

Appendix A: Information Sources Benchmarks and Follow Up Chart


The OCR attorney applications process is designed to support attorneys in their pursuit of best practices and provide the OCR a broad perspective on each contractor's strengths, challenges, and opportunities for improvement. Through this process, the OCR confirms attorneys' compliance with the CJD and their contract with the OCR. The OCR also identifies attorneys who provide high quality investigation and advocacy in an efficient practice. The information collected also helps OCR and attorneys identify areas for improvement and, in some instances, CJD and contract compliance issues.

The State Auditor's 2018 Performance Audit recommended that the OCR establish benchmarks for evaluating quantitative and qualitative aspects of performance, guidance for using the information collected to address performance issues, and requirements for documentation. This document standardizes, for each source of information used, benchmarks requiring follow-up and action steps.

In reviewing the information collected during its renewal and verifications process, the OCR is mindful that effective best interests advocacy is difficult to standardize and measure. Each quantitative and qualitative source of information provides only discrete indicators of overall practice and must be analyzed in light of its limitations. Additionally, information indicating CJD and/or contract compliance issues may reflect issues beyond an attorney's control, such as an attorney shortage in a district or a sudden spike in appointments.

In determining what action to take in response to any information source or combined information sources, the OCR considers a number of factors, including but not limited to:

- Does the information source definitively demonstrate a CJD/contract non-compliance, or does it merely indicate potential noncompliance?
 - If the information source merely indicates potential noncompliance, is the potential noncompliance indicated by other information sources?
- What factors caused the CJD/contract compliance issue?
- Does the compliance issue reflect an ongoing performance issue or was it the result of unique/point in time circumstances?
- What is the attorney's commitment to and plan for addressing the compliance issue?
- What are the judicial district's attorney needs, and how will the OCR's action to address the compliance issue impact those broader needs?

 *An attorney's non-compliance with CJD 04-06's a) caseload cap or b) initial in-placement visit requirements for more than 10% of children on the attorney's D&N caseload requires OCR action.*

Possible OCR actions to address identified CJD/contract compliance issues may include but are not limited to:

- Addressing the compliance issue through the clarification of a CJD requirement, training, or other practice support.
- Addressing attorney caseload issues through the addition of attorneys to the judicial district list.
- Removing (temporarily or long-term) the attorney from the appointment list.
- Documenting the specific actions the attorney will take to address the compliance issue.
- Modifying the terms of the attorney's contract to reflect the attorney's agreed actions to address the compliance issue.
- Monitoring the attorney's performance on at least a quarterly basis to assess whether the attorney has successfully addressed the compliance issue.
- Terminating the attorney's contract and seeking substitution of counsel on existing appointments. *The decision to seek removal of an attorney from existing appointments must comply with CJD 04-06 and should, whenever possible, include consideration of the impact on continuity of representation for the child and the caseload of other attorneys in the judicial district.*

Annual Review (Applicable to both Verifications and Renewals)

Information Source ▼	Benchmark for Follow-Up ▼	Follow-Up During Verifications/Applications Cycle ▼
CJD Visit Report (aka 30-Day Visit Report)	Attorney did not comply with 30-day visit requirement for more than 10% of children.	<p>Compare to CJD Exceptions Report.</p> <p>Communicate with attorney to identify whether lack of compliance indicated by report is accurate and not the result of a billing issue, early case closure, or CJD exemption.</p> <p>Determine OCR action to address missed visits for more than 10% of children.</p>
CJD Exceptions Report	Attorney reports missed visits for more than 10% of children or other CJD compliance issues on more than 10% of cases.	<p>Determine OCR action to address missed visits for more than 10% of children.</p> <p>For other CJD compliance issues, communicate with attorney to discuss reasons for noncompliance and potential solutions.</p>
Activity Report (cost per case and composition of activity)	Average cost per case is 50% above/below state average. Proportion of travel time is 10% above district average or visits with children is 10% /below district average.	Communicate with attorney to identify potential CJD/contract compliance issues; review case samples from CARES if necessary to further analyze issue.
Discipline Report	Reported OARC proceedings involve/raise a potential GAL/CLR practice issue.	Discuss discipline with attorney, obtain further information from OARC if necessary.
Training Verification	Inability to certify 10 hours of OCR sponsored/approved CLEs.	Ensure attorney attends 10 hours of required training before picking up cases in the next FY.
Stakeholder Report	Either number or consistency of negative responses indicates a CJD/contract compliance issue.	Communicate with attorney to assess validity of potential issues. If feedback is serious and disputed, reach out to stakeholders for additional information. For valid issues, discuss potential causes and solutions.
Complaint(s)	Founded complaints during timeframe and/or pending follow up.	Identify whether CJD/contract compliance issues have been satisfactorily addressed.
Child Count Report	<i>Reported child count exceeds CJD caseload cap (TBD).</i>	<i>Communicate with attorney to identify accuracy of report and action to be taken to reduce caseload.</i>
<i>Issues identified through Risk-Based Sampling/Periodic Reports (to be implemented after completion of CARES reports)</i>	<i>Follow up actions/analysis remains outstanding or other information sources reflect ongoing issue.</i>	<i>Identify whether issues have been satisfactorily addressed.</i>
<i>Youth Surveys (potential future addition)</i>	<i>For FY 2018-19, the OCR plans to review survey results with individual attorneys to assess the potential use of this information as a verifications/applications component.</i>	

▼ Tri-Annual Review (Renewals) ▼	Information Source ▼	Benchmark for Follow-Up ▼	Follow-Up During Verifications/Applications Cycle ▼
	Court Observation Summary	Observations indicate potential issue with not stating GAL or child position, not providing independent information to court, not attending court.	Communicate with attorney and review in light of other information sources to assess validity of potential CJD/contract compliance issues and to identify causes and solutions.
	Case reference Summary	Information provided indicates lack of communication, professionalism, or engagement.	Communicate with attorney to assess validity of feedback, causes, and solutions.
	Writing Sample	Attorney does not provide substantive writing sample or writing sample indicates a CJD/contract compliance issue or training need.	Communicate with attorney to determine whether issue exists and whether issue is unique to the attorney or the result of a judicial district practice/custom.
	Activity in Timeframe Report (aka 45-Day Report) <i>With new CARES, it may take a year or two to develop a meaningful Activity in Timeframe Report</i>	Average time deviates from state average by 30%.	Communicate with attorney to assess CJD/contract compliance issues; analyze in light of other data sources.