

Office of the Child's Representative  
**Billing Policies and Procedures**

Effective Date 12/14/2018 | <http://www.coloradochildrep.org/attorney-center/billing/>

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The Colorado Office of the Child’s Representative (OCR) contracts with experienced and specialized attorneys to provide children/youth best interests legal representation as guardians *ad litem* (GALs), child legal representatives (CLRs), or as counsel for children in Dependency and Neglect (D&N) proceedings. As used in this document, attorneys appointed as GAL, CLR, or Counsel for Children are referred to as “Attorneys.” An Attorney is an independent contractor subject to an at-will contract. **Every Attorney contracting with the OCR must review this Billing Policies and Procedures document and is responsible to ensure his/her staff does so as well.**

Attorney payments are funded exclusively by taxpayer dollars. As such, the OCR maintains a high level of accountability for the expenditure of these funds and the expectation that 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. It is a priority to ensure Attorneys are paid for legitimate work and the Executive Director (or his/her designee) may, in extraordinary circumstances, allow an exception to these policies if necessary and appropriate to ensure Attorneys are paid for legitimate work in representing the best interests of a child(ren).

If you need to contact the staff attorney assigned to your judicial district (JD), you can always find that contact information by district at <http://www.coloradochildrep.org/attorney-center/>.

## I. OCR Mission Statement

The mission of the Office of the Child’s Representative (OCR) is to provide competent and effective legal representation to Colorado children involved in the court system because they have been abused and neglected, impacted by high-conflict parenting time disputes, or charged with delinquent acts and without a parent able to provide relevant information 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.

### OCR Values

**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.

**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.

**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.

## II. CARES Billing System

The Attorney and his/her staff, as applicable, must enter their time and expenses for each month into OCR's billing and case management online application C.A.R.E.S. (Colorado Attorney Reimbursement Electronic System, called CARES or OCR CARES throughout this document). CARES is a secure online application which allows Attorneys, paralegals, social services professionals, and billing personnel to enter all case-related activity into the system electronically. All Attorneys are required to enter work performed on OCR cases into the OCR CARES system in order for the Attorney to be paid. Time and expenses may be entered at any time. The OCR provides an [OCR CARES Handbook](#) to all contract Attorneys.

OCR CARES is user-sensitive. Attorneys with associate(s)/staff who perform billable work on OCR cases must request a separate username and password for each such person via the form at <https://fs30.formsite.com/COCR/AddToCARES/index.html>. Each staff member's email address must belong to him/her (never used by anyone else) and never have been associated with another account in

CARES. All work entered under the Attorney's or associate Attorney's username will be billed at the Attorney rate.

The Attorney and his/her staff must safeguard OCR CARES password(s) by not sharing the password with anyone. OCR strongly recommends that each user change his/her password at least every three months (User Settings > Change Password).

The OCR requires that Attorneys enter all new appointments into OCR CARES within 48 business hours of notification to the Attorney of the appointment. Prompt entry of appointment information enables the OCR to have an accurate appointment and child count each month, timely monitor its budget and proactively address developing trends.

Other data Attorneys must enter into OCR CARES:

- a. Placement data for minor child(ren) within 72 hours of Attorney learning of the placement and placement change in all D&N cases.
- b. All contacts with minor child(ren);
- c. All case outcome data;
- d. All billable time.

The OCR recommends the Attorney enter as much data into CARES as possible to ensure quality and accurate reporting.<sup>1</sup> Attorneys must use CARES to pay for Attorney time, ordinary travel, ordinary mileage, child meals (under \$10), postage, discovery fees, transcript fees and copies. Under special circumstances, the OCR [staff attorney liaison](#) may authorize Attorneys to "paper bill" (use a non-CARES form) on certain cases or activities. This requires pre-approval from the OCR staff attorney. Under most of these circumstances, Attorneys will be directed to bill via the [Non-CARES Case Billing Form](#). Paper case billing forms must follow invoice deadlines unless otherwise authorized by the OCR staff attorney.

In order to maintain accurate billing reports, it is important for the Attorney to close appointments in CARES within seven (7) days of the appointment ending and to notify OCR when his/her last appointment closes.

### III. Billing Rates and Payment Periods

**The OCR operates on a monthly invoicing system.** The Attorney must generate an invoice each month within CARES and submit it to OCR in CARES **NO LATER THAN midnight on the 15<sup>th</sup> day of the following month.**<sup>2</sup> OCR will only grant exceptions to these timeframes in extraordinary circumstances as approved

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<sup>1</sup> CARES is a billing system AND a case management system in which an Attorney can take notes, attach documents and keep detailed data about case. OCR Staff Attorneys cannot view attachments or the Appointments > Notes tab. See the *OCR CARES Handbook* for more information.

<sup>2</sup> If the 15th falls on a weekend or state holiday, the invoice deadline is midnight on the next business day.

by the Executive Director. Pursuant to the OCR's fiscal policies, OCR has 45 days to pay undisputed billing requests; however, OCR will endeavor to pay all CARES invoices within 30 days after receipt.

Attorney and staff rates are determined through the legislative process and are set as follows effective July 1, 2018:

Type	Amount
Attorney	\$80.00/hour
Paralegal	\$32.00/hour
Social Services Professional (SSP)	\$44.00/hour
Copies	\$0.10/copy
Mileage	Rate defined annually by § 24-9-104, C.R.S. Currently the rate is \$0.49/mile.

## Invoicing

Please consult *Invoicing* in the [OCR CARES Handbook](#) for step-by-step directions about how the Attorney can generate and submit an invoice and receive notifications about its status. Below are the rules and policies for invoicing.

### Invoice Rules

- a. The Attorney will generate a monthly invoice within the CARES billing system which **must be reviewed and submitted by the Managing Attorney for the Attorney's Office**. Note, solo practitioners are automatically considered "Managing Attorneys." The Attorney is solely responsible for the content of his/her billing invoices to OCR, including any time or expense entered by the Attorney's staff, a billing service, or other person. The Managing Attorney is responsible for reviewing each invoice to ensure it is accurate and in compliance with these billing policies.
- b. Attorneys must submit invoices within CARES by midnight on the 15th of each month for all work/expenses performed during the previous month. Invoices must be submitted no later than midnight on the 15<sup>th</sup> day of the month.<sup>3</sup>
  - o To submit an invoice after this deadline, the Attorney must obtain approval from the Executive Director; invoices with approved deadline extensions will be processed after all timely invoices for that month.
- c. Attorneys cannot submit multiple invoices for the same month or for overlapping periods; once an Attorney has submitted an invoice for dates of service taking place during a month, s/he is not allowed to submit another invoice for that same month.
  - o If an Attorney submits multiple invoices for the same month, all invoices for that month will be rejected by OCR and the Attorney must resubmit a single invoice for that month (unless the Executive Director has approved multiple invoices due to extraordinary circumstances).

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<sup>3</sup> If the 15th falls on a weekend or state holiday, the invoice deadline is midnight on the next business day.

- d. OCR processes invoices in the order they are received (referred to as "queue position"). If OCR rejects an invoice (including multiple invoices as described above), that invoice loses its queue position unless OCR notifies the Attorney otherwise. Processing time for some invoices may take longer than others due to their complexity.

## Invoice Approval and Rejection

If the Managing Attorney discovers an error or adjustment to his/her previously submitted (but not yet approved) invoice, s/he should contact the OCR Billing Manager to have the invoice rejected, enabling him/her to submit a revised invoice. The revised invoice will get a new queue position and be processed in the order in which it was received.

OCR applies two levels of approval: 1) Billing Manager and 2) Finance. Once an undisputed invoice is submitted, the OCR has up to 45 days to make payment to the Attorney; however, the OCR will endeavor to pay all undisputed invoices within 30 days of receipt. Attorneys can find an "Exported" date on each paid invoice to indicate when it was "exported" (sent) to the state's accounting system for payment.

When an invoice is rejected, the Managing Attorney will receive not only an email notification but also a notification on the Home Screen of CARES. Click on the Home Screen notification to jump to the invoice itself; language in red at the top will explain why the invoice was rejected. All the activities that were included on the rejected invoice are returned to their original, un-invoiced state so the Attorney and his/her staff can edit them to create a revised invoice.<sup>4</sup> The Managing Attorney has 14 calendar days from the time the invoice was rejected to adjust activities as needed, generate a new invoice, and submit it to OCR for payment. To submit a revised invoice after this deadline, the Attorney must obtain approval from the Executive Director.

## IV. Eligibility Requirements

**The OCR is appropriated to pay Attorney services as authorized by [Chief Justice Directive \(CJD\) 04-06](#) and related appeals in Dependency & Neglect (D&N) matters.**

The OCR does not fund legal services provided in related or ancillary cases without a valid court appointment. The OCR does not fund treatment or services.

### Appointment Eligibility Lists

The OCR is only authorized to pay Attorneys who (1) have been approved and are on a current [appointment eligibility list](#); (2) have been approved to continue their cases (but are not on a current appointment eligibility list); or (3) have received preapproval by the OCR [staff attorney liaison](#). Attorneys

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<sup>4</sup> As noted in the CARES handbook, activities that appeared on a rejected invoice can no longer be deleted but can be changed to "non-billable" to exclude them from a revised invoice.

on the appointment eligibility list are approved for particular case type(s) in one or more judicial districts. These lists are maintained on OCR's website; use the hyperlink above to review the current lists. If the OCR becomes aware of work being performed by an attorney who is not authorized, the OCR may, in its sole discretion, seek substitution of an OCR-approved Attorney to complete the appointment.

Attorneys currently representing the best interests of a child may be appointed to represent that child's best interests in a related legal proceeding even if the new case is of a different case type or in a different county than previously approved. For example, an Attorney who is approved to do juvenile delinquency cases in a particular district may be appointed to represent the child in a subsequently-filed dependency and neglect case even if s/he is not on the D&N list for that district. Similarly, an Attorney on OCR's eligibility list may be appointed to represent a child's best interests in a related legal proceeding in another district (i.e., an Attorney who is approved to do D&N cases in Denver County may be appointed as a GAL to the child in a subsequently-filed delinquency case in Adams county even if s/he is not on the list for Adams county). These situations do *not* require preapproval by the OCR. Preapproval is required for an Attorney to be appointed for a case type or county for which s/he is not on the appointment eligibility list if s/he does not have an open appointment regarding the specific child.

## Required Documentation

New Attorneys receive the required forms described in this section with instructions in their welcome email; the forms are also available online at <http://www.coloradochildrep.org/attorney-center/billing/>. If the Attorney needs to make *changes* to previous documentation on file with OCR, please see the later *Changes to Billing Information* section.

Attorneys must submit a completed **W-9 Form** to the OCR prior to receiving payment. The name and Taxpayer Identification Number (TIN) (social security number, EIN, etc.) on the W-9 Form must be identical to the name and TIN the OCR Attorney uses to report income to the IRS and State of Colorado. See also *Taxpayer Identification Number* in the next section. Attorneys will receive a **Form 1099** each year if OCR made payments to the Attorney during the preceding calendar year.

The OCR pays all Attorneys through Electronic Funds Transfer (EFT) direct deposit payments. Thus, Attorneys must complete and return both a (1) **Direct Deposit (EFT) Form** and (2) a voided check to the OCR before s/he can receive payments from OCR. *Please note that an Attorney's failure to provide OCR with either the Direct Deposit (EFT) Form or voided check will result in the State of Colorado withholding payments to the Attorney and may result in nonpayment.*

## V. Billing Information and Requirements by Case Type

### General Billing Information

*“Attorneys shall maintain records of all work performed relating to court appointments and shall make all such records available to the OCR and/or to the court for inspection, audit and evaluation in such form and manner as the OCR or court may require, subject to the attorney work product doctrine and any other applicable privileges.”*

#### **CJD 04-06 IV.B.3**

The OCR pays Attorneys an hourly rate for the actual time expended by the Attorney on an activity that is reasonably necessary to provide competent and diligent best interests legal representation and legal services within the scope of the Attorney’s appointment. Attorneys shall not charge an unreasonable fee. *See*, Colorado Rule of Professional Conduct 1.5. In addition, Attorneys cannot bill the OCR for activity durations that are under 6 minutes (0.1 hours); Attorneys can, however, aggregate activities of the same type to equal a minimum of 6 minutes on the same case. (E.g., bill after reviewing 6 minutes' worth of emails on the same case.) Attorneys shall ensure billable activities are done in a cost-effective and efficient manner.

### Office

Attorneys can only invoice from one office at any one time in CARES. The OCR will not pay Attorneys through more than one office at the same time. The OCR will only grant exceptions to this requirement in extraordinary circumstances as approved by the Executive Director. Note, this does *not* apply to support staff who are not paid directly by OCR and may work for multiple offices. Each office in CARES is defined by its taxpayer identification number (next section).

### Taxpayer Identification Number (TIN)

**If an Attorney's office's taxpayer identification number (TIN) changes, OCR is required to give the Attorney a new account in CARES—this means the Attorney will need to end all current appointments under the CARES account with the defunct TIN and re-create those appointments using a new account.** This is because CARES is a billing system for payments through the State of Colorado, and state accounting rules require that there be no overlap in payments to different tax entities. The OCR will only grant exceptions in extraordinary circumstances as approved by the Executive Director.

Below are three office change scenarios with descriptions of their practical consequences related to OCR and CARES.

- a. An Attorney makes a cosmetic change to his/her office name, but the office's TIN *does not* change: The Attorney's CARES login *will not* change, and s/he will *not* have to re-enter cases under a new CARES account. However, the Attorney must notify the OCR via the [Change Request Form](#) so that



the business name in the OCR's records (including the state accounting system) matches the IRS's records.

- b. An Attorney is a solo practitioner and his/her office's TIN changes (e.g. if s/he incorporates): The Attorney must notify the OCR via the [Change Request Form](#) so that the business name in the state accounting system matches the IRS's records. The Attorney will also receive a new CARES login, meaning s/he will have to end the open cases under the old login and then reestablish (re-enter) all open cases under the new login. The Attorney will retain access to both CARES accounts indefinitely and can reference case history by logging into the old account. The *Change Request Form* will require the Attorney to provide a new W-9 form and other documentation for OCR to update the information in the state accounting system.
- c. An Attorney leaves a firm at which other OCR attorney contractor(s) remain: The Attorney's TIN and CARES account will both need to change, meaning the Attorney will have to end open cases under the old login and then reestablish (re-enter) all open cases under the new login and office. The Attorney will not retain access to the CARES account affiliated with the former office. The Attorney must submit a [Change Request Form](#) to provide a new W-9 form and other documentation for OCR to update the information in the state accounting system.

Before making changes to one's office structure, OCR recommends talking to our operations team to gain clarity about how that specific change will impact CARES accounts and payments. While the OCR may not provide tax advice, consultation with a tax preparer and the following websites may provide helpful information about the potential tax consequences of a change in a tax ID:

<https://www.irs.gov/individuals/international-taxpayers/taxpayer-identification-numbers-tin> and <https://www.irs.gov/businesses/small-businesses-self-employed/do-you-need-a-new-ein>.

## Changes to Billing Information

If an Attorney needs to change the business name, legal name, TIN (see above), bank information, or any other information that impacts billing, s/he must: (1) complete a [Change Request Form](#) on the OCR's website, (2) Complete a new Direct Deposit (EFT) form if applicable and (3) provide a voided check if applicable (the change form includes the paperwork for steps 2 and 3). The Attorney will receive a confirmation email upon successful completion. The OCR will complete the change within two weeks of the effective date requested on the form. **Changes do not take effect upon submitting the change request.** Questions about this process can be directed to the [OCR Administrative and Accounting Specialist](#).

## Record-Keeping

As detailed in the OCR contract, an Attorney must substantiate his/her billing, explain what occurred on a certain day in a certain case, and/or reconstruct his/her entire day upon OCR's request. Such substantiation must be by records or documents including, but not limited to, calendars, activity-specific notes in CARES, case logs, time sheets, and/or time records; mileage logs; notes; phone messages; letters; and email. An Attorney's failure to provide such records or documents upon OCR's request will result in

the nonpayment of the Attorney's billing and expense reimbursement(s), as OCR in its discretion may decide.

## Staff

Attorneys may utilize staff (e.g. paralegals, social service professionals (SSPs)) to assist them under an OCR contract with out-of-court tasks that are not personally assigned to the GALs under CJD 04-06 as long as such use promotes efficiencies and enhances rather than hinders the attorney's personal knowledge of the case and continuity of representation for children/youth. Such staff do not need specific OCR approval or a contract with the OCR to bill for their time. Staff enters his/her billable time in OCR CARES using a unique user name issued by the OCR under the OCR Attorney's office. The Attorney can request to add support staff to OCR CARES using the form at <https://fs30.formsite.com/COCR/AddToCARES/index.html>. The Attorney's invoice will automatically include the time expended by staff on such activity at the standard rate for such staff (e.g., associate, paralegal, SSP, etc.—see also *Billing Rates and Payment Periods*).

The Attorney and his/her associate and/or staff CANNOT both bill for performing the same case-related activity. By way of example, but not limited to:

- a. The Attorney and staff cannot both bill for "consultation;" only one may bill for consulting each other.
- b. The Attorney and staff cannot both bill for attending the same staffing; only one may bill for the staffing.
- c. Staff cannot bill for time spent in court. However, if staff has been subpoenaed as a witness for specific testimony in a contested hearing, the Attorney must get preapproval for payment of the time spent testifying and for time reasonably necessary to prepare. Such approval should be requested via email to the OCR [staff attorney liaison](#). **Staff/SSPs may not act as an advisory witness on a case.**

*OCR will, however, allow both the Attorney and staff to bill for one "introductory" meeting in order for the Attorney to introduce staff as the Attorney's agent and begin to establish a relationship between the child and the Attorney's Staff. Exceptions will be approved only in extraordinary circumstances by the Executive Director.*

## Associates

Attorneys' use of associates on OCR appointments is a means of providing mentoring and training to newer attorneys and attorneys new to child welfare and juvenile law, and the effective use of associates may enhance the representation provided on individual cases. Attorneys must use associates in a manner that achieves efficiencies, complies with the requirements of CJD 04-06, and promotes continuity in representation for children. Associate Attorney time is billed in OCR CARES at the Attorney rate using the Associate Attorney's own unique user name issued by the OCR which is assigned under the OCR Attorney's office.

The use of associate Attorneys must comply with the following:

- **Case-Carrying Associates:** Every case-carrying attorney must have an individual contract with the OCR. Case-Carrying Attorneys are qualified to provide court coverage for the appointed Attorney.
- **Non-Case-Carrying Associates in Court:** CJD 04-06 provides that “in exceptional circumstances, another qualified attorney who has sufficient knowledge of the issues and status of the case may substitute for some hearings, with permission of the court.” In order for an Attorney to use a non-case-carrying associate to cover court hearings consistent with these CJD requirements, they must first be approved by the OCR [staff attorney liaison](#).
- **Non-Case-Carrying Associates performing Out-of-Court Tasks:** As with other staff, associates may assist attorneys under an OCR contract with out-of-court tasks that are not personally assigned to the GALs under CJD 04-06 as long as such use promotes efficiencies and enhances rather than hinders the attorney’s personal knowledge of the case and continuity of representation for children/youth. Such associates do not need specific OCR approval or a contract with the OCR to bill for their time. They do need an individual OCRCARES user ID and must log their work separately. Non-case-carrying associates must comply with the staff policies above.

For non-billing questions regarding the use of associates please see the [associates policy](#) on the OCR website.

### *Social Services Professionals (SSP) Billing*

When authorized under CJD 04-06, the Attorney may use a Social Services Professional (SSP) to perform activities that are reasonably necessary to provide competent and diligent representation within the scope of the Attorney’s appointment and require social work expertise but can be done more effectively or efficiently by staff rather than by an Attorney. Attorneys must have SSPs' qualifications [approved by the OCR](#) and use SSPs in an efficient manner that is consistent with Chief Justice Directive 04-06 (CJD) and the Attorney’s contract with the OCR. For further information about SSP qualifications please see the [SSP policy](#) on the OCR website.

### *Prioritization of Billing Activities*

Billing for substantive work takes priority when the Attorney or staff is multitasking. By way of example, but not limited to:

- a. An Attorney making telephone calls for 48 minutes while driving (if safe to do so) for an hour should bill 48 minutes (0.8) as “Communication with...” and the remaining 12 minutes (0.2) as “Travel Time” on the case to which s/he was traveling.
- b. An Attorney reviewing a court report for 18 minutes while waiting 24 minutes for the case to be called should bill 0.3 as a “Review Hearing-Related Document” activity and the remaining 0.1 as “Wait Time” on a "Court" activity.

In addition to Colorado statutes, as an Attorney licensed to practice law in Colorado, professional and ethical obligations dictate for what activity and expenses Attorney may seek payment/reimbursement from the OCR. Attorney cannot engage in duplicative or multiple/value billing or seek expense reimbursement in excess of those actually incurred (see *People v. Shields*, 905 P.2d 608 (Co. 1995); *People v. Walker*, 832 P.2d 935 (Co. 1992)).

### 12 Hour Daily Limit

The Attorney and/or staff must obtain approval to be paid for days in which activities total 12 hours or more. Approval can be requested via email to the OCR [staff attorney liaison](#) and should be requested as soon as possible after becoming aware of the need for a 12-hour (or more) day.

### Reasonable Expenses

OCR will reimburse Attorneys' reasonable out-of-pocket expenses as incurred by providing legal services as a GAL, Counsel for Child in Dependency and Neglect, or CLR, as follows:

- a. Copy charges (at the rate shown in *Billing Rates and Payment Periods* above);
- b. Mileage at the rate defined by § 24-9-104, C.R.S. (the actual number of miles must be specified for each trip in CARES). (See Ordinary Travel Time and Mileage Section for additional information);
- c. Actual cost of meals for child(ren)/youth whose best interests the OCR Attorney represents up to \$10.00;
- d. Postage at cost (regular 1st class mail charges).

Any other expenses require preapproval from the assigned Staff Attorney for each Attorney's district. OCR does *not* pay for:

- a. Administrative activities (e.g., setting up paper files, typing, time spent copying items, review or organization of Attorney files, time spent mailing letters/pleadings; time spent billing);
  - a. **Exception: OCR will pay up to 0.1 hours to open or close an appointment in CARES. Use Activity Group "Data Management."**
- b. Toll charges;
- c. Items purchased for child(ren)/youth, (e.g., books, school supplies, extra-curricular activity fees/equipment, clothing, and other items);
- d. Any other cost or expense not authorized in this document.

### Case Types and Requirements

OCR is authorized by law to pay for GALs in dependency and neglect cases and appeals, juvenile delinquency and direct file, adoption, relinquishment, paternity, child support, domestic relations, probate, truancy, mental health, for a minor victim/witness and any other GAL or CLR appointments where authorized by statute or inherent authority of the court. In addition, the OCR is authorized to pay for counsel for children in dependency and neglect cases. The OCR is only responsible for payment in domestic relations, paternity, probate or relinquishment cases if there is a finding of indigence. Each case type has a standard "Appointment Billing Allocation" established by the OCR as follows:

Case Type	Appointment Billing Allocation	Finding of Indigency Required	Special Considerations
Title 19 <b>Dependency &amp; Neglect</b>	\$5,000	NO	Attorney must set up his/her appointment to the case in CARES before billing for work performed. No other authorization is required.
Title 19 <b>Juvenile Delinquency &amp; Direct File</b>	\$2,000	NO	Attorney must set up his/her appointment to the case in CARES before billing for work performed. No other authorization is required. Appointment ends upon sentencing of the youth unless continued by the Court for a child in out of home placement or when the youth turns 18, unless the court finds the youth has developmental delays.
Title 22 <b>Education (Truancy)</b>	\$1,250	NO	Attorney must set up his/her appointment to the case in CARES before billing for work performed. No other authorization is required.
Title 19 <b>Paternity and Support</b>	\$1,250	YES	The OCR will pay for GAL services in paternity and support cases only if a court finds one or more of the parties ordered to be responsible for the costs are indigent. <i>See Indigency Finding Requirements</i>
Title 14 <b>Domestic Relations (CLR)</b>	\$1,250	YES	<u>For pre-decree/married parties:</u> Both parties must be indigent based on a consideration of their combined income and assets.  <u>For post-decree/unmarried parties:</u> OCR will pay the indigent party's portion of the Attorney's invoice. I.e. if both parties are indigent, OCR will pay 100% of the Attorney invoice. If one party is indigent, the OCR will pay the indigent party's portion of the invoice. <i>See Indigency Finding Requirements below.</i>
Title 15 <b>Probate</b>	\$1,250	YES	The OCR will pay for GAL services in probate, guardianship and conservatorship cases only when the parties ordered to be responsible for the costs are indigent or the minor's estate is deemed indigent. <i>See Indigency Finding Requirements</i>
Title 27 <b>Mental Health</b>	\$750	NO	Attorney must set up his/her appointment to the case in CARES before billing for work performed. No other authorization is required.
Title 19 <b>Adoption and Relinquishment</b>	\$750	YES	The OCR will pay for GAL services in adoption and relinquishment cases only if a court finds one or more of the parties ordered to be responsible

Case Type	Appointment Billing Allocation	Finding of Indigency Required	Special Considerations
			for the costs are indigent. <i>See Indigency Finding Requirements</i>
<b>Victim/Witness</b>	\$2,000	NO	Attorney must scan and email the Order of Appointment to the billing manager within 7 days of appointment.
<b>GAL for a minor parent</b>	\$5,000	NO	Attorney must create or add their appointment to a D&N case and choose the capacity of "GAL for minor parent". No other authorization is required.
<b>D&amp;N Appeals</b>	\$3,000	NO	See Appeals Section below

CARES will automatically assign an Appointment Billing Allocation to each case either as shown above or, in the case of case types requiring a finding of indigence or an order, in the amount of zero dollars until OCR receives documentation of indigence (detailed with the applicable case types above). It is the Attorney's responsibility to ensure any additional funding request required in his/her billing allocation is sought in accordance with the procedures in the Additional Funding Request below.

### Indigency Finding Requirements

Attorneys must send OCR the finding of indigence by the court and the order of appointment via email within 7 days. The billing allocation will remain at \$0 until the proper paperwork is received. **OCR WILL NOT PAY FOR WORK PERFORMED PRIOR TO THE FINDING OF INDIGENCE**. CJD 04-06 prohibits payments that are *nunc pro tunc*.

### Additional Funding Requests

Attorneys must monitor their Appointment Billing Allocation for each appointment to determine if an additional funding request is necessary. Requests for funding in excess of the Appointment Billing Allocation must be submitted via OCR CARES: My Cases > Select a case > Financial Profile tab > click "Request Additional Funding" and complete the form. CARES alerts Attorneys on the user's Home screen and on the case itself when a case is nearing or has exceeded the maximum allocation limits. Attorneys can also filter the "My Cases" list for "Nearing Maximum Billing Allocation." **The Attorney must support his/her additional funding request with an explanation of the legal work s/he anticipates is reasonably necessary over the next 6 months to provide competent and effective best interests legal services in a cost-effective manner and representation within the scope of the Attorney's appointment.**

Attorneys must receive approval in CARES *before* creating and submitting an invoice containing appointments exceeding the allocation thresholds; **if a request is not approved by the time the Attorney creates and submits his/her invoice, the invoice will not include payment for activities that have exceeded the allocation**. Attorneys may not submit a second invoice for the month without approval of the OCR executive director. Such exception shall only be made in extraordinary circumstances.

Attorneys should keep in mind that it may take up to 14 days for an initial request to be reviewed and plan accordingly. **Attorneys are responsible for monitoring their additional funding queue in CARES and responding to any questions in a timely manner.**

OCR will approve additional funding request requests by changing the Appointment Billing Allocation in CARES, and the Home screen of CARES will notify the Attorney of approvals or rejections. The OCR Attorney may also view all requests/approvals in CARES via the left-side menu's Additional Funds screen. Find more directions in the [OCR CARES Handbook](#).

## Dependency and Neglect Appeals

The Attorney is responsible for ensuring the child(ren)'s interests are represented on appeal by either participating in the appeal directly or by choosing an OCR-approved appellate Attorney to do the appeal (approved Attorneys can be found on the OCR website at <http://www.coloradochildrep.org/attorney-center/>; scroll down to "Litigation Support List"). If the Attorney chooses to use separate appellate counsel, it is the Attorney's responsibility to ensure appellate counsel enters their appearance on the appeals case in a timely manner. If the Attorney is choosing from the approved list, pre-approval by OCR is not required.

Before the appeals case has a case number, the Attorney can appoint themselves as litigation support and bill on the underlying case in CARES using the Activity Type "Appellate work, pending case number" in the "Legal Advocacy and Independent Investigation" activity group. However, as soon as the appeals case has its own Court of Appeals case number, it should be opened as a new appointment in CARES under the appellate case number and all work related to the appeal should be billed in the Attorney's GAL appointment to that case. The billing allocation for appeals cases is \$3,000. It is the appellate Attorney's responsibility to ensure any additional funding request required in their billing allocation is sought in accordance with the procedures in the *Additional Funding Requests* section above.

## Other Appeals

The Attorney must obtain OCR's preapproval to do appellate work for case types other than dependency and neglect. Preapproval can be sought by sending the OCR [staff attorney liaison](#) an email detailing why such work is necessary in the best interest of the child(ren).

## VI. Travel Time and Mileage

OCR may reimburse for actual and necessary Attorney travel based upon the case type and need for travel. **All travel must be done in a manner that optimizes the efficiency of the travel.** Travel time and mileage is billed through OCR CARES.

### Ordinary Travel Time and Mileage

Attorney travel to/from court, home visits, staffings, and meetings is billed at the standard Attorney hourly rate through the OCR CARES activity screen for each activity type and is for actual time spent

traveling in one's vehicle. Time billed for travel must be related to the case activity, **must be completed in the most cost-effective manner and cannot include any personal time**.

The Attorney must use the closest actual point of origin in billing for travel time from his/her home or office to court, home visits, staffings, and meetings. OCR does not pay for travel between Attorney or staff's home and office. By way of example, but not limited to:

- a. *An attorney living in Douglas County with an office in Denver who begins his/her day with a meeting in Pueblo must use his/her home address as the starting point of travel, not his/her office address.*
- b. *An attorney living in Douglas County with an office in Denver cannot include the commute time between home and office as billable time to a meeting in Adams County. They should bill from the office as the closest point of origin.*

Staff/SSP travel to/from home visits, staffings and meetings is billed at the applicable hourly rate and should be entered by the unique staff user ID in CARES. Staff/SSPs cannot bill for travel or mileage to/from court unless preapproved by the OCR [staff attorney liaison](#) (see Support Staff/Social Services Professionals section).

The OCR, subject to sufficient appropriation in its state budget, may reimburse Attorneys/Staff for mileage associated with billable travel time as established above. OCR will reimburse mileage at the rate defined by § 24-9-104, C.R.S. (the actual number of miles must be specified for each trip).

## Extraordinary and Out of State Travel Requests

**The OCR [staff attorney liaison](#) must *pre-approve costs associated with all travel*** (e.g., airline travel, lodging, meals, travel-related parking) in order for the Attorney to receive reimbursement. The OCR follows the GSA per diem guidelines for travel related expenses. Expenses that deviate from these guidelines require approval from the OCR staff attorney.

- a. Travel time and mileage *within Colorado* does NOT require OCR pre-approval. However, the Attorney must maximize the cost-effectiveness of the travel. For example, an Attorney traveling to the Denver area from a rural district to visit with a child should schedule multiple meetings and visits if at all possible.
- b. **Travel out-of-state requires pre-approval** from the OCR and such requests will be reviewed consistent with CJD 04-06 (V)(G).
- c. Courts do not have jurisdiction to order out-of-state travel or cost reimbursement from the OCR.
- d. Authorization for travel/meals/hotels must be sought by submitting to OCR the online [Travel Expense Request form](#) found on the OCR website in the Attorney Center under the Billing tab.
- e. Reimbursement must be sought by submitting the [OCR Attorney Travel & Expense Reimbursement Form](#) found on the OCR website Attorney Center under the Billing > Common Billing Forms.
  - OCR requires receipts to be included with the reimbursement form.
  - Submit the reimbursement form to [brandylombardi@coloradochildrep.org](mailto:brandylombardi@coloradochildrep.org).



Attorneys must receive OCR preapproval before traveling per the guidelines listed above. The Attorney's failure to seek and obtain required OCR preapproval will result in the OCR refusing to reimburse the Attorney for travel time and associated expenses. OCR will only grant exceptions to these procedures in *extraordinary* circumstances as approved by the Executive Director.

## VII. Special Requests and Litigation Support

The OCR's appropriation includes funds to provide Attorneys with necessary and appropriate litigation support such as expert witnesses, interpreters, investigators, transcript fees, and discovery costs. All special requests and litigation support require preapproval as detailed below and failure to obtain the required preapproval will result in non-payment of such requests. OCR pays litigation support providers directly as detailed below. OCR will only grant exceptions to these procedures in *extraordinary* circumstances as approved by the Executive Director.

### Expert Witnesses

The OCR staff attorney liaison must pre-approve any payment for expert witnesses. Attorney must obtain pre-approval from the OCR staff Attorney Liaison before engaging the expert by sending an email detailing the request and why it is necessary. Once the expert is approved, the Attorney must send the expert the *Billing Form and Guidelines for Experts* available on the OCR website at <http://www.coloradochildrep.org/attorney-center/billing/> under "Billing Forms."

- a. The OCR follows the guidance of CJD 12-03 and makes all final decisions regarding the payment of expert witnesses as follows:
  - i. The state maximum hourly fee payable to an expert is \$100 for reasonable preparation time and in-court testimony
  - ii. Fees for travel time and/or time spent waiting to testify as a result of a delay in the scheduled appearance may be paid at half the hourly rate, not to exceed six (6) hours.
  - iii. The maximum total fee is \$1,000 if the expert does not testify and \$1,500 if the expert does testify.
  - iv. Expenses incurred by the expert must be pre-approved by the OCR staff attorney liaison. In the absence of extraordinary circumstances, expert witnesses shall not be compensated or reimbursed for food or lodging. (CJD 12-03 F.)
  - v. An Attorney may request approval of amounts in excess of the hourly and maximum fees based on extenuating circumstances and disclosure of the total anticipated fee. These requests must be made prior to engagement of the professional by emailing the OCR [staff attorney liaison](#).
- b. The courts do not have jurisdiction to order the OCR to pay expert fees and court approval is not necessary in approving expert fees.
- c. OCR pays the expert directly. The expert must use the "Request for Payment for Serving as Expert Witness and/or Conducting Mental Health Evaluation" form to request payment. The form is Attachment A to CJD 12-03 and may be found at [tinyurl.com/y8gv9efm](http://tinyurl.com/y8gv9efm). An **Attorney must not pay the expert directly.**

- d. The expert must submit his/her request for payment to the OCR within 30 days of the date of service. Requests for payment may be submitted by email to: [brandylombardi@coloradochildrep.org](mailto:brandylombardi@coloradochildrep.org) or via mail to: 1300 Broadway Street, Ste 320, Denver, CO 80203, addressed to the attention of Accounts Payable. The expert's failure to timely submit requests for payment will result in non-payment unless the Executive Director determines that extraordinary circumstances justify an exception to the 30-day rule.

**The OCR does not pay for custody evaluations, services or treatment.**

## Lay Witnesses

OCR will pay pre-approved costs in accordance with applicable statutes. Attorney must obtain preapproval from the OCR [staff attorney liaison](#) via email and include an explanation of why such request is necessary.

## Interpreters

The OCR will pay for language interpreters, as necessary, with pre-approval for home visits and as necessary for the Attorney's independent investigation. Attorney must get preapproval via email, from the OCR [staff attorney liaison](#) before engaging the interpreter and must include an explanation of why such request is necessary.

- a. The OCR follows guidance in CJD 06-03 to govern the payment of interpreters. Interpreters are currently paid as follows:
  - i. Spanish Language Certified Interpreters: \$40/hour
  - ii. Interpreters working in languages other than Spanish:
    - \$50/hour for Certified interpreters
    - \$45/hour for Qualified non-certified interpreters who have attended the Colorado Court Interpreter Orientation and who have passed the Court Interpreter Written Examination and/or have demonstrated sufficient legal interpreting experience as verified by the Court Interpreter Program.
    - \$35/hour for registered non-certified interpreters who have limited legal experience, limited interpreter and/or language training and testing experience.
  - iii. OCR reimburses interpreters for mileage and travel time. Requests for additional expenses require *extraordinary* circumstances and approval by the Executive Director.
- b. The OCR pays the interpreter directly. The interpreter must submit an invoice to OCR in order to request payment within 30 days of the date of service. Invoices submitted later than 30 days after the date of service will only be approved in extraordinary circumstances by the Executive Director.
- c. Interpreters for court proceedings are the responsibility of the State Court Administrator's Office, not the OCR.
- d. Interpreters for departments of human or social services meetings and visits are the responsibility of the department.

## Investigators and Process Servers

OCR may approve investigator or process server fees when such support is necessary for an attorney's independent legal investigation and advocacy. Attorney must get preapproval via email, from the OCR [staff attorney liaison](#) before engaging an investigator/process server and must include an explanation of why such request is necessary.

- a. The maximum hourly fee for investigators is \$41/hour and the maximum total fee for an investigator is \$1,000. Reasonable flat rate fees may be approved by the staff attorney liaison when necessary.
- b. The OCR pays the investigator or process server directly. The investigator/process server must submit an invoice to OCR within 30 days of the date of service in order to obtain payment. An attorney may pay a process server directly and request payment using the [OCR Attorney Travel & Expense Reimbursement Form](#) found on the OCR website Attorney Center under the Billing > Common Billing Forms. Exceptions may only be made in *extraordinary* circumstances as approved by the Executive Director.
- c. OCR reimburses investigators and process servers for mileage and travel time. Requests for additional expenses require *extraordinary* circumstances and approval by the Executive Director.

## Transcript Fees

OCR may pay transcript fees as appropriate.

- a. CJD 05-03 and CJD 06-01 (which modifies 05-03) governs the ordering and payment of transcripts. Attorney must be familiar with CJD 05-03, including:
  - i. CJD Appendix A establishes that an OCR Attorney receives a copy of a transcript at no cost.
  - ii. Non-court reporter Colorado Judicial Branch employees are not paid the per-page rate as it is included in the individual's normal work assignment and compensation.
- b. The OCR pays the transcriber/court reporter directly. The transcriber/court reporter must submit an invoice to OCR within 30 days of the date of service in order to obtain payment. Exceptions may only be made in *extraordinary* circumstances as approved by the Executive Director.
- c. OCR will not approve transcript fees to augment the Attorney's note taking or in lieu of the OCR Attorney attending a court proceeding.

## Discovery

OCR will pay for routine discovery (less than \$100) at actual cost via CARES. Discovery expenses greater than \$100 require OCR's preapproval by emailing the OCR [staff attorney liaison](#) and seeking reimbursement via the expense reimbursement form with receipts attached. *Failure to obtain preapproval will require an exception from the Executive Director and will only be given in extraordinary circumstances.*

## Docketing & Clerk of Court Fees

All docketing and clerk of court fees including certifying a copy of the record shall be waived for OCR contract Attorneys. The Attorney must identify themselves as an OCR contract Attorney at the time of the request for the fees to be waived.

## Litigation Support

OCR maintains a [litigation support list](#) to enhance effectiveness and achieve efficiencies in representation. OCR's litigation support lists identify Attorneys qualified to assist in specialized matters directly within the scope of the GAL's appointment, such as education, appeals and case strategy concerning potential appellate issues, and obtaining appropriate juvenile court orders to support permanency through Special Immigrant Juvenile Status. The support provided from these lists shall not duplicate representation provided by appointed Attorneys, serve as a substitute for the appointed Attorney's training or qualification requirements, or exceed the scope of the Attorney's appointment. With the exception of appellate representation in which a litigation support Attorney may seek to substitute as GAL consistent with C.A.R. 3.4, OCR litigation support Attorneys do not substitute as counsel for the trial level Attorney but instead provide consultation and other supports designed to enhance the Attorney's knowledge and effectiveness. OCR Attorneys do not need OCR's preapproval in order to seek support from Attorneys on OCR's litigation support lists. The litigation support Attorney must bill in CARES (appoint to case as Litigation Support) under their own user name and password unless preapproved to submit a paper bill.

## Mentoring

When an Attorney has been assigned as a mentor for a new contract attorney, he/she may add themselves as litigation support (mentor capacity in CARES) to their mentee's cases on which they are consulting and bill OCR directly for that time in accordance with their *Agreement for Mentoring and Litigation Support Services by Independent Contractor*.

## Attorney Coverage

In the event an Attorney needs extensive paid coverage for cases (for example, if they are on an extended vacation, maternity/paternity leave, etc.) the OCR staff attorney liaison may approve another contract Attorney to appoint themselves to each case as litigation support and bill the OCR directly for their coverage activities. Such requests should be made via email to the applicable [staff attorney liaison](#). Please note, the OCR does not need to approve routine coverage.

## Conferences and Training

Under special circumstances, the OCR may reimburse an Attorney to travel to, speak at and attend conferences or trainings. This requires pre-approval from the OCR Executive Director. In these cases,

please contact the OCR Training Coordinator regarding reimbursement by email: [michellejensen@coloradochildrep.org](mailto:michellejensen@coloradochildrep.org).

## VIII. OCR Staff Contacts

Each judicial district has one OCR Attorney assigned as a liaison. Please feel free to contact your district liaison with any questions, problems or comments about billing and related procedures. This list is always available and updated on OCR's website at <http://www.coloradochildrep.org/attorney-center/>.

Contact information for our attorneys is:

**Chris Henderson**

[ChrisHenderson@coloradochildrep.org](mailto:ChrisHenderson@coloradochildrep.org)

(303) 860-1517 ext. 105

**Cara Nord**

[caranord@coloradochildrep.org](mailto:caranord@coloradochildrep.org)

(303) 860-1517 ext. 110

**Sheri Danz**

[sheridanz@coloradochildrep.org](mailto:sheridanz@coloradochildrep.org)

(303) 860-1517 ext. 102

**Ashley Chase**

[ashleychase@coloradochildrep.org](mailto:ashleychase@coloradochildrep.org)

(303) 860-1517 ext. 106

Additionally, the OCR Administrative and Accounting Specialist (a.k.a. "Billing Manager") who processes invoices and payments can be contacted with questions at:

**Brandy Lombardi**

[brandylombardi@coloradochildrep.org](mailto:brandylombardi@coloradochildrep.org)

(303) 860-1517 ext. 100