Implement Core Competencies.	Baseline Data Established FY17-18	FY18-19		FY19-20		FY20-21	
		Goal	Actual	Goal	Actual	Goal	Actual
% of Core Competencies covered in OCR sponsored training	100%	100%	100%	100%	100%	100%	
% of new attorneys who completed Core Competencies I & II	82% (in person only)	100%	100%	100%	96% ¹¹	100%	

Provide relevant, high-quality training in state and federal law and regulations, social science research and evidence-based programs.

The General Assembly charged OCR with providing high-quality and accessible training throughout the state. All OCR contract attorneys are required to do 10 hours of OCR sponsored or approved training. To meet these requirements the OCR hosts an annual conference and provides periodic training throughout the year. In order to ensure this training is accessible state-wide, the OCR provides webinars at least once a quarter on relevant and emerging topics related to child welfare practice. In addition, the OCR works with an audio/visual team to record the majority of OCR sponsored training which is archived and available on its website. The OCR partners with other agencies to provide cross-systems training opportunities as well. In FY19-20 the OCR provided a total of 105.4 CLEs as follows:

- Core Competencies I: Orientation for New Attorneys
- Core Competencies II: Advanced Training for New Attorneys
- OCR Annual Fall Conference
- 8th Annual Excellence in Juvenile Defense, cohosted with the ADC and CJDC
- Train the Trainer
- OCR Trials Skills Training
- Reasonable Efforts Lunch and Learn Pueblo
- Adoption Subsidies Lunch and Learn Pueblo
- 12th Judicial District Litigation Strategies
- Litigation Strategies: Less Drastic Alternatives
- Webinars on:
 - OCR Contract Renewal and Verifications Process: Lessons Learned
 - OCR Attorney Supports & Resources
 - Child Welfare Permanency Planning Statute Changes and PHOM Bill
 - GAL Guidance for New Underage Marriage Appointment
 - Best Interests in CLR & Paternity Cases

¹¹ This number is not final as the OCR is waiting on responses from 1 attorney to verify he has completed Core Competencies II.

- Truancy: Practice Tips, Priorities and Special Issues
- Adoption & R-GAP Subsidies
- Colorado Probate Law and Practice Tips

At the end of FY19-20 the OCR has a total of 319¹² hours of CLEs available online for easy accessibility to attorneys across Colorado. In addition to the state trainings offered, the OCR paid registration fees for 45 delinquency contract GALs to attend the 8th Annual Excellence in Juvenile Defense Conference and four contract attorneys to attend the National Association of Counsel for Children annual conference.

Each year the OCR requires attorneys to verify their training requirements. Attorneys who contract to do a very limited case type (for example, a GAL who only takes probate appointments) may have received an exemption since the majority of offered training focuses on dependency and neglect or juvenile delinquency cases. Beginning in FY18-19 all OCR attorneys are required to complete at least 5 of their 10 hours in OCR sponsored trainings. To that end, the OCR endeavors to provide additional training that is relevant across case types.

Goal 3: The OCR will ensure attorneys remain current in state and federal law and regulations, social science research and evidence-based services.

Require attorneys to meet minimum training requirements.	FY17-18		FY18-19		FY19-20		FY20-21	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
% of attorneys who completed the OCR training verification ¹³	<i>Est. Baseline</i>	97%	100%	97%	100%	98% ¹⁴	100%	
# of new CLE hours sponsored by OCR per year	<i>Est. Baseline</i>	81	80	89	80	105.4	80	
Min. of 5 CLEs offered per year relevant across all case types	-	-	100%	100%	100%	100%	100%	
# of hours of OCR sponsored training focused on juvenile delinquency	10	16	10	17.8	10	18	10	
Min. of 1 OCR sponsored training focused on non D&N/JD specialty case types (DR/Paternity; Probate/Mental Health; Truancy; Appeals) per year.	-	-	100%	75%	100%	100%	100%	

¹² OCR removed 87 CLEs of outdated content from our online training to ensure we are providing relevant and accurate training information.

¹³ Attorneys granted an exception from the training requirements were not included.

¹⁴ This number is not yet final as the OCR is finalizing training data through the end of the fiscal year.

OCR attorneys Strongly Agree/Agree the OCR offers sufficient in-person training opportunities	Est. Baseline	86%	90%	90%	90%	95%	95%	
OCR Attorneys Strongly Agree/Agree OCR training is tailored to meet the specialized needs of best interest attorneys	Est. Baseline	93%	95%	96%	95%	95%	95%	

Disseminate updates on developments in law and social science

The OCR achieves this in a variety of ways mentioned above, including Listserv announcements, quarterly newsletters, the GRID and through the Litigation Toolkit. In addition, the OCR includes a case law and legislative update at least once a year at one of our sponsored trainings.

Maintain current and relevant resources for attorney's use

Detailed in the Litigation Support section, the OCR's online platforms serve as an important means of ensuring our archived and searchable Listserv, GRID and Litigation Toolkit benefits OCR attorneys.

Conclusion

The OCR strives to be data driven in a complex and fluid field of law. However, the approximate 275 contractors who represent the best interests of Colorado's children defy charts and graphs, touching the lives of hundreds of children and families every year. It is the voices of these children that serve as the truest measure of performance.

"... we butt heads a lot but that was because I was 16. But she stood her ground when she needed to and always fought for what she thought was best for me. We established a strong relationship from the beginning and I knew she would fight for what was right for me."

– quote from a former foster youth about her GAL in the 2020 case references interviews.
