



Colorado Office of the Child's Representative

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Spring 2014 Newsletter

Notes from the Executive Director

While summer is always a busy time, at OCR it signals the preparation of our attorney lists for each judicial district which are due by July 1 of each year. This is the second year of our more in-depth evaluation and three-year contract process. Because this is new, I know that it can be unsettling. I have spoken to many GALs who have been concerned that the process is designed to find fault or to second guess, and that cannot be further from the truth. Each OCR attorney has been hand-selected to do this critically important work. The evaluation process is designed to support our GALs in being the best possible advocates. Through court observations, stakeholder survey feedback, conversations with youth, parents, and caregivers, and, most important, interviews with individual attorneys, we hope to identify the challenges you face in doing this difficult work and partner with you to identify opportunities for improvement. As I've sat in courtrooms in Kiowa and Denver and Hot Sulphur Springs in the last few weeks, the uniqueness of each jurisdiction is clear. It's equally clear that, whether rural or metro, Front Range or plains, our GALs share a commitment to ensure that every child's needs are met. Ultimately, our job is to support you in that commitment.

Summer also signals the end of the fiscal year. As I write, we project that our Court Appointed Counsel expenses will

exceed our appropriation by about 4%. We are currently seeking a transfer of funds into that line item from Judicial. Beginning with work performed on July 1, 2014, OCR attorney hourly rates will increase to \$75 per hour and paralegal/social worker rates will increase to \$30 per hour. This is a long overdue increase that we have all worked hard to realize.

This summer, I hope that each of you has a chance to enjoy the weather, family, and friends. As always, please reach out to our staff with your thoughts or suggestions as to how we can better support the amazing work you do on behalf of Colorado's kids. Have a great summer. ♦




Linda Weinerman, Executive Director



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Meet an OCR Attorney

Each quarter, the OCR will feature a new attorney in our newsletter and on our [website](#). Learn about the individuals who make OCR's mission a reality through their passion, skill, and dedication to Colorado's kids!



Esther Cho practices in the First Judicial District in Colorado.

Q: Why did you choose to practice child welfare law?

A: I am in the field of child welfare law through the good fortune of serendipity. I went to law school as a second career student to become a criminal defense attorney for indigent clients. I began my legal career as a public defender in a rural district but through happy chance I was introduced to OCR and the field of child welfare law. Having spent my first career dedicated to children and youth as a United Methodist minister, I knew right away that this field was a perfect match for me.

Q: What has been the most rewarding moment for you while working

with children and families in the dependency and neglect system?

A: It's too hard to pick just one, isn't it? I have felt grateful and honored to be invited into the lives of children and families with trust and confidence in communities I otherwise would never have known. I have felt as proud as any mother hen watching a scared, angry girl grow into a young, courageous woman as she gave the student speech at her graduation. I am happy and somewhat surprised to find how much I have learned, and that I am truly able to advocate for and defend the best interest of kids through my growing legal skills.

If I had to pick, one of the most rewarding events in the past five years was being actively a part of building a community-based drug court program in the 3rd JD from the ground-up and seeing everyone—respondent parents' counsel, GALs, county attorneys, judges, probation officers, sheriff's deputies, mental health professionals, Department of Human Services caseworkers and directors, respondent parents, children, extended families, and the community at large—the whole “village” transformed through the joint effort.

Q: Describe a challenge you face doing this work and your strategies to overcome it.

A: The stakes are so high in this field—the life of a child and that of an entire family. Because it is so important and because I am passionate, I become engrossed in my work. I get depressed. I did not start out this way—in fact I was the opposite of this before law school—but I am now a pretty jaded person. I get depressed that the world is as it is for so many kids and families, and disillusioned about our ability to change it. I have lost that hopeful spark in my spirit that really believed we could change the world and make a big and lasting difference. One strategy for this pitfall for me is to spend time with my kiddos. I'm too small to change the world, but maybe, just maybe I have made a small difference for one child, one day at a time. That child certainly makes a difference to me.

Q: What advice do you have for an attorney who is new to child welfare law?

A: I think it is easy to become disillusioned and burnt-out in this highly emotionally-charged field. While as attorneys many of us may be natural “Lone Rangers,” I think as human beings we are designed to be at our best when we are connected with one another. Investing in the larger community in which I work, valuing collaborative relationships with other GALs, and forging relationships of trust and mutual respect with opposing counsel, other professionals, as well as families involved is time-intensive and not always an easy path. But, for me this has been a source of strength and humanity. It has kept me grounded and carried me in times when I felt depleted. Maybe it can work for others, too.

Q: What drives you to continue in this line of work?

A: I really love working in this field. I love that though we are attorneys zealously representing opposing parties, we have a shared goal of furthering the best interest of children. I love that my opinion about the best interest of my client has a place in my advocacy for her, as well as his own opinion. I continue in this line of work because along with the heart break, there is also true joy.

I wouldn't call it advice, but a thought for seasoned attorneys might be an invitation to make a special effort to reach out to mentor new attorneys. I think there is much to be gained on both sides! ♦



Visit our website's [Meet an OCR Attorney](#) page to nominate, share your own story, or view our archive!

Spring Legal Review

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



Quick Links:

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■ 1. Juvenile Cases Pending Before the Colorado Supreme Court

The following cases are scheduled for oral argument June 3, 2014

9:00 a.m.

People v. Tate, 12SC932 (certiorari granted July 1, 2013)

- Whether, After *Miller v. Alabama*, 132 S. Ct. 2455 (2012), invalidated mandatory life without parole for juveniles, the court of appeals erred by remanding the defendant's case for resentencing instead of upholding the defendant's life sentence and remanding the case to reflect that the defendant will be eligible for parole after forty calendar years.

9:30 a.m.

Banks v. People, 12SC1022 (certiorari granted June 24, 2013)

- Whether, after *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the Eighth Amendment to the U.S. Constitution is violated by the imposition on a juvenile of a sentence of mandatory life with the potential for parole after forty years.
- Whether the court of appeals exceeded its judicial authority by re-writing the criminal sentence statutes in a way not authorized or compelled by Colorado Statute as sound "severability" analysis.

10:00 a.m.

Jensen v. People, 13 SC211 (certiorari granted November 24, 2013, issue reframed December 12, 2013)

- Whether the petitioner's life without parole sentence was unconstitutional under the Eighth Amendment and [Art. II, section 20, Colo. Const.](#), because he was a juvenile when the crime was committed, and, assuming the sentence is invalid, what is the appropriate remedy.

2:30 p.m.

J.N. v. S.N., 13SC995 (certiorari granted February 24, 2014)

- Whether the court of appeals erred when it held that a trial court can never adjudicate a child dependent and neglected based on prospective harm in response to a motion for summary judgment.

■ 2. Colorado Court of Appeals Decisions

In the Interest of M.C.S., 2014 COA 46 (April 10, 2014)

In a case involving a young person who was seventeen at the time of the filing of a dependency and neglect petition but who turned eighteen before the court had adjudicated him dependent or neglected, the court of appeals affirms the juvenile court's dismissal for lack of subject matter jurisdiction.

Acknowledging that subject matter jurisdiction typically depends on the facts at the time the jurisdiction is invoked and does not change based on occurrence of subsequent events, the court distinguishes juvenile courts as "creatures of statute" and explains that "the statutory language establishing the scope of their jurisdiction necessarily delimits that jurisdiction." Based on the Children's Code definition of child as a person under 18 and the limited authority of the court to issue only temporary orders until a child is adjudicated dependent and neglected, the court holds that juvenile courts have subject matter jurisdiction to adjudicate only children under the age of 18 as dependent or neglected. The court does not view this limited subject matter jurisdiction as inconsistent with § 19-3-205(1), which allows the court's jurisdiction over any child adjudicated as neglected or dependent until the age of 21; this statute requires an adjudication prior to the court's continued jurisdiction and "simply enables the court to assist a minor child already adjudicated under its supervision in the transition to adulthood."

Notably, the petition in this case was filed four months before M.C.S.'s eighteen birthday, but the case was set for a jury trial outside the 90-day time frame set forth in 19-3-503 due to the respondent father's counsel's unavailability to schedule a trial within the statutory time frame. The Court of Appeals notes the potential for a parent to "deliberately delay the adjudication in hopes of obtaining a dismissal."

In the Interest of A.M.C., 2014 COA 31 (March 13, 2014)

In an interlocutory appeal regarding a juvenile court's order appointing a special prosecutor because of a disqualifying conflict of interest, the Court of Appeals dismisses petition for an interlocutory appeal brought under C.A.R. 4.2 as being untimely filed.

C.A.R. 4.2 allows for interlocutory appeals of a certified question of law from a civil matter if certain conditions, including certification of the issue by the trial court, are met. A motion for the trial court's

[\(Continued on page 4\)](#)

Budget & Billing Update



As of April 30, 2014 with 84% of the fiscal year elapsed, 88.3% of OCR's Court Appointed Counsel (CAC) appropriation is spent. This means that we have overspent our appropriation by 4%. OCR has experienced a continued spike in billing since February of this year. As billing has continued at this rate up to the remainder of our fiscal year, our CAC funds will be spent before the end of this year ending June 30, 2014.

D&N expenses are driving the increased spending. 70% of our CAC funds are being spent on such cases. We have seen an approximate \$1.3 million dollar increase in expenses for D&N cases thru this time this year and a corresponding 132 case increase.

We understand that you are all working hard and that the demands of your individual cases are not within your direct control. To the extent possible, we at OCR have tried to manage billing through our excess fee request process. Our appropriation is a shared resource and we need to work together to manage it through the end of the fiscal year.

We appreciate the hard work you put into each of your cases and your ongoing efforts to achieve efficiencies to manage our shared appropriation. As always, please contact the OCR if you have any ideas in that regard or questions about our budget. ♦

If you have any questions regarding billing, please contact Melanie Jannicelli at melaniejannicelli@coloradochildrep.org or (303) 860-1517 ext. 100.

Legal Review

(Continued from page 3)

certification pursuant to this rule must be filed within 14 days after the order appealed. In the proceeding at issue, trial counsel filed a motion for reconsideration of the court's order pursuant to the C.R.C.P. 59; the motion for the trial court's certification of the order pursuant to C.A.R. 4.2 was filed within 14 days of the trial court's denial of that motion but later than 14 days after the court's original disqualification order.

While a timely filed C.R.C.P. 59 motion does toll the time frame for filing an appeal, the Court of Appeals reasons that the department's motion was not in fact a motion filed pursuant to C.R.C.P. 59 because there had not been a trial in the juvenile court and no judgment had been entered. Hence, it was the date of the court's original disqualification order that triggered the time frame for the certification motion. The court declines to extend the filing deadline for good cause based on excusable neglect, reasoning that the department had not cited any rule allowing it to file a motion for reconsideration in the trial court.

People v. Marquardt, 2014 COA 41 (April 24, 2014).

In an appeal of a court's order requiring an increase in the dosage of a psychotropic medication over the objection of an individual committed to the Colorado Mental Health Institute at Pueblo, the Court of Appeals decides that the elements established by *People v. Medina*, 704 P.2d 961 (Colo. 1985) does apply to a nonemergency request to increase psychotropic medication over a patient's objection.

The court notes that *Medina* requires proof by clear and convincing evidence of the following: (1) that the patient is incompetent to effectively participate in the treatment decision; (2) that treatment by anti-psychotic medication is necessary to prevent a significant and likely long-term deterioration in the patient's mental condition or to prevent the likelihood of the patient's causing serious harm to himself or others in the institution; (3) that a less intrusive treatment alternative is not available; and (4) that the patient's need for treatment by antipsychotic medication is sufficiently compelling to override any bona fide and legitimate interest of the patient in refusing treatment. (citations omitted). Because the trial court incorrectly considered whether Mr. Marquardt was unlikely to improve at



his current dosage and it was not presented with clear and convincing evidence of the necessity of the medication to prevent likely long-term deterioration or serious harm to Mr. Marquardt or others, the Court of Appeals reverses the trial court's decision.

People v. Stroud, 2014 COA 58

While the Court of Appeals considered many issues in this criminal case, including the trial court's denial of funding for an expert witness, whether an actual conflict of interest impacting defense counsel's performance arose from the trial court's denial of funding for the expert witness, and the propriety of the court's imposition of consecutive sentences, the main issue relating to dependency and neglect proceedings involves statutory construction of § 19-3-207.

The trial court admitted defendant's testimony from a previous dependency and neglect case under CRE 801(d)(2) as admissions by a party-opponent absent any objection by defense counsel. On appeal Defendant claimed that trial court's admission of such statements was improper under § 19-3-207(3) because those statements constituted "admissions" within the meaning of the statute. The Court of Appeals affirmed the trial court's admission of such evidence, deciding that the word "admission" in the statute referred to admissions made in open court as well as those made by written pleading filed with the court and that in enacting 19-3-207(3), the General Assembly intended only to require exclusion of formal admissions to the allegations of a dependency and neglect petition and not to other statements made by parents in the dependency and neglect proceeding. The court contrasts the use of the word "statement" in § 19-3-207(2) with "admission" in § 19-3-207(3) as evidence of this legislative intent and looks to the language of CRE 801(d)(2) to determine that "a statement made by a defendant may be an admission under the rules of evidence, but that a statement during a contested dependency and neglect proceeding is not an admission to a dependency and neglect petition under section 19-3-207(3)." ♦

LEGISLATIVE UPDATE

The Second Regular Session of the 69th General Assembly (GA) adjourned on May 7th, 2014. The GA considered 621 bills and 85 resolutions. The OCR analyzed, provided expertise on, suggested amendments to, and helped pass several bills over the 120-day session. Below are bills worth noting.

■ SB 14-062 Reinstatement of Parent-Child Legal Relationship

Status: Governor signed on 3/27/14. Under § 19-3-612, a county department of social services, a child's guardian *ad litem* (GAL), or a youth over the age of 16 years may petition the court in limited situations to reinstate parental rights, including,

- a. The underlying D&N does not involve substantiated allegations of sexual abuse or an incident of egregious abuse or neglect against a child, a near fatality, or a suspicious fatality;
- b. The parent has remedied the issues that led to the D&N and termination;
- c. The child is at least 12 yoa and remains in the custody of the county department;
- d. The child does not have a legal parent, is not in an adoptive home and is not likely to be adopted in a reasonable amount of time, and other permanency options have been exhausted;
- e. At least three years have elapsed since the final order of termination entered;
- f. The child and parent consent to the reinstatement; and
- g. Reinstatement is in the child's best interests.

Section 19-3-612 requires successful completion of a "transition period" prior to reinstating parental rights.

■ HB Great-Grandparent Visitation with Great-Grandchildren.

Status: Passed out of the GA on 5/2/14. Great-grandparents are added to § 19-1-117 Visitation Rights of grandparents or great-grandparents.

■ HB 14-1368 Transition Youth (18-201) Who Have Developmental Disabilities from the Child Welfare System to Adult Services.

Status: Passed out of the GA on 5/1/14. Under §§ 25.5-6-409.5 and 26-5-102(2)(j), county welfare system caseworkers must develop a plan for the transition of youth ages 18-20 with intellectual and developmental disabilities to adult services. The bill sets forth criteria that must be included in the transition plan and the plan and transfer must be in the child's best interests.



■ HB 14-1162 Protect Victim of Sexual Assault where a Child Was Conceived as a Result of the Sexual Assault.

Status: Sent to the Governor on 5/1/2014. This bill was the result of recommendations from a Task Force created by last year's legislation (SB 13-227). Last year's legislation addressed termination following a criminal conviction of sexual assault and upon proof that the child was conceived as a result of the sexual assault. This bill creates a process to allow the victim to file a petition in juvenile court to terminate in cases that do not involve a conviction and/or address allocation of parental responsibilities upon proof that the child was conceived as a result of a sexual assault.

■ HB 14-1032 Defense Counsel for Juvenile Offenders.

Status: Passed out of the GA on 5/2/14. This bill originated from recommendations by the Juvenile Defense Attorney Interim Committee. The bill insures juveniles receive uniform advisement regarding the right to counsel and timely appointment of counsel should the juvenile and his/her parents/guardians be eligible for court-appointed counsel.

■ SB 14-203 Respondent Parents Counsel Child Abuse and Neglect.

Status: Sent to the Governor on 5/12/14. The bill establishes the Office of Respondent Parents' Counsel in the judicial department effective July 1, 2015, to provide high-quality legal representation to respondents involved in dependency and neglect proceedings that lack the financial means to retain counsel. The judicial branch has considered the issue of respondent representation for several years and, in January 2014, convened a work-group to make recommendations regarding the practice. This bill codifies the efforts of the work-group. OCR Executive Director Linda Weinerman is a member of the work-group.

■ SB 14-201 Child Protection Ombudsman Advisory Work Group.

Status: Sent to the Governor on 5/12/14. In 2010, the GA approved the creation of the Child Protection Ombudsman's Office and established a temporary work group to make recommendations regarding the Ombudsman's Office's operations and function. The Ombudsman's Office has been in operation for three (3) years and an audit of the Ombudsman's Office is due July 1st. This bill establishes a new work group to review the audit; reconcile the initial recommendations and the current functioning of the office, and make additional recommendations for autonomy and accountability. The OCR is a statutory member of the work group.

■ SB 14-021 Persons with Mental Illness in Criminal and Juvenile Justice Systems.

Status: Sent to the Governor on 5/12/14. The legislative oversight committee and task force are extended to July 1, 2020. The task force, of which the OCR is a statutory member, will make recommendations regarding the juvenile competency statute.

■ HB 14-1273 Human Trafficking.

Status: Passed out of the GA on 4/30/14; will be sent to the Governor soon. The bill aligns Colorado's definition of human trafficking with the federal definition and creates a Human Trafficking Council to advise the state on training, public outreach, and additional legislative measures. The Governor will appoint the members of the council; those of you interested in serving should contact the Governor's office.

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LEGISLATIVE UPDATE

(Continued from page 5)

■ HB 14-1148 Victims' Rights Act Cleanup.

Status: Governor signed 4/4/14. The bill adds to the definition of crimes to which the Victims' Rights Act applies, such as commercial sexual exploitation of children. The bill clarifies when a modification of sentence, including probation, is a critical stage and adds a hearing on record sealing as a critical state. The bill also clarifies that victims residing at the Department of Youth Corrections also have a right to be heard in relevant components of the criminal justice process.

Bills that did not pass the GA:

■ SB 14-177 Definition of Drug-Endangered Child in Children's Code.

The bill sought to establish a definition for a drug-endangered child (DEC) for purposes of child abuse and neglect cases in the Children's Code. Cases involving drug use/misuse which threatens the health or welfare of a child are brought under the current provisions of the Code may still be pursued without the DEC definition. A similar definition in the Criminal Code pursuant to SB 14-178 also died in the Senate.

■ HB 14-1025 Juvenile Competency to Proceed Determination.

The bill was postponed indefinitely on January 14th at the request of the House Sponsor. The statutory task force, of which the OCR is now a voting member, will address the issue in the interim.

■ HB 14-1131 Cyber Bullying as Criminal Act.

The bill was postponed indefinitely on April 9, 2014. ♦

Interested in hosting a law student extern?

As part of its emphasis on experiential learning, Denver Law has instituted legal externships. Through Denver Law's Child Advocacy Externship, students enroll in a two-credit, year-long seminar focusing on substantive law relevant for Guardians *ad Litem* (GALs) and simulated experiences. At the same time, each student externs with a range of offices and lawyers engaging in GAL work.

A full description of the year-long program, along with current participating organizations, can be found here: <http://www.law.du.edu/forms/registrar/course-description.cfm?ID=568>.

Attorneys are eligible to host a student extern if they have been licensed to practice law for at least 5 years. To apply to be a supervisor, attorneys must complete a [supervisor attorney application form](#). Students will then apply to work with you directly. Student applications can be submitted at any time between April and mid-July, but students will not start working until mid-August, when fall term begins. They will continue working until the following April. Students are required to commit to spending at least 100 hours per semester engaging in the fieldwork portion of the program.

Denver Law also encourages student externships over the summer. While student work is limited to 10 weeks during the summer semester, it is a great time for students to travel outside of the Metro-Denver region to gain experience and provide support. In the summer, students tend to work full time. Currently, there are only a few child advocacy and guardian *ad litem* options available to students during the summer, but Denver Law is looking to expand these opportunities. Students apply for summer opportunities generally throughout the year, but must have placements finalized by April.

If you are interested in learning more about the year-long program or in hosting a Denver Law student in the summer, please contact Alexi Freeman, Director of Public Interest & Lecturer/Legal Externship Program, at afreeman@law.du.edu or 303.871.6788 with any questions or concerns. ♦

(Please note that while the OCR is supportive of GALs hosting legal externs, the use of legal externs must be in compliance with GAL practice standards and OCR's performance expectations. Legal externs are not qualified by OCR to appear in court (nor authorized under the Student Practice Rule when not working for a non-profit organization or governmental entity), and are not regarded by the OCR as a person qualified to perform the independent investigative activities not specifically assigned to the GAL by CJD 04-06(V) (D). Legal research projects and attending staffings, visits, and court with the GAL are examples of activities appropriate for a legal extern.)



Why we do this work ...

Carissa Sears, an attorney practicing in Boulder, received an email from a parent of a former youth in one of her first truancy cases. The young person just got accepted to law school!



Case Management & Billing Using the C.A.R.E.S. System

➤ Duplicate Items

CARES now flags duplicate items. In an effort to better track duplicates in the system, OCR will no longer release a duplicate item (allowing an attorney to delete it) unless the item is an actual expense and not a duplicate.

➤ How Do I Close a Case?

In order to properly close a case, you must:

- ✓ End your appointment
- ✓ Delete your assignment
- ✓ Close the case using the case close button at the top of the case profile screen.

➤ How Do I Submit an Excess Fee or Travel Request?

Effective February 28, 2014, OCR deployed a new system for requesting excess fees and pre-approved travel. OCR's billing policies and procedures require that excess fees are requested *before* the additional costs are incurred. All excess fees and travel requests MUST be submitted through the online forms available at the OCR's [website on the billing page](#).

➤ Did OCR Approve my Excess Fee Request?

Unsure if OCR processed an excess fee request? Log into CARES and check the case billing details tab (look for the second section called "Allocations.") If OCR has processed your request, there will either be an updated dollar amount or an end date in CARES.

Don't forget that the CARES User Manual (<http://www.coloradochildrep.org/wp-content/uploads/2013/09/CARES-User-Manual.pdf>) is also full of useful tips and tricks! ♦



ARTICLES & NEWS

- **Foster Kids in Limbo: The Effects of the Interstate Compact on the Placement of Children on the Permanency of Children in Foster Care.**

By Sankaran, Vivek S. 2014

<http://xa.yimg.com/kq/groups/3808685/678201127/name/FinalSummary.pdf>

- **Identifying and Serving LGBTQ Youth: Case Studies of Runaway and Homeless Youth Program Grantees. Final Report.**

By the Mathematica Policy Research. United States. Department of Health and Human Services. Administration for Children and Families. Office of Planning, Research and Evaluation. 2014

http://aspe.hhs.gov/hsp/14/lgbt-rhy/rpt_LGBTQ_RHY.pdf

- **The Affordable Care Act and Youth Aging Out of Foster Care**, State Policy Advocacy and Reform Center, April 2014. <http://childwelfaresparc.org/wp-content/uploads/2014/04/The-Affordable-Care-Act-and-Youth-Aging-Out-of-Foster-Care.pdf>

- Colorado Department of Human Services recently launched the **CDHS Community Performance Center**, a public website designed to share county child welfare information. Users can view demographic comparisons of data by age, ethnicity, and gender, including county-level performance and historical trends. The data can also be sorted by judicial district. To access the CDHS Community Performance Center site, visit <http://www.cdhsdatamatters.org/>.

- The Children's Bureau [2014 National Foster Care Month](#) website, "Building Blocks Toward Permanent Families" is now live! The website provides resources with information about supporting permanence through reunification, kinship care, guardianship, and adoption, including resources specifically geared toward foster parents and youth. ♦



Featured Article

The Denver Post: "Prescription Kids"

<http://www.denverpost.com/fostercare/>

In an investigation into prescribing psychotropic drugs to foster children, the Post obtained unpublished state data and reports, interviewed foster families and children, reviewed other states' efforts, and examined promising new therapies. Following are some highlights from the first article in this four-day series and a link to each of the articles:

Day 1: Colorado responds slowly to psychotropic drug use among foster kids (4/13/14)

- According to a University of Colorado analysis, more than a quarter of Colorado's foster children and 37% of Colorado's teens in foster care were prescribed psychotropic medications. In 2012, foster kids took antipsychotics at a rate 12 times greater than other children on government insurance and five times greater than children in the Medicaid system. Use of antipsychotic medication by foster kids in Colorado rose from 6.2% to 11.5% between 2011 and 2012. Low-income children in Colorado were more likely to take antipsychotics at two or more times the maximum recommended dose than children in the eight other states that were part of the study.
- A panel of psychiatrists, social workers, and child welfare experts convened in 2013 to examine the high rates of psychotropic prescriptions for children in Colorado. The Colorado Department of Health Care Policy and Finance now requires prior authorization for children prescribed medication above the FDA-approved maximum dosage and prior approval is needed before paying for antipsychotic medications for kids under five. Recommendations from the panel that have yet to be implemented include monitoring whether foster children are taking three or more psychotropic medications at once; identifying which doctors are prescribing at higher than recommended doses; and requiring prior approval for children being prescribed medications for off-label reasons.

What can you do?

If a child is placed on a psychotropic medication, the GAL should ensure that such medication is appropriate and that it is properly managed throughout the dependency process. An excerpt from the article *Advocate's Guide to the Use of Psychotropic Medications in Children and Adolescents* is included at page F-180 of the GRID. The complete article is available at: <http://www.americanbar.org/content/dam/aba/migrated/child/PublicDocuments/aug06.authcheckdam.pdf>

Please also see the presentation by JoAnne Solchany, Ph. D., AENP from the OCR's Summer Conference in Silverthorne titled, [Why This Medication? The Use of Psychotropic Medication with Children in Foster Care](#)

Dr. Solchany is the author of the ABA's Practice & Policy Brief, *Psychotropic Medication and Children in Foster Care: Tips for Advocates and Judges* available here: http://www.americanbar.org/content/dam/aba/administrative/child_law/PsychMed.authcheckdam.pdf

- Dr. Bruce Perry of ChildTrauma Academy, a national leader pushing for less medication and more therapy to treat the causes of children's mental problems, is quoted as saying, "The less a child has a powerful, invested adult advocate, the higher the probability that people will just use interventions that are meant to marginalize or basically zombie-fy kids."

Day 2: Drug Firms Have Used Dangerous Tactics to Drive Sales to Treat Kids

Day 3: New Thinking on Brain-Science Therapies Could Help foster kids

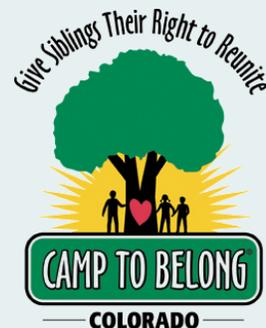
Day 4: Colorado's Monitoring of Psychotropics Trails Other States' Efforts ♦

UPDATE: *Camp To Belong Colorado*

OCR & RPC Attorneys Raised Over \$3000 for Camp To Belong!

Camp To Belong Colorado would like to thank the members of the Office of the Child's Representative and the State Court Administrator's Office for their generous support of siblings separated by foster care. Because of your contributions, brothers and sisters will have the chance to strengthen their relationships in a meaningful way this summer. Thank you for helping five siblings fulfil their Right to Reunite!

Camp To Belong Colorado is a nonprofit organization dedicated to reuniting siblings separated by foster and other out-of-home care. At our summer camp, brothers and sisters, ages 8 to 18+ come together in a fun, safe, supportive environment to create a lifetime of memories. Utilizing intentional programming to support and strengthen sibling connections, Camp To Belong does much more than help meet the state mandated requirements for sibling visitation, it truly provides a place to strengthen and maintain permanent family connections in a meaningful and natural way. Now accepting online referrals for our 2014 summer camp, August 11th - 16th, at the YMCA Camp Santa Maria at www.ctbcolorado.org. ♦





➔ **Meeting the Challenge: Child and Family Advocacy in a Changing World**
Hyatt Regency at Colorado Convention Center, Denver CO
August 18th-20th, 2014 with Preconference August 17th, 2014

The National Association of Counsel for Children (NACC) 37th national child welfare, juvenile and family law conference will be in Denver August 18 - 20, 2014. Since the NACC conference is an exceptional opportunity for Colorado lawyers to exchange ideas with child advocates from across the country, and to receive the most up-to-date information on new resources, litigation skills, and advocacy efforts, OCR is supporting the NACC conference in lieu of hosting a fall conference. OCR attorneys are encouraged to attend the NACC conference.

In an effort to support your participation, **OCR has negotiated a discounted rate of \$300 for all OCR contractors.** Additionally, OCR has made available a limited number of partial and full scholarships to selected OCR attorneys. A full scholarship will be awarded to one attorney from each of Colorado's 22 Judicial Districts.

- ➔ **Apply for a scholarship** by noon 6/2/14 at: <https://adobeformscentral.com/?f=bSirGBvwYcgmc2kiJEJ7uw>
- ➔ Click [here](#) for conference info or visit www.naccchildlaw.org

➔ **Juvenile Defense Conference,**
Sponsored by the Colorado Juvenile
Defender Center and
Alternative Defense Counsel
Ralph Carr Judicial Building, Denver CO
October 16th-17th, 2014

- ➔ Click [here](#) to register at \$100 rate for both days!
- ➔ Click [here](#) for the Affordability Plan (Pay \$25/month for 4 months.)



➔ New Online Resources

The following trainings are now available on the OCR website's [training materials](#) page:

- ✓ Permanency Roundtables as Part of the IV-E Waiver Webinar
- ✓ Law Practice Management, Technology for GALs, & Lawyers Working with Social Workers
- ✓ Lawyers Advocating for Better Family Outcomes: Skills and Strategies for GALs & RPC

Please note that the NACC Conference and the CJDC/ADC Juvenile Defense Conference are both OCR-approved trainings for purposes of the OCR Training Verification.

MISSION STATEMENT

The mission of the Office of the Child's Representative (OCR) is 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.

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