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**Effective & Efficient? An Evaluation of Multidisciplinary Law Offices in Colorado**

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Part I of this paper will outline the structure for the delivery of best interests representation in Colorado, followed by a discussion on the establishment of pilot multidisciplinary law offices and the evaluation of those offices. Part II is a synopsis of the evaluation conducted by second year students at the University of Denver Graduate School of Social Work Masters of Social Work program. In Part III we discuss limitations of the evaluation and the future of the multidisciplinary law office model in Colorado.

## PART I: COLORADO OFFICE OF THE CHILD'S REPRESENTATIVE

The Office of the Child's Representative (OCR) works to provide competent and effective legal representation to Colorado's 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 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 children represented by its contract attorneys, Colorado's most vulnerable and marginalized population in the courts, receive 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.

### **I. GUARDIAN AD LITEM SERVICES PROVIDED BY THE OCR**

Court-appointed attorney guardian *ad litem* (GAL) representation is a mandated service in Colorado. Section 19-3-203, C.R.S. states the court shall appoint a GAL in every dependency and neglect case (D&N); §19-1-111, C.R.S. requires the court to appoint a GAL in delinquency matters and other case types when it is necessary to serve the child's best interests; and §14-10-116, C.R.S. requires the state to bear all costs in a parental responsibility case of a Child's Legal Representative or Child and Family Investigator appointment if the parties are indigent. All services provided by the OCR are attorney services; the Judicial Department oversees non-attorney and private pay attorney CFI appointments.

In D&N proceedings, a GAL is required to independently represent and advocate for each child's best interests. Although only one GAL is generally appointed to each case, cases typically involve several children. The attorney is required to immediately meet with all children in the case; visit each child's placement (which could be different for each child and could change several times during the life of the case); visit children's homes and schools; consult with each child in a developmentally appropriate manner; consult with professionals, such as physicians and psychologists; review the case files from social services; assess the safety of parents and placements; attend staffings; file motions; subpoena witnesses; participate in court proceedings; inform the court of the child's position on each matter before the court; recommend appropriate treatment for children and parents; litigate all phases of the case, including contested adjudicatory jury trials and termination of parental right hearings; and monitor the case until a child has attained permanency in a safe and appropriate home, either through return home, adoption, or some other arrangement.

OCR attorneys also represent the interests of children in adoption, probate, delinquency, paternity, domestic, and mental health matters when best interests representation is deemed necessary. The role and responsibilities of attorneys in these cases are similar to those of a GAL in a D&N case. In all case types, the GAL is appointed to independently investigate, make recommendations that are in the best interests of the child, and advocate on that child's behalf.

The OCR contracts with approximately 230 licensed attorneys to provide mandated GAL services, as well as four multidisciplinary law offices. OCR attorneys are specially trained on the law, social science research, and best practices relating to issues impacting children involved in court proceedings.

### **II. OCR'S MANDATES**

At the time of the OCR's creation, in 2001, the General Assembly had serious concerns about the subpar quality of representation provided to children in Colorado. Concerns included: financial barriers to the

necessary frontloading of services or ongoing dedication of the proper amount of time to cases; high GAL caseloads impairing appropriate case preparation and investigation; insufficient meaningful interaction by GALs with children in their environment; and a lack of participation by GALs in court. The legislation enacting the OCR, House Bill 00-1371, established a statewide program to improve the provision of legal services for children and to address the unique needs of legal representation of children in Colorado.

The statute creating the OCR sets forth its comprehensive mandate to ensure enhanced best interests legal representation of children who come into contact with Colorado's court system, as well as a list of specific mandates necessary to the accomplishment of this goal. The OCR's statutory mandates include:

- Improve quality of best interests attorney services and maintain consistency of best interests representation statewide.
- Provide accessible training statewide for attorneys.
- Provide statewide training to judges and magistrates.
- Establish minimum training requirements for all attorneys representing the best interests of children.
- Establish minimum practice standards for all attorneys representing the best interests of children.
- Provide oversight of the practice of GALs to ensure compliance with the established minimum standards.
- Create local oversight entities in each of Colorado's 22 judicial districts to oversee the provision of services and to report to the OCR director concerning the practice of GALs.
- Establish fair and realistic compensation for state-appointed GALs.
- Work with Court-Appointed Special Advocates (CASA) to develop local CASAs in each of the 64 counties statewide.
- Enhance funding resources for CASA.
- Work cooperatively with CASA to provide statewide CASA training.
- Serve as a resource for attorneys.
- Develop measurement instruments to assess and document the effectiveness of various models of representation.

*See* § 13-91-101 *et seq.*, C.R.S. The OCR's paramount mandate is to provide competent attorney services through a comprehensive and properly funded program.

### **III. MULTIDISCIPLINARY LAW OFFICES**

#### **A. OCR EL PASO COUNTY GAL OFFICE**

A model of attorney services that falls under the jurisdiction of the OCR is the OCR's El Paso County GAL Office. The creation of this office as the Fourth Judicial District Pilot Project was in direct response to Senate Bill 99-215 (Long Appropriations Bill), Footnote 135, which directed the Judicial Department to pilot alternative methods of providing GAL services. This "staff model" office is in its twelfth year of operation. The model employs 13 attorneys and five case coordinators. The case coordinators are social service professionals, and they supplement the attorney services by providing, for example, analyses of treatment needs, meaningful participation in case staffings, communication with treatment providers and observation of parent/child visits. Each of the employees at this office is a FTE of the OCR.

#### **B. PILOT MULTIDISCIPLINARY LAW OFFICES IN DENVER AND ARAPAHOE COUNTIES**

In 2003, the General Assembly instructed the OCR in SB 03-258, Footnote 118, to study alternative methods of providing GAL services in D&N cases. Specifically, the General Assembly instructed the OCR to explore whether it could implement a multidisciplinary office in Denver similar to the OCR El Paso County GAL Office, employing both attorneys and professionals with social work or related backgrounds.

For several years, the OCR explored how to best pursue a pilot multidisciplinary GAL office in Denver. Initial start-up costs posed a barrier; while the ongoing use of multidisciplinary offices may ultimately be more cost-effective and cost-stabilizing than individual contracts, the initial costs of establishing such offices are significant. Additionally, given the state's ongoing budget challenges, establishing a system that would require additional FTEs was not feasible.

In early 2010, the OCR determined that a Request for Proposal (RFP) process for establishing multidisciplinary law offices (MDLO) was the best means for implementing the legislature's request. In May 2010, the OCR issued RFPs for the creation of offices in Denver and Arapahoe counties. The OCR ultimately entered into contracts with three entities to serve as pilot multidisciplinary offices. The MDLOs operate under a 36-month pilot period, January 1, 2011 through December 31, 2013.

The OCR hypothesized that MDLOs would enhance GAL representation in Colorado by employing and training new attorneys interested in becoming GALs, establish an institutional presence in the courtrooms and courthouses in which they serve, and engage in more contact with the children whose best interests they are appointed to represent. The pilot project would also allow the OCR to assess the effectiveness of various models of legal service provision pursuant to its legislative mandate as the OCR now employs three unique models: contracts with private attorneys; a multidisciplinary state-employee GAL office in El Paso County; and contracts with private entities to provide multidisciplinary services.

#### *Request for Proposals*

The pilot was designed for representation to begin with the appointment of the GAL in a D&N or delinquency case and continue through all court proceedings. Representation includes attending administrative proceedings and meetings related to the child's well-being held pursuant to the policies and regulations of the relevant county and/or the State of Colorado.

The RFP identified the following as OCR's goals and objectives for the multidisciplinary law offices:

- To provide a more efficient and effective means to deliver legal services;
- To ensure children receive best interests legal representation consistent with the OCR's Performance Requirements as set forth in Section IV (Statement of Work);
- To ensure the use of a multidisciplinary service model, including attorneys, social workers or other social service professionals, and support staff;
- To establish an institutional presence within the jurisdiction;
- To enhance accountability through internal supervision, training, case and file management, and data collection;
- To ensure continuity of representation through final case resolution, including filing of a notice of appeal of a final order if necessary;
- To increase the amount of out-of-court time spent on cases; and
- To assess a different model for providing best interest representation to children in juvenile matters in juvenile court.

#### *Performance Requirements*

In conjunction with the adoption of a multidisciplinary team approach, the OCR established new specific requirements for office structure and attorney performance to promote a more innovative and efficient GAL practice and better outcomes for children. The office related performance requirements mandate that each child is assigned a team (Child's Team) comprised of an attorney GAL and social service professional. Additionally, MDLOs are required to hire support staff, ensure attorneys receive initial and ongoing training, comply with

reporting and evaluation requests, and provide supervision<sup>1</sup>. The Performance Requirements were adopted in the Contract for Multidisciplinary Law Office as the Statement of Work. See, Appendix A - Statement of Work.

The Colorado Chief Justice Directive outlines the authority and responsibility of the OCR and duties of guardians ad litem. See, Appendix B – Chief Justice Directive. The Performance Requirements state that each office must comply with the requirements of the C.J.D. and provides additional attorney requirements include structuring cases to follow Cornerstone Advocacy<sup>2</sup> principles and increased contact with children<sup>3</sup>. Enhanced contact requirements were created to support the establishment of a trusting age appropriate relationship between the child and his or her multidisciplinary team (GAL and social service provider). Requirements include, meaningful face-to-face visits with the child at least once every 90 days. Additionally, the assigned attorney must visit the child at the child’s residence within 30 days of each new placement<sup>4</sup> and the Child’s Team is directed to promote youth participation in meetings and court hearings.<sup>5</sup>

#### *Case Management and Billing*

OCR implemented the KidsVoice Integrated Data System<sup>6</sup> to better monitor compliance with the performance requirements and attorney activity. The pilot MDLOs began using the case management system in March 2011. The case management system, now known as Colorado Attorney Reimbursement and Expense System “CARES”, was expanded to all OCR attorneys at the beginning of July 1, 2011.

Multidisciplinary Law Offices are compensated on a flat fee basis and use CARES for time keeping and case management. Independent contractors use CARES for case management and billing. OCR has access to all information in the CARES, excluding attorney work product. Such access allows OCR to confirm compliance with the Performance Requirements and track trends for each jurisdiction.

#### C. FISCAL IMPLICATIONS OF MDLO

As referenced earlier, potential cost savings and stabilizing costs are significant draws of the multidisciplinary model. The MDLOs each submitted a budget that covers all operating costs (salaries, mileage, training, etc.). Independent contractor GALs are compensated at \$65 per hour and can bill for a paralegal or social worker at \$25 per hour. Since the inception of the model, OCR has reviewed MDLO time entries on a quarterly basis and compares the time spent on cases to the time billed by independent

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<sup>1</sup> See, Mor Barak, M. E., Travis, D.J., Pyun, H., & Xie, B. (2009). The impact of supervision on worker outcomes: A meta-analysis. *Social Service Review*, 83(1): 3-32.

<sup>2</sup> Cornerstone Advocacy in the First 60 days: Achieving Safe and Lasting Reunifications for Families, by Jillian Cohen and Michele Cortese, ABA Child Law Practice 28(3), May 2009. © Copyright 2009, American Bar Association. All rights reserved.

<sup>3</sup> Duquette, D.N & Darwall, J. (2012). Child representation in America: Progress report from the National Quality Improvement Center. *Family Law Quarterly*, 46(1). 87- 137.

<sup>4</sup> Colorado Chief Justice Directive 04-06 outlines the OCR’s authority and responsibilities and the duties of guardians ad litem. Guardians ad litem are directed to conduct an independent investigation, which includes personally interviewing the child (if appropriate to the child’s developmental level) and meeting with and observing the child in his or her placement as soon as is reasonable, but, in no event, later than 30 days following the GAL’s appointment (C.J.D. 04-06, 4(a)). Additionally, guardians ad litem are required to conduct an on-going investigation as needed, including visiting the child in each new placement. See, Chief Justice Directive 04-06 (Revised March 2013), [http://www.courts.state.co.us/Courts/Supreme\\_Court/Directives/04-06revised3-19-13withattArev3-13.pdf](http://www.courts.state.co.us/Courts/Supreme_Court/Directives/04-06revised3-19-13withattArev3-13.pdf). The MDLO Statement of Work creates an enhanced requirement of visiting the child every 90-days.

<sup>5</sup> The Colorado Children’s Code requires that, when appropriate, children must be given an opportunity to participate in permanency planning hearings, and at the permanency planning hearing the court must consult with the child in a developmentally appropriate manner. C.R.S. 19-3-702(2), (3.7). It also requires the participation and consent of children over the age of 12 in matters related to the child’s adoption. C.R.S. 19-5-103(7)(b).

<sup>6</sup> The KidsVoice Integrated Data System (AnyCase) is case management software that integrates billing and reporting. It is designed to support attorneys representing children and parents in dependency, delinquency, guardianship and custody cases. See, <http://www.kidsvoice.org/DataSystem.aspx>

contractors. The MDLOs consistently spend more time on each case type, as the work is conducted by the Child's Team (comprised of attorneys and social service professionals) it is less expensive than if an independent contract attorney was putting in the same number of hours per case. For example, on average an Independent Contractor spends 20.69 hours on a D&N non-EPP case. By comparison the MDLOs spend on average 31.26 on a D&N non-EPP case. The division of work between attorneys and social workers appears to be distributed fairly evenly across the offices, on average attorney hours constitute 73.66% of time entered on activity and social worker hours constitute 26.33% of time input. The MDLOs range from 71.8% attorney time to 76.9% attorney time. See, Appendix M – MDLO Efficiency Analysis.

OCR sets presumptive maximum allotments for each case type. The presumptive maximum for a D&N case is \$4000; \$1,500 for a delinquency case, \$1,000 for paternity, etc. Attorneys must request excess fees on a case to bill beyond the presumptive maximum. OCR attorneys can also submit expense forms for mileage, expert witnesses, and extraordinary expenses such as copies or meals for a child. Case costs often fluctuate from judicial district to judicial district and from year to year. Various factors impact case costs in a judicial district, such as case filings, implementation of new programs, or attorney schedules. Additionally, expenses often vary annually and regionally, for example mileage is a more significant percentage of expenses in rural areas where greater distance is traveled. Entering into annual contracts with MDLOs has proved to be an effective way of predicting and controlling costs in those districts.

#### D. EVALUATION OF MULTIDISCIPLINARY LAW OFFICES AND EL PASO COUNTY GAL OFFICE

In August 2012, the OCR partnered with the University of Denver Graduate School of Social Work (GSSW) to evaluate the effectiveness of the multidisciplinary law office as a model of delivering legal services to children in juvenile court proceedings. The evaluation specifically focused on understanding how the MDLOs function and whether this service delivery model has enhanced GAL practice in Arapahoe, Denver, and El Paso counties<sup>7</sup>. The evaluation was designed to enable the OCR to compare its attorney service models in terms of time spent in contact with children, in the courtroom, and on independent investigation. It was anticipated that OCR could also compare the different models using outcome measures such as average number of placements throughout the life of a case and average length of case.

### PART II: CONDUCTING THE EVALUATION

An OCR staff attorney was assigned to the evaluation project and worked closely with GSSW staff to design and complete the evaluation. GSSW academic calendar runs on a quarter system, therefore the class was divided into four terms. Term 1 focused on educating students about the dependency and neglect system, conducting a literature review and developing research questions. During this time the class developed a logic model and five research questions. The class consisted of 17 students who divided into five groups, one group to investigate each research question. During Term 2 students developed evaluation plans, and in Term 3 conducted data collection. Term 4 focused on data analysis and writing final reports on each research question.

#### I. EVALUATION OVERVIEW

The evaluation included both process evaluation questions (how the model functions and what it looks like) as well as outcome evaluation questions (the effects associated with this model).

##### Process Evaluation

1. RQ1: How do Multidisciplinary Law Offices function?
2. RQ2: How are services delivered using the Multidisciplinary Law Office model?

##### Outcomes

3. RQ3: Are youth engaged in the process and given voice?
4. RQ4: Is the Multidisciplinary Law Office model associated with increased youth well-being?

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<sup>7</sup> The El Paso County GAL Office was included in the evaluation and considered a MDLO for purposes of the evaluation.

5. RQ5: Is the Multidisciplinary Law Office model associated with increased permanency and safety for youth?

### *Sample*

The OCR generated a list of all dependency and neglect cases filed in Fiscal Year 2012 (July 1, 2011 – June 30, 2012) in the six study counties and randomly selected 600 cases; 100 from each study county. OCR identified the oldest child on each case and created a case sample list that included the county, case number, oldest child's date of birth, and GAL of record.

### *Data Analysis*

Quantitative analyses were conducted utilizing SPSS (statistical package for the social sciences) software. SPSS describe data (averages, frequencies) and compare groups (t tests and ANOVAs). Qualitative analysis took place in a two-step process. Students initially created codes based on lines of data and then organized codes into patterns and themes to report.

### *Statistical Tests and Interpreting Results*

In each of the tests described below, the value of the statistic is interpreted based on the *p* value, which represents the significance level. Frequently in research, the standard *p* value used to determine statistical significance is  $<.05$ . This indicates that there is less than a 5% chance that the data differ significantly by chance alone and provides a high level of confidence that the difference truly is "significant." For purposes of this evaluation, if a finding is reported as "statistically significant" it the *p* value is  $<.05$ . On occasion, findings are reported as "marginally" significant at the  $p<.10$  level, indicating there is less than a 10% chance that the data differ significantly by chance.

The following is a summary of each groups work.

#### **1. WHAT DO MDLOs LOOK LIKE AND HOW DO THEY FUNCTION?**

Jenna Brill, Jocelyn Durkay, and Timothy Ridley

Three sources of information were used to develop a response to the research question, "What are MDLOs and how do they function?"

- A. Employee Survey – MDLO employees received a 53 question web-based quantitative survey (employees include law partners, administrative staff, guardian ad litem (GALs) and social service professionals (SSPs)). Survey topics included: organizational climate, supervision, training, compliance with OCR policy, caseload and case assignment, client representation and youth contact.<sup>8</sup> 44 MDLO staff members responded (approximately 70%).
- B. Employee Interviews - Researchers conducted 16 qualitative interviews with staff members in the four MDLO offices on supervision, organizational climate, workload and interdisciplinary interaction.<sup>9</sup> See, Appendix D – Employee Interview
- C. Document Review - Written documents from MDLOs were examined for compliance with the MDLO Statement of Work. Offices were asked to submit documentation that reflected policies and procedures operationalizing the Statement of Work.

### ***Summary of Findings***

Statistically significant data was found regarding multiple categories surveyed. Supervision practices were found to be less robust or frequent than mandated by OCR and desired by staff. A unique multidisciplinary

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<sup>8</sup> Factors in an organization such as hierarchy, communication systems, and authority have direct implications for the productivity and products of an organization. Netting, E., Kettner, P., & McMurtry, S. (3rd Ed.) (2004). *Social work macro practice*. Boston: Pearson Allyn and Bacon.

<sup>9</sup> Mor Barak, M. E., Travis, D.J., Pyun, H., & Xie, B. (2009). The impact of supervision on worker outcomes: A meta-analysis. *Social Service Review*, 83(1): 3-32.

organizational climate was found to foster collaboration between professions; however, it also lends to role confusion between GAL and SSP staff. Statistically significant differences were found between offices in regard to turnover; qualitative interviews also yield significant commentary on burn out. Lower salaries, limited benefits, and slower mobility were factors associated with turnover at the offices.

The researchers' findings lead to the conclusions that supervision and role definitions need to be further clarified and implemented in MDLOs in order to increase organizational effectiveness. Additionally, the findings indicate there should be more consistent written policies in certain categories. While some concepts can be relayed verbally, others should be added to written policy, including: Appeals, Contact requirements in D&N cases, Supervision, and Caseload or Child Caps.

## 2. **WHAT DO MDLOs DO?**

Nicole Hadley, Kristy Karpenske, Cherie Lopez and Mattie McLellan

This research group examined the outputs associated with MDLOs. Researchers explored the work GALs engage in, the ways in which they spend their time<sup>10</sup> and how they interact with collaborators.<sup>11</sup> This research question was divided into three subparts:

### A. *How Do Outside Professionals Perceive MDLOs?*

To answer the question "How do outside professionals perceive MDLOs?" three sources of data were gathered: (1) existing responses to the OCR Stakeholder Survey<sup>12</sup>, (2) original data from online surveys administered to Judges and Magistrates, and (3) qualitative data from Focus Groups conducted with Department of Human Service (DHS) staff. See, Appendix D – Stakeholder Survey; Appendix F – Judicial Survey; Appendix G – Focus Group Questions.

### B. *How Do MDLOs Spend Their Time?*

Time entries were reviewed from CARES on a range of quantitative information regarding how GALs in MDLO and IC spend their time. This objective data provided a broad overview regarding time spent with youth, collaborating with outside professionals, preparing for court, and other administrative and case related activities. See, Appendix C - CARES Items.

### C. *How Do MDLOs Represent the Best Interests of Children in Court?*

Court observation was conducted for a convenience sample of 180 court hearings in participating counties between January 2013 and February 2013. A Court Observation Form was used to record whether GALs were personally appearing on behalf of the children they represent, providing current and independent information to the court, making specific recommendations about what is in the best interests of the child, advising the court of the child's position, and whether children were present in court. See Appendix H - Court Observation Form.

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<sup>10</sup> Duquette and Darwall (2012) indicated support for numerous factors that were seen as helpful in providing quality counsel, including: fostering a bond with the client, being actively engaged in a case, having frequent and meaningful contact with a client, and understanding a client's living situation. These factors continue to highlight the value and importance of how an attorney's time is used.

<sup>11</sup> This research also indicated that outcomes were more favorably impacted when based on the combination of disciplines involved and the contribution of various agencies compared to attorneys working alone (Walsh, Jones, & Cross, 2003). In other research, the role of GALs was perceived differently across disciplines. The lack of clarity professionals had related to the work of GALs challenged their ability to fulfill their role (Hess, Swanke, & Batson, 2007).

<sup>12</sup> A stakeholder survey is conducted as part of OCR's annual review of attorneys. Stakeholders include CASA workers, County Case Workers, Judicial Officers, County Attorneys, Respondent Parents Counsel, and Probation Officers. Stakeholders were asked to complete one survey for each GAL they worked with in fiscal year 2012. The researchers utilized a subsample that consisted of 456 responses capturing stakeholders' perceptions of GALs within the MDLOs and ICs in comparison counties.

### ***Summary of Findings***

Perceptions of GALs varied significantly between stakeholders, Judicial Officers and focus group participants. When comparing Stakeholder Survey results, respondents viewed MDLO attorneys as more competent than IC. Results from the DHS focus groups, which were limited to the MDLO counties, indicated that communication and individual's attitudes impacted DHS staff member's perception of MDLOs.

One point that emerged from multiple data sources (i.e., Judicial Officer survey comments, Stakeholder Survey comments) was the notion that GALs tend to assert their opinions as the "right" opinion. Professionals collaborating with GALs across the sample reported GALs as being less open to other points of view and more assertive than other participants in the court process. Another point that emerged from multiple sources (i.e., Judicial Officer Survey comments, Stakeholder Survey comments, focus groups) conveyed that training was inconsistent for GALs.

An analysis of reports from the CARES, found that MDLOs spent more time on case activity than IC. Court observation revealed that GALs from MDLOs were comparatively similar to ICs. Notably, child's presence in court was low for both groups, which has been recognized as an area of improvement in Colorado<sup>13</sup>. GALs in both groups regularly stated a position in court.

### **3. YOUTH ENGAGEMENT IN DEPENDENCY AND NEGLECT CASES**

Lani Pickard, Tracy Maddalena, and Tess Safty

This research explored youth voice and engagement throughout D&N cases, by investigating two questions:

- A. Do Youth Have a Voice Across D&N Cases?
  - Are youth served by MDLOs more likely to report feeling listened to than youth served by independent contractor GALs?
- B. Are Youth Engaged in the D&N Process?
  - Do youth represented by GALs working for MDLOs experience enhanced participation in their case?
  - Do youth represented by GALs working for MDLOs have increased contact with their GAL/SSP than youth represented by independent contractors?
  - How do youth view their relationships with their MDLO team compared to youth represented by an independently contracted GAL?

Youth were initially contacted via their GAL. The OCR emailed the GAL of record for each of the 139 identified youth age 15 or older from the case sample. GAL's were asked to advise OCR if it would be developmentally appropriate to contact the youth and if so, the youth's preferred method of contact. GALs were also asked to notify youth of the evaluation and that someone would be contacting them.

Quantitative Survey - 86 paper copies were mailed to youth represented by independent contractors and MDLOs. Additionally, Chaffee workers in five study counties and CASA volunteers in one county were provided a link to the online survey and a hard copy of the written survey. The mailed copies included a self-addressed, stamped, return envelope. Youth were offered a free download as an incentive for completing the survey. See, Appendix I – Youth Survey.

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<sup>13</sup> Guardians ad litem are directed to consider the appropriateness and extent of child participation on a case-by-case basis. Consideration must include developmentally appropriate consultation with the child and consideration of the child's wishes. CJD 04-06(V)(B). The GAL should also proactively identify and address any barriers to appropriate youth participation in court. The Colorado Children's Code requires notice to children of court hearings. §§ 19-3-502(7), 19-3-702(2). When appropriate, children must be given an opportunity to participate in permanency planning hearings, and the court at a permanency hearing must consult with the child in an age-appropriate manner. §§ 19-3-702(2), (3.7). See, *Colorado Guided Reference in Dependency: An Advocacy Guide for Attorneys in Dependency Proceedings* (2012), Fact Sheet "Children in Court" (F29). Available at: <http://www.coloradogrid.org/helperFiles/ColoradoGRIDebook.pdf>

Qualitative Phone Interviews - Researchers contacted 59 youth in the six county areas and invited them to participate in phone interviews. Youth were offered a \$10 gift card to 7-11 as an incentive. See, Appendix J – Youth Interview.

### ***Summary of Findings***

Results from the quantitative surveys are inconclusive due to the small sample size. OCR received six responses to the survey, and researchers conducted six phone interviews. Youth who responded provided varied opinions about their experiences. Although, not enough qualitative interviews were completed to provide concrete comparisons between the MDLO and IC models, the overall trend in the feedback received was positive for both models.

The emerging themes identified from the phone interviews were healthy communication, positive regard for the professionals involved, shortcomings in the professional relationship voiced by youth, and mixed feelings and involvement in court. Although, not enough qualitative interviews were completed to provide concrete comparisons between the MDLO and IC model, the overall trend in the feedback received was positive for both models. Recommendations for future research and practice have also been provided. The majority of youth served by either MDLOs or IC perceived that their GALs represented their wishes and respected their opinions. Out of the six youth interviewed, only one youth (represented by an MDLO) felt like her GAL did not listen to her.

Youth represented by MDLOs and IC described mixed involvement in the court process. The majority of the MDLO youth expressed a positive experience with the MDLO team. Youth represented by IC also expressed feeling a sense of unity between their GAL and collaborating professionals.

#### **4. WELL-BEING OUTCOMES IN DEPENDENCY AND NEGLECT CASES**

Angie Appelgate, Kim Immel, Matt Pfeifer, Jen Tilden

This question investigated how MDLOs are associated with preserving family connections as well as the physical, emotional and educational well-being of youth involved in dependency and neglect court cases. For the purposes of this evaluation, the researchers divide well-being into four significant categories: preserving connections<sup>14</sup>, physical well-being<sup>15</sup>, emotional well-being<sup>16</sup>, and educational well-being<sup>17</sup>.

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<sup>14</sup> Although not always considered when assessing well-being of children in dependency and neglect cases, it is important to consider how well the child's connections to family or other relationships have been preserved because youth involved in court cases can feel disconnected from different aspects of their lives from before their cases were opened. See, New Mexico Courts (2011). *Well-being checklist*. (Child Protection Best Practices Bulletin: Innovative Strategies to Achieve Safety, Permanence, and Well-Being.) New Mexico: Author. Retrieved from [http://childlaw.unm.edu/docs/BEST-PRACTICES/Well%20Being%20Checklist%20\(2011\).pdf](http://childlaw.unm.edu/docs/BEST-PRACTICES/Well%20Being%20Checklist%20(2011).pdf)

The National Child Welfare Resource Center on Legal and Judicial Issues (2011) also argues that removing children from parents, siblings, and a familiar environment can have detrimental effects, such as high-risk behaviors, depression, or separation anxiety, on children involved in dependency and neglect cases. See, National Child Welfare Resource Center on Legal and Judicial Issues. (2011). Well being: court performance measures for children.

<sup>15</sup> When working to ensure the physical well-being of children in the child welfare system, evaluating their health status in a timely fashion is necessary to detect health concerns (National Child Welfare Resource on Legal and Judicial Issues, 2011; U.S. Government Accountability Office, 2009). Federal law attempts to make sure health issues are identified by mandating initial screenings and follow up assessment for children when they enter foster care (Allen, 2010). This is important because children in foster care have more health issues than children overall (Hansen et al., 2004).

<sup>16</sup> One adverse effect of maltreatment is concentrated in the behavioral and emotional domain. Because of these effects, research has shown improved outcomes for children involved in dependency and neglect cases who receive treatment with an emphasis on social and emotional well-being (McCrae, Barth & Guo, 2010). Emotional well-being influences how children navigate their daily lives in ways such as creating and engaging in relationships, coping with challenges, emotion regulation, stress management, self-esteem, social competence, and motivation (Administration for Children and Families, 2012). Research indicates that children are often connected to mental health services that are not evidenced to improve the reported behavioral problems (Administration for Children and Families, 2012). Therefore, it is important to assess mental health treatment services

Measurement tools were developed using administrative data and surveys to compare well-being outcomes between children with GAL representation from MDLOs and IC. Appendix K – Well-Being Measures. The questions were incorporated into the Youth Survey. See, Appendix I - Youth Survey. A low response rate and inability to collect the required data made conclusive comparisons difficult.

### ***Summary of Findings***

Administrative data was ultimately not available; limiting the researchers' findings to information gathered from the six youth surveys received. Because of the low number of completed surveys it was impossible to statistically compare MDLO and IC representation.

Preserving Connections - From the responses received, it appears to be most difficult to maintain connections with neighborhood and extended family, whereas parents seem to be the connection that is maintained the most. It also appears there is a stable amount of disconnection to various areas of clients' lives as "I feel disconnected, but I wish I had a better connection" was marked by half of the respondents for all (school, siblings, religion, language, friends) but two (culture, parents) areas of their lives.

Physical Well-Being - The responses to questions related to physical well-being indicated all respondents had received recommended physical and dental check-ups. Respondents received vision screenings less frequently, with 4 of 6 respondents (67%) receiving screenings. Respondents received other medical services at varying rates. For overall levels of health respondents' mean self-reported level was 8.33 on a scale of 1-10 where 10 was the healthiest.

Emotional Well-Being - Two youth reported receiving a mental health assessment, the majority of youth reported receiving some sort of therapy (i.e. individual, group, family therapy; medication for mental health needs; hospitalization for mental health needs) to address mental health needs.

Educational Well-Being - The responses to the questions about educational well-being indicated that four of the six respondents (67%) experienced at least one school change due to a change in placement. Also, four of the six (67%) respondents indicated either being enrolled in or having graduated high school or a GED program.

## **5. EFFECTS OF MDLOs ON SAFETY AND PERMANENCY**

Maggie Crank, Christopher T. Dennis, and Heather Price

This portion of the evaluation explored two questions: 1) Are the rates of permanency outcomes achieved by MDLOs significantly different from those achieved by independent contractors? 2) Is there a greater level of safety associated with cases handled by MDLOs as compared to those handled by independent contractors?

Researchers examined three sources of data: 1) CARES - information entered into the OCR case management and billing system, 2) The Family Justice Information System (FAMJIS) – information collected by the Supreme Court Administrator's Office (SCAO) through an information sharing agreement between the Department of Human Services (DHS) and the Judicial Department, and 3) TRAILS - data

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throughout the entirety of an abuse and neglect case, making changes to the treatment received when needed (McCrae, Barth & Guo, 2010).

<sup>17</sup> Children involved in dependency and neglect cases have lower rates of academic success and higher rates of educational disability than other children (Castrechini, 2009; Courtney et al., 2004; Rosen Valverde et al., 2011). Changing schools has been shown to negatively affect the educational well-being of children (Castrechini, 2009; Courtney et al., 2004; National Working Group on Foster Care and Education, 2011; Rosen Valverde et al., 2011). Those who experience school mobility, such as when a change in placement requires a change in school, show lower levels of academic success, lower test scores, higher drop-out rates, and more difficulty creating relationships with peers (Castrechini, 2009; Courtney et al., 2004; U.S. Department of Health and Human Services, 2005). In addition, children in out-of-home care are more likely to be held back one or more grade levels, which is correlated with higher drop-out rates (Smithgall et al., 2004).

collected in the statewide DHS database. This evaluation also sought to obtain survey data collected directly from youth. However, the response rate was so low that only descriptive results are provided. See, Appendix L – Safety & Permanency Database Queries.

### ***Summary of Findings***

Using the data that were available, the researchers found few significant differences between cases handled by MDLOs and those handled by independent contractors in terms of stability and permanency. However, one significant finding was greater numbers of placements per case for MDLOs. Additionally, the mean number of days spent in detention/jail/prison was higher for independent contractor cases as compared to MDLO cases.

Data examined from the 2012 Child Welfare Scorecards indicated that the study counties had fairly equal success at achieving the federally-determined goals. In five of the eight goals examined there were no measured differences between MDLO counties and IC counties as groups. Re-entry into out-of-home placements emerged as a difference at the county level; two IC counties achieved or partially achieved their goal while none of the MDLO counties did. Another observable difference was the length of time to adoption of children legally free for adoption. All three MDLO counties achieved or partially achieved this goal compared to one IC county.

Due to the low response rate, data from the youth engagement survey has limited statistical value. It does, however, provide insight into these youths' subjective feelings of safety. Youth did *not* report feeling unsafe or less safe when their case was open. All respondents reported speaking to someone if they felt unsafe, only one reported speaking to their GAL, one reported speaking to their caseworker, and none reported speaking to someone at their school. This shows that youth are speaking to others about safety concerns, but that they may not be likely to speak to anyone on their team about these concerns.

## **PART III: FUTURE OF THE MDLO IN COLORADO**

### **I. LESSONS LEARNED**

#### *Measurable Goals and Objectives*

Looking back at the Goals and Objectives of the MDLO model, presented in Part I, we have learned that many of the identified items are difficult to measure. For example, “More *efficient* and *effective* means to deliver legal services,” the words *efficient* and *effective* need to be defined in measurable terms. Similarly, enhancing *accountability* through internal supervision, training, case and file management, and data collection is difficult to measure without a baseline of existing accountability. Some, goals, like providing continuity of representation can be assessed from currently available data sources, but the resulting findings don't necessarily correlate with improved outcomes. The evaluation found that MDLOs were meeting the goal to increase the amount of out-of-court time spent on cases; however, the value of spending increased out-of court time was not evident from the findings.

Similarly, the Statement of Work (Appendix A) includes a provision regarding evaluation:

Contractor will cooperate with any evaluation of the model office which will entail review of the data on activities and outcomes collected in the Case Management System, as well as the use of survey instruments and interviews. The evaluation will seek to assess the office's compliance with the Performance Requirements and effective implementation of the multidisciplinary team approach. Some of the key measurements may include:

- a) attendance at relevant meetings and proceedings;
- b) increased participation of children in case events;
- c) minimization of the number of moves when a child is placed out-of-the home;
- d) more timely permanence for children;
- e) increased sibling contact;

- f) decreased re-entry rate of families back into the D&N court system;
- g) pending caseloads and annual caseloads per Attorney;
- h) number of cases in which the family is reunified within 12 months;
- i) prompt implementation of court orders
- j) aggregate information regarding represented children; and
- k) number of appeals initiated by Attorneys.

While these factors reflect best practices, they are generally difficult to measure. For example, to determine if there has been increased contact with siblings we would need a baseline measurement of contact with siblings and a system for documenting contact with siblings. Neither of these elements are currently available. Similarly, attendance at relevant meetings and proceedings is difficult to assess. CARES provides reports on attendance at meetings and proceedings, but we do not have record of all meetings scheduled.

#### *Evaluation Matters*

Although the evaluation results were somewhat limited, the learning process has been extraordinary valuable for the OCR and we believe it will ultimately benefit court involved children and families. During the course of the evaluation the OCR adopted an annual stakeholder survey to collect feedback on all attorneys; enhanced the application and renewal process to require attorneys to provide references from youth, parents and caregivers; and has taken into consideration several ways of capturing youth perceptions about their experience.

Additionally, the OCR partnership with the University of Denver Graduate School of Social Work provided a cost effective avenue to evaluate practice. It also opened up additional opportunities for future projects and a renewed sense of community partnership and the value of work are undertaking.

## **II. NEXT STEPS**

### **A. MDLO OPERATIONS**

#### *Fiscal Efficiency Analysis*

The evaluation process brought to light many assumptions about perceived benefits, such as our assumption that additional time spent out-of-court on a case would directly benefit children. While this may ultimately play out to be true, it was not evident from the evaluation findings. OCR has categorized MDLOs as providing cost savings because they spend more time on a case and if the same time was spent by an independent contractor it would cost more than the flat fee paid to the MDLO. OCR is working towards creating benchmarks to establish an optimal amount of time for each case type.

#### *Contract Modifications*

One of the perceived benefits of the MDLO model is the law office environment. Elements include supervision, training, case consultation and support staff. The evaluation findings indicated that these elements may be taking different form at different offices and that employees perceive a lack of supervision and case consultation. The OCR will be exploring contract modifications to help promote meaningful case consultation and oversight. The OCR views the MDLO model as an ideal environment for new lawyers to learn the practice of child welfare law and the law office structure is a critical component to such exposure.

In addition to the law office structure, implementing multidisciplinary practice is a critical component of the MDLO structure. The issue of role confusion and duplication of efforts were raised in several portions of the evaluation. This included both confusion between professionals within the office and confusion by outside stakeholders. The OCR will be working with each MDLO to ensure that offices have clear policies and procedures in place identifying the roles and responsibilities of the different professionals. Additionally, although the model promotes a team approach to case management, it is essential that the attorney directs the case and has the ultimate authority to make case decisions. This hierarchy must be reflected in employee

contracts and MDLO policy and procedures. Lastly, it is critical that the social service professional is clearly defined and communicated to outside stakeholders.

#### **B. IMPROVE DATA SHARING**

Like many states, various entities across Colorado collect pieces of data related to child welfare. OCR intended to use information from the Department of Education, Department of Health and Human Services, and the State Judicial Branch as data sources. In the process we discovered how difficult it is to access or understand other organizations' data. Barriers included limited data points, restrictions on sharing, inconsistent data entry, or obscure terminology. These issues ultimately prevented effective interagency data sharing despite data sharing agreements and efforts by all to collaborate.

#### **C. IMPLEMENT SYSTEMATIC WAY OF GAINING YOUTH FEEDBACK**

Youth perceptions about their GAL are a critical aspect of evaluation. Accessing youth for the evaluation proved to be extremely difficult. Researchers found email was not an effective way of reaching youth; one youth completed the on-line survey. Of the 86 surveys mailed to youth, only 6 were returned completed, 14 were returned to sender as incorrect address. 59 youth were contacted by phone, 6 youth were reached by phone and all of those participated in the survey.

The OCR is currently considering methods of routinely collecting information from youth through an annual, anonymous client satisfaction survey. OCR has also added youth references as a component to attorney contract renewals. Additionally, we are exploring ways to collect feedback at the time a case is closed.

#### **D. MODIFY OCR CARES**

##### *Simplify CARES*

The system is intended for case management and oversight and OCR has determined that it would be beneficial to streamline the categories to reflect the Chief Justice Directive. After attempting to analyze data from CARES, it became apparent that there are too many categories for consideration. It's difficult to find any statistical significance in activity when time can be divided into multiple subparts. It is anticipated that time would then be recorded in broader categories such as, Investigation, Court, Contact with Child.

##### *Adopt Well-being Measures*

Well-being is an essential consideration in evaluating the quality and effectiveness of GAL representation in dependency and neglect cases. Along with concerns of safety and permanency, well-being is a central goal of practice to ensure the overall betterment of court-involved youth. Despite this, little information is currently available on the well-being of court-involved youth in Colorado.

OCR is considering incorporating specific standards of well-being previously given (physical, emotional, educational, and preserving connections) are established and utilized throughout the state. This would allow OCR to accurately assess how well-being of youth is influenced by the involvement of a GAL. Upon case closure, these standards should be recorded in CARES by a staff member involved with the case.

### **III. FUTURE OF THE MDLO MODEL**

This Evaluation serves as a starting point for future examination of multidisciplinary practice. While the OCR recognizes that the evaluation did not result in findings that there are statistically significant benefits to the model, it has also taken into consideration the short duration of the pilot. The MDLOs began operating in March 2011, and it is difficult to assess outcomes in this short time period. The OCR has decided to continue with the current MDLOs to allow for further assessment and evaluation. The model, however, will not be expanded at this time.

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## APPENDIX A – STATEMENT OF WORK

### Contract for Multidisciplinary Law Office

#### Exhibit A

### STATEMENT OF WORK

#### **CONTRACTOR DUTIES AND RESPONSIBILITIES**

Contractor shall use a multidisciplinary model to provide best interests legal representation to children who are the subject of dependency and neglect (“D&N”) and delinquency cases pursuant to Title 19 of the Colorado Revised Statutes (“C.R.S.”) in [designated] County District Court.

#### 1. **GENERAL REQUIREMENTS**

Contractor will ensure the following:

- 1.1. Each child shall be assigned a team of workers which shall include one Attorney and one social service staff member (the “Child’s Team”) who shall be primarily responsible for the investigation, advocacy and representation of the child’s best interests;
- 1.2. A team approach to case management and formulation of case goals is utilized;
- 1.3. The Child’s Team will strive to ensure that all legal rights and entitlements of the child are protected and that issues affecting the child’s well-being are addressed through all appropriate proceedings;
- 1.4. Contractor will have the capacity to assist in identifying and advocating for appropriate resources and community based services to meet the child’s needs and improve case outcomes;
- 1.5. Upon court appointment, the Child’s Team will be assigned and shall commence representation at: (1) all hearings including Temporary Orders, Permanent Orders and Post Decree matters; (2) all hearings prior to the filing of a petition in dependency and neglect; (3) adjudication; (4) disposition; (5) permanency planning hearings; and (6) all review hearings;
- 1.6. Attorneys and social service employees will consider the child’s desires, if ascertainable, when determining what is in the child’s best interest;
- 1.7. Contractor shall utilize the new web-based case management and information system made available to Contractor by OCR (“Case Management System”) to input all case information and data for each appointment. OCR will have access to all information in the Case Management System, excluding attorney work product. Such access will allow the OCR to confirm compliance with the performance requirements, as set forth in Section 3 (“Performance Requirements”), and track trends for the jurisdiction; and
- 1.8. Contractor will utilize technical assistance from KidsVoice, Pittsburgh, PA (<http://www.kidsvoice.org>), if necessary, to implement and execute the multidisciplinary team model of representation required by this Agreement. There is no cost to Contractor for this assistance; provided, however, Contractor shall send one or more employees to Pittsburgh to

visit KidsVoice's office prior to the opening of Contractor's office on January 1, 2011. OCR shall reimburse Contractor for up to \$500 for documented travel expenses for such visit.

1.9 HIRING-- Contractor will:

- (a) Endeavor to hire staff, including Attorneys and social service professionals, who represent the demographics of Arapahoe County; and
- (b) Use reasonable efforts to hire staff who speak Spanish.

1.10 PROGRAM SITE/OFFICE SPACE-- Contractor will:

- (a) Maintain an office situated to serve the Arapahoe County District Court;
- (b) Operate, at a minimum, during regular business hours Monday through Friday 8:00 a.m. to 5:00 p.m.; and
- (c) Create a phone answering system during regular business hours and after business hours and adopt procedures to address emergencies after business hours.

1.11 LIBRARY FACILITIES/TRAINING-- Contractor will:

- (a) Have access to a law library physically on the premises and/or provide on-line research capabilities for legal staff;
- (b) Utilize OCR's training programs and provide any additional training and supervision to staff to ensure competency and performance consistent with the Performance Requirements and the Multidisciplinary approach to legal representation; and
- (c) Abide by OCR's published training requirements.

1.12 APPEALS

- (a) If an appeal of a Court's decision is before the District Court, an Attorney will participate in such appeal.
- (b) Participation in the appeal of a final order to the Colorado Court of Appeals or Supreme Court is not covered by this Agreement. Contractor may opt to participate in such appeal and receive additional compensation from OCR at an agreed upon rate or contact OCR to identify appropriate appellate counsel.
- (c) Contractor shall promptly send OCR a copy of any notice of appeal filed by an Attorney.

2. **CONTRACTOR QUALIFICATIONS**

2.1 ATTORNEYS-- Contractor will:

- (a) Employ attorneys licensed or permitted to practice law and in good standing in the State of Colorado;
- (b) Ensure that at least 25% of the Attorneys have experience in D&N proceedings or other substantially related work, including trial experience;

- (c) Employ attorneys with the knowledge, expertise and training necessary to provide thorough, competent legal representation in the best interests of minor children and endeavor to employ attorneys with experience in other areas of family or social service advocacy, such as, but not limited to, custody proceedings; educational advocacy; medical and welfare benefits; developmental disability and mental health entitlements; family violence, housing and delinquency matters;
- (d) Ensure that prior to an Attorney's first appointment, such Attorney shall have received ten (10) hours of relevant legal training and that each such Attorney will obtain ten (10) hours of OCR sponsored training per year thereafter;
- (e) Ensure each Attorney is in compliance with Chief Justice Directive ("CJD") 04-06 and/or any subsequent CJDs; and
- (f) Ensure its attorney representation is consistent with the Colorado Rules of Professional Conduct and applicable statutes.

## 2.2 SOCIAL SERVICE STAFF-- Contractor will:

- (a) Use professionals with substantial experience in the social service fields and/or with a master's degree in social work;
- (b) Ensure that at least three of the following areas of expertise are covered by staff members: child protection, child development, behavioral and mental health, developmental disabilities, medical needs, substance abuse treatment, special education and family violence; and
- (c) Ensure that social service supervisory staff has experience with proceedings in juvenile court.

## 2.3 SUPPORT STAFF

Contractor will provide administrative staff sufficient to support the work of the representation teams and the model office, including the ability to meet data submission and audit compliance requirements.

# 3. PERFORMANCE REQUIREMENTS FOR MULTIDISCIPLINARY LAW OFFICES

## 3.1 CORNERSTONE ADVOCACY

Each Attorney shall structure his/her D&N cases based upon the principles of Cornerstone Advocacy for GALs. This requires that each Attorney focus on the following areas:

- (a) *Placement*: securing the appropriate placement which supports a child's connections to family and the people and institutions that the child was connected to before placement, including biological parents, kin and kin-like placements where appropriate;
- (b) *Visits*: where appropriate, using visiting resources to increase the frequency and length of visits with parents, guardians, and siblings and encourage the utilization of settings that most closely mimic family life;
- (c) *Services*: ensuring appropriate strength-based treatment plans and services for the child and the respondent parents which are specifically tailored to each child and family;

- (d) *Education and Life Skills Planning*: assisting in the formulation and execution of a plan which focuses attention on the educational needs of each child and which supports school stability and success including maintaining a child in his/her home school, ensuring that when a school transfer is necessary the child is promptly enrolled in the new school and her/his educational records including IEP are promptly transferred, and ensuring that a child is assessed for an IEP when necessary; and assisting with transition planning if the child will still be in care upon turning 18 years of age, including helping to secure a life-long permanent family connection.

### 3.2 CONTACT REQUIREMENTS IN D&N CASES

Contractor shall ensure:

- (a) The Child's Team in every D&N case shall attempt to establish a trusting and age-appropriate relationship with the child;
- (b) A member of the Child's Team shall have **meaningful face-to-face visits with the child at least once every 90 days**;
- (c) Two of the four minimum annual visits shall occur at the child's residence;
- (d) The assigned Attorney shall visit the child at the child's residence within 30 days of each new placement;
- (e) The assigned Attorney will attend two face-to-face visits annually with at least one occurring at the child's residence;
- (f) In cases in which the child is living or placed more than 150 miles from the Arapahoe County Courthouse, the requirement to meet face-to-face with the child is waived;
- (g) A member of the Child's Team, preferably the assigned Attorney, shall contact the child, or the child's caregiver if the child is unable due to age or disability to discuss his/her case, prior to each court date either by phone, e-mail, text or in person and document the child's wishes when ascertainable;
- (h) The Child's Team, when appropriate, shall encourage the participation of the child or youth at court proceedings and staffings;
- (i) The Child's Team will conduct an investigation which will include contact with the child, his or her family, and, if applicable, foster parents, therapists, teachers/school personnel and others with knowledge of the child and the case in addition to having contact with the social workers at the department of human services;
- (j) While it is anticipated that the social services staff member of a Child's Team might attend the majority of the outside meetings held on a case, the assigned Attorney shall personally attend at least 20% of the meetings and conduct a portion of the outside investigation; and
- (k) The Child's Team will confirm with the department of human service's case worker that a diligent search for kin and kin-like placements is occurring in a timely manner and throughout the case.

### 3.3 SUPERVISION REQUIREMENTS

Contractor shall provide staff with appropriate training and supervision. In particular,

Contractor shall:

- (a) Provide supervisory staff at a level appropriate to case load and organizational size;
- (b) Provide supervision by a professional with extensive experience in the child protection field;
- (c) Provide training, mentoring and supervision for staff to increase knowledge of relevant areas of the law and child development;
- (d) Create a supervisory structure that ensures equitable case distribution and when possible case assignments based upon the area of staff expertise and issues identifiable in pleadings;
- (e) Ensure that supervisory staff will be available to assist on an ongoing basis and will formally review inexperienced Attorneys' or social service staff performance at least once every six months and experienced Attorney or social service staff performance at least once each year and maintain records of such reviews;
- (f) Ensure that Attorney supervisory staff has extensive experience in child protection litigation in juvenile court; and
- (g) Establish a system of direct observation in court and/or in the field and solicit feedback from children, when appropriate, and families. The creation of a system to obtain feedback from other attorneys; placement resources; department of human services' social workers; and court personnel in order to assess Attorney and social service staff performance is also desirable.

Notwithstanding the foregoing, OCR and the State of Colorado reserve the right to assess and audit all Attorneys and investigate and resolve all complaints filed against any staff member, including any Attorney. OCR reserves the right to direct Contractor not to use certain Attorneys or staff members to provide the services required under this Statement of Work based upon unsatisfactory audit or investigative findings.

#### 4. **CASE LOAD/ CHILD CAPS**

- 4.1 Contractor anticipates accepting \_\_\_\_ new D&N cases and \_\_\_\_ new delinquency cases for each year.
- 4.2 Contractor anticipates that Attorneys will transfer to Contractor approximately \_\_\_\_ open D&N and \_\_\_\_\_ open delinquency cases on January 1, 2011.
- 4.3 Contractor shall limit each Attorney to \_\_\_\_\_ [cases/represented children] and each social service staff member to \_\_\_\_\_ [cases/represented children].
- 4.4 In the event there is turnover among the Attorneys or social service staff in Contractor's office, Contractor will be expected to ensure that any temporary increase in case load above such cap shall be remedied as soon as practicable by the hiring of a new employee.

#### 5. **REPORTING/ EVALUATION/AUDIT REQUIREMENTS**

##### 5.1 **REPORTING**

Within 30 days of the end of each quarter, Contractor will submit to OCR:

- (a) A staffing report including the name and position of all employees and the qualifications of any new employee hired by Contractor during the previous quarter; and
- (b) Unaudited financial statements including a balance sheet as of the last day of the quarter and an income statement for such quarter, which income statement shall set forth the amount and percentage variance for each line item from the budget submitted by Contractor to OCR.

## 5.2 EVALUATION

Contractor will cooperate with any evaluation of the model office which will entail review of the data on activities and outcomes collected in the Case Management System, as well as the use of survey instruments and interviews. The evaluation will seek to assess the office's compliance with the Performance Requirements and effective implementation of the multidisciplinary team approach. Some of the key measurements may include:

- l) attendance at relevant meetings and proceedings;
- m) increased participation of children in case events;
- n) minimization of the number of moves when a child is placed out-of-the home;
- o) more timely permanence for children;
- p) increased sibling contact;
- q) decreased re-entry rate of families back into the D&N court system;
- r) pending caseloads and annual caseloads per Attorney;
- s) number of cases in which the family is reunified within 12 months;
- t) prompt implementation of court orders
- u) aggregate information regarding represented children; and
- v) number of appeals initiated by Attorneys.

5.3 AUDIT: Contractor shall cooperate with all periodic performance audits requested by OCR or any other appropriate state agency.

## **SUPREME COURT OF COLORADO**

### **OFFICE OF THE CHIEF JUSTICE**

### **COURT APPOINTMENTS THROUGH THE OFFICE OF THE CHILD'S REPRESENTATIVE**

The following policy is adopted to assist the administration of justice through the appointment and training of Guardians ad Litem (GALs), attorney Child and Family Investigators and Child's Representatives appointed on behalf of minors/children, as well as attorneys appointed as counsel for children subject to dependency and neglect proceedings. Non- attorney Child and Family Investigators, adult GAL appointments, and any other juvenile attorney client appointments fall under the provisions of Chief Justice Directive 04-05.

#### **I. Authorities**

- A. Article 91 of Title 13 established the Office of the Child's Representative (OCR) and the various statutory requirements of the OCR.
- B. The OCR shall be responsible for the following:
- Provision of (GAL) services in dependency and neglect proceedings under Title 19.
  - Provision of GAL services for a respondent parent in dependency and neglect proceedings under Title 19 when that parent is a minor.
  - Provision of counsel services for children subject to dependency and neglect proceedings.
  - Provision of GAL services in delinquency matters under Title 19.
  - Provision of GAL services in adoption proceedings under Title 19 when one or more parties qualify as indigent.
  - Provision of GAL services for a child charged or prosecuted as an adult pursuant to Section 19-2-517, C.R.S. or Section 19-2-518, C.R.S.
  - Provision of GAL services in paternity and support matters brought under Title 19 when one or more parties qualify as indigent.
  - Provision of GAL services to minors in alcohol or drug abuse proceedings under Title 25.
  - Provision of GAL services to minors in mental health proceedings under Title 27.
  - Provision of GAL services to minors in probate proceedings under Title 15 when the parties are indigent.
  - Provision of GAL services to minors involved in truancy proceedings under Titles 19 and 22.

- Provision of Child's Representative services or attorney Child and Family Investigator services in domestic relations cases under Title 14, when one or more parties qualify as indigent.
  - Provision of services in any other GAL, Child's Representative or attorney Child and Family Investigator appointments where authorized, by statute or inherent authority, to act in or in representation of the best interests of a minor.
- C. State funds are appropriated to the OCR to fund all statutorily authorized appointments, costs associated therewith and the various responsibilities that fall under the purview of that office pursuant to Section 13-91-102(2), C.R.S.

## **II. OCR Authority and Responsibilities**

- A. The OCR's authority and responsibilities include, but are not limited to: ensure and enhance competent representation of a child's best interests in a cost effective manner, which includes training and monitoring of services rendered; the exclusive authority and discretion to select and contract with attorneys to provide state-paid GAL, Child's Representative, attorney Child and Family Investigator services, and counsel services for children subject to dependency and neglect proceedings, including the authority to reject attorneys for any reason; the authority to terminate, at will, contracts and existing court appointments as determined by the OCR; and the responsibility to provide oversight of and accountability for state-paid GAL, Child's Representative and attorney Child and Family Investigator services for the benefit of Colorado's children, as well as attorneys appointed as counsel for children subject to dependency and neglect proceedings, including investigation and resolution of complaints regarding attorneys who contract with the OCR.
- B. The OCR shall maintain and provide to the courts, on an ongoing basis, a list of qualified attorneys to whom appointments may be given. The courts shall appoint from this list. It is within the OCR's sole discretion to determine which attorneys are placed on the appointment list. A court is not required to use all attorneys on the list but only those it chooses to appoint. The OCR will not process payment for services of attorneys with whom the OCR does not have a contract and who are not on the OCR list. Should any unusual, exceptional or emergency circumstances present the need for the appointment of an attorney not listed as an OCR-qualified attorney, the court shall contact the OCR for approval prior to the appointment of that attorney. The OCR shall provide a prompt response to the court's request.

### **III. Authority and Requirement for Appointments through the OCR**

- A. A GAL shall be appointed for a child in a dependency and neglect action pursuant to Title 19. The GAL's appointment shall continue until the entry of a final decree of adoption or until the jurisdiction of the juvenile court is terminated either by operation of law or by court order.
- B. Pursuant to Title 19, an attorney may be appointed as counsel for child subject to a dependency and neglect proceeding in addition to the GAL if the court finds that the appointment is in the best interests and welfare of the child.
- C. Pursuant to Title 19, a GAL may be appointed in a delinquency proceeding if: no parent, guardian or other adult set forth in Section 19-1-111(2)(a), C.R.S. appears at the first or subsequent hearing; the Court finds a conflict of interest between the child and the parent, guardian or other adult set forth in Section 19-1- 111(2)(a), C.R.S.; or the court finds that a GAL appointment will serve the best interests of a child. Such appointment shall continue if a case is transferred to adult criminal court under Title 19.
- D. Pursuant to Title 19, the court, in its discretion, may appoint a GAL in any direct file of charges against a juvenile in adult criminal court.
- E. Pursuant to Title 19, a GAL may be appointed, unless the child is already represented by defense counsel, in truancy proceedings under Title 22. Pursuant to Title 19, a court may appoint both counsel and a GAL for the child if the court finds that such appointment is in the best interests of the child.
- F. A Child's Representative or attorney Child and Family Investigator may be appointed in a domestic relations case pursuant to Title 14.
- G. A GAL may be appointed for a minor in formal proceedings involving guardianship or conservatorship of a minor; trusts or estates of decedents, minors and protected persons; and in judicially supervised settlements pursuant to Title 15 if the court determines that a need for such representation exists.
- H. A GAL shall be appointed in a mental health proceeding pursuant to Title 27 for any child under age 15 who is a ward of the Department of Human Services or for any minor under 15 who objects to his or her hospitalization.
- I. If necessary to serve a child's best interests, a GAL may be appointed for an infant or other minor who does not have a representative and who is a party to a civil suit.
- J. A GAL may be appointed for a child in a paternity action pursuant to Title 19.
- K. A GAL may be appointed for a minor upon the filing of a petition for involuntary commitment of alcoholics or drug abusers if the court deems the minor's

presence in court may be injurious to him or her pursuant to Title 25.

L. Pursuant to Title 19, a GAL for a minor may be appointed in an adoption proceeding. Pursuant to Title 19, a GAL for a minor may also be appointed in a proceeding concerning the relinquishment of the minor if the court finds that there is a conflict of interest between the child and the parents, guardian or legal custodian; the court finds that such appointment would be in the best interests of the child; or the court determines that the child is twelve years of age or older and that the welfare of the child mandates the appointment.

M. Pursuant to Title 12, a GAL may be appointed for a minor under the judicial bypass provisions of the Colorado Parental Notification Act pursuant to C.R.S. §12-37.5-107(2)(b) and Chapter 23.5 of the Colorado Rules of Civil Procedure (“Rules of Procedure for Judicial Bypass of Parental Notification Requirements”).

#### **IV. Allocation of Cost and Guidelines for Payment by the OCR**

A. Allocation of Costs—Requirement of Indigency Finding

1. An indigency determination is not required for state payment of GAL services in matters other than these specific cases:

- a. The State, through the OCR, shall bear the costs for the services of an attorney Child and Family Investigator or a Child’s Representative appointed pursuant to Section 14-10-116.5, C.R.S. or Section 14-10-116, C.R.S., respectively, only if one or more of the parties responsible for the costs are deemed to be indigent. The State is precluded from paying for services and any costs associated with services for non-indigent parties under either Section 14-10-116.5, C.R.S., or Section 14-10-116, C.R.S., respectively, which specify that the parties are responsible for all costs unless there is a specific finding of indigency.
- b. The State, through the OCR, shall bear the costs for GAL services in paternity and support matters under Article 4 of Title 19 only if one or more of the parties responsible for the costs are deemed to be indigent. The State is precluded from paying for services and any costs associated with services for non-indigent parties under Section 19-4-117, C.R.S., which specifies that the court shall order reasonable fees of the GAL to be paid by the parties.
- c. The State, through the OCR, shall bear the costs for GAL services in adoption and relinquishment proceedings only when the party(ies) responsible for the costs is deemed to be indigent. The State is precluded from paying for services and any costs associated with GAL services for non-indigent parties under

Section 19-5-103, C.R.S., which specifies that the Court shall order reasonable fees to be paid by the relinquishing parent(s).

- d. The State, through the OCR, shall bear the costs for GAL services provided to a minor under Title 15 (probate, guardianship and conservatorship) and other civil cases only when the parti(es) ordered to be responsible for the costs or the minor's estate is deemed to be indigent.
2. When indigency is required for court-appointed representation at state expense, the responsible party(ies) must complete, or have completed on their behalf, application form JDF 208 ("Application for Public Defender, Court-Appointed Counsel, or Guardian ad Litem") signed under oath, before an appointment may be considered. An indigent person is one whose financial circumstances fall within the fiscal standards set forth by the Supreme Court through Chief Justice Directive (See Attachment A). A court shall not order representation to be at state expense absent the completion of form JDF 208, a finding of indigency and an order of the court. If one party is indigent, the State, through the OCR, will pay half of the state-set hourly rate.

**B. Guidelines for Payment by the OCR**

1. Claims for payment of appointee fees and expenses shall be submitted by the appointee directly to the OCR, not the appointing court, in accordance with the OCR's policies and procedures.
2. The maximum total fees per appointment for all OCR appointments and the procedures for approval of excess fees shall be as set forth by the OCR.
3. 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.

**V. Duties of Attorneys Appointed as GALs, Child's Representatives, Attorney Child and Family Investigators, and Counsel for Children Subject to Dependency and Neglect Proceedings.**

**A. Training**

1. Attorneys appointed as GALs, Child's Representatives, attorney Child and Family Investigators, or counsel for children subject to dependency and neglect proceedings shall possess the knowledge, expertise and training necessary to perform the court appointment.

2. In addition, GALs, Child's Representatives, attorney Child and Family Investigators, and counsel for children subject to dependency and neglect proceedings shall obtain 10 hours of the required continuing legal education courses or any other modified training requirements established by subsequent Chief Justice Directive practice standards, rule or statute, which are relevant to the appointment and that enhance the attorney's knowledge of the issues in best interest and child client-directed representation. These requirements should be met prior to attorney's first appointment and per legal education reporting period. The attorney shall provide the OCR with proof of compliance with this requirement with his/her application to provide attorney services or contract renewal for the OCR.
- B. All attorneys appointed as GALs or Child's Representatives shall be subject to all of the rules and standards of the legal profession. The unique statutory responsibilities of a GAL and a Child's Representative do not set forth a traditional attorney-client relationship between the appointed attorney and the child; instead, the "client" of a GAL or a Child's Representative is the best interests of the child. The ethical obligations of the GAL or Child's Representative, under the Colorado Rules of Professional Conduct, flow from this unique definition of "client." Because of this unique relationship, an attorney's obligation not to reveal confidential information provided by the child does not apply if the information must be revealed to ensure the child's best interests. A determination by the GAL or the Child's Representative of a child's best interests must include consultation with the child in a developmentally appropriate manner and consideration of the child's position regarding the disposition of the matter before the court. A GAL or a Child's Representative must also explain to the child the limitations on confidentiality.
- C. The attorney appointed as a GAL or a Child's Representative shall diligently take steps that s/he deems necessary to represent and protect the best interests of the child, under the terms and conditions of the order of appointment, including any specific duties set forth in that the appointment order or in any subsequent order. If the appointee finds it necessary and in the best interests of the child, the appointee may request that the court expand the terms of the appointment and scope of the duties. The attorney appointed as counsel for a child subject to a dependency and neglect proceeding shall provide representation to the child client within the scope of the order of appointment and in accordance with the attorney's professional responsibilities under the Colorado Rules of Professional Conduct.
- D. A GAL in a dependency and neglect case shall specifically:
1. Attend all court hearings and provide accurate and current information directly to the court. *Commentary: 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.* This shall include a statement of the child's position, when ascertainable

based on the child's developmental level, regarding the disposition of the matters addressed at the hearing. If a child informs the GAL that s/he does not want the GAL to report his or her position to the court at a specific hearing, the GAL may proceed without directly stating such position.

2. At the court's direction and in compliance with Section 19-3-606(1), C.R.S., file written or oral report(s) with the court and all other parties.
3. Take actions within the scope of his or her statutory authority and follow the ethical obligations necessary to represent the best interests of the child.  
*Commentary: The GAL has the right to and should actively participate and be included in all aspects of litigation including but not limited to discovery, motions practice, settlement negotiations, court appearances, jury selection, presentation of evidence and appeals, except as limited by applicable law.*
4. Conduct an independent investigation in a timely manner which shall include at a minimum:
  - a. Personally interviewing the child (if appropriate to the child's developmental level) and meeting with and observing the child in his or her placement as soon as is reasonable, but, in no event, later than 30 days following the GAL's appointment;
  - b. Personally meeting with and observe the child's interaction with the parents, proposed custodians or foster parents including kinship care providers;  
*Commentary: The GAL shall meet with the parents, proposed custodians, foster parents or kinship care providers who are providing ongoing care for the child and observe the child in that home. This requirement neither mandates nor is fulfilled by a GAL's meeting with the care providers and observing the child in a temporary intake placement service, respite care or juvenile detention holding facility, unless that is the only opportunity to observe the child.*
  - c. Reviewing court files and relevant records, reports and documents;
  - d. Interviewing the respondent parents, with the consent of counsel;
  - e. Interviewing other people involved in the child's life, including: foster parents; caseworkers; CASA volunteers; relatives; and school personnel, therapists and any other persons or professionals necessary to assess and serve the child's best interests.
  - f. Confirm that the county department's investigation has included a

search for any prospective kinship, placement and/or adoption or potential tribal affiliation, or personally conduct such investigation, in the event these attempts to reunify fail. This part of the investigation should be conducted during the initial stages of the case.

- g. When appropriate, visiting the home from which the child was removed.

*Additional Commentary: The GAL's initial investigation sets the groundwork for the entire dependency and neglect case, and an effective initial investigation is critical to serving the child's best interests and advancing permanency for the child. An effective initial investigation allows the GAL to make recommendations early on in a case which will: implement services that will advance the goals of the case and the best interests of the child with the least delay possible; reduce the risk of harm that involvement in the dependency and neglect system may present to the well being of the child; reduce the risk of disruption in the child's placement and potential harm from the child from such disruption; and preserve relationships significant to the child, such as sibling relationships. Hence, it is expected that the initial duties described in this subsection shall be completed within 45 days of the GAL's appointment, with the exception of the in-placement interview/observation, which shall occur within 30 days of the appointment. The duties described in sections V.D.4.e and V.D.4.f may be performed by a qualified person other than the appointee under the supervision of the appointed GAL.*

- 5. Continue to perform an ongoing investigation as necessary to represent the best interests of the child for the duration of the case unless relieved of such duty by the court. The GAL's ongoing investigation shall include, but shall not be limited to:

- a. If the child's placement is changed, the GAL shall personally meet with and observe the child in each new home or placement of the child, as soon as practicable after the child's entry into the placement.

*Commentary: Continuing contact and ongoing investigation constitute important components of the GAL's role. Additionally, because each disruption in the child's placement presents new risks of harm and is potentially detrimental to the child's emotional and psychological well being, it is critical that the GAL meet with and observe the child in each new placement to assess the appropriateness, risks and potential permanency of that placement, as part of the GAL's ongoing investigation. This in-placement meeting/observation shall ideally occur no later than 30 days after the child's entry into the new placement. When*

*circumstances make it impracticable for a GAL to visit a child within 30 days of a child's entry into a new placement, the GAL may send a properly trained representative to visit the child in the placement within 30 days of the placement, but the GAL must follow up with his or her own visit within a reasonable time thereafter.*

- b. Maintaining contact and ongoing communication with the child, foster parents, caseworker, CASA and any other parties, persons or professionals necessary to ensure that the child's best interests are continually met;
  - c. Other applicable duties listed above in section V.(C.3).
6. In cases in which the parents or child are living or placed more than 100 miles outside of the jurisdiction of the court, the requirements to personally meet with and interview the person or child are waived. However, to the extent possible, the appointee shall endeavor to see the child in his or her extended placement and the OCR will pay reasonable costs associated with meeting these obligations.
7. All GALs in Dependency and Neglect proceedings shall submit a standard affidavit of compliance to the OCR by May 30 of each year for appointments made in the previous contract year. For any cases in which the GAL has not complied with the above requirements, a standard exception form shall be attached to the affidavit. The standard affidavit of compliance and exception form shall be developed by the OCR and made available to all GALs. The current form is shown in Attachment B.
- E. An individual appointed as an attorney Child and Family Investigator pursuant to Section 14-10-116.5, C.R.S., is an investigative arm of the court and shall follow the specific terms of the order of appointment, which includes filing a written report with the court, but which does not include the duties described in section V.B. Attorney Child and Family Investigators are also subject to the Rules of Professional Conduct, the Child and Family Investigator standards set forth in Chief Justice Directive 04-08, as well as other existing or subsequent Chief Justice Directives or standards applicable to Child and Family Investigators.
- F. An attorney appointed as a GAL or Child's Representative in all other proceedings, including juvenile delinquency, parental responsibility, paternity, relinquishment, probate, mental health and truancy cases, shall perform all duties as directed by the court, as set forth by statute and as required by the Rules of Professional Conduct as described in section V.B.

## **VI. Duties of Judges and Magistrates**

- A. Judges and magistrates shall ensure that GALs, Child's Representatives and attorney Child and Family Investigators involved with cases under their jurisdiction are

representing the best interests of children/minors.

B. In providing this oversight, judges and magistrates shall:

1. Routinely monitor compliance with this directive and promptly notify the OCR of failures of GALs, Child's Representatives, attorney Child and Family Investigators, and counsel for children subject to dependency and neglect proceedings to comply with this Chief Justice Directive and other Chief Justice Directives in existence or subsequently adopted, including Chief Justice Directive 04-08, which sets forth the standards for Child and Family Investigator.;  
*Commentary: The complaint and notice procedure is set forth in section VII.B, footnote 1. A child whose best interests are being represented by counsel in dependency and neglect and other proceedings is in a particularly vulnerable position s/he will unlikely appear in court regularly and may find it difficult to express concerns or problems that s/he is experiencing with the attorney who has been appointed to represent his or her best interests. For these reasons, judges should take an active role in monitoring the attorneys who represent the best interests of children. Often the judge is the only individual in the position to become aware of less than adequate representation or non-compliance with this Chief Justice Directive. Judges should consider such practices as inquiring at each court date as to the last contact that the GAL or Child's Representative has had with the child, as well as asking any other questions the judge believes is necessary and appropriate to ensure that the child's best interests are receiving quality representation. Similarly, children represented by counsel in dependency and neglect proceedings may lack the resources and knowledge to raise concerns about counsel's representation, and the court should promptly notify the OCR of any inadequacies it has observed with regard to an attorney's performance as counsel for a child in a dependency and neglect proceeding.*
2. Provide guidance and clarify the expectations of the court concerning GALs, Child's Representatives attorney Child and Family Investigators, and counsel for children subject to dependency and neglect proceedings upon their appointment, throughout the proceedings and through other appropriate mechanisms;
3. Hold periodic meetings with all practicing GALs, Child's Representatives and attorney Child and Family Investigators the court deems necessary to ensure adequate representation of the best interests of children or minor wards; and
4. As explained in section V.B, hold GALs and Child's Representatives to the same standards and expectations imposed by the Colorado Rules of Professional Conduct on every attorney who is licensed to practice law in Colorado and report any violations. Any report should also include notice to the OCR of such report or concern so that the OCR may use this information to protect existing or other children's best interests from inadequate representation.

- C. Implement procedures and practices that enable GALs and Child's Representatives to comply with this Chief Justice Directive.

*Commentary: Examples of such procedures and practices include entering orders authorizing GALs and Child's Representatives to access to all relevant case information and checking the availability of the GAL or Child's Representative when scheduling hearings.*

**VII. Procedures for Complaints against GALs, Child's Representatives, Attorney Child and Family Investigators, and Counsel for Children Subject to Dependency and Neglect Proceedings through Contracts with the Office of the Child's Representative.**

- A. For all court-appointed GALs, attorney Child and Family Investigators, Child's Representatives, and attorneys appointed as counsel for children subject to dependency and neglect proceedings, complaints concerning alleged violations of the Colorado Rules of Professional Conduct shall be filed with the Colorado Supreme Court Office of Attorney Regulation Counsel and reported, if possible, to the OCR so that OCR may be able to consider this information when deciding whether to continue to contract with the attorney, either at the time of the complaint or in the future.
- B. All complaints regarding the performance of any state-paid GAL, attorney Child and Family Investigator, Child's Representative, or counsel for a child subject to a dependency and neglect proceeding who contracts with the OCR shall be submitted to the OCR in writing, unless the complainant is made by a judicial officer or court staff.<sup>1</sup> The OCR shall investigate the matter and take action necessary to resolve any concerns or issues raised by the complaint. Such action may include, but is not limited to: placing the attorney on probationary status with regard to his or her contract with the OCR; suspending or terminating the attorney's contract with the OCR; terminating the attorney's appointment on an active case<sup>2</sup>; and/or taking remedial action to improve the

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<sup>1</sup> If an issue arises concerning an attorney's ability to competently or adequately represent a child's best interest in any particular case, the court shall immediately contact the OCR. The OCR must respond forthwith, giving immediate consideration and resolution regarding the complaint, which may include termination of contract, removal from the case at issue, and/or removal from the OCR approved list. In addressing the complaint, the OCR will give serious consideration to the judicial officer's recommendations as to how the termination of an appointment or any other action taken by the OCR may impact the best interests of the child in the course of a particular case. This complaint process in no way interferes with the court's inherent powers to impose sanctions, exercise its powers of contempt, and/or report any violations of the Rules of Professional Conduct to the Supreme Court Attorney Regulation Office.

<sup>2</sup> The OCR will remove an attorney from an open case only under extenuating circumstances. With input from the court and only if warranted under the most exceptional circumstances, will the OCR consider removing an attorney from an existing and ongoing appointment. The OCR fully understands and appreciates the serious consequences that may result from removing an attorney from an existing case. It can disrupt the continuity of the case, interrupt and delay the court process, extend the length of the case and ultimately may not be in the best interests of the child. As such, only after serious consideration will the OCR remove an attorney from a case.



**GUARDIAN AD LITEM AFFIDAVIT OF COMPLIANCE**

The purpose of this affidavit is to provide simple, uniform reporting concerning compliance with section V.D.7 of Chief Justice Directive 04-06.

1. I have attended all court hearings of which I had adequate notice and provided correct information to the court, as current as possible, except that when I could not attend such a hearing because of exceptional circumstances and with the court’s permission, a qualified attorney substituted on my behalf.
2. I have submitted oral or written reports with the court and all other parties present at the hearing.
3. I, or qualified appointee, have conducted an independent investigation in a timely manner, which include at least:
  - Personally meeting with and observing the child’s interaction with the parents or proposed custodians when appropriate;
  - Personally meeting with and observing the child/ward/impaired adult at home in each placement;
  - Personally interviewing the child/ward/impaired adult;
  - Reviewing court files and relevant records, reports and documents;
  - Interviewing, with consent of counsel, the respondent parents;
  - When appropriate, visiting the home from which the child/ward/impaired adult was removed;
  - Confirming that the county department’s investigation has included a search for any prospective kinship placement and/or adoption or potential tribal affiliation;
  - Interviewing other people involved in the child’s life when accessing or appropriate to assess and serve the child’s best interests.
4. I have continued to perform all duties listed above in order to represent the best interests of the child.
5. I have attached a list of all case numbers and counties in which I have been appointed GAL during calendar year \_\_\_\_\_.
6. I am submitting this affidavit, with attachments to the presiding juvenile judge, probate judge or chief judge. I am also submitting a copy of this affidavit, with attachments, to The Office of the Child's Representative.

\_\_\_\_\_  
Affiant

Subscribed and sworn to before me on \_\_\_\_\_ by \_\_\_\_\_, the affiant.  
(date) (name)

My commission expires on \_\_\_\_\_

\_\_\_\_\_  
Notary Public

## APPENDIX C – ITEMS FROM OCR CARES

### Administration

#### Consultation with

- Appellate Counsel/GAL
- Colleague/Supervisor/Supervisee
- Expert
- Other

➤ Report: Total Time / Time per category

### Court

- Duration
- Consultation with children at courthouse
- Meeting with involved persons
- Administration
- Wait time

➤ Report: Total Time / Time per category

### Types of Outcomes

- Hearing continued
- Parent appears
- Parent does not appear
- Vacated

➤ Report: Total Number of Events / Events per category

### General Legal

- Placement Change
- Schedule Hearing
- Hearing Preparation
- Letters/E-mails
- Write/Review-Visit/Staffing/TDM Memo

➤ Report: Total Time / Time per category

### Meeting

- Administrative Hearing
- Adoption Staffing
- ARD/ Foster Care Review
- Case Management Conference
- Family Conference/Meeting
- Filing Motion/Pleading
- Independent Living Plan Staffing
- Individual Education Plan
- Mediation
- Meeting with Court Staff
- Meeting with Foster Parent (non-relative)
- Meeting with Party/Parties

- Meeting with Probation
- Meeting with Relative/Kin (Caregiver)
- Meeting with Relative/Kin (non caregiver)
- Meeting with Respondent Parent(s)
- Meeting with Therapist
- Non-Specific Type of Meeting with DHS/Attorneys/Other
- Observed Child's Interaction with Bio or Foster Parent
- Other
- Permanency Round Table
- School Staffing/Meeting
- Team Decision Making (TDM)
- Treatment Provider Staffing
- Visit Child's Home of Origin- Child Not Present
- Visit Prospective Home- Child Not Present

➤ Report: Total Number of Events / Events per category

➤ Report: Total Time / Time per category

### Telephone

- Attorney
- CASA
- Child
- Court Staff
- CPA Staff
- DHS Case Worker (Any DHS employee including supervisors)
- Facility Staff
- Foster Parent
- Guardian
- In-home Service Provider
- Investigator/ Law Enforcement
- Other People In Child's Life/Kin
- Pre-trial Services Staff
- Relative
- Probation Officer
- Therapist
- Respondent Parent ( with RPC consent, if applicable)
- School
- Treatment/Resource Provider

➤ Report: Total Time / Time per category

## Research

### Review Document

- Affidavits
  - CASA Report
  - Court File
  - Court Orders
  - Court Reports
  - DA's File
  - DHS Case Record
  - Educational Records
  - Exhibits
  - Forensic Sex Abuse Evaluation Report
  - Home study
  - Incident / Police Reports
  - Investigation Report
  - Medical / Hospital Records
  - Mental Health Treatment Records
  - Miscellaneous Plans
  - Motions/Pleadings
  - Other
  - Other Service Provider  
Records/Evaluations
  - Parent Documents
  - Placement Progress Report
  - Pre-Sentence Report
  - Psychological or Psychiatric Evaluation
  - Substance Abuse Evaluation
  - Substance Abuse Treatment Records /  
Lab Reports
  - Treatment Plans
  - Victim Impact Statements
  - Warrant Affidavits
- Report: Total Time / Time per category

## Visit

### Location

- At Court
  - Community Setting
  - Detention/Jail
  - DHS or Supervised Visitation  
Location
  - Foster Home
  - Home
  - Hospital
  - Kinship Placement
  - Meeting/Staffing with Child Present
  - No One Home for scheduled visit
  - Residential Placement
  - Respite Home
  - School
  - Shelter
  - Unannounced and No One Home
- Report: Total Number of Events, Time per category

### Canceled Reason.

- Attorney cancelled appointment
  - Child unavailable for visit
  - Foster parent cancelled visit
  - Foster parent prevented visit
  - Parent prevented visit
  - Other
  - Other agency cancelled appointment
  - Out of state placement
  - Parent cancelled visit
- Report: Total Number of Events per category

## **APPENDIX D – MDLO EMPLOYEE INTERVIEW**

Introduction:

- NAME – DU Researcher
- Recording/ Confidentiality
- Purpose

Please introduce yourself and tell us your role.

How long have you worked at this organization?

Do you think the MDLO model impacts the representation of best interest of children? (team approach to cases)

How do you feel about working with other professionals in your field at your MDLO?

How would you describe your organization's structure?

Please describe your role and responsibilities.

Please describe the role of your counterpart (either SSP or GAL).

Please describe a time when there was disagreement about what was in the best interest of a child or the course of a case.

What course of action was taken from the disagreement?

Was your perspective considered in the outcome of the disagreement?

Who made the ultimate decision in this situation?

Can you describe a time when communication between team members went very well?

How are expectations communicated to you? How are expectations monitored?

To whom do you go to when you have a case-related question?

Please describe the feedback you receive about your performance.

How often do you meet with a supervisor? Are these regularly scheduled meetings?

How would you describe the supervision you receive?

How does your office implement best practices? (training, supervision, etc.).

Please describe how attorneys and social work professionals work together on a case (go through the course of a case)

Do you feel there has been significant turnover in your agency in the two years it has held a contract with OCR? What factors do you think contribute to turnover?

Is there anything else you would like to share with us?

## APPENDIX E – STAKEHOLDER SURVEY\*

Data Collection Instrument: Stakeholders Survey.

Thank you for agreeing to complete this survey. This survey is being conducted by the Office of the Child’s Representative to evaluate Guardian ad litem performance. Your answers are confidential and we value your honest feedback. Please complete this survey for each GAL you worked with from July 1, 2011 – June 30, 2012.

### PART I Your Professional Experience

1. Your role: drop down menu (CASA, caseworker, Judicial Officer, attorney, probation officer)
2. Number of years experience in your current position:
3. Number of years experience working with guardians ad litem:
4. Judicial district where you primarily work: (Select one)
5. I’m involved with the following types of cases: (check all that apply) D&N, Delinquency, Probate, Domestic Relations, Paternity, Mental Health, Truancy, Adoption & Relinquishment

### PART II Please answer the following questions to the best of your knowledge:

Please enter the name of the GAL you are reviewing: [Text Box or drop down menu]

6. The GAL possesses the requisite knowledge to effectively advocate for the child’s best interest?
  - A. Strongly agree
  - B. Agree
  - C. Disagree
  - D. Strongly disagree
7. The GAL possesses the relevant skills to effectively advocate in court?
  - A. Strongly agree
  - B. Agree
  - C. Disagree
  - D. Strongly disagree
  - E. Do not know
8. Suggested area for further training:  
TEXT BOX
9. The GAL is familiar with services available in the community for children, youth and families.
  - A. Strongly agree
  - B. Agree
  - C. Disagree
  - D. Strongly disagree

### GAL Roles and Responsibilities

10. The GAL conducts an initial independent investigation to determine what is in the child’s best

---

\* Please note all surveys for the evaluation were administered electronically, the appendices include a copy of the questions in the same order as the survey, but do not capture the appearance of the survey or skip logic within the survey.

interest.

- A. Strongly agree
- B. Agree
- C. Disagree
- D. Strongly disagree

11. The GAL personally meets with the child in each of the child's placements.

- A. Always
- B. Usually
- C. Sometimes
- D. Never
- E. Do not know

12. The GAL attends all court hearings for the child unless excused by the judge.

- A. Always
- B. Usually
- C. Sometimes
- D. Never

13. The GAL promotes developmentally appropriate participation of the child at case events.

- A. Always
- B. Usually
- C. Sometimes
- D. Never

14. The GAL informs the court of his or her contacts with the child.

- A. Always
- B. Usually
- C. Sometimes
- D. Never

15. The GAL consults with the child in advance of each court hearing.

- A. Always
- B. Usually
- C. Sometimes
- D. Never
- E. Do not know

16. The GAL provides accurate and current information directly to the court. A. Always

- B. Usually
- C. Sometimes
- D. Never

17. I know what the GAL's position is at each court hearing?

- A. Always
- B. Usually
- C. Sometimes
- D. Never

18. I know that the GAL has considered the child's wishes when formulating his or her position?

- A. Always
- B. Usually

- C. Sometimes
- D. Never

19. The GAL advises the court of the child's position when making recommendations to the court.
- A. Strongly agree
  - B. Agree
  - C. Disagree
  - D. Strongly disagree

#### Conferencing

20. The GAL routinely has contact with the following professionals in a case: (Check all that apply)

- Therapist,
- Caseworker
- Caregivers
- Probation officers
- Teachers
- Attorneys
- Other: (insert)

21. The GAL participates in conferences, staffings, case plan meetings, and facilitated family meetings.
- A. Always
  - B. Usually
  - C. Sometimes
  - D. Never

22. The GAL routinely requests family service plans, relevant assessments, and other case records.
- A. Strongly agree
  - B. Agree
  - C. Disagree
  - D. Strongly disagree

23. The GAL critically assesses the case plans and permanency plans presented by DHS.
- A. Strongly agree
  - B. Agree
  - C. Disagree
  - D. Strongly disagree

#### General Feedback

24. The GAL has a good rapport with the children on his or her cases.
- A. Strongly agree
  - B. Agree
  - C. Disagree
  - D. Strongly disagree

25. The GAL has a good understanding of the child's individual strengths and needs.
- A. Always
  - B. Usually
  - C. Sometimes
  - D. Never

26. The GAL is respectful of others involved in the case.

- A. Strongly agree
- B. Agree
- C. Disagree
- D. Strongly disagree

Please provide any additional comments about this GAL:

[paragraph text box]

## **APPENDIX F – JUDICIAL OFFICER SURVEY**

Data Collection Instrument: Judicial Officer Survey.

Question 1: My court has access to an adequate number of attorneys with the necessary skill and knowledge to be effective GALs.

- Strongly Disagree
- Disagree
- Neither Agree nor Disagree
- Agree
- Strongly Agree

Comments:

Question 2: GALs receive adequate training to effectively perform their responsibilities.

- Strongly Disagree
- Disagree
- Neither Agree nor Disagree
- Agree
- Strongly Agree

Comments:

Question 3: GALs receive adequate supervision.

- Strongly Disagree
- Disagree
- Neither Agree nor Disagree
- Agree
- Strongly Agree

Comments:

Question 4: GAL caseloads are reasonable.

- Strongly Disagree
- Disagree
- Neither Agree nor Disagree
- Agree
- Strongly Agree

Comments:

Question 5: GALs make independent recommendations regarding the child's best interests.

- Strongly Disagree
- Disagree
- Neither Agree nor Disagree
- Agree
- Strongly Agree

Comments:

Question 6: GALs advise the court of the child's wishes even when the child's wishes differ from the GAL's recommendations.

- Strongly Disagree
- Disagree
- Neither Agree nor Disagree
- Agree
- Strongly Agree

Comments:

Question 7: The recommendations made by GALs provide meaningful input into my decision making.

- Strongly Disagree
- Disagree
- Neither Agree nor Disagree
- Agree
- Strongly Agree

Comments:

Question 8: GALs make efforts to facilitate the participation of their clients in court proceedings (when appropriate based on their age and development).

- Strongly Disagree
- Disagree
- Neither Agree nor Disagree
- Agree
- Strongly Agree

Comments:

Question 9: GALs demonstrate an in-depth understanding of the child's needs and strengths.

- Strongly Disagree
- Disagree
- Neither Agree nor Disagree
- Agree
- Strongly Agree

Comments:

Question 10: GALs critically assess the case plan and/or permanency plan presented by the department.

- Strongly Disagree
- Disagree
- Neither Agree nor Disagree
- Agree
- Strongly Agree

Comments:

Question 11: Children in D&N proceedings enjoy continuous representation by the same GAL through the life of the case.

- Strongly Disagree
- Disagree
- Neither Agree nor Disagree
- Agree
- Strongly Agree

Comments:

Question 12: Substitute counsel rarely appears on behalf of the assigned GAL.

- Strongly Disagree
- Disagree
- Neither Agree nor Disagree
- Agree
- Strongly Agree

Comments:

Question 13: GALs advocate for the child's presence at all court hearings for the child.

- Strongly Disagree
- Disagree
- Neither Agree nor Disagree
- Agree
- Strongly Agree

Comments:

Question 14: GALs demonstrate knowledge of relevant laws in court.

- Strongly Disagree
- Disagree
- Neither Agree nor Disagree

- Agree
- Strongly Agree

Comments:

Question 15: GALs actively participate in my court by introducing evidence and examining witnesses.

- Strongly Disagree
- Disagree
- Neither Agree nor Disagree
- Agree
- Strongly Agree

Comments:

Question 16: GALs in my court make motions.

- Strongly Disagree
- Disagree
- Neither Agree nor Disagree
- Agree
- Strongly Agree

Comments:

Question 17: GALs in my court make necessary objections.

- Strongly Disagree
- Disagree
- Neither Agree nor Disagree
- Agree
- Strongly Agree

Comments:

Please provide any additional feedback about GAL performance in your county.

For Judicial Officers in Denver, Arapahoe and El Paso counties, please provide any additional comments related to your experience working with Multidisciplinary Law Offices:

Thank you for your time and participation in our research study.

## APPENDIX G – FOCUS GROUP QUESTIONS

Data Collection Instrument: Focus Group Question Guide.

### MDLO County Intro

We are graduate students of Social Work at the University of Denver and we are conducting a research project in collaboration with the Office of the Child Representative (OCR), to examine the work of GALs. We are trying to understand the work of GALs, whether a multidisciplinary approach to representation is helpful, and whether Multidisciplinary Law Offices are an effective way to provide best interests representation of children in Colorado. We are looking at the multidisciplinary law offices (MDLOs) within Denver, Arapahoe, and El Paso counties that have employed professionals with a social work background on staff to work with GALs. We would like to ask you some questions about your experiences working with GALs from these offices, specifically between July 1<sup>st</sup>, 2011-September 30<sup>th</sup>, 2012. We have a list of the names of the attorneys who work in the office if that would be helpful (Share list if needed). Ask permission to record the focus group

---

Please introduce yourself, tell us your name, your department, and how long you have worked with the county:

The purpose of this focus groups is to gather information on your experience working with multidisciplinary law offices

We would like to start with talking about general impressions, your observations of GALs in court, and then we'll focus on your experiences working with GALs outside of court.

### General Impressions of GALs working in MDLOS

Do GALs seem to have adequate training to effectively perform their responsibilities?

Do GALs receive supervision?

Who do you contact if you have concerns about a GAL?

Do GAL caseloads seem reasonable?

### GAL Activity In Court

Are GALs making independent recommendations regarding the child's best interests?

Do GALs provide accurate and current information to the court?

Do you hear GALs advise the court of the child's wishes even when the child's wishes differ from the GAL's recommendations?

Are GALs facilitating youth participation in court proceedings (when appropriate based on their age and development).

What is your understanding of the role of social work professionals in the Multidisciplinary Law Office (could insert name of firm if needed)

Do the social work professionals generally attend court?

What has your experience been like working with them?

### Working with GALs and their representatives outside of court

What types of meetings do you invite the GAL to participate in? (conferences, staffings, team meetings, round tables, etc.)

How often do they attend meetings? Roughly, what percentage of meetings would you estimate they attend?

Who usually attends the meeting (the GAL or his/her representative)?

What types of documents does the GAL request from the department? (treatment plans, case

records)?

When the GALs attend meetings to what extent are they prepared to participate? (do they offer information / advocate for the child?)

Do GALs routinely request case information from treatment providers?

How are GALs involved in conducting a diligent search for family/kin?

How do GALs contribute to permanency planning? (Do they critically assess the plan, do they advocate for a certain plan, etc.)

What role do the office's social work professionals play in out of court meetings?

#### GALs relationship with the child

Is it your impression that GALs or their representatives are having regular contact with children?

Do GALs demonstrate an understanding of the child's needs and strengths?

What are your impressions of GALs' relationships with their clients?

What is the GAL's social work professionals' relationships like with children?

Did you work in this area prior to the implementation of Multidisciplinary Law Offices? If so, what are your general impressions about this change? What have you seen as strengths of a multidisciplinary approach? What have you seen as weakness to this approach?

Is there anything else you would like to tell us about GALs in your county?

# APPENDIX H – COURT OBSERVATION FORM

## Data Collection Instrument: Court Observation Form

Case Number  GAL of Record

Observation Date  Did GAL of record appear?

County  If no, name of GAL who appeared:

Hearing Type  Contested hearing?

Observer  What information from a therapist shared?

Judicial Officer  If yes, by who?

Parties Present CA CW RF RFC RM RMC CASA Other

Children affiliated with this case: (may continue onto next page)

Name:			
DOB	<input type="checkbox"/> Present?	Participated?	Yes No N/A
Question:		Yes/No/NA	Notes
Q1) Did GAL clearly state a position?			
Q2) Did GAL state when s/he last saw child?			
Q3) Did GAL state the child's position?			
Q4) Did GAL provide current, independent info about the child?			
Q5) Did GAL address efforts to get child to attend?			

## APPENDIX I - Youth Survey

1) What is your gender?

- Male
- Female
- Other: \_\_\_\_\_

2) What is the name of your current GAL?

Name: \_\_\_\_\_

3) Approximately how long have you been represented by your current GAL?

- 0-6 months
- 7-11 months
- 1 year-2 years
- More than two years (please specify how long) \_\_\_\_\_

4) How many GALs have you had on your current case?

- 1
- 2
- 3
- more (please specify) \_\_\_\_\_

5) How often do you and your GAL communicate?

- Once a week
- Once a month
- Every 3 months
- Every 6 months
- Less than once a year
- Other (please specify) \_\_\_\_\_

6) How do you and your GAL communicate? (Check all that apply)

- Email
- Phone call
- Text messaging
- Face to face
- Other (please specify) \_\_\_\_\_

7) Please answer the following questions, to the best of your ability, based on your current GAL

	Strongly Agree	Agree	Slightly Agree	Slightly Disagree	Disagree	Strongly Disagree
<b>My GAL is easy to contact</b>	<input type="radio"/>					
<b>I understand the role of my GAL</b>	<input type="radio"/>					
<b>My GAL talks to me about my family</b>	<input type="radio"/>					
<b>My GAL knows how I am doing in school</b>	<input type="radio"/>					
<b>My GAL lets me know that I can go to court</b>	<input type="radio"/>					
<b>My GAL helps me understand what to expect if I go to court</b>	<input type="radio"/>					
<b>I trust my GAL</b>	<input type="radio"/>					
<b>My GAL talks to me about people who have been important in my life</b>	<input type="radio"/>					
<b>My GAL talks to other people that are important to me</b>	<input type="radio"/>					
<b>My GAL is helpful to me</b>	<input type="radio"/>					
<b>My GAL listens to me</b>	<input type="radio"/>					
<b>My GAL asks me about what I want to have happen in my</b>	<input type="radio"/>					

case						
<b>My GAL talks to me about my future plans</b>	<input type="radio"/>					
<b>My GAL talks to me about school</b>	<input type="radio"/>					

	Strongly Agree	Agree	Slightly Agree	Slightly Disagree	Disagree	Strongly Disagree
<b>My GAL explains to me what is happening in my case</b>	<input type="radio"/>					
<b>My GAL has talked to me what happens with my private information</b>	<input type="radio"/>					
<b>I know my GAL will speak up for me</b>	<input type="radio"/>					
<b>I wish I saw my GAL more</b>	<input type="radio"/>					
<b>I like my GAL</b>	<input type="radio"/>					
<b>My GAL explains their role to me</b>	<input type="radio"/>					
<b>My GAL likes me</b>	<input type="radio"/>					
<b>I tell my GAL things about myself</b>	<input type="radio"/>					

8) Now please answer the questions below pertaining to your feelings of safety. Please note that the response categories differ from the previously asked questions. The categories are now “Strongly Agree” “Agree,” “Neutral,” “Disagree,” and “Strongly Disagree.”

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
<b>I felt safe while my case was open.</b>	<input type="radio"/>				
<b>I felt (or feel) safer when my case was open than I did before it was opened.</b>	<input type="radio"/>				

9) If you have ever felt unsafe, who did you contact? (Check all that apply)

- My GAL
- My department caseworker
- Social worker who works with my GAL
- A teacher or school counselor
- Other (please list) \_\_\_\_\_
- I never felt unsafe.
- I felt unsafe but did not talk to anyone about it.

10) If I talked to my GAL about feeling unsafe, my issue was resolved.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I never talked to my GAL about feeling unsafe

**THE QUESTIONS BELOW ARE ABOUT YOUR WELL-BEING SINCE YOUR DEPENDENCY AND NEGLECT CASE WAS OPENED.**

11) Which of the following physical health services did you receive while your dependency and neglect case was open (check all that apply):

- Dental check-up
- Physical at a doctor's office
- Emergency room treatment for illness or injury
- Non-emergency treatment for illness or injury
- Vision screening
- Prescription medication
- Vaccinations
- Sex education and contraception
- Other \_\_\_\_\_

12) How would you rate your overall health on a scale 1-10 with 1 being unhealthy and 10 being very healthy.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10

13) Do you currently have access to the health care you need?

- Yes
- No

14) Did you visit the ER while your case was open (Check all that apply)

- No
- Yes, for mental health treatment
- Yes, for substance abuse treatment
- Yes, for physical illness or injury
- Other \_\_\_\_\_

15) Were you admitted to the hospital while your case was open (check all that apply)

- No
- Yes, for mental health treatment
- Yes, for substance abuse treatment
- Yes, for physical illness or injury
- Other \_\_\_\_\_

16) How were your mental health needs met while your case was open? (check all that apply)

- Individual therapy
- Family counseling
- Group therapy
- Medication
- Hospitalization
- Assessments
- I didn't have any mental health needs

17) Sometimes youth involved in court cases feel disconnected from different aspects of their lives. Please indicate whether you have felt connected to following areas of your life since your case was opened. Please check one for each area of your life.

	I feel connected	I feel disconnected, but I wish I had a better connection	I feel disconnected, but I do not want a connection
<b>School</b>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Neighborhood</b>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Siblings</b>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Extended family</b>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Religion</b>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Culture</b>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Language</b>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Friends</b>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Parents</b>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**THE NEXT QUESTIONS ARE ABOUT YOUR EDUCATION SINCE YOUR DEPENDENCY AND NEGLECT CASE WAS OPENED.**

18) How many times have you changed schools since your case was open?

- 1
- 2
- 3
- 4
- Other \_\_\_\_\_

19) Are you currently in school?

- Yes, in high school
- Yes, in GED program
- Yes, taking college, vocational, or other classes
- No, I completed high school
- No, I dropped out
- No, I was suspended
- No, I was expelled
- Other \_\_\_\_\_

20) If you are still in school, did you start a new grade this fall (August 2012)?

- Yes
- No
- N/A

**GALS TEAMS**

21) Many GALs in Denver, Arapahoe, and El Paso counties work in office teams that include a social service provider, or SSP, (sometimes referred to as a clinical consultant, child assessment specialist, case coordinator or social worker) that all work together to represent youth. Does your GAL work in a team?

- Yes
- No
- I don't know

**If you answered Yes, please complete the next page of questions about working with other members of the GAL's office. If No, please go to page 11 (Titled: "Thank You") for information about participating in a follow-up phone interview.**

22) Which office does your GAL work at?

- Bettenberg, Sharshel & Maguire (Arapahoe County)
- Radley & Southerland (Denver County)
- Rocky Mountain Children's Law Center (Denver)
- El Paso County Office of GAL
- I don't know.

23) How long have you worked with your current social service provider (SSP)?

- 0-6 months
- 7-11 months
- 1 year-2 years
- more than 2 years (please specify how long) \_\_\_\_\_

24) How often do you and your SSP communicate?

- Once a week
- Once a Month
- Every 3 months
- Every 6 months
- Less than once a year
- Other (please specify) \_\_\_\_\_

25) How do you and your SSP communicate? (Check all that apply)

- Email
- Phone call
- Text messaging
- Face to face
- Other (please specify) \_\_\_\_\_

26) How many SSPs have you had on your current case?

- 1
- 2
- 3
- More (please specify) \_\_\_\_\_

**THIS SECTION ASKS ABOUT YOUR SOCIAL SERVICE PROVIDER (SSP). AN SSP MAY ALSO BE CALLED A CHILD ASSESSMENT SPECIALIST, CLINICAL CONSULTANT, SOCIAL WORKER, OR CASE COORDINATOR.**

	Strongly Agree	Agree	Slightly Agree	Slightly Disagree	Disagree	Strongly Disagree
<b>My SSP explains their role to me</b>	<input type="radio"/>					
<b>I understand the role of my SSP</b>	<input type="radio"/>					
<b>I understand that my SSP works with my GAL</b>	<input type="radio"/>					
<b>My SSP talks to me about my family</b>	<input type="radio"/>					
<b>My SSP knows how I am doing in school</b>	<input type="radio"/>					
<b>I tell my SSP things about myself</b>	<input type="radio"/>					
<b>I trust my SSP</b>	<input type="radio"/>					
<b>My SSP talks to other people that are important to me</b>	<input type="radio"/>					
<b>My SSP is helpful to me</b>	<input type="radio"/>					
<b>My SSP listens to me</b>	<input type="radio"/>					
<b>My SSP talks to me about people who are important in my life</b>	<input type="radio"/>					
<b>My SSP talks to me about my future plans</b>	<input type="radio"/>					
<b>I wish I saw my SSP more</b>	<input type="radio"/>					
<b>I like my SSP</b>	<input type="radio"/>					
<b>My SSP likes me</b>	<input type="radio"/>					
<b>My SSP is easy to get a hold of</b>	<input type="radio"/>					

## APPENDIX J – Youth Interview

### Interview script:

Thank you again for helping me with my project. Before I start asking you questions I want to talk to you about a few things. Your involvement in this phone interview is completely voluntary and your participation will not influence the services you receive. Is what I'm saying making sense to you? When answering the questions I want you to share any information you believe is important. I am not going to ask you any questions about the situation that led to your case being open I am just going to ask you about your experience of your case. You don't have to answer any questions you don't want to and we can end our conversation at any time. Does this make sense to you?

Everything we talk about on the phone today will be confidential. Only my research team will have access to the information. In the final report I will talk generally about all participants and won't be mentioning your name. There are three exceptions to the promise of confidentiality. Any information you reveal concerning suicide, homicide, or child abuse and neglect is required by law to be reported. Does this make sense?

If you have any follow up questions or comments I am going to provide you with Amanda Donnelly's phone number. She is a staff member at OCR.

Do you feel comfortable and ready for me to start asking you questions?

### Data Collection - Phone interview questions

*I'd like to talk to you more about having a GAL:*

How often do you have contact with your GAL?

How do you view the role of your GAL?

*Your GAL is supposed to meet with you and get to know you so they can make recommendations to the judge about what is in your best interests:*

Do you feel like your GAL knows you well enough to advocate for your best interests? Why/why not? Could you give me an example?

How has your GAL gotten to know you? Can you describe your experiences interacting with your GAL?

What would you like your GAL to do to get to know you better?

Does your GAL talk to you about things that are important to you? Can you give me an example?

How does your GAL talk to you about what you want to happen in a case? When does this usually happen?

Tell me about your participation in court. Tell me about your participation in other meetings related to your case.

How do you know your GAL is telling the court what you want?

Who do you contact when you have a question about your case?

*Now I'm going to talk to you about other people who work with your GAL*

How does your GAL explain the role of the SSP to you? If your GAL has a social worker that works with them, what does that person do on your case? (*Remember, add language here around SSP*)

How is that different than what the GAL does?

Is there anyone else your GAL works with who you have contact with? (If yes, what do they do on your case?)

How does having a social worker impact your representation?

## APPENDIX K – WELL-BEING MEASURES

### Well-Being Data Collection Instrument

#### Preserving Connections:

1. Did the child's case close due to age, permanent placement, or still open?
  - a. 1=Aged out
  - b. 2=Permanent placement
  - c. 3=Still open
2. Where is the child placed?
  - a. 1=Parent(s)
  - b. 2=Relative(s)
  - c. 3=Kin
  - d. 4=Emancipated
3. Is the child living with his/her siblings?
  - a. 1=yes
  - b. 2=no
  - c. 3=n/a

#### Physical Well-Being

4. Did the child receive an initial screening (Early Periodic Screening Diagnosis Treatment)?
  - 1=yes
  - 2=no
5. Are the child's immunizations up to date?
  - 1=yes
  - 2=no
6. Has the child been screened for communicable diseases?
  - 1=yes
  - 2=no
7. How often did the child go to the doctor?
  - Give number of visits in the past year \_\_\_\_\_
8. Did the child see a dentist in the last year?
  - 1=yes
  - 2=no
9. Are the child's health records in the case record?
  - 1=yes
  - 2=no
10. Does the child have a primary care physician or health center to go to for "well-child" care and medical treatment?
  - 1=yes
  - 2=no
11. Does the child have substance abuse issues?
  - 1=yes
  - 2=no
12. Has the child received substance abuse treatment in the last month?
  - 1=yes
  - 2=no
13. Has the child received substance abuse treatment in the last year?
  - 1=yes
  - 2=no

14. How many times has the child been hospitalized in the past year? \_\_\_\_\_

**Mental Health Well-Being**

15. Has the child had a mental health screening and assessment?

- 1=yes
- 2=no

16. What mental health recommendations/referrals has the child received?

- 0=none
- 1=outpatient
- 2=day treatment
- 3=residential
- 4=no evaluation

17. If so, has the child received mental health treatment?

- 1=yes
- 2=no

18. What kind of mental health treatment is the client receiving?

- 0=none
- 1=outpatient
- 2=day treatment
- 3=residential

19. Are the child's mental health records in the case record?

- 1=yes
- 2=no

20. Is the child currently prescribed psychotropic medications?

- 1=yes
- 2=no

21. Is the child taking psychotropic medications?

- 1=yes
- 2=no

**Educational Well-Being**

22. Has the child changed schools due to a placement change?

- 1=yes
- 2=no

23. Distance from school to housing placement \_\_\_\_\_

- Code according to miles

24. Number of absences in academic year \_\_\_\_\_

25. Number of suspensions/expulsions \_\_\_\_\_

26. Does the child have an IEP?

- 1=yes
- 2=no

27. Number of IEP meetings attended by GAL team member \_\_\_\_\_

28. Number of years held back in school

- 0=0 years
- 1=1 year
- 2=2 years

29. Did the child graduate high school or receive GED?

- 0=Not of age
- 1=yes
- 2=no

30. Did the child attend college?

- 0=Not of age

- 1=yes
  - 2=no
31. Did the child receive a developmental and educational assessment upon entering foster care?
- 1=yes
  - 2=no
32. Has an educational decision-maker been designated?
- 1=yes
  - 2=no
33. Is the child enrolled in an early childhood program, if applicable?
- 0=N/A
  - 1=yes
  - 2=no
34. Is the child receiving special education services?
- 1=yes
  - 2=no
35. Are IEP goals being addressed?
- 1=yes
  - 2=no
36. Is the IEP coordinated with the treatment plan?
- 1=yes
  - 2=no
37. What other education supports are being provided to the child? (circle all that apply)
- 1=tutoring
  - 2=after-school programs
  - 3=speech therapy
  - 4=occupational therapy
  - 5=nothing
  - 6=other \_\_\_\_\_
38. Is the child involved in a truancy case?
- 1=yes
  - 2=no

## APPENDIX L – SAFETY & PERMANENCY DATABASE QUERIES

### CARES/FAMJIS Data Collection Instrument

1. Demographics: Race/ethnicity, age, gender?
  - a. 1=Male
  - b. 2=Female
  - c. 3=Other
  - d. 1=White
  - e. 2=African American
  - f. 3=Latino/a
  - g. 4=Asian
  - h. 5=Other
  - i. 6=Native American
2. How many placements was the child in before permanency was established?
3. How many different placements were there during the case?
4. What was the total time to permanency in days?
5. During the study period, how many visits did youth have with parents?
6. During the study period, how many visits did youth have with siblings?
7. What is the permanency goal of the case?
  - a. 0=reunification,
  - b. 1=adoption,
  - c. 2=guardianship/APR,
  - d. 3=other planned living arrangement (oppla) (Available on AnyCase)
8. Did the permanency goal change during the case? (Court electronic database)
  - a. 0=No
  - b. 1=Yes
9. What type of permanent placement is achieved?
  - a. 0=reunification,
  - b. 1=adoption,
  - c. 2=guardianship/APR,
  - d. 3=other planned living arrangement (oppla)
  - e. 4= not achieved/case still open
  - f. 5=not achieved/committed to DYC
  - g. 6=emancipation
10. How many cases were closed during the time frame from July 1, 2011-June 30, 2012?
11. Of those cases closed, how many had new filings?