



# Colorado Office of the Child's Representative

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

## Fall 2018 Newsletter

### Notes from the Executive Director

It is a great honor to be the new Executive Director of the Office of Child's Representative. It is exciting to be a part of the OCR and supporting guardians *ad litem* and social service professionals who work closely with children, youth, and families.

The transition from being a managing partner and a practicing GAL in the 2<sup>nd</sup> Judicial District to becoming OCR's Executive Director has been very interesting.

Although I may be managing people and programs on a larger scale as executive director, my goals remain the same—to provide every child a voice and to ensure every child achieves permanency and safety. I believe in building a strong network of partnerships with courts, law enforcement agencies, social service agencies, treatment teams, and other professionals.

As this issue goes to press, staff have returned from the annual fall conference, where more than 200 GALs from our 22 judicial districts received training from distinguished speakers and connected with colleagues. OCR has always prioritized training as a way to ensure excellence in legal representation. It was clear that everyone was invested in sharing their experience and knowledge in child welfare and open to learning from each other. If you did not have the chance to join us, the training will be available on our website soon.

Other useful information you will find in this issue is a synopsis of issues currently pending before the Colorado Supreme Court and Court of Appeals.

Please read the case summaries on page 6. We have also included comments and results from the FY18-19 evaluation process, and some highlights from OCR's Annual Report to the General Assembly. Between legislative sessions, the OCR participated in variety of task forces, committees, and other policy groups. See page 8. OCR received 194 responses to the OCR Attorney Satisfaction Survey, with feedback from attorneys in all 22 judicial districts. See some results on page 12. The feedback is important to OCR's efforts to develop effective and efficient processes and programs.

I welcome the opportunity to continue important work in supporting children and youth in the Colorado Courts. OCR is committed to continuing to promote this work as the very best of the legal profession. Please share your ideas on how we can best do that. Thank you for all you do on behalf of Colorado children.

Chris Henderson, Executive Director



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## Thank You, OCR Attorneys!

Feedback about OCR Attorneys from Children, Caregivers, and Parents from the 2018 Evaluations

- ▶ “She was very caring and would always respond right away if I needed something. She would check in with me, even when she was out of town or on vacation.” – Child
- ▶ “He is very professional and very thorough. I was very impressed. I've done foster care for some time and usually it's hard to get people to understand, but he is great.” – Caregiver
- ▶ “I would say he definitely knew what was best for me because we had a good Relationship. [... H]e knew me.” - Child
- ▶ “[S]he was a lifesaver. I can't imagine going through this process without her.” – Caregiver
- ▶ “She is very understanding [...]. She is articulate on what needed to be done and what had to be done for her to stand behind me in what I was working for. She was very understanding, friendly, and excellent.” - Parent
- ▶ “When I first met [the GAL], he was honest with us. He said that he was here for the best interests of our children. He said to be careful what I told him. I look at him as one of the only friends I have here. He is a real good guy. We went through a major ordeal before Christmas and missed visits with our kids. [He] went out of his way to make sure I got a Christmas Day visit with my kids. [...] He was an advocate for the kids, but he really helped us. He was blessing to our family. We are thankful for everyone, especially [him].” – Parent
- ▶ “In response to, “Can you provide an example of a time you were happy with your GAL,” a child stated, “[The] fact that she stuck with me for the last six years and hasn't changed GALs on me--that in itself makes me happy with her because I've had about 9 different caseworkers in my case. She's the one constant. She knows my case better than anyone else.”
- ▶ “She is very caring, and she really does put the kids first and wants the best for them. She was very honest and had great judgement, very reliable.” – Parent ♦



## Meet an OCR Attorney

Each quarter, the OCR features an 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!

*Alison Jensen is a Guardian ad Litem in the 2nd Judicial District (Denver).*



Alison Jensen's personal connection with a family adoption at an early age first sparked her interest in working with children and families. Although child welfare law was not her first career, Alison has always found herself advocating for those in need.

Alison studied journalism in college and worked in public relations in Minneapolis, Minnesota, where she worked mostly with youth-focused non-profit agencies.

"I was writing and reaching out to reporters researching and advocating for these causes, and I realized a lot of this was stuff I would do as a lawyer for kids," Alison said. "I thought maybe I just take that leap and go to law school."

Alison found a good fit at Colorado University, where she started law school in 2008.

"Once I met with Colleen Robison, who ran the juvenile and family law program at CU, I knew it was the right place for me," Alison said. "She was so enthusiastic, and it got me excited to be there and to be doing what I was doing."

In her first summer of law school, Alison interned at the Denver Juvenile Court. During her internship, she saw the broad spectrum of work involved in juvenile welfare law and was captivated by every part of it.

"It really supported my belief that every kid deserves the very best shot they can have as they move forward in their lives and into adulthood," Alison said.

While Alison admits there are always challenges to this type of work, like having hard conversations with parents about termination motions, she says the reward is worth it.

"Helping strengthen families with so many challenges with the system, and to hear from parents that I helped impact their lives for the better, and their kids' lives in the long-term, that has been really meaningful to me," Alison said.

Alison's advice to attorneys who are new to child welfare law is to get to know all stakeholders to create a genuine supportive network.

"I think it's important to get to know the people who provide in-home services and understand what's going on with agencies, how they are funded and things like that. Having the bigger picture of the challenges those agencies are facing can really help you navigate more adeptly," Alison said. "It helps your practice, and as a human, to have those connections." ♦



Nominate, share your own story, and view our archive on our [Meet an OCR Attorney page online!](#)

## County Spotlight

OCR thanks GAL Kim R. Verhoeff for her contribution to this newsletter. Kim is based in Lamar, Colo., and works in the 15th and 16th Judicial Districts. Kim has worked with OCR since 2012, covering all case types.

### **Q: How is the GAL pickup calendar in your county arranged? What are its strengths and weaknesses?**

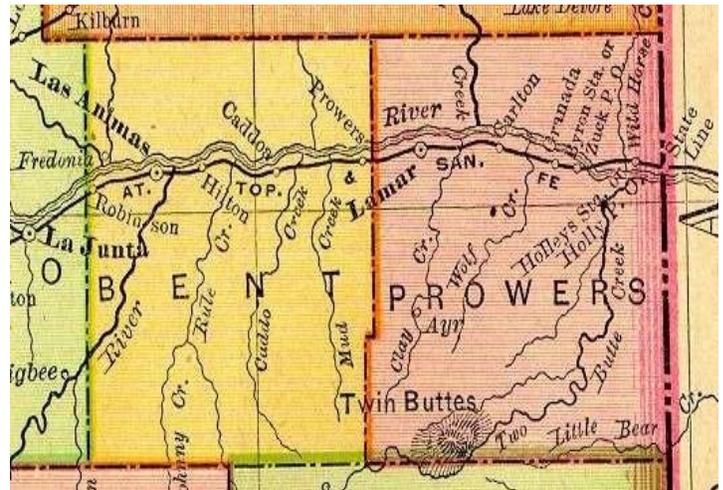
I am the only GAL for Prowers County, as Prowers is a rural judicial district with fewer cases. If I have a conflict on a case, we use backup GALs. If the case involves an Emergency Protection Order, the county attorney advises me of my appointment. If the case is a direct file, the paperwork is put in my Court distribution box. The strength of the call from the county attorney is that I receive notice of the facts of the case and can begin my investigation before the Shelter Hearing. The weakness of the direct file is that it may be some time before I get the paperwork and receive notice of my appointment. Asking the county attorney to notify me when the county files has helped to somewhat alleviate the problem.

### **Q: If there was one resource or practice from your county that other counties should consider emulating, what would it be?**

We have implemented the Dependency Neglect System Reform (DANSR) process. This has been a benefit to parents with mental health and/or substance abuse. The idea is to get the family in services as soon as possible. They have court every two weeks. The team (*i.e.*, county attorney, parents' counsel, parents, GALs, and caseworkers) meet with the family prior to court, which helps resolve problems or share successes. We have also included teenaged children with substance abuse issues in the program. DANSR has been successful in reuniting families quickly and sometimes turns difficult cases around. Our team won an award at Convening this year.

### **Q: What are some challenges GALs have faced in your county and how have you overcome them?**

One of the challenges is obtaining information on placements. My paralegal spends a great deal of time determining children's placements. When children move, the process begins again. If information is not forthcoming, the DHS supervisor assists.



### **Q: What are the goals of the juvenile best practice committee in your county?**

Our best practice team merged with our DANSR team. Our goals are:

- engaging families immediately and universally identifying substance use and other needs;
- completing substance use and other assessments and beginning treatment as soon as possible once needs are identified;
- enhancing communication, collaboration, engagement, and integration of treatment information into the management of the case, using multi-disciplinary team staffing;
- providing timely judicial support and oversight to meet the individual needs of each family; and
- coordinating strategy at the local and state level and participating in collaborative training.

### **Q: Do youth with D&N cases regularly attend court in your county? If not, why not? If so, what policies are in place regarding youth in court, and what strategies have been successful getting youth in court?**

Some children attend court, and some do not. Some children who are placed outside the county or hours away can appear by telephone. The judge interacts with children to make them feel welcome. I usually discuss the case with children before court to ensure that their concerns or suggestions are raised. They always get credit for accomplishments.

### **Q: What is your county's shackling policy?**

Children are not shackled in court. ♦

# Fall Legal Review

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

## ▶▶ Contents:

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### ■ 1. Colorado Supreme Court

*People in Interest of D.Z.B., 20017SC250*, remains pending before the Colorado Supreme Court. The issue for review is whether the court of appeals erred in concluding that the petitioner does not have standing to appeal a juvenile court decision concerning pre-adjudication placement in a delinquency case.

### ■ 2. Colorado Court of Appeals

*In re Marriage of Tibbetts, 2018COA117*. In this decision, a division of the Court of Appeals holds that an appeal of a parenting time order is mooted where the child who is the subject of the order turns 18 while the appeal is pending.

The appeal concerned the district court's denial of father's motion to terminate its parenting time order when the child turned 16. Father's appeal raised several issues. He filed his opening brief the day before the child turned 18. Mother moved to dismiss the appeal. A motions division of the Court of Appeals deferred the mootness issue to the division deciding the merits and instructed the parties to address the mootness issue in their briefs.

The Court notes that the Uniform Dissolution of Marriage Act (UDMA) references the word "child" in provisions addressing entry and modification of parenting time but does not define "child." The Court considers the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), which defines "child" as an individual who has not reached 18. The Court reasons that it does not make sense to define child any differently under the UDMA and cites several Colorado statutes that define "child" to reference an individual under 18. The Court acknowledges that courts maintain jurisdiction for child support purposes until 19 under the UDMA but notes that, unlike parenting time orders which cannot be enforced once a child turns 18, child support orders do not require any cooperation from the child subject to the orders.

The Court rejects Father's reliance on *In re Marriage of Hartley*, 88 P.2d 665 (Colo. 1994), for two reasons. First, the

*Hartley* Court's statement that emancipation is "normally 21 years of age" was dicta, as the *Hartley* child remained under 18 throughout that case. Second, the Court distinguishes *Hartley* because it involved a child who sought representation by an attorney of his choice in a custody evaluation, not parenting time orders of a child over 18.

The Court also determines that the "capable of repetition yet evading review" exception to the mootness doctrine does not apply to the issues raised by Father's appeal and denies Mother's request for attorney fees.

*In Interest of D.C.C., 2018COA98*. In this decision, a division of the Court of Appeals holds that the court determining child support issues under Article 4 of the Children's Code lacked jurisdiction to determine paternity during an open D&N case under Article 3.

After the Weld County Department of Human Services filed a D&N case concerning the child and naming Father as the respondent father, the Weld County Child Support Services Unit filed a petition for child support in another division of the juvenile court. Father failed to appear at a hearing in the child support matter. Relying on an order from the child support case declaring the stepmother to be the legal parent of the child, the D&N court dismissed Father from the case. Father appealed.

The Court of Appeals holds that the D&N court erred in dismissing Father from the petition based on paternity findings made by the child support court. Under the Children's Code, the D&N court "maintains continuing, exclusive jurisdiction over decisions related to the status of a child who has been adjudicated dependent or neglected." The Court construes the statutory provisions of Articles 1, 3, and 4 in coming to this conclusion. The Court also indicates that dismissing a parent from an open D&N proceeding based upon findings made in a simultaneous child support proceeding (where many of the substantive and procedural protections afforded to parents in D&N proceedings do not exist) would deny that parent fundamental fairness in the proceedings. The Court reverses the order dismissing Father from the D&N proceeding and remands the case to the juvenile court.

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## Fall Legal Review

(Continued from page 5)

### ■ 3. Legislative and Policy Updates

Although the legislative session ended in May and the next session does not begin until January 4, 2019, the OCR is busy addressing legislative issues. Between sessions, the OCR participates in variety of task forces, committees, and other policy groups. This quarter included groups proposing technical cleanups to the Children's Code, issuing potential legislation regarding adoption subsidies, and addressing the Family First Prevention Services Act (FFPSA) passed as part of the Bipartisan Budget Act of 2018.

The FFPSA will drastically change the way child welfare is funded and prioritizes prevention and in-home services. The FFPSA is meant to substantially change current child welfare practices nationwide. Colorado has been a leader in analyzing the FFPSA and how it will impact our state and practice by forming a FFPSA Advisory Committee; forming Fiscal, Policy and Services/Programs Subcommittees; and engaging the Casey Family Programs to do compression planning.

In addition to being a member of the Advisory Committee, Policy Subcommittee, and Services/Programs Subcommittee, the OCR has participated in intensive compression planning. These groups have worked to identify what is needed to implement the FFPSA in Colorado and provided recommendations to the Colorado Department of Human Services.

There are many questions about what the FFPSA requires; further guidance is expected from the federal government in October. Once that guidance is received, the OCR will provide training to update our attorneys on the FFPSA, Colorado's roadmap, and possible policy impacts.

As mentioned on the listserv, OCR is launching a legislative committee in December 2018. This group will be comprised of six to ten attorneys from across the state who are willing to participate in a conference call every other week to review upcoming legislation and discuss potential impacts. Please email [ashleychase@coloradochildrep.org](mailto:ashleychase@coloradochildrep.org) if you are interested in this committee. Your feedback and expertise is incredibly valuable to the OCR. ♦

## Colorado Department of Human Services Closes Facilities



On July 16, 2018, Colorado Department of Human Services (CDHS) suspended the license of the Betty K. Marler Services Center (Center) in Lakewood, Colo., finding the Center unsafe after a July 9, 2018, incident in which Center staff allegedly lost control of a group of youth. <https://tinyurl.com/yclb9api>.

Six weeks later, CDHS suspended the license of the Robert E. Denier Youth Services Center in Durango due to the Center's unjustified and/or improper restraints and misleading/false reports regarding those restraints. <https://tinyurl.com/y9bvdm9c>.

These closures, along with the September 2017 closure of El Pueblo due to its mistreatment of children, emphasize the important role GALs can have in assessing and advocating for the safety of children. Please see <https://tinyurl.com/ya75f9k9> for an Initial Placement and Change of Placement Assessment that may assist you in these efforts. ♦

## Association of Family and Conciliation Courts Conference



*Melinda Orendorff, a GAL in the Tenth Judicial District (Pueblo), received an OCR scholarship to attend the national conference of the Association of Family and Conciliation Courts. Below are a few of her many takeaways from the conference.*

**New Research on Conflict, Children, Separation, and Co-parenting Workshop.** One topic discussed in this Workshop was the impact parental separation has on the quality of children's sleep. Sleep was generally better for children who lived with/had ongoing contact with both parents than for children whose parents were separated but who lived with/had contact with only one parent. Poor sleep was associated with adjustment and social problems. As basic as it may sound, regular bedtimes and bedtime routines can help improve children's sleep. Asking about bedtimes and bedtime routines and encouraging parents to have the same or similar bedtimes and routines, as well as helping ensure children of all ages get enough sleep may be a simple thing that CLRs can do to help children and families.

Another topic discussed in this Workshop was the impact shared parenting time and/or high-quality parenting time in high conflict divorces can have on children. Not surprisingly, children are better adjusted when they have high level of contact and high-quality parenting time with both parents. As a result, shared parenting time, particularly quality parenting time, is generally beneficial for children, even where there is a high level of conflict between parents. However, efforts should be made to structure such time in ways that minimize and shield children from exposure to conflict.

**Are There Diagnostic Tests for Parental Alienation? Workshop.** During this workshop, "parental alienation" (where a child allies him/herself strongly with one parent and rejects a relationship with the other parent without

justification) was contrasted with "realistic estrangement" (where a child's feelings toward the rejected parent are ambivalent and based on the parent's having been abusive, neglectful, or otherwise deficient as a parent). Criteria for diagnosing "parental alienation" includes a campaign of denigration of the alienated parent; frivolous rationalizations for criticism of that parent; a child's lack of ambivalent feelings toward the alienated parent; independent thinker phenomena (e.g., "No one told me to say this"); a child's reflexive support of the alienating parent; absence of guilt over exploitation of the alienated parent; borrowed scenarios and language (e.g., "Mom told me how he got drunk all the time"); and spread of animosity toward the alienated parent's family. ♦



## Highlights from OCR's Annual Performance Plan and Annual Report to the General Assembly (2018)

OCR recently submitted its Fiscal Year 2017-18 (FY17-18) Annual Performance Plan to the General Assembly. (The State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act requires OCR to prepare and publish a Performance Measurement System and an Annual Performance Plan. OCR's Performance Measurement System and Performance Plan are a reflection of OCR's statutory mandate, mission, and vision.) The complete Plan can be found at <https://tinyurl.com/ycaz22a1>. Some highlights of the Plan are reflected in the following tables, which all relate to OCR's goal of providing children a voice in the Colorado legal system through effective attorney services and advocacy. ♦

Increase direct feedback from youth	Baseline Data	FY18-19	
	Est. FY17-18	Goal	Actual
# of youth events attended or sponsored	5	5	
# of youth surveys received	114	50 (1)	
% of renewing attorneys with at least 1 youth reference interview completed	53%	60%	
% of attorneys stated child's (5 & over) position in court observations	63%	70%	
% of attorneys who indicated efforts to get child to attend in court observations	12%	20%	
Stakeholders indicate attorney Always/Usually advises the Court of the child's position	90%	95%	

1. This number is low as compared to the baseline to allow OCR time to redesign the survey, after analyzing gathered data from the initial survey.

Survey responses indicating strongly agree/ agree that the attorney:	FY15-16		FY16-17		FY17-18		FY18-19	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
Possesses relevant advocacy skills	90%	<b>88%</b>	90%	<b>91%</b>	90%	<b>91.0%</b>	95%	
Possesses requisite knowledge	90%	<b>88%</b>	90%	<b>91%</b>	92%	<b>90.2%</b>	95%	
Attends all court hearings	93%	<b>95%</b>	93%	<b>94%</b>	95%	<b>97.4%</b>	97%	
Demonstrates a good understanding of the child's strengths and needs	-	-	-	-	Est. Baseline	<b>86.1%</b>	90%	
Critically assesses department case & permanency plans	80%	<b>76%</b>	80%	<b>88%</b>	82%	<b>89.0%</b>	90%	

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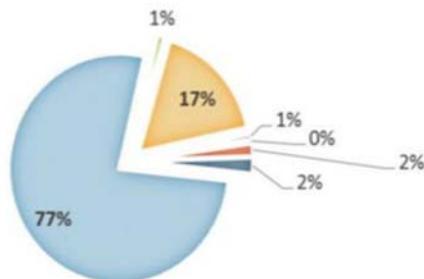
## Highlights

(Continued on page 8)

OCR also recently submitted its Report to the General Assembly for Fiscal Year 2017-18 (GA Report). (In addition to explaining the difficult work OCR contractors and OGAL attorneys do and the value of that work, the GA Report explains the functioning of the OCR and the ways OCR spends taxpayer dollars.) The complete report can be found at <https://tinyurl.com/y7cvcar8>. Some highlights from the Report are reflected in the following pie charts. ♦

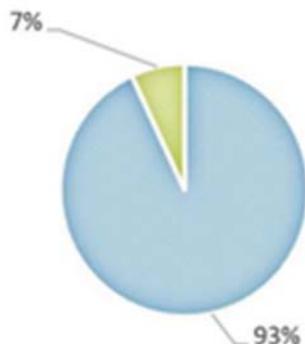
### PERCENTAGE OF CASE TYPE EXPENDITURES

■ D&N ■ DR ■ JD ■ Paternity ■ Probate ■ Truancy ■ Other GAL



### FY 18 ADMINISTRATIVE EXPENDITURES

■ Atty. services to children ■ Admin. costs



OCR's new Executive Director, Chris Henderson, and his adorable canine friend, preparing for the annual conference held Sept. 24 and 25 in Breckenridge, Colo.

## OCR Awards

Congratulations to GALs who were recognized for their work during OCR's annual conference and won awards as follows:

- ▶ **Beth Padilla**  
*Jim Covino Advocate of the Year*
- ▶ **Barbra Remmenga**  
*Distinguished Contribution to the Practice of D&N Law*
- ▶ **Debra Thomas**  
*Standing Up for Kids*
- ▶ **Christie Ciotola**  
*Social Services Profession of the Year*
- ▶ **Travis Carr**  
*Rising Star*

## Recent News & Resources



- **Child Abuse & Neglect Expert Staffing (CANES)** <https://tinyurl.com/y7kguc5h> are consultations completed by multidisciplinary teams of experts on challenging child welfare assessments, investigations, and cases, which may be requested by human services or law enforcement agencies.
- **Colorado Department of Human Services Division of Child Welfare (CDHS) Program Improvement Plan (PIP)** <https://tinyurl.com/y94b25wc> was recently submitted by CDHS to the Children's Bureau. The PIP outlines CDHS's plans for measured improvements in the specific outcome areas prioritized by the Children's Bureau in Colorado's recent Child and Family Services Report (CFSR). Federal acceptance of the PIP is expected in the fall, and the measured improvements must be completed within two years after the PIP's acceptance.
- **Concurrent Planning for Timely Permanence** <https://tinyurl.com/y9h75dm2>, a bulletin for professionals published by the Child Welfare Information Gateway, explores concurrent planning research and practice. Sections address the history of concurrent planning practices, concurrent planning today, the role of the courts, and the probability of reunification.
- **Disproportionality** <https://tinyurl.com/ybf4cv6s>, a website of the Child Welfare Information Gateway, connects users to publications addressing racial and ethnic overrepresentation in foster care, underrepresentation in family support and family preservation services, inequitable investigations of suspected maltreatment, and decision-making disparities.
- **The Effective Use of Reasonable Efforts Findings: Challenges Facing Attorneys** <https://tinyurl.com/y7lmkodw>, an article written by Retired Judge Leonard Edwards and published by the National Association of Child Advocates (NACC), addresses the role of attorneys in the reasonable efforts determination and the barriers preventing attorneys from effectively participating in proceedings. The article concludes, "Reasonable efforts decisions are at the heart of the federal law addressing how the state should intervene on behalf of abused and neglected children. A well-prepared and trained attorney can make a significant difference in juvenile dependency proceedings. By insisting that the agency produce evidence of efforts to prevent removal and, if a child has been removed, to facilitate reunification the attorney will ensure that children are not unnecessarily removed from their families and, if removed, that they are safely reunited, if possible"
- **Helping Your Child Transition from Foster Care to Adoption** <https://tinyurl.com/ybcon2u5>, a fact sheet for prospective adoptive families published by the Child Welfare Information Gateway, provides tips to promote attachment and ease adjustment at specific developmental stages, as well as resources encouraging permanency.
- **Judicial Approaches for Promoting Normalcy for Children in Foster Care** <https://tinyurl.com/y7ud2cjo>, an article written by Claire Chiamulera and published by the ABA's *Child Law Practice Today* (CLP), provides Judge Darlene Byrne's practical tips for ensuring children in foster care participate in normal childhood activities.
- **My Name Is Not "Respondent Mother": The Need for Procedural Justice in Child Welfare Cases** <https://tinyurl.com/y9b8xeub>, an article written by Vivek Sankaran and published by the ABA Child Law Practice Today (CLP), walks the reader through a parent's day in child welfare court; dispels myths and explains realities (*e.g.*, most child welfare cases involve parental neglect not horrific acts, compliance is higher when parents are treated fairly, children have better outcomes when raised by family); and provides action steps for building courts that support parents.

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## Financial Report

OCR closed fiscal year 2018 within its budget, reverting funds back to the General Fund.

Because it is still early in the fiscal year and due to the recent implementation of the upgraded CARES case management/billing system, it is too early to determine if OCR's expenditures will be within budget during Fiscal Year 2019. OCR fiscal staff will continue to monitor expenditures through the fall and determine if a supplemental appropriation is necessary for the current fiscal year.

OCR has begun developing its fiscal year 2020 budget request, which must be submitted to the Joint Budget Committee by November 1. ♦

## Recent News & Resources

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- **Reshaping Child Welfare in the United States: Lawyers as Partners in Prevention** <https://tinyurl.com/ya2us3dl>, written by Jerry Milner, Associate Commissioner of the Children's Bureau at the U.S. Department of Health and Human Services, and published by CLP, summarizes the current philosophy of the Children's Bureau – a philosophy that prioritizes prevention; envisions strength through partnerships, helping families thrive, supporting families where they live, and maintaining family and community ties; and dubs judges and lawyers “essential to bringing this vision to life, committing to guiding values and principles, and adhering to those values and principles in their daily practice.”
- **Wendy's Wonderful Kids (WWK)** <https://tinyurl.com/y77qn6x6> is the key program of the Dave Thomas Foundation (Foundation) for Adoption <https://tinyurl.com/l9luuo5>. The Foundation's mission is to dramatically increase the number of adoptions of children in foster care. Through WWK, the Foundation trains WWK adoption recruiters - recruiters with smaller caseloads dedicated to children most at risk of aging out of the system who use “proven tactics focused on finding the best home for a child through the starting points of familiar circles of family, friends and neighbors and then reaching out to the communities in which they live.” Click <https://tinyurl.com/y8rodlsz> to find a WWK partner agency near you. ♦

## ICWA Tips

ICWA-related remands continue to be on the rise. Tips for avoiding such remands include the following.

First, do not rely solely on the Department to conduct ICWA inquiries and send proper notice.

- ♦ Independently determine that the trial court is making ICWA inquiries on the record.
- ♦ If a parent indicates Indian heritage, ensure that the Department sends notice to relevant tribes. (For example, if a parent indicates possible Cherokee heritage without additional details, ensure that the Department sends notice to all tribes associated with Cherokee heritage, as well as the regional Bureau of Indian Affairs office.)
- ♦ Ensure that the Department sends notice in a timely manner.
- ♦ Ensure that the notice the Department sends complies with ICWA and the ICWA Regulations. Ensure that the notices sent by the Department have all necessary information (or at least all available information, which can sometimes be quite limited).

The process of creating and sending proper ICWA notice is a highly detailed endeavor. It behooves everyone to ensure that proper notice is sent at the trial court level, thereby avoiding a

remand in the court of appeals. Even your County Attorney will thank you for your nit-picky review of ICWA notices (or at least they should)!

Second, if you receive a case that has already been open for a while (e.g., through change of venue or a GAL re-assignment), review the record and determine whether an ICWA inquiry has been made and whether proper ICWA notice was sent. While you are getting acquainted with the children, parents, and professionals in case that is new to you, it can be easy to forget about ICWA or to assume that you do not need to worry about ICWA because it should have already been ruled in or out. An ICWA review should be part of your initial investigation on any case, including those that have been open prior to your appointment.

Third, please contact any attorney on the Appeals Litigation Support List (LST) <https://tinyurl.com/yceh5okf> with ICWA-related questions or concerns.

*OCR would like to thank Litigation Support List GAL Anna Ulrich for these tips.*

## Highlights from OCR's Annual Attorney Satisfaction Survey

Thank you to everyone who responded to the *OCR Attorney Satisfaction Survey* this summer. Your feedback is an incredible resource to OCR and helps guide our practices and priorities. OCR received an amazing 194 responses from attorneys in all 22 judicial districts. Below are some results.



### Top Three Newsletter Features Respondents Would Miss:

- ➔ Resources
- ➔ Practice support tips
- ➔ Office administration/CARES tips

### Top Five Respondent Case Types and Roles:

- 1 D&N cases as GAL
- 2 Delinquency cases as GAL
- 3 D&N cases as counsel for the child
- 4 Truancy cases as GAL
- 5 DR cases as CLR



78% of respondents reported that they currently have enough cases to sustain the practice they want, 18% reported they do not have enough, and 4% reported that they have too many.

79% of respondents indicated that the number of attorneys on the pickup list in their jurisdiction is adequate, 11% indicated that the number is too many, and 10% reported that it is not enough.

### Top Three with Highest Current

#### OCR Resources:

- 1 [GRID book](#)
- 2 Free Westlaw access
- 3 [Email listserv](#)



### Most respondents indicated that new CARES is better in:

- Look and feel,
- Entering billing activities,
- Ease of use,
- Efficiency, and
- Payment schedule

### Top Three OCR Resources with Highest Potential Value:

- 1 [GRID book](#)
- 2 [Litigation Toolkit](#)
- 3 Free Westlaw access

Just over half of the respondents (50.39%) indicated that there is no difference between old and new CARES in terms of efficiency, while 37.8% indicated new CARES is better, and 11.81% indicated that old CARES was better. The responses related to case management were nearly even – 32% indicated old CARES was better, 32% indicated new CARES is better, and 36% indicated no difference.

# Office of the Child's Representative

## MISSION

*The mission of the Office of the Child's Representative (OCR) is to provide effective legal representation to Colorado's children involved in the court system because they have been abused and neglected, impacted 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 its attorneys provide these children, Colorado's most vulnerable and marginalized population in the courts, 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.*

## VALUES

1. **Accountability:** *Colorado's children, attorneys, and taxpayers can count on OCR to ensure that each decision we make and action we take advances our mission in a fair and transparent manner.*
2. **Efficiency:** *OCR strives to accomplish its mission and conserve resources by streamlining efforts, adhering to deadlines, resolving conflict constructively, and honoring well-defined projects, processes, and roles. We balance our drive to achieve with thoughtful planning and implementation.*
3. **Empowerment:** *OCR cultivates an environment of respect and honesty. We value the experience and expertise of the children we serve, our contract attorneys, and our staff. We invest time to connect, focus on strengths, value feedback, and recognize success. We support each other in our mission to empower children.*

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