

The OCR's Billing and Payment Procedures

Revised 11/14/2011

The OCR oversees attorneys who provide best interest representation to Colorado's children.

As attorneys licensed to practice law in Colorado, professional and ethical obligations dictate how one's time should be billed. The principles of accurate time keeping and the avoidance of double billing are mandatory. An attorney must be able to explain what occurred on a certain day in a certain case in order to support his/her bills, and should be able to reconstruct his/her entire day if requested by the OCR. An attorney is ultimately responsible for the content of his/her bills, even if the time is entered by a billing person.

The OCR is requiring that every attorney contracting with the OCR review these billing procedures, attend the billing training or watch the taped version, complete the CLE affidavit for the billing training and provide a copy of the affidavit to the OCR.

Attorneys Available for Appointment

In order to be eligible for payment from the OCR, an attorney must be properly appointed by a judicial officer. A properly appointed attorney is either:

- An attorney who is currently on the approved OCR list for the particular case type in that judicial district. Attorneys who are on the OCR list for particular case types in a jurisdiction may also be appointed to represent a child's interest in a subsequent related proceeding even if the new case is a different case type. For example, an attorney who is on the OCR's delinquency list and picks up a delinquency case for a child may be appointed to represent that child in a subsequently filed D&N case even if that attorney is not on the D&N list for that district.

-OR-

- An attorney, while not on the approved OCR list for a case type, who has been specifically approved by the OCR to take a certain case. The attorney must receive confirmation of approval of the appointment from the OCR before taking the case.

IF AN ATTORNEY IS NOT ON THE OCR LIST OR PRE-APPROVED TO TAKE A CASE BY THE OCR, THEN NO PAYMENTS WILL BE MADE BY THE OCR FOR WORK ON THAT CASE.

In order to receive payment, all attorneys must have submitted a completed [Form W-9](#) with either the OCR or another state agency. The TIN number on this form (Social, EIN, etc.) must be the one used to report income to the IRS. All attorneys will receive a 1099 from the state annually. Additionally, the OCR pays all attorneys on Electronic Funds Transfer (EFT) direct deposit payments. Thus, all attorneys must complete a Direct Deposit form and return that with a voided check to the OCR within 30 days of appointment to the list. Failure to do so will result

in payments being held by the State. The link for the Direct Deposit form can be found below under “Miscellaneous Forms.”

The KIDS System

The OCR’s billing and case management system is called KIDS. This is a web-based system which allows attorneys, paralegals and billing personnel to enter all case-related activity into the system electronically, from any location. All OCR attorneys are required to enter all work done on OCR cases into the KIDS system in order to receive payment.

Billing for substantive work takes priority in circumstances in which the attorney may be multitasking. As an example, an attorney making telephone calls for 45 minutes while driving for an hour should bill 45 minutes for telephone calls and only the remaining 15 minutes for travel. Similarly, an attorney reviewing a court report for 15 minutes while waiting 20 minutes for their case to be called would bill 15 minutes to reviewing the document and only the remaining five minutes to wait time.

The KIDS system allows attorneys to divide time equally between associated cases when conducting activity related to more than one case of the same case type.

The OCR will provide the following to all contract attorneys:

- A KIDS username and password
- KIDS User Manual and KIDS Billing Manual Supplement (Links to these manuals are found below under “Miscellaneous Forms.”)
- A Link to the KIDS system

Attorneys with paralegals who do billable work for them must request a separate username and password for their paralegal(s). KIDS is user sensitive. All work entered under the attorney’s username will be billed at the attorney rate. All work entered under the paralegal’s username will be billed at a paralegal rate. The OCR will pay the user fee for all paralegals until June 30, 2013. After such time the contract attorney will be responsible for paying the annual KIDS user fee for his/her paralegal. The OCR will continue to pay the user fee for all OCR approved attorneys.

The OCR operates on a 30 day billing period. Attorneys must enter their work into KIDS within 30 days of the date the activity occurred in order to be paid for the activity.

The OCR requires that all new appointments be inputted into the KIDS System within 48 business hours of the time the attorney is notified of that appointment. This will enable the OCR to have an accurate case count each month. The OCR will use this information to better monitor its budget and proactively address developing trends.

The OCR’s attorney payments are paid exclusively from taxpayer dollars. As such, the agency must maintain the highest level of accountability for the expenditure of these funds. Consequently, all attorneys must account for all time billed to the state. This is done

electronically through the KIDS Billing System. The OCR does not accept fax/email/hard copies of billings.

Billing Rates

Type	Amount
Attorney Time	\$65.00/hour
Paralegal Time	\$25.00/hour
Copies	\$0.10/copy

All *attorney time* is paid at the state hourly rate. This rate is currently \$65.00/hour.

The OCR allows attorneys to use paralegals to perform appropriate tasks. Attorneys may bill *paralegal time* at the rate of \$25.00/hour.

Case Types

The OCR is only appropriated to pay attorney services for the following case types and related appeals:

- Title 19- Dependency and Neglect
- Title 19- Juvenile Delinquency
- Title 19- Other Matters (support, adoption, paternity, etc)
- Title 14- Domestic Relations
- Title 15- Probate
- Title 22- Education (Truancy)
- Title 27- Mental Health

Indigence

A finding of indigence is required by law for the following cases:

- ***Domestic Relations cases under Title 14***
 - Pre-Decree/Married Parties: Both parties must be indigent based on a consideration of their combined income and assets.
 - Post Decree/Unmarried Parties:
 - If both parties are indigent, the OCR will pay 100% of the bill.

- If one party is indigent, the OCR will pay a portion of the bill.
- ***Paternity Cases under Title 19*** (unless GAL is appointed for a minor respondent parent)
 - If both parties are indigent, the OCR will pay 100% of the bill.
 - If one party is indigent, the OCR will pay a portion of the bill.
- ***Probate under Title 15***
 - The OCR shall bare the cost of GAL services in probate, guardianship and conservatorship only when the parties ordered to be responsible for the costs or the minor's estate are deemed to be indigent.

As required by C.R.S. 14-10-116 and 14-10-116.5, the OCR is not authorized and cannot pay when parties are not indigent. Consequently, the OCR is not authorized to reimburse for services pending a determination of indigence. The OCR has no authority to collect reimbursement on behalf of the state.

The OCR will not process payment nunc pro tunc. Indigence must be determined prior to commencement of work.

The indigence findings and order of appointment must be sent to the OCR, via e-mail, fax or mail, within fourteen (14) days in order to guarantee payment for work done on a case.

Excess Fees

New Maximum fees that have been established by the OCR for each case type are as follows:

- Title 19- Dependency and Neglect: **\$4,000**
- Title 19- Juvenile Delinquency: **\$1,500**
- Title 19- Other Matters (support, adoption, paternity, etc): **\$500**
- Title 14- Domestic Relations: **\$1,000**
- Title 15- Probate: **\$1,000**
- Title 22- Education (Truancy): **\$500**
- Title 27- Mental Health: **\$500**
- All Appeals: **\$1,000**

Once a case reaches these thresholds, no further billings will be allowed unless pre-approved by the OCR. Requests of fees in excess of these presumptive maximums must be submitted via email to ocrkids@coloradochildrep.org. Attorneys will be notified by email when the approval has been made. Attorneys may view all approvals/fees in the KIDS system via the Office Allocations section. KIDS will also alert attorneys through a color coded system when cases are nearing their fee limits, so attorneys can request excess fees at that time.

Attorneys must receive OCR approval before exceeding the excess fee thresholds. Failure to do so may result in the OCR refusing to approve payments.

Professional and Ancillary Fees

- **Experts**
 - The courts do not have jurisdiction to order the OCR to pay expert fees. The OCR will pay for experts only in limited circumstances with prior approval. The state maximum hourly fee payable to an expert is \$100 with a maximum total fee of \$1000. Attorneys must submit all expert requests to ocrkids@coloradochildrep.org
 - The OCR will pay the expert directly. Upon approval by the OCR, the expert should submit the invoice to the OCR directly. Attorneys should not pay the expert.

Attorneys must have OCR approval before hiring an expert. Failure to do so may result in the OCR refusing to make payment.

Additional details regarding billing for experts are detailed below:

- **Custody Evaluations**
 - The OCR will **not** pay for custody evaluations under any circumstances.
- **Interpreters**
 - The OCR will pay for language interpreters with pre-approval. Note: Interpreters for courtroom proceedings are the responsibility of the State Court Administrator's Office, not the OCR. The OCR is responsible for interpreters for home visits and other out-of-court activities of the GAL.
 - Interpreters will be paid at the state rate of \$30.00/hour for certified individuals.
- **Investigators**
 - Investigator fees will be approved in limited circumstances. The maximum hourly fee for investigators is \$25.00/hour.
- **Transcript Fees**
 - The OCR will pay transcript fees as appropriate. Transcript fees will not be approved in lieu of attending a court proceeding.
- **Discovery**
 - The OCR will pay for necessary discovery.

Travel Time

Reimbursement for attorney travel depends upon the type of travel. Unless otherwise noted, all travel time must be billed through KIDS.

- ***Travel to/from the courthouse***
 - The OCR does not pay travel time to/from the attorney's home courthouse, except for rural districts specifically exempted by the OCR. If an attorney is appointed on a case in a different jurisdiction, is approved by the OCR to take the case, and is NOT on the list for that district, he/she may bill travel time to that courthouse. The link for the Expense Reimbursement Form to be used for approved travel can be found below, under "Miscellaneous Forms."

- ***Ordinary Travel Time***
 - Travel to/from home visits, staffings, meetings, etc is billed at the standard attorney rate and must be reflected in the billings submitted through KIDS. Paralegal travel time is entered at the paralegal rate by entering the time under the paralegal user ID in KIDS.

- ***Extraordinary and Out-of-State Travel***
 - **Dependency and Neglect Cases**
 - Travel within Colorado (including travel over 100 miles each way) does NOT require pre-approval.
 - Costs associated with this travel (i.e. hotels, lodging, meals) must be pre-approved.
 - Travel out of state requires pre-approval from the OCR. As with experts, courts do not have jurisdiction to order reimbursement from the OCR.
 - The OCR will also approve meals/hotels for overnight/out-of-state travel under certain circumstances. This must also be requested and pre-approved.
 - **All other case types**
 - Travel out of state and all travel over 100 miles one way requires pre-approval from the OCR. As with experts, courts do not have jurisdiction to order reimbursement from the OCR.
 - The OCR will also approve meals/hotels for overnight/out-of-state travel under certain circumstances. This must also be requested and pre-approved.
 - Requests must be sent to ocrkids@coloradochildrep.org, and if approved, billed through the KIDS system or on the Expense Reimbursement form below.

Attorneys must receive OCR approval before traveling per the guidelines listed above. Failure to do so may result in the OCR refusing to make payment.

Miscellaneous Forms

Miscellaneous expenses such as copies, postage, meals/hotels etc, currently cannot be billed in KIDS. These items must be billed in paper format on the Expense Reimbursement Form. Expense forms are not required to be submitted within the 30 day billing cycle, but must be submitted within 90 days of incurring the expense. Unless necessary to meet the 90 day requirement, attorneys should not submit forms totaling less than \$25. If the OCR receives an Expense Reimbursement Form totaling less than \$25, the OCR will hold such form to be aggregated with other Expense Reimbursement Forms from that attorney.

- [KIDS OCR Expense Reimbursement Form.pdf »](#)

In order to ensure attorneys receive payment from the state, it is essential that the attorney's address and TIN/EIN information always be up-to-date with the OCR. Change of address requests must be submitted promptly to the OCR. In order for the state to process an address change, the OCR must receive a completed change of address form (ocr400). Failure to do so may result in a delay of payment since the USPS will not forward state checks, but returns them to a centralized state facility, not the OCR.

- [ocr400.pdf »](#) (Change of Address)
- [W-9.pdf »](#)

Under special circumstances, the OCR will pay for attorneys to travel to, speak at and attend conferences or trainings. This requires pre-approval from the OCR. In these cases, please utilize the Travel Expense Reimbursement Form.

- [Travel Expense Form OCR 500.pdf »](#)
- Under special circumstances, the OCR will authorize attorneys to paper bill on certain cases or activities. This requires pre-approval from the OCR at all times. Under those circumstances, attorneys will bill via the ocr100 form ([OCR 100 Revised 10-09.doc »](#))

The Direct Deposit form should be completed and returned to the OCR as detailed above.

- [Direct deposit link](#)

KIDS Manuals

- [KIDS User Manual](#)
- [KIDS Billing Manual](#)