

# Performance Plan Evaluation

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FY23



COLORADO OFFICE OF  
**THE CHILD'S  
REPRESENTATIVE**

# Summary of FY23 Performance Plan

## OCR WILDLY IMPORTANT GOAL FY23

**OCR will successfully implement HB22-1038 and further infuse youth voice in the culture of OCR and related legal Services.** *OCR is thrilled HB22-1038 passed in the 2022 Legislative Session and must now focus on thoughtful implementation of the new law in order to ensure its purposes are upheld. Purposes such as parity and procedural justice for youth in their D&N proceedings and authentic youth voice.*

| STRATEGIES  | COMPLETED  |
|---|--|
| <p>Provide high-quality training, resources, and supports related to HB22-1038 by offering:</p> <ul style="list-style-type: none"> <li>• Robust state-wide training for OCR attorneys focused on the new legislation, implementation, and corresponding practice standards.</li> <li>• Additional training for judicial partners and other stakeholders to promote consistency and common understanding.</li> </ul>   | <p>Yes.</p> <p>OCR's Fall Conference took place Sept. 12-13<sup>th</sup> and included a mandatory day dedicated to the new legislation. 210 attorneys attended in person with approximately 50 joining via livestream. This was followed by a series of targeted webinars, issue specific practice materials, and regular case staffings. OCR provided training across the state for all other stakeholder groups, both in person and via webinar.</p> |
| <p>Recommend updates to the Chief Justice regarding Chief Justice Directive (CJD) 04-06 to align with current best practices and new legislation.</p> <ul style="list-style-type: none"> <li>• Gather feedback from the OCR Lived Expert Action Panel (LEAP) regarding attorney practice standards to ensure OCR's recommendations are grounded in the youth perspective.</li> <li>• Solicit input from practitioners, stakeholders, and judicial officers during the process.</li> </ul>   | <p>Yes.</p> <p>LEAP and stakeholder feedback received and incorporated into OCR recommendations. Those recommendations were incorporated into the new <a href="#">CJD 04-06</a>, issued January 9, 2023.</p>   |
| <p>Create an improved website focused on attorney support and youth access.</p>   | <p>Yes.</p> <p><a href="https://coloradochildrep.org/">https://coloradochildrep.org/</a> launched in December of 2022.</p>   |
| <p>Implement Strategies to improve youth-related data measures for youth in court and attorney's stating child/youth's position in court.</p> <ul style="list-style-type: none"> <li>• Provide customized reports and presentation to judicial districts.</li> <li>• Create focused messaging on improving court attendance for youth 12 and older.</li> <li>• Analyze CARES (OCR's online case management and billing system) enhancements that could provide targeted data and inform resources.</li> <li>• Identify attorneys and/or districts that are leaders in this effort.</li> </ul> | <p>Yes.</p> <p>Quarterly Youth in Court (YIC) emails were disseminated containing focused messaging as well as statewide and district data. Further local discussions are offered and at least were requested and delivered. CARES analysis has occurred and is ongoing. District Leaders are recognized in the quarterly emails and OCR identified and met with individual leaders in August 2023 with future meetings planned.</p>                   |

## OCR Performance Goals and Strategies FY23

|   |  |
|---|--|
| <b>GOAL 1: Provide children a voice in the Colorado legal system through effective and efficient attorney services and advocacy.</b>  | Ensure children’s voice & interests are paramount throughout the proceedings and in the development of policy, law & practice.   |
|   | Provide and promote effective use of case consultant (CC) support to attorneys.  |
|   | Provide oversight & evaluation of attorney practice.   |
|   | Establish fair and reasonable compensation for OCR attorneys.  |
| <b>GOAL 2: OCR will optimize efficiencies in attorney practice and billing.</b>   | Manage appropriations and assess program and district needs.   |
|   | Optimize use and effectiveness of CARES.   |
|   | Process, manage, and evaluate attorney billings.   |
| <b>GOAL 3: 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.</b> | Cultivate a learning & practice environment that supports excellence in legal representation.  |
|   | Deliver high-quality accessible training to advance best practices, address emerging topics in relevant fields, and implement OCR Core Competencies.                                       |
|   | Assess attorney and case consultant education and support needs.   |
|   | Maintain and disseminate current and relevant resources for attorney and case consultant use regarding relevant law, social science, and DEI (diversity, equity and inclusion) strategies. |

Youth voice is one of OCR’s primary goals. OCR’s LEAP completed its third year of operation and members participated in OCR training, other state and federal training, provided input and testimony on legislation and more. In FY23, OCR collected 137 youth surveys and interviewed 81 youth regarding 79 attorneys up for renewal. OCR discontinued several questions from our Judicial and Youth Surveys after the FY23 Performance Plan was created to consolidate and simplify these surveys to allow collection of information that is needed in a way that is respectful of stakeholder time. OCR hopes this will increase response rate in future years.

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

| Ensure children’s voice & interests are paramount throughout the proceedings.                  | FY19 |        | FY20 |        | FY21 |        | FY22 |        | FY23 |        |
|--|------|--------|------|--------|------|--------|------|--------|------|--------|
|  | Goal | Actual | Goal | Actual | Goal | Actual | Goal | Actual | Goal | Actual |
| # of youth events attended or sponsored  | 5    | 8      | 5    | 8      | 5    | 4      | 5    | 12     | 8    | 12     |
| # of youth surveys received  | 50   | 108    | 75   | 85     | 100  | 18     | 100  | 140    | 100  | 137    |
| % of renewing attorneys w/ at least 1 youth reference interview                                | 60%  | 77%    | 65%  | 92%    | 95%  | 88%    | 95%  | 100%   | 95%  | 99%    |
| % of attorneys stated child’s position in court observations <sup>1</sup>                      | 70%  | 87%    | 80%  | 65%    | 85%  | 33%    | 85%  | 43%    | 90%  | 57%    |
| % of attorneys who indicated efforts to get child to attend in court observations <sup>2</sup> | 20%  | 13%    | 30%  | 12%    | 30%  | 8%     | 30%  | 4%     | 40%  | 17%    |

<sup>1</sup> For youth 5 & older when the attorney is acting as a GAL (CFY are always advocating for the youth’s position and are not included in this number). This number cannot account for instances when a GAL may not state a position in accordance with the child’s wishes.

<sup>2</sup> For youth 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 | 95% | <b>87%</b> | 95%            | <b>90%</b> | 95%            | <b>99%</b> | 95%            | <b>99%</b> | 95%  | Question discontinued |
| % of youth over 12 who attended a benchmark, permanency, or review hearing                   | -   | -          | -              | -          | Est. Base line | <b>19%</b> | 20%            | <b>20%</b> | 25%  | <b>26%</b>            |
| % of youth report GAL asked them about going to court always/usually (D&N)                   | -   | -          | Est. Base line | <b>62%</b> | 70%            | <b>63%</b> | 70%            | <b>83%</b> | 75%  | Question Discontinued |
| % of youth report having contact w/ attorney 1/mo. or more                                   | -   | -          | -              | -          | -              | -          | Est. Base line | <b>70%</b> | 75%  | <b>67%</b>            |
| % of youth report they trusted their OCR attorney always/usually                             | -   | -          | -              | -          | -              | -          | Est. Base line | <b>78%</b> | 80%  | <b>78%</b>            |
| % of initial 30 day visits completed   | -   | -          | 100%           | <b>97%</b> | 100%           | <b>97%</b> | 100%           | <b>95%</b> | 100% | <b>95%</b>            |

As part of OCR's oversight and evaluation of attorney practice, the OCR conducts an annual verification and renewal process. In FY23, OCR processed 233 verification and renewal applications and received 50 new applicants. In addition, OCR received and reviewed 347 survey responses from judicial officers regarding 190 attorneys, conducted 248 reference interviews regarding 79 attorneys up for contract renewal, and observed 266 court proceedings involving 403 children/youth as part of that process. Data from these various sources is reflected in the charts below.<sup>3</sup>

### 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. | FY19 |            | FY20 |            | FY21 |            | FY22 |            | FY23 |                       |
|--|------|------------|------|------------|------|------------|------|------------|------|-----------------------|
|  | Goal | Actual     | Goal | Actual     | Goal | Actual     | Goal | Actual     | Goal | Actual                |
| Possesses relevant advocacy skills (SA/A)  | 95%  | <b>90%</b> | 95%  | <b>92%</b> | 95%  | <b>99%</b> | 100% | <b>99%</b> | 100% | Question discontinued |
| Possesses requisite knowledge (SA/A)   | 95%  | <b>90%</b> | 95%  | <b>92%</b> | 95%  | <b>99%</b> | 100% | <b>99%</b> | 100% | Question discontinued |
| Attends all court hearings (SA/A)  | 97%  | <b>96%</b> | 97%  | <b>96%</b> | 97%  | <b>99%</b> | 100% | <b>99%</b> | 100% | <b>92%</b>            |

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

| Provide oversight and evaluation of attorney practice. | FY19 |            | FY20 |            | FY21 |            | FY22 |            | FY23 |            |
|--|------|------------|------|------------|------|------------|------|------------|------|------------|
|  | Goal | Actual     | Goal | Actual     | Goal | Actual     | Goal | Actual     | Goal | Actual     |
| Appointed Attorney Personally Appeared                 | 95%  | <b>94%</b> | 95%  | <b>96%</b> | 95%  | <b>97%</b> | 98%  | <b>95%</b> | 98%  | <b>97%</b> |
| Attorney provided current, independent information     | 90%  | <b>86%</b> | 90%  | <b>80%</b> | 90%  | <b>72%</b> | 90%  | <b>76%</b> | 95%  | <b>87%</b> |

<sup>3</sup> SA/A designates answers as strongly agree or agree.

|                                  |     |            |     |            |     |            |     |            |     |                       |
|----------------------------------|-----|------------|-----|------------|-----|------------|-----|------------|-----|-----------------------|
| Attorney Clearly Stated Position | 95% | <b>94%</b> | 95% | <b>65%</b> | 95% | <b>88%</b> | 95% | <b>85%</b> | 95% | Question discontinued |
|----------------------------------|-----|------------|-----|------------|-----|------------|-----|------------|-----|-----------------------|

OCR strives to be a good steward of taxpayer dollars and to stay within its appropriation each year. In FY23, OCR used 90% of expended funds for attorney services and only 10% for administration. In total, OCR used 86.1% of its appropriation in FY23 and reverted \$3,595,681 to the general fund.

### Goal 2: The OCR will optimize efficiencies in attorney practice & billing

| Process, manage, and evaluate contractor billing.                        | FY19 |            | FY20 |            | FY21 |            | FY22 |            | FY23 |            |
|--|------|------------|------|------------|------|------------|------|------------|------|------------|
|  | Goal | Actual     | Goal | Actual     | Goal | Actual     | Goal | Actual     | Goal | Actual     |
| Non-CAC Expenditures stay within budgeted appropriation                  | Yes  | <b>Yes</b> | Yes  | <b>Yes</b> | Yes  | <b>Yes</b> | Yes  | <b>Yes</b> | Yes  | <b>Yes</b> |
| Avg. # days from invoice submission to payment in state financial system | 20   | <b>8.6</b> | 20   | <b>8.3</b> | 10   | <b>10</b>  | 10   | <b>12</b>  | 14   | <b>6.7</b> |

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

| Provide litigation support and facilitate practice innovations.            | FY19 |            | FY20 |             | FY21 |            | FY22 |             | FY23 |            |
|--|------|------------|------|-------------|------|------------|------|-------------|------|------------|
|  | Goal | Actual     | Goal | Actual      | Goal | Actual     | Goal | Actual      | Goal | Actual     |
| % attorneys indicated very satisfied/satisfied with GRID                   | 95%  | <b>88%</b> | 95%  | <b>100%</b> | 95%  | <b>99%</b> | 95%  | <b>100%</b> | 95%  | <b>96%</b> |
| % attorneys indicated very satisfied/satisfied with OCR Listserv           | 80%  | <b>84%</b> | 80%  | <b>96%</b>  | 95%  | <b>97%</b> | 95%  | <b>98%</b>  | 95%  | <b>90%</b> |
| Litigation Tool Kit forms/resources online                                 | 60   | <b>109</b> | 120  | <b>160</b>  | 190  | <b>206</b> | 220  | <b>266</b>  | 250  | <b>344</b> |
| % attorneys indicated very satisfied/satisfied with OCR Litigation Toolkit | 70%  | <b>72%</b> | 75%  | <b>93%</b>  | 95%  | <b>95%</b> | 95%  | <b>94%</b>  | 95%  | <b>89%</b> |

OCR continued to provide a robust training program throughout FY23 as illustrated below. OCR also provided 17 mentors to new attorneys covering 13 judicial districts, provided every attorney with access to Westlaw at no cost to the attorney, and has 250 up-to-date hours of CLEs available online and accessible state-wide. In FY23, OCR offered 14 scholarships to state and national conferences.

### 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.   | FY19 |            | FY20 |            | FY21 |            | FY22 |            | FY23 |            |
|--|------|------------|------|------------|------|------------|------|------------|------|------------|
|  | Goal | Actual     | Goal | Actual     | Goal | Actual     | Goal | Actual     | Goal | Actual     |
| # of new CLE hours sponsored by OCR/year   | 80   | <b>89</b>  | 80   | <b>105</b> | 80   | <b>85</b>  | 85   | <b>83</b>  | 85   | <b>91</b>  |
| OCR Attorneys Strongly Agree/Agree OCR training is tailored to meet the specialized needs of best interest attorneys | 95%  | <b>96%</b> | 95%  | <b>95%</b> | 95%  | <b>98%</b> | 98%  | <b>94%</b> | 98%  | <b>93%</b> |