

Executive Summary | Evaluation of Multidisciplinary Law Office Pilot Project Colorado Office of the Child's Representative, March 2017

OVERVIEW

In Colorado, an attorney Guardian *ad litem* (GAL) is appointed to represent the best interests of each child involved in a dependency and neglect (D&N) proceeding. The Colorado Office of the Child's Representative (OCR) is charged with ensuring competent attorney services to children through a comprehensive and properly funded program.

Consistent with this mandate, the OCR has explored various models of providing legal representation. Since OCR's inception in Fiscal Year 2001, all GAL services in Colorado were provided through a system of independent contracts with individual attorneys, with one exception: OCR's El Paso County GAL Office, which provided GAL services through a multidisciplinary structure of state employees. From Fiscal Year 2011 through Fiscal Year 2016, the OCR piloted Multidisciplinary Law Offices (MDLOs) in Arapahoe and Denver counties in an attempt to explore the potential benefits of expanding a formalized law office structure for delivering multidisciplinary representation outside El Paso County.

THE EVALUATION

The OCR's assessment of the value of MDLOs focused on the following question:

How do a law office environment and multidisciplinary approach to case management contribute to improving delivery of best interests legal representation to children?

The evaluation examined the relationship between the activities outlined in the MDLO Statement of Work and the following projected outcomes:

- Predictable costs
- Heightened oversight and accountability
- Institutional presence
- Improved case management
- Controlled caseloads
- Decreased wait time
- Consistent access to social worker / clinical consultant
- Delivery of consistent, high quality advocacy
- Consistent presentation to court
- Amplified child's voice
- Heightened engagement in case activity

The evaluation analyzed the impact of the MDLO structure on attorney performance, measured through comparative analysis of attorney activities, court observations, case file reviews, and stakeholder perceptions. It also compared case outcomes for children appointed an independent contractor GALs to case outcomes for children appointed MDLO GALs.

SUMMARY OF FINDINGS

While the MDLOs spent significantly more time on case-related work and required an additional investment of state dollars into their office structure, comparative analysis of attorney performance and case outcomes data did not consistently favor the MDLO office structure. Specifically:

Costs:

- Average cost per D&N appointment for the MDLOs in Denver and Arapahoe counties amounted to \$641 more per appointment than the statewide independent contractor average in Fiscal Year 2015 and \$726 more per appointment in Fiscal Year 2016. The El Paso County GAL average annual cost per appointment, however, was closer to the statewide average cost per appointment.
- The MDLO office structure required an investment of dollars in addition to the dollars paid for case-related activity.

Time:

- The MDLOs dedicated additional time to their overall legal investigation and advocacy: approximately 14 additional hours on average to each D&N appointment in Fiscal Year 2015 and approximately 12 additional hours in Fiscal Year 2016, as compared to independent contractors statewide.
- The MDLOs dedicated more time to frontloading their independent investigation and advocacy: as compared to comparison independent contractors within their counties, MDLOs dedicated 3.42 to 6.82 additional hours on average during the first 45 days of appointment in Fiscal Year 2015 and 2.11 to 5.67 additional hours on average during the first 45 days of appointment in Fiscal Year 2016.

Stakeholder Perception:

Stakeholder perception of the MDLOs' effectiveness varied.

- The attorneys and social workers within the MDLO offices identified multiple benefits to the MDLO model, including but not limited to attorneys' ability to access specialized knowledge and additional resources, bridging barriers, and enhancing advocacy. However, a survey administered to both attorneys and social workers in MDLO offices and independent contractor offices employing social workers during the study time period revealed no statistically significant differences in responses relating to collaboration, institutional presence, communication, and advocacy.

- While judicial officers did express support for the MDLO model in focus groups, the judicial officers also expressed support for the independent contractors who appeared in their courtrooms. Results from a survey administered to judicial officers in MDLO counties indicated that judicial officers valued the training opportunity provided and the use of social workers but largely rated MDLOs neutral compared to independent contractors on key aspects of attorney performance; a greater number of judicial officers also identified court coverage as occurring more frequently in MDLO offices.
- Comparative analysis of annual stakeholder survey results OCR routinely administers as part of its oversight rated MDLOs lower than comparison independent contractors in their counties on the following measures: conducting an independent initial investigation; providing accurate and current information directly to the court; advising the court of the child’s position; and making stakeholders aware of the attorney’s position at each court hearing and that the attorney has considered the child’s wishes in formulating a position.

Youth Feedback:

While the OCR was able to obtain youth feedback from a small and likely non-representative sample of youth, this feedback did not rate MDLO attorneys as equal to or better than independent contractors on any single measure assessed.

Court Observation:

A comparison of court observation data regarding MDLO attorneys and other attorneys in the state yielded notable differences favoring MDLOs in some performance measures. However, the differences were not statistically significant and the MDLO sample set used for this analysis was small and likely non-representative of the MDLO offices overall.

Youth in Court:

An analysis of data comparing attendance at benchmark and permanency hearings for youth ages 12 and over demonstrated a lower rate of youth attendance at benchmark and permanency planning hearings for MDLO-represented youth as compared to those represented by independent contractors.

Court Data:

Analysis of child records from cases closed between January 1, 2014 and March 31, 2016 indicated the following:

- Children represented by MDLOs experienced a statistically significant higher rate of removal than children represented by comparison independent contractors in the MDLO counties.
- Length of case was similar for children represented by MDLOs and children represented by comparison independent contractors.
- A comparison of outcomes revealed:
 - o a slightly lower but statistically insignificant rate of adoption for children whose interests were represented by MDLOs;
 - o lower rates of On the Run and Other Permanent Planned Living Arrangement for records associated with MDLO attorneys that, while statistically significant, are inconclusive due

- to the limited number of children and lack of further analysis regarding the age of children in the comparison groups; and
- a five percent difference favoring the MDLOs with regard to family preservation outcomes, measured by Return Home, Remain Home, and Allocation of Parental Responsibilities combined.

File Review:

A comparative review of 210 files in the MDLO counties performed by the National Counsel of Juvenile and Family Court Judges revealed no significant differences in key indicators of attorney advocacy or case outcomes.

Consistency in Advocacy:

Analysis of time spent frontloading investigation and advocacy, of court observation data, and of youth in court data did not demonstrate consistent advocacy across the MDLOs.

CONCLUSION

This evaluation revealed that the OCR's investment in the MDLO model of practice did not yield many of the projected outcomes as compared to independent contractors across the state or comparison independent contractors in MDLO counties. The MDLO structure as implemented through the pilot offices is not a sustainable model of providing GAL representation in Colorado.

Notably, the OCR holds all attorneys to high practice expectations and has implemented comprehensive and rigorous oversight procedures as well as extensive training and practice supports for all attorneys serving as GALs for children in Colorado. Under these circumstances, the MDLO structure implemented under the Statement of Work applicable to the pilot does not appear to be a more effective or efficient method of achieving the enhanced outcomes the OCR sought to achieve: predictable costs; decreased wait time; delivery of consistent, high quality advocacy; consistent presentation in court; amplified child's voice; and heightened engagement in case activity.

Despite the fact that the model did not provide a superior avenue for providing best interests representation in Colorado, some projected outcomes were achieved. Judicial officers and attorneys recognized the benefits of using social workers, and judicial officers recognized the MDLOs as an effective structure for training and supervising new attorneys. Notably, MDLO offices achieved results comparable to independent contractors despite their reliance on a significant percentage of entry level attorneys who would have not qualified for an OCR contract. Judicial officers and office staff also recognized the value of the institutional presence achieved by the offices.

RECOMMENDATIONS

Based on this evaluation, the OCR should consider the following:

- *Establishing a system for providing mentorship to new attorneys and direct monitoring in the field.*
- *Exploring ways to make social workers accessible to more GALs and to utilize social workers to enhance best interests representation without duplicating efforts.*
- *Identifying alternative methods to ensure a GAL institutional presence within judicial districts.*
- *Assessing its ability to implement the MDLO office structure in a cost-neutral manner.*
- *Continuing to work on benchmarking efforts and evaluating case caps.*
- *Building on its efforts to establish a systematic process for obtaining youth feedback.*

FUTURE EVALUATIONS

This evaluation was limited by the OCR's inability to utilize a true control group. However, the OCR learned important lessons regarding the value of identifying measurable outcomes at the outset of any pilot and employing a multifaceted approach to evaluation. Notably, the MDLOs' self-perception of the enhanced advocacy they provided did not consistently correlate to other data the OCR analyzed. Evaluation of future pilot programs at the OCR should be based on strong logic models, include a randomized control group when logistically feasible, and employ an evaluation plan that relies on multiple qualitative and quantitative sources of data.