The OCR's Billing and Payment Procedures

Revised 7/1/15

The Colorado Office of the Child's Representative (OCR) contracts with experienced and specialized attorneys to provide best interests legal representation as guardians *ad litem* (GAL) or child legal representatives (CLR) or are appointed as counsel for children in Dependency and Neglect (D&N) proceedings or state-paid attorney Child and Family Investigators (CFI). As used in this Billing and Payment Procedures, attorneys appointed as GAL, CLR, Counsel for Children, or CFI are referred to as "Attorneys." An Attorney is an independent contractor subject to an at-will contract.

Attorney payments are funded exclusively by taxpayer dollars. As such, the OCR maintains the highest level of accountability for the expenditure of these funds and the expectation that Attorneys will provide legal services in a cost-effective manner without compromising the integrity of such services or the safety and well-being of children.

OCR 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. 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 children represented by its contract attorneys, Colorado's most vulnerable and marginalized population in the courts, receive 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.

Billing & Payment Periods

The OCR operates on a 30-day billing period. The Attorney and his/her staff, as applicable, must enter work into OCR C.A.R.E.S. within 30 days of the date the activity occurred in order to be paid for the activity. The Attorney must seek reimbursement of approved expenses within 30 days of incurring the expense. In extenuating circumstances, OCR may grant an exception to the 30-day billing requirement.

Pursuant to Colorado law, OCR has 45 days to pay undisputed billing requests.

Case Types

The OCR is appropriated to pay attorney services as authorized by Chief Justice Directive (CJD) 04-06 and related appeals in Dependency & Neglect (D&N) matters.

The OCR does not fund legal services provided in related or ancillary misdemeanor, county, or traffic matters.

The OCR does not fund treatment or services.

Pursuant to Colorado law, the OCR is responsible for payment in the following case types only upon a finding of indigence:

1) ***Domestic Relations cases under Title 14***
    a) **Pre-Decree/Married Parties:** Both parties must be indigent based on a consideration of their combined income and assets.
    b) **Post Decree/Unmarried Parties:** OCR will pay an indigent party's portion of the OCR Attorney's fee.
        - If all parties are indigent, the OCR will pay 100% of the bill.
        - If one party is indigent, the OCR will pay the indigent party's portion of the bill.

2) ***Paternity Cases under Title 19*** (unless GAL is appointed for a minor respondent parent)
    a) If all parties are indigent, the OCR will pay 100% of the bill.
    b) If one party is indigent, the OCR will pay the indigent party's portion of the bill.

3) ***Probate under Title 15***

    The OCR bears the cost of GAL services in probate, guardianship and conservatorship only when the parties ordered to be responsible for the costs are or the minor's estate is deemed to be indigent.

As required by C.R.S. §§ 14-10-116 and 14-10-116.5, the OCR is not authorized and cannot pay when parties are not indigent. Consequently, the OCR is not authorized to reimburse for services or expenses pending a determination of indigence. **The OCR will not process payment and/or expenses *nunc pro tunc*.** Indigence **must** be determined prior to commencement of work.

The Attorney is responsible for insuring that indigence findings and the order of appointment are sent to the OCR, via fax or regular mail, within seven (7) days in order for OCR to timely process payment for work done on a case. Attorneys are responsible for ensuring that OCR is able to process Attorney's billings by using the OCR Colorado Attorney Reimbursement Electronic System (OCR C.A.R.E.S.) Office

Billing Details screen to confirm that an Allocation or End Date is associated with the case.

Attorneys Available for Appointment

In order to be eligible for payment from the OCR, an attorney must be properly appointed by a judicial officer. A properly appointed Attorney is either:

1) **An attorney who is currently on the approved OCR appointment eligibility list** for the particular case type in a judicial district. Attorneys who are on the OCR list for a particular case type in a jurisdiction may also be appointed to represent a child's interest in a related legal proceeding even if the new case is a different case type. For example, an Attorney who is on the OCR's delinquency list and is appointed to a delinquency case for a juvenile may be appointed to represent that juvenile in a subsequently filed D&N case even though the Attorney is not on the D&N list for that district.

OR

2) **An attorney specifically approved by the OCR** to take a certain case despite not being on the OCR appointment eligibility list for that case type. A court unable to appoint an eligible Attorney due to conflict or workload, must obtain OCR approval of a non-OCR approved attorney. The non-OCR approved attorney must receive confirmation of OCR's approval of the appointment before accepting the appointment.

   OCR WILL NOT PAY AN ATTORNEY WHO IS NOT ON THE OCR APPOINTMENT ELIGIBILITY LIST OR PRE-APPROVED TO TAKE A CASE BY THE OCR FOR WORK PERFORMED ON THE CASE AND OCR MAY, IN ITS SOLE DISCRETION, SEEK SUBSTITUTION OF AN OCR APPROVED ATTORNEY TO COMPLETE THE APPOINTMENT.

Payment Documents and Method

Attorneys must submit a completed Form W-9 to the State of Colorado either through the OCR or another state agency in order to receive payment(s). The name and Taxpayer Identification Number (TIN) on the Form W-9 (Social security number, EIN, etc.) must be identical to the name and TIN the OCR Attorney uses to report income to the IRS and State of Colorado.

OCR Attorneys must seek payment from OCR through OCR C.A.R.E.S. ALL ACTIVITY/BILLING/EXPENSE REIMBURSEMENT MUST BE SUBMITTED TO THE OCR WITHIN 30 DAYS OF THE DATE OF SERVICE OR INCURRING THE EXPENSE. In extenuating circumstances, OCR may grant an exception to the 30-day billing requirement. OCR does not accept fax/email/hard copies of hourly billings or expense reimbursement requests.

OCR pays all attorneys on Electronic Funds Transfer (EFT) direct deposit payments. Thus, Attorneys must complete and return a (1) Direct Deposit Form and (2) voided check to the OCR

within 30 days of initial placement on the OCR appointment eligibility list. The link for the Direct Deposit form can be found below under "Forms." Attorney's failure to provide OCR with either the Direct Deposit Form or voided check will result in the State of Colorado withholding payments to the Attorney and may result in nonpayment of items outside the 30-day billing cycle.

Attorneys will receive a Form 1099 in January of each year if OCR made payments to the attorney during the preceding calendar year.

Billable Time

OCR pays Attorneys an hourly rate for the actual time expended by the attorney on an activity that is reasonably necessary to provide competent and diligent best interests legal representation and legal services within the scope of the attorney's appointment. Attorneys shall not charge an unreasonable fee. *See*, Colorado Rule of Professional Conduct 1.5.

When appropriate under CJD 04-06 or 04-08, as applicable, OCR allows OCR Attorneys to use other attorneys (with OCR approval) to perform certain tasks. Such attorney time is billed in OCR C.A.R.E.S. at the attorney rate using his/her own user name under the OCR Attorney's office. The use of associate attorneys must be in compliance with the OCR's Associate Policy attached as Attachment 1.

> **CJD 04-06 provides that "*in exceptional circumstances, another qualified attorney who has sufficient knowledge of the issues and status of the case may substitute for some hearings, with permission of the court.*" Attorneys on the OCR pickup list for a case type are qualified to substitute for such hearings. Additionally, attorneys under contract with the OCR who seek to use associates in their firm to appear in court on their cases in the limited circumstances set forth by CJD 04-06 may apply to the OCR to use an associate within their firm for this purpose. Such attorneys must identify the associate the attorney intends to use and the associate's qualifications on the attorney's application to serve as a case-carrying attorney.**

When authorized under CJD 04-06 or 04-08, as applicable, the Attorney may use a paralegal or social work professional (staff) to perform activities that are reasonably necessary to provide competent and diligent representation within the scope of the attorney's appointment and require legal or social work expertise, but can be done more cost-effectively by staff rather than by an attorney. Attorneys bill OCR for the actual time expended by staff on such activity at the paralegal rate. The paralegal or social worker enters his/her time in OCR C.A.R.E.S. using his/her own user name under the OCR Attorney's office.

> **NOTE:** The attorney and his/her associate and/or staff cannot both bill for performing the same case-related activity. For example, the attorney and staff cannot both bill for attending the same staffing; only one may bill for the staffing. OCR, however, will allow both the attorney and staff to bill for one "introductory" meeting in order for the attorney to introduce staff as the attorney's agent and begin to establish a relationship between the child and the attorney's staff.

Billing for substantive work takes priority when the Attorney or staff is multitasking. For example, an attorney safely making telephone calls for 48 minutes while driving for an hour

should bill 48 minutes (0.8) as "telephone call(s)" and the remaining 12 minutes (0.2) as "travel." Similarly, an attorney reviewing a court report for 18 minutes while waiting 24 minutes for the case to be called, bills 0.3 as "review of document" and the remaining 0.1 as "wait time."

The Attorney must obtain OCR's pre-approval to perform services under this agreement in excess of 12 hours per day. The Attorney's failure to obtain OCR's preapproval will result in nonpayment of such services and fees unless approved by OCR.

OCR will reimburse Attorneys' reasonable out-of-pocket expenses as incurred by providing legal services as a GAL, Counsel for Children in Dependency and Neglect, CLR, or CFI, as follows:

1) Copy charges at the rate of $0.10 per page (specify the number of copies made);
2) Mileage at the rate defined by § 24-9-104, C.R.S. (the actual number of miles must be specified for each trip) and as fully explained below;
3) Long-distance telephone calls at cost (if total billing exceeds $25.00, Attorney must provide a copy of the telephone bill with the following information highlighted: date, phone number, and charges);
4) Commercial conference call services with pre-approval;
5) Actual cost of meals for child(ren)/youth whose best interests the OCR attorney represents up to $10.00;
6) Postage at cost (regular 1st class mail charges).

OCR does not pay for:

1) Phone calls when no contact is made;
2) Fax charges;
3) Administrative activities (e.g., setting up files, typing, time spent copying items, review or organization of Attorney files, time spent mailing letters/pleadings; time spent billing);
4) Parking fees;
5) Toll charges;
6) Items purchased for child(ren)/youth, (e.g., books, school supplies, extra-curricular activity fees/equipment, clothing, and other items);
7) Any other cost or expense not authorized by Colorado law or Chief Justice Directive for payment by the state or reimbursement to the Attorney or other party.

In addition to Colorado statutes, as an attorney licensed to practice law in Colorado, professional and ethical obligations dictate for what activity and expenses Attorney may seek payment/reimbursement from the OCR. Attorney cannot engage in duplicative or multiple/value billing or seek expense reimbursement in excess of those actually incurred. (*see, People v. Shields,* 905 P.2d 608 (Co. 1995); *People v. Walker,* 832 P.2d 935 (Co. 1992))

The Attorney is solely responsible for the content of his/her billing submissions to OCR, even if the time or expense is entered or submitted by the attorney's staff, a billing service, or other person.

Billing Rates

Type	Amount
Attorney	$75.00/hour
Paralegal/ Social Work Professional	$30.00/hour
Copies	$0.10/copy
Mileage	Rate defined by § 24-9-104, C.R.S (2014), currently $0.52/mile

"Attorneys shall maintain records of all work performed relating to court appointments and shall make all such records available to the OCR and/or to the court for inspection, audit and evaluation in such form and manner as the OCR or court may require, subject to the attorney work product doctrine and any other applicable privileges." CJD 04-06 IV.B.3. An attorney must substantiate his/her billing, explain what occurred on a certain day in a certain case, and/or reconstruct his/her entire day upon OCR's request. Such substantiation must be by records or documents including, but not limited to, calendars; case logs, time sheets, and/or time records; mileage logs; notes; phone messages; letters; and email. **Attorney's failure to provide such records or documents upon OCR's request will result in the nonpayment of the attorney's billing and expense reimbursement(s), as OCR in its discretion may decide.**

The OCR requires every attorney contracting with the OCR to review these billing policies and procedures and attend or view OCR's billing training(s).

The OCR Billing System

The OCR's billing and case management system, OCR C.A.R.E.S., is a web-based system which allows attorneys, paralegals, social work professionals, and billing personnel to enter all case-related activity into the system electronically. All attorneys are required to enter work performed on OCR cases into the OCR C.A.R.E.S. system in order for OCR to process payment requests.

OCR C.A.R.E.S. provides a mechanism for attorneys to divide time equally between associated cases for some activities when conducting activity related to more than one case **of the same case type**.

The OCR will provide the following to all contract Attorneys:

- An OCR C.A.R.E.S. username and password
- An OCR C.A.R.E.S. User and Billing Manual Supplement (Links to these manuals are found below under "Forms.")
- A hyper-link to OCR C.A.R.E.S.
- Domestic Relations /Paternity supplemental manual, if applicable.

OCR C.A.R.E.S. is user sensitive. Attorneys with associate(s)/staff who perform billable work on OCR cases must request a separate username and password for each such person. All work

entered under the Attorney's or associate attorney's username will be billed at the attorney rate. All work entered under the staff's username will be billed at a paralegal rate.

Attorney and his/her staff must safeguard OCR CARES password(s) by not sharing the password with anyone other than a billing agent and changing his/her password at least every three months.

The OCR requires that Attorneys enter all new appointments into OCR C.A.R.E.S. **within 48 business hours of notification to the attorney of the appointment.** Prompt entry of appointment information enables the OCR to have an accurate case and child count each month and timely monitor its budget and proactively address developing trends.

Attorneys must enter into OCR C.A.R.E.S.:

1. Placement data for Minor Child(ren) within 72 hours of Attorney learning of the placement and placement change in all D&N cases. Placement data includes the date the Minor Child(ren) enters the placement, the type of placement, and the caregiver's name and address;
2. All contacts with Minor Child(ren);
3. All hearing outcome data; and
4. All appointment data within 48 hours, including appropriately ending appointment, ending assignments, and closing cases.

Excess Fees

Maximum presumptive fees established by the OCR for each case type are as follows:

- Title 19- Dependency and Neglect: **$5,000**
- Title 19- Juvenile Delinquency and Direct file: **$2,000**
- Title 19- Paternity: **$1,250**
- Title 19- Other Matters (support, adoption, etc.): **$750**
- Title 14- Domestic Relations: **$1,250**
- Title 15- Probate: **$1,250**
- Title 22- Education (Truancy): **$750**
- Title 27- Mental Health: **$750**
- Appeals: **$3,000**

Attorneys must receive OCR approval <u>before</u> exceeding the maximum presumptive excess fee thresholds; the attorney's failure to do so will result in the OCR refusing to approve payments unless the OCR determines that the OCR Attorney's failure to timely seek excess fees was due to extenuating circumstances and grants an exception to the requirement**.** Once billing on a case reaches the maximum fees threshold, OCR C.A.R.E.S. does not allow further payment until excess fees have been approved by the OCR. **OCR C.A.R.E.S. alerts attorneys in the Office Billing Details screen** when a case is nearing the maximum fee limits, so attorneys can request excess fees at that time. Requests of fees in excess of the presumptive maximum must be

submitted *via* the online through the **Excess Fees Request Form** found in the OCR website in the Attorney Center under the Billing tab. The Attorney must support his/her excess fees request with a description of the legal work s/he anticipates is reasonably necessary to provide competent and effective best interests legal services and representation within the scope of the attorney's appointment.

OCR will approve excess fees requests in either a dollar amount or for a time period not to exceed six (6) months, as appropriate.

OCR will notify the Attorney by email when OCR approves the excess fees request. The OCR Attorney may also view all approvals/fees in OCR C.A.R.E.S. *via* the Office Billing Details screen.

Special consideration regarding Appeals:

Attorneys must bill work done on a D&N appeal to the appellate case, not the district court matter. Attorney must open a new case in OCR C.A.R.E.S. under the appellate case number. If Attorney is filing the appeal and therefore no appellate number is yet available, the case must be entered into OCR C.A.R.E.S. as an appeals case under the following format:

Case Number – "Appeal for Case Number – Judicial District" (e.g., Appeal for 12JV201-18th)
Date Opened – Date work began

Once Attorney files the appeal and obtains the case number, the attorney must **edit** the initial case information to reflect the case number. Do not enter another appellate case. If Attorney does not file the appeal, the work performed will remain under the original appellate case format (i.e., Appeal for Case Number – Judicial District).

Litigation Support

The OCR's appropriation includes funds to provide Attorneys with necessary and appropriate litigation support such as expert witnesses, interpreters, investigators, transcript fees, and discovery costs. Attorneys must have OCR approval BEFORE hiring an expert, interpreter, and/or investigator. In addition, Attorneys must have OCR approval prior to ordering transcripts and/or incurring extraordinary discovery costs (e.g., visit recordings, voluminous records). **Attorney's failure to obtain pre-approval for litigation support will result in non-payment of such fees and costs incurred** unless the OCR determines that extenuating circumstances justify payment.

1. Experts

a) The OCR will pay for experts only in limited circumstances <u>with prior approval</u>. Again, the attorney must obtain OCR's pre-approval **before** engaging the expert.

Attorneys must submit all requests for experts to melaniejannicelli@coloradochildrep.org.

b) CJD 12-03 governs the payment of expert witnesses and professionals conducting mental health evaluations.

- ***i.*** The state maximum hourly fee payable to an expert is $100 for reasonable preparation time and in-court testimony.
- ***ii.*** Fees for travel time and/or time spent waiting to testify as a result of a delay in the scheduled appearance may be paid at $50 per hour, not to exceed six (6) hours.
- ***iii.*** The maximum total fee is $1000 if the expert does not testify and $1500 if the expert does testify.
- ***iv.*** Expenses incurred by the expert must be pre-approved by the OCR. In the absence of extraordinary circumstances, expert witnesses shall not be compensated or reimbursed for food or lodging. (CJD 12-03 D.)
- ***v.*** An attorney may request OCR's approval of amounts in excess of the hourly and maximum fees based on extenuating circumstances and disclosure of the total anticipated fee.

c) The courts do not have jurisdiction to order the OCR to pay expert fees.

d) OCR pays the expert directly. The expert must use the "Request for Payment for Serving as Expert Witness and/or Conducting Mental Health Evaluation" form to request payment. The form is Attachment A to CJD 12-03 and may be found at http://www.courts.state.co.us/Courts/Supreme_Court/Directives/CJD%2012-03amended10-12-12%20with%20attachmentA.pdf. Attorney should not pay the expert directly.

e) The expert must submit his/her request for payment to the OCR within 90 days of the date of service. The expert's failure to timely submit requests for payment will result in non-payment unless the OCR determines that extenuating circumstances justify an exception to the 90-day rule.

f) The Attorney must provide these payment provisions with the expert.

The OCR does **not** pay for custody evaluations, services or treatment.

2. Interpreters

a) The OCR will pay for language interpreters, as necessary, with pre-approval. The attorney's failure to secure pre-approval will result in the non-payment of interpreter fees, unless the OCR determines that extenuating circumstances justify payment to the interpreter.

b) CJD 06-03 governs the payment of interpreters. Interpreters are currently paid as follows:

- ***i.*** Spanish Language Certified Interpreters: $35/hour
- ***ii.*** Interpreters working in languages other than Spanish:
  - $45/hour for Certified interpreters
  - $40/hour for Registered non-certified interpreters who have attended the Colorado Court Interpreter Orientation and who have passed the Court

Interpreter Written Examination and/or have demonstrated sufficient legal interpreting experience as verified by the Court Interpreter Program.

- $35/hour for registered non-certified interpreters who have limited legal experience, limited interpreter and/or language training and testing experience.

c) OCR pays the interpreter directly. The interpreter must submit an invoice to OCR in order to request payment within 90 days of the date of service.

d) Interpreters for court proceedings are the responsibility of the State Court Administrator's Office, not the OCR. Interpreters for departments of human or social services meetings and visits are the responsibility of the department. The OCR is responsible for interpreters for the Attorney's home visits and independent investigation.

3. Investigators

a) OCR may approve investigator fees in limited circumstances. As with all litigation support, the OCR Attorney must seek OCR's approval prior to engaging the investigator. The attorney's failure to secure pre-approval will result in the non-payment of investigator fees, unless the OCR determines that extenuating circumstances justify the failure to obtain pre-approval.

b) The maximum hourly fee for investigators is $33/hour and the maximum total fee for an investigator is $1,000.

c) OCR pays the investigator directly. The investigator must submit an invoice to OCR within 30 days of the date of service in order to obtain payment.

d) OCR does not reimburse investigators for mileage or expenses.

4. Transcript Fees

a) OCR may pay transcript fees as appropriate. Attorney must seek pre-approval, supported by the basis for the request, by emailing melaniejannicelli@coloradochildrep.org.

b) CJD 05-03 governs the ordering and payment of transcripts. CJD 05-03 Appendix A establishes that an OCR Attorney receives a copy of a transcript at no cost.

c) OCR will not approve transcript fees to augment the Attorney's note taking or in lieu of the OCR Attorney attending a court proceeding.

5. Discovery

OCR will pay for routine discovery at actual cost with receipts. Extraordinary discovery expenses (e.g., visit recordings, x-rays) require pre-approval and receipts.

6. Lay Witnesses

OCR will pay pre-approved costs in accordance with applicable statutes. Attorney must seek pre-approval, supported by the basis for the request, by emailing melaniejannicelli@coloradochildrep.org .

Travel Time, Mileage & Associated Expenses

OCR may reimburse for attorney travel based upon the case-type and need for travel. All travel must be done in a manner that optimizes the efficacy of the travel. Travel time and mileage is billed through OCR C.A.R.E.S.

1. Travel Time

a) Attorney travel to/from court, home visits, staffings, and meetings, is billed at the standard attorney hourly rate through OCR C.A.R.E.S. for actual time spent traveling in one's vehicle. Time billed for travel must be related to the case activity, must be completed in the most cost-effective manner and cannot include any personal time. Travel time does not include walking to one's vehicle or to the destination; it only encompasses actual time spent in the Attorney's vehicle.

1) OCR does not pay for travel between Attorney's home and office. The attorney **must** deduct the time spent (and mileage) during the Attorney's standard commute.

i. For example, an attorney living in Douglas County with an office in Denver cannot include the commute time between home and office as billable time to a meeting in Adams County. Rather, the attorney must deduct the commute time as non-billable.

ii. As an additional example, an attorney stopping at a court hearing on his/her way to his/her office can only bill for the actual additional time in making the stop at court. So, the attorney living in Douglas County with an office in Denver who attends a court hearing in Arapahoe County on his/her way to the office can only bill the actual additional time incurred in traveling to court.

2) Attorney must use the closest actual point of origin in billing for travel time from his/her home or office to court, home visits, staffings, and meetings.

For example, an Attorney living in Douglas County with an office in Denver who begins his/her day with a meeting in Pueblo must use his/her home address as the starting point of travel, not his/her office address.

3) An Attorney who starts his/her day at his/her office may use the office address as the point of origin to court, home visits, staffings, and meetings.

For example, Attorney commutes from his/her home in Douglas County to his/her office in Denver at 8:00 a.m. Attorney leaves his/her office at 1:00 for a meeting in Aurora and returns to his/her office after the meeting, Attorney may bill the time spent during the round trip to the meeting as travel time.

b) Paralegal/social worker travel time for billable activities is entered at the paralegal rate by entering the time under the unique staff user ID in OCR C.A.R.E.S.

1) Staff travel time to court is not a billable activity.

2) Staff travel time to commute between home and office is not billable time. As with the attorney, staff must deduct commute time from otherwise billable travel. See examples and explanations above.

c) The Attorney and his/her associate attorney and staff cannot all bill for travel time to the same location for the same purpose, even if they drive separately.

2. Extraordinary and Out-of-State Travel

a) Dependency and Neglect Cases

1) Travel time and mileage within Colorado (including travel over 100 miles each way) does NOT require OCR pre-approval. However, the Attorney must maximize the cost-effectiveness of the travel. For example, an attorney traveling to the Denver area from a rural district to visit with a child should schedule multiple meetings and visits if at all possible.
2) Travel out-of-state requires pre-approval from the OCR.
3) OCR must **pre-approve costs** associated with all travel (e.g., airline travel, lodging, meals) in order for the attorney to receive reimbursement.
   - OCR requires receipts in order to reimburse for these costs.
4) Judicial fiscal rules govern appropriate reimbursement and lodging.
5) Courts do not have jurisdiction to order out-of-state travel or cost reimbursement from the OCR.
6) Authorization for travel/meals/hotels must be sought by submitting to OCR the online **Travel Expense Request form** found on the OCR website in the Attorney Center under the Billing tab.

b) All other case types

1) Travel time and mileage over 100 miles one-way and out-of-state requires pre-approval from the OCR.
2) The OCR may also approve meals/hotels for overnight/out-of-state travel under certain circumstances. OCR Attorneys must also request and receive approval in advance of the travel.
3) Judicial fiscal rules govern appropriate reimbursement and lodging.
4) Courts do not have jurisdiction to order reimbursement from the OCR.
5) Authorization for travel/meals/hotels must be sought by submitting to OCR the online **Travel Expense Request** form found on the OCR website in the Attorney Center under the Billing tab.

Attorneys must receive OCR approval before traveling per the guidelines listed above. The attorney's failure to seek and obtain required OCR approval will result in the OCR refusing to reimburse the attorney for travel time and associated expenses unless the OCR determines that the OCR Attorney's failure to seek pre-approval was due to extenuating circumstances and allows an exception.

3. Travel Mileage

OCR, subject to sufficient appropriations, may reimburse Attorney for mileage to/from court hearings, home visits, staffing, and meetings associated with billable travel time as established above. Paralegals/social workers cannot bill for travel mileage to/from court. If the attorney and staff travel to attend the same meeting, home visit, or staffing, only one may seek mileage reimbursement, even if they travel separately. OCR will reimburse mileage at the rate defined by § 24-9-104, C.R.S. (the actual number of miles must be specified for each trip).

Forms

1. **Expenses.**

   Attorney must submit expense reimbursement requests within **30 days of incurring** the expense. In extenuating circumstances, OCR may grant an exception to the 30-day billing requirement. In fiscal year 2013, OCR incorporated a majority of expense reimbursement in OCR C.A.R.E.S. Expenses that cannot be requested through OCR C.A.R.E.S., such as for out-of-state travel, must be billed in paper format on the Expense Reimbursement Form (Expense Reimbursement Paper Form). Attorneys must monitor the OCR listerv and website to keep current as to which means they must use in order to receive expense reimbursement.

2. **Payment Forms.**
   In order to ensure attorneys receive payment from the state, it is essential that the attorney's address and TIN/EIN information be up-to-date and current with the OCR. Change of address requests must be submitted promptly to the OCR. In order for the state to process an address change, the OCR must receive a completed change of address form (ocr400). Failure to do so may result in a delay of payment since the USPS will not forward state checks, but returns them to a centralized state facility, not the OCR.

   - Change of Address Form
   - W9 Form

   The Direct Deposit form should be completed and returned to the OCR as detailed above.

   - Direct Deposit form

3. **Conferences/Trainings**
   Under special circumstances, the OCR occasionally pays an attorney to travel to, speak at and attend conferences or trainings. This requires pre-approval from the OCR. In these cases, please utilize the Travel Expense Reimbursement Form.

   - Travel Expense Reimbursement Form

   - Under special circumstances, the OCR will authorize attorneys to paper bill on certain cases or activities. This requires pre-approval from the OCR at all times. Under those circumstances, attorneys will bill via the "paper bill" form (Paper Bill)

OCR C.A.R.E.S. Resources

- **CARES User Manual**
- **CARES Billing Manual**
- **CARES Domestic/Paternity Supplemental**
- **CARES Training Video from Boulder OCR Conference**

Appendix 1

Associates Policy

The OCR believes that the use of associates on OCR appointments is a means of providing mentoring and training to newer attorneys and attorneys new to Pediatric Law. The effective use of associates on OCR appointments may additionally enhance the quality of representation provided on individual cases. The policy outlined below is intended to support the use of associates in a manner that complies with the requirements of CJD 04-06 and promotes continuity in representation for children.

Summary of policy:

- **Case-Carrying Associates:** Every case-carrying attorney will have a contract with the OCR. Contract will be between the attorney and the OCR. Associates within law firms who wish to be case-carrying must individually apply for a contract with the OCR.
    - *Exception: attorneys in the staff model offices working exclusively under the staff model contract.*
    - *Note: The decision regarding which associates in a law firm are eligible to be case-carrying and the decision of how many pick up slots the attorneys in a law firm have are two distinct decisions. For example, there may be situations in which an attorney and his or her associate may both be eligible to be case-carrying attorneys but a firm may only have one pick up slot.*
- **Use of Associates on Out-of-Court Tasks:** The use of associates, paralegals, social work professionals who assist attorneys under an OCR contract with out-of-court tasks that are not personally assigned to the GALs under CJD 04-06 (e.g., attending staffings, conducting home visits supplemental to the ones personally required of the GALs) or the court's orders (e.g., acting as educational surrogate) is permissible as long as the GALs' use of the staff enhances rather than hinders the attorney's personal knowledge of the case and continuity of representation for children/youth. Such associates, paralegals, social work professionals do not need specific OCR approval or a contract with the OCR. They do need an individual OCR C.A.R.E.S. User ID and must log their work separately.
- **Associates in Court:** CJD 04-06 provides that "*in exceptional circumstances, another qualified attorney who has sufficient knowledge of the issues and status of the case may substitute for some hearings, with permission of the court.*" Attorneys on the OCR pickup list for a case type are qualified to substitute for such hearings. Additionally, attorneys under contract with the OCR who seek to use associates in their firm to appear in court on their cases in the limited circumstances set forth by CJD 04-06 may apply to the OCR to use an associate within their firm for this purpose. Such attorneys must identify on their application the associate the attorney intends to use and the associate's qualifications. If such associate is determined by the OCR to be qualified, the attorney's contract with the office will specifically identify the name of that associate and contain assurances by the attorney that the attorney will ensure the associate: 1) appears in court only under the limited circumstances set forth in CJD 04-06; 2) is appropriately briefed

on the matters to be addressed by the court and prepared to state the child's position on the matters before the court; 3) will continue to receive necessary training on matters relevant to the representation of children (10 hours per CLE reporting period, as required by CJD 04-06). Attorneys who wish to use associates in this capacity mid contracting cycle will fill out an associate application form and an addendum to their contract. The OCR will not have a separate contract with such associates.