

OCR Billing Policies and Procedures

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OCR Website www.coloradochildrep.org

➤ Attorney Center

- Billing Tab
- The OCR's Billing and Payment Procedures
 - Billing Policies & Procedures Manual
 - CARES Manuals

➤ Training

- Materials
- CARES Demonstration: <http://www.coloradochildrep.org/ocr-new-attorney-orientation-core-competencies-for-dependency-attorneys/>

Training tab: Materials, 7/16/15-7/17/15 OCR New Attorney Orientation & Core Competencies for Dependency Attorneys, C.A.R.E.S. Demonstration by Melanie

Guiding Principles

- ▶ OCR is responsible for a fully-funded program
- ▶ OCR is funded exclusively by taxpayer dollars
 - 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 wants to pay you for the legal work you perform as an attorney/GAL
 - Legitimate work you complete on a case to further & support your legal representation

Legal Services

Chief Justice Directives

Children's Code §§ 19-3-203, 19-7-102, etc.

An activity that is reasonably necessary to provide competent and diligent representation which is within the scope of the attorney's appointment

OCR appointment eligibility lists

- ▶ Attorneys are identified for each case type in judicial districts
 - ▶ By July 1st of each year, OCR sends appointment eligibility lists to judicial districts
 - ▶ Learn your district's procedures
- ▶ May represent a child's interest in a related legal proceeding in different OCR case type
 - EX: Delinquency GAL may be appointed in subsequent D&N
 - [Colorado Rule of Professional Conduct 1.1 Competence](#)

Case Types

OCR appropriations pay for attorney services in the following limited case types & related appeals

- Title 19 -- D&N
- Title 19 -- Juvenile Delinquency, including Direct File & Expungement
- Title 19 -- support, adoption, paternity, termination
 - Paternity – indigence finding before begin work (Not needed for minor parent)
- Title 14 -- Domestic Relations
 - Indigence finding before begin work
- Title 15 -- Probate
 - Indigence finding before begin work
- Title 22 -- Truancy
- Title 27 -- Mental Health

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

Billing Rates

- ▶ Attorney -- \$75/hr.
- ▶ Paralegal/Social Work Professional -- \$30/hr.

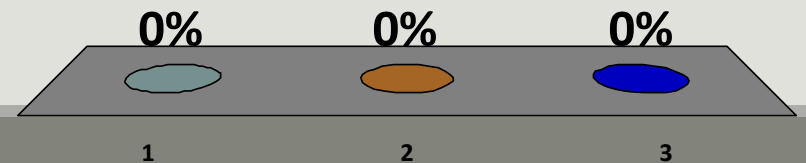
CJD & OCR Contract – Maintain records of all work performed relating to court appointments

Use of paralegal/social work professional

When authorized under CJD 04-06, an attorney may use a paralegal or social work professional 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 such staff rather than by an attorney.

Attorney uses a paralegal in her practice. The attorney & paralegal attend the first meeting with the child's placement. Who may bill for the meeting time?

1. The attorney only
2. The attorney & paralegal
3. The attorney & paralegal with preapproval from OCR



30-day billing period

EXTENUATING CIRCUMSTANCES – PLEASE CALL AND EMAIL!!!

Billable time

An activity that is reasonably necessary to provide competent and diligent representation which is within the scope of the attorney's appointment

Professional and ethical obligations

- ▶ Attorneys shall not charge an unreasonable fee. Co. Rule of Prof. Conduct 1.5
- ▶ An attorney contracting with the OCR cannot engage in duplicative or multiple/value billing or seek reimbursement in excess of those actually incurred. See, *People v. Shields*, 905 P.2d 608 (Co 1995) and *People v. Walker*, 832 P.2d 935 (Co. 1992)

Billable time and expenses

Substantive work takes priority

- Ex: Wait time; travel time

No Administrative Activities

- Setting up files, typing, organizing attorney files, filing, billing

Billable	Not Billable
Copy charges @ 10 cents/page	Time spent copying
Long distance telephone call	Telephone call when no contact is made
Child's meal ≤ \$10.00	Items purchased for child/youth
Mileage (appropriations)	Parking fees, toll charges

Child's foster parent informs the GAL that the child needs relaxation tapes. May the GAL purchase the tapes & seek reimbursement from OCR for the cost of the tapes?

1. Yes
2. No



Billable Time -- Travel

Travel time

- Cost-effective
- Do not include commute between home and office

Case types

- **D&N**
Travel w/in state w/o expenses
Cost-effective
- **Other case types** – pre-approval if over 100 miles

Travel expenses

- Pre-approval – lodging, meals
- Mileage

GAL & paralegal at introductory meeting: Who may bill for travel time to the meeting?

1. Both, even if they drove together
2. Both, only if they drove separately
3. Either the attorney or paralegal but not both
4. Only the attorney

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1

0%

2

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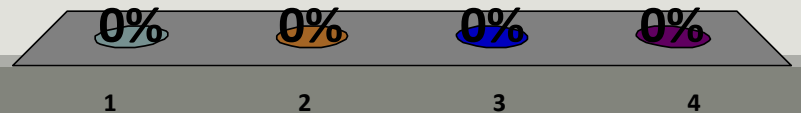
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GAL has a court hearing at 9:00 am. At 8:00, he begins gathering his file & GRID, at 8:15 he gets into his car and arrives at the courthouse parking lot at 8:30. After enduring long lines at security, he arrives at the courtroom at 8:45. What may the attorney bill as “travel time”?

1. None, OCR does not pay for travel time.
2. 0.75 hour. (8:00 – 8:45)
3. 0.25 hour. (8:15-8:30)
4. 0.5 hour. (that is “fair & reasonable”)



The attorney arrives in the courtroom at 8:45 for the 9:00 hearing and the case is called at 9:30. What may attorney bill as “wait time.”

1. Nothing, OCR does not pay for wait time.
2. 0.25 hour
3. 0.50 hour
4. 0.75 hour

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1

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2

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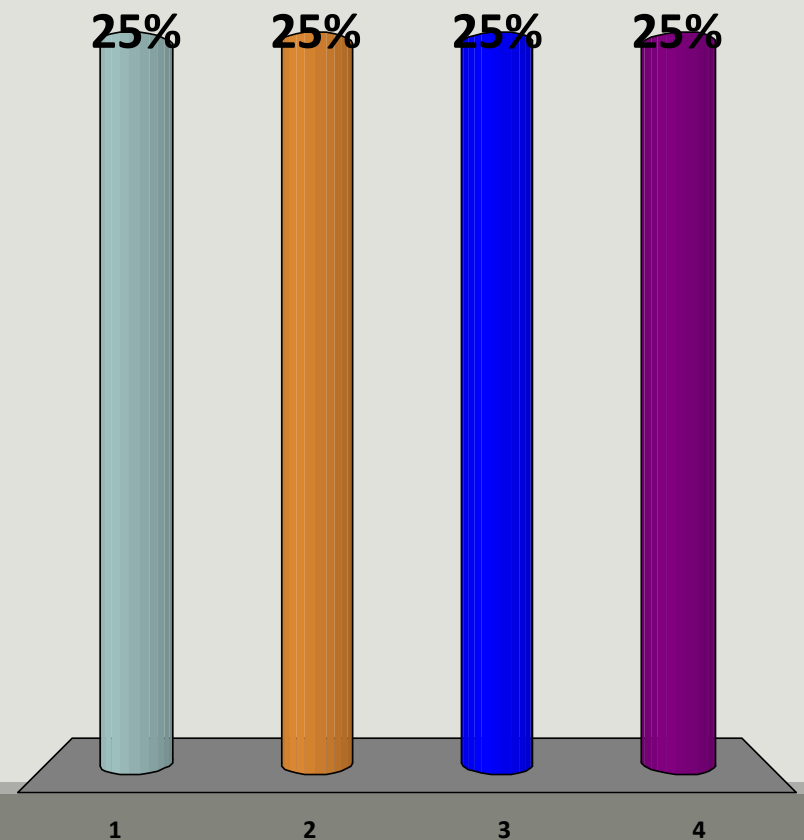
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Attorney's associate or paralegal joins him at court, what amount may the associate and/or paralegal bill?

1. The associate/paralegal cannot bill for any time at court
2. Same amount as billed by attorney
3. Only the associate & attorney may bill
4. With OCR preapproval, the amount approved



GAL travels from his home to his office and then to a meeting at the department, and finally, home, GAL may bill

1. From home to office to department to home
2. From office to department to home
3. From office to department to office
4. None of the above



Presumptive Fees

OCR has established a presumptive maximum fee for each case type

DR, Paternity, Probate – the presumptive fee is \$0.00 until attorney sends properly executed Order of Appointment to OCR (includes indigence finding)

Once reach excess fees allocated , no further payments

OCR C.A.R.E.S. Office Billing Details screen











Request Excess Fees

Office Billing Details Screen

Office Billing Details

Office

Status

<u>Case Number</u>	<u>Case Type</u>	<u>Allocation</u>	<u>Total Amount Billed</u>	<u>Total Amount Submitted</u>	<u>End Date</u>	<u>Previous Dollars</u>	<u>Note</u>	<u>Percentage of Billing Rate</u>	<u>Non-Billable</u>	
06JV700	D&N - Non EPP		\$184.18	\$0.00				100%		
10JV4000	D&N - EPP	\$180.00	\$419.09	\$150.10				100%		
12JD2222	Delinquency	\$1,500.00	\$116.00	\$0.00				100%		
12JV004	Truancy	\$500.00	\$0.00	\$0.00				100%		
12JV035	Truancy	\$500.00	\$0.00	\$0.00				100%		
12JV45678	D&N - Non EPP	\$4,000.00	\$240.46	\$0.00				100%		
14CA1020	Appeal	\$2,500.00	\$0.00	\$0.00				100%		
14JD5555	Delinquency	\$2,000.00	\$0.00	\$0.00				100%		
14JV11111	D&N - EPP	\$4,000.00	\$363.64	\$225.00				50%		
14jv12345	D&N - EPP	\$5,000.00	\$0.00	\$0.00				100%		

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Excess Fees


- ▶ Request before surpass allocation
OCR CARES Office Billing Details screen
- ▶ Request by submitting Excess Fees Request Form
Supported by a description of legal work s/he anticipates is reasonably necessary
- ▶ Approved by OCR for either an amount or for a time period not to exceed six (6) months
Notified by email & OCR C.A.R.E.S. Office Billing Details Screen

Excess Fees Form

<http://www.coloradochildrep.org/attorney-center/billing/>




CARES Billing



The Colorado Attorney Reimbursement Electronic System (CARES) is the OCR's billing and case management system, utilized by all OCR contract attorneys. If you are an OCR contract attorney, you can access CARES by clicking the logo to the right.





The OCR's Billing and Payment Procedures

The OCR's billing guidelines and the CARES system user manuals are provided below. These are the three most important guides to attorney reimbursement. Please review these documents prior to contacting OCR with questions.

-  Billing Policies & Procedures Manual - contains the OCR's official rules and guidelines regarding billing procedures for OCR contract attorneys, revised February 25, 2015.
-  CARES User Manual - contains step-by-step instructions for how to enter time into the CARES system.
-  CARES Billing Manual - a guide for understanding billing and payments in the CARES system

  Excess Fees Request Form

 Travel Expenses Request Form



Excess Fees Request
Colorado Office of the Child's Representative

* Your Name

* Your Colorado Attorney Registration Number

* Your E-mail

* Confirm E-mail

Case Information

* Case Number

* Case Type

* Judicial District / County

Excess Fees Form: After Submission

- ▶ After you click “Submit Request” on the online form, your request is automatically sent to OCR.
- ▶ You will receive a receipt summary of your request via email.
- ▶ You will receive notification of OCR’s decision on your request via email.
 - ▶ Request may be approved in full or in part
 - ▶ Request may be denied (OCR will provide an explanation in the email you receive)
 - ▶ Request may be returned to you for additional clarifying information

If you need to resubmit your request with additional information, you will receive an email with a hyperlink and instructions. Click on the hyperlink to access a form prepopulated with your previous entries. Instead of needing to start from scratch, you can make any adjustments here and click “Submit Request.”

Office Billing History Screen

This screen allows you to sort by payment status, and date range to see what items have and have not been paid.

Office Billing History

Office

Status

Begin Date End Date

Total Amount Billed\$0.00

Total Amount Disputed\$0.00

Total Amount Paid\$0.00

Total Amount Unpaid\$0.00

User Totals

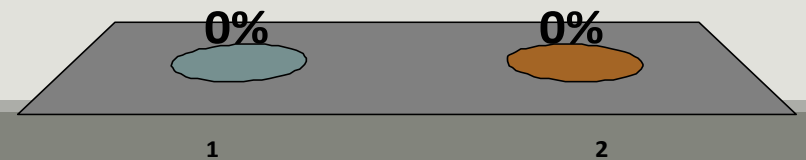
Billing User	Total Amount Billed	Total Amount Submitted	Total Amount Paid
Melanie Jannicelli	\$0.00	\$0.00	\$0.00

<input type="checkbox"/> Dispute	<u>Activity Date</u>	<u>Date Entered</u>	<u>Activity Type</u>	<u>Case Number</u>	<u>Duration</u>	<u>Billing Type</u>	<u>Billing User</u>	<u>Billing Rate</u>	<u>Amount Billed</u>	<u>Amount Paid</u>	<u>Submission</u>	<u>Status</u>
<input type="checkbox"/>	6/30/2015	6/30/2015 3:26:17 PM	Review Document - Documents	14JV111111	6	Administration	Melanie Jannicelli	\$0.00	\$0.00	\$0.00		
<input type="checkbox"/>	6/30/2015	6/30/2015 2:53:58 PM	Phone - Child	14JV111111	36	Administration	Melanie Jannicelli	\$0.00	\$0.00	\$0.00		

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The OCR will notify attorney when it is unable to process billings due to expiration of fee maximums

1. True
2. False



If you have items not being paid

Look at the Case Billing History Screen:

- Check the end date or dollar amount – have you exceeded the dollar amount or date? If the answer is yes, you need excess fees and we will not pay you any more on the case until you request and are granted those fees.
- Check the activities that are in question:
 - Did you enter them within the 30 day billing rule? If not, then that could be a reason you are not getting paid.
 - Did you enter a duration? Some people enter 0. If you enter 0 you will not be paid because you are asking to be paid 0 dollars.
 - Are the activities in question disputed? If so, you need to address that with me before they can be paid.

Check Office Billing Details Screen:

- Is your case yellow or red??
 - If the case is red, you are over your excess fee limit and must request fees.
 - If the case is yellow, it could be so close to red that we cannot pay the remaining items until you request fees.

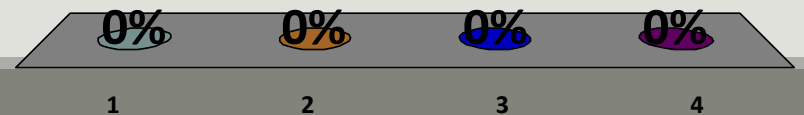
If you have checked both screens and you believe the following is true:

- You are not over your fees
- You entered your time within the 30 days
- The items are not disputed.....

Promptly email Melanie and she will look into the issue for you.

What is the time frame during which attorney must resolve “disputed items”

1. 30 days
2. 45 days
3. 90 days
4. I do not know what “disputed items” means



Litigation Support

PRE-APPROVAL

Experts (CJD 12-03)

Interpreters (CJD 06-03)

Investigators

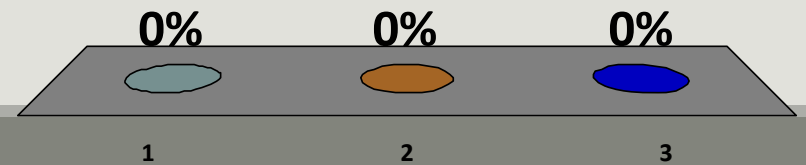
Transcript Fees (CJD 05-03)

Litigation Support eligibility list

Immigration Litigation Support
Education Litigation Support
Appeals

Melanie's emails don't matter since they do not usually apply to my practice

1. True
2. False
3. Who is Melanie?



OCR support

PLEASE CALL US!!!!