
Office of the Child's Representative

Annual Performance Report



October 26, 2016

*OCR is an independent agency
within the Judicial Department*



The Office of the Child’s Representative (OCR) provides competent and effective legal representation to Colorado’s children involved in the court system because they have been abused, neglected or abandoned, impacted by high conflict domestic relations disputes, or charged with delinquent acts and without a parent or guardian able to protect their best interests during the proceedings. The OCR is committed to ensuring that children whose interests are represented by its contract attorneys, Colorado’s most vulnerable and marginalized population in the court system, receive competent and effective legal services to promote their safety and achieve permanency and to have their voice heard throughout all aspects of a case. OCR ensures enhanced best interests legal representation of such children by improving the quality and consistency of representation, providing accessible statewide training to attorneys and judicial officers, establishing minimum attorney training requirements, establishing minimum practice standards, establishing fair and realistic compensation for state-appointed attorneys sufficient to retain high-quality, experienced attorneys, and serving as a resource for contract attorneys.

The OCR’s Performance Plan is found at <http://www.coloradochildrep.org/wp-content/uploads/2016/06/Performance-Plan-June-2016.pdf> The Performance Plan concentrates on the following goals and strategies:

OCR PERFORMANCE GOALS & STRATEGIES	
GOALS	STRATEGIES
<p>1: The OCR will provide effective attorney services to children through skilled and qualified attorneys.</p>	<p>A. Provide and maintain lists of qualified attorneys sufficient to meet needs in judicial districts</p> <p>B. Contract with attorneys based on data illustrating compliance with CJD and OCR practice standards</p> <p>C. Establish fair and reasonable compensation for OCR attorneys</p> <p>D. Investigate alternative models of providing legal representation</p> <p>E. Develop strategies to recruit attorneys</p>
<p>2: The OCR will establish efficiencies in attorney practice and billing.</p>	<p>A. Maximize use and effectiveness of OCR’s on-line case management/billing system</p> <p>B. Provide litigation support and facilitate practice innovations</p> <p>C. Process, manage, and evaluate attorney billings</p>
<p>3: The OCR will ensure attorneys remain current in state and federal law and regulations, social science research, and evidence-based services.</p>	<p>A. Provide statewide training to attorneys</p> <p>B. Require attorneys to meet minimum training requirements</p> <p>C. Disseminate updates on developments in law and social science and maintain current and relevant resources for attorneys’ use</p>

Since its inception, the OCR has made strides towards developing a data-driven practice for overseeing attorney services and managing its state dollars. Child welfare practice does not lend itself to simple outcome-based analysis, as appropriate results in one case may not be appropriate in another. The OCR concentrates its data collection on attorney compliance with practice standards to assess the effectiveness of representation. The OCR seeks feedback from system stakeholders through survey instruments and conducts courtroom observations of attorney practice. In addition, the OCR measures its performance through benchmarks and customer surveys. The OCR's efforts in practice assessment and data collection have received state and national attention.

Annual evaluation survey. Every spring, the OCR distributes an objective evaluation survey to gather feedback on all attorneys providing legal services. OCR sends an electronic survey to judicial officers, court administrators and facilitators, department of human services staff, CASA agencies, probation officers and attorneys representing other parties in dependency and neglect and delinquency cases in each of Colorado's 22 judicial districts. The survey results provide OCR and its contract attorneys valuable feedback concerning the attorney's practice. In FY15-16, OCR received **1294 survey responses** concerning 207 attorneys; 378 responses were from judicial officers.

Goal 1: The OCR will provide effective attorney services to children through skilled and qualified attorneys.								
Key Measures Strongly Agree/Agree <i>(respondents were allowed to answer "I don't know")</i>		FY 12-13 N = 191 Attorneys	FY 13-14 N = 227 Attorneys	FY 14-15 N = 221 Attorneys	FY 15-16 N = 207 Attorneys	FY 16-17	FY 17-18	FY 18-19
1. A. Attorney possesses relevant advocacy skills	Target	86%	89%	90%	90%	90%	90%	90%
	Actual	91%	90%	92%	88%			
1. B. Attorney possesses requisite knowledge	Target	84%	87%	90%	90%	90%	92%	92%
	Actual	90%	90%	93%	88%			
1. C. Attorney familiar with community services	Target	84%	87%	90%	90%	90%	92%	92%
	Actual	89%	90%	91%	86%			
1. D. Attorney attends all court hearings	Target	91%	93%	93%	93%	93%	95%	95%
	Actual	93%	94%	95%	95%			
1. E. Attorney critically assesses department case & permanency plans	Target	72%	75%	80%	80%	80%	82%	84%
	Actual	90%	83%	83%	76%			
1. F. GAL is respectful of others involved in the case	Target	82%	85%	85%	85%	85%	85%	85%
	Actual	87%	88%	85%	79%			

Court Observations. In FY12-13, OCR began conducting court observations in dependency and neglect proceedings in order to obtain first-hand knowledge regarding attorney courtroom performance. The OCR expanded the observations in FY13-14 to include juvenile delinquency cases in order to help refine OCR's expectations of attorneys serving in delinquency matters. OCR conducted **nearly 500 courtroom observations** involving **813 children** in FY15-16. In the first quarter of FY 16-17, OCR conducted **88** court observations involving **123** children.

Goal 1: The OCR will provide effective attorney services to children through skilled and qualified attorneys.								
Key Measures		FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19
Number of Court Observations		N = 287	N = 426	N = 366	N = 498	Qtr 1 N = 88		
1. G. Average number of court observations per attorney under evaluation	Target	3	3	3	3	3	3	3
	Actual	4.5	3.7	3.24	4.92			
1. H. Appointed attorney appeared	Target	Establish baseline	90%	92%	92%	92%	94%	95%
	Actual	91%	94.6%	89.9%	95%	98.86%		
1. I. Attorney provided current, independent information	Target	Establish baseline	70%	75%	80%	85%	87%	89%
	Actual	64%	81%	81.1%	81%	83.74%		
1. J. Attorney clearly stated a position	Target	Establish baseline	85%	87%	90%	90%	90%	94%
	Actual	82%	91%	90.9%	85%	88.24%		
1. K. Attorney stated child's position (<i>observers are not able to determine whether developmentally appropriate and according to child's wishes</i>)	Target	Establish baseline	30%	40%	40%	40%	42%	44%
	Actual	24%	43.75%	51.23%	51.16%	60.71%		

OCR's litigation support and training programs enhance the level of attorney services the OCR provides to Colorado's children. When representing children's interests, lawyers must, in addition to their specialized legal skills, be able to draw upon interdisciplinary knowledge from such pertinent fields as psychology, sociology, social work, and medicine. Through its litigation support and training, the OCR ensures that every child in Colorado who is in need of an attorney is represented by an attorney who has considerable sophistication in the law and issues unique to children. OCR believes well-supported and well-trained attorneys are efficient attorneys.

Goal 2: The OCR will establish efficiencies in attorney practice and billing.								
Key Measures		FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	
					Qtr 1			
2. A. Newsletters published per year	Target	4	4	4	4 Qtr 1: 1	4	4	4
	Actual	4	4	4	1			
2. B. Publish update of GRID	Target	NA	Publish Update	Secure Funding	Publish Update	Research Update	Secure Funding	
	Actual	NA	Began drafting & sought funding	Published pocket part with updates	Completed FY 15-16			
2. C. Measure listserv usage	Target	NA	Investigate means for measuring	Launched enhance listserv	Investigate means for measuring	Develop metrics	Report data	
	Actual	NA	Google Analytics are promising	Listserv modified to enable archived searches				
2. D. Measure motions bank usage	Target	NA	Investigate means for measuring usage	Develop & implement measuring plan	Update & improve attorney access	Investigate means for measuring	Develop metrics	
	Actual	NA	Investigation underway	Reviewed, prioritized & began update	Update of materials			

The OCR maintains a robust training program in an inclusive learning and practice environment which provides ongoing and meaningful trainings tailored to the specialized needs of attorneys representing children. The OCR's training program ensures that attorneys are current in legal developments, social science research, and best practices.

Goal 3: The OCR will ensure attorneys remain current in state and federal law and regulations, social science research, and evidence-based services.							
Key Measure		FY 13-14	FY 14-15	FY 15-16	FY 16-17 Qtr 1	FY 17-18	FY 18-19
3. A. Training hours OCR offered	Target	42	42	42	42	42	42
	Actual	57	103	82	32		
3. B. Training Hours available online	Target	Establish Baseline	120	150	250	250	250
	Actual	91	164	235	253		
3. D. Attendee survey: Rated spring conference "Excellent/Good"	Target	Establish baseline	85%	85%	85%	87%	88%
	Actual	87.87%	89.19%	94.44%			
3. E. Attendee survey: "Satisfied/Very Satisfied" with spring conf. materials	Target	Establish baseline	90%	90%	90%	92%	93%
	Actual	96.92%	86.84%	97.22%			
3. F. Attendee survey: "Satisfied/Very Satisfied" with spring conf. information	Target	Establish baseline	90%	90%	90%	92%	93%
	Actual	92.43%	86.84%	94.45%			
3. G. Attendee survey: Rated summer/fall conf. "Excellent/Good"	Target	Establish baseline	85%	87%	88%	90%	90%
	Actual	92.2%	No Data Available	94.45%	91.56%		
3. H. Attendee survey: "Satisfied/Very Satisfied" with summer/fall conf. materials	Target	Establish baseline	85%	87%	88%	90%	90%
	Actual	96.1%	No Data Available	98.87%	91.51%		
3. F. Attendee survey: "Satisfied/Very Satisfied" with summer/fall conf. information	Target	Establish baseline	90%	92%	92%	94%	95%
	Actual	92.3%	No Data Available	97.78%	96.61%		

Compensation. It is the statutory mandate of the OCR to "establish fair and realistic rates of compensation" in order to enhance the legal representation of children. § 13-91-105, C.R.S. (2015). Fair and realistic compensation is essential to maintaining a pool of dedicated and skilled attorneys and to allowing adequate and effective case investigation and legal advocacy.

Goal 1: The OCR will provide effective attorney services to children through skilled and qualified attorneys.							
Key Measures		FY 13-14	FY 14-15	FY 15-16	FY 16-17 Quarter 1	FY 17-18	FY 18-19
1. L. OCR will pay attorneys a rate of compensation commensurate to other public sector attorneys.	Target	\$65/hr	\$75/hr	\$75/hr	\$75/hr	Assess feasibility of further adjustment	Assess feasibility of further adjustment
	Actual	\$65/hr	\$75/hr	\$75/hr	\$75/hr		
1. M. OCR employee salaries will be commensurate to that of other public sector employees	Target	Conduct Salary Survey	Seek 10-15% correction of misalignment	Determine whether adjustments are required	Determine whether adjustments are required	Determine whether adjustments are required	Determine whether adjustments are required
	Actual	Salaries "significantly misaligned"	General Assembly approved	No adjustments	N/A		