

Oversight of State Pay Attorney CFIs

Transition from the Office of the Child's Representative to the
Office of the State Court Administrator
Effective January 1, 2016

CJD 04-06: Office of the Child's Representative

CJD 04-05: Office of the State Court Administrator

See especially Attachment D, Guidelines for Itemized, Hourly Payment, and Attachment E, Judicial Paid Appointments, Procedures for Payment of Fees and Expenses

Eligibility for CFI Appointment

- Must be on Statewide CFI Eligibility Roster
- Must be on District Roster
- Must have an annual contract with OCR
- Must maintain placement on Statewide Eligibility Roster and submit a renewal affidavit through SCAO every 3 years

Billing and Payment of CFI

- Through OCR CARES system
- Governed by CJD 04-06
- Must provide OCR with finding of indigence and Order of Appointment
- OCR reviews billing
- Same standards for determination of party indigence through filing of JDF 208 (i.e., If pre-decree case involving married parties, both must be indigent; If post-decree or never married parties, either/both may be indigent)
- CFIs must enter billing in CARES within 30 days of the billed activity

CFI Appointments Pending as of January 1, 2016

- CFIs shall bill OCR for work performed on the case and out-of-pocket expenses incurred through December 31, 2015

Eligibility for CFI Appointment

- Must be on Statewide CFI Eligibility Roster
- Must be on District Roster
- Upon appointment, court staff will enter the appointment information into ICON/Eclipse before completing the appointment on the CAC system
- Renewal affidavits are required every 3 years

Billing and Payment of CFI

- Through SCAO
- Governed by CJD 04-05
- Finding of indigence does not need to be provided to SCAO (this is entered in the CAC system).
- Billing must be itemized in tenths of an hour (e.g., every 6 minutes)
- District Administrator (or designee) and SCAO Financial Services Division reviews billing, including the appropriateness and necessity of the number of hours billed for the complexity of the issues involved
- Same standards for determination of party indigence through filing of JDF 208 (i.e., If pre-decree case involving married parties, both must be indigent; If post-decree or never married parties, either/both may be indigent)
- CFIs must submit invoices within 6 months of the earliest date of billed activity

CFI Appointments Pending as of January 1, 2016

- CFIs shall bill OCR for work performed on the case and out-of-pocket expenses incurred through December 31, 2015
- For work performed beginning January 1,

- ***Billing for work done through 12/31/15 must be entered into CARES by 5pm on Friday January 8 2016.***
- For work performed beginning January 1, 2016, CFIs shall bill SCAO through the CAC system

Payment of Case-Related Costs and Expenses

- See OCR billing guidelines and/or contract governing appointments

2016, CFIs shall bill SCAO using the JDF 207 paper invoice. This is only for appointments made under OCR and will continue with SCAO after January 1, 2016.

Payment of Case-Related Costs and Expenses

- See CJD 04-05, Attachment D
- With prior court approval, submit the following costs to the appointing court, not the SCAO/CAC online billing system:
 1. cost of subpoenas
 2. witness fees and expenses
 3. transcripts
 4. costs for medical records
 5. background checks
- CFIs may request reimbursement through the CAC system for reasonable out-of-pocket expenses, including copy charges paid by CFI at the rate of \$0.10/page, mileage at the rate defined by §24-9-104 C.R.S., long-distance telephone calls at cost, and postage at cost (1st class mail only)
- If the total expenses exceed \$50, CFI must submit all receipts or invoices for those expenses
- Non-allowed expenses include:
 1. Phone calls when no contact is made, including voice messages
 2. Fax charges
 3. Parking fees
 4. Items purchased such as meals, books, clothing or other personal items
 5. Administrative activities
 6. Electronic filing fees (exempt for State pay cases)
 7. Other cost/expense not authorized by Colorado law or CJD
- CFIs must request costs and expenses within 6 months of incurring them
- Costs and expenses must be appropriate and necessary for the complexity of the issues involved

Presumptive Maximum Fee and Hourly Rate

- Presumptive maximum fee of \$1,440 set in CJD 04-05, including allowable incidental expenses

Presumptive Maximum Fee and Hourly Rate

- Presumptive maximum fee of \$1,250 per appointment if the appointment is 100% state paid
- Hourly rate of \$75

Excess Fees

- CFI must request excess fees through the OCR online form.

Submission of Billing

- Online through OCR billing system (CARES)

Continuing Education

- All OCR contract attorneys are required to obtain 10 hours of OCR sponsored/approved CLE credit each contract year.

Complaints against CFIs

- OCR investigates complaints
- Following the complaint investigation, OCR will issue a written report
- Sanctions may include placing CFI on probationary status, suspending/terminating OCR contract, terminating CFI's appointment on an active case, and taking remedial action to improve the CFI's performance

Grievances, Malpractice and Liability Insurance

- CFIs shall disclose any grievances or malpractice suits against them in accordance with OCR standards
- CFIs must maintain liability insurance in accordance with OCR standards

- Hourly rate of \$75

Excess Fees

- CFI must request permission from appointing court with showing of specific circumstances that justify excess fees

Submission of Billing

- Online through Court Appointed Counsel billing system (SCAO Financial Services) for new appointments on or after January 1, 2016. Pre-existing appointments must use the paper JDF 207 through the remainder of the case.

Continuing Education

- Every 3 years, CFIs shall obtain 15 hours of continuing education in relevant areas. See Standard 6, including Comment

Complaints against CFIs

- The judicial district or the SCAO investigates complaints
- Following the complaint investigation, the judicial district or SCAO will issue a written report
- Sanctions may include removal from the Statewide CFI Eligibility Roster and lesser sanctions

Grievances, Malpractice and Liability Insurance

- CFIs shall provide written notice to the SCAO of malpractice suit or grievance against them within 5 days
- CFIs shall maintain adequate professional liability insurance for work performed
- CFIs shall notify the SCAO within 5 days of coverage termination and shall not accept appointments until resumption of coverage.

References: See CJDs 04-05, 04-06, 04-08, Policy Governing Standard 6 of CJD 04-08, and OCR contract