



Colorado Office of the Child's Representative

1300 Broadway Ste 320, Denver 80203 | P (303) 860-1517 | F (303) 860-1735 | www.coloradochildrep.org

Winter 2014 Newsletter

Notes from the Executive Director

Happy Holidays from the OCR! I had the pleasure of visiting with many of you at our annual Holiday Party, and I want to wish each of you the very best for a happy holiday season and peace and joy in the New Year!

This time of year is one of reflection, celebration, and giving. As I reflect on our agency, I am, as always, impressed with and proud of our amazing group of attorneys and the incredibly demanding, vital work you do. You have repeatedly proven you have the expertise to tackle the most challenging of legal situations, knowing your work has a powerful impact on children, families, and our communities. In recent days, you've again proven you not only have the *talent* but also the *heart* to thrive in this difficult work and, if that wasn't enough, you have the heart to reach out and strengthen one another. Over the last week, a couple of requests for information about services for youth went out over our email listserv. These inquiries were met by a wonderful outpouring of personal generosity and kind-heartedness from fellow attorneys volunteering their own time and resources. The listserv often proves to be a valuable source of pooled knowledge, but this week it was also an inspiring demonstration of the true spirit of the holidays.

This issue of the newsletter features several spotlights on individual OCR attorneys, highlighting your impressive contributions to child welfare law.



We also feature an Attorney Award Nominations announcement on pg. 2. I encourage you to consider [nominating](#) an attorney. The awards will be announced at the OCR & SCAO Spring 2015 Conference in Colorado Springs: [Trauma Informed Advocacy in the World of Child Welfare 3.0](#). See pg. 10 for conference details!

At the OCR, we are committed to supporting your efforts. As always, please contact me if you have any ideas about ways we can support your important work. ♦

Linda Weinerman, Executive Director

Inside This Issue:

PDF users: Click on a subject to jump to that page.



◆ Notes from the Director	1
◆ OCR & RPC Attorney Award Nominations	2
◆ Applause & Accolades: Danita Alderton	2
◆ Meet an OCR Attorney: Ruth Snyder	3
◆ Winter Legal Review	4
◆ Budget Update	5
◆ Excess Fee Requests	7
◆ Thank You to Phil James	8
◆ Recent News and Resources	8
◆ CARES System Improvements: Modified CARES Activities	9
◆ Spring Conference and Other Training Announcements	10
◆ Welcome New Board of Directors Co-Chairs	11

OCR & RPC Attorney Award Nominations!

Nominate an OCR or RPC Attorney for an award recognizing his or her contribution to the practice of Dependency and Neglect Law by visiting tinyurl.com/pd2ucz2. Awards will be announced at the OCR & SCAO Spring Conference on March 4-6, 2015 in Colorado Springs. Please read below for descriptions of each award and submit your nominations by Feb 2, 2015 at 5pm.

Nominations for RPCs & GALs:

✿ Distinguished Contribution to the Practice of Dependency

Law Award: This attorney has demonstrated extreme generosity and support for other OCR or RPC attorneys, whether it is taking the time to answer questions on the listserv, sharing motions and trial notebooks, or simply taking time to discuss a complicated case. This attorney has also sat on a committee or participated in meetings that focus on improving child welfare outcomes for families and creating systemic change. This generosity and support has helped elevate the practice of dependency law.

✿ Commitment to Professionalism in Practice of Dependency Law Award:

This award recognizes the commitment of one OCR and one RPC attorney to lawyer professionalism and his/her ability to make all parties in a dependency and neglect case feel heard, cared for, and respected.



Nominations for GALs Only:

✿ Covino Advocate of the Year Award:

Jim Covino (1946-2010) was a Colorado attorney who dedicated his legal career to the pursuit of justice for those less fortunate in society, including children involved in the court system. He served as a founding member of the OCR Board and played a pivotal role in shaping the organization and GAL practice into what it is today. A highly skilled trial attorney, Jim brought a level of integrity and intensity to the practice of child welfare law that served as an example to others and tremendously benefited clients. This award recognizes an attorney who demonstrates Jim's example of exceptional advocacy skills, integrity, and compassion in their representation of children.

Nominations for RPCs Only:

✿ RPC Advocate of the Year Award:

This attorney has dedicated his or her practice to the pursuit of justice for underserved populations in society, including respondent parents in Colorado's child welfare system. This attorney demonstrates a passion for empowering and respecting respondent parents while strengthening due process protections through his/her strong advocacy and effective litigation strategies. This award recognizes an attorney who demonstrates exceptional advocacy skills, integrity, and compassion in their representation of parents. ♦



Applause & Accolades!

Congratulations to Danita Alderton, a GAL in the 10th Judicial District who was awarded the 2014 CASA Appreciation Award by her local CASA organization. Danita recently saw an idea come to fruition when she was able to secure a storage unit to set up a home goods "shop" for youth who are starting out on their own. Danita floated the idea with her Best Practice Court Team and went to work with her husband, John, to secure a unit. Her local CASA received a grant to help pay for the storage fee. The "10th Judicial District Emancipated Youth - Danita S. Alderton" storage unit can be accessed by Danita, the regional CASA director and two local Chafee workers.

Danita is accepting donations of gently used furniture and household goods. Please contact her directly if you wish to contribute: alderton@comcast.net. ♦

Meet an OCR Attorney

Each quarter, the OCR will feature a new attorney in our newsletter and on our website. Learn about the individuals who make OCR's mission a reality through their passion, skill, and dedication to Colorado's kids!



Ruth Snyder is an attorney with the El Paso County Office of the Guardian ad litem.

Q: Why did you choose to practice child welfare law?

A: I was a divorce attorney and as part of my practice I was a private GAL. I really enjoyed having the GAL role and having my focus be the best interests of the child. When the OGAL opened up, I jumped at the chance to be a GAL full-time. I have no regrets about that decision.

Q: What has been the most rewarding moment for you while working with children and families in the dependency and neglect system?

A: I have enjoyed meeting with all of the children and seeing them through to permanency, whether it was return home, permanent placement with a relative, adoption by a non-relative or emancipation.

Q: Describe a challenge you face doing this work and your strategies to overcome it.

A: I would say one of the biggest challenges is when you know what is best for a child, but the system doesn't have the appropriate services, whether it is therapeutic foster homes, foster homes for teen mothers and their babies, or appropriate therapy covered by Medicaid or DHS. I struggle with finding appropriate placements and therapies in some cases, and I try to find options in the community.

Q: What advice do you have for an attorney that is new to child welfare law?

A: If you're not in an office, find a mentor who has been doing this work for a while and consult with that person regularly.

Q: What drives you to continue in this line of work and do you have any advice for a seasoned attorney?

A: I continue to be inspired by my clients and I continue to enjoy working with youth. As far as advice for the seasoned attorney doing this work, self-care is very important so that you don't get burnt out.

Litigation Spotlight:

I had a case where the developmentally delayed parents were not getting the services recommended by their initial assessments – this included IQ testing, neuro-cognitive evaluations, medical evaluations, and so on. The baby was placed in foster care since being discharged from the hospital and the case was well into the 6th month without IQ and neuro-cognitive testing.

We needed to determine if the parents qualified for The Resource Exchange and host homes, but without the correct assessments the case was stalled. This was continually brought up at staffings and eventually DHS had a triage meeting to discuss the services.

When I brought this up to the Judge in month 7, she ordered the testing and evaluations and set the case for a lack of reasonable efforts hearing. Both parents had respondent counsel and their own GALs, but they did not prosecute the lack of reasonable efforts hearing.

I requested a court ordered deadline for the DHS discovery documents, and subpoenaed the records from the agency responsible for setting up services. This agency refused to obey the subpoena, and I had to get a specific court order for the records. With the DHS and agency records I was able to come up with a timeline for services recommended, when referrals went out, and when the providers actually contacted the parents to set up the services. This time line was my first exhibit at trial.

In the subpoenaed records I found a report from the triage meeting which recommended even further delay of services. Along with the other documents I received from DHS and the agency, I was able to show the delay in services came from DHS. The county disagreed with this position, and objected strongly to all my questioning of their witnesses. The Respondent Counsel and GALs for the Respondents agreed with the lack of reasonable efforts and at the hearing cross-examined my witnesses and argued in support of the finding.

The Court found a lack of reasonable efforts which extended the EPP guidelines. We are now set for a termination hearing on my motion and I feel confident that the parents were given an appropriate treatment plan with the recommended evaluations and offered services. ♦



Visit our website's [Meet an OCR Attorney](#) page to nominate, share your own story, & view our archive!

Winter Legal Review

*Summaries of new cases and legislation
brought to you by OCR's Staff Attorneys*

► Contents:

1. U.S. Supreme Court Decisions	Page 4
2. Colorado Court of Appeals Decisions	Page 4
3. Legislative Update	Page 6

■ 1. U.S. Supreme Court

Toca v. Louisiana, 14-6381

The Supreme Court granted cert in *Toca v. Louisiana*, a 1984 case involving a juvenile convicted of second-degree murder and automatically sentenced to life in prison without the possibility of parole. The Court will consider whether its 2012 decision in *Miller v. Alabama* barring life without parole sentences for juveniles convicted of homicide applies retroactively. The *Miller* decision directs courts and juries to consider the distinctive characteristics of youth when making sentencing decisions. State courts are split, however, as to whether *Miller* applies retroactively. The Court is expected to hear oral arguments next spring.

■ 2. Colorado Court of Appeals

People in the Interest of K.J.B., 2014 COA 168 (December 4, 2014)

The mother in this case appealed the judgment adjudicating her child dependent and neglected by default and the order denying her request for a jury trial. After requesting a trial to the court, mother filed two written demands for a jury trial asserting that she had not voluntarily waived her right to a jury trial. The court denied her request for a jury trial. Until the date of the adjudicatory trial, mother had participated in all hearings by telephone; the court ordered her to appear in person for the adjudicatory trial. Mother failed to appear, but her counsel did appear. The court granted the county department's request for a default judgment, adjudicating the child dependent and neglected without hearing evidence.

The Court of Appeals reversed the default judgment, holding that the trial court had exceeded its authority in entering a default judgment. Specifically, the Court held that default judgment in these circumstances was not authorized by the Children's Code, Colorado Rule of Civil Procedure 37(b)(2) (C)(allowing default judgment as a sanction for willful disobedience of discovery orders), or Colorado Rule of Civil Pro-



cedure 55(allowing default judgment for failure to plead or otherwise defend). The court also held that default judgment under these circumstances was not within the court's inherent authority.

The Court of Appeals also considered whether the trial court erroneously denied respondent parent's jury trial demand. The court found the trial court's denial of parent's jury trial demand was appropriate under the limited record before it, which indicated that mother had either received an advisement or waived a formal advisement.

M.C. v Adoption Choices of Colorado, Inc. and T.W. and A.W., 2014 COA 161 (November 20, 2014)

This appeal arose from a relinquishment and adoption proceeding. Biological mother gave birth to twins on September 13, 2012; adoptive parents were allowed to be present for the children's birth and children were immediately placed with them. In supporting documents to her petition for expedited relinquishment, mother fraudulently asserted that she did not know father's last name or any information that could be used to locate father. Notice by publication was provided; father did not respond to such notice and his rights were terminated on September 21, 2012 and the adoption was entered on December 27, 2012. Father appeared in February 2013, seeking relief from the judgment terminating his parental rights and alleging that mother had moved to his residence in Des Moines, Iowa, in March 2012 for a short period of time before returning to Colorado, that mother had informed father she had a miscarriage prior to her move, and that father did not discover her deception until December 18, 2012. Adoptive parents were granted leave to intervene in the proceeding.

During the pendency of the legal proceedings, father attempted to arrange parenting time with the children. After negotiations with the intervenors failed, father obtained a

(Continued on page 5)



Legal Review

(Continued from page 4)

court order requiring the parties to confer and arrange visits between the father and the children no less than two eight hour periods per week; however, after intervenors did not agree to father's proposal to phase into this parenting time, the court revised its order providing for increasing visits culminating in four four-hour visits per week, part of which time was spent with intervenors. Beginning June 29, 2013, father exercised visiting time to the full extent permitted by the court order. Although the court found at a May 31, 2013 hearing that there was overwhelming evidence that the termination of father's parental rights had been procured by fraud and that the initial termination of his parental rights was void, after hearing evidence on October 2 and 3, 2013, the court terminated father's parental rights and placed the children in the permanent legal custody of the intervenors. Father appealed the trial court's judgment terminating the parent-child legal relationship between him and the children and awarding permanent legal custody of the children to the adoptive parent intervenors.

The Court of Appeals reverses the judgment, reasoning that because of father's fundamental liberty interest and the presumption he is entitled to as a fit parent, the trial court was required to

make findings by clear and convincing evidence regarding the "special factors" justifying its rejection of his determination of the child's best interests in addition to statutorily required findings for termination and custody. Rejecting intervenors' assertion that as adoptive parents they have a liberty interest in their relationship with the children, the Court reasons: 1) because the order terminating parental rights was void, the statutory grounds for adoption had not been met; 2) given the circumstances surrounding the adoption, the intervenors cannot have a reasonable expectation of developing a permanent relationship. The Court also rejects intervenors' argument that the children have a fundamental liberty interest in continuing their relationship with the intervenors, noting that it is unaware of any binding authority standing for the proposition that the child has a liberty interest reciprocal to that of parents and that any reciprocal liberty interest the children might have would include an interest in maintaining a relationship with the father and not the intervenors. The Court also finds that the trial court misconstrued § 19-5-100.2 and did not apply appropriate standards required by § 19-5-105 in terminating father's parental rights. Finally, the Court holds that the trial court improperly allowed intervenors to present evidence regarding the children's best interests during the termination proceeding and that the trial court should have limited participation to the presentation of evidence regarding father's contact, communication, and relationship with the children, as provided by § 19-5-105.

The Court remands the case to the trial court, requiring the trial court to conduct a hearing on custody after affording father a full and fair opportunity to establish a meaningful relationship with his children and to give appropriate weight to the father's liberty interest in the care and custody of his children during that hearing.

(Continued on page 6)

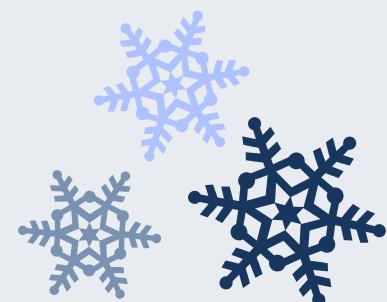


Financials: Budget Update

As of the beginning of December, the Court Appointed Counsel line is 42% expended while 43% of the year has elapsed. After analyzing hours billed through November FY15, OCR's bills are in line with billings for the same time period in FY14. Therefore, OCR will be requesting a supplemental for FY15, as additional funds were transferred from other judicial agencies at the end of FY14.

New Accounting System:

CORE, the new state accounting system, was implemented July 1st. As we adjust to the new system we have noticed some reporting issues which are being addressed. Additionally, we occasionally experience short delays with payments. If payment is not received within one week of the "date paid" in CARES please notify Melanie Jannicelli at melaniejannicelli@coloradochildrep.org. ♦





Legal Review

[\(Continued from page 5\)](#)

■ 3. Legislative Update: Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183 / H.R. 4980)

President Obama signed into law the Preventing Sex Trafficking and Strengthening Families Act on September 29, 2014. The bipartisan law seeks to protect foster children and improve the child welfare system by (1) preventing children/youth over whom the state has responsibility for placement, care, or supervision from becoming victims of sex trafficking, (2) creating normalcy for youth in foster care, (3) improving the permanency goal of Another Permanent Planned Living Arrangement (APPLA or OPPLA), and (4) increasing the amount of adoption incentive payments and improve guardianship subsidies.

Some of the Act's provisions are familiar to Colorado practitioners. The Act prohibits APPLA as a permanency goal for children under the age of 16; a standard already in place in Colorado. The Act requires that children 14 years and older assist in the development of and be consulted about their case plan beginning in September 2015, a provision less stringent than Colorado practice as GALs in Colorado must consult with all children in a developmentally appropriate manner regarding all issues pending and the court is required to consult with children at the Permanency Planning Hearing. The Act sets forth improvements in practice concerning youth participation in enrichment activities, youth empowerment during the case planning process and notification of youth rights. Additionally, the Act requires the state agency "document the intensive, ongoing and unsuccessful efforts for family placement" for children with an APPLA goal. The Act has a number of provisions, each with specific effective dates as summarized below:

Title I – Protecting Children and Youth At Risk of Sex Trafficking

Identifying and Protecting Children and Youth at Risk of Sex Trafficking

- ✓ **Section 101 requires child welfare agencies to formulate policies and procedures** by 9/29/15 for identifying, documenting, and determining appropriate services for children over whom the state agency has responsibility for placement, care, or supervision and who the state has reasonable cause to believe are victims, or are at risk of becoming a victim, of sex trafficking. Such children include those for whom the child welfare agency has an "open case file but who have not been removed from the home"
- ✓ **Sections 102, 103 and 105 define reporting requirements, including requiring child welfare agencies to**

immediately report (no later than 24 hours) children identified as sex trafficking victims to law enforcement (eff. 9/29/16). Additional reporting to the Secretary of Health and Human Services and AFCARS (Section 103) and Congress (Section 105) are also required.

- ✓ **Section 104 requires child welfare agencies to develop and implement plans to expeditiously locate children missing from foster care** by 9/29/15. The agency must determine the primary factors that contribute to the child's running away from foster care, the child's experiences while absent from foster care, including screening whether the child was a victim of sex trafficking. No later than 9/29/16, the agency must report within 24 hours of receiving information on missing or abducted children to the law enforcement authorities so that it can be entered into the National Crime Information Center (NCIC) database and the National Center for Missing and Exploited Children.

Supporting normalcy for Children in Foster Care (Sec. 111) (effective 9/29/15)

- ✓ Allows foster parents and trained designated officials for child care institutions to make parental decisions that maintain the health, safety, and best interest of the child and decisions about the child's participation in extracurricular, enrichment, cultural and social activities. The Act imposes and defines a "reasonable and prudent parent standard" for such decisions. (Note such standard is currently in place in California, Florida, Ohio, Utah and Washington). The federal Department of Health and Human Services will provide technical assistance on best practices for assisting foster parent decisions, including consideration of the biological parents' concerns regarding the child's participation in the activity. It requires states to formulate liability policies which "ensure appropriate liability for caregivers" who approve a child's participation.
- ✓ Beginning in FY 2020 this section provides for an additional \$3 million under the Title IV-E Independent Living program to support participation in age-appropriate activities for youth who are likely to age-out of foster care (at 21 yo).

[\(Continued on page 7\)](#)



Legal Review

(Continued from page 6)

Supporting Permanency (Sec. 112) (effective 9/29/15 or in the case of Indian children under the responsibility of their Indian tribe 9/29/17).

- ✓ Eliminates Another Planned Permanent Living Arrangement (APPLA) for children under the age of 16.
- ✓ **Imposes additional case plan and case review requirements for youth with a permanency goal of AP-PLA.**
 - At each permanency hearing, the state agency must document the intensive, ongoing and unsuccessful efforts for family placement, including efforts to locate biological family members.
 - At each permanency hearing, the court must ask the child about his/her desired outcome.
- ✓ Requires that the youth have regular, ongoing opportunities to engage in age or developmentally appropriate activities.

Empowering Foster Children age 14 and older in the development of their own case plan and transition planning for a successful adulthood (Sec. 113) (effective 9/29/15)

- ✓ Requires consultation with youth in foster care who are 14 yo and older in the development of their own case plan and any revisions to the plan.
- ✓ Youth in foster care 14 yo and older select two individuals (not a caseworker or foster parent) to be part of their case planning team. The department may reject an individual selected if it is believed the individual will not act in the youth's best interests.
- ✓ The case plan must include a List of Rights document that describes the youth's rights with respect to education, health, visitation and court participation. The youth must sign off that they received the list and the rights were explained to them in an age appropriate manner.

Ensuring Foster Children Aging Out of Care have necessary documentation (Sec 114). (Effective upon 9/29/15)

Youth aging out of foster care and who have been in care for six months or longer must receive an official or certified copy of their birth certificate, a social security card, health insurance information, medical records, and a driver's license or identification card.

Title II – Improving Adoption Incentives and Extending Family Connections

Extends program through FY 2016 (Sec. 201)

Improves award structure (Sec. 202). Makes structural changes to how the incentive payments are calculated. Creates four incentive categories: Foster Child Adoption, Pre-adolescent Child Adoption & Guardianship Placements (Kinship Care), Older Child Adoption & Guardianship, and Foster Child Guardianship.

Directs use of incentive payments (Sec. 204). Clarifies that states must use adoption and guardianship incentive payments to supplement not supplant other funds already being used for services under Title IV-E or IV-B. (Eff. Upon enactment)

Preserves eligibility for kinship guardianship assistance payments with a successor guardian (Sec. 207). A child remains eligible for kinship guardianship assistance in the event of death or incapacity of a relative guardian thereby allowing assistance in successor legal guardianship.

Encouraging the Placement of Children in Foster Care with Siblings (Sec. 209). (eff. 10/1/14). Clarifies that all parents of siblings (including siblings whose parental rights were terminated or otherwise "disrupted") must be identified and notified within 30 days after the removal of a child from the custody of the parent.

Click here for a [chart of the provisions](#) (tinyurl.com/nnr4gtc). ♦

Excess Fee Requests

Please take care in filling out the online excess fee request form; mistakes will result in a delay in your request being processed. OCR recommends that you check CARES billing on a weekly basis to ensure that the amounts entered are accurate. Please contact Melanie if an error is found and a payment has already been made on the activity.

Common mistakes:

- ⌚ Listing "Colorado" in the line asking for "County." Please enter the county.
- ⌚ Listing the past year in the field that asks the date through which you are requesting excess fees. Example: 6/1/2014 instead of 6/1/2015.
- ⌚ Putting your attorney registration number in the case number field. ♦





Thank You to Phil James!

After many years as a leader in the juvenile law community, Phil James has announced his retirement from this area of practice. Beginning January 1, 2015 Phil will focus on his work as a Magistrate in which he has been engaged part-time since 2005. Phil was admitted to the Colorado Bar in 1979 and has accumulated a wealth of knowledge in juvenile law and professional ethics. He has been a speaker at numerous local, state and national trainings. Among his many honors and awards is the OCR's 2011 GAL Practice Award in recognition of his extreme generosity and support. In that vein, Phil has assured us that despite his retirement he will continue to share his expertise on the OCR listserv. Thank you to Phil for his remarkable contribution to juvenile law in Colorado! :-)

Recent News & Resources



- ✿ [**How Stories Can Make a Difference**](http://tinyurl.com/lz5moko) (tinyurl.com/lz5moko), Cathy Krebs Committee Director of the ABA Section of Litigation Children's Rights Committee explores how stories can make a difference in child welfare advocacy efforts and highlights the use of quotes from youth and caregivers in the OCR's budget request. The work of OCR is increasingly recognized as a model by national leaders such as Cathy Krebs and Don Duquette in their efforts to promote high quality child representation.
- ✿ [**Barriers to Permanency Application**](http://tinyurl.com/ouuhs74) (tinyurl.com/ouuhs74) Funded by Casey Family Programs, this Colorado program provides up to \$10,000 dollars per case to support placements that are alternatives to congregate care.
- ✿ [**New Safety & Risk Assessment Tools**](http://tinyurl.com/09f4ott) roll out January 2015. Extensive work was undertaken to improve the reliability and validity of these tools. The new [Family Risk Assessment](http://tinyurl.com/osdgxj2) (tinyurl.com/osdgxj2) is intended to be completed within 30 days of a referral. The [Family Safety Assessment](http://tinyurl.com/o9f4ott) (tinyurl.com/o9f4ott) shall be completed at the time of initial response or as soon as the family is available. Study author and OCR Board Member Dr. Marc Winokur will present on the tools at the OCR Spring Conference. [Colorado Family Safety and Risk Assessment: Validation and Revisions \(January 2014\)](http://tinyurl.com/pycef2) (tinyurl.com/pycef2).
- ✿ [**Think Before You Plead: Juvenile Collateral Consequences in the U.S.**](http://beforeyouplea.com) (beforeyouplea.com) The ABA, Juvenile Collateral Consequences Project, endeavors to document and analyze hardships experienced by youth with juvenile justice system involvement. The website is searchable by state and details barriers for youth to education, employment, and public benefits.
- ✿ **Recent Briefs from SPARC:**
 - [How Can State Law Support School Continuity and Success for Students in Foster Care?](http://tinyurl.com/obsgoro) (tinyurl.com/obsgoro) This brief, authored by The Legal Center for Foster Care and Education examines state efforts to meet the educational needs of children in foster care and makes recommendations for law reform.
 - [Improving the Well-being of American Indian and Alaska Native Children and Families through State-Even Efforts to Improve Indian Child Welfare Act Compliance.](http://tinyurl.com/ncydtcx) (tinyurl.com/ncydtcx) This brief provides background on the basic requirements of ICWA, an overview of tribal child welfare and court systems, discusses disproportionality and its relationship to trends in ICWA compliance, highlights promising practices in state policy and practice that support ICWA, and underscores the necessity of working with tribal advocates on state child welfare policy change.
- ✿ [**SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach**](http://tinyurl.com/kxwf7vt) (tinyurl.com/kxwf7vt) This paper identifies a working concept of trauma relevant to justice systems and other stakeholders, outlines fundamental assumptions and principles for developing a trauma-informed approach, and explores trauma in the context of community. ♦

Case Management & Billing CARES System Improvements!

OCR worked with the GAL Tech Committee and a CARES user from each judicial district to modify the Activity menu in an effort to simplify and streamline data entry. In January you will notice fewer selections under each activity type. The broad Activity categories will remain the same, but there will be fewer selections under each category. Your previous work will still be available in the system. Please let us know what you think or if you have any questions!

MODIFIED CARES ACTIVITIES: (categories subject to modification)

Consultation

- Appellate Counsel/GAL
- Intra-Office
- Expert
- Attorney (currently listed as Colleague/Supervisor / Supervisee)

Court - within this category, users can continue to enter time spent in court by hearing type

Draft Pleadings - Draft pleadings (only activity within this category)

General Legal

- Communication with Child
- Communication with Involved Persons
- Hearing Preparation
- Write/Review Memo (per request of MDLOs)
- Privilege Advisement
- Records Request
- Confirm/Conduct Diligent Search
- Copying File for Appeal

Items Reviewed

- Court File
- Records
- Reports
- Motions/Pleadings/Notices/Orders (pleadings)
- Documents

Meeting Types

- Department Meeting
- Meeting with Professionals
- Treatment Provider Staffing
- Meeting with Respondents
- School Meeting/ Staffing
- Meeting with Relative/Kin or Foster Parent
- Observe Child's Interaction with Bio/Foster Parent or Kin
- Court Ordered Meeting
- Home of Origin – Child Removed
- Prospective Placement – Child not Present
- New meeting type TDM/Family Engagement as a meeting type



Phone Types

- Child
- Involved Persons
- Respondents
- Relatives

Research - Research (only activity within this category)

Review Document

- Court file
- Records
- Reports
- Documents
- Draft Releases

Visit Types

- Court
- Detention/Jail
- Initial Visit – Home/Placement
- Change of Placement Visit
- Additional Visit – Home/Placement
- Additional Visit – Non-Placement
- Meeting/Stafing with Child Present

As OCR continues to work on improving CARES system we have issued a Request for Information in an attempt to explore alternatives to the current system. Those alternatives might include a rewrite of the back end of the system, an adaption of a currently available application to our needs or the development of a new customized system.

While the RFI is in many ways a technical document designed for IT professionals, it details all of the issues we would ideally like to improve in the CARES system. That includes things like the extensive manual activity necessary to enter billing info, the speed of processing and ongoing maintenance required with the current system. ♦



Practice Corner

Ethics & Professionalism Training

Now Available Online at
[tinyurl.com/q678tbf!](http://tinyurl.com/q678tbf)

Session 1 features James Sudler from the Office of Attorney Regulation addressing the complicated ethical dilemmas GALs & RPCs face daily, including:

- ✓ Conflicts when representing siblings and scenarios when an attorney must conflict off a case
- ✓ Clients with Diminished Capacity
- ✓ Competency & Restoration issues
- ✓ Advising clients and communication in out of court meetings
- ✓ File retention rules and guidelines
- ✓ Conflicts with current and former clients
- ✓ Complaint process & procedures

Session 2 with Barry Meinster and Teresa Wilkins from the CBA's Peer Professionalism Assistance Group. This professionalism session provided vignettes to illustrate when attorney conflict situations were getting out of control and how to handle difficult clients and attorneys. ♦



OCR & SCAO Spring 2015 Conference: Trauma Informed Advocacy in the World of Child Welfare 3.0

The Office of the Child's Representative and the Office of the State Court Administrator are partnering together to sponsor a combined Respondent Parent Counsel & OCR Attorney conference on March 4-6, 2015 in Colorado Springs, CO. There is no fee to attend this conference; however, the OCR will accept a \$75.00 donation to one of two conference beneficiaries.

Registration will remain open initially to RPCs, OCR attorneys, MDLO social workers, and CU/DU Law Clinic students only, who will have until January 12th, 2015 to register before registration is open to outside parties.

Location & Hotel: The conference will be held at the Colorado Springs Marriott at 5580 Tech Center Drive, Colorado Springs, CO 80919. The Marriott is offering a reduced conference rate of \$89/night. Please reference the room block, "OCR & SCAO Spring Conference." This special rate will end after 2/11/15.

Registration is open now at: tinyurl.com/2015SpringConf ♦

Recent Trainings Posted to OCR's Website:

- * [State Pay CFI Billing – Everything You Always Wanted to Know but Were Afraid to Ask](#) – 2.0 CLE Credits. Note: This training requires a password to access the materials and training video. The password is Compassion101
- * [Understanding and Mitigating Compassion Fatigue For Child Welfare Attorneys: Considerations for Personal and Professional Life](#) – 4.0 Total CLE Credits, 2.0 Ethics Credits
- * [Webinar - Childhood Sexual Behaviors: What's Normal and What's Not](#) – 1.0 CLE Credits ♦



Welcome New Board of Directors Co-Chairs!

We're proud to welcome Lynne Hufnagel and Former Senator Al White as new co-chairs of the OCR Board of Directors effective October 14th, 2014.

Ms. Hufnagel graduated from Pomona College with honors, and lived in Micronesia for two years working for the Peace Corps as an English teacher. She returned to Denver and attended the Univ. of Denver College of Law and graduated with honors. She has dedicated much of her career to the public sector: she worked at the Neighborhood Youth Corps in an effort to assist teens with job training and workforce skills; and the Legal Aid Society Family Law Center representing children and parties in divorce cases; she served as a Magistrate in the juvenile division bench in El Paso County; and as a DA in the juvenile division in Jefferson County and she was appointed to the bench in November of 1981 in Denver District Court. In 1991, she retired from the bench and began a position at Brownstein, Hyatt and Farber in the commercial litigation department. She retired from Brownstein in 2008.

Senator White has long been a public servant in his community of Winter Park and as a member of the Colorado Assembly, first in the House of Representatives (2000-2008) and then the Senate (2008-2010). Senator White served as Assistant Majority (Republican) Leader, Vice Chair of the Business Affairs and Labor Committee, and member of the Joint Budget, the Agriculture and Natural Resources, and the Education Committees. He also served on the Water Resources Review and the Legislative Audit Committees. He was the House appointee to the Colorado Tourism Office board. During his 10-year service in the General Assembly, Senator White has consistency supported OCR's Mission and sponsored S.B. 10-43 which established the OCR as a permanent state agency. Senator White resigned from the Senate when Governor Hickenlooper appointed him Director of the Colorado Tourism Office. ♦



MISSION STATEMENT

The mission of the Office of the Child's Representative (OCR) is to provide competent and 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.

OCR Staff

EXECUTIVE DIRECTOR Linda Weinerman

DEPUTY DIRECTOR Sheri Danz

STAFF ATTORNEY & LEGISLATIVE LIAISON Dorothy Macias

STAFF ATTORNEY Amanda Donnelly

CONTROLLER / BUDGET OFFICER Elisabeth Dickinson

TRAINING COORDINATOR Ashlee Jones

ACCOUNTANT Katie Irwin

ATTORNEY REIMBURSEMENT & HR MGR Melanie Jannicelli

INTERACTIVE SYSTEMS ADMINISTRATOR Rebecca Garrison

ADMINISTRATIVE ASSISTANT Amanda Parker

