



# Colorado Office of the Child's Representative

2017 Annual Report to the General Assembly

September 1, 2017



*The Office of the Child's Representative (OCR) provides competent and effective best interests legal representation to children who have been abused, neglected or abandoned, impacted by high-conflict parenting time disputes or charged with delinquent acts and without a parent or guardian able to protect their best interests during the proceedings. OCR contracts with attorneys throughout the state to be eligible for appointment as the child's guardian ad litem (GAL), counsel for child subject to a dependency and neglect proceeding, and, in domestic relations cases, legal representative of the child (CLR). The GAL or CLR does not work in the traditional attorney-client role with the child where the attorney must advocate for the child's expressed wishes. Rather, the GAL or CLR "client" is the best interests of the child where the attorney advocates on behalf of the child's health, safety, and well-being by independently assessing and making recommendations to the court concerning the best interests of the child. When making a determination about the child's best interests, the attorney is required to independently investigate the issues presented in the case, to consult with the child in a developmentally-appropriate manner, and to consider the child's position regarding the matter before the court.*

The Office of the Child's Representative (OCR) spends 5% of its budget on central administration. Seventy-nine percent (79%) of OCR's attorney services expenditures are paid in dependency and neglect cases. OCR contracts with approximately 250 attorneys skilled in juvenile law throughout the state and in every judicial district to provide mandated legal services. The contract entities are small businesses, including sole practitioners and law firms.

## Highlights:

### *Promoting Effective Attorney Services and Advocacy*

OCR continues to refine its expectations of attorney practice through its contracts, trainings and utilizing the revisions to the Chief Justice Directive (CJD) 04-06 adopted in 2016. OCR has developed a three-year Strategic Plan for training attorneys in both child welfare and juvenile delinquency core competencies to ensure high quality legal representation for children in the Colorado legal system. This plan focuses on three main strategy areas and provides an inclusive learning and practice environment that supports excellence in legal representation.

### *Optimizing Efficiencies in Attorney Practice and Billing*

OCR finalized Phase II of the Multidisciplinary Law Office Pilot Program and Evaluation. Findings from the evaluation are valuable in analyzing the best method of representing youth in Colorado. OCR has also secured funding to develop a sustainable long-term billing and case management tool to ensure high quality data and reporting of OCR expenditures and services.





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*“She’s like the only person in the entire case that I felt actually heard me and the child. I feel like she’s the reason that the minor child has a chance in life.”*

*-A parent’s feedback about an OCR attorney*

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## OFFICE OF THE CHILD’S REPRESENTATIVE BOARD OF DIRECTORS

The Colorado Supreme Court appoints the nine-member child’s representative board (Board) in accordance with the requirements and qualifications found in Colorado Revised Statutes § 13-91-104(2). The Board membership must include three attorneys who have experience in representing children as Guardians *ad litem* or as legal representatives of children, three members who are not attorneys but have experience advocating for children in the court system, and three citizens; no more than five members from one political party may serve; and each of the seven congressional districts must be represented on the Board. The Board serves without compensation and advises the OCR’s Executive Director regarding fiscal matters, policy and funding decisions, and GAL and CASA training, as needed. The diverse and experienced Board represents all seven congressional districts and has a balance of Republican Party and Democratic Party members.

**Mark Ferrandino**, Democrat, First Congressional District, *Chief Financial Officer, Denver Public Schools, Citizen*

**Barbara Shaklee**, Vice Chair, Democrat, First Congressional District, *Retired Denver City Attorney Human Services Section Director, Attorney*

**Don Moseley**, Democrat, Seventh Congressional District, *Executive Director of a Child Advocacy Center, Advocate*

**Kelvin Nicholson**, Republican, First Congressional District, *Psychotherapist and Former Foster Parent, Citizen*

**Gwen Schooley**, Independent, Fourth Congressional District, *Executive Director, A Kids Place, Advocate*

**Maria Valdez**, Independent, Sixth Congressional District, *GAL Attorney in Arapahoe County, Attorney*

**Mary Ann Liston**, Republican, Fifth Congressional District, *Retired attorney in El Paso Office of the Guardian ad Litem, Attorney*

**Al White**, Chair, Republican, Third Congressional District, *Consultant to the Colorado Tourism Industry, Citizen*

**Marc Winokur**, Democrat, Second Congressional District, *Director, Social Work Research Center of CSU, Advocate*

**Ms. Victoria Black**, non-voting Youth Advisory member. Although not statutorily required, the Board includes a non-voting youth advisory member. The youth advisory member is a former beneficiary of GAL services.

**OCR STAFF (8.7 FTE)**

**Linda Weinerman**, Executive Director

**Sheri Danz**, Deputy Director

**Cara Nord**, Staff Attorney

**Dorothy Macias**, Staff Attorney/Legislative Liaison

**Melinda Taylor**, Training Coordinator

**Mark Teska**, Chief Operating Officer

**Rebecca Garrison**, Information Systems Manager

**Katie Irwin**, Staff Accountant

**Andrea Israel**, Administrative Assistant

**Melanie Jannicelli**, Attorney Reimbursement & Human Resources Manager



## OVERVIEW

**The Office of the Child’s Representative (OCR)** is the state agency mandated to provide competent and effective legal best interests representation to children involved in the Colorado court system. OCR was created by the general assembly in 2000 to improve representation for Colorado’s most vulnerable children by establishing minimum practice standards and providing litigation support, accessible high-quality statewide training, and oversight of the practice. At the time of the OCR’s creation, the general assembly had serious concerns about the subpar quality of representation provided to children in Colorado, including: 1) financial barriers to the necessary frontloading of services or ongoing dedication of the proper amount of time to cases; 2) GAL caseloads impairing appropriate case preparation and investigation; 3) insufficient meaningful interaction by GALs with children in their environment; and 4) a lack of participation by GALs in court.

*“I think you should know she’s an amazing litigator. She stands up for kids in the courtroom and at home. She touches people’s lives in a way that I cannot even explain.”*

*- A parent’s feedback about an OCR attorney*

**OCR serves children** who have been abused and neglected, impacted by high-conflict parenting time disputes, and/or charged with delinquent acts and without a parent or guardian able to protect the children’s best interests during the proceedings. In Fiscal Year 2016-17 (FY 16-17), the OCR served approximately 17,000 children involved in dependency and neglect, delinquency, truancy, paternity, probate, relinquishment, adoption, mental health and high-conflict divorce cases. More than a majority of these children have suffered serious child maltreatment or egregious physical abuse and neglect, and require representation throughout the duration of their complex child welfare legal proceedings. Many of these children have been removed from their family home and spend time in foster care.

**OCR’s Denver Executive Office** is located in the Ralph Carr Judicial Center, 1300 Broadway, Ste. 320, Denver, CO 80203. The OCR staff (8.7 FTE) is charged with improving legal services for children and addressing the unique needs of legal representation of children in Colorado.

**OCR attorneys are skilled** in pediatric and juvenile law, knowledgeable of reliable social science research, and trained in child welfare representation best practices. Depending upon the case to which the attorney is appointed, the attorneys are known as Guardians *ad litem* (GALs), Counsel for Children in D&N proceedings, and Child Legal Representatives (CLRs). They provide attorney services at a rate of \$75 per hour. The average cost of an OCR case in FY 16-17 was \$1,324.

Court-appointed attorney GAL legal representation is a mandated service that must be provided to children who have been abused and neglected. Section 19-3-203, C.R.S., requires the court to appoint a GAL in every dependency and neglect (D&N) case. Courts have the discretion to appoint GALs in juvenile delinquency (JD), truancy, paternity, probate, relinquishment, mental health, and other proceedings when best interests representation is deemed necessary. While the statutory roles and responsibilities vary slightly by proceeding, in

all case types, the GAL's professional duties flow solely to the best interests of the child. The GAL is appointed to independently investigate the matter, make recommendations that are in the best interests of the child, and advocate for the child's best interests through all stages of the proceedings.

The court may also appoint attorneys under contract with OCR in domestic relations (DR) proceedings as Child's Legal Representative (CLR). Section 14-10-116, C.R.S., requires the state to bear all costs of such appointments in a domestic relations matter if the court finds that the parties are indigent.

In FY 12-13, the OCR assumed the responsibility for oversight and payment of attorneys appointed as Counsel for Children in D&N proceedings. The appointment of counsel for children is discretionary; the court may appoint counsel for the child facing potential or actual contempt citations and the child who holds his/her evidentiary therapeutic privilege.

OCR provides attorney services to Colorado's children by employing three models of representation:

1. **Independent contractors:** The OCR contracts with approximately 250 independent contractors throughout Colorado. These contract entities are small businesses and include sole practitioners and law firms. Contractors often live and work in the same communities as the children and youth they serve.
2. **OCR's El Paso County Guardian Ad Litem 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 the 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 multidisciplinary office is in its sixteenth year of operation. The OCR El Paso GAL Office employs 12 attorneys, five case workers/coordinators, one paralegal, and administrative support staff (budgeted 20.4 FTE). The case coordinators are social service professionals that supplement attorney services by providing, for example, analysis of treatment needs, meaningful participation in case staffings, communication with treatment providers, and observation of parent/child visits. The use of such multidisciplinary staff services is recognized as a promising practice by the National Association of Counsel for Children (NACC).
3. **OCR's Multidisciplinary Law Office Pilot Program:** The OCR's multidisciplinary law office (MDLO) program is an endeavor allowing the OCR to explore another model for providing efficient and effective GAL services. This program was developed after many years of analysis regarding a fiscally responsible manner to implement SB 03-258,

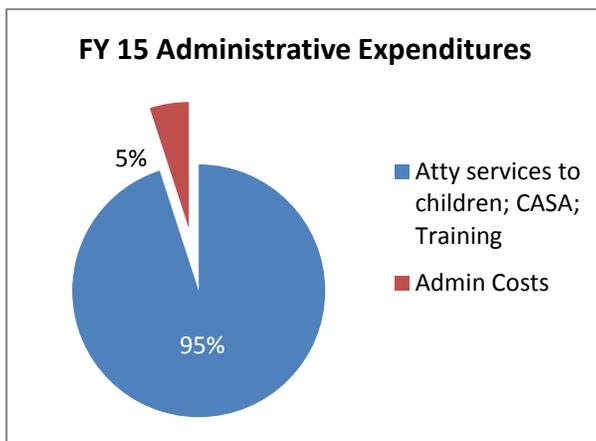
*"I think [my GAL] was a wonderful GAL. Out of my whole entire team, he was one of the people that stuck by me the most. He made sure my life was what is was supposed to be regardless of who was in my life. He pushed me to do better in school."*

*- A child's feedback about an OCR attorney*

Footnote 118, which requested that the OCR study alternative methods of providing GAL services in D&N cases by exploring whether it could implement a multidisciplinary office in Denver similar to the OCR El Paso County GAL Office. The MDLO Pilot Program serves children in the 2<sup>nd</sup> and 18<sup>th</sup> judicial districts.

Regardless of the type of legal service delivery model attorneys operate under, OCR holds attorneys to high practice expectations and requires attorneys to be specially trained on the law, social science research, and best practices relating to issues impacting children involved in court proceedings.

**OCR spends 95% of its budget on meeting its statutory mandates, primarily on attorney services for children** provided by state employees in OCR’s El Paso GAL Office and independent contractors throughout the state. Independent contractors provide attorney services at a rate of \$75 per hour. The average cost of an OCR case in FY 16-17 was \$1,324. The remaining 5% of the OCR’s budget is used to administer the agency.



OCR maintains high expectations of its independent contractors and OCR El Paso GAL Office state employees. In addition to the professional standards governing all attorneys, OCR attorneys are held to standards set by Chief Justice Directive (CJD) 04-06, their contract with OCR, and the practice standards set by OCR. GALs must independently investigate the matters to which they are appointed, make recommendations that are in the best interests of the child, and advocate on behalf of the child’s best interests. GALs in D&N cases must timely meet with each child in every placement and continue to communicate with the child throughout the case. GALs in JD cases must conduct a timely in-person meeting with the juvenile and promote and protect the juvenile’s rights. Although the unique statutory responsibilities of a GAL and CLR do not set forth a traditional attorney-client relationship between the appointed attorney and the child, the “client” of the GAL/CLR is the best interests of the child, and the attorney’s professional responsibilities flow solely to the child’s best interests. The GAL’s/CLR’s determination of the child’s best interests must include consultation with the child in a developmentally-appropriate manner and protect the child’s health, safety, and well-being.

**OCR monitors attorney services** throughout the year in a number of ways. The OCR sends annual electronic surveys aimed at assessing GAL performance to stakeholders in all 22 judicial districts. The stakeholders include judicial officers, court facilitators, court administrators, and CASA agencies. OCR also distributes the survey to department caseworkers, respondent parent counsel, department attorneys, and probation officers. Each year, the OCR Executive Director and attorney staff personally meet with or contact stakeholders in each of the 22 judicial districts to assess attorney services. The OCR reviews hourly billing statements and fee requests submitted by GALs in order to ensure that the work done on a case is adequate and that state dollars are used for only allowable expenditures. The OCR conducts audits of attorney work. Every formal complaint received by the OCR is thoroughly investigated. The OCR has provided specific training or implemented other corrective action, including termination of or not renewing attorney contracts with GALs who have displayed a pattern of failing to meet OCR practice standards, the requirements of CJD 04-06, and contractual obligations.

**OCR serves as a resource to legislators** by providing subject matter expertise, answering questions and providing nonpartisan research concerning children and family issues. OCR welcomes comments and questions from legislators regarding GALs, legislation, or specific issues concerning children or GALs in a legislator’s community.

**OCR 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, charged with delinquent acts and without a parent available to protect their best interests during the proceedings, or impacted by high conflict parenting time disputes. 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 whose interests are 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.

*“It doesn’t seem like she is doing this because it’s her job; I know she does this because she cares about me.”*

*- A youth’s feedback about an OCR attorney*

**Vision:** Each Colorado child in need of an OCR attorney will receive comprehensive legal advocacy from an attorney who has expertise in juvenile law and will diligently and effectively represent the child’s legal interests in a cost-effective manner.

## OCR's LEGISLATIVE MANDATES

OCR's legislative mandates are set forth in C.R.S. § 13-91-101, *et seq.* The mandates include:

- I. Provide oversight and improve quality of best interests attorney services and maintain consistency of best interests representation statewide.
  - II. Establish minimum practice standards, duties and responsibilities for all attorneys representing children in judicial proceedings, including the investigation of maximum-caseload limitations for GALs.
  - III. Provide litigation support to OCR attorneys.
  - IV. Establish minimum training requirements and accessible high-quality training statewide for attorneys, judges, magistrates and Court Appointed Special Advocates (CASA) volunteers.
  - V. Establish fair and realistic compensation for state-appointed children's attorneys sufficient to retain high-quality, experienced pediatric attorneys.
  - VI. Assess and document the effectiveness of various models of representation.
  - VII. Work with CASA to develop CASA offices in each county and enhance funding resources for CASA.
- I. Provide oversight and improve quality of best interests attorney services and maintain consistency of best interests representation statewide.**

The Executive Director, Deputy Director, staff attorneys, and operations staff monitor attorney services in a number of ways. Each year, the OCR Executive Director and attorney staff meet or communicate with stakeholders in each of the 22 judicial districts to assess attorney services. In addition, OCR staff monitors contract attorney services by scrutinizing billing submittals, reviewing appellate briefs, conducting an annual contract/evaluation process, investigating complaints, and assessing compliments and other feedback on attorney's work.

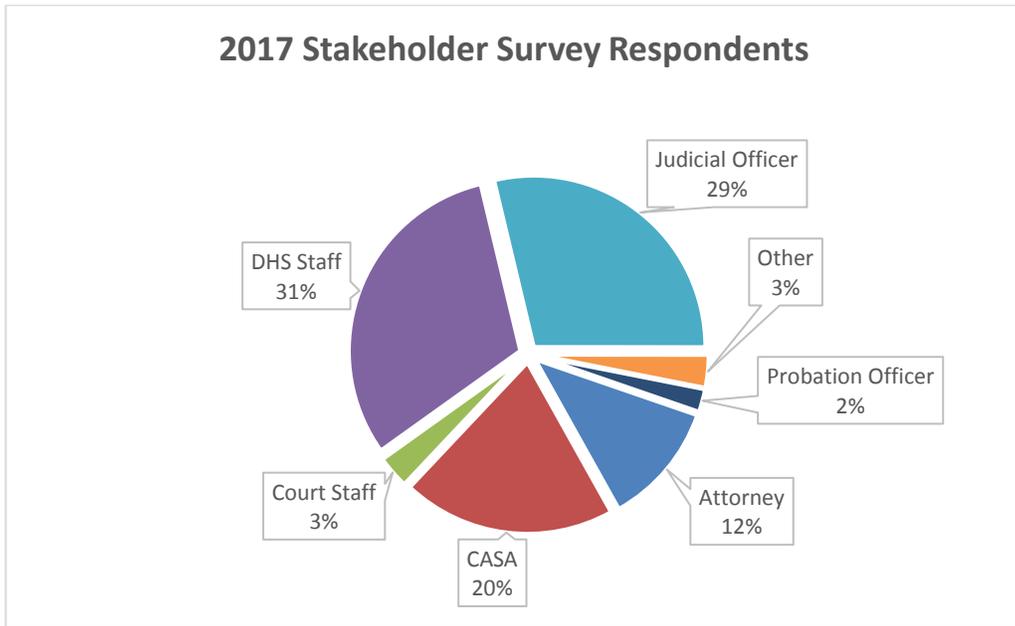
**Annual Surveys.** Every year, the OCR distributes an evaluation survey to gather feedback on all attorneys who are providing GAL services. OCR sends electronic surveys to judicial officers, court administrators, court facilitators, department of human services staff, CASA agencies, probation officers, and attorneys representing other parties in D&N and JD cases throughout Colorado's 22 judicial districts.<sup>1</sup> The survey seeks feedback on GAL knowledge, performance, participation in

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<sup>1</sup> The OCR recognizes foster parents, respondent parents, and youth are vital stakeholders in juvenile court proceedings; however, it has not been feasible to include them in this evaluation component. The OCR includes these additional groups in its annual contract process.

case conferencing, and general practice. This instrument measures perception and is voluntary. Responses from some stakeholder groups, however, indicate a lack of understanding of the GAL’s independent role. Combined with other objective information, the survey does help OCR identify potential training needs and practice issues to be addressed with individual attorneys. The OCR continually reviews the validity of the survey instrument and the questions posed as a mechanism for obtaining stakeholder feedback.

In FY 16-17, the OCR received 1197 survey responses concerning 223 attorneys; 344 responses were from judicial officers.



Stakeholder feedback is an important component of OCR’s assessment of GAL services and training needs. Highlights of the FY 16-17 electronic survey responses are shown below:

Question answered (respondents were allowed to answer “Do Not Know”)	Strongly Agree or Agree
<b>GAL Possesses relevant advocacy skills</b>	91%
<b>GAL possesses requisite knowledge</b>	91%
<b>GAL familiar with community services</b>	90%
<b>GAL personally attends all court hearings</b>	94%
<b>GAL critically assesses department case plans &amp; permanency plans</b>	88%
<b>GAL is respectful of others involved in the case</b>	85%

**OCR's annual contract process** serves as an effective method of monitoring attorney services and ensures that qualified attorneys provide consistent best interests legal representation for children throughout Colorado. At the completion of its contracting

*“[The GAL] was always very supportive. Her focus was about what was best for the child. But she did that in a sensitive way that helped us preserve our family.”*

*- A caregiver's feedback about an OCR attorney*

process, OCR compiles its annual list of attorneys eligible for appointment in each judicial district, distributes it to judges and court staff within each judicial district by July 1st of each year, and issues contracts to attorneys on its list. The OCR compiles district lists through a comprehensive evaluation strategy, which consists of a statewide annual appraisal of existing attorney services, a tri-annual extensive contract application process, ongoing assessment and periodic audits of attorney activity, and a formalized complaint process. OCR does not automatically continue attorney eligibility for appointments. The contract process also provides OCR with the ability to address systemic needs within each jurisdictional district, such as the need for additional or fewer attorneys, training requirements on specific issue(s), or general concerns within the child welfare system.

The OCR's current contract process contains many components, including assessment of the stakeholder surveys detailed above. OCR requires new applicants and all attorneys under evaluation to complete an application. Attorneys under contract with the OCR but not subject to the extensive evaluation must complete practice verification documentation. Selected new applicants are assessed and interviewed. Every application is considered as contracts are not automatically renewed. In FY 16-17, OCR received 209 renewal applications/attorney verifications and 105 new applications.

In FY 12-13, OCR instituted a tri-annual extensive contract and evaluation process. Each year, the OCR evaluates attorneys in one-third of Colorado's 22 judicial districts. OCR's extensive evaluation consists of attorney application and appraisal information detailed above; interviews of children/youth, parents, and caregivers; structured court observations; submission of a writing sample; stakeholder feedback; and selected reports from C.A.R.E.S. Additionally, the OCR conducts meetings with key stakeholder groups in each of the districts scheduled for evaluation. Typically, the OCR meets with judicial officers and staff, Court Appointed Special Advocate (CASA) volunteer programs, and attorneys with existing contracts. OCR attorney staff conducts the majority of these meetings in person. The OCR staff attorney assigned to the district meets with each existing contractor under evaluation to discuss the data collected during the evaluation, discuss any identified practice issues, and assess ongoing suitability for an OCR contract.

### Court Observations

In FY 12-13, the OCR began conducting structured court observations in D&N cases in order to obtain first-hand knowledge regarding attorney courtroom performance. The

OCR developed an instrument and trained OCR staff, volunteers, and interns to standardize documentation and data collection. OCR utilizes court observations to assess whether the GAL is providing current and independent information concerning the child. The OCR capitalized on the opportunity to obtain data regarding youth participation in D&N cases. The OCR expanded the observations in FY 13-14 to include JD cases in order to help refine OCR's expectations of attorneys serving in delinquency matters.

In FY 16-17, OCR's tri-annual evaluation process concerned judicial districts extensively assessed in FY 12-13. OCR conducted 448 courtroom observations involving 94 attorneys and 675 children/youth in FY 16-17.

### Interviews of stakeholders, youth, parents, and caregivers

Each attorney participating in the tri-annual evaluation submits contact information for three youth, parents and caregivers involved in their case(s). OCR interns and staff contact the references in order to obtain information from at least one individual from each category of participant and conduct a structured interview regarding the attorney's services. In FY 16-17, OCR conducted 247 reference interviews concerning 64 attorneys.

OCR Executive Director and attorney staff meet personally or by teleconference with contract attorneys, new applicants as necessary, judicial officers, court personnel, and CASA directors each year. In some instances, OCR attorney staff contacts county attorneys and county department of human/social services directors, as well as other community agencies involved in the protection of children in order to discuss attorney performance, judicial concerns, jurisdictional trends, and potential training needs.

*“She was pretty flexible about coming at a time that worked for us. The kids usually wanted to show her something, like riding their bike. She would then answer our questions. I was always just like, oh my gosh, she’s here! Someone will actually answer my questions.”*

*- A caregiver's feedback about an OCR attorney*

**Attorney billing submittals are scrutinized** by OCR operational staff and, as needed, staff attorneys in order to ensure that the work done meets minimum standards and that state dollars are efficiently used for only allowable expenditures. OCR staff also conducts random audits of attorney billing throughout the year.

**OCR attorney staff investigates complaints** of contract attorneys' work throughout the year. One of OCR's first activities was to establish a formal complaint process as recommended by the 1996 State Auditor's Performance Audit of GAL services. The OCR

requires complaints be in writing; OCR staff assists complainants with disabilities with completion of the complaint form. The staff attorney assigned to the judicial district investigates whether the GAL complied with standards of practice as established by this agency, applicable CJDs, and state statutes. The OCR does not second-guess attorney recommendations or opine on the child's best interests but rather focuses its investigation on the investigative process employed by and legal support relied upon by the attorney. While the specifics of each investigation vary depending on the nature of the complaint, OCR's investigation typically involves a review of the court's on-line file, C.A.R.E.S. file and other relevant documents; interviews of the attorney and the complainant; and interviews of other stakeholders and/or witnesses, including foster parents, judicial staff, county attorneys, parents' counsel, and caseworkers, as appropriate.

Founded complaints lead to further investigation of the attorney's performance. While each circumstance is unique, the OCR typically engages in an audit of the attorney's work in order to determine whether the founded complaint was an anomaly or indicative of a pattern of poor performance. When warranted, the OCR provides tailored training, places the attorney on a corrective action plan or terminates the attorney's contract. The OCR also determines whether it is necessary to remove the attorney from existing appointments and consults with the court in such circumstances. The OCR closes each complaint by providing a formal resolution of the investigation to the complaining party and the attorney.

In FY 16-17, OCR received 38 complaints. One complaint was withdrawn by the complaining party and one involved a privately-paid CLR which is not managed by OCR. Of the 36 complaints investigated, OCR founded nine complaints.

**II. Establish minimum practice standards, duties and responsibilities for all attorneys representing children in judicial proceedings, including the investigation of maximum-caseload limitations for GALs.**

OCR maintains high expectations of its attorneys. In addition to the professional standards governing all attorneys, OCR attorneys are held to standards set by CJD 04-06 and their contract with OCR. While the statutory roles and responsibilities vary slightly by proceeding, in all case types, the GAL's professional duties flow solely to the best interests of the child. The GAL is appointed to independently investigate the matter, make recommendations that are in the best interests of the child, and advocate for the child's best interests through all stages of the proceedings.

An OCR attorney appointed in a D&N proceeding must meet each child in every placement and continue to communicate with the child throughout the case. Usually, there is more than one child per case and the children are often placed in different homes or in treatment facilities. The attorney must consult with each child in a developmentally-appropriate manner and consider the child's position in formulating his/her determination of the child's best interests. The attorney must appear at all court hearings; prepare for and litigate contested matters; and participate in out-of-court meetings concerning appropriate

placement, treatment, and long-term planning for the child. The GAL must interview and maintain contact with other people involved in the child's life, including the Court Appointed Special Advocate (CASA) volunteer if one is assigned to the case. The GAL is responsible for promoting the child's safety and well-being throughout the case and ensuring that the child is successfully placed in a safe, appropriate, and permanent home.

An OCR attorney representing the best interests of a juvenile in a delinquency or direct file proceeding must represent the juvenile's best interests throughout the appointment in a manner that promotes and protects the juvenile's rights. The GAL in JD matters must conduct a timely in-person meeting with the juvenile in a setting that promotes meaningful communication, attend all court hearings, and assess the juvenile's functioning, current and potential placements, services and treatment, family, and competency.

**OCR's Cornerstone Advocacy initiative**, a modified version of New York's Center for Family Representation's Cornerstone Advocacy program, emphasizes proactive and intensive advocacy in D&N cases focused on four cornerstones:

- Frequent and meaningful visits,
- Placement arrangements supportive of family connections,
- Services tailored to the strengths and needs of children and parents,
- Education and transition planning supportive of academic and life success.

Cornerstone Advocacy provides a framework for a GAL's investigation and advocacy and is consistent with the Colorado Children's Code stated preference for in-home placement, preserving and strengthening family ties whenever possible, and timely resolution of cases in the best interests of children. See C.R.S. § 19-1.102(1), (2015). An assessment of Cornerstone Advocacy as implemented in New York City demonstrated that this model has resulted in significantly more children remaining in in-home placements, reduced time in foster care, and lower foster care reentry rates.

Implemented by the OCR in FY 09-10, OCR has continued trainings informed by the initiative throughout FY 16-17.

**OCR continues to assess the establishment of caseload limitations.** OCR's pilot multidisciplinary law office program, which implemented caseload limits, and data management system further informs its assessment of establishing caseload limitations. OCR is able to monitor individual attorney caseloads through the use of OCR C.A.R.E.S and remains committed to developing a formalized process of determining whether to implement caseload limitations of all independent contractors.

### **III. Provide litigation support to the practice of OCR attorneys.**

The OCR believes serving as a resource to attorneys is a critical part of its mission to improve the quality of best interests representation. Attorneys are welcome to contact the

Executive Director and attorney staff for legal assistance and program staff for non-legal support. The OCR serves as a resource and offers support to its contract attorneys on a daily basis in a number of ways.

**Response to individual inquiries by contract attorneys.**

Attorneys contact the Executive Director, staff attorneys and program staff for assistance each day. OCR provides litigation support, legal references and research, and expert resources to attorneys. The

Executive Director and attorney staff assist contract attorneys by providing legal information and guiding them to relevant statutes, regulations and case law, appropriate professionals, written materials, and other resources in both trial and appellate courts. Operations staff assists attorneys with process and billing issues.

**OCR updates.** OCR provides timely electronic notices of recent federal and state court decisions and legislative changes that pertain to the representation of the best interests of children, trainings, and current events involving child welfare issues.

**OCR Newsletter.** OCR publishes a quarterly newsletter containing a review of case law and legislation, policy updates, training resources, and a variety of hot topics in the legal and child welfare arena.

**OCR Guided Reference in Dependency (GRID).** In FY 12-13, the OCR secured Children’s Justice Act funds to publish a comprehensive advocacy guide for GALs in D&N proceedings. The OCR collaborated with the Colorado’s Court Improvement Program to include parents’ counsel in the group of attorneys to whom this guide applies. OCR attorney staff coordinated the writing, editing, and publishing of the GRID and the Deputy Director served as primary content editor. In FY 15-16, OCR used Children’s Justice Act grant monies to update the GRID and realized a more comprehensive update was needed going forward to address the many changes in child welfare law. In FY 16-17, OCR obtained grant funding, again from the Children’s Justice Act, to do a comprehensive and integrated update and reprint of the GRID, which will be delivered by September 2018.

**The OCR listserv.** OCR requires its contract attorneys to subscribe to the OCR listserv. The listserv is a forum for contract attorneys to ask questions about any aspect of their case from information about a particular child placement agency or service provider to technical legal issues pending before the court. OCR also uses the listserv to communicate new case processes and inform contractors of developments in the field. The listserv is limited to attorneys, and their staff, who contract with OCR. In FY 15-16, the OCR launched an enhanced listserv which features a searchable archive of attorney discussions and separates OCR announcements from attorney discussions.

*“She took me to court and she bragged about me. I thought that was so great. Someone actually sees the good in me!”*

*- A youth’s feedback about an OCR attorney*

**The OCR website.** OCR's website provides information for the public, child welfare stakeholders, and attorney contractors. OCR attorneys may access an Attorney Center containing billing procedures and policies, local and national resources, and password-protected OCR motions bank. In FY 16-17, the OCR continued to update its motions bank and investigated an enhanced platform that will support interactive templates. The website also publishes links to OCR Newsletters, seminal and relevant cases, national and local organizations, and resources for use by the general public.

**IV. Establish minimum training requirements and provide accessible training statewide for attorneys, judges, magistrates, and Court Appointed Special Advocates (CASA) volunteers.**

OCR recognizes that training of attorneys is a critical component of enhancing the provision of legal services to children. A child-sensitive legal system depends upon a bench and bar of considerable sophistication and competence in not only the law but on issues unique to children. Attorneys representing children must draw upon interdisciplinary knowledge from such pertinent fields as psychology, sociology, social work, and medicine. Children are best served by legal practitioners in the child welfare system when judges and attorneys understand the social and psychological implications of a case, as well the impact of the developmental level and unique needs of each child.

In FY 15-16, the OCR further refined its core competencies for attorneys practicing in D&N proceedings and began to identify core competencies for attorneys representing juveniles in JD matters. In FY 16-17, OCR finalized the Juvenile Delinquency core competencies and developed a three-year strategic plan to cultivate and support the development of Core Competencies for all OCR attorneys. This Strategic Plan is divided into three strategy areas: Accessibility of resources and materials, State-wide Community of shared learning and practice and Maximizing Human Capital. OCR has developed concrete goals and timeframes for each area to be achieved within the next three years. The OCR remains committed to cultivating an inclusive learning and practice environment that supports excellence in legal representation.

OCR maintains stringent training requirements. OCR attorneys are contractually obligated to participate in a minimum of 10 Continuing Legal Education (CLE) hours of OCR sponsored/approved training each year. OCR attorneys must verify CLE hourly credits on their annual attorney verifications or evaluation application. During FY 16-17, OCR offered 78 CLE training hours through state-wide conferences, single-subject trainings, new attorney training and brown-bag webinars. The OCR's trainings in FY 16-17 include:

- New Attorney Orientation & Core Competencies for Dependency Attorneys (7/14-7/15)
- Nuts & Bolts of CAR 3.4 (8/3/17)
- OCR Fall Conference (9/12-9/13)
- OCR Contract & Renewal Process (11/9)
- ICWA Webinar (1/27)
- Core Competencies 2.0 (2/24)

- NITA Trial Skills Training (4/12-4/15)
- Complaint Process Webinar (5/9)

The conferences and webinars were recorded and posted to the OCR website to ensure that training could be easily accessed at any time thereafter by attorneys who could not attend. By close of FY 16-17, the OCR website provides access to 238 CLE hours of archived trainings.

*“She’s very comforting. She sets her boundaries of course. She doesn’t sugar coat anything. She told me that my daughter needed to go to school. [The GAL] motivates me. She got us back on track with life. [The GAL] has been a really great person. I really, really thank her for helping us out. I can’t say enough.*

*- A parent’s feedback about an OCR attorney*

OCR Executive Director and attorney staff also trained other professionals, stakeholders, and court personnel throughout FY 16-17. OCR spoke at the following conferences/trainings and/or group meetings:

- *NEW ICWA REGULATIONS* – presented at the 2017 Best Practices Convening Conference, Vail, CO – April 24, 2017.
- *EVALUATING A CHILD REPRESENTATION MODEL IN COLORADO* – presented at the 17<sup>th</sup> ABA National Conference on Children & the Law: Strengthening Our Advocacy for Results (SOAR), Tysons Corner, VA - April 28<sup>th</sup>, 2017.
- *COURAGEOUS CONVERSATIONS: MINORITY YOUTH OVERREPRESENTATION IN CHILD WELFARE, SCHOOL DISCIPLINE, AND JUVENILE JUSTICE SYSTEMS* – presented to Colorado Springs Police Department, Colorado Springs, CO – May 24<sup>th</sup>, 2017.
- *PRESENTATION ON CJD REVISIONS*– presented to Colorado Judicial Institute, Denver, CO - July 12<sup>th</sup>, 2017.
- *THE WHO, WHAT, WHERE, WHEN, AND WHY OF OCR’S ENGAGING AND EMPOWERING YOUTH PROGRAM* – presented to leaders of metro-area youth advisory boards at DHS, Denver, CO - July 27<sup>th</sup>, 2017.

**V. Establish fair and realistic compensation for state-appointed children’s attorneys sufficient to retain high-quality, experienced pediatric attorneys.**

OCR’s legislative mandate includes establishing fair and realistic compensation for contract attorneys, with the goal of adequately paying attorneys for the work they perform. OCR inherited a flat-rate pay system at its formation. With General Assembly support, OCR transitioned the payment structure to hourly billing. The hourly fee limit had been set at \$65/hour over the course of several legislative sessions and was the identical rate paid by the Office of Alternative Defense Counsel and the State Court Administrator’s Office. The

JBC historically supports this hourly rate and recognized that the attorneys who are paid the state rate earn less than attorneys in the private sector. The OCR thanks the general assembly for supporting the attorney hourly rate increase to \$75 per hour in FY 14-15 and maintaining such rate through FY 16-17.

## VI. Assess and document the effectiveness of various models of legal service provision.

As indicated above, OCR provides attorney services to Colorado’s children by employing three models of representation. OCR provides legal services by contracting with independent contractors, hiring state employees in the Fourth Judicial District, and contracting with pilot multidisciplinary offices in two judicial districts.

**Independent contractors** continue to provide children legal services in each judicial district. In FY 16-17, OCR contracted with approximately 250 attorneys throughout the state. Contract attorneys are small business owners within their communities. Many lease office space and employ other members of the community in which they practice. This model is the historical means of providing best interests representation in Colorado.

1. **The OCR’s El Paso GAL Office** in the Fourth Judicial District is a multidisciplinary office staffed by state employees that falls under the oversight of the OCR. OCR’s El Paso GAL Office provides legal services in an approach similar to the manner in which a local Public Defender’s office provides attorney services. The OCR El Paso GAL Office operates as a multidisciplinary public law office and employs 12 attorneys, five case workers/coordinators, a paralegal, and support staff (20.4 FTE). The case coordinators have a social work or related background and make a significant contribution to the legal representation of children by assisting attorneys in their analyses of treatment needs, participating in case meetings, communicating with treatment providers, reviewing psycho-social assessments, and observing visits between parents and their children.

*“I just trust her because her word is gold. When she says she’s going to do something, she gets it done.”*

*- A youth’s feedback about an OCR attorney*

The NACC has endorsed dedicated children’s law offices as one of the best models for delivery of high-quality legal services. Moreover, members of the El Paso child welfare community and the court system consistently comment on the significant improvements in GAL representation as a direct result of the OCR El Paso GAL office. The OCR El Paso GAL Office is included in the multidisciplinary law office evaluation as detailed below.

2. **OCR’s Multidisciplinary Law Office Evaluation.** In 2003, the General Assembly instructed OCR in SB 03-258 Footnote 118 to study alternative methods of providing GAL services in dependency and neglect cases, specifically whether OCR could

implement a multidisciplinary office in Denver similar to the OCR El Paso GAL Office. Creating a state office in Denver appeared cost-prohibitive so, in May 2010, the OCR issued a Request for Proposals for the creation of multidisciplinary law offices in two of its high-volume jurisdictions, Denver and Arapahoe counties. In January 2011, the OCR contracted with three such offices to implement a multidisciplinary approach to GAL services in those two counties.

OCR established the multidisciplinary law offices (MDLO) as a 30-month pilot project from January 1, 2011 through June 30, 2013. The offices are staffed by attorneys and social service professionals who supplement attorney services in a number of ways, including analyzing treatment needs, participating in treatment meetings, communicating with treatment providers, and augmenting attorney interactions with children and their families. In addition to implementing a multidisciplinary approach to cases, the offices are under contract with the OCR to operate under enhanced practice standards, supervision, and accountability expectations.

*“He treats me with the utmost respect. We did go through bumps on our journey. So as a dad I had a different agenda but [the GAL] would always bring it back to what is best for my son, so we could find common ground.”*

*- A parent’s feedback about an OCR attorney*

In FY 12-13, the OCR partnered with the University of Denver Graduate School of Social Work to assess the effectiveness of the multidisciplinary law office as a model of delivering legal services to children in juvenile court proceedings. The DU study focused on understanding how the multidisciplinary law offices function and whether this model has enhanced GAL practice in Arapahoe, Denver, and El Paso counties.

After the initial three-year pilot period, the OCR extended the MDLO contracts for an additional three-year period beginning in FY 14-15 and focused on the 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

### Evaluation Conclusions

In FY 16-17, OCR concluded the evaluation of the MDLO project and compared case outcomes for children represented by GALs who are independent contractors to case outcomes for children appointed an attorney from a Multidisciplinary Law Office in the same judicial districts. In addition to comparing case outcomes, the evaluation analyzed attorney activities, caseloads, compensation, court observations and stakeholders’ perceptions of the two groups.

The evaluation findings indicated that, while MDLOs spent significantly more time on case-related work and required additional investment of state dollars, there were not statistically significant differences between best interests attorney representation provide by an independent contractor and that provided by an MDLO. The OCR recognizes that the multidisciplinary law offices engaged in high-quality legal advocacy and provided an exceptional avenue for training and supervising attorneys entering this complex area of practice. The office structure provided a multidisciplinary approach to case management, established an institutional presence in judicial districts, and created an avenue for attorneys new to this area of practice to receive heightened oversight and accountability. Unfortunately, these benefits are outweighed by the considerable costs of the model, and OCR has concluded that the MDLO structure as implemented through the pilot project is not a sustainable model of providing GAL representation in Colorado.

Going forward, OCR will focus on the following recommendations from the MDLO evaluation process:

- 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

### **3. Support Colorado Court Appointed Special Advocates in the development of programs in each county and enhance funding resources.**

While GALs are the child’s legal advocate and parties to D&N cases, community volunteers, known as Court Appointed Special Advocates (CASAs), are appointed in 16 of Colorado’s 22 judicial districts by the court to provide additional information and support children and their families. Each program operates under a memorandum of understanding between the program and chief judge of the district and serves to effect the general assembly’s legislative intent in authorizing the CASA program, as established in statute:

(a) The general assembly hereby finds and declares that quality representation for children requires legal expertise and thorough case monitoring.

(b) The work of community volunteers has been proven to be effective in addressing the needs of children. Partnerships between guardians ad litem and community volunteers can enhance the quality of representation for children.

(c) The general assembly further finds and declares that the state should promote volunteerism and the exercise of responsible citizenship to enable members of local communities to become advocates for children.

§19-1-201(a)(1)-(3), C.R.S.

Although each local program is unique, similarities do exist. The CASA’s role is outlined in § 19-1-201, C.R.S. et. seq. CASA volunteers must meet minimum requirements, pass background checks, and successfully complete a mandatory 30- or 40-hour training program based on the curriculum created by the National CASA Association. Local CASA programs also require additional annual training for volunteers. Most CASA volunteers concentrate their valuable service on one case at a time. Typically, volunteers must commit to 18 months of service, but many volunteers serve throughout the life of a case. In addition, some local programs require a minimum monthly time commitment from their volunteers.

*“I often feel like she’s the only one on the team that listens. That’s not to say that she always agrees with me but you always know where you stand with her.”*

*- A parent’s feedback about an OCR attorney*

OCR GALs and CASA volunteers work collaboratively to advance the best interests of children. CASA volunteers provide written reports to the court and parties and may participate in case events. CASAs also establish supportive relationships with children, parents, relatives, kin, and placements. CASA volunteers are able to bring joy to the children they serve by participating in fun activities with them such as bowling, attending movies, and shopping; these activities may be funded by the CASA volunteer.

OCR supports CASA in Colorado in a number of ways. The OCR Executive Director serves

as a member of the CASA in Colorado Board. The OCR Staff Attorney & Legislative Liaison serves on the CASA Legislative Committee and informs the committee of pending legislation and its potential effects on the children of Colorado. OCR serves as the pass-through agency and provides technical support and consultation to facilitate reimbursement of Title IV-E eligible training costs incurred by Colorado CASA.

In FY 16-17, Colorado CASA received \$1,020,000 from the State of Colorado as a pass-through line item in the OCR budget. The state office used a portion of the monies for general program support and the remaining funds supported the CASA programs across the state. In FY 16-17, 1906 citizens volunteered as CASAs and expended 96,221 volunteer hours while serving 3,645 children and youth.

*“She really just advocated for me when I didn’t feel like I had the power to advocate for myself.”*

*- A youth’s feedback about an OCR attorney*

*“It didn’t seem like he was doing the job the for the money, it seems like he really cared about me, he was doing his job for my best interests. He was selfless.”*

*- A youth’s feedback about an OCR attorney*

## 2016-17 TECHNOLOGY INNOVATIONS

### **OCR’s Data Management and Billing System known as OCR C.A.R.E.S.**

OCR requires all attorneys, including members of the multidisciplinary law office program, to input case information and data for each appointment. Information includes home visits and other contacts with children, phone calls, meetings, document preparation, court hearing type and outcomes, and placement moves. OCR C.A.R.E.S. allows for information sharing between office staff. Additionally, OCR has access to case information, except notes and attorney work product, in order to confirm compliance with the requirements set forth in CJD 04-06, provide enhanced oversight, and track trends for each jurisdiction and the state.

In FY 12-13, OCR acquired the source code to the case management system in order to tailor its use as a billing system and oversight tool. In FY 13-14, OCR began enhancing the system to create efficiencies for both attorney users and OCR staff in processing attorney bills and providing oversight of the practice.

In FY 14-15, OCR developed additional reports to support and assess attorney practice. Many of the reports concern key attorney performance and practice measures and allow attorneys to collect statistics regarding their office appointments. OCR is able to gather

statistics on individual attorney, judicial district, and state-wide performance. Those reports include Child Present at Hearing, timeliness of Initial Visit with Child in Placement, and attorney Activity During Timeframe. Additionally, reports allow OCR and attorneys to identify billing per day information and track cases in which no billing has occurred during a specified time period.

In FY 15-16, OCR continued investigating whether further improvements to an aging C.A.R.E.S were feasible and determined they were not. The development of a new billing and case management system is necessary in order to improve functions for contractors and OCR staff, reduce support and operating costs, and improve OCR's data collection.

In FY 16-17 OCR requested funding to develop a new system after working diligently with programmers to specifically address the most efficient and functional tool to provide case management, billing and oversight functions. The General Assembly granted the request and OCR is working with a developer to design the system with an implementation goal of FY 18-19.

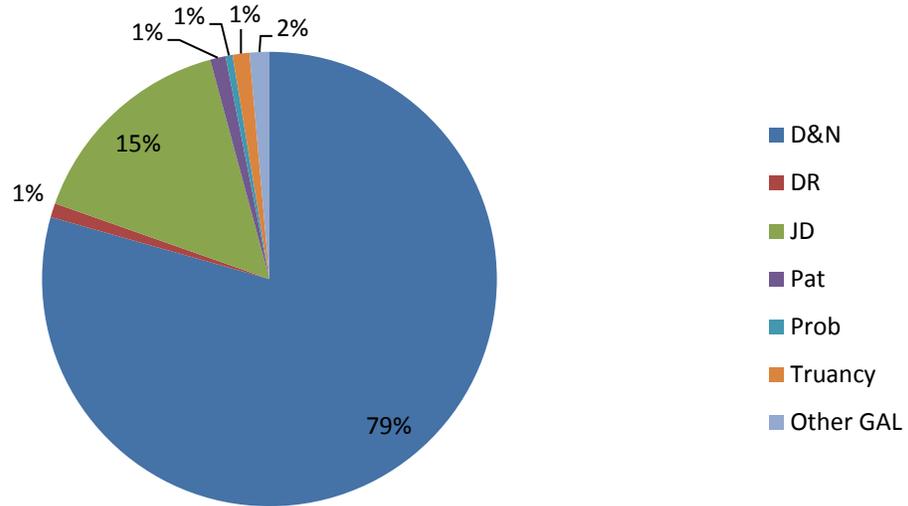
## **OVERVIEW OF OCR BUDGET**

One of the OCR's mandates is to enhance funding to promote effective legal advocacy. In FY 16-17, the OCR continued its focus on creating efficiencies and securing basic funding to meet the need for attorney services. In FY 16-17, OCR experienced an overall decrease in the number of appointments for which it paid attorneys and an increase in the average cost per case equivalent to approximately 1.4 attorney billable hours. The following is an overview of the OCR budget and an outline of factors that contribute to the budget.

**Summary of Appropriations:** In FY 16-17, the OCR spent 5% of its budget on its central administrative office, which is dedicated to fulfilling OCR's statutory mandates. OCR expended \$20,252,945 on attorney services for children. The OCR expended \$74,729 of its budget to providing training to GALs and other stakeholders throughout Colorado. The general assembly passed \$1,020,000 through OCR's budget to CASA of Colorado.

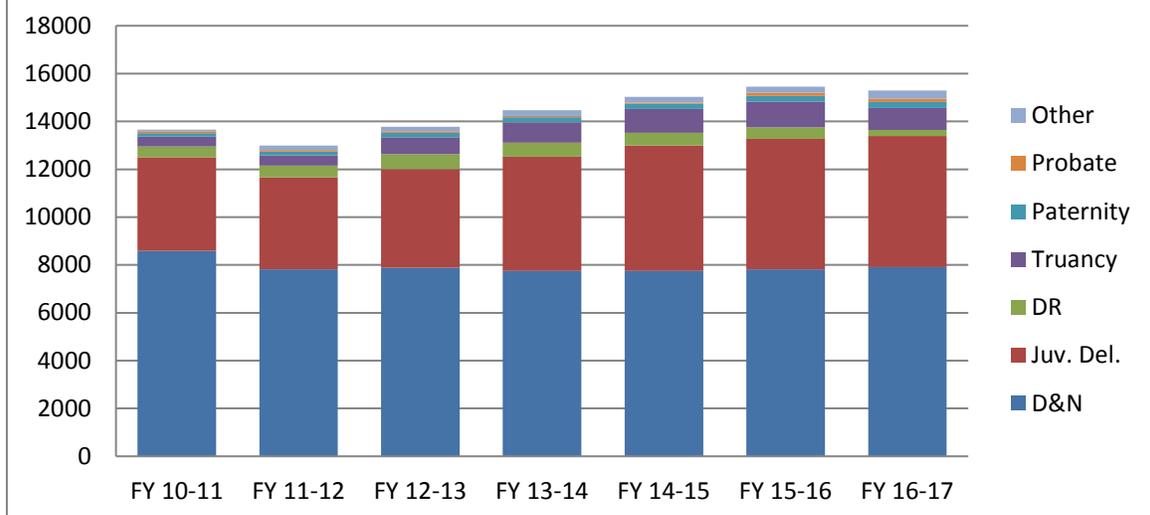
**Breakdown of the Mandated Attorney Services Provided by OCR:** OCR attorneys represent the best interests of children in dependency and neglect, delinquency, domestic relations, truancy, relinquishment, adoption, paternity, and appeals. In FY 16-17, the OCR paid attorney services in 15,293 case appointments. The average cost of an OCR case was \$1,324 in FY 16-17. The appointments in dependency and neglect cases account for 79% of attorney services expenditures. The breakdown of expenditures by case type is reflected in the chart below:

## Percentage of Case Type Expenditures



The OCR saw an overall decrease in appointments paid in FY 16-17 from the previous fiscal year. However, this fiscal year's appointments still amount to an 18% increase over FY 11-12. The breakdown of appointments for each case type over the last seven fiscal years is shown in the chart below:

## OCR Case Appointments

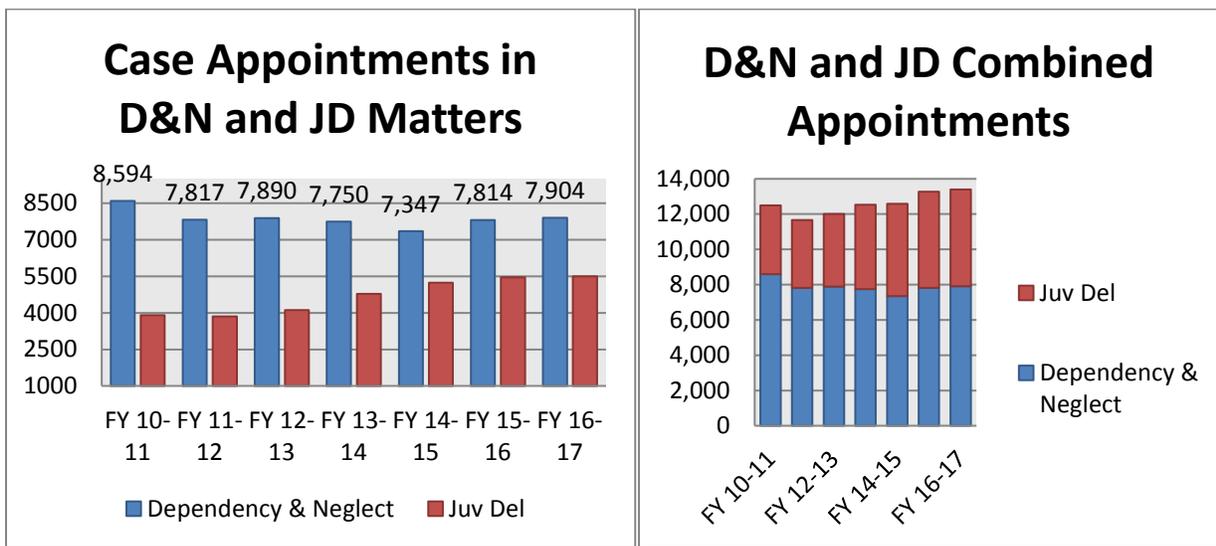


**Dependency and Neglect and Juvenile Delinquency** appointments account for 88% of the

OCR’s appointments. These two case types present similar issues concerning family dynamics, placements, and treatment. Dependency and Neglect (D&N) GAL appointments are mandatory when the local department of human/social services files a petition alleging the child(ren) has suffered abuse and neglect. Juvenile delinquency (JD) appointments are discretionary appointments usually made when deemed necessary because the parent is unwilling or unable to perform basic parental duties in the case. OCR attorneys continue to report that children served in the juvenile delinquency system in FY 16-17 frequently present issues previously served in D&N matters. Judicial officers and OCR’s courtroom observations confirm attorney reports.

The OCR experienced a 1.2% increase in D&N case appointments and an increase in hours billed in D&N cases in FY 16-17 as compared to the previous fiscal year. The average cost per dependency and neglect case was \$2,031 in FY 16-17. D&N expenditures account for 79% of attorney expenditures. OCR continues to stress the attorney’s need to make efficient use of attorney and staff time; however, the issues presented in each case are unique and beyond OCR and the attorney’s control.

Fiscal Year 16-17 continued the trend of increased GAL appointments in Juvenile Delinquency (JD) matters. JD appointments rose 0.6% and the average cost per JD matter increased by \$11 over FY 15-16 amounts to \$569. The OCR continues to train judicial staff and contract attorneys on the requirements of SB 09-268, which amended C.R.S. § 19-1-111 to clarify that GALs are only appointed in certain instances in delinquency matters: if a parent is not present, if there is a conflict of interest between the child and parent, and if the appointment is shown to be in the best interests of the child. The OCR also continues to emphasize that the GAL must not remain on the case indefinitely and the GAL’s appointment terminates upon sentencing when the child is returned home. Contract attorneys and judicial officers report an increased prevalence of abuse and neglect issues in delinquency cases.



**Domestic Relations Cases.** Indigent parties in domestic relations (DR) matter may seek court appointment of a state-paid Child’s Legal Representative (CLR) or attorney Child and Family Investigator (CFI). A CLR is appointed to represent the child(ren)’s best interests. The CFI is appointed to investigate a matter pending before the court, provides a report to the court, and may be called as a witness. OCR FY 16-17 DR appointments are comprised of state-paid attorney CLR appointments. Domestic relations appointments of OCR attorneys decreased by 51% in FY 16-17 to 243 appointments compared to 500 appointments in FY 15-16, due primarily to the transfer of CFI appointments to the State Court Administrator’s Office effective January 1, 2016. OCR saw a 42% decrease in expenditures, and the average cost of DR appointments this fiscal year increased to \$817 average cost per case in FY 16-17 from \$706 average cost per case in FY 15-16.

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*“She was the one consistent adult in the case that was there the whole time.”*

*-A caregiver’s feedback about an OCR attorney*

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## Appendix A

### OCR Legislative Review

OCR continues to be a resource for state legislators by providing subject matter expertise, answering questions and providing nonpartisan research concerning children and family issues. The OCR either monitored, consulted on or supported the following bills in the 2017 Legislative Session:

**SB 012 – Competency Restoration Services and Education,**

Sen. B. Martinez Humenik and Rep. Lee

**SB 177 – Children’s Code Definition of Special Respondent,**

Sen. J. Cook and Rep. P. Rosenthal

**HB 1040 – Interception of Human Trafficking Communications,**

Rep. P. Ludeen, Rep. M. Foote, Sen. K. Priola and Sen. C. Jahn

**HB 1064 – Misuse of Electronic Images by a Juvenile,**

Rep. Y. Willet and Sen. R. Fields

**HB 1101 – Division of Youth Corrections Monetary Incentives Award Program,**

Rep. Rosenthal, Sen. N. Todd and Sen. K. Priola,

**HB 1110 – Jurisdiction Juvenile Court Parental Responsibilities,**

Rep. S. Beckman and Sen. N. Todd

**HB 1111 – Dependency and Neglect Civil Protection Orders,**

Rep. S. Beckman and Sen. R. Fields

**HB 1185 – Reports of Suspected Child Abuse Or Neglect,**

Rep. J. Singer and Sen. J. Smallwood

**HB 1204 – Juvenile Delinquency Record Expungement,**

Rep. P. Lee and Sen. J. Cooke

**HB1207 – No Detention Facility Requirement Youth Ages 10-12,**

Rep. P. Lee and Sen. K. Priola

**HB1302 – Juvenile Sexting Crime,**

Rep. P. Lee, Rep. Y. Willett, Sen. B. Gardner and Sen. R. Fields

**HB 1303 – Judicial Performance Evaluation System and Commissions,**  
Rep. C. Wist, Rep. P. Lee, Sen. B. Gardner and Sen. D. Kagan

**HB1304 – Adoptee Present In-State Exception,**  
Rep. J. Singer, Rep. K. Ransom, Sen. J. Kefalas and Sen. J. Smallwood

**HB 1320 – Age of Consent Outpatient Psychotherapy For Minors,**  
Rep. D. Michaelson Jenet, Sen. D. Coram and Sen. S. Fenberg

## Appendix B

### OCR Committee Work

Successful advocacy for children is often the result of collaboration and the sharing of resources among many state agencies and child advocate organizations. The following is a list of OCR committee involvement:

**Supreme Court Family Issues Committee and Other Professionals Standing Subcommittee:** This committee was established by the Supreme Court as a result of the recommendations of the Colorado Supreme Court Commission on Families. The Executive Director serves on this committee.

**Colorado’s Dependency and Neglect System Reform Program (DANSR) Executive Oversight Committee:** In October 2014, Colorado became one of five states to receive an Office of Juvenile Justice and Delinquency Prevention Statewide System Reform Program (SSRP) award. Now known as Colorado’s Dependency and Neglect System Reform Program [DANSR], this brand-new federal initiative (two-years of planning with a subsequent three year implementation phase) is intended to infuse effective drug court practices into our dependency and neglect cases across the state. This effort will involve “systems change” for Colorado’s Judicial Department, CDHS-Division of Child Welfare, and CDHS-Office of Behavioral Health, supported by a nationally-recognized substance abuse and child welfare research agency, Children and Family Futures. The Executive Director serves on this committee.

**DANSR Legal Subcommittee.** Deputy Director serves on this committee

**DANSR Training Workgroup.** Training Coordinator serves on this committee

**DANSR Data Workgroup.** OCR Staff Attorney served on this committee

**The Child Welfare Training Steering Committee:** A committee of the Colorado Department of Human Services (CDHS), county departments, and stakeholders working to redesign Colorado state training models for social workers and supervisors to help improve outcomes for children and families. The Executive Director and Training Coordinator serve on this committee.

#### Colorado Department of Human Services

**Child Welfare Executive Leadership Council.** CDHS formed the council to bring together executive leaders in child abuse prevention and protective services from across Colorado to provide advice and counsel to CDHS on matters related to protecting vulnerable children and advancing our child protective services system. The Executive Director serves on the council.

**CFSR Oversight Committee.** The committee is charged with preparing for the upcoming federal review. The Executive Director is a member.

**Title IV-E Waiver Steering Committee.** This steering committee is a part of the Child Welfare Executive Leadership Council community engagement structure.

**Pathways to Success Steering Committee.** A subcommittee of the Executive Leadership Council tasked with developing a plan to align services and systems for transition age youth and young adults in order to improve outcomes and lessen experiences of homelessness, survival crime and human trafficking among youth exiting care.

**Educational Outcomes Steering Committee.** A subcommittee of the Executive Leadership Council tasked with developing and guiding a shared work plan toward meeting the goals and corresponding benchmarks outlined in the *Blueprint for Change: Education Success for Children*

*in Foster Care*, a publication of the Legal Center for Foster Care and Education. OCR Staff Attorney serves on this committee.

**Children’s Justice Act Task Force.** Reviews and evaluates State investigative, administrative and judicial handling of cases of child abuse and neglect, including child sexual abuse and exploitation, cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as intrastate, interstate, Federal-State, and State-Tribal. The Task Force makes policy and training recommendations to child welfare agencies and the judiciary and makes recommendations regarding the distribution of federal CJA funds. The Deputy Director serves on this task force.

**Permanency Task Group.** The Permanency Task Group is a subcommittee of the Child Welfare SubPac. The Permanency Task group works on various permanency related issues including identifying barriers to permanency, possible solutions and financial needs, and focusing on disrupted/dissolving of adoptions. In addition, this task group helps draft rules regarding various permanency related issues, as assigned, including OPPLA and reinstatement of parental rights. The Executive Director is a member of this group.

**Training Steering Committee.** The Training Steering Committee is the decision making body for the Division of Child Welfare Training System Academy. The Steering Committee provides continuous evaluation of the training program, reviews the training needs of the state, provides direction for standardized training, creates and integrates statutes, policies, and practices into statewide training. The Training Coordinator serves on this committee.

**Colorado Child Fatality Prevention Review Team:** The Colorado Department of Public Health and Environment’s state-wide multidisciplinary team examines every child death in Colorado. The committee is charged with compiling statistical analysis, trends and recommendations to reduce child fatalities. The Executive Director serves on this committee.

**Court Improvement Committee:** OCR is an ex-officio member of the Colorado Court Improvement Committee (CIC) without voting rights. The CIC focuses on improving the justice system for children, especially children in dependency and neglect cases. Specifically, the CIC oversees the federal grant given to each state that is to be utilized to improve the Dependency Court System. OCR attorney staff serve on the following subcommittees:

**Training Subcommittee of the Court Improvement Committee:** CIC formed the training subcommittee for the purpose of developing a multi-disciplinary training curriculum with CDHS, judges, county attorneys, GALs, Respondent Parent’s Counsel and other stakeholders.

**Permanent Home Workgroup:** The Executive Committee of the CIC appointed the Permanent Home Workgroup to examine and issue recommendations regarding practices and procedures for determining when children in Dependency and Neglect proceedings have been placed in a permanent home.

**ICWA Sub-Committee:** CIC formed the ICWA sub-committee for the purpose of developing an Indian Child Welfare Act (ICWA) compliance action plan.

**Best Practice Court Team & Family Treatment Drug Court Convening Planning Committee:** A multidisciplinary committee convened by the State Court Administrator’s Office for the purpose of planning the annual BPCT/FTDC Convening for judicial district teams.

**Colorado Dependency & Neglect Judicial Institute Planning Committee:** A multidisciplinary committee convened by the State Court Administrator's Office and Dean of the Institute for the purpose of planning the annual D&N Judicial Institute for judicial officers in dependency court.

**Denver Children's Cabinet.** On July 17, 2012, Denver Mayor Michael Hancock established the Cabinet as the policy making group to coordinate city-wide programs and services in order to create opportunities for Denver's children and youth to succeed. The Executive Director is a member.

**Juvenile Justice Delinquency and Prevention Council.** The Colorado Juvenile Justice and Delinquency Prevention (JJDP) Council is appointed by the Governor as the State Advisory Group pursuant to the federal Juvenile Justice and Delinquency Prevention Act and is charged under the Act to advise and make recommendations to the Governor and the Legislature on juvenile justice issues. The Council reviews and approves applications for federal grant funding through the JJDP Act, monitors and evaluates projects funded, and oversees compliance with the core requirements of the JJDP Act. OCR Staff Attorney & Legislative Liaison is the GAL appointment to the Council.

**Code Review Committee:** The committee is reviewing Article 2 of Title 19 to promote improvements to Article 2 of the Code, increasing the ease of use and clarity of laws regarding juvenile justice, ensuring the Code complies, or is consistent, with current research and evidence-based policies and practices.

**Professional Development Committee:** The committee is developing a set of core competencies and an action plan for youth serving professionals to establish standard training and a uniform understanding of core principles needed to work with youth. The committee will also work to increase training capacity and identify the various professionals and stakeholders that should participate in the trainings.

### **Colorado CASA**

**Board:** The OCR's Executive Director serves as a community member of the Colorado CASA Board.

**Legislative Committee:** OCR Staff Attorney/Legislative Liaison is a member of the CASA legislative committee.

**Collaboration in 2016 and Beyond:** County, state, agency and provider stakeholders meet to discuss relevant issues, initiatives, and potential legislative agendas concerning child welfare.

### **Colorado Bar Association**

**Juvenile Law Section:** The JLS "[p]rovides an organization available for all lawyers whose practice brings them in contact with matters affecting young people. Though a major focus concerns practice under the Children's Code, the committee is also concerned with relevant aspects of education law, domestic relations, agency/administrative law, and disability law." The OCR Deputy Director is a co-editor for the Juvenile Law section of the Colorado Lawyer which involves obtaining article submissions and editing them for publication in the Colorado Lawyer. The OCR Legislative Liaison is a member of the JLS Public Policy Committee.

**Colorado Women's Bar Association Public Policy Committee:** OCR's legislative Liaison is a member.

**Colorado Supreme Court Rules of Juvenile Procedure Committee:** The Committee's purpose is to periodically review, correct, update, and improve the Colorado Rules of Juvenile Procedure. The Committee is chaired by the Honorable Karen M. Ashby of the Colorado Court of Appeals, and the Supreme Court Liaison to the Committee is Justice Allison H. Eid

**ICWA Juvenile Rules Subcommittee**

**Adjudication Rules Subcommittee**

**Juvenile Justice Institute**

**Legislative Committees:** Legislation passed by the General Assembly requires implementation by the Executive and Judicial Branches. OCR attorney staff participate in multi-disciplinary committees in order to affect the General Assembly's intent in the area of child and juvenile law.

**Mental Illness in Criminal and Juvenile Justice Systems Task Force Juvenile Justice and Mental Health Subcommittee of the Legislative Task Force on the Mentally Ill in Criminal Justice (SB 14-021):** This subcommittee focuses on obtaining consistent screening for those in the juvenile justice system and working with family advocates to assist families with mental health or juvenile justice problems. The Deputy Director is a member of the subcommittee.

**Human Trafficking Council (HB 14-1273):** The purpose of the council is to bring together leadership across various levels of government and the community a collaborative coalition to help combat human trafficking. The Council is expected to improve comprehensive services for victims and survivors of human trafficking, to assist in the successful prosecution of human traffickers, and to enhance human trafficking prevention efforts in Colorado. The Executive Director is a member of the council.

**Substance Abuse Trend and Response Task Force (SB 13-244):** In 2013, the General Assembly reauthorized the Colorado State Methamphetamine Task Force under the name "Substance Abuse Trend and Response Task Force" with representatives of state government, local governments, and the private sectors, including legislators, child advocates, public health officials, drug treatment providers, child welfare workers, law enforcement officers, judges, and prosecutors. The Staff Attorney & Legislative Liaison is a member of the task force.

**School Safety and Youth in Crisis Committee (SB 15-214):** The committee's charge includes studying issues relating to school safety, evaluating programs for identifying students in crisis, developing criteria to assess potential threats, and recommending legislative changes. The Executive Director serves on the committee.

**Task Force on the Collection and Security of Digital Images of Evidence of Child Abuse or Neglect (HB 16-1377):** The task force is directed to examine the existing system of collecting, documenting and securing digital images of evidence of suspected child abuse or neglect when employees of county departments of human or social services are assessing allegations of child abuse or neglect, to study best practices for collecting, documenting and securing digital images of evidence of suspected child abuse or neglect. The Staff Attorney and Legislative Liaison is a member of the task force.

**American Bar Association Section of Litigation Children's Rights Litigation Committee – Right to Counsel Strategy Committee.** The committee works to improve access to justice, engage pro bono

lawyers, and improve outcomes for all children who come into contact with the legal system. The Deputy Director is a committee member.

**Colorado Commission on Criminal and Juvenile Justice.**

**Juvenile Continuity of Care Task Force.** The Juvenile Continuity of Care Task Force was seated by the Commission in 2016. This Task Force is expected to address the issues of continuum of care for juveniles focusing on the transition of juveniles between systems: Youth Corrections, Probation and Child Welfare. The Deputy Director is a member.

**Colorado Juvenile Defender Coalition.** The Colorado Juvenile Defender Center is a non-profit organization dedicated to ensuring excellence in juvenile defense and justice for all children in Colorado. The Deputy Director serves as a member of the CJDC board.